

REGULAR TOWN BOARD MEETING

August 8, 2011

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: Loren Nelson, David Pitterle, Tony Bleier, Terrance Johnson, Josh Riebe, Bob Landwehr, Don Jackson, Neale Block and Gene Dunsirn.

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

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

Motion made by Lee S., to approve the Minutes of the July 11, 2011 Regular Town Board Meeting. Second by Tom H., all ayes motion carried.

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

Checking Account Beginning Balance: \$ 97,881.40

Receipts: \$ 74,212.57

Total in Checking \$ 172,093.97

Less Expenses: \$ 43,642.70

Balance in Checking \$ 128,451.27

Fire Department Account: \$5,023.03

Cemetery Account: \$500.00

Tax Account: \$392,149.72

Capital Improvement Fund \$ 62,240.44

Grant Feasibility Account \$,3353.43

Delinquent personal property report and deposits to Fire Department Account were attached to report.

Lee S. moved to accept the Treasurer Report. Second by Tom H., all ayes motion carried.

Plan Commission:

Lee S. Reported.

REZONE, CONDITIONAL USE & CSM/PLAT PROPOSALS:

a. Land division for Pitterle on West Forrester Rd.

Plan Commission recommends the approval of the land division Certified Survey Map for the Pitterle property on Forrester Road. Stipulation that the \$25.00 land review fee had been paid to the town. The original copy for signature has not been received from the surveyor; there was only a copy of the original presented.

Tom H. moved to approve the land division for the Pitterle property. Second by Lee S., all ayes motion carried.

Town will send the Town recommendation form and sign Certified Survey Map when the original is received.

Opening of F350 Truck Bids:

Three sealed bids were received.

1. Peterson Ford in the amount of \$39,484.00 for the cab chassis and \$18,992.00 for add on equipment for a total of \$58,476.00.
2. Casper's Truck Equipment in the amount of \$21,858.00 for add on equipment only.
3. Monroe Equipment in the amount of \$19,047.00 for add on equipment.

Bids and equipment details were reviewed and compared by Josh Riebe.

Josh recommended the Board approve the Bid from Peterson Ford in the amount of \$58,476.00.

Tom H. moved to approve the Peterson Ford Bid. Second by Lee S., all ayes motion carried.

The board recommends putting the old 350 truck out for bids after the new truck is received.

Noise Issues Ski Hill Recreation Area, Don Jackson/Neale Block:

Neale Block presented a packet of papers to the board for their review. The packet consisted of a letter to the board requesting a letter be written to the County Board of Adjustments referencing the circumstances at the Paul Bunyan Ski Hill, a map of the subdivision and raceway area, copy of the current Zoning Ordinance highlighting Permitted uses and Conditional uses, 1986 Oconto County Zoning Board of Adjustment Meeting with highlighted areas of possible rules and regulations that have been not followed, a Town Recommendation Form /Conditional Use Permit Application, Conditional Use Standards and Diagram of Plans, copy of a face book page referencing race date, practices and track preparation, hand written documentation of dates and times that bikes are rode and when complaints were made to sheriff, copy of advertisement of race dates from the Timber News and a 2011 WIXC Series Schedule of races highlighting the races to be held.

Neal continued to discuss the information in the packet:

- Requested the board to issue a letter of approval or backing to try to rescind the ordinance that was given in 1986, to build a race track. There was no consideration given to the subdivision which was right next door which was platted back in 1976, which was there for 10 years. The subdivision was never brought up in the county minutes of the meeting when they voted on the race track.
- The map of subdivision (included in packet) has an assessed value of \$1,730,000.00 (conservative figure not including the vacant lots).
- Current Oconto County Zoning Ordinance has no wording for a building or having a race track.
- The Original 1986 Conditional Use Permit, line items have been highlighted that are believed to not be followed restrictions; such as hours of operation, posting track schedules at public places, track vehicles must be in good working condition, with complete exhaust systems, Moto cross bikes and ATV's not allowed on public roads or other private roads and owners must provide adequate insurance.
- Conditional Use standards and diagram of plans stipulate that granting of the conditional use will not violate the spirit or intent of the a zoning ordinance, the use allowed will not be contrary to the public health, safety, general welfare, or would be substantially adverse to property values in the neighborhood affected., that the use shall not constitute a nuisance by reason of noise, dust, smoke, odor, or other similar factors
- Residents were at the site metering, levels of sound have been metered for the race that was held on July 3, 2011 and the paper work with levels of sound, has been given to the attorney that is taking it to the Oconto County Board. The residents were told that the levels were quite high. The races go on for an hour to two hours apiece all day.
- Right after the last meeting, the people from the ski hill were at his house at 7:30 a.m. in the morning. They told him that the two cycle engines would not be available next year, there will only be the four cycle engines.
- The ski hill is in a dish, which creates a megaphone effect for the sound of the race.
- Face book page shows articles of 3 miles of race track and 3 miles of woods and announcing open practices, which in the original permit there were to be no open practices. The only time to be able to practice was before a race.
- Time schedules of when they run the bikes, they ran this night between 4:00 p.m. and 6:00 p.m. missed a few days because they were gone.
- Timber News lists dates and time of when they run and some dates have been changed as they go.
- Requested letter of support from the Board be written to revoke the Conditional Use Permit.

Joanne stated that the level of noise is different on one side than it is by the bowl or on the side of the property by her.

Joanne would be in favor of writing the letter of support to review the conditional use permit. Tom H. concurred.

Greg Weyers inquired how to determine if it is personal use or commercial use for practice. Was it practice or was it a group of guys getting together to ride.

Joanne stated that if they are posting it on Face Book she didn't think it was just friends. If it is setup as a racetrack how do you differentiate?

Greg inquired at what point you make the decision if its private use of private land or practice.

Rick Lafond commented that the Ponton boys use the track every night and they are family.

Snowmobiles run past his home every day and he doesn't like it.

Neale commented that they are trying to take it legally.

Joanne believes that conditional use permits should be reviewed occasionally and not go on forever with the property.

Greg again stressed the difference of the races and of personal use of his property.

Don Jackson referenced the County Ordinance nuisance by reason of noise, dust, smoke, odor, or other similar factors.

Greg corrected Don that what he cited was for standards of conditional uses.

Neal added that conditional use standards also state the use allowed will not be contrary to the public health, safety, general welfare, or would be substantially adverse to property values in the neighborhood affected.

Rick questioned how many sanctioned races they have?

Neale stated it to be four scheduled and believed five with the July 3rd already held.

Joanne found copy of the conditional use permit. Original Conditional Use was in 1986 and another was applied for in 2003 to hold concerts. The Original Conditional Use Permit stated ATV use to be two weekends per month with Saturday and Sunday hours from 10:00a.m. to 6:00p.m. , race days beginning at 8:30 a.m. for practice runs. Track to be available for Moto cross bikes 4 weekends per season (May 15 thru October 15) to be scheduled at owners discretion with Saturday and Sunday hours 10:00 a.m. to 6:00p.m., 8:30a.m. to 10:00a.m. for practice prior to race. In September of 2009, Anton Kerscher, JR. made application for Conditional Use Permit to hold snowmobile races and mountain bike races at the property and then did not pursue it by recommendation of their attorney.

Joanne commented on an e-mail from Pat Virtues, Oconto County Zoning that stated "when does a certain number of cycles using a property constitute an event subject to the conditions of the permit?" If he doesn't know how do we make that determination?

Don Jackson question if there was a rule of law in the Town of Lakewood, that Conditional Use Permits are issues to the person not the property.

Joanne responded that it not is a rule or law, the board has been stipulating that on any new Conditional Use Permits that come before the Board.

Don Jackson commented that the Conditional Use Permit had not been used for some 25 years and now the issue is deceased and the property around it has changed.

Lee S. made motion to issue the letter of support to review the Conditional Use Permit. Second by Joanne.

Tom H. inquired that board is just reviewing the Conditional Use Permit not the personal use of land.

Lee S. commented that personal land issues fall under noise ordinance which there is enforcement on.

Joanne stated it to be a Nuisance Ordinance, County has no Noise Ordinance according to the Sheriff.

Joanne clarified the motion made by Lee S. to be to issue the letter of support to review the Conditional Use Permit.

