

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS
Thursday, February 1, 2007
7:00 PM

Vernon Town Hall Meeting Room
W249 S8910 Center Drive

1. CALL TO ORDER. Chairman Al Kunert called the meeting to order.
2. PLEDGE TO FLAG. Town Board recited the Pledge of Allegiance.
3. MOMENT OF SILENCE. Town Board had a moment of silence.
4. ROLL CALL. Chairman Kunert, Supervisors Paff, Finch, Reilly, Clerk Gresch and Department of Public Works Director Salentine. Supervisor Tyllinski has an excused absence.
5. OPEN MEETING LAW COMPLIANCE CHECK. Chairman Kunert asked the Clerk if the agenda was properly noticed. Clerk Gresch stated yes.
6. MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Wisconsin Act 123, the Town Board will receive information from the public for a three minute time period, with time extensions per the Chairperson's discretion, per person; be further advised that after the public comments are completed, the Town Board Supervisors may have limited discussion on the information received, however, no action will be taken under public comments.)

MOTION Supervisor Paff moved to open the meeting to public comments, seconded by Supervisor Finch, carried by voice vote.

Rodell Singert, HiLo Drive, wished the Town Board a Happy New Year. He stated the Fire Chief sent him a letter of information regarding the six month trial of the Dispatch Center to improve public safety. He stated he spent two hours today at the dispatch center with the dispatchers listening to the activity. He stated hopefully this will improve public safety. He also stated the County Board has had very limited discussion on how to change the county code on changing procedures with a 25 member board. He stated the discussions have been limited. He stated there is a written proposal for the County Board to have one meeting a month, by eliminating the evening meeting. He stated he doesn't feel that is a good idea. He asked that anyone who is watching, that they contact him about their feelings on this. He also stated he will try to address this at one of the two remaining meetings and a vote will come up for these changes on February 13, 2007. Chairman Kunert asked if these changes will take affect immediately. Mr. Singert stated they will take affect when the new board meets. He stated he doesn't see a hurry to approve these changes now. He stated he feels there could be more discussion and more ideas from the other board members about the changes. He asked the public to contact him about this. Supervisor Finch asked if one meeting a month will be enough. Mr. Singert stated yes, and for a few months now, all of the evening meetings have been cancelled. Supervisor Paff asked if more people will attend the 9AM meeting versus the 7PM meeting. Mr. Singert stated that is a good question and wants to know the same thing. He stated the night meetings have not been well attended except for the big issues. He stated he doesn't know how they are going to address the 6PM public hearing on the budget before the county board meeting. Supervisor Paff stated he feels that 7PM is a better time so people don't have to take off of work. He stated the Town will have some issues coming before the County Board and we will want people to be there. Mr. Singert stated these changes won't take affect until April 2008. He stated the County Board going to 25 members was a political decision and he still favors 19 members, being a part-time board, but that is another issue.

7. REVIEW OF RECENT CORRESPONDENCE.

- a. Ehlers Advisor Newsletter.

Chairman Kunert stated this is for the Town Board's reading pleasure.

- b. 1-29-07 Fire Board Closed Session Agenda.

Chairman Kunert stated this is for the Town Board's reading pleasure.

- c. Journal/Sentinel Property Tax Rankings.

Chairman Kunert stated this is for the Town Board's reading pleasure.

- d. Area students attending Waukesha County Technical College by Municipality.

Chairman Kunert stated this is for the Town Board's reading pleasure. Supervisor Paff stated there are many things that seem out of proportion, as far as how many student attend, how many work there and how much money they are taking out of the school. He stated he was very surprised at the results.

Chairman Kunert stated there are three additional correspondences. The Department of Administration issued a population projection. Supervisor Finch stated he found this very interesting too. Supervisor Paff stated the projection shows Big Bend's population will be going down, yet Big Bend's Waste Water Study stated their population will be going up. Chairman Kunert stated this is from 2004. Clerk Gresch stated we just received this week. Chairman Kunert stated we will finally be receiving the money from the state for the new handicapped accessible voting machines. Chairman Kunert stated there is a letter on the dispatch operations which County Board Supervisor Singert commented on. Chairman Kunert stated he received a letter from Chief Buchholtz and Acting Fire Marshal Bill Bronk today regarding John Drive and read it into the record. **Clerk's Note: This letter is attached to the minutes.**

8. MISCELLANEOUS MATTERS. The following matters will be discussed and possible action taken by the Town Board:

- a. Update from Replacing County Zoning Committee.

Chairman Kunert stated Mr. Gasser called him asking him to deviate from the agenda and wait until he arrives at the meeting to speak on this.

MOTION Supervisor Paff moved to deviate from the agenda to hear all other Miscellaneous Matters items until the Replacing County Zoning Committee Chairman arrives, seconded by Supervisor Finch, carried by voice vote.

- b. Discussion and action to have an advisory referendum for the April Election as to whether the Town of Vernon should opt out of county zoning.

