

REGULAR TOWN BOARD MEETING

September 13, 2010

7:30 p.m.

LAKESWOOD ADMINISTRATIVE OFFICE

This meeting was posted in the four usual places those being the Lakewood Town Hall, Lakewood Super Valu, Laona Bank and Lakewood Administrative Office.

PRESENT: Joanne Roy, Chairman, Lee Spletter, Supervisor, Tom Haberstein, Supervisor, Denise Jackett, Clerk and Virginia Nelson, Treasurer.

VISITORS: Paul Shallow, Duaine M. Coenen, Loren Nelson, Terrence Johnson, Josh Riebe, Jack and Ruth Kennedy, Dennis and Lynda Adler, Neale and Linda Block, Lynne Buxrude, Don Jackson, Vay Jackson, Gene Dunsirn, Mary Dunsirn, David Pitterle, Jan Liebsch, Don Bartel, Jr. and one illegible signature on sign in sheet (see attached sheet.)

Chairman Joanne Roy called this meeting to order at 7:30 p.m.

Lee Spletter moved to accept the agenda. Second by Tom H., all ayes motion carried.

Motion made by Tom H., to accept the minutes of the August 9, 2010, Town Board Meeting. Seconded by Lee S., all ayes motion carried.

Treasurer's Report: Given by Virginia Nelson, and summarized in these minutes.

Checking Account Beginning Balance: \$ 149, 196.32

Receipts: \$ 230,844.86

Total in Checking \$ 380,041.18

Fewer Expenses: \$ 59,598.97

Balance in Checking \$ 320,442.21

Fire Department Account: \$639.93

Cemetery Account: \$500.00

Tax Account: \$230,510.70

Capital Improvement Fund \$101,028.48

Motion to approve the Treasurer's report by Tom H., second by Lee S., all ayes motion carried.

Plan Commission:

Lee Reported.

a. REZONE, CONDITIONAL USE & CSM/PLAT PROPOSALS:

1. Mark Teuteberg or other Oconto County Representative will present a CSM for part of the land on the

South end of Chain Lake.

a. Paul Shallow of Shallow Survey was present. Property is on the south end of Chain Lake and was taken back on County Tax Deed. The garage and septic of Duane Coenen is sitting on the parcel of Lot 2, due to a survey map and actual deed that had been recorded. The County is willing to survey off part of the property on Lot 2 so that the structures may remain and not have to be torn down. Which in return makes the lot 2 non-conforming in size? The County is going through a variance to address the matters. Motion to approve the Certified Survey Map as presented by Lee S., seconded by Tom H., all ayes motion carried.

2. Resignation of Plan Commission Member. Possible Board approval of Commission Member. (No discussion, No action taken)

3. Joint meeting for the Water Feasibility Study to be set up with Jeff Schultz of Martenson & Eisele, the Sanitary District, Town Board and Plan Commission on September 27th, 2010 at 6:00 p.m. Letter to be sent to Sanitary District.

Capital Improvements Committee:

Tom Haberstein Reported.

- Tom thanked Terry Johnson for his help in getting recommendations and quotes for the Town Hall Building.
- Total for the whole project would be \$32,785.00 if the town chose to do this.
- Report consisted of approximate quotes within a plus or minus five (5) percent. This would also bring the bathrooms up to American Disability Act compliant.
- Town Board would look at the recommendation and make a possible decision then bring forth to the town's people to see what they would like do.
- Plans do not include any electrical updates, which should be looked at.
- Plans should also correspond with the report from Focus on energy.
- These plans do not include recommendations for the outdoor toilets.

Lakewood Fire Department

Not present

Approval or Denial of Picnic License

a. a. Pirates of the Northwoods, September 25, 2010 Beer tasting event.

Motion made by Tom H. to approve the Picnic License. Seconded by Lee S. All ayes motion carried.

Approval or Denial of 2010/2011Aramark Contract

Denise presented the Board with copies of the previous contract pricing with Aramark and the possible new one year contract pricing for comparison and approval or denial of the contract.

Motion made by Joanne to approve the renewal of the one year contract with Aramark. Seconded by Lee S. All ayes motion carried.

Town Hall/Pavilion Business

a. Town Hall and Pavilion Fees/discussion/possible approval or denial of new fee schedule.

Discussion was held on suggested Town Hall and Pavilion Fees.

Included were as follows:

For all fundraising events except benefits for Lakewood Community members\*:

1. Must book in advance
2. \$50.00/day rental fee, (you must pay for set up days if they apply) paid in advance.
3. \$100.00 security deposit paid in advance, returned if properly cleaned

No charge for meetings. Must book in advance.

