

JULY 14, 2009 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman Glembocki at 6:30 p.m. on Tuesday, July 14, 2009 at the Town Hall in New Munster and opened with the *Pledge of Allegiance*.

Town Board members present – Chairman William Glembocki and Supervisors Andrew Lois and Robert Herda.

Others present: Clerk Sheila Siegler, Building Inspector Tim Popanda, Town Attorney Jeff Davison, Fire Chief Alan Kaddatz, Jim Mirek, Jeff Butler, Jim Butler, Jack Bobula, Wayne Kaddatz, Ray Giesler, Frank Gagliardi, Lucy Bollwahn, Angela Reyer, Phil Piccolo, Dave Borre and Chris Borre.

Notices were posted in five public areas, the town website and 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.

Andrew Lois moved approval of the Minutes of the June 29, 2009 town board meeting. Robert Herda seconded. Motion carried.

- **Fire Dept. Report –**

Fire Chief Kaddatz reported a new piston type pump had to be purchased for the grass truck #6672. The cost to repair the old one exceeded the price of a new one. He thanked everyone again for their help at the recent Fire Dept. Festival.

- **Public comments –**

Ray Giesler, 7833 334th Ave., Lilly Lake, reported the Canada Geese problem hasn't gone away. Two families have been on the lake all summer.

Chairman Glembocki noted we will be taking up agenda item #10 at this time:

- **Owner: Lucille A. Bollwahn, 6312 368th Ave., Burlington, WI 53105 – Property location: 6312 368th Ave., Tax Parcel #95-4-119-042-0720**
 - A. **Review June 16, 2009 Memo from Building Inspector Tim Popanda**
 - B. **Authorize issuance of an Order to Repair the tornado-damaged dwelling at 6312 368th Ave., Tax Parcel #95-4-119-042-0720 and to also properly store the contents of the garage and remove the damaged shed.**

Chairman asked Building Inspector to speak on the matter. Tim Popanda said he had viewed the property after the January 7, 2008 tornado and again just recently. He said there was damage at the time of the tornado and there has been additional damage due to water entering the house because repairs were not made. He reviewed his memo with the town board supervisors.

Tim Popanda said he was asked by Bollwahn's attorney, Frank Gagliardi, to inspect the house this spring and issue a report they could use in their attempts to settle this matter with the insurance company. He did do that. There has been no resolution to this date.

The property is unsightly Popanda said but he can't justify stating that it should be razed. There are issues such as the structure being closer to the road than current zoning allows but he feels it can be repaired. They need to move forward and make this property presentable to the community.

Frank Gagliardi, speaking for Lucy Bollwahn, said they don't disagree one bit. They asked the building inspector for his help. Because of the zoning issue of exceeding the front setback of 65 ft., if the damage is more than 50% of value, in they would need to move the structure back 30 ft. to be in compliance and able to repair the structure. If the order is to raze, Gagliardi felt the insurance company would have to tender the maximum amount of the policy.

They are now in negotiations with the insurance company because this has been listed on the town board agenda. Mrs. Bollwahn is a victim of the tornado and a victim of the insurance company. . He asked the board to do what the board feels is right but he and his client do want a time frame in which action has to be taken.

Chairman Glembocki moved a motion to approve a repair order to be issued for the property owned by Lucille A. Bollwahn, at 6312 368th Ave., Tax Parcel #95-4-119-042-0720, once the Building Inspector furnishes an itemized list of the needed repairs with the repairs to commence within a 30 day time frame beginning with the date the repair order is signed by the building inspector. Andrew Lois seconded the motion. Motion carried.

Chairman Glembocki said we would follow up at a meeting during the 30 day period. Frank Gagliardi noted the board may have to revisit the matter if there is a problem with the issuance of a zoning permit.

- **Owner: Philip Piccolo, 6926 316th Ave., Salem, WI 53168 - Property location: 7009 316th Ave., Tax Parcel #95-4-119-014-0670**
 - A. **Review June 16, 2009 Memo from Building Inspector Tim Popanda**
 - B. **Authorize the issuance of a Raze or Repair Order for the residence and accessory building located at 7009 316th Ave., Tax Parcel #95-4-119-014- 0670**

Building Inspector Popanda reviewed his memo with the town board supervisors. He said the property was in poor condition last year. Phil Piccolo did receive a building permit for repairs last year that he did start but has not finished. Popanda saw the property on June 9, 2009 and not much work has been done in one year. The structure is not habitable. It is in really bad shape.

Phil Piccolo spoke and gave his reasons for not completing the repairs. He said he removed the addition and thought that was what the board considered most important. His son is in the military and deployed. His son has stuff in the building. Piccolo said he holds title but his son owns the property.

Town Attorney Jeff Davison asked Inspector Popanda if the structure is damaged more than 50% of the value. Building Inspector said that it was and it can't just be boarded up. Attorney Davison advised to issue the raze notice or it will be a continuation of the same situation.

