

AMENDED
Proceedings of the Planning and Zoning Committee
Proceedings of the Milton Town Board
August 14, 2017

1. Call to Order

Chair Trescher called P&Z to order at 6:30pm. Present were Charlie Rusch, Jim Hanlon Scott Barker and Jon Webb.

Chair Meyer called Town Board to order at 6:30pm. Present were Supervisors Jennings, Stalker, and Trescher. Supervisor Traynor would be late. Also present were Clerk Kunkel, Chief Kunkel and 12 citizens.

2. Confirmation of Meeting Notices

Notices were posted at the 1st Community Bank, Milton Town Hall, Lake House Inn, Town's website and published in the Milton Courier.

3. Pledge of Allegiance

Done

4. Approval of Agenda (PZ) (TB)

Motion Webb, second Barker to approve the agenda. Carried.

Motion Jennings, second Trescher to approve the agenda. Carried.

5. Approval of Minutes 7-10-17 (PZ) (TB)

Barker advised of a correction in #6, should be "doesn't". Motion Barker, second Rusch to approve the minutes with the correction. Carried with Webb abstaining.

Motion Stalker, second Jennings to approve with the correction. Carried.

6. Lot Combination Jennifer Potts, 1733 E Road 2, Edgerton, to combine 25ft of Lot 36 with Lot 37, for the building of a new home. Parcel 6-13-814; 9388 sq. ft.; NE ¼. Of NW ¼, Section 6, in the Town of Milton (PZ) (TB).

Ron Combs, Combs & Associates, spoke and advised this is a simple lot combination so they can build a house. They are within 1000ft. of the lake, so therefore need 10,000 sq. ft. per the county; have sent a variance for the county. They were buildable lots before 2002, then the house was torn down.

Motion Webb, second Barker to recommend to the Town Board to approve the lot combination of the 25ft. to make the 9388 sq. ft. which is a buildable lot for the town. Carried.

Motion Stalker, second Jennings to accept the recommendation of P&Z. Carried.

7. Clarification on CUP for 59ER on camp sites (PZ) (TB).

Stacey Babiarez 2209 Vincent, wanted clarification on the sites for campgrounds. Chair Trescher read what was on the application and it stated dry sites, no utilities. Babiarez felt the board wanted utilities.

Discussion: feel has to come back with another CUP; not automatically given utilities; personally would rather see utilities; didn't vote that way; would have needed more info.

Supervisor Traynor arrived at 6:52pm.

Motion Webb, second Hanlon stating the existing CUP was for dry sites only, if he wishes for full service to be added, will have to reapply with another CUP. Carried.

Babiarez inquired if there were dates for the 6 months and was advised no, any 6 months.

8. Confirm next meeting date of 9-11-17 and for October 10-9-17 or 10-16-17 (PZ)(TB)

9-11-17 ok. Discussion on October date. Final decision for 10-9-17 to stay as is.

9. Adjourn P&Z

Motion Webb, second Hanlon to adjourn. Carried and P&Z adjourned at 7:02pm.

10. Citizens to be Heard

Stacey Babiarez, 2209 E Vincent Rd-asked for signs to be put near the driveway for mowing and they weren't; also put across from my driveway. Traynor advised they are not put near driveways so they don't get hit when vehicles are backing up.

Chair Meyer advised that the speed limit signs are up on each end of Vincent also.

Traynor to check on the other signs for no parking.

Trescher advised of the yellow golf cart on the road again-Trescher-Vincent-Hwy 59-followed it the other day and Chair Meyer talked to the people as they went to Lakeview. Twice within the last 3 days they came down my road. One time was an adult and a child, next time she saw them it was 4 adults; were only gone about 15 minutes; don't know where they are going; feel someone will get hurt!

Barker advised on Saturday saw a white one come out of Lakeview and go down the road by the pump station.

Rusch advised quite a bit of semi traffic on Vincent and Trescher.

Hanlon inquired on the status of the house on Bowers Lake Road. Chief Kunkel advised 4 citations have been issued and tenant is being evicted. Hanlon inquired of the 2 houses to the North and Kunkel stated he hasn't heard anything about them. Spoke with the owner and he never said anything about it. Hanlon advised they are owned by an outfit out of NY-the old Stringer Orchard. Kunkel to check on them.

Hanlon also inquired on numerous junked vehicles on a property on Klug Rd-possibly Danner Schalk property. Kunkel to check on this also.

