

Minutes from the Town of Trenton Town Board Meeting

Date and Time: December 16, 2008 – 7:30 P.M.

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

Present: Chairman Joe Gonnering, Supervisor John Norman, Supervisor Ed Doerr, Town Clerk Barbara Davies, Treasurer Monica Diaz, Deputy Clerk /Treasurer Cindy Komro, Town Attorney Deb Hoffmann.

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 7:34 P.M.

Approval of Minutes – Town Board Meeting of December 2, 2008:

It was moved by John Norman and seconded by Joe Gonnering to approve the Minutes of the December 2, 2008 Town Board Meeting. Carried unanimously.

Comments and Questions:

None.

Accept/Review Agenda:

It was moved by John Norman and seconded by Ed Doerr to accept the agenda with the following corrections: delete agenda item 5, issue resolved; move agenda item 6, Leardi Land Division, to the top of the agenda. Carried unanimously.

Discussion/Possible Action re: Lucien & Jeanne Leardi, Concept Plan, Land Division, Country Estates 5: Frank Mayer stated that the Plan Commission had approved the concept plan and the land division/certified survey map. All corrections required by Burt Naumann have been made. It was moved by John Norman and seconded by Ed Doerr to approve the concept plan and land division/certified survey map presented by the Leardis. Carried unanimously.

Discussion/Possible Action re: Darryl & Kelly Zellmer, Lawn Systems Inc.: Plan Commission Recommendation, Application for Conditional Use Permit (Tabled 11/18/08,12/2/08): John Norman recused himself as a member of the Town Board and took a seat in the audience.

Ed Doerr stated that he had received and read the Plan Commission minutes, a word-for-word transcript of the Plan Commission record on Zellmers' conditional use permit application, prepared by a court reported hired by the Town. Supervisor Doerr moved to table action on approval or disapproval of the Conditional Use Permit application until Judge Farragher rules on the Town's request for a declaratory judgement. Chairman Joe Gonnering seconded Doerr's motion to permit discussion on the topic. Gonnering asked Attorney Hoffmann if there was a time limit for Board action on the permit application. Hoffmann said that she had not found a "hard deadline" other than the Plan Commission is supposed to report its recommendation to the Town Board. The case remanded from the Court came back with a request for the findings of the Plan Commission, for a record on the Plan Commission's consideration of the Conditional Use Permit application. Gonnering asked Doerr what purpose would be served by waiting for the court ruling in the Town's request for declaratory judgment. Doerr answered that the way the judge rules could alter the approval or nonapproval of the Conditional Use Permit. Attorney Deb Hoffmann pointed out that this agenda item deals with the 2006 permit application. The declaratory judgment deals with enforcement of the Town's ordinances. These are two separate acts. Doerr said he still felt that how the judge rules could affect this. Discussion followed. Gonnering called for a final vote on the motion. Voting aye: Ed Doerr. Voting nay: Joe Gonnering. Doerr's motion to table action is not approved. Joe Gonnering made a motion to accept the Plan Commission's recommendation to deny the Conditional Use

Permit application. Ed Doerr seconded the motion to allow discussion. Brief discussion followed. Attorney Hoffmann made the following statement for the record: Town Board Chairman Joe Gonnering is also President of the Plan Commission and was present at the Plan Commission meeting at which the Commission recommended denial of the permit. Gonnering and Doerr each received printed copies of the court reporter's word-for-word transcript of the Plan Commission's findings. Doerr was not present at the Plan Commission meeting at which the Commission considered Zellmers' application. Doerr acknowledged that he had received a court reporter transcript. Chairman Gonnering called for a vote on his motion to deny the permit. Voting aye: Gonnering. Voting nay: Doerr. The motion fails.

Supervisor John Norman rejoined the Board.

Discussion/Possible Action re: Repinske Certified Survey Map:

Frank Mayer told the Board that the Plan Commission had tabled approval, as required corrections have not been made. The map will be considered at the 1/13/09 Plan Commission meeting. It was moved by Ed Doerr and seconded by John Norman to table Board action until the Plan Commission recommends the map for approval. Carried unanimously.

Discussion/Possible Action re: Request for Split of Property, Conservancy District, Trenton Business Center: Frank Mayer told the Board that Husar's wants to split off and purchase a piece of the property at the front of the Business Center. The parcel is the location of the "Husar's" billboard facing east on STH 33. Purchase of the parcel would be subject to the existing conservation easement. The purchase may involve amendment of the condo documents. Discussion followed. Attorney Hoffmann stated that Husar would need to hire an attorney and research whether he can do this. Documents that will need to be researched are the condo documents, the developers' agreement, and the Planned Unit Development documents. Husar's attorney will then need to report back to the Town with findings. No action taken.

Discussion/Possible Action re: Approval of Acceptance of Southview Circle as a Town Road:

Joe Gonnering told the Board that engineer Burt Naumann got a 2-year warranty on the road. The warranty letter and approval letter will be forwarded to the Town. It was moved by Ed Doerr and seconded by John Norman to approve acceptance of Southview Circle as a Town road contingent on payment of all outstanding engineering fee bills and receipt of the approval letter and warranty letter from Burt Naumann. Carried unanimously.

Reconsideration of Approval, Operator's License: Kyle J. Mueller:

Mueller has completed the required class to be reconsidered for the license. It was moved by Ed Doerr and seconded by John Norman to approve issuance of an operator's license to Kyle Mueller. Carried unanimously.

Plan Commission Recommendations:

None.

Review of Annexation Petitions:

None.

Reports:

Frank Mayer reported issuance of 9 new home permits for 2008. A preliminary estimation of valuation added for 2008 from all permits is less than \$3,000,000 for the year.

Cindy Komro reported that she might need some consulting help on the new computer. Updates for the Quickbooks payroll system can be downloaded but not installed. Discussion followed.

Barb Davies reported that the state tax settlement report has been filed.

Attorney Deb Hoffmann reported that Newburg has asked for an expedited appeal on the Deerprint matter. Hoffmann said she would be telling the judge that she did not think this is a case for an expedited appeal.

Joe Gonnering reported receipt of correspondence re: WisLine teleconferences on Planning and Zoning; a County Public Hearing on the Eisenbaum Trail. The Town's overall tax rate (mil rate) 2008 is down from 2007.

Ed Doerr reported no weed complaints.

John Norman had nothing further to report.

Payment of Bills:

It was moved by John Norman and seconded by Ed Doerr to pay bills totaling \$45,083.18, payroll of \$17,966.94, and property tax refunds of \$5,163.06. 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 John Norman and seconded by Ed Doerr to adjourn the Meeting at 8:20 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 December 26, 2008. Barbara J. Davies, Town Clerk