

**TOWN OF MOSEL
TOWN BOARD MONTHLY MEETING
OCTOBER 12, 2010**

MINUTES

- I. Call To Order and Verification of Meeting Duly Noticed.** Town Chair Dirk Zylman called the meeting to order at 6:30 p.m. at the Mosel Town Hall, W982 County Road FF, Sheboygan. Other Town officials present were Supervisors Wayne Warnecke, Dave Scharinger, Clerk-Treasurer Rachel Rehbein and Constable Mike Langland. Also present were Audrey & Jon Naumann, Ann Hahn, Kelly Bahrs, Bob Reinthaler, Jim Hodgell, Adrian Wagner, Jr., Lloyd Wunsch, Paul Birschbach, Leonard Schwinn and Keith Steiger. Clerk-Treasurer Rehbein confirmed the meeting was properly noticed on October 8, 2010 at the Town Hall at 12:16 p.m., the Transfer Station at 12:23 p.m., Joe's Hometown Auto at 12:30 p.m. and the website at 12:50 p.m.
- II. Public Input: Discussion only – any topic.** Audrey & Jon Naumann and Ann Hahn are trying to sell their homes on Dairyland Drive. They feel they are unable to sell their homes because of all the vehicles on Tom Konz property. The Board has sent Mr. Konz a letter regarding the cars and his conditional use is up for review at the November 9 Board meeting.
- III. Approve/Accept Minutes from September 9, 2010 Monthly Board Meeting, September 22, 2010 Special Board Meeting, and September 27, 2010 Special Board Meeting.** Motion Scharinger/Zylman to accept minutes from September 9; carried 2-0 (Supervisor Warnecke did not vote because he did not attend the September 9 meeting). Motion Warnecke/Scharinger to accept minutes from September 22; carried 3-0. Motion Scharinger/Warnecke to accept minutes from September 27, 2010; carried 3-0.
- IV. Haven Sanitary District Request.** Adrian Wagner and Lloyd Wunsch spoke representing the Haven Sanitary District. They would like to dissolve the sanitary district and turn over some money to the Town (to be deposited into the Holding Tank fund) and the remaining money returned to the property owners. Over 51% of the residents have signed the petition. The Board questioned the cost associated with ditch cleanup that is done every 10-12 years. A private contractor is contacted and it has cost around \$300. Supervisor Warnecke will contact Rural Insurance to ask for an extension on the insurance. There will be a public hearing November 9 at 6:15 p.m.
- V. Paul Birschbach, Building Inspector – Discuss When Building Inspections Required.** Currently Mr. Birschbach only does new home inspectors. He presented the Board with costs associated with various other inspectors he does. The Board will discuss and possible take action at the November Board Meeting.
- VI. Christopher Farms Building Request.** Kelly Bahrs and Bob Reinthaler represented Jay Christopher and is desire to build a 4,687 sq. feet , 43 feet high museum barn on his property located at W580 Garton Road. Ms. Bahrs inquired about the next step. Chair Zylman indicated that the next step would be for Mr. Christopher's attorney to contact the Town Attorney, Paul Dirkse, to settle various outstanding questions. Chair Zylman will contact Brian Wunsch, the Fire Chief, regarding the height and access to the building.
- VII. Licensing:**
 - A. Operator's (Bartender's) Licenses.** After reviewing the applications, motion Warnecke/Scharinger to approve an operator's license to Karen S. Salm; carried 3-0.
- VIII. Public Works, Public Safety and Enforcement.**
 - A. Public Hearing on Conditional Use Permit Review:**