Barker inquired on the issue on 59/Hillside, is worse now than before, since the painting took place. Traynor advised that the State is still checking on this. Chief Kunkel advised this was brought up at Town of Fulton's meeting last week and they were told no one has any money!

11. Accept letter of resignation of Michael Hergert

Motion Traynor, second Stalker to accept the letter. Carried.

12. Lakewoods-Non Compliance with Developers Agreement-Developer and Builder

Chair Meyer has been in a lot of communication and activity over this the last month. Talks between building inspector, highway department, supervisors, developer, builder, realtor, attorneys, land conservation office, planning office at the county, citizens, a lot on storm water concerns. A lot has been addressed that got everyone excited. There are 2 additional existing driveways that people are living in; was a plan to do them and it wasn't done. Developer has taken the responsibilities for all of the concerns, even though they may not all be his issues. Building and county were asked to suspend any permits until action was received on this; question on authority to do this; attorneys have been involved. 3 new homes had closings scheduled this week. Attorneys that contacted the town did not know the whole story. Realtor contracted with builder to sell these homes and wasn't happy due to occupancy permits not being issued and couldn't allow closings. Would like 2 things from the town, 1-your take on this, what would you like to do if anything; knowing there were violations with the developers agreement, permits pulled by builder-driveway, and they were clearly not followed as issues have developed with the storm water management plan. A lot of this has been addressed; only because of the suspension of the permitting. Do have a letter of credit in place for the road right of way. Drainage issues results in ice in the winter and the residents want the town to fix the road...the road isn't the problem, the problem was brought to the road.

For those that the driveways are an issue and people are already living there, the town would have to hire a contractor to tear out the driveway portion that is in the town road right of way, correct the driveway itself, which will most likely involve changing the culvert, and bill the residents a special charge on their taxes; could be a couple of dozen of these. Could make a victim of the homeowner; homeowner could turn around and sue the builder.

Paula Carrier, Owner of Best Reality, represent Byard, I'm their agent for over 5 years. We have never been told that anything is wrong, the builder and us. If we get an occupancy permit issued, feel it is ok. I have sold the houses on Superior, Crestwood, Shane, Iva, all of those. No one brought it to our attention. We never knew. Chair Meyer advised that ignorance is no excuse. I have sold real estate for 34 years and I never knew there had to be a pitch to the driveway. I was told the road crested so if that isn't done properly, that is what I have been told. Traynor advised the road is crested, driveway is to match the pitch of the road to allow flow into the ditch line entering the road. So the pitch of the driveways are not correct-so when it thaws, it runs into the road. Chair Meyer advised the bottom line is there were driveway permits issued, for every driveway, and there is a diagram on the permit that shows and explains the requirement, of the water diversion, so the permit wasn't followed that was issued-that the seller-builder didn't follow. Carrier said it doesn't seem fair to hold up the permits being issued. Meyer advised that it is working and he understands her argument, but he has been telling the builder this for years. Carrier feels the people that are coming up for these closings could be homeless. Stalker asked her if she thought it was fair to the property owner to pay for this and Carrier said no.

Discussion: person that filed complaints doesn't even live there anymore; my niece lives there and would never file a complaint against the builder; don't feel everyone was served properly; driveway permits have to be pulled and taken care of before the house can be built; landscaper called to work in the area.

Chris Murphy-Rock County Conservation Specialist felt something that needs to be shared is some of the internal conversations that have gone on about this. Builder and developer were talked to about this and what it came back to was protecting the property owners present and future. So feel it is fair to hold these permits back because we are looking out for the best interest of the consumer. If we can take the time now to address these issues and we have this leverage, we are protecting the consumer and getting a quality product and meet the standards that we are asking for.

Chair Meyer advised that we have been trying to work with the builder and developer for several years. Feel this builder and developer want to work in this area. Going into the Town of Fulton also and there should be a vested interest in them for future developments.

Chair Meyer advised again he wants the Board to be clear to him as to what is expected in the future in addressing both the existing phases under construction and want to hear feedback about past driveways in earlier phases-a separate conversation.

Traynor spoke on the existing projects-feel a check list would work; case by case; don't feel there is any other way. Every house when it is ready, check off the driveway, drainage, etc. The amount of phone calls that have taken place with everyone about the same issues, is excessive.

Trescher also advised there are other things they haven't followed such as the concrete in the driveways. Traynor advised that even the mailboxes that are concreted in, if a plow is damaged by them, the home owner is responsible for the damage to the plow.

Chair Meyer stated that the developer has agreed to submit as built drawings-that the engineer has signed off on; if not built that way, the professional engineer is accepting the responsibility of this, for those in the future.

