

TOWN BOARD MEETING MINUTES
FROM April 4, 2024, 7:00 PM
HELD AT THE TOWN OF SHEBOYGAN FALLS TOWN HALL

PUBLIC HEARINGS:

- A. Land Division Request – Fiedler Trust (59026386470) The hearing was opened at 7:00pm. KenJay Fiedler is looking to split off a 1 acre parcel where his sign sits to settle the estate. He had the land rezoned to B-1 years ago. He was asked to get the easement recorded correctly by the Plan Commission; which was done now. No questions or comments from anyone else in attendance. The hearing was closed at 7:01pm.
- B. Rezone & Conditional Use Permit Request – Restoration Gardens (59026381781) The hearing was opened at 7:01pm. Craig Harms explained that he needs to rezone and get a conditional use permit to meet the zoning ordinance for his current landscape business. One neighbor, Wendy Heider, submitted her concerns about burning. The hearing was closed at 7:02pm.
- C. Conditional Use Permit Request – Craig & Susan Harms (59026382071) The hearing was opened at 7:02pm. Craig Harms explained they would like to run an orchard / vegetable business on his 5 acre parcel, currently planted with fruit trees and gardens. He would like to add an approximate 26' x 36' building to sell his apples and other goods brought in from others. No questions or comments from anyone else is attendance. The hearing was closed at 7:03pm.
- D. Repeal & Recreate Town of Sheboygan Falls Zoning Code for Farmland Preservation Re-certification – The hearing was opened at 7:03pm. The Town was required to update our Farmland Preservation certification, even though we completed it in 2019. While reviewing we added a proposed A-T Agritourism Section similar to other municipalities in Sheboygan County. Kevin Struck from the UW extension and the Town's counsel reviewed the proposed A-T zoning prior to the Plan Commission's recommendation. The Chairman read a letter that was received from the Wisconsin Agricultural Tourism Association expressing their concerns as they were not consulted. Mike Butler expressed his displeasure about not having input. All Plan Commission meetings were legally posted and open to the public. Dick Boenisch expressed his parking restriction concerns about livestock or horse show sections and submitted his thoughts. The Board was copied. The hearing was closed at 7:11pm.

Chairman Theobald called the Town Board meeting to order at 7:11 PM.

Board members present were Chairman Lyman Theobald, Supervisors: Gerald Meyer, Carol Leannah, Jim Hanke and Adam Luebke. Clerk / Treasurer Jeanette Meyer was absent. Office Assistant Mary Burbach attended to take minutes. Also in attendance were audience members.

COMPLIANCE WITH THE OPEN MEETINGS LAW – Notices were posted 2:00 pm Tuesday, April 2, 2024, at the Town of Sheboygan Falls Town Hall and on the Town's website.

APPROVAL OF MEETING MINUTES FROM March 4, 2024, Town Board Meeting - A motion to approve the minutes from the March 4, 2024, Town Board Meeting as printed was made by Leannah, seconded by Hanke. Motion carried 4-0.

TREASURERS REPORT- The Treasurer's Report and Deposit Report were presented but not read as the Clerk was absent. A motion to approve the Treasurer's report and approval of the March Deposit Report as printed was made by Hanke, seconded by Meyer. Motion carried 4-0.

Johnsonville Fire Department Report - The report was moved up on the agenda to give someone from the Johnsonville Fire Department the opportunity to report as they meet on Monday nights for training as well. Chief, Chad Curtiss was in attendance. He reported their engine is back in service after some recent pump / brake repairs.