Supervisor Reilly stated at the Replacing County Zoning Committee Meeting on January 29th, the committee members spent most of their time trying to find several "hooks." They talked and considered a number of them. He stated in his opinion, they missed the greatest one of all: the potential for being able to say to the Waukesha County Board that a majority of the people of Vernon support this effort by way of a referendum. Could there be a better hook to use than it is the

will of our residents to have a little more independence and local control? Supervisor Reilly stated that Mr. Gasser mentioned that we need "bodies" at the County Board meeting when our petition is acted on. Wouldn't the support of the voters in our town for such a petition by way of a referendum dramatically increase the chances of the County Board of Supervisors approving it? He stated he thinks it would. Supervisor Reilly stated, ask any resident of the Town of Vernon, and they will tell you that they like and want to have a say on important matters. He stated he doesn't think its right for the voters of the Town of Vernon not to have a say on this matter. They care and are interested in their local government. Give them the chance. I think it's the right thing to do.

Supervisor Paff stated he disagrees and has stated his reasons before, being time, money and there is no way to educate the people the way they need to be in this short amount of time. He stated we had a public meeting on Monday and no one showed up. Supervisor Reilly stated just because they didn't show up, doesn't mean they weren't watching. Supervisor Reilly stated we can list the pros and cons on the TV, the website, the Mukwonago Chief, we can send a flyer. He stated we have other options and time to do it. He stated what better hook would be than to say that our town residents had the chance to vote on it and they want it. He stated that would be overwhelmingly convincing and a referendum is the most effective tool we can think of. Supervisor Finch stated this has been an issue for a number of years. He stated money has been apportioned for this already and we are bringing up old business all over again. Supervisor Reilly stated Mr. Gasser will tell us later that there are other hooks, but the referendum results are the key hook. He stated he likes the idea of the whole community having a say. He stated this was authorized by a small group of people and a referendum would be an excellent means of creating a hook that would be hard to argue with. He stated that Attorney Macy feels we need a significant hook that can't be argued.

Supervisor Finch asked if we can wait to vote on this until Mr. Gasser comes later tonight. Chairman Kunert stated yes we can do that.

MOTION Supervisor Finch moved to table this item until later in the meeting when Mr. Gasser arrives to discuss the Replacing County Zoning Committee meeting, seconded by Supervisor Paff, carried by voice vote.

- c. Report on Special John Drive Meeting held January 16, 2007.

Supervisor Reilly stated there was an informational meeting of the Town Board about John Drive which was held at the Town Hall on Tuesday, January 16, 2007, at 7PM. He stated Supervisors Reilly, Tylinski, Finch and Paff were present. The Chair and the Town Clerk were absent. He stated Pat Mueller, W220 S7420 Carol Drive, spoke in opposition to the extension of John Dr. and he said that for 38 years its been a very quiet area. He also stated he doesn't see any benefits for the Town of Vernon in extending the road. That all its going to do is disrupt the lives of the existing residents of the area in order to give those that buy lots in Guthrie Estates a closer exit to Crowbar Rd. Pam Saddy S73 W22245 John Drove asked the Town Attorney if the Town had the last say in the matter of the extension of John Dr. Attorney Macy directed her to pose the question to the Town Board, and if they wished he could then respond. Supervisor Reilly stated the Supervisors were given a confidential report containing a legal opinion on the matter of the John Drive extension, written by the town attorney only a few minutes before the meeting began. Attorney Macy had sent it to the town on or about January 5, 2007, but it hadn't been given to

the Supervisors until now because it had been labeled confidential. Mark Saddy, S73 W22245 John Drive asked if the Town can stop the extension. Supervisor Finch said that this was a good time for us to consider if we could stop it. Robert Evans, W221 S7345 Carol Drive said that it was useless to go on if the town hasn't got the power to stop it.

Supervisor Reilly asked the Town Attorney to address the question: "Does the Village of Big Bend have the right to put the road through?" Attorney Macy responded by saying he discovered facts about the matter in his research that were not known before. Attorney Macy apologized again for our not having had the opportunity to read his written opinion before the meeting. Attorney Macy said that he feels that the Town of Vernon has the right to determine if the road should go through. Attorney Macy said that if the road doesn't go through there are a number of concerns that would have to be addressed: making it a permanent cul-de-sac, safety and emergency issues, and the matter of possible liability. Supervisor Tylinski said that the Fire Chief at the Big Bend Informational Meeting said it would be a benefit if the road went through, but did not say it was a necessity. Supervisor Reilly asked Attorney Macy if we should release his opinion. Attorney Macy said that usually you release them after you read them. Supervisor Tylinski asked about the cost involved in making it a permanent cul-de-sac. Attorney Macy said one option is to leave things as they are. Supervisor Paff asked if we did not let the road go through doesn't it set a precedent. Attorney Macy said yes it does, but each situation should be handled on a case by case basis. Attorney Macy also said you should address each case as best you can with the information you have; that should be your over-riding concern.

Richard Zinda, S73 W22180 John Drive, said that truck drivers can make turns in the existing cul-de sac. Realtor Bill Craig asked if it were possible to purchase easements from the land holders at the end of the cul-de-sac. Mary Graesing, W221 S7380 Valley View Road said that she was concerned for the safety of older neighbors who use the road to get exercise because extending it will bring speeders. Supervisor Paff suggested police saturation to prevent this. Supervisor Reilly read a letter given to him by Gary and Annette Stolzenburg who lives on John Drive. It was addressed to them and was from an attorney who was speaking on behalf of Mr. Church who is associated with the development of Guthrie Estates. He stated that in his opinion, it appears to threaten several residents of John Drive that if they did not comply with the developer's requests that the roadway could simply be "punched through." It is the developer's view in this letter that the completion of the road will add to the value of the homes of those Town of Vernon residents living on John Drive. Supervisor Tylinski read into the record a letter from Irene Marianek who lives on Valley View Road. The letter focused on the need of the Town Board to have a "productive dialogue" with the residents of the John Drive neighborhood. Mark Saddy, S73 W22245 John Drive, stated that a tear drop cul-de-sac would be easy to create, and that the town should not consider re-doing the existing cul-de-sac because of the expense. Mr. Saddy said he would be willing to dedicate a portion of his land to the town to correct any problem that would arise, and that the town could dedicate the land behind the cul-de-sac likewise. Mr. Saddy feels that the existing right of way can be made to work.