Chris Murphy advised something we should consider moving forward, his department is moving towards final stabilization for those road side ditches. Contractor comes in and gets everything the way it should be, then they are ready to stabilize, rather than doing the final stabilization, they end up doing a temporary stabilization because the utility company is coming right down those ditches they just did and tearing them up. The developer then needs to come in and do the final stabilization immediately. We don't sign off on that permit until we get 70% ground cover; which could take 3-4 weeks to happen; builder wants to come in and start building; county and town need to work together and slow these folks down a little bit; they need to have everything in place, silt fence, running of rock up the site of the basement location. Things that are in place to protect that already established stabilization permit. Asking the Town Board to think and consider. Have to be realistic about this and these closings.

Chair Meyer advised it is a unique and challenging storm water plan. Traynor advised as a Town Board we have to do our due diligence to make sure it is being followed.

Chair Meyer advised that the county has talked to Corp Counsel and we have talked to our town attorney and we have looked into this considering what our authority is with this; I'm satisfied where we are at with this right now because it's working!

Carrier advised that they have 5-6 to be done by the end of the month and I would like to work with somebody on these, on what we need

to follow up to make sure that they are done right.

Traynor stated feel it should be on a case by case scenario and when they are done they have been released; if we can keep an eye on this and progressively move forward, it may take another couple of days, but would rather take a couple of days and do the job right, than to sit back and say that he wished he would have, should have.

Chair Meyer stated he doesn't appreciate to have to look over each of these and we have a professional builder and professional developer that should know better.

Chris Murphy stated that there is a plan in place; should be able to meet the dates; have the developer and builders attention.

Chair Meyer inquired as to what the board's directive is to him as far as the permits.

Stalker advised to go with the checklist and when each area is done, then you have the authority to release it.

Chair Meyer asked for specifics on the check list: driveway slope, seeding of ditch line, make sure 70% coverage-whether hydro-seeded or straw or sodding, proper elevation driveway and culvert, as built drawings from professional engineer will be submitted, silt fence around one property and the next, to make sure erosion from one property to the next-stabilization there, case by case to make sure they are done. Motion Traynor, second Trescher to maintain suspended permits for Phase 1 and Phase 2 to be released by chair or the town board when the work is done. Carried.

13. Appoint replacement for BOA; Alternates

None.

14. Review CUP of Go Kart Track for Compliance

Chair Meyer advised that privacy fencing has been put in; 6ft. tall, dirt berm on the south, on the road right of way, to be maintained and leveled out.

Kathy Thompson, 2202 E. Vincent Road: started with the fence then stopped; why isn't the fencing going all the way to the corner? Engines are not a problem, squealing tires and back firing still an issue. Seems like the minimal amount gets done; been over a year; don't know if all of the conditions have been met.

Trescher advised that we stopped and looked the other day; have done several things; lot combination, bumpers tires with holes to drain water-with cables through them-saw some good things. We did have an agreement that by June of 2017 you would have the public restrooms, which are not there. On # 16 the barrier-supposed to go to the south and there is no berm high enough to do anything else there.

Matt McGuire advised on the decibel reader, if they want to come out some Saturday and see where we are at; would kind of put the nail in the coffin. McGuire stated that the berm from the track up is 5 ft. Chair Meyer stated the question is, is it enough. Noise has been attempted, but have you reasonable assured and is it reasonable enough. McGuire also stated that he has planted trees and the vegetation has built up.

Joe Thompson, 2202 E. Vincent; look at the chart-what needs to be done, if he complies, done deal. If he agreed to the fence down the east side and across the south side and go down the west side, that is exposed to everything coming off that hill. Parameters were set, either have it get done or change the parameters. If he met the conditions, then we would quit looking like the bad people.

Traynor states have the decibel level checked; have to be fair to everyone.

Trescher inquired if he had his state license and if it's filed with the clerk. McGuire stated he just got his sticker; they just came out; they are short staffed; was just here 2 weeks ago; don't have the document from the state yet; have a sticker in my office. McGuire called the state in February, papers were sent in; Dave Veresen was the one that was coming; he had knee surgery; all I have is the sticker.

Trescher inquired about the office if it has electricity and he stated it does and it's moveable-the building.

