

TOWN OF WILSON  
SHEBOYGAN COUNTY, WISCONSIN  
APPROVED MINUTES OF MAY 1, 2017 TOWN BOARD MEETING

Chair Ehmann called the Town of Wilson Board Meeting to order at 6:30 p.m. Posting in accordance with open meeting law was confirmed by affidavit of posting and the meeting was declared an open meeting.

**ROLL CALL:** Roll call was taken with the following members present: Town Board Chairman John Ehmann, Supervisor Dan Rostollan, Supervisor Nancy DesJardins, Supervisor Brian Hoffmann and Supervisor Tom Stoelb. **Also in attendance:** Town Clerk Georgene Lubach, Treasurer Julie Evans and Road/Maintenance Supervisor Rick Meyer.

**PLEDGE OF ALLEGIANCE:** Was recited.

**PUBLIC COMMENT:**

- Greg Hopkins, Park and Forestry – Reported on the progress of the Jung Bell Tower Park. Gazebo construction is complete. Tot playground equipment delivered, assembled and ready to be installed. This equipment was funded by Obrochta & Werner families. The 1/5-mile fitness trail will be laid out next week and 3-4 octagonal picnic tables are being selected. The pit toilet was rejected by public input, an architect will design an addition to the back of the Fire House to construct the toilet. 50-60 trees selected to be placed in Schinker Creek Park through the Emerald Ash Borer Mitigation Grant. Tom Kultgen was thanked for his coordination on these projects and thanked the members of Parks and Forestry for all the work they have contributed to these projects. A round of applause by the residents was given.
- Phil Mersberger, 9759 Middle Road – Shared he spoke to two City of Sheboygan Alderman, reporting they are working on annexing the property into the City of Sheboygan, have had good closed session meetings and looking at taking the proposed golf course from the Town of Wilson, making this the cities southern boundaries. Suggested if Kohler Company received the necessary permits the Town should negotiate in good faith the Conditional Uses to be fair to both parties and hoping the Town Board will come to this conclusion.
- Jane Stephen, 5514 Arrowhead Lane – A new resident to the Town, questioned if there have been studies on the effect of chemicals on golf courses. Her husband owned Crystal Lake Golf Course for 50 years, was physically fit and died from Pick's disease which is heavy metals found in the brain. Heavy metals from chemicals he mixed and sprayed on the golf course.
- Bob Wallace, 5535 Wind Dancer Court - Encouraged the board to find common ground to support the Golf Course and address the environmental impacts. Addressed at the Annual Meeting the Golf Course would become more attractive to annexation, this is now what has occurred. Has been reviewing a lot of information spoke with the Town of Mosel and learned Whistling Straits and Town of Mosel have been good neighbors. Many layers for the Golf Course must be resolved to exist there and they must abide by the law. Currently has not heard from anyone that Kohler Company is not abiding by the law.
- Roger Miller, Plan Commission Chair - Town's role is review by the Plan Commission under the Ordinance. The Town's duty is review of the applicant CUP, if this can be done without adverse impacts and adjacent permitted uses. Encouraged emotion should be set aside and look at specific issues. Three-years ago the initial application was submitted by Kohler with several major issues as pending. The applicant and Town agreed to table the application until the DNR issues were resolved. Additional information has not been submitted to the Town they are working through a complex Army Corp of Engineering and DNR concerning wetlands. If these permits are not received they cannot return to the Town and if annexed would not return to the Town.
- James Tobin, 317 Pioneer Road – Concerning the annexation, is a hostile takeover and very bad public relations for Kohler Company.
- Matt Gartman, 7630 Moening Road – The City has a Planner looking to entice business to the City, less red tape and streamlined the process. Asked the board to construct an offer to Kohler, the Town Board should take action and not wait, legally did not believe there is protection for the town from annexation.
- Joellyn Johnson, 9504 S. Sandwood Lane – Attended the public hearing three years ago, heard over two hour's people talking in opposition to the golf course and speakers from the state that did not think this was the best use of this land, example migratory bird routes. The town should not be black mailed to do something that is not the normal process and must take the appropriate course. Respects the people in the town and love's this town.

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- Ray Ten Pass, W2372 Wilson Lima Road - Questioned the statute to go into closed session, very limited. His opinion you are not allowed to go into closed session on this. The town must have a time frame in the zoning permit, three town board meetings in a row, the board should be able to vote on the topic.
- Duane Bigelow, 322 W. Evergreen Drive – Believes the board should not relinquish its responsibility to do due diligence on this proposed Kohler Golf Course. This annexation deal should not influence the process to pursue the interest of the residents of Town of Wilson.
- Carol Dell, 5621 Evergreen Drive – Loves this area, the people in Sheboygan do not live in this area and are only thinking about profit. It is a sad situation that we live in a culture that puts big profits over people, our planet and peace. Whistling Straits is no comparison, this was a dumping ground, contaminated that was not cleaned up, this area is an old forest, cultures lived there. Begged the board to please do not let this happen.
- Robert Justinger, 4814 Moenning Road – Questioned how much of the town will we lose if the city annexes the proposed golf course, we need to take it and keep it for the town. Not a golfer, lived here for 20 years does not want the city to take any of the town and eliminate the township.
- Carol Detwiler, 327 Edgewater Road - Concerned to allow the golf course to annex to the city concerned the rest of the town can be annexed.
- Carol Dell, 5621 Evergreen Drive – Questioned if the golf course could be built, they could try to annex again at that time. We need to try to stop it, we love it here and they do not.