Supervisor Finch asked if there were merits in the possibility of a compromise; letting the road go through and then putting up a barrier that could only be used by emergency personnel. The last concern that was discussed was the matter of procedure. Attorney Macy said that we could if we wished refer the matter to the Plan Commission for their recommendation, but that this matter is ultimately a

decision for the Town Board to make. He also suggested that when we do consider asking the question, that the motion be put in the affirmative: Should the extension of John Dr. be approved? Then, vote yes or no on the matter.

Supervisor Reilly asked that if we have read Attorney Macy's legal opinion on the John Drive, is it now part of the public record or do we have to formally release it? Chairman Kunert stated once the letter has been read into the record, the letter is public record. Supervisor Finch asked when can we vote on this issue? Chairman Kunert stated we can put it on the next agenda by a motion.

MOTION Supervisor Finch moved to place the extension of John Drive on the February 15, 2007 Town Board agenda, seconded by Supervisor Reilly, carried by voice vote.

Supervisor Paff stated after taking the time to read the attorney's letter dated January 2, 2007 he has come to the following conclusions. He stated although the Attorney has given us several options to block this street connection, they all seem to be open to challenge by the Village or the Developer. If this happens the Town will certainly end up with huge legal bills. Who pays for this? If we are successful in stopping the extension of John Drive then we need to go through the process of making this temporary cul-de sac a permanent one which is going to cost money. Who pays for this?

Supervisor Paff stated it is his opinion and has been since the beginning of this issue that John Drive should be connected to the new subdivision because it has been planned as a through road since the subdivision was built. He stated we have updated our Official Map several times and there has never been any question about this being a temporary cul-de-sac. It has always been understood when the property to the west was developed that John Drive would be connected and the cul-de-sac removed. He stated this is good traffic engineering and adheres to our long range plan. He stated he believes that blocking this connection will only create legal issues now and in the future with all of the towns other temporary cul-de-sacs. We had the same situation with the Pheasant Ridge subdivision where the residents didn't want the road to go through because it would ruin the quite subdivision they had come to know. But because of our Master Plan and the fact that it is good traffic engineering, the developer had to put the road through in order to get approval.

Supervisor Paff stated he recommends that our Engineer work with the developer and the Village to make sure that the connection is done properly and that the property owner's driveways, ditches and yards are done properly, that all necessary signs are installed and that the developer agrees to pay all the engineering and legal bills incurred because of this connection. He stated if this road goes through he will recommend that the Sheriff's department keep an eye on whatever the posted speed is so as to keep it safe. He stated he would also ask that the residents notify the sheriff or the town officials if they believe that the speed limit is not being followed and what times they feel would be best to have a squad patrol the area. He stated he understands the concerns of the residents on John Drive but have to look out for the best interest of the entire town. The legal, engineering and sub-contracting cost to keep this cul-de sac and to make it permanent he believes will be more than he is willing to ask the taxpayers to cover. With our road aids being reduced and the levy cap he believes it would be irresponsible of us to continue fighting this. Supervisor Paff also stated he believes stopping this road will be detrimental to our efforts to get out of county zoning since one of their major concerns is that we won't adhere to our master

plan once we get out. He stated all of the money we have spent so far will have been wasted. We need to look at the big picture. He stated he has another concern and that is the stub road going to the North which is called Glenecho Dr. It is only shown as a dedicated right of way and needs to be made a stub road so that when the property to the north develops, they can hook up to it at the town border. This is the same thing we required of the Rolling Meadows subdivision with the stub roads going East & West. He stated he would like this to be a condition of our approval to allow the developer to connect to John Drive. If they are unwilling to do this and the Village doesn't require it as a condition, I recommend that we leave John Drive as is and let the developer redesign his subdivision. Supervisor Finch stated his opinion mirrors Supervisor Paff's. He stated for every \$3,000 in costs that we incur, it costs each household in Vernon \$3. He stated if this costs \$60,000 this will cost each homeowner \$20. Supervisor Finch stated he feels that the road should go through. He stated that public safety is a consideration. Supervisor Finch stated he is also in favor of the John Drive extension for the same reasons that Supervisor Paff stated. Chairman Kunert stated this will be on the February 15, 2007 meeting to decide on this.

- d. Deny claims of David Kehlhofer Against Town of Vernon.

Chairman Kunert stated it is recommended by the insurance company that we deny this claim. Department of Public Works Director Salentine stated he checked his records as to when the roadway was swept, which was about a week before the accident.

MOTION Supervisor Paff moved to deny the claims of David Kehlhofer against Town of Vernon, per the recommendation of Rural Mutual Insurance Company, seconded by Supervisor Reilly, carried by voice vote.

