

MISHICOT VILLAGE BOARD
Regular Meeting
August 16, 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, Bill Koch, Brian Reif, Jennie Garceau, Mike Garceau, Jim Haese, Mark Brouchoud, Melissa Havlovitz, Ken Heyroth and Bill Rexses were also present.

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

A motion was made by Trustee Kliment to approve the August 2, 2022, meeting minutes as presented, seconded by Trustee Ferry. All in favor, motion carried.

Jennie Garceau spoke about wanting to get approval to put up a girls' basketball sign on the village signs. Missy Havlovitz spoke on requesting approval to have a band on Church Street from 6-10 for Pumpkinfest. She said that she has approval from the gas station to block their second driveway and has overflow parking at Lucky Signs & Graphics. They are going to give letters to all the neighbors to inform them ahead of time. This will be added to the next agenda for action. A question came up as to whether the alcohol license covers the street.

Mark Brouchoud asked for permission to bow hunt on the village land by the river by the VFW. Discussion was held. The clerk will need to check with the insurance company and the attorney to see if this is allowed. The village will need to create a permit for this. It was also brought up that some of the land is being leased and they would probably need something to allow them to track the deer on the leased land. A permit will also have to be created to allow this that the hunter would need to carry on them while hunting. Chief Granger took Mark's phone number and will contact him once we have the answers to the questions asked.

Brian Reif gave a presentation to organize a committee to allow ATV/UTV's in the village. He would like an ordinance created to allow for it. He presented ordinances from surrounding townships on their ATV/UTV ordinances. He gave accident and safety data on the use of ATV/UTV's. It was noted that there would have to be hour restrictions on the use as all ATV's have a decibel rating of 75 decibels. It was noted that there are no trail systems around this area. He stated that there are no signal lights on the ATV's. Safety guidelines and age restrictions were discussed. It was also noted that they would be required to have insurance on the ATV/UTV's. Chief Granger stated his concerns with this with OWI being a big concern as well as open intoxicants. He noted that enforcement will be an issue because ATV/UTV's are governed by the DNR. Brian gave his opinions. More discussion followed. Trustee Wiegert suggested that there be control of what streets they are allowed to ride on. It was suggested to create a committee to find out more information. Brian, Al, Bill and Jim will be on this committee. This item is tables until all information is gathered.

Trustee Becker left at 7:32 pm for an ambulance call.

John updated the board that the County will be doing more concrete work on Main Street next week. One week, work will be done on the east bound lane and the next week, work will be done on the west bound lane. They will be putting up a message board and it will be put on Facebook when that will be done. He also noted that the cemetery paving was done today. He wants to add some gravel between the blacktop and the grass to provide a good base in case people drive off the edge of the blacktop.

Trustee Beranek informed the board that the current land lease has been completed and that Bob Shimek is asking the village to only re-rent the VFW land until 9/15/23 and required the

farmer to plant wheat so that it can be off the field by then. Discussion was held. President Samz indicated that there needs to be some compromise. There are 23 acres there to rent and it needs to be put out for bidding for the next year.

Trustee Ferry reported that she will be attending the Progress Lakeshore meeting at 7 am in the morning.

Clerk Reissmann reported that she has sent all the information to Attorney Lambert to begin condemnation procedures for 163 Rockway St. She also reported that she sent out 25 disconnect notices and of those, 4 people had signed a deferred payment agreement, 4 paid in full, 1 partially paid and there were 16 remaining to be disconnected if payment or a signed deferred payment agreement were not completed by 8/18/22. She also reported that there is an election grant coming out in the near future for up to \$1,200 for cybersecurity improvements and wants to apply for it to help out with the cost of the security system at the VFW. It was then brought up whether MAGIC was supposed to be billed for the labor that DPW provides for them for their special events. Discussion was held and it was noted that it had been previously discussed last year and for the clerk to go back in the minutes to find that and then bill MAGIC for the labor since that time. She also brought up the West Foundation grant again and asked if anyone has any ideas on what we could do to apply for the grant that would help the residents that focuses on the arts, culture or environment or provide direct human services to the residents. Discussion was held on various projects.

Ordinance 2022-05, Sale, Possession and Use of Fireworks Regulated was presented again revised as requested from the last meeting. A motion was made by Trustee Kliment, seconded by Trustee Ferry to approve Ordinance 2022-05, Sale, Possession and Use of Fireworks Regulated. Roll call indicated as follows: Ayes-6; Nays-0; Absent-1, motion carried.