1. **Jon Naumann – Woodworking shop and residence.** Motion Scharinger/Warnecke to renew the Conditional Use Permit and review it again in 1 year (October 2011); carried 3-0.
2. **Rangeline Properties – 50' x 180' warehouse for equipment and material storage, mini-warehouse rental.** Leonard Schwinn requested the conditional use be reviewed every 2 years instead of every year. Since the permit is only 2 years old, the Board chose to keep it at one year. Motion Warnecke/Scharinger to renew the Conditional Use Permit and review it again in 1 year (October 2011); carried 3-0.
3. **Sheboygan Yamaha – Sales and service, new & used motorcycles, ATV's, snowmobiles, lawn equipment, watercraft & used automobiles & mini-warehouse storage.** Supervisor Warnecke questioned the trails in back of the property. Constable Langland will look into and get back to the Board at the November meeting.
4. **Jim Theodorff – Professional warehouse.** Due to Constable Langland waiting for a call back from Mr. Theodorff regarding the outside storage of trailers, the conditional use will be deferred until the November meeting.
5. **Robert & Darlene Beaudry – Residential rental home in B-1 and electric motor and machine repair business in B-1 and A-1.** Motion Warnecke/Scharinger to renew the Special Land Use Permit and review it again in 2 years (October 2012); carried 3-0.
6. **Can Am Custom Assembly – Custom Plastic assembly business.** Motion Scharinger/Warnecke to renew the Conditional Use Permit and review it again in 2 years (October 2012); carried 3-0.
7. **Four Seasons Comfort LLC – HVAC contractors sales and service.** Motion Scharinger/Zylman to renew the Special Land Use Permit and review it again in 1 year (October 2011) Supervisor Warnecke abstained due to his business relationship; carried 2-0.
8. **Richard Guske – Personal storage shed.** Motion Scharinger/Warnecke to renew the Conditional Use Permit and review it again in 1 year (October 2011); carried 3-0.
9. **Chuck Holzwart – Restaurant and gift shop, bakery, cannery, and cider mill.** Due to the Holzwart requesting a change, the conditional use will be deferred until the November meeting.
10. **Joe's Hometown Auto – Automotive repair business.** Motion Scharinger/Zylman to renew the Conditional Use Permit and review it again in 1 year (October 2011) Supervisor Warnecke abstained due to his business relationship; carried 2-0.
11. **Local 800 IUE-CWA – Business office and meeting hall with banquet facility.** Motion Warnecke/Scharinger to renew the Conditional Use Permit and review it again in 2 years (October 2012); carried 3-0.
12. **Anthony Wojcik – Storage building.** Motion Scharinger/Warnecke to renew the Conditional Use Permit and review it again in 2 years (October 2012); carried 3-0.
13. **William & Therese Berg – Auto repair and sales.** Motion Warnecke/Scharinger to renew the Conditional Use Permit and review it again in 1 year (October 2011); carried 3-0.
14. **Joey Edler – Parking and vehicle maintenance.** Motion Scharinger/Warnecke to renew the Conditional Use Permit and review it again in 1 year (October 2011); carried 3-0.
15. **Gene & David Gumtow – Bingo Supplies business and personal storage.** Motion Warnecke/Scharinger to renew the Conditional Use Permit and review it again in 1 year (October 2011); carried 3-0.

Chair Zylman suggested that starting next year, some condition use permits should be reviewed every 2 years if they have not been a problem.

- B. **Discuss possibly authorize cooperation letter with Orange Cross.** Orange Cross has an agreement with the Sheboygan County. Sheboygan County has asked us to send them a letter of support. Motion Warnecke/Scharinger to authorize Chair Zylman to develop a letter of support to work with Orange Cross with fees to be paid by those using the service; carried 3-0.