- e. Slawson Discontinuance of Roadway.
i. Introduce Resolution

Clerk Gresch stated the Slawson's need to discontinue the roadway because they won't be using it as a roadway in the future. Chairman Kunert stated per the timeline we have to introduce the Resolution tonight and set the public hearing date and time for March 15, 2007. Supervisor Paff stated he thought this had something to do with them possibly expanding in the future.

- ii. Set Public Hearing Date of March 15, 2007 @ 7:00 PM.

MOTION Supervisor Paff moved to set the Public Hearing Date of March 15, 2007 @ 7:00 PM for the Slawson Discontinuance of Roadway, seconded by Supervisor Reilly, carried by voice vote.

- f. ORDINANCE NO. 2007-03, an Ordinance to Repeal & Recreate the Preamble to Section 125-16(H) of the Code of the Town of Vernon, Regarding Return of Occupancy Permit Deposits, and Section 180-04(D)(1) of the Code of the Town of Vernon Relating to Culvert Ditch Bonds.

Clerk Gresch stated this ordinance will change the verbiage relating to who is paid back the bond money. She stated the building bond states whoever posted the bond, is who it is paid back to. However, the culvert bond states the bond is

released to the property owner. She stated in many cases, the builder pays for both bonds when taking out the permit, therefore, the person that posted the bond, should be refunded the monies. Supervisor Paff stated he is concerned with not getting the homeowner their money. Chairman Kunert stated this ordinance keeps the Town of Vernon out of the middle of the Builder and the Homeowner. Clerk Gresch stated legally we need to refund the bond to whoever posted the bond. She stated if a builder pays for all of the permits on a new construction, we should pay the builder back and it is up to the homeowner to make sure that they receive their money from the builder. Clerk Gresch stated this change in verbiage will be on the permit applications.

MOTION Supervisor Paff moved to adopt **ORDINANCE NO. 2007-03, an Ordinance to Repeal & Recreate the Preamble to Section 125-16(H) of the Code of the Town of Vernon, Regarding Return of Occupancy Permit Deposits, and Section 180-04(D)(1) of the Code of the Town of Vernon Relating to Culvert Ditch Bonds, seconded by Supervisor Reilly, carried by voice vote.**

- g. Resolution 2007-02, Resolution Amending 2007 Adopted Budget of the Town of Vernon.

Clerk Gresch stated the Treasurer Tax Expense has left over monies because the County doesn't send the 3rd & 4th Quarter Tax Billing until the end of January, after the audit is completed. Therefore, the amount that would have been spent in 2006 to pay for this will be encumbered to the 2007 Tax Expense so it can be paid in 2007, without causing the original 2007 Tax Expense to be over budget. Chairman Kunert stated this has been an issue with him for 6 years and that by statute, Waukesha County should be paying for part of this and they are shifting the cost on to us. Chairman Kunert stated we should look at getting another company to print our tax bills. Clerk Gresch also stated she has left over monies from her budget. She stated back in May 2006, Supervisor Reilly asked to find a way to play back the Town Board and Plan Commission meetings more than just the next day. Clerk Gresch stated she received a quote and the Town Board asked that they upgrade their microphones to wireless, which was done. She stated she told the Town Board she would bring this back at the end of the year if she had any monies left from her budget. She stated after the audit, she was better able to tell how much was left. She stated we would be upgrading the AV Equipment by installing two DVD Recorders/Players and automation software that will allow us to playback the Town Board and Plan Commission meetings as often as we want. She stated the other reason for the upgrade is the cost and storage of VCR tapes. She stated it is much more efficient to record on DVDs and they are easier to store versus VCR tapes. She stated currently, we re-record over old meeting. She stated it is hard to erase VCR tapes whereas DVDs automatically re-write over themselves.

Supervisor Reilly stated this is a justifiable cost and we should keep a permanent copy of the DVDs. Supervisor Reilly asked if this money exists. Clerk Gresch stated yes, it is left over from her budget. Chairman Kunert asked if we will be getting rid of the VCRs. Clerk Gresch stated no, we will still keep those for making copies of DVDs onto VCR tapes. Supervisor Paff stated he doesn't feel we should use the money just to playback meetings when people can buy a VCR and tape the meetings themselves. Supervisor Paff asked how many people are watching the Community Access Channel. Clerk Gresch stated she doesn't know and won't know unless people call or email us during the meetings. Supervisor Reilly stated automating the system is a great tool for educating the

people at a relatively low cost. Clerk Gresch stated she did speak with Supervisor Tylinski about this and he likes the idea. Clerk Gresch stated a resident came in after the last meeting when he heard that a board member stated "no one is watching the meetings". He stated many people are watching and they like to watch from the comfort of their own home". Supervisor Finch asked if we are still under budget, Clerk Gresch stated yes she came in under budget. Supervisor Paff stated he would like to upgrade the rest of the microphones and go all wireless. He stated he would like to have the table microphones removed so they have more room on the tables. Supervisor Finch stated he would like to think about this a little more, but stated he also wants to move ahead and upgrade.

MOTION Supervisor Finch moved to adopt Resolution 2007-02, Resolution Amending 2007 Adopted Budget of the Town of Vernon, seconded by Supervisor Reilly, carried by voice vote.

- h. Proposal to upgrade audio/visual equipment to automate the playback of Town Board and Plan Commission meetings.

