



PUBLIC WORKS COMMITTEE AGENDA

September 27, 2022 at 5:30 PM

Municipal Service Building - Training Room, 2026 New Jersey Avenue

It is possible that a quorum (or a reverse quorum) of the Sheboygan Common Council or any other City committees/boards/commissions may be in attendance, thus requiring a notice pursuant to State ex rel. Badke v. Greendale Village Board, 173 Wis. 2d 553, 494 N.W.2d 408 (1993).

Persons with disabilities who need accommodations to attend this meeting should contact the Department of Public Works at 920-459-3440. Persons other than council members who wish to participate remotely shall provide notice to the Public Works Department at 920-459-3440 at least 24 hours before the meeting so that the person may be provided a remote link for that purpose.

OPENING OF MEETING

1. Call to Order
2. Roll Call - Alderpersons Dekker, Heidemann, Ramey, Rust, and Salazar may attend meeting remotely.
3. Pledge of Allegiance
4. Introduction of Committee Members and Staff

MINUTES

- [5.](#) Approval of Minutes: September 13, 2022

ITEMS FOR DISCUSSION & POSSIBLE ACTION

- [6.](#) Res. No. 67-22-23 / September 19, 2022: A resolution authorizing the appropriate City officials to accept the temporary easement for the City to conduct maintenance activities on a drainage swale adjacent to 4812 Ferndale Court.
- [7.](#) Report of Officer by City Attorney's Office requesting Committee approve transfer of Wildwood Cemetery burial lot located at Sec. 16A, Grave 341, from Lois Van Haveren – Clicquennoi to Debra V. Faber.

NEXT MEETING DATE

8. Next Regular Meeting Date: October 11, 2022

ADJOURNMENT

9. Motion to adjourn

In compliance with Wisconsin's Open Meetings Law, this agenda was posted in the following locations more than 24 hours prior to the time of the meeting:

City Hall • Mead Public Library
Sheboygan County Administration Building • City's website

CITY OF SHEBOYGAN
PUBLIC WORKS COMMITTEE MINUTES
Tuesday, September 13, 2022

COMMITTEE MEMBERS PRESENT: Alderperson Amanda Salazar, Chair Dean Dekker, Alderperson Zach Rust, and Alderperson Angela Ramey.

STAFF/OFFICIALS PRESENT: Director of Public Works David Biebel, City Engineer Ryan Sazama, Superintendent of Streets and Sanitation Joel Kolste, Superintendent of Facilities and Traffic Mike Willmas, and City Forester Tim Bull.

OTHERS PRESENT: Alderperson Joe Heidemann

OPENING OF MEETING

1. Call to Order

Chair Dean Dekker called the meeting to order at 5:30 PM.

2. Roll Call - Alderpersons Dekker, Salazar, Ramey, and Rust may attend meeting remotely.
3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Introduction of Committee Members and Staff

MINUTES

5. Approval of Minutes: August 23, 2022

MOTION TO APPROVE MINUTES FROM AUGUST 23, 2022

Motion made by Alderperson Rust, Seconded by Alderperson Salazar.

Voting Yea: Chair Dekker, Alderperson Ramey

ITEMS FOR DISCUSSION & POSSIBLE ACTION

6. Res. No. 62-22-23 / September 6, 2022: A resolution authorizing the appropriate City officials to execute agreements with Schichtel's Nursery, Inc. and Chestnut Ridge Nursery, Inc. for the purchase of 720 street trees.

MOTION TO RECOMMEND THE COMMON COUNCIL ADOPT THE RESOLUTION

Motion made by Alderperson Rust, Seconded by Alderperson Ramey.

Voting Yea: Alderperson Salazar, Chair Dekker

NEXT MEETING DATE

7. Next Regular Meeting Date: September 27, 2022

ADJOURNMENT

8. Motion to adjourn

MOTION TO ADJOURN AT 5:41 PM

Motion made by Alderperson Rust, Seconded by Alderperson Salazar.

Voting Yea: Chair Dekker, Alderperson Ramey

CITY OF SHEBOYGAN

REQUEST FOR PUBLIC WORKS COMMITTEE CONSIDERATION

ITEM DESCRIPTION: A resolution authorizing the appropriate City officials to accept the temporary easement for the City to conduct maintenance activities on a drainage swale adjacent to 4812 Ferndale Court.

REPORT PREPARED BY: Ryan Sazama, City Engineer

REPORT DATE: September 22, 2022

MEETING DATE: September 27, 2022

FISCAL SUMMARY:

Budget Line Item:	N/A
Budget Summary:	N/A
Budgeted Expenditure:	N/A
Budgeted Revenue:	N/A

STATUTORY REFERENCE:

Wisconsin	N/A
Statutes:	
Municipal Code:	N/A

BACKGROUND / ANALYSIS: The City of Sheboygan owns a parcel adjacent to 4812 Ferndale Court. This parcel serves as a storm water drainage swale for the Fox Meadows Subdivision. This drainage swale is need of maintenance such as the removal of brush and tree overgrowth. The only access to this drainage swale at this location is through the yard of 4812 Ferndale Court.

STAFF COMMENTS: In order for the City of Sheboygan to hire a contractor to perform this maintenance work an access Temporary Easement will need to be granted from the property owner. This easement would allow the contractor to use the property owners yard as an access point to the drainage swale. Staff recommends approving the Temporary Easement.

ACTION REQUESTED: Motion to recommend the Common Council adopt Res. No. 67-22-23 authorizing the appropriate City officials to accept the temporary easement for the City to conduct maintenance activities on a drainage swale adjacent to 4812 Ferndale Court.

ATTACHMENTS:

- I. Res. No. 67-22-23
- II. Temporary Easement

III

Res. No. 67 - 22 - 23. By Alderpersons Dekker and Rust.
September 19, 2022.

A RESOLUTION authorizing the appropriate City officials to accept the temporary easement for the City to conduct maintenance activities on a drainage swale adjacent to 4812 Ferndale Court.

RESOLVED: That the Mayor and City Clerk are authorized and directed to accept the attached Temporary Easement from Danny K. Eirich and JoAnn Eirich, once properly executed, for the City to conduct maintenance activities on a drainage swale adjacent to 4812 Ferndale Court.

PN

I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk
Approved _____ 20____. _____, Mayor

TEMPORARY EASEMENT

This Temporary Easement is made this _____ day of _____, 2022, by and between Danny K. and JoAnn Eirich ("GRANTOR") and the City of Sheboygan, a municipal corporation of the State of Wisconsin ("GRANTEE").

WITNESSETH:

KNOW ALL PERSONS BY THESE PRESENTS that the GRANTOR, in consideration of the covenants contained in this Temporary Easement, hereby grants to the GRANTEE, and its agents, employees, and invitees, a Temporary Easement over 4812 Ferndale Court (Parcel Number 59281435677), more particularly described as **Fox Meadows Addition No. 4, Lot 77** (the "Property"), for the purposes described below.

RETURN TO:

City Attorney's Office
828 Center Avenue, Suite 210
Sheboygan, WI 53081

This Temporary Easement is being granted to allow GRANTEE, and its agents, employees, and invitees to enter onto the Property in order to perform maintenance activities on the drainage swale owned by GRANTEE located behind the Property. As part of its maintenance activities on the drainage swale, GRANTEE will remove any natural growth - such as brush - from the drainage swale which currently encroaches upon the Property.

59281435677
Parcel Ident. No.

GRANTEE agrees to place topsoil and grass seed on any portion of the Property which is visibly disturbed as a result of GRANTEE's (or its agents, employees, and invitees) actions. GRANTEE also agrees to place topsoil and grass seed on any portion of the Property in which natural growth from the drainage swale is removed.

In addition to permitting access to the Property, GRANTOR agrees to water any grass seed placed by GRANTEE or its agents, employees, or invitees.

The rights granted to GRANTEE under this Temporary Easement shall expire on December 31, 2023.

IN WITNESS WHEREOF, GRANTOR has caused this instrument to be executed this _____ day of _____, 2022.

GRANTOR:

BY: _____
Danny K. Eirich

BY: _____
JoAnn Eirich

Notary Public, State of Wisconsin
My commission expires _____

Meredith DeBruin
City of Sheboygan - City Clerk

Notary Public, State of Wisconsin
My commission expires

REPORT OF OFFICER TO PUBLIC WORKS COMMITTEE.**By: CITY ATTORNEY'S OFFICE****Date: September 16, 2022.**

Requesting Committee approve transfer of Wildwood Cemetery burial lot located at Sec. 16A, Gr 341, from Lois Van Haveren - Clicquennoi to Debra V. Faber.

BACKGROUND / ANALYSIS:

The City has received a request to transfer ownership of a burial plot located at Sheboygan's Wildwood Cemetery. This plot, located in Section 16A, Grave 341, was purchased in 1960 by Lois Van Haveren - Clicquennoi at the time of her first husband's passing and is adjacent to the plot where he was interred. In 1990, Ms. Van Haveren - Clicquennoi purchased three other plots at the cemetery in which she, her second husband, and her only child are interred. Plot 341 remains vacant and the first husband's brother has asked the City for permission to transfer ownership of this plot to his daughter, who is battling terminal cancer.

The City Attorney's Office, through various internet resources, identified the next-of-kin who would have a right to claim ownership of this plot, and contacted them by mail. A representative of this family, Kay Gassner, niece and goddaughter of Lois Van Haveren - Clicquennoi, has responded that "the family has no objections to the Van Haveren family taking ownership of the burial plot." A copy of this correspondence is attached.

Sheboygan Municipal Code §§ 34-121 and 122 guide the Committee in this matter. SMC § 34-122(a)-(d) provide a framework for the Committee to consider who may have a right to the plot. In this particular situation, (d) controls and provides in relevant part:

. . . the public works committee, in the exercise of its discretion and without being answerable to any person, may permit the burial on the lot of any person, whether or not belonging to any of the classes mentioned in this subsection, who, by reason of blood kindred or other family relationship or by reason of close association with the deceased lot owner or with any person buried or presumptively entitled to be buried on the lot, is deemed by the committee to be justly and equitably entitled to burial thereon, unless a written objection to the burial of such person is filed, duly signed and acknowledged by some person of the class of nearest kindred then presumptively entitled to burial, in which case no burial outside the specified class of descendants or collateral kindred shall be made without the concurrence of such objector.

According to SMC §34-121(g), approval by a majority of the Committee is needed to effectuate the transfer. Upon approval, any fees associated with the lot transfer will be paid by Thomas Van Haveren, father of Debra V. Faber.



Elizabeth Majerus
Assistant City Attorney