

**REGULAR TOWN BOARD MEETING
APRIL 13, 2009**

Chairman Leair called the meeting to order at 7:00 p.m. Present were Supervisors Ross, Morris and Reid, Supervisor Schmittinger was absent. Also present was Clerk Whitmore.

Discussion/action Bids to be awarded

Roadside Weed Cutting

The following bids were received and opened on April 9th

J & N Lawn Care, Union Grove	\$47/hr
J & O Trucking, Muskego	\$50.90
Butterfield Trucking, Inc., Waukesha	\$48.75
Eric Jacobson Grading, Waukesha	\$50.00
Watertown Evergreen Service, Watertown	\$65.00
Pinenut Landscape, LLC, Princeton	\$53.60

Morris told the Board he had reviewed the bids and recommended the Town award the roadside cutting to J & N Lawn Care. Ross made motion to award the roadside weed cutting to J & N Lawn Cutting, Reid seconded, motion carried unanimously.

Lot Weed Cutting

The following bids were opened on April 9th -

J & N Lawn Care LLC, Union Grove	\$60/hr
J & O Trucking, Muskego	\$70/hr
Eric Jacobson Grading, Waukesha	\$50/hr
Watertown Evergreen Services, Watertown	\$65/hr
Butterfield Trucking, Inc., Waukesha	\$69.45
Pinenut Landscapes, LLC, Princeton	\$65.60

Discussion, Morris recommended Eric Jacobson is awarded the contract as the lowest bidder. Ross made motion to accept the bid from Eric Jacobson as the lowest bidder for the lot weed cutting, Reid seconded, motion carried unanimously.

Street Sweeping & Disposal:

The following bids were received and opened on April 9th -

Butterfield Trucking, Inc., Waukesha	\$12,442.00
Payne & Dolan, Inc., Waukesha	\$11,750.00
Watertown Evergreen Services, Inc Watertown	\$29,450.00
Wolf Paving Co., Inc., Oconomowoc	\$7,959.99

Morris told the Board he had reviewed the bids and has qualified the pieces of equipment and recommended the Wolf bid at \$7,959.99, discussion. Ross made motion to approve Wolf Paving's bid for the street sweeping, Reid seconded, motion carried unanimously.

Discussion/action – Minutes to be approved –

Regular Town Board Meeting of 3-9-09 – Morris made motion to approve, Ross seconded, motion carried unanimously. **Special Town Board Meetings of 3-11-09** - Ross made motion to approve, Morris seconded, motion carried unanimously. **Special Town Board Meeting of 3-25-09** – Ross made motion to approve, Reid seconded, motion carried unanimously

Monthly report from Wales-Genesee Fire Chief Greg Jezak

Chief Jezak reported there were a total of 30 calls in the month of March, with 95 calls as of this evening, the average response time were 8.75 minutes. There are three new members on the department.

Discussion of driveway policy

The guidelines for driveways was set up years ago by the Board, it was set up as a policy not an ordinance, as it would be difficult to enforce. Chief Jezak felt this was something that residents need to be aware of, there are driveways that the trucks cannot get up, if they can't get in the driveways, they can't do their jobs. Discussion, it was agreed information regarding this should be put in the fall flyer.

Discussion/action – Approval of Conditional Use – Wolf Paving, Inc.

Leair told the Board the Plan Commission did recommend the Town Board approve the amended conditional use permit for quarrying and other activities in conjunction with the operation of a quarry subject to conditions.

Morris made motion to approve the conditional use for Wolf Paving subject to the recommendations of the Town Planner dated March 29, 2009, Ross seconded, motion carried unanimously.

Memorandum

To: Town of Genesee Town Board
From: Jeffrey C. Herrmann, Town Planner
Date: 03/29/09
Re: Wolf Paving, Inc. – Conditional Use

The purpose of this memo is to inform the Town of Genesee Town Board on the Conditional Use request of Wolf Paving, Inc. On January 26, 2009, the Town of Genesee Plan Commission held a joint public hearing with a staff member of the Waukesha County Department of Parks and Land Use Staff to consider the Conditional Use request of Wolf Paving, Inc. to update the existing Conditional Use Permit for the quarry operation located on five (5) properties and to allow several amendments, including two (2) new asphalt storage tanks, an asphalt testing laboratory, recycling of salvaged asphalt shingles, removal of aggregate from below the water level using dredging equipment, and a future relocation of the office to the subject site. The property is located in the NW ¼, SW ¼, NE ¼, and SE ¼ of Section 6, in the Town of Genesee. After considerable discussion (after the public hearing) the Town of Genesee Plan Commission voted unanimously to approve the request subject to review and approval of conditions drafted by the Town Planner.