DISCUSSION AND POSSIBLE ACTION ON THESE ITEMS:

- a. Approval of Land Division Request – Fielder Trust (59026386470) – The Board was copied on the March 7, 2024 Plan Commission meeting minutes. The Plan Commission recommended the request to divide 1 acre with the included recorded easement. A motion to approve the Land Division Request to split 1 acre with easement to settle the estate was made by Hanke, seconded by Luebke. Motion carried 4-0.
- b. Approval of Rezone Request & Conditional Use Permit Request – Restoration Gardens (59026381781) – The Board was copied on the March 7, 2024 Plan Commission meeting minutes and the Conditional Use Permit Application. The Plan Commission recommended approval of the rezone and CUP request. A motion to rezone approximately 5.55 acres from A-2 to B-1 and approval of a Conditional Use Permit to allow Restoration Gardens to operate a landscape business and a Christmas store with the following conditions: Hours 7am – 5pm and limit burning to when weather is favorable as to not blow into neighboring homes was made by Luebke, seconded by Meyer. Motion carried 4-0.
- c. Approval of Conditional Use Permit – Craig & Susan Harms (59026382071) – The Board was copied on the March 7, 2024 Plan Commission meeting minutes and the Conditional Use Permit Application. The Plan Commission recommended approval of the CUP request. A motion to approve a Conditional Use Permit request from Craig & Susan Harms to allow them to operate an orchard store with ciders, jams, food products processed off site with the following conditions: Seasonal Hours 8-5pm for store inside ciders, jams, etc. Unmanned roadside stand will be on honor system - hours not limited was made by Luebke, seconded by Hanke. Motion carried 4-0.
- d. Approval of Ordinance #3 2023/2024 – Repeal & Recreate Town of Sheboygan Falls “Zoning Code” – The Board was copied on the March 7, 2024 Plan Commission meeting minutes. After discussing since their December meeting, the Plan Commission recommended approval of the revised Chapter 7. The main change was the addition of our A-T Agritourism section. Any use would need to get a CUP and would be reviewed on a case by case basis using the A-T as a guideline. A motion to adopt the Ordinance #3 2023/ 2024 to Repeal and Recreate the Town of Sheboygan Falls Chapter 7 Zoning Code was made by Leannah, seconded by Meyer. Motion carried 4-0.
- e. Approval of Interim Sanitary Sewer Services Agreement – Kohler Generator would like to hookup to the sewer extended from the Town of Sheboygan. Since we were part of the original 1975 Sewer Agreement, they need our approval. A motion to approve the Interim Sanitary Sewer Services Agreement was made by Leannah, seconded by Luebke. Motion carried 4-0.

- f. Approval of 2024 Slurry Sealing Projects – Woodland, Willow and Bridgewood Rd - The Town received 3 numbers for work on Willow Rd (Hwy 23 to CTH C), Woodland Rd (445 ft east of Meadowlark Rd to HWY 32) & Bridgewood Rd (CTH C to CTH PP).

Struck & Irwin Paving Inc. submitted a bid to spray patch and seal Willow Rd for \$29,724.50, Woodland Rd for \$46,354.60 and Bridgewood Rd for \$65,734.50.

Scott Construction submitted a bid to Asphaltic Cold Mix Overlay (Wedging) & Single 3/8" Chip seal Willow Rd for \$17,531.00, Woodland Rd for \$40,745.00 and Bridgewood Rd for \$56,106.00

Sheboygan County Highway submitted an estimate (time & material) for sealing & wedging Willow Rd \$21,577.78, Woodland Rd for \$40,657.46 and Bridgewood Rd for \$55,881.97. Carol Leannah confirmed with Dustin Hammel their estimate include Admin fee. He replied yes.

A motion to accept Scott Construction's bid for Willow Rd (Hwy 23 to CTH C) of \$17,531.00 and Woodland Rd (445 ft east of Meadowlark Rd to HWY 32) for \$40,745.00 (not pursuing Bridgewood Rd) was made by Luebke, seconded by Leannah. Motion carried 4-0.

- g. Consideration of Hiring and Engineering Consultant- Craig Rusch was unable to attend tonight's meeting. The Clerk will contact him to request he attends the May meeting to discuss the Board's questions. No action taken.

- h. Salt Bunker Roof / Shop Yard Improvements – The Clerk presented one quote for a hoop roof from Structures Unlimited. She is waiting for one from another company. Chairman Theobald copied the Board on the specs for the driveway improvements needed. Majestic Meadows Dairy approached him about getting permission to use our driveway to access the adjacent farm field with their farm equipment. If allowed, perhaps the farm would help pay for the upgrade as they will benefit. The Board discussed widening the driveway entrance. The item will be added to the May agenda.

Chairman Theobald also passed around a bid he received from KSI for concrete in front of the bunker, the width of the bunker and out to the east 30', between the buildings and 10' strip along north side. KSI was also asked include the excavating but that would be at Time & materials as they are unsure what is underneath for the base. ARPA funds would be used to pay. A motion to accept KSI's bid of \$9675.00 and accept time and material amount for excavation was made by Luebke, seconded by Leannah. Motion carried 4-0.

- i. Approval of New Operators Licenses: Pablo Lopez, Garrett TeSteele, Taylor Campbell, and Joshua Fiedler -

- A motion to approve a new operator license for Pablo Lopez was made by Hanke, seconded by Leannah. Motion carried 4-0.
- A motion to approve a new operator license for Garrett TeSteele was made by Leannah, seconded by Hanke. Motion carried 4-0.

- Due to a prior sentence found during the background check, Clerk Meyer recommended denial for Taylor Campbell. A motion to deny a new operator license for Taylor Campbell was made by Leannah, seconded by Luebke. Motion carried 4-0. He can reapply if he can provide paperwork that the sentence is no longer in affect.
 - A motion to approve a new operator license for Joshua Fiedler was made by Hanke, seconded by Leannah. Motion carried 4-0.
- j. Attendance at Inaugural WTA Road School – None of the supervisors expressed any interest in attending this year. Registration is due April 5th.
- k. Road Maintenance
- l. Mill & Paving Box Culverts on Bridgewood Rd – A motion to take the item off the table was made by Leannah, seconded by Hanke. Motion carried 4-0.

The Town received 2 numbers for milling and paving the Box Culverts on Bridgewood Rd.

– A bid from Northeast Asphalt for the 2 box culverts, north of CTH J to Playbird for approximately 160' x 20' each for \$21,820.00 and for all 3 box culverts from CTH O to Playbird Rd adding 100' x 20' for \$27,850.00. Shouldering unknown.

- An estimate (Time and Material will be charged) from Sheboygan County Highway for 2 box culverts north of CTH J to Playbird for approximately 115' x 20' total for \$3625.00 and for all 3 box culverts from CTH O to Playbird Rd adding another 85' x 20' for \$5418.00. Also include shouldering. A motion to accept Sheboygan County Highway's estimate for all 3 box culverts north of CTH O to Playbird Rd for \$5418.00 (actual time & materials costs will be billed) was made by Leannah, seconded by Luebke. Motion carried 4-0.

CONSTABLES REPORT- Constable Strassburger was in attendance. He had nothing to report.

TSFFD DEPARTMENT REPORT – Supervisor Luebke reported there is a roof leak again. He has contacted John Eggers for a quote to repair.

CHAIRMAN REPORT – The Chairman reported Buteyn Petersen should be starting erosion control next week. Earthwork should start in May, weather permitting.

ADMINISTRATOR REPORT – Meyer was attending the WTA unit meeting also scheduled tonight to learn about recent liquor law changes that go into effect for this year's renewals.

SUPERVISORS REPORT –

- Supervisor Leannah inquired about applying for ARIP Funds for Willow Rd. Will need to look into.

-Supervisor Luebke reported there are 30-40 semis using Willow Rd (weight limited no truck signs already posted) to travel to the cold storage facility. Chairman Theobald informed him that the GPS points them to our road. Chairman Theobald will look into different signage that could be used.

-Supervisor Hanke reported a large hole in front of bunkers near Highland Crossing Dairy in the newer part of Playbird. The Town of Sheboygan Falls section starts where the house east of the dairy is.

Discussion and Approval of this month's bills – A motion to approve the bills to be paid in April was made by Luebke, seconded by Leannah. Motion carried 4-0.

ADJORNMENT – Motion to adjourn was made by Leannah, seconded by Luebke. Meeting adjourned at 8:35 pm.

Respectfully submitted,

Mary Burbach, Office Assistant
Town of Sheboygan Falls

APPROVED