A motion was made by Trustee Ferry, seconded by Trustee Franz to accept the Special Event Permit Application as presented. All in favor, motion carried.

A motion was made by Trustee Franz, seconded by Trustee Wiegert to accept the Application to Possess and Display Fireworks as presented. All in favor, motion carried.

The revised Fee Schedule was presented. Trustee Wiegert questioned how many times more than one application would be submitted at once and feels like the 80% is high if there are several applications submitted at once. Discussion was held and it was noted that some of the applications go to a different committee and likely there wouldn't be more than two applications submitted at once. It was also suggested to remove the camping fee. A motion was made by Trustee Beranek, seconded by Trustee Franz to approve the increase in zoning fees and to approve the fee schedule removing the camping permit fee. Roll call indicated as follows: Ayes-6; Nays-0; Absent-1, motion carried.

Trustee Beranek presented his findings after contacting several municipalities about who they use as a building inspector. He found 10 municipalities use Roger Mayer and 7 municipalities use Scott Beining and 2 use the Witchoski Inspection Agency. The clerk stated she also contacted Brian Witchoski from Witchoski Inspection Agency and gave the information he supplied. He is possibly interested. It was discussed to have one person come to future meetings to discuss the possibility with each of them at different meetings. It will start with the next meeting.

There were no licenses to approve.

President Samz introduced general fund claims in the amount of \$48,343.88, water utility fund claims in the amount of \$7,277.95 and sewer utility fund claims in the amount of \$8,773.93 for

Board action. A motion was made by Trustee Franz to accept the claims as presented and posted, seconded by Trustee Kliment that claims totaling \$64,395.76 to be approved and the Treasurer to be authorized the same. Roll call indicated as follows: Ayes-6; Nays-0; Absent-1, motion carried.

A motion was made by Trustee Kliment, seconded by Trustee Wiegert to approve the installation of the girls' basketball championship sign on the village signs. They will need to provide the signs and John and Adam will put them up. All in favor, motion carried.

Discussion was held again on the ATV/UTV request. President Samz asked Officer Brooks what his opinion was. It was also discussed who would pay for the signage required if this went through. It was noted that the City of Two Rivers sent a questionnaire on ATV usage in with their water bills. No action was taken.

John informed the board that the force main replacement on Lift Station No. 4 will not be done at this time and will be put off to coincide with the County's paving work on County B in 20 years. No action was taken.

A motion was made by Trustee Beranek, seconded by Trustee Kliment to approve the rezoning request for Matthew & Hope Skarda for parcel 035-008-001-001.00 from A1 Agricultural to R1 Single-family residential. The Plan Commission approved this rezoning at their meeting on July 28, 2022. All in favor, motion carried. John asked what to do with the access road on Chrysler Drive. The board discussed giving the land to them and a deed will need to be done.

A motion was made by Trustee Ferry, seconded by Trustee Wiegert to approve the rezoning request from Theresa Brouchoud for parcel 035-590-001-002.00 from B1 Business to R1 Single-family residential. The Plan Commission approved this rezoning at their August 4, 2022 meeting. All in favor, motion carried.

Discussion was held regarding the comp time/meeting pay for the Village Clerk. It was noted that it is her decision on which one she chooses to take. No action was taken.

A motion was made by Trustee Beranek, seconded by Trustee Kliment to adjourn at 9:33 pm until the next meeting on September 6, 2022. All in favor, motion carried.

Respectfully Submitted by:



Kathy Reissmann, Village Clerk-Treasurer

ORDINANCE 2022-05
VILLAGE OF MISHICOT

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF MISHICOT BY DELETING AND REPEALING CHAPTER 260-9 THEREOF, SALE, POSSESSION AND USE OF FIREWORKS REGULATED, AND REPLACING IT WITH A NEW CHAPTER 260-9, TO BE ENTITLED "SALE, POSSESSION AND USE OF FIREWORKS REGULATED", WHICH CHAPTER PROVIDES FOR REGULATIONS ON THE SALE, POSSESSION AND USE OF FIREWORKS IN THE VILLAGE OF MISHICOT.

