

Minutes from the Town of Trenton Town Board Meeting

Date and Time: October 2, 2007 – 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, Town Clerk Barbara Davies, Treasurer Monica Diaz, Deputy Clerk/Treasurer Cindy Komro, Town Attorney Deb Hoffmann, Building Inspector Frank Mayer, Police Chief Joseph Gabrish. Excused: Supervisor John Norman.

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 asked the citizens in attendance to join in saying the Pledge of Allegiance.

Chairman Gonnering called the Meeting to order at 7:33 P.M.

Approval of Minutes – Town Board Meeting of September 18, 2007:

It was moved by Ed Doerr and seconded by Joe Gonnering to approve the Minutes of the September 18, 2007 Town Board Meeting. Carried unanimously.

Comments and Questions from the Audience:

None.

Accept/Review Agenda:

It was moved by Ed Doerr and seconded by Joe Gonnering to approve the Agenda as printed. Carried unanimously.

Appointment of Police Officer - Jarrod N. Ray:

Chief Gabrish explained that Officer Ray currently works full-time for the Grafton Police Department. Gabrish said that he wished to recommend Ray as a replacement for Brian Murphy, who resigned earlier in 2007. It was moved by Ed Doerr and seconded by Joe Gonnering to appoint Jarrod Ray as a Police Officer for the Town of Trenton. Carried unanimously. Ray was sworn in by the Clerk.

Appointment of Election Inspectors – 10/2/07-12/31/07:

It was moved by Ed Doerr and seconded by Joe Gonnering to approve the appointment of Maureen Johnson, Carol Ehnert, Greg Haas, Sharon Haas, Chris Knutson, and Maryann Kohler as election inspectors for the remainder of 2007. Carried unanimously.

Grota Appraisals Contract Proposal, 2008 through 2010:

Grota Appraisals LLC has submitted a three-year contract proposal for 2008-2010 at a cost of \$11,550/year. Attorney Hoffmann said that she had two additions to the contract that she had faxed to Grota, but had not heard back from him yet. It was moved by Ed Doerr and seconded by Joe Gonnering to accept Grota's contract proposal contingent on the addition of the two contract sections proposed by Deb Hoffmann. Carried unanimously.

Mileage Reimbursement Policy:

Monica Diaz, Barb Davies, and Cindy Komro noted the increase in time and expense in picking up mail, posting notices, and making bank deposits for the Town. In the past mileage has been reimbursed for the annual road trip in the Town, and for travel outside the Town. Discussion followed. It was moved by Ed Doerr and seconded by Joe Gonnering to approve the reimbursement for town business mileage, beginning 10/1/07. Carried unanimously. All requests for reimbursement must be accompanied by an expense report, stating the

date, number of miles claimed, and business purpose of the travel. The Clerk asked that reimbursement claims be submitted no more than once a quarter to avoid issuance of numerous checks for small amounts.

Status Update-Natural Lawn Complaint, Eastwood Trail (Tabled 9/4/07, 9/18/07):

Attorney Deb Hoffmann said that she had done further research the topic and had found a case seeming to be right on point in New Berlin. She outlined the case for the Board. Hoffmann said that she and Supervisor Doerr did visit the yard that is the subject of the complaint. Doerr stated that this area a wooded neighborhood, but most of the front lawns in this area are mowed or cut. Hoffmann told the Board that the Town's legal framework in its Ordinances is that lawns >8" are a public nuisance. Discussion followed. A public nuisance has usually meant something that is a threat to health, safety, etc. That is not a clear standard in this case. Doerr stated that it was his finding as Weed Commissioner that Karen Skuldt's lawn is not a public nuisance. He said he found that most of the back yards in this neighborhood look the same as Skuldt's, and he asked if perhaps tidying up the front yard would do any good. Both bordering neighbors mow their front yards right up to the lot line. Discussion followed on what possible outcomes might be if the Town cites Skuldt. Hoffmann said she was not sure what a court finding might be. There appears to be a shift occurring in the law, and it is not assured that the court would order Skuldt to mow. Hoffmann added that she is not sure that a public policy can force Skuldt to mow her lawn exactly the same as her neighbors just because they mow their lawns. Joe Gonnering summarized the discussion: there is no sure legal footing, no finding by the weed commissioner that Skuldt's yard is a public nuisance, and no finding of noxious weeds. Gonnering added that he would recommend that Skuldt try to work with the neighbors, and at least try to clean up the front yard. Skuldt said she did have plans for the front yard but could not work outside when neighbors are burning leaves. An argument about trespassing followed. Parties to the argument were told to get property surveys. A complaint was submitted about Skuldt's construction of a fence without a permit. Frank Mayer has found it is not a fence, and the Town attorney agrees. It is edging to hold mulch in place. Dave Opperman asked the Board if it intended to totally ignore the 8" rule in the Ordinances. Deb Hoffmann said she was not sure the public policy behind the Ordinance rule supports the 8" rule. A Court would probably not support the Town's position. Opperman stated that this is a rule that all other property owners follow, questioning why Skuldt does not have to follow it. Paul Hetebrueg stated that he is presently taking care of three other lawns in this area besides my own. He asked if there was some possible compromise here, such as mowing 50% of the front lawn mowed. Lengthy discussion followed about possible compromise. The Board declined to pursue this complaint further.