- C. **Discuss establishing weight limits on all town roads.** Deferred to November meeting.
 - D. **Wisconsin Towns Association Convention Report.** See Page 5 and 6 of these minutes. Next year's meeting will be in Green Bay.
 - E. **SSA-TAC/MPO (Sheboygan Service Area-Technical Advisory Committee/Metropolitan Planning Organization) Report.** Meeting October 7 to discuss the draft version of the 2011 Transportation Programs. Next meeting November 11.
 - F. **Review Job Descriptions.** Deferred to November meeting. Specifically a Transfer Station Attendant job description will be developed and Clerk-Treasurer job description looked at to see if any changes need to be made due to it being an appointed position.
 - G. **Discuss fall newsletter.** Newsletter was reviewed and small changes made. The newsletter will be sent to the printer by the end of the week.
 - H. **Ordinance and Permit Violations.** In August and September, Constable Langland picked up 6 tires and asked 4 people selling PGA tickets to leave that did not have a permit. He spoke to Ken Kleeme who is just putting extra concrete from Taylor Ready Mix on his property to put his pallets on. He talked to James Spicer regarding his sign and talked to Lyle Schmidt who now has a small sign and says a permanent one will be coming. Constable Langland also picked up dehumidifier and refrigerator on Rowe Road.
 - I. **Constable's Report and Log Review.** Constable's log was reviewed and signed for September and October.
- IX. Correspondence/Communications/Contacts.**
- A. **Others.** Letter sent to County Road LS property owner regarding his pallets and Tom Konz.
- X. Financials:**
- A. **Review Proposed 2011 Budget.** 2011 revenues and expenditures were reviewed and changes made. Motion Warnecke/Scharinger to present a balanced budget at the hearing November 11, 2010 at 7:00 p.m.
 - B. **Update on Uncollectable Personal Property Taxes.** No payment has been received.
 - C. **Review Financial Reports.** The financial reports were reviewed and filed in the Clerk-Treasurer's office.
 - D. **Review and Approve Voucher List.** Motion Warnecke/Scharinger to approve payment of all items on the voucher list and payment of Rural Insurance once an updated bill is received and the fees do not exceed \$8,715.00; carried 3-0.
 - E. **Building Permit, Conditional Use, Rezoning, and Variance Applications Report.** The value of the building permits issued September 1-30, 2010 was \$144,000.00. Total fees collected were \$458.00. The year-to-date total value is \$820,979.98. There were no Driveway Permits issued, no new rezoning applications requested, no new Conditional Use/Special Land Use applications distributed and no new Variance Applications distributed.
- XI. Review Upcoming Calendar of Events.**
- A. **October 15, WTA District Meeting.** Chair Zylman attending.
 - B. **November 2, General Election.**
 - C. **November 9, Board Meeting.**
 - D. **November 11, Budget Meeting.** MPO meeting also November 11. Sheboygan County Economic Development meeting November 16 at the Stefanie H. Weill Center.
 - E. **November 24, CD Matures.**
 - F. **December 14, Board Meeting.**
- XII. Future Agenda Items: Discussion Only.** Asking Christopher Farms to provide a master plan.

XIII. Adjourn. Motion Scharinger/Warnecke to adjourn; carried 3-0. Meeting adjourned at 9:21 p.m.

ATTEST:

Dirk Zylman, Chair

Rachel Rehbein, Clerk-Treasurer

Approved on 11/9/10

2010 Wisconsin Towns Assn State Convention Report – Wayne Warnecke

Sessions Attended

Monday, October 4

General Legal Cracker Barrel Session – *Q. Town billing residents for garbage pickup?*