Second by Joanne. All ayes motion carried.

Denise will have letter ready on Thursday August 11, 2011 for Neale to pick up.

Approval or Denial of Alcohol Beverage License and Picnic License:

Original Alcohol Beverage License

a. Lakewood Shell, RKO Enterprises, Kimberly Seeber, Agent

Tom H. moved to approve the Original Alcohol Beverage License for Lakewood Shell. Second by Lee S., all ayes motion carried.

Picnic License

a. St. Mary's Church, August 21, 2011

b. Pirates of the Northwoods, August 27, 2011

c. Lakewood Fire Association, September 4, 2011

Lee S. moved to approve the Picnic Licenses for St. Mary's Church, Pirates of the Northwoods and Lakewood Fire Association.

Tom H. commented that the Town should not charge the Lakewood Fire Department rent because they are part of the Town and are a volunteer department and donate a lot of monies to buy trucks.

Lee S. commented that the Fire Department usually insisted, Joanne concurred they insisted on paying because they didn't want to make a fuss or set a trend. The board will let it up to the Department if they pay or not.

Second by Tom H., all ayes motion carried.

Supervisory District Ward Resolution:

Denise referred to the packet information on the ward line changes presented to the board members. Denise asked for board approval for the change of Ward Plan for County Supervisory District#30, Town of Lakewood.

To adopt the ward described as follows:

(1) Ward 1. Population of 816. Polling Place: 17181 Twin Pines Road, beginning at the northwest corner of the Town of Riverview; thence east along the north boundary line of said Town of Riverview to Sullivan Springs Road; thence south on Sullivan Springs Road to Tar Dam Road; thence westerly on Tar Dam Road to Davis Road; thence south on Davis road to Niemann Road; thence west and south on Niemann Road to Shallow Lane; thence west on Shallow Lane to Old 32 Road; thence continuing west on Old 32 to the Oconto River; thence southwesterly along the Oconto River to the south boundary line of the Town of Riverview; thence west on said south boundary line to the southwest corner of said Town of Riverview; thence north on the west boundary line of the Town of Riverview to the place of beginning. In addition including all of the Town of Lakewood.

Joanne moved to approve the Supervisory District Plan as specified. Second by Tom H., all ayes motion carried.

Pavilion/Hall Business

a. Review of Furnace & Air Conditioning Quote: Quote of \$7,975.00 was received from gem heating. Includes one high efficiency furnace and air conditioning.

- Looked for stand up air conditioners, approximately \$400.00 to \$500.00 each, possibly needed 4 to cool the area down.
- If investing \$2000.00 into air conditioners maybe look at replacing furnace and install air conditioning.
- Discussion on the replacement of Furnace and what is going to happen with the building in the future.
- Extreme heat in the hall for elderly at the meal site and the floor was very wet from the humidity.
- Present furnace is very out dated and is not very efficient.
- One high efficiency furnace would handle the site.
- Heat costs would be lower for the winter months.

Tom H. moved to approve the replacement of the furnace with air conditioning. Second by Lee S., all ayes motion carried.

b. Keys to Town Property

- There are issues with keys to the pavilion, duplicate keys are being made. The town employees could not enter doors of the pavilion due to other locks being placed on doors.
- Found the key to the lock at the Pharmacy to open the door. Town Board will think about a solution to solve the key issues.
- Organizations are using the rooms to the pavilion with no notice to the Clerk, which creates confusion with rental of property.
- The original locks were not supposed to be able to be copied, one key was to be given to the Lions, Lioness, and the Ambulance and copies are being made.

Community Ambulance;

a. Pay Increases for drivers, EMT's/IV techs, drivers and first responders.

b. IRA /\$500.00 to \$600.00 for non eligible LOSA Applicants

Individuals do not qualify for LOSA due to various reasons.

Lee S. moved to approve the pay increase for drivers, EMT's/IV techs, drivers, first responders and the IRA for the non eligible LOSA Applicants. Second by Tom H., all ayes motion carried.

Denise questioned on where the monies were going to come from for the IRA. Janet will need to make check out for the IRA.