For parties, such as family reunions, weddings, showers and any other occasion where food will be served:

1. Must book in advance
2. \$25.00/day rental fee, paid in advance.
3. \$100.00 security deposit paid in advance, returned if properly cleaned.

Meal site rental fees will be negotiated with the County as needed.

Motion made by Tom H. to approve the presented fee schedule. Seconded by Lee S. All ayes motion carried.

Use of tables and chairs for of premise use were discussed.

Issues with them not being returned or not being returned in same condition and who and how to handle the use if permitted were discussed. Possible payment of security deposit for the use of the items.

Tabled until next month.

Non-muffled, 2 cycle All Terrain Vehicles and Motor bikes

- Property owners of the surrounding Ski Hill Area (Geise Lane and Chalet Lane) (Neale Block spokes person), were present and had submitted a formal petition to the Board to make immediate action to correct noise conditions at the Ski Hill Property.
- The noises are causing a disturbance to safe and peaceful harmony of life and physical damage to hearing.
- Events have been seen and heard outside of the hours of operation granted in Ju.ly of 1986 by the Oconto County Zoning Board.
- Excessive loud noises and events on the Ski Hill Property are being caused by use of All Terrain Vehicles (ATV) and off road motorcycles with modified or less than full exhaust systems.
- Request for an immediate ordinance to regulate load and unnecessary noises in the Township on any private property within the Town.
- A proposed ordinance was submitted by the property owners to aide in the enforcement of noise control and disturbances.
- Town Chairperson, tried to contact the Kerschers at their residence, no one was home. The idea was

to meet with them and take them to the different areas and allow them to experience the noise levels being created, to hopefully come to some agreement to avoid all the issues at hand.

- Per the residents, in the past the Kerschers had been cooperative with the neighbors and at the present there is no cooperation. When approached the individuals were told to get off their property.
- Sheriff had been contacted. Complaints had been made.
- Town Chairperson had spoken with the Sheriff. County cannot enforce because there are too many different ordinances throughout the county.
- Conditional use permit was issued for sanctioned races and practice times.
- Town Chairman spoke with Pat Virtues of the County to find why the conditional use permit cannot be enforced. His response was that it did not pertain to practice times on private land it pertained to the races. He was then asked why if they asked for the Conditional Use Permit to regulate themselves, this can not be used to regulate them further for the use on their land. Pat Virtues has no answer and has not answered as of yet. Not known if he is possibly gathering more information from other sources.
- Suggested the Town send the Kerschers a letter pertaining to the noise complaints.
- Complaints could also be called to County Supervisor, Tom Gryboski.
- Possibly contact the District Attorney to see what avenues can be taken.
- Residents could tape record the noise and present it to the county.
- It is not understood why the Conditional Use Permit in 2009, applied for by Anton, Jr. and Wendy Kerscher was not heard after application was made for the snowmobile races and mountain bike races.
- The application was not heard because it fell under the Conditional Use Permit granted in 1987 to Tony Kerscher, Sr.
- Sheriff responded and had told the Kerschers to put away one of the ATV's that had no muffler on it, because it did not comply with the ATV Ordinance.
- Meeting will try to be set up with Town Board, residents and the County. Neal Block will be the representative to contact the other residents with the date and time.

#### Tractor Mower Purchase

New tractor, broom and sickle mower are needed. Notice for bid will be published in Beacon/reporter. Josh will review the bids prior to Board approval or denial of purchase at October Town Board Meeting. Bids will be sent to Town post office box to be recorded and copied prior to presenting them to Josh. Tabled until next month.

#### Fee Schedule for requested open records and election information:

Republican Party of Wisconsin has sent a written request for Open Record information regarding individuals who request absentee ballots, submitted absentee ballots and belong to a permanent absentee list.

Denise has asked the board if there should be a fee set for requests of Open Records. The Board suggested a flat fee of \$20.00 and a \$.25 per page copy fee be applied for any requests. Individual request must be submitted separately.

Motion made by Tom H. to approve the presented fee schedule. Seconded by Lee S. All ayes motion carried.

Board, Clerk, Treasurer, Assessor Comments and Correspondence:

Denise:

- Reading of letter and petition from disgruntled tax payers on the seal coat and chip sealing applied to John Lake Road.
- Lakewood Sanitary District Letter of retirement from Tom Ropson.
- Wisconsin Department of Revenue Equalization Report/Lakewood 2010 Real Estate \$238,865,400, Personal Property 2,206,600, Total 241,072,000
- Wisconsin Department of Administration letter of 2010 preliminary census count of Lakewood at 995 up 85 from previous year.
- Wisconsin Department of Transportation Local Public Agency/Right of way issues for local highway and street project seminar.