Permissible for town to bill residents for this service BUT needs to be billed after services are rendered (for pickup, tipping fee, etc). Q. When can changes be made in per diem amount and when to be paid? A. Should be determined at annual town meeting. If a supervisor or chair decides to NOT accept per diems needs to declare this within thirty days after being elected and then annually thereafter. Q. Does town residents/public need to be notified prior to installation of security cameras? A. You do NOT need to notice the installation. Q. Road damage due to the hauling of manure. A. Covered under 86.02 Injury to highways. Ag units are subject to weight limits. Damage to the road needs to be proven. Manure haulers can be held to providing performance bonds. Q. Sign Reflectivity/Size Standards. A. Town signs will need to comply with new standards no later than 1/1/18. Reflectivity as well as size of sign lettering. Sign installed in areas of 45 mph or greater will need to be 6” high for Capital letters and 4-1/2” high for small letters – ex. Garton Road not GARTON ROAD. Responsibility of culvert replacement where frost has heaved driveway culvert causing backups in ditch. A. Financial responsibility is with private property owner. When roadway is reconstructed by town, disturbed private driveway culverts need to be replaced at town expense. 88.89 – culverts under town roads cannot block flow of water. Q. Collection of delinquent personal property taxes. WTA recommends small claims court action and amounts up to \$5,000. Be able to recover legal fees plus twelve per cent interest. Town should be prompt in noticing delinquent owner five days after due date. Ordinance needs to be adopted allowing town to deny license issuance to owner having delinquent personal property taxes. Q. Posting of weight limits on town roads. A. If a blanket weight limit posting is down on all roads in the town, all roads will need to have signs installation noticing weight limit. Q. Liability of a town if it allows ATVs to travel town roads. A. None, unless proven that condition of the town road caused accident.

General Assembly – Presentations by political candidates including Ron Johnson, Republican U. S. senator candidate and Rep. Mike Huesch on behalf of Republican governor candidate Scott Walker. Humorist Michael Perry’s presentation concluded this session.

Round I Workshops – I attended the presentation by Rural Insurance “When a windstorm (tornado) blows through your town”. *Need to have a complete inventory of all equipment in town hall/fire station in case of fire or windstorm claim. Need serial number, make & model, year/age and value. Photos of item extremely valuable. Important documents and valuable papers and records need to be maintained in a fire proof safe or vault. Backup of computer records need to be stored offsite (clerk-treasurer’s home?) Town’s liability coverage includes medical coverage for treatment of injuries sustained by volunteers. Information on computer hard drives can sometimes be retrieved by unplugging the computer, not using the off switch. Losses should be reported immediately to Rural at 800-255-2150 providing the names of two town officials complete with their cell numbers. Rural only uses their own adjusters and they will be on scene within 24 hours. It is important to address water claims immediately, limiting potential mold and drying time.*

Round II, III and IV Workshops. I attended a tour of modern dairy farm located near Coon Valley, Wisconsin. The farm is 100% Jersey and includes 625 head.

Tuesday, October 5

General Legal Cracker Barrel Session *Q. Levy Limits. A. If the three per cent increase is not used in the previous year, Town is able to use prior year's three per cent and the current three per cent in setting levy limit. Funds needed for borrowing and paying back principle and interest do not need to be taken into consideration in calculating levy limit. Electors can authorize levy to exceed limit by action at annual town meeting for towns with population under 2,000.*

General Session. WTA has arranged for online training by Town officials. An annual fee of \$50 will enable all of town's officers to participate in this online training. Presentations by political candidates including Tom Barrett, Democratic candidate for governor were made.

Resolutions Session

Round V Workshops. I attended the presentation on Weight Limit Authority. Towns need to be proactive. The weakest road condition exists when frost is coming out of ground. Attempt to limit heavy loads using new pavement or on recently sealed roads. Have haulers postpone use of these roads for several weeks. Consider making certain town roads for two-three days for manure haulers (and all traffic). This prevents side of road break-off. Towns of Wilson and Lima in Sheboygan County practice this action. Late winter use of roads by haulers during early mornings and on cloudy days result in less damage. Proven damage of roads by haulers can result in treble damages (86.02). Damage to roads can occur when "haul out" of crops (corn, soybeans, etc) are taken out of field. Town can require local haulers to post performance bonds and recommend hauler to become a member of Professional Animal Nutrient Applicators of Wisconsin (www.WiManureMgt.org) A handout for this session is available.

Round VI Workshops. I attended the presentation on a State Recycling Update. A ban on oil filter and absorbent will take effect on January 1, 2011. Most of the session concerned the banning of covered electronic devices (computers, televisions, etc.) A handout for this session is available.