

FEBRUARY 23, 2015 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman William Glembocki at 6:30 p.m. on Monday, February 23, 2015 at the Town Hall in New Munster and opened with the *Pledge of Allegiance*. Town Board members present: Supervisors Andrew Lois and Kelly Wilson. Others present: Clerk Sheila Siegler, Treasurer Deborah Vos, Constable Robert Santelli, Town Attorney Jeffrey Davison, Town Assessor Dean Peters, Fire Chief Lou Denko, Ass't Chief Brian Kerkman, Tom Carlson, Tracy Layton, Paul Terrill, Jay Kurtzweil, Deanna Delimat and son, Tim Delimat, William Heeg, and Jack Bobula.

Notices were posted in six public areas and the Town website. The *Kenosha News* and *Westosha Report* were notified. Individuals who have requested meeting notices by e-mail were also sent agendas as required by state law. Property owners abutting 33703 59th St., #95-4-219-353-0230 were notified of meeting by First Class Mail.

Minutes of the February 9, 2015 town board meeting were moved for approval as presented by Andrew Lois and second by Kelly Wilson. Motion carried.

Fire Dept. Report -

Chief Denko reported that US Tanker and Kenworth would not be able to supply the tanker with the 880 chassis until at least January 2016. That is too long to wait because we could incur further repair costs for the current tanker which we would not recoup. The fire department has decided to switch to the 800 Kenworth chassis which is quite similar but smaller in the cab area than the 880. The 880 is 4" long and 8" wider than the 800 and has smooth panels which are an aid for maintenance. The cost will be the same or less than quoted. He doesn't have the contract yet. Chairman said we will have Attorney Davison review the updated contract before he will sign it.

Chief Lou Denko said the Corned Beef & Cabbage March fund-raiser will be March 16, 4-8 p.m. at St. Alphonsus School, New Munster, tickets \$12.50 if purchased before February 12th and \$14 at the door.

He has been busy and could not finish the fire department monthly reports. He will supply them as soon as possible.

Public Safety Report - Constable Santelli said had nothing to report. Chairman said he will talk to the sheriff's department about supplying someone for the water patrol. Also, clerk reported new rules proposed for water patrol grant reimbursement may require 80 on-lake hours instead of the current 40 to qualify. It is unclear at this time if this will apply to 2015 or begin in 2016. There are other proposed changes but administrative rules are not yet signed.

Public Comment - none

TUCKER BAY ENERGIES LLC, 18 Culverdale Pl., The Woodlands, TX 77382 (Owner), Timothy & Deanna Delimat, Black Bull Fireworks, 34231 High Drive, East Troy, WI 53120 (Agent), requesting approval of a temporary use (Section VII.B.12.36-5(a)(5): which states that all temporary uses require the Board of Adjustments to hear and grant an application in any district) to temporarily use an existing parking lot for the placement of a 30' x 60' sales tent, a 8' x 40' steel storage container and four banners to operate a temporary fireworks sales stand in the B-4 Planned Business Dist. on Tax Parcel # 95-4-219-353-0230, SW ¼ Section 35 T2 N, R19 E, Town of Wheatland. FYI – NW corner of the intersection of STH 83 & STH 50 (75th St.).

William Glembocki moved approval of a favorable recommendation to the Kenosha County Board of Adjustments for the temporary use requested by Tucker Bay Energies LLC to temporarily use an existing parking lot area for the sale of fireworks June 17 - July 6, 8 a.m. - 9 p.m., per statements in the application for Parcel #95-4-219-353-0230, 33703 59th St. Kelly Wilson seconded. Motion carried.

Fireworks (Sellers) Permit Application: Black Bull Fireworks, DeAnna Delimat, 34231 High Drive, East Troy, WI 53120 (owner) – location Wheatland Convenience Center, 33703 59th St., Tax Parcel #95-4-219-353-0230, open June 17 – July 6 from 10 a.m. – 8 p.m. and July 3 & July 4 extended hours 8 a.m. – 9 p.m.

Andrew Lois moved approval of a Fireworks (Sellers) Permit for Black Bull Fireworks, Deanna Delimat for 33703 59th St. for the period July 17 - July 6, 8 a.m. - 9 p.m. per application submitted but with change of hours. Kelly Wilson seconded. Motion carried.

Discussion - Speed bump request for Lilly Lake Rd.

Chairman Glembocki said we had looked at this request from Kenny Volbrecht last year and decided at that time the town would not be placing speed bumps on a public road. Mr. Volbrecht requested this be discussed again but is not here tonight. Thus, we will not be discussing the matter.

Discussion - allowing the keeping and raising of Chickens in Lilly Lake Summerhaven Sub.

Tom Carlson, Jr., 7829 336th Ave. presented the board with a number of pages showing different areas of the state and the regulations they use for allowing chickens. He would like to be able to keep a small number of chickens for his own use but no roosters. Attorney Davison said Wheatland would have more in common with surrounding communities if a change is being considered. Some subdivisions have covenants which control animals and would take precedence over a town ordinance. But this Lilly Lake subdivision has none. Board tabled the matter for further consideration.

Wheatland Fire Dept. – Corned Beef & Cabbage – March 16 – Lou Denko, person in charge

A. Temporary Class "B" Retailer Alcoholic Beverage License application

B. Temporary Alcoholic Beverage Operator (Bartender) Licenses for above:

Chief Denko said the fund-raiser is being held at St. Alphonsus School, 6211 344th Ave., New Munster from 4 - 8 p.m. on March 16. They are trying to encourage early ticket sales so they have a better idea of how much meat to prepare. Tickets are \$12.50 prior to March 12 and your name is then placed in a drawing. Tickets at the door are \$14. They are available from members and at the town office.

