

**AMENDED AGENDA
TOWN OF WILSON PLAN COMMISSION MEETING
Town of Wilson Office
5935 South Business Drive, Sheboygan
Monday, February 8, 2010 - 7:00 p.m.**

CALL TO ORDER & DECLARATION OF OPEN MEETING

PUBLIC HEARING:

1. Conditional Use Permit Application from Dr. Mansoor Mirza for semi-public use for the purpose of worship at 9110 Sauk Trail Road, Oostburg, CTH V, Sheboygan to allow the applicant to use the property for public/semi-public use. The parcel number is 59030463400 and the land is zoned H-C (Highway Commercial).

APPROVAL OF DRAFT MINUTES:

NEW BUSINESS:

2. Dr. Mansoor Mirza's application for a Conditional Use Permit for semi-public use for the purpose of worship at 9110 Sauk Trail Road, Oostburg
3. Deer Park Subdivision (for purposes of discussion only)

OLD BUSINESS:

CORRESPONDENCE:

4. October 29, 2009 Special Town Board Meeting – Approved Minutes
5. November 16, 2009 Town Board Meeting – Approved Minutes
6. December 17, 2009 Sheboygan River Dredging Meeting Minutes
7. January 4, 2010 Town Board Meeting – Approved Minutes
8. January 18, 2010 Town Board Meeting – Draft Minutes
9. January 21, 2010 Sheboygan River Dredging Meeting Minutes
10. January 25, 2010 TWLRP Ad Hoc Committee Report
11. January 26, 2010 State of WI DNR Correspondence to Town Chair Gartman regarding Neighborhood Electric Vehicles (NEV)

FUTURE AGENDA TOPICS:

ADJOURN:

Persons with disabilities who may require assistance to attend this meeting should contact the Town Clerk at 920-208-2390 at least 24 hours prior to the meeting. Commission members who are unable to attend should call the Town Clerk at 208-2390. Town Board members will be in attendance for the purpose of gathering information about a subject over which it has decision-making ability. A quorum may be present. The Plan Commission does not taken in public comment at their meetings.

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CALL TO ORDER & DECLARATION OF OPEN MEETING

Meeting called to order by Chair Fuller at 7:00 p.m. and declared an open meeting.

PRESENT: Chair Doug Fuller, Commissioners MaryAnn Bergin, Fred Goebel, Jim Kummer, David Schleicher, June Spoerl, Phyllis Summers, Rich Ternes, **Also present:** Mansoor Mirza, MD, Richard Daane, Ryan Zinkel, Matthew Gartman, Cal Jensema, Harriett Jensema, Brian Densow, Bob Cote, Tracy Cote, Roman Katzer II, John Voskol, James P. Miller, Kathleen A. Miller, David Ver Velde, Melvina Gall, Gerald Gall, Dan Rostollan, David Senkbeil, Dale G. Sommer, Bob Krome, Cheryl Rostollan.

PUBLIC HEARING:

12. **Public Hearing opened at 7:01 p.m.** for Conditional Use Permit Application from Dr. Mansoor Mirza for semi-public use for the purpose of worship at 9110 Sauk Trail Road, Oostburg, CTH V, Sheboygan to allow the applicant to use the property for public/semi-public use. The parcel number is 59030463400 and the land is zoned H-C (Highway Commercial) – Chair Fuller provided the public the opportunity to provide input, requesting the name and address of each participant:
 - a. Calvin Jensema, W2253 Wilson-Lima Road (Village of Oostburg) – Provided a list of all property owners that adjoin this property, which is 100% of adjacent property owners, not 20% and not 50%, it's 100% of the adjacent property owners. If you'll look at the last sheet, I have highlighted, in section 8, paragraph (it is on the second page), so we qualify for this objection to the conditional use permit. I have given you copies so that in case there's any deliberation after the open meeting you can refer to this. We, Calvin and Harriett Jensema, own the property directly across Wilson-Lima Road to the north of the property applying for the conditional use permit. Our field has an access driveway at the intersection of Sauk Trail Road and Wilson-Lima Road. This land is zoned A-1 agriculture, it is currently operated by our son, and I am also involved and engaged in the dairy business. The land is used for crops typically used in the dairy industry in Wisconsin and is generally corn and alfalfa. The following issues are of concern: Traffic. Our field access is directly across the property and located at the intersection. It already is difficult to move into and out of the field safely with the narrow road and without shoulders. The large farm implements and the trucks used to establish, maintain and harvest crops need to use both lanes to negotiate turning into and out of field access driveway. Increased traffic at this intersection increases the danger for all who use it. Wet weather conditions often lead to mud on the road from various implements. Our land is zoned agricultural, the use of this land creates dust from tilling of the soil and harvesting the crops, manure produced from the crops of this field is returned to the field. Manure spreading creates odor and can aid in fly production. Planting and harvest operations are very sensitive machines, frequently run throughout the night and producing noise, flashing lights and a lot of commotion. In summary, permitting a social institution to locate in the center of an A-1 Ag zone is sure to lead to future conflicts of interest. Noise, odor, dirt and dust produced by normal agriculture crops practices certainly will become a concern for those attempting to locate a social institution in an A-1 district. I am not allowed to have cattle in a residential district. You have strict zoning and I am not allowed to have animals in a residential district. How can you allow a group meeting in an agriculture district? You refuse

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to allow me to farm in a residential district, why will you allow a gathering, or a social gathering to happen in an agriculture district? Thank you.