MOTION Supervisor Paff moved to approve the Proposal to upgrade audio/visual equipment to automate the playback of Town Board and Plan Commission meetings, at a cost not to exceed \$3,575, seconded by Supervisor Reilly, carried by voice vote.

Chairman Kunert stated Replacing County Zoning Committee Chairman Ron Gasser arrived and we will be going back to the regular order of business on the agenda, discussing the Replacing County Zoning Committee meeting.

- a. Update from Replacing County Zoning Committee.

Ron Gasser stated the committee instructed him to create a white sheet to hand out to lobby the county board supervisors. He stated we advertised the meeting, the full Town Board and committee were present along with one resident. He stated he has a draft of the white sheet present and is open for comments. Supervisor Paff stated he feels we should go ahead with this. Mr. Gasser stated we are doing nothing more than what the people instructed us to do in 2003. He stated we are within the budget. He stated he wished Supervisor Tylinski was here so he could see how much board support he has. Supervisors Paff and Finch stated Mr. Gasser has their support. Chairman Kunert stated there were some definite decisions that had to be made by the county and that is what took the longest. Mr. Gasser stated we were instructed to work with the Parks and Land Use Staff, which we did, and more. He stated the committee meets Tuesday, February 6, 2007. Clerk Gresch asked if the meeting will be televised. Chairman Kunert stated yes. Chairman Kunert stated he supports this effort also. Mr. Gasser stated it took a lot of patience to get to this point. Supervisor Reilly stated at the committee meeting, we were listing benefits; time saving, ending duplication of services, better accessibility and administration of this service will not increase property taxes. He stated this will be covered by charge backs and application fees. He stated this will not save the applicant application fees. Mr. Gasser stated money will not come out of the general fund unless we prosecute zoning violations. He stated he can't stress enough, that what we are asking to take control over, is very minimal in the whole scheme of things. Supervisor Reilly stated he was looking into costs of litigation. He stated he spoke with Clerk Gresch about what we have spent processing Town Code violations, since 2001, \$5,600. He stated our existing ordinance could be

modified to collect unpaid fines on the property tax bills. Supervisor Reilly stated he asked Attorney Macy if opting out of county zoning will protect our borders, and he stated no, and Mr. Gasser stated yes. Mr. Gasser stated he never said that opting out of county zoning will protect our borders and asked if he could clarify his comment. Mr. Gasser stated we have documentation from people that annexed to the Village of Big Bend because they had it with County staff. He stated by making this simpler and easier, the odds of keeping those people in the town would have been simpler. He stated when he went to the State Capital on annexations, he brought up the Fickau annexation. He stated here are people that annexed to a village that doesn't have municipal sewer or water, we share a Fire Department, they have a police dept, with a low crime rate. He stated the municipality wasn't offering them anymore except a higher tax rate. The deciding factor was because of dealing with Waukesha County Parks and Land Use staff.

Chairman Kunert stated we lost over 700 acres in the Fickau annexation. Mr. Gasser stated we have an issue right now, John Drive. He stated he knows that property owner very well. He stated he was on the Plan Commission when that property was annexed. He stated he was disappointed because the Plan Commission didn't even get to see a layout. The property owner said to him, why bother when he will have to go to Waukesha County. He stated the first step in the right direction was getting our own planner that didn't work for Waukesha County. Mr. Gasser stated opting out of county zoning will not protect our borders at all. He stated this would give the property owner a favorable reason to stay in the Town of Vernon. He stated there are some people that he has talked to that have annexed to the Village of Big Bend are not happy now. He stated people will save time by coming to the Town Hall and they can talk to the Town Chair or Supervisors, not an employee of Waukesha County. He stated he wants to see the support from the Town Board and get the new white paper put together. He stated he does not want to see this get bogged down in a referendum. He stated he has been getting signatures from people that want to opt out of county zoning. He stated he is not picking a select few people, this affects many people in the Town of Vernon. He invited people to the committee meeting to ask questions.

- b. Discussion and action to have an advisory referendum for the April Election as to whether the Town of Vernon should opt out of county zoning.

Chairman Kunert stated as Mr. Gasser stated, he too is not in favor of having a referendum. He stated time is of the essence and as County Supervisor Singert stated changes to the county board are coming. Supervisor Paff stated he too is not in favor of a referendum at this time. He wants to keep going and find out what the county's concerns are.

MOTION Supervisor Reilly moved to have a referendum on opting out of county zoning, for reasons could be used as the best hook to opt out of county zoning, seconded by Supervisor Paff, motion fails with three nays by Supervisor Finch, Supervisor Paff and Chairman Kunert.

- i. Request to Big Bend Vernon Fire Board to have Fire Board By-Laws and Fire Department Operational Polices Completed by a certain date.

Chairman Kunert thanked Supervisor Paff for bringing this up. Chairman Kunert stated since the creation of the Fire Board, we have been asking for policies and procedures for the Fire Department and Fire Board. He stated we have approved Fire Commission rules and regulations. Supervisor Paff stated he was

looking at the ordinance we approved a year ago, and that we were assured that we would have rules and regulations by now. He stated he emailed the Fire Board President and Chief Buchholtz stating he would be asking the Town Board to set a deadline date to have the rules and regulations completed. He stated Fire Board President Marilyn Gauger replied to him "That the Fire Board Rules & Regulations are just about complete. The document has taken a back seat to the other items and issues we are getting completed. With John Maney just being named to the Fire Board, I am confident they (Rules & Regs) will be presented for approval in the very near future. With regards to the Fire Department Rules and Regulations – after our last Fire Board meeting it was my understanding the Chief was not sure what the Town and Village wanted. Perhaps that conversation needs to take place with the Fire Chief".