**APPOINTMENTS / NEW & OLD BUSINESS:**

1. **Approval of the draft minutes, April 17, 2017 - Motion by DesJardins second by Rostollan to approve the draft minutes of the April 17, 2017 Town Board Meeting, all members present voted aye, motion carried, Stoelb abstained.**
2. **Approval of the Chapter 8 Fill Permit and Chapter 32 Erosion Control Permit; Buteyn Peterson Construction; Behrens Fill Permit Application, for location 5081 Frontage Road, Sheboygan, WI; Chuck Nahn via Conference Call, administrator of the Fill Permit Chapter 8, Erosion Control and Stormwater Application Chapter 32 and 33. – Nahn reported on the lengthy process of multiple reviews and resubmittals. Today received comments from the applicant regarding his last submittal to review and not able to 100% approve the permit. Original application of 186,00 cubic yards of fill has been reduced to 110,000 cubic yards of fill. Chapter 8 Fill Ordinance requires the fill to be clean. Nahn will produce a form based on WDNR soil suitability, requiring the applicant to fill out and submit to Nahn a week before filling. Discussion covered the use of the road, 90% of travel will come from the North on Frontage Road. Maintenance Road Supervisor Rick Meyer referred to a correspondence received from WDOT explaining the Town was awarded State Funds (TRID) to accommodate heavy truck traffic use, they are not in favor of recommending truck restrictions. Plan Commission Chair Roger Miller was questioned if there was a recommendation made. Miller provided the Plan Commission did make a recommendation on this project at the reduced capacity. Supervisor Hoffmann concerned there is no strict monitoring of the fill, the sediment trap in the back creating a deep pond and in four years 10% of the road life will be gone and did not see a benefit for the Town. Gary Behrens the applicant stated the intent is to try to develop the property and do something with it, his family has been paying taxes on it for over 50 years. Supervisor Rostollan opposed to allow Roger Miler Chair of Plan Commission to speak and requested a motion. Motion by DesJardins second by Stoelb to allow Roger Miller Plan Commission Chair to speak about on this topic on roll call vote Stoelb – aye, DesJardins – aye, Hoffmann – aye, Rostollan – nay, Chair – aye motion approved. Miller suggested the board take Supervisor Rostollan’s recommendation to video tape Frontage Road. Motion by DesJardins second by Stoelb to approve Chapter 8 Fill Permit and Chapter 32 Erosion Control Permit for the Buteyn-Peterson construction for Behrens permit application located at 5081 Frontage Road, Sheboygan, WI subject to baseline videoing of the road and resolving the outstanding items Chuck Nahn received today, on roll call vote, Stoelb – aye, DesJardins – aye, Hoffmann – nay, Rostollan – nay, Chair – aye, motioned carried. Nahn will work with the applicant, verify to the board and Clerk Lubach when completed and issuance of the permit.**
3. **The Board intends to convene into closed session pursuant to Wis. Stat. 19.85(1)(g) to confer with legal counsel for the Town who is rendering oral or written advice concerning strategy to be adopted by the Town**

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with respect to litigation in which it is or is likely to become involved. (The subject of the closed session is the proposed annexation of Kohler real estate from the Town to the City of Sheboygan.) The Board reserves the right to reconvene to open session to take action on the subject of the closed session. - Motion by Stoelb second by Hoffmann to move into closed session. Chair asked for a friendly amendment to the motion asking Roger Miller Chair of Plan Commission to be present in the closed session. The board discussed who should be in the closed session. Stoelb accepted the friendly motion, Attorney St. Peter noted no motion is needed the board can determine who they want in closed session. On roll call vote Rostollan – nay, Hoffmann – nay, Stoelb – aye, DesJardins – aye, Chair – aye motion carried.

Upon returning to Open Session, Town's Attorney John St. Peter shared the board is unable to share details due to the legal issue, they will review case law dealing with majority annexations and the timing issues. Recommends due to the sensitivity the Town Board maintains confidentiality and is evaluating all legal options regarding this aggressive annexation.

4. **Discussion of Ruekert-Mielke's review of the Kohler Co. chapter 30 permit application to the DNR and Army Corp of Engineers for the proposed Kohler golf course in the Town of Wilson. Possible action by the Town to provide public input and/or request a public hearing.** – Present was Maureen McBroom Environmental Coordinator for Ruekert-Mielke who provided a back ground to the process of this permitting and reviewed the material to provide guidance to the board. McBroom was tasked to review the materials submitted to the Army Corp of Engineers and the WDNR because the Army Corp of Engineers released a public notice concerning the wetland. The WDNR is waiting to have a complete application before it issues their public notice, they are waiting on additional information from applicant. McBroom informed the board there is not enough information given at this time, additional information is needed on the impact of the wetlands. The plan is not right or wrong, literally not enough information to make a determination that the plan is sufficient or approvable at this time, this needs to be looked at in further detail. Forest management and tree removal process in the flood plain areas impacts the wetlands needs to be reviewed for the wetland permit. The board discussed requesting the public hearing and/or public comment. McBroom shared there should be at least one public hearing if not two separate hearings. McBroom shared there are issues and holes in the information and as the local authority and local neighbor would make sense to bring these issues to the Army Corp. of Engineers and submit these as written comments for their review during the permit process. Motion by Rostollan second by Hoffmann to retain Maureen McBroom of Ruekert-Mielke to provide a public comment to the Army Corp of Engineers based on their permit evaluation of Chapter 30 permits by May 6, 2017 on roll call vote Stoelb – nay, DesJardins – nay, Hoffmann – nay, Rostollan – nay, Chair – nay, motion failed. Motion by DesJardins second by Stoelb to approve retaining Ruekert-Mielke to draft and provide public input and draft and request a public hearing on behalf of the Town of Wilson based on their review of Chapter 30 permit, on roll call vote Stoelb – aye, DesJardins – aye, Hoffmann – aye, Rostollan – aye, Chair – aye motion carried.

Supervisor Rostollan urged the public to not wait and submit their comment now.

5. **Town of Wilson Fire Department:**
- a. **Consideration to amend Chapter 10A, Fire Department Ordinance, Section 11: Officer Duties** – Motion by Rostollan second by Hoffmann to adopt the amendments to Chapter 10A, in Section 10. A. and E., Section 11 C. (1) (2), Section 12 A and B all members present voted aye, motion carried.
  - b. **Consideration to amend the Fire Department Bylaws, Article III; Officers, Elections and Duties** – Motion by Rostollan second by Hoffmann to adopt the amendments to the Fire Department Bylaws, Article III, Section 1 and Section 6. all members present voted aye, motion carried.
  - c. **Consideration to amend the firefighter application form to become a member of the Town of Wilson Fire Dept.** – Motion by Rostollan second by DesJardins to adopt the new application form to become a member of the Town of Wilson Fire Department, all members present voted aye, motion carried.
  - d. **Update on other fire department fire related matters** - The Fire Advisory Committee provided a line item budget
6. **Discussion and possible action of encroachments on South 8<sup>th</sup> Street Right-of-Way** - Reminded residents grass and gravel is all that can be placed in Right-of-Way, no action taken.

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7. Consideration to award the bid for the Wilson-Lima Road asphalt paving and shoulder work – Motion by Rostollan second by Stoelb to award the Wilson-Lima Road asphalt paving and shoulder work to the Sheboygan County estimate of \$37,147, all members present voted aye motion carried.
8. **Public Comment:** Chair Ehmann called for Public Comment and hearing none Public Comment was closed.
9. **Reports:**
  - a. **Maintenance** - High water signs have been place. Toddler equipment for the parks picked up and assembled. 14<sup>th</sup> and Marvery underground storm system is failing. Sink holes in the right-of-way, Meyer is working with the city who will look at this. Awaiting an update from the city concerning S. 13<sup>th</sup> St/Woodview Ave/Ridgewood Ln when ready a draft of the maintenance will be forwarded to the clerk.
  - b. **Constable** - Reports were reviewed, no questions
  - c. **Treasurer** - Balance sheet, cash balances, activity reports, Fire Dept. activity reports and financial information was shared.
  - d. **Clerk** – Future agenda items were discussed and update to the new website was provided.
  - e. **Town Board** – Future agenda topics were discussed.
10. **Disbursement Reports: Town of Wilson First Responders, Town of Wilson - No Checks on Hold; Motion by Hoffmann second by DesJardins to approve disbursements dated 5/1/2017 check numbers 19496- 19516; Town of Wilson First Responders check number 19496- 19497 for \$1,091.75; Town of Wilson check numbers 19498 - 19516, for \$9,858.06, total disbursements for \$10,949.81 all members present voted aye motion carried,**
11. **ADJOURN - Motion by Stoelb second by Rostollan to adjourn at 9:55 p.m., all members present voted aye motion carried**

Minutes Respectfully Submitted by: Georgene Lubach, Clerk