Kelly Wilson moved approval of the Temporary Class "B" License for the Wheatland Volunteer Fire Department for March 16 as listed above. William Glembocki seconded. Motion carried.

Andrew Lois moved approval of Temporary Alcoholic Beverage Operator Licenses for March 16 for Kathy Schatsick, Brittany Winter and Brian Kerkman. William Glembocki seconded. Motion carried.

Claims for Unlawful Tax Recovery

A. Edward Steagall, 4900 368th Ave. - #95-4-219-332-0672

B. Century Oaks Farm LLC, 4111 Dyer Lake Rd - #95-4-219-304-0202

C. Jay & Barbara Kurtzweil, 5382 371st Ave. - #95-4-219-333-0710

Town Assessor Dean Peters noted three claims for unlawful tax recovery have been filed which is unusual. State law does allow for corrections for "palpable" errors and explained the six different types of errors which qualify. It is not a difference as to the value but something such as a mistake computing square footage or agricultural use value, etc. Notices of Open Book are sent to property owners and hopefully these types of errors are caught at that time. All three property owners have filed the claim by January 31 and are current with the property tax payment. The town will be out any refund until the next year when a chargeback can be filed. WI Dept. of Revenue has to approve the chargeback and will only do so if the assessment error would have affected the equalized value. If approved by DOR in November 2015, the other taxing districts then have to refund their share of the 2014 levy to Wheatland by 2016.

Chairman said we will begin with Century Oaks Farm LLC since owner Tracy Layton is present.

Century Oaks Farm LLC, 4111 Dyer Lake Rd - #95-4-219-304-0202 - Dean Peters said they had land entered in CRP which is a federal program that sets aside acreage and crops are not planted. They did have a contract with the USDA on Jan. 1, 2014 but had not notified him. The assessor must be notified by the property owner because USDA will not provide reports to assessors. The land assessment would have been lower had he been aware of this use. He feels this falls under palpable error. The amount of the lowered value was \$35,800 and \$720.10 in 2014 property taxes.

Tracy Layton said she knows what has to be done from now on. She has supplied the assessor and the town with the 2015 CRP contract.

Kelly Wilson moved a motion to approve Century Oaks Farm LLC's Claim for Unlawful Tax and refund \$720.10. Andrew Lois seconded. Motion carried.

Jay & Barbara Kurtzweil, 5382 371st Ave. - #95-4-219-333-0710 - Dean Peters said their new home was under construction on January 1, 2014. The property owner, fortunately, had taken pictures in early January which showed that the foundation and minimal framing was all that was constructed at that time. January 1 is the date used for assessment value for the current year tax roll. Assessor Peters said they looked at it in late June 2014 and assessed it as completed. He said he should have caught this. To add to that, Jay Kurtzweil confirmed he did not receive a notice of assessment because the mailing address had not been updated. Assessor Peters said the improvement value would have been lowered from \$217,000 to \$40,000, a decrease of \$177,600 in value and a resulting 2014 property tax refund of \$3,604.83. Dean Peters said this falls under the definition of palpable error and he is almost certain DOR will approve the chargeback for the Kurtzweil property and also for the Century Oaks property because it would have affected equalized value and agricultural use value respectively.

William Glembocki moved to approve the Claim for Unlawful Tax of Jay & Barbara Kurtzweil and

to refund \$3,604.83 in 2014 property tax. Andrew Lois seconded. Motion carried.

Edward Steagall, 4900 368th Ave. - #95-4-219-332-0672 - Assessor Peters handed the board copies of a timeline for the Steagall property assessment. There are a lot of twists and turns and he needed to put it on paper. He will provide a copy to Mr. Steagall.

The property was purchased in September 2012 as a post-foreclosure from a bank. Mr. Steagall came to Open Book in 2013 and said the property was in poor condition when he purchased and needed a lot of repair. Peters lowered the assessment for 2013 due to both condition and quality to a below-average rating. In 2014, there was a new assessment because Steagall had sold property and a pole building to a neighbor. Peters said he moved the value of the property that had been sold from Steagall's assessment to the assessment of the neighbor who purchased the property and also brought the condition and quality of Steagall's back up to average. Mr. Steagall thought the property should be lower because he had sold part of the parcel but he had not accounted for the condition and quality change back to average. Dean Peters does not feel there was a palpable error.

Chairman Glembocki said he had spoken to Ed Steagall and he had said the assessor was in agreement with his claim. Peters said Steagall may be referring to the amount Peters had calculated for the difference in the 2013 tax due to the neighbor buying the property and for which the neighbor had paid Steagall.

Kelly Wilson agreed with Assessor Peters explanation and moved to deny the Claim for Unlawful Tax of Edward Steagall for Tax Parcel #95-4-219-332-0672. Andrew Lois seconded. Motion to deny was unanimous. Clerk will notify Mr. Steagall of the denial by Certified Mail.

Reports

A. Road report – Chairman said he has had discussions with the Randall Town Chairman regarding paving on 402nd/406th Ave. in Powers Lake. However, Randall wants to do the work on their end of this road in 2015 and we may not have the funds. He will continue to discuss with Randall.

B. Building Inspector Report - none

C. Treasurer Report - Treasurer Deborah Vos reported a January 31 net worth of \$2,659,046.53 She said this included tax collections which have since been paid out for the February 20th Settlement. Andrew Lois moved to approve the treasurer's report as printed. Kelly Wilson seconded. Motion carried.

D. Other reports – Attorney Jeff Davison reported Pamela Fisher told the judge today the signed stipulations were in today's mail. December 1 is the agreed completion date which will require an occupancy permit.

Correspondence & Announcements – none

Financial matters: none

Adjournment - William Glembocki moved to adjourn at 8:05 p.m. Kelly Wilson seconded. Motion carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk