

**MISHICOT VILLAGE BOARD**  
**Regular Meeting**  
**August 2, 2022**

The Mishicot Village Board was called to order by President Samz at 7:00 p.m. at the Village Hall. Roll call indicated Trustees Becker, Beranek, Ferry, Franz, Kliment, Samz, and Wiegert. Chief Granger, John Tulachka, Clerk Reissmann, Rick Schwarz, Rod Scheuer and Krissy Miller were also present.

President Samz led everyone in attendance in the Pledge of Allegiance.

A motion was made by Trustee Kliment to approve the July 19, 2022, meeting minutes as presented, seconded by Trustee Beranek. All in favor, motion carried.

Rod Scheuer was present and said he was waiting for the alcohol license for Riverfest coming up on August 6, 2022. President Samz said it's on the list for approval tonight. He asked for approval to have a parade and President Samz said there's no problem with that. He also needs the keys to the park. He indicated that there will be some nice fireworks this year.

Rick Schwarz gave an update on his inspections. He said Mike Reif brought in a sketched-out drawing but he needs a detailed plan before he will issue a building permit. He also informed the board about his retirement plan and it's getting closer to coming about. He's hoping to hang in here until the end of the year. He gave some options for replacing him but he will stay on to help with the inspections until we find a replacement. Trustee Wiegert asked how many hours a week he puts in on the building inspection. He said how many he puts in and how many he could put in are two different answers. He said about 10 hours a week would be adequate. He stated a few projects have taken a lot more time than it should and there are a lot of state requirements for an inspector. Discussion was held. Trustee Becker brought up the issue of a refrigerator sitting on Spruce St. that stills has the doors on it. Chief Granger spoke on this issue and said they will be in contact with the resident.

Chief Granger indicated he sent Officer Ladwig to a training to be part of a Critical Response Team in NE Wisconsin and handed out an article on it. He also shared the numbers from last year's Kickin' Addiction and where the money goes from this event.

John gave an update on the water leak at the Pine Ridge Court condos. The contractor came in last week and dug up where they thought the leak was and discovered the leak was on the village side on the dead-end road. The leak has been fixed. Trustee Beranek questioned John about the dead goose in the parking lot. John also stated that MJ Electric has been doing a lot of pole and light replacements on Elizabeth St, Rockway, and Main St to Church St. Rod asked about the purple lights and John indicated that they are being replaced as they were faulty. Trustee Ferry asked about an update on the potholes on Main St. John said the County will be fixing them soon and will call and get an update from the County.

Trustee Kliment indicated the he and Trustee Ferry completed the 2<sup>nd</sup> quarter audit and everything checked out.

Trustee Wiegert asked if Trustee Ferry has brought up the flag request to the school district.

Trustee Ferry noted that the little libraries are being redone around the village and they look nice. She also asked about going over the blighted properties in the village and if she can go over the list with the police department to get something done about them. She will meet with Chief Granger and Officer Brooks in the morning.

President Samz noted that the Plan Commission met last week on the rezoning on the property off of Chrysler Dr. He stated that they will only be building one home and will not be dividing the property up. The zoning was changed from A1 to R1. It was noted that they need a wetland delineation done before building. He also said there will be another rezoning for a parcel up on N. Park Lane and then they will be putting in curb and gutter in that area. He said the survey was sent out on the Comprehensive Plan and hopes everyone filled it out. He noted the turnout was very low with only 91 people taking the survey. They will meet again on September 22<sup>nd</sup>.

Clerk Reissmann reported that she received a notice from Workhorse on the rate increase for support fees for 2023 and they will be going up 8%. She also stated that Chloe Cherney from the temp agency will be starting part-time on Tuesday, August 9<sup>th</sup>.

A motion was made by Trustee Kliment to approve Class B Picnic License #3 for MAGIC and operator's licenses #2022-70, Kayla A Taddy and 2022-71, Jean M Shaum, seconded by Trustee Wiegert. All in favor, motion carried.

President Samz introduced general fund claims in the amount of \$30,915.44, water utility fund claims in the amount of \$4,958.08 and sewer utility fund claims in the amount of \$1,606.19 for Board action. A motion was made by Trustee Beranek to accept the claims as presented and posted, seconded by Trustee Becker that claims totaling \$37,479.71 to be approved and the Treasurer to be authorized the same. Roll call indicated as follows: Ayes-7; Nays-0; Absent-0, motion carried.

Discussion was held on the Riverfest parade at 11:30 am on Saturday.

Discussion was held on Ordinance 2022-03, Loud and Unnecessary Noise or Vibrations. Krissy Miller asked about her bands and Chief Granger ok'd those and if any future bands would exceed 80 decibels, then she'd need to get prior approval from the Police Department. He also indicated that he will go to any business that wants to know how much 80 decibels is once he gets the decibel meter. A motion was made by Trustee Kliment, seconded by Trustee Becker to approve Ordinance 2022-03, Loud and Unnecessary Noise or Vibration. Roll call indicated as follows: Ayes-7; Nays-0; Absent-0, motion carried.