Supervisor Paff stated we should use some other Fire Department's examples to get this going. Chairman Kunert stated there are plenty of samples that can be used. Supervisor Paff stated he asked her to give the Town Board a date, to which she replied April 1, 2007, which corresponds to the date the Fire Board has to have their audit report to the Town of Vernon. Supervisor Paff stated he has not heard back from the Fire Chief yet. Supervisor Finch asked if Attorney Macy will have to look at the rules and regulations. Chairman Kunert stated yes, he will need to review them. Supervisor Finch stated this gives the Fire Board two months. Chairman Kunert stated the rules and regulations can be very basic.

MOTION Supervisor Finch set a deadline of April 1, 2007, to have the Fire Department & Fire Board Rules and Regulations completed, seconded by Supervisor Paff, carried by voice vote.

Chairman Kunert stated he would like this decision printed in the paper. Supervisor Paff stated he would like to hear from the Fire Chief if that is not a reasonable deadline. Supervisor Paff asked if there is some kind of penalty to not having the rules and regulations done by April 1. Chairman Kunert stated we don't have control over the Fire Department, the Fire Board does. Supervisor Paff stated the Town holds the purse strings and if they want anything, they need to have these rules and regulations done.

9. ANNOUNCEMENTS. The following individuals will be given the opportunity to make announcements at the meeting in regards to activities undertaken since the previous meeting on behalf of the Town, future activities and citizen contacts. It is not contemplated that these matters will be discussed or acted on but referrals to the appropriate committees and/or individuals will be made.
 - a. Town Board, Department of Public Works Director, Town Clerk, Town Treasurer and Building Inspector.
 - Supervisor Reilly asked the residents to circle April 3 and to come out and vote and do Vernon proud.
 - Supervisor Finch stated he concurs with that and hopes everyone comes out to vote. He stated he spoke with some of his neighbors and hasn't run into a person yet that wants to stay under county zoning.
 - Supervisor Paff stated he went to the Wisconsin Towns Association meeting at the Town of Waukesha. There were four State Representatives there, Mark Gundrum from the 84th district, Bill Kramer from the 97th district, Rich Zipperer from the 98th district and Donald Pridemore from the 99th district. They talked about the Ethics bill that

they are trying to get passed and they all said they supported the Charter Towns Bill. Terrence McMahon, President of the WTA spoke about the Charter Towns Bill and that the current version only pertains to 19 towns in the state, some of which are in Waukesha County. He also spoke about getting transportation aids increased by 5% and land use issues which is what the association will be working on this year. Paul Kanter was pessimistic about the charter town's bill and said they should just use Waukesha County as a proving ground and let us show them how it can work. He spoke about how originally towns were just land banks for the villages and cities to use when they wanted, but now towns have as good or even better long range plans as cities and villages and how our citizens should be able to plan for a certain way of life without having to worry about their land being annexed. The current charter town's bill was supposedly drafted and or edited by Rich Stadelman of the towns association and someone from the Builders association. The biggest problem is that the builders are concerned about the amount of units they can put in a city or village development as opposed to a town development. So it has been very hard to get the builders association to agree to this. So the current version is a watered down version of the original one and we will have to wait to see how the final bill looks and if it will have any effect on Vernon. We were also informed of a new lobbyist for the towns association whose name is Ann Jablonski. She will be working with Rich and Jolene Plautz. Both Ann and Jolene are contract lobbyist with the Town's Association. The next meeting is April 25th at the Town of Brookfield, 7:00 pm.

- Supervisor Paff stated he also received an email concerning Assembly Bill 17 which is the Senate version of the Charter Towns Bill. He stated he sent the bill's author an email telling him that he supports the bill and received an email back that stated "*Mr. Paff: Thank you for contacting me in support of Senate Bill 17, relating to the creation of Charter Towns in Wisconsin. I appreciate your support of this legislation. Senate Bill 17 has been referred to the Senate Committee on Commerce, Utilities and Rail, which is chaired by Senator Jeff Plale. I serve on this committee, along with Senators Roger Breske, Bob Wirch, Dave Hansen, Rob Cowles and Sheila Harsdorf. If you are interested in contacting these individuals in advance of any committee hearing that might be held on this proposal, their contact information can be found at the website below. In addition, as a courtesy, you may want to contact the State Senator and State Representative that represents the Town of Vernon and notify them of your support for this bill. Thank you again for contacting me. Sincerely, Neal Kedzie, State Senator, 11th Senate District, On the Web at: <http://www.legis.state.wi.us/senate/sen11/news/>*" Supervisor Paff stated he sent all of the Senators, including our Senator Mary Lazich and the four Representatives that were at the towns meeting and email asking for their support. Chairman Kunert asked if the requirements to be a Charter town have changed. Supervisor Paff stated yes, one of the big changes is that we won't have to go thru extraterritorial review anymore. He reviewed the changes to the Charter Town's bill that could qualify the Town of Vernon to be a Charter Town. He stated this would also help us opt out of county zoning. He stated we need this bill to pass which could take two years to get through both houses.

