

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
APPROVED MINUTES OF FEBRUARY 21, 2011 TOWN BOARD MEETING

CALL TO ORDER & DECLARATION OF OPEN MEETING:

Meeting called to order by Chair Gartman at 5:30 p.m., legal posting was confirmed by clerk and the meeting was declared an open meeting.

PRESENT: Chair David Gartman, Supervisor Dale Sommer, Supervisor David Senkbeil, Treasurer Laurie Pankratz, Clerk Cheryl Rostollan. **Also present:** Town Attorney John St. Peter and numerous residents and interested parties.

PLEDGE OF ALLEGIANCE was recited.

PUBLIC COMMENT SESSION:

- Catherine Delahunt, 837 Briarwood Court, Kohler, WI - Municipal Judge Delahunt invited the board with an opportunity to join in joint court with the Village of Kohler and the City of Sheboygan and the benefits that could be gained. If the town is interested, please call her at 920-457-7057.
- Dan Rostollan, 1452 Terry Andrae Terrace, Sheboygan – Expressed his concerns about the upcoming reduction of state aid and asked the board to take this into consideration.
- Mike Rammer – 5821 Garden Grove, Sheboygan – Requested to be able to comment later on the agenda. Taken into consideration.

APPOINTMENTS / NEW BUSINESS:

1. Clear Channel Outdoor - Wisconsin, Reconsideration of Clear Channel Application:

At its November 15, 2010 meeting the Town Board adopted a resolution denying the application of Clear Channel Communications for a sign permit on a parcel of real estate approximately 1 mile south of Highway V on the west side of Interstate 43. The application sought to upgrade an existing sign to a digital/LED face. The Town Board denied the application. Subsequent to the November 15, 2010 meeting Clear Channel informed the Town of its intent to introduce additional evidence in support of the application. By unanimous consent, the Town Board agreed to receive the additional evidence and reconsider its November 15, 2010 action. Attorney Michael A. I. Whitcomb and Mr. Mark A. Rausch appeared on behalf of Clear Channel. The Town Board was represented by Town Attorney John A. St. Peter.

The Town Board requested that Mr. St. Peter preside over the meeting so that the Board members were free to carefully consider the new evidence presented by Clear Channel. The Town Board had previously received 7 exhibits. During the February 21, 2011 meeting the Board received exhibits marked #8 through #22.

Mr. Whitcomb, with the assistance of Mr. Rausch, reviewed each of the new exhibits with the Town Board. A considerable part of the presentation by Clear Channel consisted of the presentation of exhibits identifying the relevant real estate parcels to support Clear Channel's contention that its property was zoned commercial by the 1955 Zoning Ordinance. Clear Channel's presentation followed the chain of title from Bertram to Schneider to Voight to Underhill. Clear Channel also submitted exhibits supporting its argument that the DOT would not have issued

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its state sign permit had the subject parcel not been zoned commercial. However, Clear Channel admitted that the DOT file contains no evidence that the Town of Wilson had communicated the commercial zoning status for the subject parcel. Finally, Clear Channel's legal counsel presented arguments that Wis. Stat. § 889.04 precludes the Town from contesting the commercial zoning status. A copy of Wis. Stat. § 889.04 was presented to the Town Board. Mr. St. Peter informed the Board that Wis. Stat. § 889.04 states that the 1955 ordinance is prima facie evidence thereof. However, this means that the factual contention is rebuttable.

During the course of the proceedings the Town Chairman presented copies of the March 18, 1963 minutes of the Schneider petition to rezone the subject property from agricultural to commercial. The minutes state that Mr. Schneider was requesting the rezoning in order to permit the use of the property for retail purposes, and that he may use the property for a truck stop, restaurant, motel or other related purposes in the future. Mr. Gartman contends that the Schneider zoning application and the subsequent Town Board rezoning calls into question Clear Channel's contention that the subject property was rezoned to commercial in 1955. Mr. Gartman also noted that Clear Channel has admitted that the historical records are unclear as to the beginning point of the commercial zoning district. That is, does it begin within the centerline of the former US 141 or the western right-of-way of the former US 141? Mr. Gartman also referred to the packet of exhibits from the November 2010 meeting marked Exhibit 7.