Chair Fuller commented: For the record, the parcel we are talking about is currently zoned Highway Commercial.

- b. Jeff Voskuil, W2984 Wilson-Lima Road (Town of Lima) – This is kind of a tough issue to bring up. But, I guess we're going to face it on right away as directly as I can. First, I would like to ask if you are a legal representative of the gentleman (question posed to Attorney Ryan Zinkel, who nodded, yes) and wants to make it very clear, perfectly clear, that this is not a personal thing against one personal person or against anybody that wants to zone it, we're not profiling or anything. But, my concern is, we're talking about a religion that has a, not a very good track record, as we all know, nationwide/worldwide. That's not to say at all that this gentleman here is not wanting to open this up under good pretenses, ok. But, we also have what we recognize as the Jihad under the same Islamic religion and it's a very big concern and it has to be taken a look at as to what's happening nationwide, and is it potential for this to happen in my own back yard, what we're sending our kids overseas to do. That is my concern and, if we knew that it was all under well and good pretenses, but we don't know that and we think that it's something that has to be addresses, whether we're living here or any place else. We're not all perfect and I'm not addressing that part, that we're all perfect and there's one better than the other, I'm only saying that we have to take a look at the track record that the Islam has and that its made a reputation for itself and that's a concern for me and I think that I speak for a number of other people. That's all I have.
- c. Roman Katzer, II, 9338 Wilson-Lima Road (Town of Wilson) – I'll put it out just plain out flat, I don't trust him, I don't want it in my back yard. I live three houses away. We have guys, I have good friends in the war and I have people over there, my nephew is there. I don't plain trust it. I don't like what's going on and that's my opinion and that's how I feel about it. That's just all that I have to say.
- d. Jim Miller, 9636 Middle Road, Oostburg (Town of Wilson) – Could we possibly hear something from the gentleman that's requesting the conditional use permit? I don't know if we can really all make decisions or assumptions unless we know the party.

Chair Fuller explained that he was here at our January meeting an explained everything that was there, it was part of our posted agenda and there wasn't anybody here. It got put into the public hearing and was published twice for the public hearing. At this point of the meeting it is your opportunity for input. His opportunity is coming. He comes up under the new business. He wants to be sure that anyone with a comment, at this point, has made their comment. What Fuller is leary of, is that if we start letting him address issues that then we'll start a back and forth and that's not what a public hearing is for. A public hearing is to hear your feelings about what we have before us right now. If you have some concerns, this is the time to lay it down. Once the public hearing is over, we take in what we've heard at the public hearing for our decision – if a decision is made tonight.

Jim Miller: My biggest concern right now, and I understand Mr. Jensema's point very well, but I personally don't know these people. And I don't think we, and I understand everybody's concern about the war and what's happening and that 911, it's all very frightening. But, our country really wasn't built on prejudice, it was built on allowing different nationalities to come into our country and our constitution does allow for people to worship of their own faith. Now I

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don't know this gentleman, but I think we should allow that consideration.

Chair Fuller explained what this is all about. This is considered a Conditional Use Permit. We're not rezoning the property to anything. It's a Conditional Use Permit, which is allowed under the current zoning of that parcel, for public or semi-public use. Houses of worship fall in that category. The Conditional Use Permit is only valid for a maximum period of two years at which time it is reviewed by the town board and if everything is being done according to the Conditional Use Permit stipulations, it can continue. At anytime when they come into violation of the Conditional Use Permit, the Conditional Use Permit can be pulled. I want to make sure everybody understands where we're at.

- e. Gerald Gall, 10 S. 8th St. (Village of Oostburg) – Started with a thing about trust. I think most of us here don't trust because they become a group that becomes larger. Their intent is to draw people from quite a ways away from our own area here and make their place as large an organization as they can. And, just looking over, as somebody said, the track record, you go over to some of those countries in Africa and the Middle East which are heavily Muslim countries that it's, a, Christians aren't even allowed to do anything in their countries – to have their own churches, it's very hard. It just seems like the United States always says to be fair you have to do something different. At this point, ~~because~~ and we are at war and I think it's something to be considered. It's just spooky to have this kind of a thing going on and to have to even worry about it and I just think it's not America.
- f. Susan Hansen, W5612 Town Line Road (Town of Sherman) – I would like to know what does the Town of Wilson's ordinance say about houses of worship. Are they to be located within the village, or out in the sticks, or what?