- Supervisor Paff also stated he has a concern about the public opinion survey from Waukesha County that we budgeted \$800 for. Clerk Gresch stated she will check on the progress of that. Supervisor Paff also asked about a presentation from WE Energies on solar panels. Clerk Gresch stated she will ask Supervisor Tylinski about that. Supervisor Paff also asked if we have an update on Stormwater utility. Chairman Kunert stated the engineer and planner are working on it. Supervisor Paff asked where we are with the DNR/Landfill issue, Clerk Gresch stated we are waiting for the DNR to sign off on the issue. Supervisor Paff also stated that he is running for Town Chairman and believes that he has the experience to do the job and that he has saved the town a lot of money. He also stated if you don't have time to stand in line to vote you can vote absentee and to call the Clerk's office about how you can get an absentee ballot.
 - Chairman Kunert thanked the Department of Public Works on their work on the many snow operations we have had. Chairman Kunert stated the highway department is doing a great job keeping up on the snow. Department of Public Works Director Salentine thanked Chairman Kunert for his support. He stated we took in 110 tons of salt this week and will be taking in more. Will continue doing tree operations and to be aware of the highway guys.
 - Clerk Gresch stated ballots are available for absentee voting for the February 20, 2007 Primary Election and urged people to take advantage of absentee voting as it is convenient for the voter, that the ballot is sent to your house with postage paid for you to return the ballot. You can sign up to receive absentee ballots on a calendar year basis; meaning you will automatically receive a ballot for each election in that year. 2007 only has two elections and 2008 would at the most have 4, one including a Presidential. To receive one for the February election, you can either come to the office to vote in person, download, complete and mail in the absentee ballot application or just write us a letter and sign it. She stated once we verify that you are a registered voter, we will mail you your absentee ballot the same day we receive the request. Supervisor Finch asked what races are on the February Ballot. Clerk Gresch stated Supreme Court Judge and Mukwonago School Board.
10. REPORTS. Information on discussion and action taken at previous meetings, future agenda items and upcoming scheduled meetings.
- a. Building Inspection-Monthly Building Inspection Report (if applicable)
 - Chairman Kunert stated this will be available at the next meeting.
 - b. D.P.W. Committee
 - Department of Public Works Director Salentine stated the committee meets next on February 19, 2007 if needed.
 - c. Fire Department
 - No report.
 - d. Ordinance Committee
 - Clerk Gresch stated there is no report.

- e. Park & Recreation Committee
 - Chairman Kunert stated Recreation Director Zimmermann is present. Recreation Director Joe Zimmermann stated the spring program went out and deadlines are coming up. Stated the website is up to date and he sends out an email reminder. Chairman Kunert told Recreation Director Zimmermann to keep up the good work. He stated the residents appreciate his hard work. He stated we have a very good program going.
- f. Plan Commission
 - Chairman Kunert stated the Plan Commission met last month and meets again on February 8, 2007.
- g. Public Health & Safety
 - No report.
- h. School Board
 - Supervisor Reilly stated The Mukwonago School Board has done a professional job of informing the public of their needs and options to correct the deficit. Having done so, it is now up to the school community to vote their conscience on the school referendum on Tuesday, April 3, 2007. All I can say to the residents of the Town of Vernon is to please vote! It's your duty, and it's the right thing to do!
- i. SE WI Fox River Commission
 - Chairman Kunert stated they meet on February 8, 2007 at Fire Station #3.

11. FINANCES.

- a. Motion to approve Accounts Payable.

Supervisor Finch asked if the Fire Department money is in the budget, Clerk Gresch stated per the ordinance we are to pay 20% of the budget by January 10, and the remainder by February 10, which is a Saturday, so we will give them their check on February 9. Supervisor Paff asked about the Recreation Department Program Pilates instructor and what the payment is for. Bill Ludwig, Park and Recreation Committee stated we offer Pilates classes thru Hammer Rehab and Fitness. He stated they sign up for the class thru the Town, then we pay the instructor, less \$10 per person that the Town gets to keep. Supervisor Paff asked about the pom and dance payment. Clerk Gresch stated over 100 girls signed up. Bill Ludwig stated pom and dance has been going for 3 years now and when we started we only had 25 girls and we now have 100. Supervisor Paff asked about the legal bill for the Fire Department issues, Clerk Gresch stated we would have to ask the Fire Chief about the issue and when the last bill will come.

Supervisor Paff asked about the payments that were thrown in at the last minute. Clerk Gresch stated Assessor and DPW Director payments are usually paid through the first AP of the month. She stated the bills were overlooked and inserted before the meeting. Supervisor Paff stated he feels the Assessor should be able to wait 30 days for his monthly payment.

MOTION Supervisor Paff moved to approve the Accounts Payable in the amount of \$376,467.97, seconded by Supervisor Finch, carried by voice vote.

- b. Motion to recognize Manual Checks.

Supervisor Finch asked about school district checks. Clerk Gresch stated we have different school districts that we pay their taxes back to through settlement.

MOTION Supervisor Paff moved to approve the Manual Checks in the amount of \$4,393,706.27, seconded by Supervisor Finch, carried by voice vote.

