

**APPROVED MINUTES
Village Board Meeting
Tuesday, April 12, 2022 at 6:45 p.m.
Jackson Municipal Complex
Village Board Room
N168W19851 Main Street
Jackson, WI 53037**

1. Call to Order and Roll Call

Pres. Schwab called the meeting to order at 7:30 p.m.

Members Present: Trustees Emmrich, Engelhardt, Heckendorf, Kruepke, Matter, and Wells.

Staff Present: Director of Public Works/Village Engineer Brian Kober, Fire Chief Aaron Swaney, Parks and Recreation Director Kelly Valentino, Police Chief Vossekuil and Village Clerk Jilline Dobratz.

Also Present: Cory Scheidler of Cedar Corporation, Walter and Renee Miller of Miller Monument, Dan Schaefer of Sign Works, Patrick Walia, Taylor Cherry and Barry Rodgers of Sysco Corporation.

2. Pledge of Allegiance

Pres. Schwab led the assembly in the Pledge of Allegiance.

3. Closed Session pursuant to Wis. Stats. §19.85(1)(c) "considering employment, promotion, compensation or performance evaluation date of any public employee over which the governmental body has jurisdiction or exercises responsibility" and 19.85(1)(e) "deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session."

Motion by Pres. Schwab, second by Tr. Engelhardt, to convene into closed session at 6:46 p.m. to include the Village Board, the Village Administrator, the Village Fire Chief, the Village Police Chief and the Village Attorney.

Roll Call Vote: 7 ayes, 0 nays. Motion carried.

4. Reconvene into Open Session

Reconvened into open session at 7:25 p.m.

5. Possible Action Related to the Closed Session

No motions were made following reconvening in open session.

6. Village Citizen Comment on an Agenda Item

None

7. Public Hearing – Conditional Use – Request to exceed the maximum size for an accessory structure – Shed – 3128 Sherman Parc Circle – Patrick Walia

Pres. Schwab opened the Public Hearing. No one spoke. Pres. Schwab closed the Public Hearing.

Motion by Pres. Schwab, second by Tr. Emmrich, to approve the Conditional Use request to exceed the maximum size for an accessory structure for a Shed at 3128 Sherman Parc Circle by Patrick Walia as presented.

Vote: 7 ayes, 0 nays. Motion carried.

8. Public Hearing – Conditional Use Amendment – Sign – W225N16712 Cedar Park Court – St. Vincent de Paul

Pres. Schwab opened the Public Hearing. No one spoke. Pres. Schwab closed the Public Hearing.

Motion by Pres. Schwab, second by Tr. Engelhardt, to approve the Conditional Use Amendment for a Sign at W225N16712 Cedar Park Court for St. Vincent de Paul as presented.

Vote: 7 ayes, 0 nays. Motion carried.

9. Public Hearing – Planned Unit Development – Establishing PUD-01 – Tax Parcels: V3_011400A, V3_009600B – Walter & Renee Miller

Pres. Schwab opened the Public Hearing. No one spoke. Pres. Schwab closed the Public Hearing.

10. Ordinance #22-04 for Planned Unit Development District PUD-01 and Site Plan Review – Parcels: V3_011400A, V3_009600B – Walter & Renee Miller

PUD Action

Motion by Pres. Schwab, second by Tr. Heckendorf, to introduce Ordinance #22-04 for Planned Unit Development District PUD-01 for Tax Parcels: V3_011400A, V3_009600B for applicants Walter and Renee Miller.

Vote: 7 ayes, 0 nays. Motion carried.

Site Plan Action

Motion by Pres. Schwab, second by Tr. Kruepke, to approve the Site Plan for Tax Parcels: V3_011400A, V3_009600B for applicants Walter and Renee Miller conditioned upon the following terms:

1. Any future alterations to the site, including ground mounted signage, shall require the applicant to amend and seek approval of a new site plan.
2. On-site parking is limited to licensed, registered, and operable vehicles.
3. Outdoor storage of equipment or product is prohibited.
4. Include the following notation on the site plan:
 - The Village of Jackson has adopted regulations in the Village's zoning regulations (Section 48-153) relating to the use and development of the subject property.
 - Any revisions to this site plan set are subject to Village review and approval if deemed necessary by the Village Administrator.
5. Prior to any occupancy the property owner shall obtain all necessary permits from the Building Inspector and Fire Department.
6. All necessary permits shall be obtained within 9 months of site and PUD approvals.
7. Property owner shall apply for an occupancy permit within one year of the date of issuance for any building permits.
8. A Certified Survey Map is created and approved combining the two parcels. The CSM must be approved and recorded at the Register of Deeds office within 9 months of date of approval for the Site Plan.