Chair Fuller explained that there are certain zoning areas that they can be located in, Highway Commercial is one of them.

Susan Hansen: Do you have a statute number for that?

Clerk provided hearing attendees copies of Town of Wilson Highway Commercial Zoning Ordinance.

- g. Jim Miller, 9636 Middle Road, Oostburg (Town of Wilson) - Could we also get a list of things that have to be followed?

Chair Fuller explained that this list is not yet created, that it would be created by the Plan Commission based upon the public hearing and our zoning regulations. A list of items would be compiled to be followed for the Conditional Use Permit. When the Plan Commission agrees on it, it is sent to the Town Board for their action. If a Conditional Use Permit goes to the Town Board from the Plan Commission, it is generally being recommended for approval. Conditional Use Permit requests have been sent to the Town Board from the Plan Commission where we've flat out said that we don't feel it is appropriate.

Jim Miller: Would we have that available to us, after you come up with the list? And possibly how/what you made your decision based on to recommend for or against it?

Chair Fuller explained that when the Plan Commission makes its decision, it will become part of their minutes and the first time it would be published would be for the town board ~~and~~ where it would be acted on, one way or the other.

Jim Miller: So, there is no discussion in between there whatsoever between the Plan Commission's recommendation, the hearing input and the Town Board's decision?

Chair Fuller: After the public hearing at the Plan Commission there is time for additional input at the Town Board meeting in "Public Comment".

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Jim Miller: After the decision was made or before?

Chair Fuller: After it gets sent from this body to the Town Board before they make their decision.

Jim Miller: And that was a request to get the list of what recommendations or not Recommendations.

Chair Fuller: What the requirements would be for the Conditional Use Permit.

Jim Miller: Can we get ~~the~~ that list sent to us so that we have something before the town board.

Chair Fuller: *Once it leaves this body, you can contact the town clerk and find out if she's got it ready for the town board and get it from her because this body would not send it out.*

Jim Miller: How would we have an idea when the clerk is getting it, sometime before the meeting?

Chair Fuller: *If we were to take action on it tonight and you are here, you will know. If we don't take action on it tonight, we won't take action on it until March. The earliest the Town Board sees it would be next Monday.*

Cheryl Rostollan: *That means I would have to have it to the Board by Wednesday or I have to have it done.*

Chair Fuller: *The question that came up was when we draft Conditional Use Permit requirements and they want to get their hands on it before the Town Board meets to review it to have input. I said once we get it, they can contact you.*

Cheryl Rostollan: *Right, contact me Thursday or Friday, because I will be getting the Board stuff ready.*

Chair Fuller: *Let's not get the cart before the horse.*

Cheryl Rostollan: *Well, if that happens.*

- h. Calvin Jensema, W2253 Wilson-Lima Road (Village of Oostburg) - You will notice on the bottom of my statement that I have a sentence, I reserve the right to the floor. Do you understand that? Quite often people can be shut off after one speech or two speeches, and by stating this I have the right to the floor. I was not notified when they made their application for this Conditional Use Permit. I want to see the minutes of that meeting. You have had to take minutes. Being an adjoining property owner, I want to see those minutes. And I want to see those minutes, that's public information.

Chair Fuller: *I don't disagree with you. This is the official request. They came to our meeting previously to find out if there was a chance that it could happen. Those minutes are in our packets tonight and approval of those minutes is the next item of business. Fuller assured Jensema he could receive a copy of those minutes.*

- i. Roman Katzer, II, 9338 Wilson-Lima Road (Town of Wilson) – What about the property values of the surrounding property? Has anyone taken that into consideration about what could happen to those if this Conditional Use Permit was granted to them? Would there be any affect on that? Maybe somebody wouldn't want to buy my house when I want to sell it. That should be taken into consideration. From what I see here, they can go 45' high, 3 stories. They could build a big huge temple and put a big dome on the thing, correct?

Chair Fuller: *It is a possibility. They would have to go through the building permit process and go through that process which would go in front of the Plan Commission because it is commercial property.*

Request from the audience to explain exactly what they are asking for, specifically what they are

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asking to do on that property, what are the property taxes and would they be tax exempt?

Chair Fuller: The request was to be able to use it as a house of worship, for the majority of time there would be a maximum attendance of 10 to 20 maximum at any one time. Typically Friday/Saturday is the general worship time. There may be people in and out during the week. Eventually there will be one person there all of the time. There are a number of families in the area, but they all might not be practicing their faith regularly. The issue of parking was discussed to insure that there would be enough parking on the property so that there weren't cars in the road and that everything was taken care of. They have just under 4 acres of land and there is plenty of space to park with 10 or 20 people there. As long as there aren't any violations in a Conditional Use Permit, it may be in effect. As soon as a violation occurs, a Conditional Use permit may be revoked. All Conditional Use Permits are reviewed by the Town board every two years.