There followed extensive discussion among the Town Board and the representatives of Clear Channel. After further discussion motion and second to table the matter until April 4, 2011 in order to allow the Town Board to carefully consider the new evidence presented by Clear Channel. Motion carried unanimously.

2. Roads/building maintenance:
 - a) Lake Aire 4 Subdivision/Developers Agreement - No action taken.
 - b) Drainage at Lone Oak and Lake Aire Drive – Discussion, no action taken.
 - i. Potential review from Nahn & Associates
 - ii. Letters to residents
3. Black River Fire Department, Kory Wendlandt:
 - a) Purchasing a new Thermal imaging camera by a Black River Fire Department fund raiser event possibly fronted financially by the town; Laurie Pankratz will check with the WI Department of Revenue to ascertain whether the town's 2011 shared revenue will be reduced (85% of the town's revenue sharing comes in late November.)
 - b) Discussion of the next step for the billing procedure for Lakeshore Pallet Fire. No action taken.
 - c) Discussion on status of the 2010 Grant for Fire Station improvements and Wildland Gear (Town's legal counsel previously determined that Prevailing Wage applied to this project) – clerk to check back with WI DWD, put on the next meeting.
4. Park & Forestry:
 - a) Jane Kettler appointed as Park & Forestry Chair by Chair Gartman.
 - b) Gerald Bertsch appointed as Park & Forestry Vice Chair by Chair Gartman.

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- c) Nancy Kissel appointed as Park & Forestry Commissioner/alternate, by Chair Gartman.
- d) Revision/adoption of a volunteer policy with release and waiver to facilitate formation of a friends group at the dog park; the idea came up to start a Friends Group for the Dog Park. Jane Kettler removed the liability portion. Clerk to forward to Paul Rosenfeldt and the town's insurance carrier. All volunteers must be 21 years old.
- e) Allocation of funds to identify, survey and provide signage at the public right-of-way points to Lake Michigan and the Town Property along Black River (these may be closed/posted as closed during specific time periods if the town has an Ordinance in place, the town may place a post or marking above the high water marks per WI DNR representative. Rick Meyer will work with Jane Kettler to identify all areas that are public access and Kettler will come back with 2 proposals. Motion by Senkbeil to grant Kettler permission to use town office/Rick Meyer for assistance; second by Sommer; motion carried with no nay votes and no abstentions.
- 5. Request from Triad Salt Council to use town office conference room on Wednesday, April 20, 2011, 9am – noon. Motion by Senkbeil to grant Triad Sal Council permission to use town office conference room on Wed., April 20, 2011 from 9 am until noon; second by Sommer; motion unanimously carried.
- 6. Sheboygan County Sheriff Department – Request for after hours contact information for all town buildings. No formal board action taken but consensus as follows:
 - a) Black River Fire Station: (1) Kory Wendlandt, (2) David Senkbeil, (3) Rick Meyer
 - b) Town Hall: (1) Rick Meyer, (2) Dale Sommer, (3) David Gartman
 - c) Town Office: (1) Cheryl Rostollan, (2) Rick Meyer, (3) David Gartman, (4)
 - d) Maintenance Building: (1) Rick Meyer, (2) Dale Sommer, (3) David Senkbeil
 - e) Lakeshore Dr. Pump Station: (1) Tom Sanville, (2) Otis Kiehl, (3) Rick Meyer
 - f) Stahl Pump Station: (1) Tom Sanville, (2) Otis Kiehl, (3) Rick Meyer
 - g) CTH KK & 12th St. /CTY V: (1) Tom Sanville, (2) Otis Kiehl, (3) Rick Meyer
 - h) Curtiss (Wahgouly): (1) Tom Sanville, (2) Otis Kiehl, (3) Rick Meyer
 - i) CTY V (Aldrich): (1) Tom Sanville, (2) Otis Kiehl, (3) Rick Meyer
 - j) CTH V & Shircel Road: (1) Tom Sanville, (2) Otis Kiehl, (3) Rick Meyer
- 7. Reports:

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| a) Treasurer – Cash Summary eff. 1/31/2011 (treasurer to change wording on Alliant payment for Bonestroo 3 rd party receipt) | b) Clerk – Financial, election, Lakeshore Pallet info, temp office assistant & info regarding agenda #11 provided |
| c) Constable – no report | d) Plan Commission – no report |
| e) Park & Forestry Commissioner – no report | f) Wage, Salary & Benefits Commission – no report |
| g) Long Range Planning Ad Hoc Committee – no report | h) Black River Fire Department – Nothing off agenda |
| i) First Responders – no report | j) Maintenance: (Snowplowing/Roads/Maint. Site/Bldgs) |

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| | Report provided by Rick Meyer regarding roads, snow/thawing, maintenance, potential road damage from poorly sized and poorly working culvert installed by Kohler Andrae Park (without a permit from the Town), emergency snowplowing of private roads. |
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8. Disbursements:
- a) Checks on hold – Check number 14735 payable to Motorola in the amount of \$4780.00-approved by Kory Wendlandt. Motion by Gartman to approve the release of check number 14735; second by Sommer; motion carried with no nay votes and no abstentions.
 - b) Black River Fire Department - \$2,999.80. Motion by Sommer to approve Black River Fire Department disbursements; second by Senkbeil; motion carried with no nay votes and no abstentions.
 - c) Town of Wilson First Responders - \$239.90. Motion by Senkbeil to approve Town of Wilson First Responder disbursements; second by Sommer; motion carried with no nay votes and with Gartman abstaining.
 - d) Town of Wilson – Motion by Sommer to approve disbursements for bills totaling \$7,716.93; second by Senkbeil; motion carried with no nay votes and no abstentions.
9. Adoption of Draft Minutes: Motion by Senkbeil to adopt draft minutes of February 7, 2011 Town Board meeting as presented with changes noted by clerk; second by Gartman; motion unanimously carried.
10. Dog License Reminder Mailing – No action taken, reminder will be included in newsletter.
11. Town of Wilson Office Hours – No action taken, deferred until next meeting.
12. Application for Operator's License – Elizabeth Arentsen for Marshall's Western Shores – Gartman, rejected application for incomplete information.

CORRESPONDENCE:

- 13. 12/14/2010, Black River Fire Department Meeting Minutes
- 14. 1/20/2011, Sheboygan County Ordinances
- 15. 1/21/2011, Charter Communications

NOTICES:

- o 2/28/2011 Long Range Planning Ad Hoc Team Meeting at Town Office – cancelled
- o 3/2/2011, 5:30 p.m. – First Responder Meeting/Training at Town Office
- o 3/7/2011, 5:30 p.m./6:00 p.m. – Sanitary District No. 1 Meeting/Town Board Meeting at Town Office
- o 3/9/2011, 5:30 p.m. – First Responder Meeting/Training at Town Office
- o 3/14/2011, 7:00 p.m. – Plan Commission Meeting at Town Office
- o 3/16/2011, 6:30 p.m. – Park & Forestry Commission Meeting at Town Office

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- 3/21/2011, 5:30 p.m./6:00 p.m. - Sanitary District No. 2 Meeting / Town Board Meeting at Town Office
- 3/23/2011, 5:30 p.m - First Responder Meeting/Training at Town Office
- 3/28/2011, 6:30 p.m. - Long Range Planning Ad Hoc Team Meeting at Town Office

AGENDA ITEMS FOR SUBSEQUENT MEETINGS:

- Rammer Pond Utility District
- Fire Study Committee's Recommendations

ADJOURN

Motion to adjourn by Sommer; second by Gartman; motion carried and meeting adjourned at 10:32 p.m.

Minutes submitted by: Cheryl Rostollan, Town Clerk

UNOFFICIAL