

TOWN BOARD MINUTES
Tuesday, December 21, 2004
7:00 p.m.

1. Call to Order

Present: Chairman Kadow; Supervisors Niehaus and Wollmer, Clerk Clarke, Treasurer Danielson, and Constable Dickmann

2. Pledge of Allegiance

3. Approval of the minutes of the November 16, 2004 Town Budget Meeting and Town Board Meeting.

Wollmer moved to approve the minutes after correcting a typo in item 12; Niehaus seconded; motion carried unanimously.

4. Discussion Action on Building Inspectors Contract for 2005 and proposed fee schedule.

Kadow reviewed the new contract and asked the board to amend Services item h. to strike the word "administer" (the zoning ordinance) as that responsibility has been reassigned to the Administrative Assistant. Niehaus added that item h. should read "Enforce the Town's Building Code and Zoning Ordinance". The others agreed. Kadow then reviewed the new fee structure and observed that it is more consistent with surrounding communities. Niehaus then moved to approve both the amended contract and the new fee structure; Wollmer seconded; motion carried unanimously.

5. Discussion/action on Ordinance 2004-6, which amends Section 3.0209 R-4 Transitional Urban to Suburban/Rural Residential District.

At Wollmer's request, Kadow reviewed the amendment. He explained that the ordinance applies to areas abutting villages and would allow more flexibility in defining smaller lots to discourage annexation. Niehaus moved to approve; Kadow seconded; motion carried unanimously.

6. Town Constable's Report

Dickmann discussed the complaint of rabbit manure stored too close to the property line and stated that he has obtained an agreement with the land owner to move the pile 50 feet from the neighboring property. He also described a parking dispute at the same location. He also described resolving a complaint of hunting too near houses.

Wollmer expressed concern about the various vehicles present at the Baumann property on Highway 33. Niehaus recalled that they had approached the town board about a car repair business, which was denied. He suspects that there may be an illegal repair business ongoing at that location. The board then discussed possible enforcement actions. Niehaus said he would discuss the matter with the town attorney. Kadow asked the item be placed on the January agenda for follow-up.

7. Roads Report

a. Status on complaint regarding truck traffic on Blueberry Rd.

Kadow reviewed the action to post weight limits on Blueberry north of Hawthorne taken at the October meeting. Donald Hamm wrote a letter expressing his concern that the signs would cause trucks to turn around in his driveway and noted the state exceptions for dairy trucks and other local enterprises. Kadow opined that because the original complaint was for dairy trucks, the ordinance would have little effect. He then stated that he has reached an agreement with Hamm that his dairy drivers would use Hawthorne Rd. and avoid the unstable road base to the north. Kadow moved to rescind the action taken in October. Niehaus concurred and was hopeful that the agreement with Hamm would resolve the issue. Niehaus then seconded the motion. Wollmer also agreed and asked that staff send a letter to both Hamm and the complainant

explaining the resolution. Kadow will draft these letters. Motion carried unanimously.

Kadow then described a concern he received from the County Highway Dept. regarding a locked gate at the end of Center Lane off Blue Goose Rd. The county cannot plow Center Lane unless they can turn around beyond the gate. He read a letter he sent to the property owner requesting that he unlock the gate in winter. The board asked that staff call the property owner and follow-up to resolve the matter.

8. Recycling Report

None

9. Town Office Report

Clarke noted that the tiles in the boardroom were breaking up and would need attention next year. Kadow asked that the item be placed on the agenda for January.

10. Financial Reports

a. Treasurer’s account balances report

Danielson presented the report, which is on file.

b. Clerk’s budget status report

Clarke presented the report, which is on file.

c. Review and approval of claims

Clarke presented the following claims for approval:

Date	Num	Name	Memo	Amount	Balance
12/3/2004	4617	Hoffmann, Kate		(92.35)	(92.35)
12/13/2004	4618	Ozaukee County Treasurer		(1,273.60)	(1,365.95)
12/21/2004	4706	Clarke, Walter H.		(751.28)	(2,117.23)
12/21/2004	4707	Danielson, Kay		(405.97)	(2,523.20)
12/21/2004	4708	Dickmann, Mark R.		(76.95)	(2,600.15)
12/21/2004	4709	Golsteyn, Kathryn L		(23.09)	(2,623.24)
12/21/2004	4710	Hoffmann, Kate		(23.09)	(2,646.33)
12/21/2004	4711	Kadow, Jim		(434.98)	(3,081.31)
12/21/2004	4712	Niehaus, William		(281.66)	(3,362.97)
12/21/2004	4713	Pierson, Ginny		(23.09)	(3,386.06)
12/21/2004	4714	Rutkowski, Curtis		(23.08)	(3,409.14)
12/21/2004	4715	Smallish, Kathryn A		(23.08)	(3,432.22)
12/21/2004	4716	Walls, Debra		(847.23)	(4,279.45)
12/21/2004	4717	Wollmer, Michael G		(252.58)	(4,532.03)
12/21/2004	4718	Postmaster	Postage	(37.00)	(4,569.03)
12/21/2004	4719	Boehlke Bottled Gas		(981.22)	(5,550.25)

