

**TOWN OF SAUKVILLE
PUBLIC HEARING AND TOWN BOARD MEETING
MINUTES
JANUARY 18, 2011**

1. Call to Order/Attendance

Chairman Jobs called the Public Hearing to order at 7:00 p.m.

Present: Chairman Jobs, Supervisors Smallish and Rutkowski and Clerk Lear.

Also present: Rose Hass Leider, Tom Ravn, Al and Rita Hospel, Bonnie and Tony Schaefer, Don and Jean Vetter, Rita Pavlik, Sharon and Ray Frank, Patrick and Jill Gehr, Chris Jors, Linda Chesak, Kim Kraus, Marvin and Eileen Hoffmann, Ginny Pierson and Darryl Habeck.

2. Pledge of allegiance

3. Public Notice:

Chairman Jobs read the following notice: This public hearing and meeting has been given public notice in accordance with Section 19.83 and 19.84 of the Wisconsin Statutes, to apprise the public and news media of the subject matters intended for discussion, consideration and action on the recommendation from the Plan Commission for proposed revisions to Division 3.0200 of the Zoning Ordinance. If adopted, the minimum lot area (acres) of the following zoning classifications: Agricultural and Residential Zoning Districts A-1, A-2, A-3, and A-4 would be lowered to five (5) acres as described in Ordinance 2011-01.

Chairman Jobs stated the proposed ordinance is a means of responding to the need for compliance to the Wisconsin Working Lands Initiative (WLI) that took effect July of 2009. The goals of this program are to overhaul and modernize Wisconsin's 30-year-old farmland preservation program; to help local governments modernize outdated farmland preservation plans and zoning ordinances. The ultimate goal is to give local governments more flexibility to protect farmland. The 35 acre minimum lot size previously required under exclusive agricultural zoning has been eliminated under WLI. This policy had the unintended consequence of encouraging Large-lot residential development in agricultural areas.

Sharon Frank asked if this ordinance means we will be going back to a 5 acre minimum. Supervisor Smallish responded the purpose of the ordinance was so that people can stay in the same zoning category, yet split off a 5 acre lot. Chairman Jobs said the State of Wisconsin now recommends against the use of 35 acre minimums and has done so since 2002. Linda Chesak asked if a person is zoned A-1 and they split off a 5 acre parcel, does that new parcel stay A-1? Supervisor Smallish responded yes. The State Agricultural Subsidy program has reduced the required minimum from 35 acres to 1 acre of A2 Exclusive Ag in order to qualify for tax credits offered. Darryl Habeck asked how this ordinance would affect land in land preservation status right now. Chairman Jobs responded that A2 Exclusive Ag land presently stays the same if it is receiving tax credits from the program right now. Bonnie Schaefer commended the Town Board on their efforts to get this ordinance enacted.

4. Close Public Hearing

Chairman Jobs called for any other comments three times. Hearing no further comment, Chairman Jobs declared the Public Hearing closed at 7:20 p.m.

5. Approval of the minutes of the December 21, 2010 Town Board meeting

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Motion by Rutkowski, second by Smallish to approve the minutes of the December 21, 2010 Town Board meeting. Motion carried unanimously.

6. **Discussion/action on the recommendation from the Plan Commission for approval of the proposed revisions to Division 3.0200 of the Zoning Ordinance. If adopted, the minimum lot area (acres) of the following zoning classifications: Agricultural and Residential Zoning Districts A-1, A-2, A-3, and A-4 would be lowered to five (5) acres as described in Ordinance 2011-01**

Chairman Jobs read the agenda declaration. Motion by Smallish, second by Jobs to approve Ordinance 2011-01 as presented. Discussion: Chairman Jobs stated the Ordinance has been publicly noticed with a Class 2 notice as required by law. It was thoroughly reviewed at the December Plan Commission and the recommendation from the Plan Commission was a unanimous decision.

