

MISHICOT VILLAGE BOARD

Regular Meeting

June 2, 2020

The June 2, 2020 regular meeting of the Mishicot Village Board was called to order by President Samz at 7:00p.m. at the VFW. Roll call indicated Trustees Becker, Beranek, Franz, Ferry, Haack, Kliment, and Samz. Chief Granger, Officer Dorner, Adam Schanilec and John Tulachka were also present. Guest present were Lee Engelbrecht, Bryan Grunewald CPA with Clifton Larson Allen LLP, Recreational Warden Darren Kuhn with DNR, Warden Alyssa Neff-Miller with DNR, Ken Heyroth and Kevin Schmitz. Also in attendance were Brenda Yaeger, Mark Jergenson, Melissa Havolitz, Nicole Behrmann, Dave Schmidt, Dave Koeppel, Brenda Yaeger, Jessica Tulachka, Bonnie Jonas, and Aaron Gransee and other multiple unidentified attendees.

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

A motion was made by Trustee Kliment to approve the May 19, 2020 regular Meeting Minutes with two corrections, seconded by Trustee Beranek. All in favor, motion carried.

County Supervisor Lee Engelbrecht introduced himself to the board and discussed a recent resolution that Manitowoc County enacted to waive the interest on Property Tax Payment Installments due on or after April 1, 2020. Supervisor Engelbrecht is a member of the Mishicot Ambulance Committee as a representative for the Town of Two Creeks. Supervisor Engelbrecht is also a member of the Wisconsin Towns Association.

Village Accountant Bryan Grunewald reviewed and discussed the 2019 Management Communications Report. Accountant Grunewald told the village board that the general fund has a very strong fund balance. Accountant Grunewald reviewed the Water Utility and noted that the full rate case review that was done with PSC has helped the Water Utility considerably. Accountant Grunewald reviewed the Sewer Utility and told the board that the Sewer Utility has a strong operating revenue. Accountant Grunewald then reviewed and discussed the 2019 Annual Financial Report and suggested that some of the general fund balance be used to pay off higher interest General Obligation Debt. Accountant Grunewald also commented on outstanding utility revenue bonds and the addition of bonds in 2020.

Chief Granger began the discussion of the agenda item regarding the use of recreational vehicles on private property. Chief Granger spoke about an investigation that began in April of 2019 regarding a complaint about dirt bikes. After a full investigation it was decided that no law enforcement action would be taken by the Mishicot Police Department. All involved parties were notified of this disposition and advised to speak with the village board if they wished to dispute this decision, which none of the involved persons did. In the winter police received another complaint about noise from snowmobiles from the primary person that had made the complaint about the dirt bikes. The primary complainant contacted Chief Granger in the spring of this year again wishing to file a complaint regarding the noise from the dirt bikes. Chief Granger advised him to speak to the village board as the police will not be telling citizens that they aren't allowed to operate these machines on their property during daytime hours. Chief Granger also spoke about an ATV riding around a house on Church Street and a potential

complaint regarding that. Chief Granger discussed that the police have to balance the right of a citizen engaged in lawful activity on their property, versus the enforcement of an ordinance such as loud noise, which is vaguely written and based on too much discretion. Chief Granger introduced Recreation Warden Darren Kuhn and Warden Alyssa Neff-Miller from the Wisconsin Department of Natural Resources to discuss current state laws and to assist the board in any questions regarding restricting these machines on private property. Warden Darren Kuhn offered some recommendations and suggestions to possibly inform the group of people in attendance about state laws. Warden Darren Kuhn spoke about that dirt bikes and all-terrain vehicles should not exceed 96 decibels and also commented that 9 times out of 10 that when the dirt bikes and all-terrain vehicles fail the decibels test that it is because they have after-market exhaust on them. Warden Darren Kuhn offered to do decibel test for the dirt bikes and all-terrain vehicles. The group agreed to have the decibel testing done. Chief Granger will coordinate with the DNR and citizens to organize a testing site and date. Chief Granger suggested to the village board members to stay with the current state laws as you do not want to over regulate.