- j. Marian TenPas, 815 Huron Avenue (Village of Oostburg) - I would like you to say no to this Conditional Use Permit because their places of worship are threatening. They are threatening. As kind and as generous and as helpful to mankind that this person requesting this might be in his occupation, Muslims are out to get Christians. That's their goal. I know they'll say that there's the violent or Jihad Muslims and there's the peaceful Muslims, to me it doesn't make a difference because their goal is to wipe out Christianity around the world. I am a Christian, I believe most of the people in this room are probably Christians. We are concerned for the welfare of the souls of these Muslims. But they are threatening. They are threatening to our health and to our safety. If these families live in this area pretty soon they'll have their kids in our schools and they'll be requiring prayer rooms and special requests for release from classes to do their prayers. That's how I see it. I also know that it says in the letter that went out to the people that got letters that they're looking for a place for their families to pray. I have never seen a picture of wives and children praying in a Mosque. I've only seen pictures of men. So, I don't quite believe that they want a place for their wives and children to pray. I don't really think they let their wives and children pray at mosques. I may be mistaken, but as far as I know, that's what I think it is. We have told that there are 20 or more Jihad fanatical Muslim camps scattered throughout the United States, hidden in rural areas where they are training to fight us and where maybe some of the next terrorists are going to come from. This is a lovely property over here that they want. Whenever I drive past it I admire what Tom did to that property and the beautiful trees and all that are there, and I don't know how big that property is, that is one thing that I would like to know. How many square acres is it, or is it just the store and a few trees or is it big enough to have a Jihadist camp. Now, you may think I'm jumping way beyond reason. But, let's face it, it's a rural property. It is very convenient for them because it's halfway between Milwaukee and Green Bay and they can bring up their fellow Muslims from Milwaukee or down from Green Bay and grow, or who knows what. I am concerned for our safety, bringing in a mosque into Sheboygan County. We do have freedom of religion in the United States but they are free to practice their religion in their own homes, just like we are as Christians are and we have our places of worship but they are truly places of worship to the one true God. I ask you to say no. Thank you.

Chair Fuller: The area is 4.19 acres and the taxes are \$3346.20 with \$319.00 going to the Town of Wilson.

- k. Harriet Jensema, W2253 Wilson-Lima Road (Village of Oostburg) – My husband spoke. I

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am in full agreement with everything that he had to say because it is our livelihood. As a farmer's wife, I have had to work land. I've picked up behind people who have thrown their garbage in our field, it's wrecked our machines. I'm standing on that principle, but I'm also supporting Mrs. Ten Pas, who got up and spoke because I as a Christian also feel that my first obligation is to my family and the community. I thank you.

- I. Brian Densow, 112 N. 11th St. (Village of Oostburg) – I first read of this in the Lakeshore Weekly just the other day. Frankly, I'm surprised that I live in a Christian community, Oostburg, is as far as I know, as long as I've lived here coming on 15 years, the basis of this community is on Christ and Christ alone. I've attended many of the churches that are here and I know all the people in this community are very loving and very kind and very compassionate and very desirous to open up the doors to anyone who wants to come in. So, as far as I know, as far as the religion that this particular gentleman represents, it's a religion of hate. First of all, it shouldn't take anyone by surprise in this particular room, not even the gentleman that I'm sitting in front of, that his particular religion does not accept others of any other faith because the goal of their religion is to, as been spoken by other folks here, is to destroy if you don't convert to what they believe. And even in the newspaper it said that it is their desire to reach out to non-Muslims. What does that mean? Anyone whose got any intelligence knows that means to convert people to Islam. And what is the ultimate goal of Islam? As far as I've understood it, I personally have not read the Quran, so I can't quote it verbatim but I've come to the understanding that the Quran which is what Islam/Muslims believe in, basically their one desire is first of all to kill the Saturday people because they're Jewish people and they're in the land of Israel and the Muslim people do not believe the Jewish people should be living in that land. It goes back centuries. You read your Bible and it's real plain there. This is a spiritual battle. It's between the descendants of Jacob and the descendants of Esau. This still happens in our world today and it's still going on and it's very, very evident over, because we're fighting a physical war over there to bring freedom to people to be able to worship the one true God, which somebody's already said in the room before, the Lord Jesus Christ because he says I am the way, the truth and the light. The reality is, most of these wonderful folks who are here, are here to voice the fact, the opinion that if we allow a gentleman to come in, and he probably is a very nice individual, probably on the outward seems to be a very, how do I say, upstanding in our community. But, I think that the intimidation of the other fact of having a lawyer here causes most people not to be able to speak freely and we should be able to speak freely in our country and I would never want to take that away from this gentleman. But the idea of bringing a mosque, what is the ~~idea~~ desire to bring Muslim people into the Oostburg area and into the Town of Wilson, other than perhaps as the woman who shared that their desire is to destroy. It's not a community of love. I know Muslim people and they don't even really, the ones that don't practice are the ones that are very kind and loving and you don't even have to fear them whatsoever. But those who are wanting to practice the Islamic religion, it's - they're not too far from the ones across the ocean. Do we really want this in our backyard, is my concern. I mean I have children. I brought my son with me tonight so he could see what's going on in his world, the real world. The fact is, there's all kinds of small children that live in our communities. And, we're raising