		Corp.			
12/21/2004	4720	Danielson, Kay	Petty Cash	(93.88)	(5,644.13)
12/21/2004	4721	Internal Revenue Service	39-1128950	(577.20)	(6,221.33)
12/21/2004	4722	PEBSCO		(20.00)	(6,241.33)
12/21/2004	4723	Wisconsin Department of Revenue	568734	(113.95)	(6,355.28)
12/21/2004	4724	Boehlke Bottled Gas Corp.		(815.54)	(7,170.82)
12/21/2004	4725	Bonestroo, Rosene, Anderlik & Assoc., Inc	Rolling Meadows Inspection	(185.88)	(7,356.70)
12/21/2004	4726	CITI CARDS		(247.13)	(7,603.83)
12/21/2004	4727	Fuchs, Snow, O'Connell & DeStefanis, S.C.		(25.00)	(7,628.83)
12/21/2004	4728	Ozaukee County Clerk	election expenses	(10.00)	(7,638.83)
12/21/2004	4729	Ozaukee County Hwy Dept.	November	(2,293.37)	(9,932.20)
12/21/2004	4730	Port Publications		(225.80)	(10,158.00)
12/21/2004	4731	RK Construction & Inspection, LLC		(2,745.99)	(12,903.99)
12/21/2004	4732	University of Wisconsin Extension	Paserware Training	(45.00)	(12,948.99)
12/21/2004	4733	We Energies		(178.38)	(13,127.37)
12/3/2004	4774	MCI	Phone	(112.77)	(13,240.14)
12/3/2004	4775	Olds, Melvin	Election	(70.00)	(13,310.14)

Kadow moved to approve the financial reports and pay all claims; Niehaus seconded; motion carried unanimously.

11. Correspondence

None

12. Items from the floor

Niehaus and Wollmer noted the increase in heavy trucks on Knollwood and Birchwood.

A general discussion of limiting non-local truck traffic ensued.

Dickmann asked the board for permission to remove dead elm trees on Hillcrest Rd. in the ROW for firewood at no cost to the town. The board agreed.

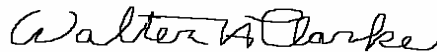
Dickmann expressed the desire to avoid annexing his land next to the Village of Saukville and asked the board for assistance. The board agreed that this situation is what was addressed by the ordinance change in agenda item 5. Dickmann will work with the board and the developers to see if a solution can be achieved.

13. Discussion/possible action on status and disposition of legal action by John Taylor Golf, Inc. dba The Bog.

Town attorney John DeStefanis reviewed the status of the contested 2002 and 2003 assessment of the Bog golf course and recommended that the town settle the suit out of court. He observed that the cash flow or income valuation model, which the Bog requested be used, is the preferred method for valuing golf courses and the expert assessment they commissioned was from a reputable professional. Accordingly, he believes that the town would not likely prevail in the suit. He then discussed possible terms of settlement, the first of which would involve reducing future tax assessments for 2004, 2005 and 2006 by an amount that would make John Taylor Golf whole. In return for settlement, John Taylor Golf would waive the collection of interest on the amount of the over taxation. This would need to be approved by the Wisconsin Department of Revenue. If this fails, the town would need to refund the tax in 2005 and wait until early 2006 to be repaid by the various taxing jurisdictions. This may create a cash flow problem for the town and might require borrowing to meet the obligation. Kadow moved to give DeStefanis the authority to settle the suit with a preference for the approach of reducing future assessments, if possible; Niehaus seconded; motion carried unanimously. DeStefanis returned the assessment file to the town and cautioned that the business records therein are not subject to the open records law.

14. Adjourn

Kadow moved to adjourn; Niehaus seconded; motion carried unanimously.



Walter H. Clarke, Town Clerk