12. MINUTES.

- a. Motion to approve previous minutes.
 - i. January 18, 2007 Town Board

Supervisor Reilly stated he would like the following added to the minutes on page 4 of 9: *Supervisor Reilly responded I would just like to give the entire town a chance to have a say. I'm for asking the people how they feel about it. I don't think there is anything wrong with that because it contributed to the relationship between the Town Board and community at large. Supervisor Reilly stated he has another change on the same page as the first correction. Mr. Gasser stated he believes we didn't work hard enough with certain issues like that, and that if we would have done things a little differently, the outcome would have come out differently. SR asked Mr. Gasser if he was for the annexation. Mr. Gasser responded no, he wasn't, he was totally against it.*

MOTION Supervisor Paff moved to approve the January 18, 2007 Town Board minutes with corrections, seconded by Supervisor Finch, carried by voice vote.

13. MOTION TO OPEN MEETING TO PUBLIC COMMENTS (Please be advised per Wisconsin Act 123, the Town Board will receive information from the public for a three minute time period, with time extensions per the Chairperson's discretion, per person; be further advised that after the public comments are completed, the Town Board Supervisors may have limited discussion on the information received, however, no action will be taken under public comments.)

MOTION Supervisor Paff moved to open the meeting to public comments, seconded by Supervisor Finch, carried by voice vote.

Chairman Kunert stated we like to open the meeting back up to open comments if anyone has any questions about anything that happened during the meeting.

Rodell Singert, HiLo Drive, stated he would like to comment on tax bill preparations. He stated he is surprised at this. He stated he was asked by the County Executive in December to process and review and make a recommendation on an RFP for tax bill preparation. He stated he was in on the RFP to approve LaserTech. He stated the county tries to reduce costs and find firms that will prepare the taxes at a lower cost. He stated it was of the opinion that LaserTech was the best firm to print the tax bills. Chairman Kunert stated his opposition is the statutes allow for the county to give us services without us paying for them and that is not happening. He stated there is some duplication of services and we ended up getting charged for them. He stated we would have to get our own printing services. Clerk Gresch stated \$1300 for printing stuffing, folding mailing for 3300 parcels. Supervisor Paff stated that's a pretty good price. Clerk Gresch stated she and the treasurer are more concerned about the quarterly tax billing that is not being billed out on a timely basis.

Chairman Kunert asked how many municipalities print their own bills. Clerk Gresch stated she only knew of the City of New Berlin that does this.

14. MOTION FOR ADJOURNMENT.

MOTION Supervisor Finch moved to adjourn, seconded by Supervisor Paff, carried by voice vote.

Meeting adjourned at 9:25 p.m.

Gina C. Gresch, CMC / WCMC
Clerk

APPROVED:

As printed ()

With amendments ()

Alan Kunert, Chairperson

Date: _____



BIG BEND – VERNON FIRE DEPARTMENT

W233 S7475 Woodland Lane

Big Bend, Wisconsin 53103

Phillip B. Buchholtz, Fire Chief

Phone: (262) 662-2079 ▲ Cell: (262) 613-0945 ▲ Fax (262) 662-2981

E-Mail: ChiefBBVFD@wi.rr.com

February 1, 2007

RECEIVED

By Gina Gresch at 1:20 pm, Feb 02, 2007

To Whom It May Concern:

This letter is in request for input from the Big Bend Vernon Fire Department regarding the proposed connection of John Drive currently in the Town of Vernon with the proposed John Drive in the Guthrie Estates sub-division in the Village of Big Bend. The connection as proposed will proceed through and eliminate a temporary cul-de-sac currently located at the end of John Drive in the Town.

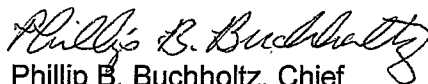
It is the opinion of the Fire Department that the proposed connection would improve the department's ability to provide fire protection to residents both in the Town of Vernon and those who will be building in the Village of Big Bend. This will be accomplished in two ways.

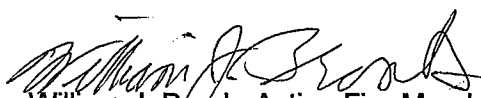
Firstly, the flow of large Fire Department apparatus, (pumpers, tankers, ambulances, and possibly an aerial ladder), into and out of a road containing a cul-de-sac is challenging and time consuming. Such time delays will depend on the magnitude of a possible fire, the number of apparatus required to efficiently bring a fire under control, and weather conditions. Connecting the roads and thus eliminating the cul-de-sac would allow for a more efficient flow of emergency traffic through the area without having to turn around in the cul-de-sac and potentially slow down operations. This arrangement would also provide for a safer operation as large apparatus would not be required to back up and turn around to exit an already congested area.

Secondly, connecting the two sections of road together would allow for quick Fire Department accessibility to 20,000 gallons of water contained in an under ground tank to be included in the proposed Guthrie Estates subdivision. This water supply would be available for use in the Town of Vernon area if the need should arise in the case of a major fire. The availability of this source would considerably decrease the amount of time necessary to shuttle water from another source further away.

In conclusion, this type of modification or upgrade which can be made in an area would also allow for a more efficient fire suppression operation, increases the ability to rescue fire victims when necessary, and reduce the amount of potential property damage caused by a fire.

Respectfully,


Phillip B. Buchholtz, Chief
Big Bend Vernon Fire Department


William J. Bronk, Acting Fire Marshal
Big Bend Vernon Fire Department