Vote: 7 ayes, 0 nays. Motion carried.

11. Public Hearing – Planned Unit Development – Establishing District PUD-02 – Sysco – W223N16501 Cedar Parkway

Pres. Schwab opened the Public Hearing. No one spoke. Pres. Schwab closed the Public Hearing.

Barry Rogers of Sysco Corporation gave updated information on the project. They are working with the neighbors in making enhancements to landscaping to include additional trees to serve as additional buffering and the berms will be expanded to satisfy the neighbors.

12. Ordinance #22-05 for Planned Unit Development District PUD-02 and Site Plan Review – Sysco – W223N16501 Cedar Parkway

PUD Action

Motion by Pres. Schwab, second by Tr. Heckendorf, to suspend the rules and allow the second reading with approval of Ordinance #22-05.

Roll Call Vote: 7 ayes, 0 nays. Motion carried.

Motion by Pres. Schwab, second by Tr. Emmrich, to approve Ordinance #22-05 for Planned unit Development District PUD-02 for Sysco for property located at W223N16501 Cedar Parkway subject to the Village Administrator's approval.

Attorney John Macy, special counsel to the Village Board, stated a request has been made by Sysco Corporation to allow Staff the authority to approve the enhancements to the landscaping plan and include the language in the Ordinance to satisfy neighbors' concerns. Motion amended by Pres. Schwab, seconded by Tr. Emmrich, to include the site development as presented at a minimum with further enhancements allowed per Village Staff.

Vote: 7 ayes, 0 nays. Motion carried.

Site Plan Action

Motion by Pres. Schwab, second by Tr. Engelhardt, to approve the Sysco Site Plan and related materials subject to the following terms and conditions:

1. The petitioner submits a certified survey map (CSM) to the Village for the merger of the two parcels and obtains approval of the same. The approved CSM to be recorded prior to issuance of any related building permits.
2. The Village approves the right-of-way vacation for the segment of Mill Road/Cedar Parkway.
3. The site plan is revised to depict the 66-wide easement/outlot along the eastern lot line along with explanatory notes.
4. The site plan is revised to move the security fence outside of the 66-wide easement/outlot (referenced above), along with the berm along the east side of the new truck parking area.
5. The site plan is revised to move the security fence further away from the western cul-de-sac right-of-way line (the fence is on the lot line).

6. Any existing trees along Cedar Parkway that are damaged during construction, as determined by the Village engineer, shall be replanted with 2.5 diameter trees of the same or similar species.
 7. The Village and/or WI DNR grants approval of the storm water management plan, including the recording of such documents establishing the long-term maintenance of the facilities and granting the Village the authority to maintain such facilities if so required.
 8. The Jackson Water Utility will continue to have 24/7 access to the water tower site. The Utility will work with Sysco on access with the increase staging of trucks on the proposed driveway.
 9. Sysco must submit detailed plans to the Village engineer for the retaining wall proposed alongside of water tower access road and obtain approval of the same.
 10. Sysco must submit detailed construction plans to the Village engineer for the cul-de-sacs and related street work and obtain approval of the same.
 11. If a new water meter room is being proposed on the north side of the building, the Jackson Water Utility requires 24-hour access to the room.
 12. A separate address designation for the vehicle maintenance facility for emergency response and utility purposes is recommended.
 13. Per the proposed projected water and sewer usage, the REU (Residential Equivalent Unit) numbers for Water Impact Fees and Sewer Connection Fees will be re-calculated after the completion of the expansion. The fees will be charged accordingly per the usage calculation.
 14. Include the following notation on the site plan:
 - The Village of Jackson has adopted regulations in the Village's zoning regulations (Section 48-153) relating to the use and development of the subject property.
 - Any revisions to this site plan set are subject to Village review and approval if deemed necessary by the Village engineer.
- Vote: 7 ayes, 0 nays. Motion carried.

13. Public Hearing – Discontinuation of Public Right-of-Way – Mill Road

Pres. Schwab opened the Public Hearing.