The pay raises and IRA will be retroactive to August 1, 2011

Board, Clerk, Treasurer, Assessor Comments and Correspondence:

Joanne:

Josh received a quote from R & T Construction to replace the steps at the Waubee Lake Public Access. The quote was in the amount of \$2750.00, includes all materials, pressure treated wood, up to code. Lee questioned the spindles verses support poles.

Must have spindles every 4 and one-half inches.

Tom H. moved to approve the quote from R & T Construction. Second by Tom H., all eyes motion carried.

Clinic inquired about the Mail Box Resolution. The town has a mail box resolution preventing mail boxes on highway 32 between Redinger Lane to Emma lea Lane in the immediate town area.

The clinic must have the physical address and the mailing address the same by 2012 to be eligible for grants.

The resolution would have to have an exception made for the clinic, as a medical facility, to have a mail box.

It is not recommended to change the entire resolution because it would create too much congestion.

Joanne will check with Laura Wald Vogel at the Clinic and the Post Office to see what should and can be done before any exemption would be done made to the resolution.

Lee S.

Wheeler Lake Boat Landing:

Received calls on the Wheeler Lake Boat Landing and dock that is being placed at the property next to it.

There were issues with people trying to get off of the lake when the storm came through last weekend.

Spoke to Joe Paul, checked on the legality of the dock, the dock is of legal length.

The town could ask the property owners to change the angle of the dock.

Need to look at the possibility that the dock is not on town property or on the property for that lot, the property Certified Survey Map shows only a twenty foot frontage on the lake.

Wheeler Lake Beach area:

E-coli issues. Spoke with Darrell Richards from the U.S. Forest Service, they test the water once per month, the samples go to Crandon for analysis. If the sampling exceeds 200 millimeters a re- sampling is done. If the level stays below 1000 millimeters a posting is done notifying of high level of E-coli if the sampling is over 1000 millimeters a closure notice is posted. Once it is 200 millimeters samples are taken daily.

The town was not contacted because they did not know who to notify.

The beach had been re opened last weekend.

Joanne:

Spoke with D.N.R. they believed the E-coli to be concentrated around the beach because of the duck

and goose population. They were not concerned about the level in 5 to 6 foot of water.

Tom H:

E-mail from Mary Sauer that the Town took some of her wood.

Josh stated they only took wood in the road right of way

Denise:

Community Ambulance: Reconciliation Report

G& K Services request to quote rugs and toweling service when contract is due.

Virginia:

Questioned what to do with the Department of Natural Resources Check of \$348.00 that was deposited to the Fire Department Account?

Joanne: Stated it to be public fund and it does not belong there.

Board concurred to leave it there this time and don't deposit it in the account next time.

Virginia:

Inquired as to why the check from the Commission on Aging is not going to the P.O. Box 218 as it did before, it now goes to the North Road address and ended up in the Town P.O. Box 40 address.

Needs to call them to correct.

Pay Vouchers:

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

Public Comment:

Don Jackson:

Inquired if the Assessor has resolved the issue of not being in compliance with the software.

Joanne: Stated that he has not asked for anything else and it is up to him to complete it.

Loren Nelson:

Spoke with Dave Seeber about putting a new trail map in Kiosk at Trail head. Dave stated he did not put the map in it and that other people have keys to it.

Joanne: She only gave a key to Dave.

Rick Lafond:

Live at corner of North Road and Brook Lane. Can't see to the right of intersection. Intersection is very dangerous, two accidents have happen there. Five or six years ago town had cut eight foot of clearing from trees on his property and none on the other side.

Inquiring to town about cutting down tree and slope of the hill for visibility purposes.

Visibility should be 100 foot form one direction and 200 foot from other direction.

Loren Nelson:

Rugg Road has similar situation.

Lee S.:

Jack had applied a slope to the hill somewhat a few years back. The people should be contacted about taking the tree down.

Next Meeting:

Regular Town Board Meeting will be held on Monday September 12, 2011 at 7:30 p.m..

Motion to adjourn by Tom H., Seconded by Lee S. All ayes motion carried adjourned at 8:54 p.m.

Respectfully Submitted,

Denise A. Jackett

Denise A. Jackett, Clerk