

Minutes from the Town of Trenton Town Board Meeting

Date and Time: Tuesday, May 16, 2017, 7:30 PM

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

Present: Chairman Joseph Gonnering, Supervisor Ed Doerr, Supervisor Jeff Esselmann, Clerk Cindy Komro, Treasurer Monica Diaz, Attorney Tim Schoonenberg. Chairman Gonnering asked those in attendance to join in reciting the Pledge of Allegiance. Gonnering called the Meeting to order at 7:30 P.M.

1. Approve Minutes of Town Board Meeting of May 2, 2017:

Jeff Esselmann moved to approve the Minutes of the Town Board Meeting of May 2, 2017. Ed Doerr seconded. Voting in favor: 3. Opposed: 0.

2. Affidavit of Posting:

Chairman Gonnering read the affidavit of posting, stating that notice was properly posted prior to the meeting on the Town Bulletin Boards and sent to the West Bend Daily News and WMBZ & WBKV Radio.

3. Comments and Questions from the Audience:

None.

4. Review and Accept Agenda:

Ed Doerr moved to approve the agenda as presented. Jeff Esselmann seconded. Voting in favor: 3. Opposed: 0.

5. Deer Removal Contract:

Chairman Gonnering explained that the State of Wisconsin will no longer service deer removal. The State has contracted with an professional to remove the killed deer. Individual municipalities can contract with him to remove deer in the Town on a per-deer basis. Gonnering will report again when more information is received.

6. Paradise Drive Tree Removal:

Chairman Gonnering described the trees needing removal. He received a quote for \$3,250 to remove the trees. Discussion followed. Additional quotes will be solicited.

7. Paradise Drive Road Repair:

Chairman Gonnering explained that a manure hauler damaged the road. Discussion followed regarding the road repair cost responsibility.

8. Plan Commission Recommendation, Ordinance Z2017.05.01, Rezoning petition, Kathleen Seiler, Personal Representative, Estate of Gary Filo:

Chairman Gonnering explained the Ordinance. Plan Commission recommends approval. Ed Doerr moved to approve Ordinance Z2017.05.01. Jeff Esselmann seconded. Voting in favor: 3. Opposed: 0.

9. Plan Commission Recommendation, Certified Survey Map, Kathleen Seiler, Personal Representative, Estate of Gary Filo:

Chairman Gonnering described the Certified Survey Map. Plan Commission recommends approval. Jeff Esselmann moved to approve the CSM, contingent on approval by Town Engineer Burt Naumann. Ed Doerr seconded. Voting in favor: 3. Opposed: 0.

10. Plan Commission Recommendation, Ordinance Z2017.05.02, Rezoning Petition, Jay & Dawn Koenitzer:

Chairman Gonnering explained the Ordinance. Plan Commission recommends approval. Ed Doerr moved to approve Ordinance Z2017.05.02. Jeff Esselmann seconded. Voting in favor: 3. Opposed: 0.

11. Shared Driveway Request, Bruce Resnick, 5859 CTH Y:

Chairman Gonnering explained the request for a shared driveway. The County has denied a request for a second driveway. Bruce Resnick presented a photo of his proposal. Discussion followed.

12. Approve Ordinance 2017.05.01, Confidentiality of Board of Review Applicant Income:
 Attorney Tim Schoonenberg explained that the Town of Trenton's ordinances are up to date on this issue. No action.
13. Town Park Equipment:
 Chairman Gonnering explained that park funds can be used for equipment at Town parks. Treasurer Monica Diaz has begun researching the options for the area behind the Town Hall, near the athletic fields.
14. Approve Bank Statement Reconciliations:
 Jeff Esselmann moved to approve the March 31 and April 30 bank statement reconciliations. Ed Doerr seconded. Voting in favor: 3. Opposed: 0.
15. Review Annexation Petitions:
 None.
16. Department Reports:
 Deputy Sheriff Matt Dourn reported on the County Sheriff activity in the Town of Trenton during April. Deputy Sheriff Dourn encouraged the Town residents to lock their doors due to the recent number of break-ins in the area.

 Treasurer Monica Diaz reported on the WISLR road rating information, which is due in December. Diaz mailed 53 delinquent dog letters.

 Clerk Cindy Komro reported on the Board of Review training materials.

 Attorney Tim Schoonenberg had nothing to report.

 Chairman Joseph Gonnering reported on the tree cutting activity in the Department of Public Works. Gonnering reported on Eli Morgan's Golden Birthday Party on June 14.

 Supervisor Ed Doerr reported on the noxious weeds starting to grow in the Town. Doerr attended the Mid-Moraine Municipal Court meeting on May 9, during which the annual audit was approved.

 Supervisor Jeff Esselmann reported on an email received regarding the drainage on Pleasant Hill Drive and Hwy M.
17. Payment of Bills:
 Jeff Esselmann moved to approve payment of bills totaling \$59,498.89 (largest were trash and crackfilling) and payroll totaling \$17,960.25. Ed Doerr seconded. Voting in favor: 3. Opposed: 0.
18. Consideration of any Preliminary Plat or any Final Plat which may be submitted pursuant to Chapter 236, Wisconsin Statutes:
 None.
19. Authorize Town Officials to Attend Seminars: Wisconsin Towns Association meeting, May 22, 2017, 7:00 PM:
 Ed Doerr moved to allow Town Officials to attend the Wisconsin Towns Association meeting on May 22 at 7:00 PM. Gonnering and Esselmann may attend.
20. Discuss Any Ordinances, Resolutions, Reports or Recommendations Already Pending Before the Town Board:
 None.
21. Receive Testimony in Response to a Citizen Complaint Filed Against a Conditional Use Permit Holder for a Horse Boarding Operation and Landscaping Operation Operated on Property Located at 1896 County Highway NN:

Attorney Tim Schoonenberg explained how the testimony would proceed.

- Ann and John Pechstein submitted testimony regarding the complaint, explaining the disturbance to her property. Specifically, traffic, noise, heavy machinery, and dust disturbs the enjoyment of their property.
- Attorney Ian Prust directly examined the complainants regarding the landscaping business.
- Attorney Dan O'Callaghan cross-examined the complainants.
- Attorney Ian Prust re-examined the complainants.
- Attorney Tim Schoonenberg asked Attorney Prust what conditions of the Conditional Use Permit are allegedly being violated. Attorney Prust explained that the landscaping business is in violation of Town ordinances. Also, whether the horse training is considered part of the horse boarding operation. Attorney Prust described the conditions that are requested.
- The Town Board members questioned the complainants.
- Attorney Dan O'Callaghan summarized the issues and described the history of the operations on the property.
- Attorney O'Callaghan directly examined the respondents, Doug Fromm and Courtney Hayden-Fromm. Mr. Fromm presented a statement. Courtney Hayden-Fromm presented a statement.
- Attorney Schoonenberg questioned the respondents.
- The Town Board members questioned the respondents.
- Nick Laatsch commented regarding the activity of the landscaping trucks.
- Tipi Welsch commented on how Courtney runs her horse business.
- Pat Swan commented regarding the horse manure hauling activities.
- Andrea Gierach commented on the character of the respondents.
- Dr. Rachel Bourne, a local veterinarian, commented on how well the horse property is managed.
- Jan Brown described her experience with the horse boarding facility.
- Nikki Schultz explained her experience with the horse boarding facility, and how Courtney restricts the timing of when horse trailers are allowed on the property.
- Courtney Hayden-Fromm commented on the skid marks in the driveway, explaining that they were likely from the Advanced Disposal truck, and the company was notified of the issue.
- Attorney Prust summarized the Pechsteins' requests regarding the Conditional Use Permit. First, the landscaping business is not in compliance with the Town ordinances. Second, the language in the Conditional Use Permit regarding the horse boarding business needs clarification.
- Attorney O'Callaghan summarized the respondents' offers to mitigate the impact on the neighboring property owners.
- Attorney Prust clarified that the parking restriction would not restrict handicapped parking.
- Jeff Stockhausen commented that Seoul Creek Farm is in a perfect location, on Hwy NN.
- Darrin Wenger commented that one of the purposes of running a business is to make a profit, and some of those profits to the community.
- Becky Tenges explained that as a client of Seoul Creek Farm and an equine professional she has observed typical traffic on numerous occasions.
- Nicole Trapp commented that as a horse professional, normal business hours for a horse boarding business are not typical of a 9-5 office day.
- Nikki Schultz presented the traffic counts found on Google.
- Lane Nygren spoke on behalf of a horse association and commented that the horse shows at Seoul Creek are important to the organization.
- Stacy Oppermann, as a horse training business owner, commented that the hours of operation are reasonable to this business.
- Ella Wilson testified that heavy machinery is required on a farm.

22. Entertain a Motion to Go into Closed Session for Deliberations. This session will be closed pursuant to Wisconsin Statutes Sec. 19.85(1)(a) "Deliberating concerning a case which is the subject of any judicial or quasi-judicial trial or hearing before that governmental body":

Jeff Esselmann moved to go into closed session. Ed Doerr seconded. Voting in favor: Jeff Esselmann, Ed Doerr, Joe Gonnering. Opposed: None.

23. Reconvene Into Open Session:

Jeff Esselmann moved to reconvene into open session. Ed Doerr seconded. Voting in favor: Jeff Esselmann, Ed Doerr, Joe Gonnering. Opposed: None.

24. Take Action as a Result of Deliberations in Closed Session or Open Session:

Jeff Esselmann moved that the Town Board makes the following findings and amendments as it relates to the Conditional Use Permit:

- 1) Agricultural uses are typically 24/7 however, the hours of 6:00 AM to 9:00 PM on the CUP in the EA zoning district is more than reasonable.
- 2) The prior requirement of the Landscaping business being a Home Business was to allow for the use of office space. Agricultural equipment is consistent with the EA Zoning district uses. The business plan presented by Mr. Fromm with one employee is a reasonable use within the EA district and should be incorporated into the conditional permit.
- 3) Twelve days per year for horse shows is a reasonable use of the property in the EA district.
- 4) The following amendments to the CUP permit are found to be reasonable:
 - a) No Portable bathrooms within the first 300 feet from the centerline of NN, and at least 10 feet from all property lines.
 - b) Parking should be restricted to Handicap or Emergency vehicles in the first 300 feet from the centerline of NN.
- 5) All other parts of the CUP are appropriate and consistent with other uses within the EA district.
- 6) Based on the evidence presented, the town board finds that as it relates to the Horse-related activities, no violation of the CUP has occurred.

As part of this motion, Jeff Esselmann requested that the board amend the conditional use permit to be consistent with these findings. Ed Doerr seconded. Voting in favor: 3. Opposed: 0.

25. Adjourn:

Jeff Esselmann moved to adjourn the meeting at 10:51 PM. Ed Doerr seconded. Voting in favor: 3. Opposed: 0.

Respectfully submitted,



Cindy A Komro
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 May 31, 2017. Cindy Komro, Town Clerk.

Subject to Approval: These Minutes will be considered for approval by the Town Board at the June 6, 2017 Town Board Meeting.