

Minutes from the Town of Trenton Town Board Meeting

Date and Time: November 6, 2006 – 7:30 P.M.

Place: Town of Trenton Town Hall, 1071 Highway 33 East, West Bend, WI 53095

Present: Chairman Joe Gonnering, Supervisor Ed Doerr, Supervisor John Norman, Town Clerk Barbara Davies, Treasurer Monica Diaz, Deputy Clerk/Treasurer Cindy Komro, Building Inspector/Zoning Administrator Frank Mayer, Town Attorney Robert Feind, Town Attorney Deborah Hoffmann, Court Reporter Betty VandeBoom.

Prior to the Meeting, notice was properly posted on the Town Bulletin Boards and mailed to the West Bend Daily News and WBKV AM/FM.

Chairman Gonnering called the Meeting to order at 7:40 P.M.

Gonnering asked everyone to join in the Pledge of Allegiance prior to beginning the meeting.

Approval of Minutes – Town Board Meeting of October 17, 2006:

It was moved by John Norman and seconded by Ed Doerr to approve the Minutes of the Town Board Meeting of October 17, 2006. Carried unanimously.

Comments and Questions from the Audience:

Brian Brejcha introduced himself as an attorney appearing on behalf of Darryl Zellmer. Brejcha said he wished to reiterate the reason for his attendance, and the presence of Darryl Zellmer, at this evening's meeting: to seek the Board's approval of the Conditional Use Permit submitted by Darryl and Kelly Zellmer.

Accept/Review Agenda:

It was moved by John Norman and seconded by Ed Doerr to approve the agenda as printed.

Plan Commission Recommendation – Conditional Use Permit: Darryl and Kelly Zellmer, Lawn Care Systems: Supervisor John Norman recused himself from the Board and Board vote, and took a seat in the audience. Frank Mayer stated that the Plan Commission has recommended that the application for a Conditional Use Permit be denied. Supervisor Ed Doerr made a motion not to accept the Plan Commission recommendation. There was no second to Doerr's motion; the motion failed for lack of a second. Chairman Joe Gonnering moved to accept the Plan Commission recommendation to deny the permit because of the findings in Section 10-1-86, Town Code of Ordinances, conditions that must be present to grant a CUP, conditions that are not present in Zellmers' situation, briefly detailed as: 1) the use will not be detrimental to or endanger public health; 2) the use will not diminish the uses, values, and enjoyment of other properties in the neighborhood; 3) the use will not impede the normal and orderly development of surrounding property for permitted uses; 4) there are adequate roads and site improvements; 5) there is adequate ingress and egress to minimize traffic congestion; 6) the use conforms to all applicable regulations of the district in which it is located; 7) unaware if floodplain regulations are an issue; 8) not applicable – not a new building or addition; 9) the Plan Commission shall evaluate the impact of the proposed use on safe & healthful, conditions, pollution, drainage, floodplain, erosion, access roads, compatibility with uses on adjacent lands, liquid waste to be generated, disposal system. Gonnering closed by stating that all the necessary conditions are not present and reiterated his motion to deny the application. Doerr seconded Gonnering's motion to allow discussion on the issue. Doerr said that he had done some soul-searching on Zellmers' application and saw several issues. Doerr said he did not deny that this issue – a home-based business - is in the ordinance book. Doerr said he believed that Zellmers' business was "grandfathered in". Doerr said he felt that there have been errors made on all sides of this matter, by Zellmers, Normans, and the Town. Doerr said he could not find any other neighbor who has a problem to the extent the Normans do. The Town has issued citations to Zellmers. Doerr said he felt the Conditional Use Permit would be a compromise, a way to work things out, but the affected parties have to talk about the issue. Lengthy

discussion followed between Doerr and Gonnering regarding the Conditional Use Application and its merits. Attorneys Feind and Brejcha checked to be sure that the application submitted to the Board for review was the same document that was submitted to the Plan Commission. The documents were found to be in agreement. Doerr recapped the standing of the current motion before the Board: Joe Gonnering has moved to deny the application for a Conditional Use Permit, Ed Doerr seconded that motion to allow discussion on it. Chairman Gonnering called for a vote on his motion to deny the Conditional Use Permit: Gonnering, aye; Doerr, nay. The split vote means that the application fails to gain approval because it lacks a majority vote.