President Samz would like the letter received from Great Lakes EMS, Inc/ Action Sports Ems to be entered with the minutes of the June 2, 2020 meeting minutes. President Samz also mentioned that the Village of Mishicot received a Thank You from the Terry Nehring.

John Tulachka reported that the DPW was doing water main flushing and that Manitowoc County has completed the repairs on West Samz and Ridge and would like to review the bill with President Samz prior to it being paid by the village.

Adam Schanilec wondered if any action was going to be taking on the renewal of the health insurance. Health Insurance renewal is on the June 16, 2020 agenda.

Chief Granger expressed that he appreciates the level of support from the community, especially considering today's climate. Chief Granger referenced how dedicated Officer Stueck and Officer Dorner are to the community and how hard they work behind the scenes for their citizens.

Trustee Ferry reported that she had attended a virtual meeting with Progress Lakeshore.

Trustee Beranek would like to review the Two Rivers Public Nuisance Ordinance at the June 16, 2020 meeting.

A motion was made by Trustee Beranek that the dollar price per acre for the people encroaching on the newly acquired land be \$7,800.54 the same as what the village paid per acre and that the people encroaching pay for the survey if they intend on purchasing the encroached land, seconded by Trustee Franz. Roll call indicated as follows: Ayes -7; Nays-0; motion carried.

A motion was made by Trustee Haack to approve license applications for Renewal Class "B" Fermented Malt Beverage and Intoxicating Liquor Licenses for The Clubhouse Family Restaurant, Owner Angela L Hoeffner, 104 E Church St, FH Hospitality LLC, Agent Lloyd Young 250 W Church Street, Wolfe's Den, Agent Melissa Miller, 414 E Main Street, R.E.B.S., owner Robert Behrmann, 439 E Main Street, Baugniet's Badger Bowl, Agent Jeffrey Baugniet, 451 E

Main Street, The Side Street Station, LLC, Agent Amanda R Kienappel, 312 N Rockway Street, Renewal Class "A" Fermented Malt Beverage and Intoxicating License Country Visions Co-op Agent Steven Zutz, 114 E Main Street, Dollar General Store #20870 Agent Anthony Hawks, 527 E Main Street, Bandana Petroleum, LLC, Agent Thankda Raj Timilsena, 111 E Church Street, New Applications for Class "B" Fermented Malt Beverage and Intoxicating Liquor License, The Detour Bar & Grill, Gavin Krause, 1237 S Main Street, Crowbar and Grill of Mishicot, LLC, Owner Andrea Novak, 327 E Main Street, Operator Licenses ending June 30, 2021 #1 David R. Koeppel, #2 Carissa L. Koeppel, #3 Michelle L. Koeppel, #4 Lal Bahdur Bhandari, #5 Kavita Kumari Ter, #6 Heather Koller, #7 Jennifer Tingerthal, #8 Clarence Meyer, #9 Cassidy Schaden, #10 Shawn Krieser, #11 Samantha Bunker, #12 Ted Bateman, #13 Erica Grenier, #14 Corey Haack, #15 Kristine Behrmann, #16 Melissa Trochil, #17 Benjamin Corson, #18 Tiffany Graubner, #19 Bradley Boessl, #20 Brian Wolfe, #21 Kristine Miller, seconded by Trustee Kliment. All in favor, motion carried.

President Samz introduced general fund claims in the amount of \$18,010.86, water utility fund claims in the amount of \$7,171.97 and sewer utility fund claims in the amount of \$4,199.66 for Board Action. A motion was made by Trustee Franz to accept the claims as presented and posted, seconded by Trustee Beranek that claims totaling \$26,382.49 to be approved and the Treasurer to be authorized to issue the same. Roll call indicated as follows: Ayes -7; Nays-0; motion carried.

It was decided by the village board that there would no action taken to change the nuisance ordinance at this time.

A motion was made by Trustee Haack to approve Resolution 2020-1 Waiving interest on Property Tax Payment Installments due on or after April 1, 2020, seconded by Trustee Kliment. Roll call indicated as follows: Ayes -7; Nays-0; motion carried.

A motion was made by Trustee Kliment to approve Resolution 2020-2 Adopting the Manitowoc County Multi-Hazard Mitigation Plan 2020-2025, seconded by Trustee Beranek. Roll call indicated as follows: Ayes -7; Nays-0; motion carried.