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them up to be Christ-like, to follow after Christ and someone wants to come into the community and they want to be able to worship, I'm just going to be frank, they want to be able to worship a false God, because any God that advocates killing some other human being, that cannot be a God of love. That is not a God of caring, a God of compassion, a God of peace and love and joy and hope and all of these things that we as human beings desire to have. And that's all that I have to say about that.

- m. Matthew Gartman, 7630 Moenning Road (Town of Wilson) – I am here on behalf of my parents, Mark and Carol Gartman, who own the property bordering the property in question, both on the south and western border. Our only concern is in the future, that if there would be further development at the Muslim community center, that the town would require some sort of water management planning on that property. We receive a fair amount of that already into the southeast corner. After Tom had developed the property, we received more, and as you know as more rooflines, blacktop and so forth gets added, those issues are concerns so that it doesn't create a water problem for our property. Otherwise, I guess the only other question I had for the board or for the town was; essentially, if this Conditional Use Permit would be denied, then what enforcement does the town really have to prevent friends to come over and say a few prayers at this property? I don't, I guess the question is it being a public, semi-public, and I certainly admire our new neighbor for being upfront and doing it this way. Because he could otherwise, I think in all honesty, he wouldn't have had to have gone through this trouble to have people over there to say prayers on any given day. I don't know what, I mean you can say you can revoke his Conditional Use Permit, but what/how does that keep anyone from – it's still, he owns the property and he would still be allowed to have people come over to his property and I guess the way I see it tonight, it's a formality and when it's approved I'm just asking that water would be considered if any of the permeable surface it taken away in the future. I know that a building permit would have to be taken out, but legally if we don't state anything and then if something is developed and it's too late then I'm behind the eight-ball and it's the only consideration I'm asking for. Thank you.
- n. David VerVelde, 9141 Sauk Trail Road (Town of Wilson) – I live directly to the east of the property. I've lived there pretty well all of my life. My dad was born and raised there. My dad took care of that property for 50 years, when it was a school and went to the next property. And I think it would upset him very much to see what possibly is going to happen to it. One problem - I agree with pretty well all of the other concerns; one concern I have, which was also brought up, is the fact that, not only worshipping there, but even in the letter – public outreach to non-Muslims. I'm concerned for my children, my grandchildren. They're faced with enough problems with drugs, alcohol, pornography, everything else in this world today without having to face another situation in which they might be brought into with different ideas which they were not brought up with and that I think are very troubling at this time. Thank you.
- o. Robert Cote, W1875 DeMaster Road (Town of Holland) – You had said that you are looking 20 people, but in the Lakeshore Weekly it says that there are approximately 20 families in the area and that would, in my mind now you're looking at 80 people rather than 20 people. I'm also concerned about the outreach, outreach to our kids. If they're against Christianity, I don't want them coming after my kids.

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- p. Calvin Jensema, W2253 Wilson-Lima Road (Village of Oostburg) – I've read the writings of Mohamed. I have read the Quran. That is not relevant to this issue. The letter which we received says the families of the area will be traveling a considerable distance. The distance from here to Appleton or Appleton to here is the same; the distance from to Manitowoc to here or from here to Manitowoc is the same; that statement is a false statement. We haul manure everyday, 365 days a year, and we constantly get complaints. Farming is farming, we have a right to farm and this will cause conflict upon conflict. Thank you.
- q. Melvina Gall, 10 S. 8th Street (Village of Oostburg) – I just want to say, lest we forget, we had some troops at Ft. Hood just recently who were massacred by a doctor, he was a Jihad idealist. In their own country they have been slaughtered. There were 13 dead and dozens wounded. We have to take things into consideration. We love our children. We love our children very much. We would give our lives for our children whereas the Muslims have been known to murder their own children because they aren't doing exactly what they want to do. It's a matter of protecting our children.
- r. Roman Katzer, II, 9338 Wilson-Lima Road (Town of Wilson) – You had said about parking on the road; on Christmas Eve they were parked on the road of Wilson-Lima Road, like about five cars on each side. We're concerned of that and that was before they got a Conditional Use Permit or anything, they were already parked on the road. Just so you're aware of that, if that means anything.
- s. Robert Krome, 420 N. 10th St. (Village of Oostburg) – I'm not particularly familiar with the property but, they were talking about 20 families, about 80 people. Are the facilities in the building, I take it that it is well and septic/holding tank? (*Fuller, I think that it is well and septic.*) Is the septic system and the well adequate for that number of people? (*Fuller, we haven't had that discussion yet, but we will find out.*)

No further comments and public hearing closed at 7:45 p.m.