After reviewing the Applicant's request, comments made at the public hearing and discussions with the Town Plan Commission, the Town Planner and Town Attorney recommended to the Town Plan Commission the approval of the Conditional Use be subject to several conditions. After reviewing said conditions, the Town Plan Commission, by motion duly made and seconded, recommended to the Town of Genesee Town Board to **approve** the amended conditional use permit for quarrying and other activities in conjunction with the operation of a quarry subject to the following conditions:

1. Subject to all uses on the premises consisting of those uses specifically state in the Plan of Operation, including but not limited to the following:
 - Normal quarrying activities (extraction, crushing, washing, stockpiling of materials, etc.), including the recycling of asphalt and concrete, as established in the Waukesha County Zoning Code Conditional Use Section, unless specifically stated herein.

- A future office location.
- A future asphalt laboratory.
- Two (2) large asphalt storage tanks (96 ft. diameter and 48 ft. high - each).
- An asphalt plant.
- Use of recycled shingles
- Removal of aggregate below the water level.

The above uses shall be properly permitted by the Wisconsin Department of Natural Resources. Any use not specifically listed as permitted shall be considered to be prohibited, including those uses otherwise being permitted within this zoning district, except as may be otherwise specifically provided herein. In case or question as to an approved use or classification of use, the question shall be submitted to the Town of Genesee Plan Commission for determination.

2. Subject to all mining operations being in compliance with all requirements of Section 3.08(7)(S)3d of the Waukesha zoning Code as set forth herein:
 - A. A fence or other suitable barrier shall be erected and maintained around the site or around portions of the site where in the determination of the Town Board such fencing or barrier is necessary for the protection of the public and shall be of a type approved by the Town Board.
 - B. All machinery and equipment used in the quarry operation shall be constructed, maintained and operated in such a manner as to minimize dust, noise and vibration. Access and haulage roads on the site shall be maintained in dust-free condition by surfacing or treatment as directed by the Town Engineer.
 - C. The manufacturing of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes of ready-mixing processes which might be related to the mining operation shall not be permitted.
 - D. The planting of trees and shrubs and other appropriate landscaping and other similar landscaping shall be provided where deemed necessary by the Town Plan Commission to screen the operation so far as practical from normal view, to enhance the general appearance from the public right-of-way and generally to minimize the damaging effect of the operation on the beauty and character of the surrounding country-side. Such Planting shall be started as soon as practicable, but no later than one year after approval of the Conditional Use Permit, and shall be done according to the recommendation of the Town of Genesee Plan Commission.
3. Subject to Waukesha County Department of Parks and Land Use, Environmental Health Division reviewing and approving the type of waste disposal system for the proposed use prior to the issuance of a Conditional Use Permit.
4. Subject to documentation being submitted to the Town Planner by the owner that documents that an Erosion Control Permit has been reviewed and approved by the Waukesha County Department of Parks and Land Use, Land Resources Division for the subject property (if applicable), prior to the issuance of a Conditional Use Permit.
5. Subject to the owner submitting an updated "Restoration and Reclamation Plan" to the Town Planner and Town Engineer for compliance with the Town of Genesee Non-metallic Mining and Reclamation Ordinance including the filing of any financial securities required by the Town Engineer prior to issuance of any permits and at all times thereafter.
6. Subject to the owner/petitioner recording a Declaration of Restrictions with the Waukesha County Register of Deeds office incorporating the terms and conditions of the Conditional Use Permit, prior to issuance of the

Conditional Use Permit. The same is subject to approval of the Town Attorney and Town Planner prior to recordation.