Mishicot Museum will open on Wednesday, Saturday, and Sunday from 1:00p.m. to 4:00p.m...

Employee evaluations were scheduled for Tuesday June 9, 2020 from 5:00p.m. until 7:00 p.m. and Thursday June 11, 2020 from 5:00 p.m. until 7:00p.m...

A motion was made by Trustee Kliment to pay Church Street Contractor's Application for Payment #4 in the amount of \$17,473.70, and seconded by Trustee Franz. Roll call indicated as follows: Ayes -7; Nays-0; motion carried.

President Samz thanked Chief Granger.

Motion was made by Trustee Kliment to adjourn at 9:08p.m., and seconded by Trustee Beranek. All in favor motion carried.

Respectfully Submitted by:


 Carol Pailer-Village Clerk



Great Lakes EMS Inc. / Action Sports EMS
W521 Hacker Rd.
Brillion WI 54110
Ph: 715-889-4491

May 28, 2020

To whom it may concern, Action Sports EMS is an ambulance service that caters to dirt bike and ATV racing in the five-state area. We are an advanced life support ambulance service with a membership of 36 providers, five ambulance units, five ATV's and four staff dirt bikes to perform our operations in Wisconsin, Upper Michigan, Minnesota, Illinois, and Indiana. We cater to 20,000+ racers and riders in any given year to include two events in Mishicot.

Time and time again we as providers are forced to defend riders and families who are looked down upon for riding these "perceived dangerous" machines. From the public to nurses and doctors riding a dirt bike or ATV somehow in their minds means danger, noise, or destruction of land. Our ambulance service has catered to this industry for over a decade and cannot begin to explain the benefits both mentally and physically riding a dirt bike or ATV brings to an individual. The virtues of riding, the focus required, and the discipline are in direct correlation to why most young riders are exemplary students and are often on the dean's list in school.

While this discussion before you tonight is under the guise of "noise" based on a complaint(s) from a resident(s), we implore you to dig deeper and make sure this is the only cause for this public meeting. When an individual targets someone for whatever reason their behavior often seems to be (throw things at the wall and see what sticks.) We feel therefore we are here before you tonight using your valuable time to appease an individual who seems to be targeting a single family and those who choose to ride dirt bikes and ATV's. This is not an accusation or us targeting one individual, but a suspicion based on our vast experience and close alliance with the motor sports industry since 2009. This letter and desire to present to you our feelings is based on a conversation we had as well as information obtained from Melissa Havlovitz.

Noise complaints can be applied to the neighbor who gets their rest, relaxation, and peace of mind from mowing their lawn and running their gas-powered leaf blower three times a week. Same applies to someone who enjoys target practice, shooting clays or tuning cars. While we agree there should be a limit on perceived obnoxious noises during certain hours of the day and night, people should be allowed to live their lives and do what they enjoy without restriction provided they respect their community and neighbors.

Mishicot is a beautiful community with vast areas of land and places to ride, relax and enjoy nature and is a true sportsman's paradise. We feel the Havlovitz family of their own accord has gone above and beyond any ordinance or rule this board would be willing to put on the books. Melissa and her family have agreed to voluntarily limit dirt bike riding on private land to 11am to 7pm after repeated interactions with one individual, bordering on harassment and surveillance activity. Local law enforcement has also been involved, the Havlovitz family explained to law enforcement they had voluntarily limited dirt bike and ATV riding to certain hours, law enforcement and the sheriff's office relayed this voluntary compromise to the party who began the noise complaints. The fact this meeting must focus on noise from private land in daylight hours is a waste of this board's time, but we understand your duty to request public comment for consideration.

Tonight, we ask the public to consider individual freedoms, the right to do as you please on your property or property used with permission. When parties act responsibly and with concern for their neighbors of their own accord there is no reason for this board or this community to consider ordinances or rules governing individual freedoms.

Thank you for your time and consideration and allowing us to share our viewpoint.

Ryan Mc Clintock
Director
Great Lakes EMS Inc. / Action Sports EMS