In order to hear additional comments, public hearing reopened at 7:46 p.m.

- t. David Bassman, 836 New York Avenue (Village of Oostburg) – I have one question, has anyone in this room actually been to a Muslim country, and actually served in their military and seen, first-hand, how Muslim countries actually run? Women are not even allowed the dignity of, they're considered property. That's the beginning of the problem I have with this. And the fact that how many times you see in the news that Muslim men are killing their wife just because they won't do something. I don't know about you, but I don't want this in my back door either. I would feel it being a slap in my face after serving in my military for six years, I'd feel a slap in my face as to allowing this to happen because like other people have said here tonight, it's a religion of hate. I don't want that in my back door.
- u. Diane Kightlinger, Cedar Court (Village of Oostburg) – In answer to this gentleman's question, yes, I have traveled in Muslim countries. I was received graciously in Muslim countries by everyone that I encountered there. And the only other comment I want to make is there are extremists in all religions. Our own Christian religion has just as many extremists as the Muslim religion, no doubt, and I don't think that we should be making broad, sweeping generalizations.

Public hearing closed at 7:49 p.m.

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APPROVAL OF DRAFT MINUTES:

- December 14, 2009 – Motion by Schleicher to approve draft minutes from December 14, 2009 with the amendment of including the list provided to the Town Board with the Plan Commission’s recommendations for Wood Processing; second by Spoerl; motion carried with all voting members voting aye with the exception of Summers who abstained due to her absence at this meeting.
- January 11, 2010 – Motion by Schleicher to approve as modified (page 3, remove “at described” from last sentence before New Business); second by Goebel; motion carried with all voting members voting aye with the exception of Spoerl and Kummer who abstained due to their absence at this meeting.

NEW BUSINESS:

13. Dr. Mansoor Mirza’s application for a Conditional Use Permit for semi-public use for the purpose of worship at 9110 Sauk Trail Road, Oostburg – Fuller verified that the notice was published twice. The affidavit of publication was not yet received but it will be provided to the commissioners. Fuller asked the applicant if they have checked with the Oostburg Fire Department regarding the capacity of the building. Ryan Zinkel shared that the fire department had already been present and they didn’t have a capacity number. Fuller’s records show that one of them were going to confirm the maximum occupancy of that building. RJ Jarvis & Assoc. has been hired to assist with code requirements and occupancy limits, this is something that is currently unresolved. The property is served by a private well and septic.

Fuller: In your application, it talks about a number of employees, saying maybe one employee in the future, membership between 5 and 20 people with a limited use during the week, yes?

Mirza: During the week, maybe 5, but Friday, Saturday it’s going to be a around 20/25, maximum people. And it can increase by the time we’re done. It can be, we have, like I said about 20 families or so. If someday they decide, gee I’m coming from each family, which is hardly – I’m just being honest, in two years if more people want to come, sure.

Fuller: Traffic, we’re talking about a parking issue. We’re talking about 5 to 20 people attending; we’re talking 5 to 20 vehicles.

Mirza: Yes.

Fuller: All park on the premises.

Mirza: On the premises.

Zinkel: There’s slightly over 20 spots on the lot.

Fuller: That was one of the other questions was how many parking places were actually on the property.

Mirza: 20, plus we have a handicap parking separately. This building has been a school in the past also. So, this was a public place in the past. Probably more water was used at that time than is going to be used here. Most Muslims actually clean themselves at home before coming to worship.

Fuller: At the time that it was a public school, there probably wasn’t quite so many people going to it and there probably wasn’t indoor plumbing.

Summers: There was indoor plumbing.

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Fuller: Does anybody here (commissioners) have any questions for the doctor or counsel?

Spoerl: I have a question for them or for us, this was discussed. The height maximum is 45 feet for semi-public use. Do you know how tall this is?

Fuller: This is 45 feet or three stories. This is semi-public use within the Highway Commercial zoning district. But, the height restriction is still 45 feet.

Spoerl: How high is the building?

Zinkel: I don't know the answer to that.

Fuller: It's two-story, so it's in the neighborhood of about 28 feet, that's a guess – don't hold us to that.

Spoerl: Based on the concerns in the room I'm going to ask you a few questions. There was some concern about what public outreach meant to non-Muslims. I don't where this public outreach concern came from. I didn't see it in my things. What is meant by that?

