

Town of Saukville
TOWN BOARD MINUTES
May 20th, 2008
7:00 p.m.

1. **Call to Order**

Present: Chairman Kadow, Supervisors Niehaus and Smallish, Treasurer Danielson, and Constable Rutkowski.

Also Present: Kathryn Golsteyn, accountant, Debra Walls, Zoning Administrator.

The meeting has been given public notice in accordance with Sections 19.83 and 19.84 of the Wisconsin Statutes, to apprise the public and news media of the subject matters intended for discussion, consideration and action. Chairman Kadow asked that on future agendas this notice follow the pledge.

2. **Pledge of Allegiance**

3. **Approval of the minutes of the March 18, 2008 Town Board Meeting.**

Smallish requested that item 11, 'Correspondence be amended to state "Kadow read a letter from a citizen expressing displeasure at the level of services of the website ..." Ms. Smallish moved to approve as amended; Mr. Niehaus seconded; motion carried unanimously.

4. **Formal recognition for service of Walter Clarke, former Town Clerk.** This item was tabled by the Chair as Mr. Clarke is out of town. Item will be placed on the June agenda.

5. **Recommendation of Plan Commission to approve a Conditional Use Permit for a home business brought by Jonathan & Kim Sauer, 4770 Hwy 57 (08-001-07-001.00) (standard home office/occupation conditions to apply)** Mr. Niehaus made a motion to accept the recommendation of the Plan Commission to grant the conditional use permit with the standard home business conditions. Ms. Smallish seconded the motion. All in favor.

6. **Recommendation of Plan Commission to adopt Ordinance 2008-1 establishing a Conditional Use Permit Process in all zoning districts to afford the opportunity to make application for permission to erect and maintain a small wind energy system.**

Chairman Kadow briefly summarized the process to date. Ms. Smallish read her statement asking that the setback be reduced to 1.2 times the height of the system. The text of the entire statement is attached to the minutes. Ms. Rita Pavlik, 1906 Riverview Trail, spoke in support of the 1.2 setback. Ms. Patricia Fairchild, 2829 Hwy. W, spoke in favor of reducing the setback requirements recommended by the Plan Commission. She said 1.2 times is more than effective protection from collapse. She said the two million dollars of liability insurance seemed excessive since the PSC only required \$300,000 of insurance on systems. She also said the setback restriction from the property owner's residence was not needed.. Mr. Ron Horn, 3165 Tree Lane, said setbacks at 1.1 times the system height were appropriate. He suggested dropping the setback restriction on the homeowner's own buildings. He stated that one million dollars in insurance was enough. Mr. Norm Ammermann, 2642 Forest Lane, said one million dollars of insurance was acceptable. He said he was in favor of a notice of abandonment after six months of disrepair. He questioned the Plan Commission's recommendation of setbacks at twice the height of the system. He asked where the member's got the number and questioned what study they based their decision on. Mr. Mark White, Director of Education at Riveredge, expressed disappointment with the recommendations. He said that the Ad Hoc Committee members, including Mr. Kadow and Mr. Hoffman had recommended a lesser setback. He said he saw no additional evidence presented that would warrant or justify increasing the setback to twice the height at the Plan Commission. He said that the burden of proof to defend the setbacks will fall on the Town of Saukville. He said the

additional setback requirements would result in the proposed Riveredge system to be reduced in height and moved to a site that would be far more visible to the neighbors. He said that Riveredge had paid for a site assessment and that they might lose grant funding if they were forced to meet the increased setback requirements. He asked sending a message to the public that the Town was limiting the inefficiency of the system and the ability of citizens to use this alternative source of energy was really what the Town intended. He suggested that the Town Board reject the recommendation of the Plan Commission and adopt a 1.0 or 1.2 times the system height setback, exempting buildings on the same parcel, rejecting language regarding the colors and finishes of the systems, setting the insurance requirements at the PSC level of \$300,000. Chairman Kadow asked if any of the Ad hoc Committee members present remembered how the language regarding residences on the same parcel was included. Mr. White said he remembered fighting it at the Ad Hoc meeting. Mr. Patrick Boyle thanked the members for attempting to create an ordinance. He said he was disappointed that the Ad Hoc Committee recommendations did not make it passed the Plan Commission. He said that the Town could have to justify twice the height. He expressed concern about unintended consequences. Ms. Janet Bienborn, said she owns property in the Town and she appreciated the work and the effort of the Town but she felt the guidelines recommended by the Plan Commission go way beyond what is needed and may be intrusive on the property rights of property owners. She said that she had no wish to pay for defending any possible litigation that could be brought. Mr. Niehaus said he was not on the Ad Hoc Committee. He said it was within the province of the Town to comply with the intent of Statute without abandoning health and safety issues. He said he thought the setbacks could be reconsidered, that the setback requirement for a house on the same parcel be struck, and that the amount of the insurance be modified. Chairman Kadow said the Plan Commission took to heart the consideration of health and safety and guided by model ordinances they put forward their best recommendations. Kadow said the important issue was to adopt an ordinance as the Town needs to have it now. He asked if there was any suggestion from members regarding the setbacks. Ms. Smallish restated her position that 1.2 times is sufficient. Mr. Niehaus said it was not an exact science. He said he thought 1.5 was appropriate although he could see 1.2. Mr. Kadow said 1.5 was reasonable and defensible according to the Town Attorney. He agreed to strike the setbacks to the house on the same parcel and to reduce the required liability insurance to one million dollars. He said \$300,000 was too low. He said he agreed with the six month timeline to abandonment. Mr. Niehaus moved to change the ordinance setbacks for systems in all districts from a 2 times the height setback to a 1.5 times the height setback. Mr. Kadow seconded. Motion passed with Ms. Smallish voting 'nay' as she was in favor of reducing the setback to 1.2 times the height of the system as she stated earlier. Mr. Niehaus made a motion to adopt the ordinance with all the changes agreed to or voted on including omitting the residence on the same parcel from the setback requirement and reducing the liability insurance to 1 million dollars. Mr. Kadow seconded the motion. Motion passed with Ms. Smallish voting 'nay'.

7. **Zoning Administrator Report**

Nothing to report

8. **Town Constable's Report**

Mr. Preshat has removed his truck. Mr. Rutkowski had nothing further to report

9. **Roads Report**

- a. **Results of Road Tour.** Chairman Kadow reported that all three Town Board members had toured the roads with the highway department and they were in the process of preparing their conclusions for presentation at a later date.

10. Recycling Report

Ms. Smallish said she could use more volunteers on Saturday mornings.

11. County Board Update

Nothing to report

12. Town Office Report

Chairman Kadow reported the flag needed replacement. Ms. Smallish moved to buy a new one. Chairman Kadow seconded the motion and said he would take care of it. All in favor. Chairman Kadow introduced Ms. Golsteyn, a CPA, who has consented to take care of the Town's accounting needs while the Clerk's office is vacant. Ms. Golsteyn said she would try to get a new credit card for the Town as the old one was cancelled when Mr. Clarke left office.

13. Financial Reports**a. Treasurer's account balances report**

Danielson reviewed the report, which is on file. Ms. Golsteyn said she would like to include a profit and loss report to the Town Board in the future to further clarify the Town's accounts.

b. Clerk's budget status report

Chairman Kadow reviewed the report provided by Ms. Golsteyn,

Review and approval of claims

Chairman Kadow asked Ms. Golsteyn to present the claims for approval. A list of these claims is attached to the minutes.

Niehaus moved to accept and approve the claims; Smallish seconded; motion carried unanimously.

Chairman Kadow moved to approve the Treasurer's report and the Clerk's report. Mr. Niehaus seconded. All in favor.

14. Correspondence. Chairman Kadow made note of plans for an upcoming Farmer's Market in the Village of Saukville. Chairman Kadow asked if anyone was aware of an existing ordinance that regulated solicitation in the Town. He said he would investigate the need for a solicitor's license ordinance in the Town. Chairman Kadow said he had seen information concerning a decline in participation in the CRP program and it was said to be difficult to remain in it and that there is now a financial advantage to leaving the program. He said we should all work with efforts to improve the program and make it easier to work with.

15. Items from the floor

Ms. Rita Pavlik, 1907 Riverview Trail, asked if she could have her property tax reduced as there was an unsightly structure on a neighboring property. Ms. Kartheiser, 2009 Riverview Trail, said she also had a problem with dangerous structures on a neighboring property. Ms. Jobs questioned whether Mr. Sauer had been charged for his Conditional Use Permit. Chairman Kadow showed the Discover Wisconsin DVD produced by the County and said it was available for purchase from the County.

16. Adjourn

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

Respectfully presented by Debra Walls