Final 2007 Budget Review:

The Board reviewed the final budget for 2007. The Budget Public Hearing and the Special Town Meeting to approve the levy and highway expenditures are set for 11/14/06 at 7:00 PM.

Replacement of Shop Garage Doors:

Jim Wollner told the Board that four bids have been submitted: Lifetime Doors, \$11,130; Consolidated Doors, \$12,644; Mid-Wisconsin Doors, \$14,265; Jiffy Doors, \$19,432.30. Lifetime Doors installed the doors at the County garage, and the county is satisfied with the doors and the work. Discussion followed. The current doors are nearly 30 years old, are not energy efficient, and replacement parts are difficult to find. The \$11,130 would be paid from the \$20,000 budgeted for snow/ice contingencies. It was moved by Ed Doerr and seconded by John Norman to approve the bid submitted by Lifetime Doors @\$11,130. Carried unanimously.

Plan Commission Recommendations:

None.

Review of Annexation Petitions:

None.

Reports:

Jim Wollner reported that Fairfield has been shouldered very nicely. Wollner reported that the grass and weeds were cut in the new park, not an entirely popular project with several of the neighboring homeowners. Wollner asked if the Town would need to plow Southview this winter as the base is breaking up. Attorney Hoffman will write to the developer. The state fuel tank inspector has identified the need for a new light on the above ground gas tank. The Town has recently been notified that it will now have to buy the "Rustic Roads" signs, and the town will have to furnish the posts and installation for the signs.

Building Inspector/Zoning Administrator Frank Mayer reported that building permit activity is picking up a little.

Treasurer Monica Diaz had nothing further to report.

Clerk Barbara Davies reported that a good turnout is expected for tomorrow's election. The ADA machine may require repair after the piece designed to hold it on its stand broke, causing the machine to drop to the floor.

Attorney Deb Hoffmann reported that the letters to the developer and residents on Deerview Court re: withdrawal of snowplow services have been sent out. Hoffmann will send the draft ordinance for buildings in the front yard (in front of the residence) to Frank Mayer. Hoffmann reported that she has completed work on a usable job application, and is reviewing another municipality's policy manual.

Attorney Bob Feind had nothing further to report.

Supervisor Joe Gonnering reported receipt of a late "Prevention Network" invitation. He asked about the material and workmanship on the patrol truck box. Discussion followed. Based upon the vendor's assurance

that the box will be guaranteed, approval to pay the bill 11/21 was granted. A garbage/recycling complaint has been received from a resident on Davids View; the complainant works for Waste Management.

Supervisor Ed Doerr asked about the time for the 11/14/06 Public Hearing. (7:00 PM)

Supervisor John Norman reported that several final questions from General Code have been answered. The codebooks should be shipped shortly.

Payment of Bills:

It was moved by John Norman and seconded by Ed Doerr to approve payment of bills totalling \$21,552.76 and payroll of \$15,255.34. Carried unanimously.

Other business:

None.

Consideration of any Preliminary Plat or any Final Plat which may be submitted pursuant to Chapter 236, Wisconsin Statutes:

None.

Action on Authorization Allowing Town Officials to Attend Seminars:

None.

Action on any Ordinance, Resolution, Report or Recommendation already Pending Before the Town Board:

None.

Adjournment:

It was moved by Ed Doerr and seconded by John Norman to adjourn the Meeting at 8:55 PM. Carried unanimously.

Respectfully submitted,

Barbara J. Davies
Town Clerk

Affidavit of Posting:

These Minutes were posted on the Town of Trenton Town Hall Bulletin Board at 1071 STH 33 East, West Bend, WI on Friday, November 17, 2006.

Barbara J. Davies, Town Clerk