

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
APPROVED MINUTES JANUARY 3, 2012 TOWN BOARD MEETING

CALL TO ORDER & DECLARATION OF OPEN MEETING – Chair David Gartman called meeting to order at 6:00 p.m, posting in accordance with open meeting law was confirmed by the clerk and the meeting was declared an open meeting.

PRESENT: Town Board Chair David Gartman, Supervisor Michael Bergin, Supervisor, Dale Sommer, Supervisor David Senkbeil, Supervisor Brian Hoffmann, Maintenance/Road Supervisor Rick Meyer, Clerk Cheryl Rostollan and numerous interested parties. Attorney Paul Rosenfeldt appeared by speaker phone for agenda items four (4) and five (5). **Absent:** Treasurer Laurie Pankratz.

PLEDGE OF ALLEGIANCE was recited.

PUBLIC COMMENT SESSION: None received.

APPOINTMENTS / NEW BUSINESS:

1. **Approval of draft minutes:**
 - a) December 5, 2011 – Motion by Senkbeil to accept draft minutes of December 5, 2011 as printed January 3, 2012; second by Bergin; motion carried with no nay votes and no abstentions.
 - b) December 19, 2011 – Motion by Senkbeil to bring draft minutes of December 19, 2011 back to the board upon Bryan Grunewald's review and recommendations for section 2 and changes mentioned; second by Hoffmann; motion carried with no nay votes and no abstentions.
2. **Roger Strohm, Miller Engineers Scientists, Preliminary review/discussion regarding application for Certified Survey Map and Rezoning for Peter Bachman Revocable Trust, 6329 Our Town Road** – Roger Strohm provided input and answers to questions.
3. **Application for commercial building from Tom Opgenorth, Thunder Auto, 5223 South Business Drive, Sheboygan** – Tom Opgenorth and Larry Hilbelink provided history and input to-date. 96' x 15', a WI State approved plan will be required. Hilbelink provided his updates. The zoning requirement is now 25' from the property line; at the time the Plan Commission originally approved Opgenorth's commercial plan it was approved as a 10' setback (the zoning setback in Highway Commercial effective December of 2008, when he originally sought approval for this commercial building. Bob Werner, neighboring property owner on three sides, provided his perspective that the town should not issue a building permit and that it should not be allowed to go directly to Board of Appeals and that this should go back to the Plan Commission for their review. Werner provided an opinion from Attorney Peter Conrad supporting his position. Town will seek legal counsel and Opgenorth will re-submit his application.
4. **Clear Channel Outdoor–Wisconsin pending legal action. At approximately 6:45 p.m. the board Chair will entertain a motion to reconvene in closed session pursuant to Wis. Stats. Section 19.85 (1)(g) to confer with legal counsel concerning strategy to be adopted by the town board with respect to litigation with Clear Channel Outdoor–Wisconsin in which it is or is likely to become involved.** (Roll call votes required.) The closed session was held in the Sanitary District Office. Notice for closed session read by Chair David Gartman.

Motion by Senkbeil to convene into to closed session; second by Bergin; roll call vote taken with all board members voting aye; motion carried and board convened into closed session at 6:35 p.m. in the Sanitary District office.

Attorney Rosenfeldt was called and placed on speaker phone.

Motion by Sommer to deny request made by Clear Channel Outdoor, Inc. to extend the statute of limitations for Clear Channel Outdoor, Inc. to file a claim against the Town of Wilson; second by Senkbeil; roll call vote taken; all board members voted aye and motion carried.

Motion by Hoffmann to adjourn closed session; second by Bergin; roll call vote taken; all board members voted aye, motion carried and closed session adjourned.

Motion by Hoffmann to reconvene into open session; second by Bergin; roll call vote taken; all board members voted aye, motion carried and board reconvened into open session.

5. **Possible revisions to Town of Wilson General Ordinance Chapter 6 Constable and Chapter 62 Animals (Attorney Paul Rosenfeldt appeared by telephone)** – Options for ordinance changes provided by Attorney Rosenfeldt. Hoffmann requested additional information from Rosenfeldt, who will research further and provide additional feedback to the board prior to their decision at the January 16, 2012 board meeting. Enforcement of

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Disorderly Conduct by Constables was discussed. Red and blue lights on a law enforcement vehicle requires a siren and usage of lights and sirens was discussed (constables currently have these lights and sirens.) Rosenfeldt was given direction from the board to research the significance of colored lights and sirens and the statutory and insurance ramifications thereof. Concealed carry information was provided by Rosenfeldt at a previous meeting. Put on January 16, 2012 calendar at 6:40 p.m. with Paul Rosenfeldt to appear by telephone.

6. **Application for Conditional Use Permit from Kohler Company for "Tented Forest"** – Board discussion, no action will be taken.

a) **Sommer questions:**

Would like to see a copy of the comments made at the September 19, 2011 Informational Meeting. *Brett Edgerle will provide to the clerk and she will forward to board and plan commission members.* Parking for staff and guests. *Edgerle explained proposed parking.* Sanitary & stormwater; no connection charge? *This is a starting point, up for negotiation.* Treatment, will it be metered? Yes. Will wells be regular wells or high capacity? There will be three (3) wells, which are not scheduled to be high-capacity. Wells will be connected to the basement which will be treated for iron and softening prior to sending to the tent. Utility easement to come off of 12th Street, to be bored under WI State land (gas, electric, telephone, IT). If sewers are on Timberline, some of the roads may need to be torn up. Will horseback riding be restricted? Yes, unless you are staying on the Tented Forest, you cannot ride horses on the property. Clerk will provide Edgerle with a copy of the map in end of Timberlake Drive map in Sanitary District office.

b) **Gartman questions:**

Could staff flag off the right-of-way to enable residents to visualize the proposed gate? Yes. Can sewers be gravity feed, have you checked with Terry Johnson, as there is quite a dip at the entrance? Brett will check this out. Gartman requested road Paser rating and history report on road from Rick Meyer.