Jennings inquired on the restrooms and McGuire advised he spoke with an attorney and other people and there is no state statutes that mandates he needs to have a restroom. As long as I have an adequate bathroom, such as a port-a-potty and it's cleaned weekly, that is fine. Rusch advised that it was listed and we can put items in there that is stronger than state law. Chair Meyer advised that it's a town ordinance that is reasonable. Trescher advised that when we approved this, we put 21 conditions on this and you were given a copy of this. Chair Meyer advised that every zoned district has ordinances and rules; anybody that adds or includes a conditional use permit, those conditions become part of that property. The guidelines and regulations and penalties are part of the ordinance.

McGuire advised he is open 12 days a month, is that worth me spending \$12,000 to \$15,000 for a septic system? Most people are there for about an hour. Have never even filled one port-a-potty a week. I would like to know how I can remove that from my CUP. Don't see the need for it.

Chair Meyer advised to change the CUP, it would be an amended CUP, a new CUP; application, public hearing, everyone within a 1000ft. gets a letter; all of the public hearing takes place; same process as a new CUP. Difference in the amended, if it's denied or approved, the existing one stands, until a change.

McGuire advised this was new to a lot of us; but business is cut way back; most people are there 40 minutes at the most. Don't have people bringing in karts; this is what we are going to do.

Chair Meyer inquired on what needs to be done yet: decibel meter; license to clerk-screen shot sticker and send it in; certificate of liability insurance (McGuire advised he is switching but will send in when it changes); when written permit is received-turn that in; restrooms-not in compliance right now.

Motion Traynor, second Stalker, that he has 30 days to the next meeting to either decide to re-apply to change the CUP to get that removed, or have some sort of plan in place to be done within the next 60 days; proof of either design moving forward to get the restrooms done or come to the next meeting to change his CUP. Clerk advised Mr. McGuire about the cut off for the next meeting to submit his paperwork to re-apply will be August 21, due to her being gone to conference.

Carried with Jennings abstaining.

15. Clerk on Vacation 9-25 to 9-28& 10-2

Chair Meyer advised clerk has vacation time, when is gone a certain amount of days, needs board approval. Motion Traynor, second Stalker to approve. Carried.

16. Scheduling of Budget Workshops Week of September 18th; October 19; Public Hearing-set levy 11-20-17

Workshops: 9-14-17 @ 6:30pm; 10-19-17 @ 6pm; 11-20-17 @ 6pm set levy/budget

17. Bartender Application Lydia G. Danielson

Motion Traynor, second Stalker to approve. Carried.

18. Amend 2017 Budget in Courts/Municipal Court Clerk area

Discussion: asking for due to entry in another collection system for fines; going back to 2012 on these; use TRIP, this other program will be in addition to that.

Motion Traynor, second Jennings to increase for this year and take the \$1,200 from highway dept. area to the courts. Carried.

19. Approval of Bid for Carpet at the Town Hall

Motion Traynor, second Jennings to approve the bid from Carpet Mart- Fred Townsend for \$4,544. Carried.

20. Switching from Centurytel to Charter for phone service

Cost comparisons were submitted by Chief Kunkel.

Motion Trescher, second Jennings to approve the change to Charter. Carried.

21. Bills

Motion Stalker, second Traynor to pay as submitted. Carried.

22. Treasurer's Report

Treasurer absent; report submitted. Motion Trescher, second Jennings to place the July report on file. Carried.

23. Building Inspector's Report

Traynor inquired on a few of the permits that were issued, if the price was right due to the high price of the house-permit didn't seem high enough. Clerk Kunkel to check with the building inspector on these.

24. Police Department's Report

Submitted, Chief Kunkel also advised on Town of Koshkonong inquiring on the Town of Milton patrolling and enforcing some of their ordinances. Discussion: still in talking phase; would involve the courts and the already existing agreement with Harmony and Lima; manpower availability.

25. Chairman's Report

Chair Meyer advised on the issue with equalized value for the Town and the error on the state's part; letter to be sent with the taxes when they go out explaining this; hold on driveway access ordinance.

26. Correspondence

John's Disposal proposing a new contract even though we are good with them thru 12/2018; upgrade to automated recycling bin-every other week, refuse weekly, nothing else changes-then no rate increase for 2018. Discussion on this. Clerk to place on next month's agenda.

27. Fire Commission

Meeting is Wednesday here.

28. RRSP

Wake is off the water.

29. CKSD

Meeting Wednesday.

30. Adjourn

Motion Traynor, second Jennings to adjourn. Motion carried and meeting was adjourned at 10:22pm.

Respectfully submitted this 12th day of September, 2017

Sandra Kunkel, Town Clerk, WCMC

"Minutes are not official until approved by P&Z and Town Board."