7. Subject to all activities by Petitioner on the subject property complying in all respects with any and all requirements of the Wisconsin Department of Natural Resources (DNR). All documentation submitted by the Owner/Petitioner to the DNR shall also be submitted by the Owner/Petitioner to the Town Planner. In addition, documentation shall be submitted to the Town Planner from the Petitioner demonstrating that all necessary permits have been obtained from the DNR.
8. A detailed Site Plan/Plan of Operation, including but not limited to parking, lighting, storage, sanitary facilities, signage, proposed asphalt testing facility, etc. shall be submitted by the applicant to the Town of Genesee Plan Commission for review and approval, prior to the issuance of the Conditional Use Permit. The Plan Commission shall review and approve or deny the Plan of Operation. The Plan of Operation shall be approved by the Town Plan Commission for the Conditional Use Permit to move forward. An up-to-date Site Plan/Plan of Operation must be on file, at all times, with the Town of Genesee.
9. Subject to no blasting occurring on the site at anytime.
10. Absolutely no trucking or hauling of materials from the Wolf Paving property onto Morris Road, unless for an approved project on Morris road or with Special Town Plan Commission approval.
11. Jones Road shall be maintained and repaired by Wolf Paving, Inc.
12. The Town reserves the right to require a rationally based well monitoring program at the discretion of the Town Board at the expense of the Applicant/Owner. The Town of Genesee reserves the right to take action under Condition No. 26 based upon the results found. The Town shall have the right to access the property and extract/collect groundwater samples for testing.
13. Subject to the Owner/Petitioner satisfying any and all conditions established by the Town Engineer in his review of the proposed operation.
14. Subject to the applicant submitting a detailed annual report and status update including, but not limited to, a detailed description of the work completed (disturbed and restored) for that given year, a detailed map showing the limits of the quarry, the area disturbed and the area restored and detailed photographs of the site to the Town of Genesee Plan Commission and Town Board on a yearly basis, beginning March 1, 2010 and continuing each March 1st, thereafter.
15. A restoration bond was approved in 1998 and filed with the Town of Genesee. The Town Engineer and Town Attorney shall review the bond information and determine if the amount is adequate for the proposed operation. The restoration bond amount shall be reviewed and updated, prior to the issuance of the Conditional Use Permit.
16. Subject to a copy of the state approved plans for the two (2) asphalt storage tanks from the State of Wisconsin (Department of Commerce) being submitted to the Town Planner, by the applicant. The Town Building Inspector shall also review the plans and all necessary approvals for the proposed tanks shall be obtained, prior to the issuance of a building permit (if applicable).
17. The terms and conditions of this Conditional Use may be altered or modified from time to time, as deemed appropriate by the Town of Genesee Plan Commission and the Waukesha County Park and Planning Commission provided said modifications are minor, without the necessity of a public hearing or formal amendment process. Wolf Paving shall be notified of any meeting, whereby any alterations or modifications to their Conditional Use Permit are to be discussed. Documentation shall be provided to the Town of Genesee Plan Commission for determination whether a proposed modification is considered minor in nature.

18. All prior Conditional Use Permits for Wolf Paving, Inc. are terminated upon issuance of the current Conditional Use Permit. Other Conditional Use Permits not related to Wolf Paving, Inc. (i.e. Cell Tower) on the subject properties, shall remain in effect.
19. The applicant shall allow the premises to be available for inspection by the Town of Genesee officials, employees, agents, and independent contractors at any reasonable time and upon reasonable notice.
20. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Town of Genesee Town Board, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Town Ordinance or other law.
21. This Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.
22. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
23. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.
24. All activities on the subject property herein may not in anyway become a nuisance by reason of appearance, noise, dust, smoke, illumination, odor or any other similar factor.
25. Subject to all laws, ordinances, regulations and rules of the State, County, Town and USA.
26. The Town reserves the right to review any condition imposed as part of this Conditional Use if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, which they feel may be reasonable in order to allow this use and insure it does not become detrimental to the surrounding area without the necessity of having a public hearing. Any major change, as determined by the Town Plan Commission and Waukesha County shall follow the Conditional Use procedure of the Waukesha County Zoning Ordinance.
27. Subject to a letter from the owner acknowledging and accepting all terms and conditions of this Conditional Use Permit being submitted to the Town of Genesee Clerk, and this Conditional Use Permit and any other permits required from the Town shall not be effective until such acknowledgement and acceptance is received by the Town of Genesee.
28. Petitioner shall, on demand, reimburse the Town of Genesee for all costs and expenses of any type that the Town incurs in connection with this conditional use permit, including the cost of professional services incurred by the Town of Genesee (including engineering, legal, planning and other consulting fees) and for the review and preparation of the conditional use permit or attendance at meetings or related professional services for this application, as well as for any actions that the Town of Genesee is required to take to enforce the conditions in this conditional use permit due to a violation of these conditions. All fees due and owing at the time shall be paid prior to the issuance of the conditional use permit, and such fees coming due following the issuance of the conditional use permit shall be paid within thirty (30) days of billing.

29. Payment of Charges. Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Discussion/action – Request for 6 month Class B Beer License – Wales-Genesee Lions Club

Discussion. Ross made motion to approve the 6 month Class B Beer License for the Wales-Genesee Lions Club for the concession stand, area immediately surrounding three (3) diamonds and only licensed on Wednesday and only when the Rebels are not playing and licensed. The entire park is not licensed and reserved to the Lions. Morris seconded, motion carried unanimously.