A short discussion was held on Ordinance 2022-04, Loitering in Public Places. A motion was made by Trustee Ferry, seconded by Trustee Beranek to approve Ordinance 2022-04, Loitering in Public Places. Roll call indicated as follows: Ayes-7; Nays-0; Absent-0, motion carried.

A discussion was held on Ordinance 2022-05, Sale, Possession and Use of Fireworks. Chief Granger noted that sparklers and other small fireworks would be exempt from this. Anyone wishing to light fireworks in the village will need to obtain a permit to possess and use fireworks. It was discussed whether sales should take place in the village or not. It was decided to not allow anyone to sell fireworks in the village. This is tabled until the next meeting to have it changed to not allow the sales of fireworks in the village.

Chief Granger addressed the application to possess and display fireworks which is directly related to the fireworks ordinance. He stated that it would need to be approved by the board once the police and fire department approve it. He also addressed the special event permit application which would be required for a block party or any outside event open to the public. Anyone wishing to hold a special event will need to fill out the special event permit application. It was discussed when this permit would be needed. It was decided that if you are selling alcohol, requesting a street closure for a block party or using public property for a public event, they would need to fill out this application. Private rentals that are not selling alcohol at the VFW are exempt from this application.

but any public events held at the VFW would need to fill it out. Also, any event with outdoor music would need to fill out the application. It was decided to table any action until the next meeting. The Clerk will update the guidelines for the VFW and the park.

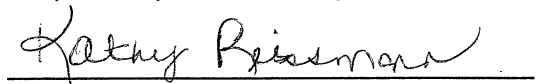
The Village fee schedule was presented. The zoning related fees were added to the fee schedule as discussed in the Plan Commission meeting. Discussion was held. It was also discussed that if more than one application/person was addressed at the same meeting, the fee could be reduced. It was also discussed that the fees should be raised a little each year instead of making a big jump all at once. It would be revisited each year at budget time for the following year. This is tabled until the next meeting so that the schedule can be revised to incorporate the changes discussed and to create guidelines for the park rentals.

Discussion was held on a replacement for the building inspector. John addressed the board and indicated that neither he nor Adam wants to be a building inspector. They have enough to do with what they got. The option of a creating a new position to incorporate the building inspection, streets and utilities into one position was presented and discussed. Other options were discussed as well. It was decided to have the Clerk do some research and find other companies that do building inspection and see if any of them would be interested in this. This is tabled until more information is obtained.

President Samz informed the board that there is an individual who would like to buy the property on State St. and change the zoning from R1 to B1 to allow a storage unit to be built at the top by the road and build a house in the back later on. Cedar Corp indicated that it does not comply with the Village's Comprehensive Plan and doesn't recommend it. The plan would need to be rewritten to be able to allow it. The neighbors would also need to approve of it.

A motion was made by Trustee Becker, seconded by Trustee Kliment to adjourn at 9:03 pm until the next meeting on August 16, 2022. All in favor, motion carried.

Respectfully Submitted by:

A handwritten signature in cursive script, appearing to read "Kathy Reissmann", is written over a horizontal line.

Kathy Reissmann, Village Clerk-Treasurer



**ORDINANCE 2022-03**  
**VILLAGE OF MISHICOT**

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF MISHICOT BY DELETING AND REPEALING CHAPTER 260-21 THEREOF, LOUD AND UNNECESSARY NOISE OR VIBRATIONS, AND REPLACING IT WITH A NEW CHAPTER 260-21, TO BE ENTITLED “LOUD AND UNNECESSARY NOISE OR VIBRATIONS”, WHICH CHAPTER PROVIDES FOR RULES AND REGULATIONS REGARDING NOISE WITH THE VILLAGE LIMITS.

It is hereby ordained by the VILLAGE OF MISHICOT, Manitowoc County, Wisconsin, as follows:

**A) LOUDSPEAKERS**

1. **USE ON STREETS.** No person shall use any loudspeaker on the streets of the Village except under permit granted by the Police Chief.

**B) REGULATION OF NOISE**

**1. Definitions in this section:**

- a) “Daytime hours” means the hours between 7:00 a.m. and 10:00 p.m.
- b) “Produce” means, when referring to producing noise, to physically activate the source that creates the noise, to order or authorize another person to activate the source that creates the noise, or to have control over a source of noise and permit the noise to exist.
- c) “Nighttime hours” means the hours between 10:00 p.m. and 7:00 a.m.

**2. Unreasonably Loud Noise.** No person shall produce unreasonably loud noise. A court shall consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:

- a) **Decibels.** A court may determine any noise is unreasonable solely because it exceeds 80 decibels when measured from any property not under control of the person producing the noise.
- b) **Time of Day.** Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.
- c) **Land Use.** Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial, or industrial areas.
- d) **Duration of Noise.** Certain loud noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long time.