Mirza: First of all, I say thank you to everybody who came here. I'm feeling so, actually, worried for the American citizen here that they are so ignorant toward Islam, really. Because we watch only media and that's what we believe and I'm not here to give political talk, I don't want to give it. To me it seemed like it was a political agenda here. Everybody came talking Islam, basically. We were here asking to have my rights, just like you have rights to go to church and make a church, a house of worship. So, the outreach basically is, just like you are fellow friends and fellow citizens and you have a miscommunication from the media and misbeliefs and we want to make sure people know what we believe. I'm not going to go to people and give them speeches and talk in their home and give them literature, ok-you know, force them, oh, you have to convert to Islam. My feeling was, like one gentleman was saying that you know I want my kids to be Christian, I don't want them to be converted. You know, I think you are actually telling about yourself. You want people to be Christian. You don't want them to be Muslim. So basically, most religions want people to follow their own religion. But I'm not going to go and force people to follow my religion. That's not what I'm here for. If that was the case, there's 1.5 billion Muslim in the world. If most of them were terrorists, believe me we wouldn't be sitting here and talking. They would have taken Israel within five minutes. If they all would spit on Israel, they would be flooded. Do you understand? So, I'm not talking about that. They are the most peaceful, loving people. That is why there is peace in the world. Otherwise, you are talking a small population which is bad in any religion. If you are bad, you are bad. It doesn't matter what religion you believe in, who you follow. And, other clarification, just for knowledge and teaching about the God, it is the same God that we believe in, we believe in one God. Just for teaching please ... I did not interrupt anybody so please listen when I'm talking. I listened to everybody. So, if you know from the Bible, I hope people know from the Bible, the original language of the Bible was not English. It was not Hebrew either, unfortunately. It was Aramaic, that was the language of Jesus, ok? In Aramaic Jesus, peace be upon him, he never called God God, he was called Allah, Allahou, because God is an English word, I'm sorry. So, I'm going to talk about now, the outreach. The outreach is basically, we want to make sure people know that we are peaceful people. We are not here to bother people. If we are praying there, we don't stink, we don't make noise, we come from home prepared, you know, cleaned, and we just come, pray and leave. We don't have seats in our Mosques, it's carpeted, everybody sits on the floor peacefully and we just leave peacefully. That's about it. Our prayers do not take more than five minutes, only Friday is the one that takes longer and Saturday is maybe just like church and an extra

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activity, ok bring your drink and family and you drink it. And we do bring women and kids in the Mosque, this is miscommunication and misunderstanding of the public that Muslim do not bring women to the Mosque or the kids, they do. And I don't know where you got your information from, I'm sorry, but I'm telling you they do.

Spoerl: Since it is going to be a house of worship, we don't have to worry about there being any weapons there or any type of military training or anything?

Mirza: No. There are thousands and thousands of Mosques in this country, ok. And, they are busy. People go, pray. There are many that are busy just like they are busy in the Islamic countries. We pray five times a day. People will be coming five times a day if they are in the Muslim neighborhood, like if there are neighbor people living here. Like if somebody is home, they will go and pray there instead of praying in their home. But not in this Mosque, this building, because people work. Nobody is going to be coming there at anytime. Probably somebody is going to come in the evening, passing by, coming from work; ok I'll pray here and then I'll go home. But Friday they will be coming. So, we – no there is not concern of weapons in a Mosque. If that were the reason, I could have invited them in my home.

Spoerl: And no military training or anything?

Mirza: No, there is no military training.

Spoerl: Alright.

Mirza: Islam believes, the prophet Muhammad teaching's is, and the Quran says if you kill one human, you will kill the whole humanity. That is our faith beliefs, not what you see in the media. I can talk politics, but I'm not going to talk about it. What I hear from my fellow citizens are their religious views. I'm not opposed to their religious views. Because I have the same rights just like they have. Everybody's forefathers came from different religions. Blacks came to this country, most of them were Muslims. They were forced to take the religion of their master. They are Christian now. We didn't do that.

Spoerl: Since it's a house of worship, I'm assuming there's not going to be anything violent going on there?

Mirza: Oh no.

Spoerl: And you're going to be able to comply with not parking on the roads?

Mirza: Sure.

Spoerl: That's all I have.

Fuller: Anybody else?

Ternes: Do you have any organized services at a specific time each week?

Mirza: It will be on Friday, between 1:00 and 2:00, or 1:00 and 2:30. Because Friday is the day; Saturday for Jews and Sunday for Christians. Friday people come and there is a thirty minute sermon and five five minute prayer after that and we're done. And that time change between in the winter, when it comes earlier and the summer is starts maybe 2:00 and in the winter maybe 1:00, 1:30. So, it's between 1:00 and 2:30 type deal.

Fuller: Any other questions.

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Zinkel: I don't have any other comments. You've addressed the parking and code issues and that should take care of it.