Mark Hauser, 3010 Mill Road, spoke on behalf of his wife Pat and his neighbors to the south, Bob and Sue Anderson. It was stated they object to the vacation of Mill Road.

Pres. Schwab closed the Public Hearing.

14. Resolution #22-05 – Discontinuation of Public Right-of-Way – Mill Road

Motion by Pres. Schwab, second by Tr. Heckendorf, to approve Resolution #22-05 for Discontinuation of Public Right-of-Way for a portion of Mill Road.

Vote: 7 ayes, 0 nays. Motion carried.

15. Public Hearing – Discontinuation of Public Right-of-Way – Chateau Drive

Pres. Schwab opened the Public Hearing. No one spoke. Pres. Schwab closed the Public Hearing.

16. Resolution #22-07 – Discontinuation of Public Right-of-Way – Chateau Drive

Motion by Pres. Schwab, second by Tr. Kruepke, to approve Resolution #22-07

Discontinuation of Public Right-of-Way for Chateau Drive.

Roll Call Vote: 7 ayes, 0 nays. Motion carried.

- 17. Public Hearing – Amendments to the Village of Jackson Comprehensive Plan: Map 1 Future Land Use Plan 2050**
Pres. Schwab opened the Public Hearing. No one spoke. Pres. Schwab closed the Public Hearing.
- 18. Ordinance #22-06 – Adopt Amendments to the Village of Jackson Comprehensive Plan: Map 1 Future Land Use Plan 2050**
Motion by Pres. Schwab, second by Tr. Heckendorf, to introduce Ordinance #22-06 to Adopt Amendments to the Village of Jackson Comprehensive Plan: Map 1 Future Land Use Plan 2050.
Vote: 7 ayes, 0 nays. Motion carried.
- 19. Resolution #22-08 – Proclaiming Arbor Day in the Village of Jackson**
Motion by Tr. Emmrich, second by Tr. Heckendorf, to approve Resolution #22-08 Proclaiming Arbor Day in the Village of Jackson.
Parks and Recreation Director Valentino stated a coloring contest will be held for second grade students and a tree will be planted on April 29, 2022.
Vote: 7 ayes, 0 nays. Motion carried.
- 20. Ordinance #22-03 – To Annex Territory to the Village of Jackson Identified by Tax Parcel T7_077600B – Mark Hauser (2nd Reading)**
Motion by Pres. Schwab, second by Tr. Kruepke, to adopt Ordinance #22-03 to Annex Territory to the Village of Jackson Identified by Tax Parcel T7_077600B for applicant Mark Hauser (2nd Reading).
Vote: 7 ayes, 0 nays. Motion carried.
- 21. Approval of Minutes for the Village Board Meeting of March 8, 2022**
Motion by Tr. Emmrich, second by Tr. Engelhardt, to approve the minutes for the Village Board Meeting of March 8, 2022.
Vote: 7 ayes, 0 nays. Motion carried.
- 22. Approval of Licenses**
- Class B Picnic License:
 - Jackson Festivals, Inc. – Action in Jackson June 10 – June 11, 2022
 - Entertainment License:
 - Jackson Festivals, Inc. – Action in Jackson June 10 – June 11, 2022
 - Operator’s Licenses:
 - East Side Mart, Main Street Mart & The Village Mart: Lisa Keller, Maureen Ott, Karina Salgado, Jeannie Waterson
- Motion by Tr. Wells, second by Tr. Emmrich, to approve the licenses as listed.
Vote: 5 ayes, 0 nays, 2 abstains (Tr. Kruepke and Tr. Heckendorf). Motion carried.
- 23. Budget & Finance Committee**
- **Acceptance of the 2022 Jackson Police Department Touchpoint/COVID 19 Wellness Grant**
Motion by Pres. Schwab, second by Tr. Emmrich, to accept the 2022 Jackson Police Department Touchpoint/COVID 19 Wellness Grant as presented.
Vote: 6 ayes, 0 nays, 1 abstain (Tr. Heckendorf). Motion carried.

- **Municipal Complex Building Proposal – Emergency Power**

Motion by Pres. Schwab, second by Tr. Kruepke, to approve the Municipal Complex Building Proposal for Emergency Power in the amount of \$16,720.00.

Director Kober gave background information on the past power outages of the building. Cory Scheidler of Cedar Corporation commented on the emergency power circuits that were used, the generator and emergency lighting.