**3. Presumptions.** The typical noise produced by the following activities is presumed to be reasonable:

- a) **Required Noise.** Any noise-producing activity required by law.
- b) **Construction Work.** Work performed at construction sites, at public works projects, and by public utilities during daytime hours Monday through Saturday.
- c) **Waste Collection.** The collection of solid waste during nighttime hours Monday through Friday.
- d) **Safety Response.** Emergency vehicles responding to an emergency.
- e) **Power Equipment.** The use of lawn mowers, snow removal equipment, lawn and garden tools, and riding tractors during daytime hours for yard, pavement, or land maintenance.
- f) **Air Conditioning.** The use of residential air conditioners.
- g) **Airplanes.** Aircraft operations controlled specifically by federal law.

- h) **Time Signals.** The use of bells, chimes, and similar devices that signal the time of day during daytime hours.
- i) **Warning Devices.** The use of a device that requests assistance or warns against an unsafe condition.

4. **Special Permit.**


- a) **Application.** Any person wishing to produce or allow noise notwithstanding this section may file a request with the Police Department at least 30 days prior to the event or activity that will produce the noise.
- b) **Police Approval.** If the Chief of Police, or his or her designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.
- c) **Appeal.** The applicant may appeal a Police Department decision to the Village Board within 15 days after receiving the decision by filing an appeal notice with the Village Clerk. The Village Board shall hear the applicant's appeal and affirm, reverse, or modify the Police Department decision. If the Village Board determines that the noise produced by the particular event will not substantively harm the public health, safety, and welfare, the Village Board may recommend issuance of a special permit allowing such noise and place conditions upon its use.
- d) **Revocation.** The Police Department may immediately revoke a permit issued under this subsection of the permittee violates any conditions placed upon the permit.

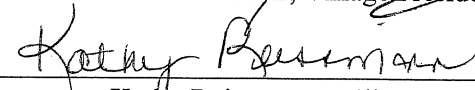
5. **Penalties.** Any person violating sub. (2) or (3) is subject to a penalty as provided in 260-50 of this Chapter.

This ordinance shall take effect the day after posting.

Passed and adopted this 2<sup>nd</sup> day of August, 2022.

Vote For: 7      Vote Against: 0      Not Voting: 0

Signed by:       Date: 8-2-22  
Bernie J. Samz, Village President

Attest:       Date: 8/2/22  
Kathy Reissmann, Village Clerk-Treasurer

Date adopted: 8/2/22

Date posted: 8/3/22

Date effective: 8/4/22

**ORDINANCE 2022-04**  
**VILLAGE OF MISHICOT**

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF MISHICOT BY DELETING AND REPEALING CHAPTER 260-36 THEREOF, LOITERING IN PUBLIC PLACES, AND REPLACING IT WITH A NEW CHAPTER 260-36, TO BE ENTITLED "LOITERING IN PUBLIC PLACES", WHICH CHAPTER PROVIDES FOR RULES AND REGULATIONS REGARDING LOITERING WITH THE VILLAGE LIMITS.


It is hereby ordained by the VILLAGE OF MISHICOT, Manitowoc County, Wisconsin, as follows:

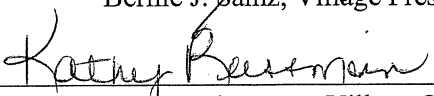
- A) No person shall loiter, lounge, or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly after being requested to move. A person must immediately comply with such request by leaving the premises or area thereof at the time of the request.
- B) Any person except a student of the particular school, parent or guardian of such student, or teacher or other employee of the school who, without a lawful school-related purpose therefor, willfully loiters on or about public or private school buildings, premises or grounds in the Village of Mishicot during the period from one hour before the opening of classes until one hour following the close of classes on any day when the school is in session, or during other times when a school-sponsored activity is in progress, shall be in violation of this section.
- C) A student of the particular school who is on school grounds but who is not in attendance at an assigned class at any particular time shall be in violation of this section.
- D) A person who has been suspended or expelled from the school shall not be considered a student of the school during the period of such suspension or expulsion and is prohibited from being present on or about any private or public school building, premises or grounds at any time through the period of such suspension or expulsion absent express authority from an authorized representative of the school.

This ordinance shall take effect the day after posting.

Passed and adopted this 2<sup>nd</sup> day of August, 2022.

Vote For: 7      Vote Against: 0      Not Voting: 0

Signed by:       Date: 8-2-22  
Bernie J. Samz, Village President

Attest:       Date: 8/2/22  
Kathy Reissmann, Village Clerk-Treasurer

Date adopted: 8/2/22

Date posted: 8/3/22

Date effective: 8/4/22