Supervisor Andrew Lois moved a motion to approve a raze order for the structures at 7009 316th Ave., Tax Parcel #95-4-119-014-0670 owned by Phillip Piccolo. Supervisor Robert Herda seconded the motion. Motion carried.

Attorney Davison said as a practical matter, it will be 30 – 45 days before it is razed. The notice will take a couple of weeks for title search, etc.

- **Owner: Michael & Angela Reyer, 6348 373rd Ave., Burlington, WI 53105 – Property location: 6348 373rd Ave., Tax Parcel #95-4-119-042-0616**
 - A. **Review June 16, 2009 Memo from Building Inspector Tim Popanda**
 - B. **Authorize the issuance of a Raze or Repair Order for the foundation and wood frame deck remaining on the property after the tornado-damaged structure was removed for the property located at 6348 373rd Ave., Tax Parcel #95-4-119-042-0616**

Chairman asked Building Inspector for a report. Inspector Popanda gave the past history. The Town Board, last year at this time, allowed time for the Reyers to resolve issues with the insurance company, time to pursue rebuilding and to decide whether the old foundation would be used for the new structure. A year has passed and nothing has been done. It's time to revisit this matter.

Angela Reyer stated they are still dealing with the insurance company. The foundation is locked up. They use it for storage. Why raze the foundation? It's not dangerous, unsafe or dilapidated.

Chairman said has had two winters with no heat. The foundation will be a total loss.

Chairman asked the attorney if we can give them 30 days and then proceed to the raze notice. It will give them time to work with the insurance company and time to get permits if they decide to rebuild.

Popanda said the home is gone; the foundation has to be removed if not going to be used. It's past the 50% damage rule. There is no single family home there.

Attorney Davison suggested if the board is going to allow a 30 day period that Reyer be required to obtain all permits to rebuild including the sanitation permit, zoning permit, building permit, etc. If they do not comply with that order, the raze order could be issued without having another town board meeting. Chairman said he would prefer 45 days.

Chairman Glembocki moved a motion to allow 45 days for Michael & Angela Reyer to obtain all the necessary building permits for a single family home for 6348 373rd Ave., Tax Parcel #95-4-119-042-0616, or the raze order to remove the foundation and restore the lot will go into

effect. Supervisor Herda seconded the motion. Motion carried.

Jeff Butler, 6631 373rd Ave. asked if the board to order Angela Reyer to cut the tall brush and Bull Thistles. Reyer said she had Vozel Landscaping hired to cut them. Clerk will send a weed notice under the weed ordinance and if not done, the town will cut and charge Reyer.

- **Alcoholic Beverage Operator License Application:** Renewal - Hayley Kolar, 7564 Lilly Lake Rd., Burlington – *The Sly Fox*.

Robert Herda moved approval of the renewal license for Hayley Kolar. Andrew Lois seconded the motion. Motion carried.

- **Reports -**

A. Treasurer's report for the month of June – Receipts of \$36,680.56 and expenses of \$179,833.06.

Chairman Glembocki moved acceptance of the report as printed. Robert Herda seconded. Motion carried.

B. Building Inspector report for the month of June – 14 permits issued, \$1,466 collected in permit fees, and \$138,900 of value.

Report was accepted as printed by motion of Andrew Lois and second by Robert Herda.

C. Other reports

Jeff Butler asked what the plans are for fixing the roads. Chairman replied that the board is aware the roads are bad in many areas, and especially in Rollingbrooke Manor Sub. (Butler's residence), and some parts of Lilly Lake and Oakwood Shores. Supervisor Lois said the board is looking at the money situation and a special meeting of electors will need to be called to amend the 2009 road budget. Chairman said the board also needs to prioritize the road work because there is so little money.

- **Announcements –**

Clerk said a resident of Oak Forest Subdivision reported today that he was certain he heard a Mountain Lion or Cougar about 3 a.m. this morning. It was screaming every 3 – 4 seconds and the sound was heading south thru Swartz Nursery. It woke him from a sound sleep. Jeff Butler said they've seen one in the area.

- **Correspondence -**

1. June 29, 2009 WisDOT notice of proposed 2010 highway improvement – S.T.H. "50" from 376th Ave. east to 256th Ave. (75 North/83 South) – replace blacktop, beam guard and safety improvements at intersection of "KD."

2. UW-M – Transportation Information Center workshop – establishing and implementing sign assessment /management method to meet new minimum sign retroreflectivity standards. Chairman Glembocki said this was discussed at a recent official's workshop. The cost will impact the town budget.

- **Financial matters:**

A. Purchase approval - none

B. Review and approve clerk's report for disbursements - period June 1 - 30, 2009

Andrew Lois moved to approve the Clerk's Itemized Statement of Disbursements for the period of June 1 – 30, 2009, checks #18983 thru #19083, total of \$179,833.06. Robert Herda second. Motion carried.

- **Adjournment –** Motion from Glembocki to adjourn at 7:40 p.m. Herda second. Carried.

Respectfully submitted,

Sheila M. Siegler, Town Clerk