Vote: 7 ayes, 0 nays. Motion carried.

- **Municipal Complex Building Proposal – Public Water Fountain**

Motion by Pres. Schwab, second by Tr. Kruepke, to approve the Municipal Complex Building Proposal – Public Water Fountain the amount of \$14,273.00.

Director Kober gave background information. Discussion ensued on water for public meetings and purchasing a water cooler.

Vote: 0 ayes, 7 nays. Motion failed.

24. Plan Commission

- **One-Lot Certified Survey Map (CSM) for Properties Identified by Tax Key: V3_0301 and Tax Key: T9_07400A – Sysco**

Motion by Pres. Schwab, second by Tr. Emmrich, to approve the One-Lot Certified Survey Map for Properties Identified by Tax Key: V3_0301 and Tax Key: T9_047400A for Sysco conditioned upon the following terms:

General Conditions:

1. Staff and governmental approval. Prior to the Village signing the final CSM, the commencement of any construction of any improvement, whether public or private, or any site development, the developer shall satisfy all comments, conditions and concerns of the Village Administrator, Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Administration per ch. 236, Wis. Stats. and ch. Comm. 85, Wisconsin Administrative Code; and Wisconsin Department of Administration per ch. 236, Wis. Stats.
2. Professional fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type, that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning, and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. Payment of charges. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within 30 days of the billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval.

4. Surveyor's responsibility. Although the Village of Jackson has reviewed the subdivision plat/certified survey map, the surveyor is entirely responsible for the thoroughness and accuracy of the survey and related matters and compliance with all state and local codes, ordinances, and procedures.

Specific Conditions:

1. Prior to recording of the final CSM, the Village Board must approve the annexation petition as requested.
2. Prior to recording of the final CSM, the Village Board must approve the right-of-way vacation of that part of Mill Road/Cedar Parkway.
3. The area of Lot 1 must be stated in square feet and as acres.
4. The parcel currently in the Town is incorrectly referenced as Tax Parcel 076400A. It should be referred to as Tax Parcel T9_076400A. For example, the general location description at the top of all sheets should be revised. In addition, the tax parcel numbers for the adjoining properties must be revised to include the correct prefix ("T9_" and "V3_").
5. The perimeter legal description excludes the land being dedicated for road purposes. Such description must be for the entirety of the two properties being merged. The exterior metes and bounds description on sheet 3 should be verified and the perimeter line revised on sheets 1 and 2.
6. The 66-foot ROW along the east lot line, should instead be shown as an outlot to be deeded to the Village.
7. Prior to recording of the final CSM, the Village attorney must approve the 66-foot Emergency Access Easement as to form.
8. All existing road names must be underscored with a dashed or dotted line.
9. The last line in the surveyor's certificate should refer to Section 236.34, Wis. Stats., rather than Chapter 236.
10. The reference to "State of Illinois" and "Lake County" should be removed from the surveyor's certificate.
11. The subdivider must install survey monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., and as may be required by the Village engineer.
12. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.
13. Upon recording of the Certified Survey Map, the petitioner must record the easement for the emergency access as approved by the Village attorney.
14. Sysco obtains all required approvals for the plant expansion within 9 months of the date the Village Board vacates the right-of-way.
15. Sysco shall construct two cul-de-sacs as indicated in the petitioner's site plan and dedicate such land to the Village for road purposes within 12 months of commencing any land-disturbing activity related to the proposed plant expansion. The Village engineer shall approve the construction plans for the cul-de-sacs prior to the commencement of work and shall conduct periodic inspections during construction of the cul-de-sacs. Within 4 months of completion of the work, Sysco shall submit as-built drawings to the Village engineer for review and obtain the engineer's approval.
16. Sysco shall establish an emergency access agreement between the two cul-de-sacs in a form and location acceptable to the Village.

17. Sysco shall submit a Developers Agreement for approval and a letter of credit to the Village in an amount and in a form acceptable to the Village to ensure the construction of the two cul-de-sacs and any related work.

Attorney John Macy stated numerous conditions are on the CSM in which most have been satisfied. The Developers Agreement is yet to be completed.

Vote: 7 ayes, 0 nays. Motion carried.