Stormwater Management Agreement – Bruce Muckerheide (Tabled 9/4/07, 9/18/07):

The County has approved the agreement, but Burt Naumann is reviewing the map. It was moved by Ed Doerr and seconded by Joe Gonnering to table the matter to the Town Board Meeting of 10/16/07. Carried unanimously.

Status Update, Zellmer Certiorari Appeal (Tabled 8/21/07, 9/18/07):

The Certiorari appeal has been received. The Judge has remanded it to the Plan Commission for a Public Hearing. The Public hearing will be held 11/13/07 at 7:30 PM before the Plan Commission.

Approve Resolution 10-1-2007:

It was moved by Ed Doerr and seconded by Joe Gonnering to approve the transfer of \$25,000 from the General Government Budget to Capital Outlay for the purchase of a squad car. Carried unanimously.

Change Date of Town Board Meeting of 11/6/07, Conflict with School Referendum Election:

It was moved by Ed Doerr and seconded by Joe Gonnering to change the 11/6/07 meeting date to Monday, 11/5/07 at 7:30 PM due to a conflict with the School Referendum Election. Carried unanimously.

Set Trick or Treat Hours:

It was moved by Ed Doerr and seconded by Joe Gonnering to set the trick or treat hours for Sunday, October 28 from 4:00 PM to 6:00 PM. Carried unanimously.

Plan Commission Recommendations:

None.

Annexation Petitions:

None.

Reports:

Frank Mayer said that he had been approached by the Wallace Lake Sanitary District regarding inspections of some homes that are suspected of having illegal hookups. Mayer said that he wanted to ask Attorney Hoffmann about a conflict of interest, as he would also issue permits for any violations. Mayer's payroll is based on permits issued. Discussion followed. The District will be advised that Mayer should not work for both the District and the Town in this matter.

Chairman Joe Gonnering said that he might miss the Plan Commission meeting on the 9th. There is a meeting at Fair Park re: intergovernmental cooperation.

Cindy Komro asked about follow-up on the display of fire numbers. Jim and Lance are checking the numbers and noting residences no longer displaying the numbers. Komro reported that she had added a few things to the website. She will be attending the conference on preparing an employee handbook later in October.

Monica Diaz reported that she is getting ready for property tax mailings and collections. The final 2007 state transportation aid payment has been received.

Barb Davies updated the Board on various election matters. Several demo unit AccuVote machines are available at a cost of \$1500. The Town's current machine is nearly ten years old and has had minor problems at past elections. "New generation" machines, expected to cost \$7500, may not receive state certification in time for the 2008 elections. The Board approved the purchase of one of the demo units @ \$1500.

Attorney Hoffmann had nothing further to report.

Chairman Gonnering reported that the park equipment should be installed in the park within the next two weeks. Weed and brush cutting is in process.

Supervisor Ed Doerr said he would be gone 10/16/07. Doerr asked if the Town was reaching the point where a part-time Town Administrator was needed. Doerr said he had been told that the Town would be receiving a progress billing for its share of the Smartgrowth Plan.

Payment of Bills:

It was moved by Ed Doerr and seconded by Joe Gonnering to pay bills totaling \$53,302.81 and payroll of \$13,201.60. Carried unanimously.

Other business:

Marilyn John asked a question about incorporation.

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 Joe Gonnering to adjourn the Meeting at 9:15 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, October 12, 2007. Barbara J. Davies, Town Clerk