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

260-9 SALE, POSSESSION, AND USE OF FIREWORKS REGULATED

- (1) **DEFINITION.** In this section, "fireworks" means anything manufactured, processed, or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:
- (a) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (b) A toy snake which contains no mercury.
 - (c) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects.
 - (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - (e) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects.
 - (f) A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
 - (g) A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.5
 - (h) A fuse less device that is designed to produce audible or visible effects, and that contains less than one-quarter grain of explosive mixture.
- (2) **FIREWORKS USE REGULATED.** No person will possess or use fireworks in the Village without a user's permit issued pursuant to this ordinance and Wis. Stats. §167.10(3); except those fireworks listed in (1) (a-h) above. This paragraph does not apply to:
- (a) The city, village or town, but municipal fire and law enforcement officials shall be notified of the proposed use of fireworks at least 2 days in advance.
 - (b) The possession or use of explosives in accordance with rules or general orders of the department of safety and professional services.
 - (c) The disposal of hazardous substances in accordance with rules adopted by the department of natural resources.
 - (d) The possession or use of explosive or combustible materials in any manufacturing process.

- (e) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
- (f) A possessor or manufacturer of explosives in possession of a license or permit under 18 USC 841 to 848 if the possession of the fireworks is authorized under the license or permit.
- (g) Except as provided in par. (bm), the possession of fireworks in any city, town or village while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance.
- (h) The possession of fireworks by a person who is not a resident of this state if the person does not use the fireworks in this state.
- (i) (bm) Paragraph (a) applies to a person transporting fireworks under par. (b)7. if, in the course of transporting the fireworks through a city, town, or village, the person remains in that city, town, or village for a period of at least 72 hours.

(3) FIREWORKS SALES REGULATED. No person can sell, or possess with intent to sell, fireworks in the village, except those specifically enumerated in section (1) (a-h) above.

(4) FIREWORKS USE PERMIT. As provided in Wis. Stats. § 167.10(3), the Village President or designee may issue a fireworks use permit.

- (a) The official issuing the permit will require a certificate of liability insurance, or similar proof of coverage, in an amount deemed necessary.
- (b) A copy of the permit and proof of insurance is filed with the clerk-treasurer, and copies of the permit are given to the Fire Chief and Chief of Police at least five days before the authorized use.
- (c) The permit may be canceled by the Fire Chief, Police Chief or Village President if weather or other situations make it an unsafe condition.

(5) OBNOXIOUS ODOR DEVICES AND PRODUCTS

- (a) No person may sell, possess, or use any device, product or item that has its primary purpose the production of an obnoxious odor or smell.

(6) FIREWORKS STORAGE AND HANDLINGS REGULATIONS

- (a) *Fire extinguishers required.* No wholesaler, dealer or jobber may store or handle fireworks on the premises unless the premises are equipped with fire extinguishers approved by the fire chief.
- (b) No person may smoke where fireworks are stored or handled.
- (c) A person who stores or handles fireworks will notify the fire chief and the police chief of the location of the fireworks.
- (d) No wholesaler, dealer or jobber may store fireworks within 50 feet of a residence.
- (e) No person may store fireworks within 500 feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

(7) PARENTAL LIABILITY. Pursuant to Wis. Stats. § 167.10(7), a parent, foster parent, treatment foster parent, family operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks. Pursuant to Wis. Stats. § 167.10(9)(c), any parent or legal guardian of a minor who consents to

the use of fireworks by the minor will, upon conviction, be subject to a forfeiture of not more than \$1,000.


(8) PENALTIES. Any person who violates the provision of this ordinance is subject to municipal penalties as defined under Chapter 260-50 of the Village of Mishicot municipal code. Each day of continued violation constitutes a separate violation and offense.

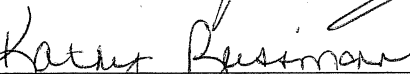
SECTION 2: This ordinance takes effect upon passage and publication in accordance with the law.

This ordinance shall take effect the day after posting.

Passed and adopted this 16th day of August, 2022.

Vote For: 6 Vote Against: 0 Not Voting: 1

Signed by:  Date: 8/16/22
Bernie J. Samz, Village President

Attest:  Date: 8/16/22
Kathy Reissmann, Village Clerk-Treasurer

Date adopted: 8/16/22

Date posted: 8/17/22

Date effective: 8/18/22