7. **Maintenance/roads:**

a) Finalize specification details for purchase of Maintenance Department Pick-up Truck – Specification recommendations provided by Rick Meyer.

b) Review of compensation and benefits for Maintenance Department employees – Reviewed previous Wage, Salary Benefits and Town Board Minutes, WI ETF rates. Motion by Sommer to give Rick Meyer, Roads/Maintenance Supervisor salary increase of 3%, \$1,294.65 for a total annual salary of \$44,449.65, effective January 1, 2012; second by Senkbeil; motion carried with no nay votes and no abstentions. Motion by Sommer to raise Larry Hilbelink's wage in the Maintenance Department to \$11.00 per hour effective retroactive to the February 2012 payroll; second by Senkbeil; motion carried with no nay votes and no abstentions. Motion by Sommer to pay WI ETF retirement at current and future rates as mandated by the State of WI, with a current rate of 5.9%; second by Senkbeil; motion carried with no nay votes and no abstentions.

c) Recommendation for additional Rural Address Summary Signs – Meyer requested one additional summary sign on Timberlake Road and provided the board with a map and options. Motion by Sommer that Rick Meyer add one summary sign for a total of 11 summary signs; using the Sheboygan County Highway Department; second by Senkbeil; motion carried with no nay votes and no abstentions.

d) Report – Motel Road 2012 TRIP project update and possibility of Ed Harvey provide assistance with publication specifications. If we want to use, Ed Harvey, we will need to get him on board soon. Updated board on recycling center changes, clerk to check on bidding requirements for potential changes at the maintenance site. Wagner was out plowing twice in December, 22nd and 29th, 2011. Senkbeil asked if Wagner would forward an email to the town board members whenever he sends trucks out. Meyer provided an update regarding clearing of the vegetation with a controlled burn being done by the fire department and how the residual sediment will be moved; Supervisor Bergin recused himself from the table and discussion as a board member.

8. **Reports:**

a) Treasurer – Written Cash Summary reports provided by Laurie Pankratz.

b) Clerk – Cheryl Rostollan provided written financial reports and various other written reports.

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- c) Constable – Constable Van Ess provide a verbal and written report and an explanation thereof. An evergreen tree was removed from Balzer Woods and moved to Fireman’s Park (the tree was a 15’ Colorado Blue Spruce), and Mr. Van Ess sought an explanation of why this tree was removed from the Balzer conservancy. The board will check into this.
 - d) Plan Commission – No report, no action taken.
 - e) Park & Forestry Commission – No report, no action taken. (Senkbeil will communicate with Park & Forestry by letter, via a letter to be distributed to the town board regarding removed tree from Balzer Woods and involvement/potential affiliation with Glacier Lakes Conservancy and/or other associations.)
 - f) Wage, Salary & Benefits Commission – No report, no action taken.
 - g) Long Range Planning Ad Hoc Committee – No report, no action taken.
 - h) Black River Fire Department – No report, no action taken.
 - i) First Responders – No report, no action taken.
 - j) Town Board – Updated provided by Chair Gartman.
9. **Disbursements:**
- a) Checks on hold – Motion by Hoffmann to void check number 15510, payable to Aurora Medical Group; second by Sommer motion carried with no nay votes and no abstentions. Motion by Bergin to release check #15644, payable to Dulmes Décor in the amount of \$2,999.99 upon Kory Wendlandt’s authorization; second by Hoffmann; motion carried with no nay votes and no abstentions. Motion by Sommer to approve release check number 15645, payable to Jim’s Heating & Cooling, in the amount of \$3,118.00; second by Senkbeil; motion carried with no nay votes and no abstentions.
 - b) Black River Fire Department – Motion by Hoffmann to pay Black River Fire Department disbursements for \$1,649.39; second by Bergin; motion carried with no nay votes and no abstentions.
 - c) Town of Wilson First Responders – Motion by Senkbeil to approve \$100.29 disbursement for Town of Wilson First Responders; second by Bergin; motion carried with no nay votes and no abstentions.
 - k) Town of Wilson – Motion by Senkbeil to approve Town of Wilson disbursements for \$33,050.12; second by Bergin; motion carried with no nay votes and no abstentions.
10. **Appoint Penny Fish as Election Inspector for 2012-2013 term.** Chair David Gartman appointed Penny Fish as a 2012-2012 Election.

OLD BUSINESS:

NOTICES:

- 1/5/2012, 5:30 p.m. – Town of Wilson First Responder Meeting at Town Office
- 1/9/2012, 6:30 p.m. – Plan Commission Meeting at Town Office
- 1/11/2012, 5:00 p.m. – Special Town Board Meeting at Town Office
- 1/12/2012, 5:30 p.m. – Board of Appeals Meeting at Town Office
- 1/16/2012, 5:3 p.m./6:00 p.m. – Sanitary District No. 1 Commissioner Meeting/Town Board Meeting at Town Office
- 1/17/2012, 6:30 p.m. – Park & Forestry Meeting at Town Office
- 1/19/2012, 5:30 p.m. – Town of Wilson First Responder Meeting at Town Office
- 1/23/2012, 6:30 p.m. – Long Range Planning Ad Hoc Team Meeting at Town Office

AGENDA ITEMS FOR SUBSEQUENT MEETINGS:

- January 16, 2012 – Amendment to Chapter 12 Board Procedures

ADJOURN

Motion to adjourn by Sommer; second by Hoffmann; motion carried and meeting adjourned at 9:36 p.m.

Minutes submitted by: Cheryl Rostollan, Clerk