Mirza: I just want to say again, thank you to the board and thank you to the citizens and I appreciate your concern. This really gave me an opportunity to know, I was really in la-la land before I come to this meeting the way people feel in this area of the world. I lived in Connecticut, I lived in New Jersey, New York. I moved here five years ago with my family because I don't want to live in the big city. I'm planning to move to Sheboygan from Manitowoc because I have a big job here in Sheboygan now. I will be now working in Manitowoc as of June. So, I did not know that's what people feel about Islam and the Muslims. But, if I get conditional approval I will definitely invite you guys to see, that's my outreach. I want you to come and see there and see how we pray. Whatever we're talking about is open. The Islam is open to everybody to come and see. I'm not asking you to convert. Come and see, have a cup of tea with me there. You are welcome. It's not going to be a place we have some secrets going on there; and issues of property values. If you look at literature, I hope that you do, go home – Google it. Wherever the Muslims move in this country, that neighborhood tax value goes high because we are the most loving people. We work. We don't go on Medicare. We don't take welfare. We work. We pay tax. Most Muslim don't go on welfare. So, just for your knowledge purpose.

Question from the audience (Jim Miller?): Could you tell me how many Christian churches you know of in the Far East?

Mirza: I'm not from the Far East, I'm from Pakistan. In my town there were quite a few.

Audience: Quite a few Christian churches that are still operating?

Mirza: Yes, they practice. This is not a debate between the other country and US, I'm talking about here.

Fuller estimated there was 50 minutes of public input and question and answer. The Plan Commission is not bound to act on this tonight. There is a time period that action by the commission is required. Fuller would like to go back and listen to the public comments and listen to what the doctor said and mull it over and come back in March with some kind of an idea of what a Conditional Use permit might entail if a Conditional Use Permit is even viable. Goebel explained that Mirza already owns the building; assuming that he wouldn't receive the Conditional Use Permit there's probably about 35 things that he could do that he doesn't really need our permission for in its present zoning. It's already his property and he could make it a Middle Eastern grocery store so some of the neighbor's concerns about use of the property are not an issue.

Chair Fuller: He does own the property.

(Problem with microphone noted)

Fred Goebel: I'll just repeat that as the owner he could do about 35 different things and he doesn't need a Conditional Use Permit.

Chair Fuller: Yes he currently owns the property and according to our ordinances, there is almost a full page list of things he can do with that property and he is asking for the special use permit to be able to use it as public/semi-public which would be the house of worship. One way or the other, whether we give him Conditional Use Permit or not, he owns the property and he could take any of the 36 different things and do it

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there. Just kind of like what Tom's did where he had the store. Our job is to take in the public input, weigh that against what they want to do with it, and try to come up with something that seems to and what I had said earlier was Because of the large amount of public input, Fuller is I'm not ready to act on upon it tonight. I think that would be unfair to both sides if we acted on it that fast. We have a time period in which we need to act that's 60 days from application. And at this point, I'm throwing out my opinion out to the Commission saying I think we should listen to the tape/audio recording and each of us figure out what it is we think is the likely or the logical thing to do and then come back at our March meeting and address it at that time. I'll make that in a form of a motion.

Motion by Fuller for each of the commissioners to listen to the hearing tape/audio recording along with minutes, and each of us figure out what the logical/likely thing to do is and come back to the March meeting and address it at that time; second by Kummer; discussion - Kummer thinks that it would be a good idea to check with the Town attorney and ask him the question either way, if we grant it or if we don't grant it-where are we? If it is moved to next month Spoerl would like to know if that they're in compliance with the fire code and the maximum occupancy and whether they are in compliance with well and septic before we act on it (was requested at January's meeting and Zinkel will provide it prior to March's meeting); motion carried with all voting members voting aye.

14. Deer Park Subdivision – Chair Fuller updated the commissioners on the Deer Park project. Summers was at the February 1, 2010 Town Board meeting where Steve Boll stated that they are considering doing the project in phases. Discussion regarding the zoning, conservancy and outlots. More than likely a special meeting will be scheduled with the town board for the rezoning of the property to ensure everything is in compliance using the legal description versus the subdivision lot numbers.

OLD BUSINESS:

None

CORRESPONDENCE:

15. October 29, 2009 Special Town Board Meeting – Approved Minutes
16. November 16, 2009 Town Board Meeting – Approved Minutes
17. December 17, 2009 Sheboygan River Dredging Meeting Minutes
18. January 4, 2010 Town Board Meeting – Approved Minutes
19. January 18, 2010 Town Board Meeting – Draft Minutes
20. January 21, 2010 Sheboygan River Dredging Meeting Minutes
21. January 25, 2010 TWLRP Ad Hoc Committee Report
22. January 26, 2010 State of WI DNR Correspondence to Town Chair Gartman regarding Neighborhood Electric Vehicles (NEV)

FUTURE AGENDA TOPICS:

ADJOURN:

Motion by Summers to adjourn; second by Spoerl; motion carried and meeting adjourned at 8:35 p.m.

Minutes submitted by: Cheryl Rostollan, Clerk and Mary Ann Bergin, Secretary