Supervisor Rutkowski stated it is difficult to reconcile this change in lot size for zoning, in that all zoning categories change as a result. He believes this zoning change may be inconsistent with the Working Lands Initiative. He wondered if such a change might make us unqualified for WLI. He further questioned whether this action might make the Town 2035 Comprehensive Plan less useful, perhaps being inconsistent with the Plan.

Chairman Jobs questioned Supervisor Rutkowski as to what specific verbiage he felt was inconsistent. He had no response. Chairman Jobs referenced the state publication Wisconsin Land Use Megatrends, Pages 14 and 15, Agriculture State and Local Policy. She noted that various aspects of Agricultural Use are addressed by the publication including Wisconsin Working Lands Initiative. Noting that the ultimate goal is to give local governments more flexibility to protect farmland. Chairman Jobs quoted that in reference to the verbiage under Local Planning and Zoning it gave the example that “a community could specify that lots within an agricultural district be no larger than 2 acres and no smaller than ½ acre.” Therefore the proposed ordinance requiring 5 acre minimum lot sizes in the A-1, A-2, A-3, and A-4 is consistent with the spirit and intent of Working Lands Initiative.

Supervisor Smallish pointed to the high cost of making zoning changes. She stated that she feels this ordinance does not change anything in the Town of Saukville that wasn't there before. She stated the Town is currently at odds with the 2035 Comprehensive Plan, because the Plan calls for a certain amount of growth, but the Plan as adopted, locks the town into a 35 acre minimum lot size which results in no growth at all or ends up destroying farmland. Roll Call vote: Smallish aye; Jobs aye and Rutkowski nay. Motion carried 2 ayes and 1 nay.

7. **Discussion/action on the appointment of a citizen member to replace Quarry Committee member Jim Reinartz who move out of the town.**

Chairman Jobs proposed Tom Ravn to serve on the Quarry Committee to replace Jim Reinartz who resigned because he had moved out of the Town. Supervisor Smallish said she supports the appointment, stating Tom Ravn supports the Town with a very business-like and direct approach and follows rules and carries them out. Motion by Smallish, second by Rutkowski to appoint Tom Ravn to the Quarry Committee. Motion carried unanimously.

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8. Town Hall

a. Office Report – Clerk

Clerk Lear said the Town office has been very busy of late with the collecting of property taxes. It generates a fair number of questions and quite a bit of research.

b. Website Report

Supervisor Rutkowski reported the 2010 Board Agendas are posted. He asked Clerk Lear to email him a PDF of the last two Board meeting minutes.

c. Chairman’s Report/Correspondence

The Town will be hosting a Wisconsin Towns Association meeting in April. Chairman Jobs has been doing extensive research on the agreement between Ozaukee County and the Town of Saukville regarding certain environmentally sensitive parcels of land within the common area of said governmental entities and what effect the agreement will have on the Town if the Town accepts the final donation of land from Payne and Dolan Inc. Chairman Jobs is sending documents regarding this issue to the Town Attorney DeStefanis asking him to review the documents and give the Town an opinion. Attorney DeStefanis is also reviewing the Bell land division issue.

9. Financial Reports

a. Treasurer’s account balances report

Clerk Lear reported a balance on hand of \$2,201,300.62. This would include property taxes received before the January Settlement.

b. Clerk’s budget status report

Clerk Lear pointed out the January monthly report has income skewed by property tax collections. However, the budget appears to be in good shape.

c. Review and approval of claims

Motion by Smallish, second by Rutkowski to approve the Treasurer’s and Clerk’s reports and to approve payment of \$94,593.89 in claims. Motion carried unanimously.

10. Town Constable’s Report

No report.

11. Items from the floor

Rose Hass Leider thanked the Town of Saukville for supporting her in opposing the discontinuance of the railroad tracks to Kiel, Wisconsin. She said it is the taxpayers and the Town of Saukville that deserve the credit. She said the Railroad is now putting a new spur over to Plymouth in order to serve the Bemis Corporation.

12. Adjournment

Motion by Rutkowski to adjourn, second by Smallish. Motion carried unanimously. The meeting adjourned at 8:05 p.m.

Respectfully submitted,
Christopher B. Lear, Town Clerk