Lee S.

- Complaint on property behind post office. Lawn not cut fire in pit out of control. Property is a rental. Prior owner is divorced and property belongs to ex-wife. Will need to look in records to see who owns the property.
- Complaint on siren going off at noon each day. Could possibly use only in case of emergency.
- Properties on Waubee Lake had no physical address signs. Signs were ordered at a cost of \$109.00. In 2002 Town paid for signs and suggestion was made that the Town also pay for these signs.

Motion made by Lee S. to approve paying for the physical address number signs. Seconded by Tom H.. All ayes motion carried.

Joanne:

- Complaints on establishments, loud noises, people wandering off of the property indecent exposure/urinating in public. This may be in conjunction with the smoking bans. Possible action should be considered and attached to the licensing of establishments.

Pay Vouchers:

Motion was made by Lee S., to approve the vouchers, seconded by Tom H., all ayes motion carried.

Public Comments:

Don Jackson:

Questioned if the equalized value is up or down from the previous 2009 year. It is down.

Ruth Kennedy:

- Asked the board decision on Lake John Road seal coat and chip seal. Hopeful that the board would consider blacktopping before this winter. 2.3 miles from County F to the end of construction.
- Does not believe that the road will cure because the temperatures have become too cold.
- Main road to Bear, Munger, Lake John, campground and the Fish Hatchery.
- Hoping the board will reconsider and black top the road before winter.
- Understands the road needed repair and does not believe that it was needed right now.
- The Board needs to take in to consideration at the amount of people that live on the road.

Lee S:

- Commented that the Paser Program and rating system is rated every two years. (referencing the hand out)
- Lake John Road was black topped in 1997 with a typical life span of 20 years.
- Crack-sealing and chip-sealing is done to extend the life of the road.
- The application of fractured stone bite in better than pea gravel and needs to cure for approximately 8-10 days then can be swept off to the sides.
- Budget of approximately \$254,000.00 from the state for roads was not enough revenue and the Town Board had to cut roads because of lack of revenue.
- Numbers of people that live on the roads are taken in to consideration to rework roads.
- Fahrner Asphalt, Scott Construction, The Town board and Road Crew examined the roads in the fall of 2009 and spring of 2010.

Jack Kennedy:

- Questioned why Forrester Road was not chip sealed.
- Usually pea gravel is used; chipped stone was used because the pea gravel is up in price.
- Inquired if anyone approached the Fish Hatchery for cost of sharing the blacktopping.
- Individuals on the road thought that it was being prepared for blacktopping.

Dennis Adler:

- Put their bicycles away because of the amount of gravel, loss of recreational road.
- Does not believe the road needed to be repaired.

Lynda Adler:

- More people would have been present at the meeting if they would have known there would be discussion on the issue.
- Requested that it be noted that Lake John Road should be looked at for next year.

Joanne:

- Black topplers would not be here anymore this year. The plant is gone.

- The Board could not guarantee the Road would be looked at because the entire Board is up for re-election in the spring of 2011.
- The road will be looked at in the spring to see what repairs if any are needed, whether it needs entire black topping, an overlay or any other possible repairs.
- The road will be swept after the curing time.
- The board did not look into cost sharing with the Fish hatchery, in the past it was no longer done.

Lynne Buxrude:

- Commented it not to be a funny situation.

Gene Dunsirn:

- Recognized that the town is looking at land for the Fire Department and it should be considered that the Roe Anderson property went into foreclosure and is listed at \$99,900.00 and there is an excepted offer. This should be considered when negotiating land. Land has no value now.

The town is not near any negotiations. Not even close. At an impass of price.

Don Jackson:

- Possible consideration of the 11 acres of land near the cross road of North Road and County F that is under foreclosure for the Fire Department.

Next Meeting:

Regular Town Board Meeting will be held on Monday, October 11, 2010 at 7:30p.m. Lee S. will be absent. (Meeting re-scheduled for October 4, 2010, Noticed in paper)

Budget Workshop scheduled for October 25, 2010.

Motion to adjourn by Tom H., seconded by Lee S., all ayes motion carried, adjourned at 8:58 p.m.

Respectfully Submitted,

Denise A. Jackett

Denise A. Jackett, Clerk