Discussion/action – Request for Fireworks Sales License – Heather & Vince Siegel

Tim McGill, manager, was present to discuss the request. Lear reported the Plan Commission recommended approval of the stand subject to the Town Board issuing a fireworks sales license from June 19 to July 6th, 2009. The only fireworks to be sold will be in accordance with ordinance 08-1, discussion. Morris made motion to approve subject to the Plan Commission's conditions, Reid seconded, and motion carried unanimously.

Discussion/action – Discussion/action – Resolution 09-6R Honoring North Prairie Fire Department's 75th Anniversary

Lear read the resolution. Ross made motion to approve, Morris seconded, motion carried unanimously. Lear told the Board she would like to have this made up as a plaque to present to the department on May 2nd.

RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY
OF THE NORTH PRAIRIE FIRE DEPARTMENT

WHEREAS, the NORTH PRAIRIE FIRE DEPARTMENT was established on April 17, 1934, and its members have faithfully served their community and the community of Genesee for 75 years;

WHEREAS, during the 75 years since its founding, the members of the NORTH PRAIRIE FIRE DEPARTMENT have given generously of their time and talent as Firefighters, Emergency Responders and Emergency Medical Technicians; and

WHEREAS, during all of those years, the members of the NORTH PRAIRIE FIRE DEPARTMENT have shown a selfless dedication to the safety and welfare of the community and its residents; and

WHEREAS, through the efforts of all members, past and present, the NORTH PRAIRIE FIRE DEPARTMENT has contributed to the success and good standing of the department within the Genesee community;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Genesee wishes to thank the NORTH PRAIRIE FIRE DEPARTMENT for its 75 years of service;

BE IT FURTHER RESOLVED that on behalf of all of its citizens, the Town Board of the Town of Genesee does hereby humbly realize, appreciate and honor the NORTH PRAIRIE FIRE DEPARTMENT for all of the worthy contributions it has made to the greater community which it has served for 75 years. May all of its members be assured in the fact that this community recognizes their dedication and commends them for a job well done.

BE IT FURTHER RESOLVED that a copy of this Resolution be set forth in the public records of the Town of Genesee and that a copy of this Resolution be presented to the NORTH PRAIRIE FIRE DEPARTMENT.

PASSED AND UNANIMOUSLY ADOPTED by the Town Board of the Town of Genesee, Waukesha County, Wisconsin, this 13th day of April, 2009.

Supervisors:

JAMES MORRIS	SHARON L. LEAIR
DRAKE REID	Town Chairman
CHARLES ROSS	
JEFFREY SCHMITTINGER	BARBARA A. WHITMORE
	Town Clerk

Discussion/action – Request for extension to file final plat – Tom McAdams, Kettle Ridge Subdivision

Leair read a memo from Planner Jeff Herrmann recommending the extension for this plat be given to May 31, 2009, that no further extensions are granted after that date. Morris made motion to grant the extension to Tom McAdams for the extension to file the final plat for Kettle Ridge Farms to May 31, 2009, Ross seconded, motion carried unanimously.

Discussion/action – Ordinance 09-2 Prohibiting Mandating Employee Benefits for Private Business

Leair read the proposed ordinance, discussion. Reid made motion to approve Ordinance 09-2, subject to the town attorney approving the final wording, Ross seconded, motion carried unanimously.

ORDINANCE NO. 92-2

**AN ORDINANCE TO PROHIBIT THE TOWN FROM MANDATING
EMPLOYEE BENEFIT FOR PRIVATE BUSINESSES**

WHEREAS, THE Town Chairman and Town Board of the Town of Genesee seek to foster a positive and growing business climate within the Town; and

WHEREAS, the Town of Genesee is home to many small and medium sized businesses; and

WHEREAS, the Town Board of the Town of Genesee recognizes its responsibility in promoting a free market and limited government intrusion into private enterprise.

NOW, THEREFORE THE TOWN Board of the Town of Genesee do ordain as follows:

Section 1: MANDATING OF EMPLOYEE BENEFITIS FOR PRIVATE BUSINESSES. No ordinance of the Town of Genesee nor any other municipal ordinance, rule, or regulation shall mandate that any person, partnership, limited liability corporation or other corporation or business entity of any kind, other than the Town itself, shall provide certain wages or benefits to its employees or set the amount or type of any employee wages or benefits to be provided by an employer located within the Town limits.