- **Two-Lot Certified Survey Map (CSM) for Property Identified by Tax Key: V3_046500D9999 DFN Properties**

Motion by Pres. Schwab, second by Tr. Wells, to approve Two-Lot Certified Survey Map for Property Identified by Tax Key: V3_046500D9999 DFN Properties based on the general and specific conditions as listed:

General Conditions:

1. Staff and governmental approval. Prior to the Village signing the final CSM, the commencement of any construction of any improvement, whether public or private, or any site development, the developer shall satisfy all comments, conditions and concerns of the Village Engineer, the Village Administrator, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Administration per ch. 236, Wis. Stats. and ch. Comm. 85, Wisconsin Administrative Code; and Wisconsin Department of Administration per ch. 236, Wis. Stats.
2. Professional fees. Petitioner shall, on demand, reimburse the Village for all costs and expenses of any type, that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning, and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. Payment of charges. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within 30 days of the billing by the Village, pursuant to Section 66.0627, Wis. Stats. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval.
4. Surveyor's responsibility. Although the Village of Jackson has reviewed the subdivision plat/certified survey map, the surveyor is entirely responsible for the thoroughness and accuracy of the survey and related matters and compliance with all state and local codes, ordinances, and procedures.

Specific Conditions:

1. Prior to recording of the final CSM, the Village Board, Joint Review Board and WI Department of Administration must approve an amendment to TID #7.

2. Prior to recording of the final CSM, the Sanitary Sewer and Watermain Easements noted on page 1 shall be amended to reflect a 30' width.
3. Prior to recording of the final CSM, the signature blocks on page 4 shall be amended to reflect Administrator Jen Keller.
4. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.

Vote: 7 ayes, 0 nays. Motion carried.

- **Public notification practices for re-zoning, conditional use, planned unit development, and street easement/vacation**

Motion by Pres. Schwab, second by Tr. Emmrich, the Village adhere to state notification specifications for re-zoning, conditional use, planned unit development and street easement/vacation.

Discussion ensued on notifications to residents and potential buffers.

Pres. Schwab withdrew his motion, Tr. Emmrich concurs.

Motion by Tr. Heckendorf, second by Tr. Wells to direct Staff to draft an Ordinance amendment for notification practices for re-zoning, conditional use, planned unit development and street easement/vacation to include mailed public hearing notices to contiguous properties of the parcel apply for Plan Commission and Village Board approval.

Vote: 7 ayes, 0 nays. Motion carried.

25. Board of Public Works

- **Ordinance #22-07 – Amending Chapter 42 Regarding Traffic Signs – Morning Meadows Phase 2**

Motion by Tr. Heckendorf, second by Tr. Emmrich, to introduce Ordinance #22-07 Amending Chapter 42 Regarding Traffic Signs for Morning Meadows Phase 2.

Vote: 7 ayes, 0 nays. Motion carried.

- **Resolution #22-06 – Accepting Sanitary Sewer and Water – Morning Meadows Phase 2**

Motion by Tr. Emmrich, second by Tr. Heckendorf, to approve Resolution #22-06 Accepting Sanitary Sewer and Water for Morning Meadows Phase 2

Vote: 7 ayes, 0 nays. Motion carried.

26. Village Municipal Complex – Update – Cedar Corp

Cory Scheidler from Cedar Corporation gave an update of items that are being worked on. The contract amount is at 97%. The final walk through will be in May with a closeout in June. Detailed information on Change Order #12 was explained.

27. West Bend School District Report

Tr. Wells stated Erin Dove and Paul Fischer were thanked for their service on the Board. New members John Donaldson and Melanie Ehrgott will be welcomed to the Board in May. Changes were made to outstanding debt to be paid off earlier which will save over a million dollars in interest expenses.

28. Greater Jackson Business Alliance Report

Tr. Matter stated the membership meeting is in May. The speaker will be Steve Kilian, owner/operator of McDonald's franchisees. Scholarship applications are open on the website with a deadline of mid-June.

29. Mid-Moraine Municipal Association Report

Tr. Wells reported the next meeting is tomorrow, April 13th, at the Municipal Complex at 7:00 p.m. with two speakers, Representatives Brooks and Gundrum.

30. Citizens to Address the Village Board

None.

31. Adjourn

Motion by Pres. Schwab, second by Tr. Wells, to adjourn.

Vote: 7 ayes, 0 nays. Meeting was adjourned at 8:31 p.m.

Respectfully submitted:

Jilline Dobratz, *CMC/WCPC*
Village Clerk