Section 2: All ordinances or parts of ordinances contravening this ordinance are hereby repealed.

Section 3: Severability

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections or portions of the ordinance which shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4: Effective Date

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this __13th__ day of ____April____, 2009.

TOWN OF GENESEE

____Sharon L. Leair_____
Sharon L. Leair, Chairman

ATTEST:

____Barbara A. Whitmore_____
Barbara A. Whitmore, Clerk

Reports –

Treasurer – Carol McCormick

McCormick updated the Board on collateralizing Town funds at Citizens Bank and is also working with Town Bank.

Discussion of using the funds in the public site fund for a future shelter at Sunset Park.

Discussion/action – Bills to be presented

Morris made motion to approve the bills as presented, Ross seconded, motion carried unanimously.

Update on 2007 ad 2008 unpaid personal property tax bills

McCormick has charged back the unpaid 2007 bills and we are receiving payments on the 2008.

Discussion/action – Appointments

Plan Commission

Town Board representative

Ross made motion to appoint Jeff Schmittinger as the Town Board Plan Commission member, Morris seconded, motion carried unanimously.

Three 1 year terms

Reid made motion to appoint Buck Houston to another three year term, Ross seconded, motion carried unanimously.

Morris made motion to appoint Mike Sullivan to a one year appointment until another person can be found, Ross seconded, motion carried unanimously.

Ross made motion to appoint Joe Turzynski to a one year term, Reid seconded, motion carried unanimously.

Intermunicipal Joint Planning Board – North Prairie and Wales

Morris made motion to appoint Sharon Leair, Drake Reid and Brett Engelking to the Intermunicipal Joint Planning Boards with the Village of North Prairie and the Village of Wales, Ross seconded, motion carried unanimously.

Town Board -Park Board liaison

Morris made motion to appoint Charlie Ross as the Town Board Liaison to the Park Board, Reid seconded, motion carried unanimously.

Town Hall and grounds

Ross made motion to appoint Jim Morris to the Town Hall and grounds, Reid seconded, motion carried unanimously.

Roads

Ross made motion to appoint Jim Morris review the Roads work, Ross seconded, motion carried unanimously.

County Meeting Attendance

Morris made motion to appoint Drake Reid to attend County Meetings for the Town, Ross seconded, motion carried unanimously.

Discussion/action – Financial Control Procedures Policy

Whitmore asked this be tabled. Morris made motion to table, Ross seconded, motion carried unanimously.

Discussion/action – Census 2010 Proclamation

Ross made motion to approve subject to review of the Town Attorney, Morris seconded, motion carried unanimously.

Discussion/action – Ordinance 09-1 to Adopt a Smart Growth Comprehensive Plan consistent with State Requirements

Ross made motion to approve Ordinance 09-1 to Adopt a Smart Growth Comprehensive Plan Consistent with State Requirements subject to the dates being added by our Town Planner, Morris seconded, motion carried unanimously.

Discussion/action – Request for Operator Permits

There were no applications.

Monthly Reports –**Chairman – Sharon Leair**Construction update on highway 83 work (Perkins Road to Glacier Pass)

Leair reported she attended a meeting with the state regarding the work to be done on STH 83 from Perkins to Glacier Pass in the Town of Delafield; the work on the roundabout at 18 and 83 has started. There will also be a roundabout at DE and 83, with a four lane road with a median from that intersection to highway 18.

Arbor Living, LLC – group home Wild Berry Lane

Leair attended a meeting held by the owner of a residential adult family home on Wild Berry Lane at the Town Hall on April 8th. There were quite a few neighbors present to get information on this home; a flyer had been passed out to the neighbors. After at times a heated discussion, the owner, Robin Gedney agreed not to apply for an extension of her state license to allow corrective patients who had committed crimes but were found not

guilty because of developmental disabilities. Ms. Gedney agreed to not request this extension to her license and the neighbors agreed to go along with the home and be good neighbors.

Wisconsin Towns Assn. County Unit meeting April 22, 2009

The Wisconsin Towns Association County Unit Meeting will be April 22nd at the Town of Oconomowoc.

Roads – Jim Morris

Snow and Ice Control Contract

Discussion of the monthly invoicing for the March snow plow billing.

Clerk – Barb Whitmore

Election update

Whitmore reported the town had an 18% turn out for the election, with no problems during the day.

Correspondence

Board members were copied with the correspondence

Ross made motion to adjourn, Reid seconded, motion carried unanimously. Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Barbara A. Whitmore
Town Clerk