**MINUTES OF REGULAR MEETING**

**Town Board**

**Town of Janesville, Wisconsin**

**December 2, 2019**

**Posted: Wednesday, November 27, 2019, at the Town Office, Lion's Quick Mart, and Consolidated School.**

**Members Present: Chairman Bruce Schneider, Supervisors David Rebout, Gary Fox,**

**Janet Kassel, and Lon Coplien.**

**Members Absent: None**

**Others Present: Town Clerk Julie Eells, Treasurer Peggy Augustine, Town Attorney Holly Jensen, Building Inspector Tim Kienbaum, Constable Archie Henkelmann, Rock County Deputy Valencia, and (9) members of the public.**

**Meeting called to order, by Chairman Schneider at 7:30 pm at the Town Hall, 1628 N. Little Court, Janesville, Wisconsin, followed by the Pledge of Allegiance.**

**1. Minutes of Previous Meetings:**

**A. November 11, 2019\* Budget Approval meeting**

**\***(incorrectly noted as November 1, 2019 on the agenda)

**Moved by Fox, seconded by Kassel,** that the minutes of the Budget Approval meeting held November 11, 2019, be approved as presented. Motion carried on voice vote.

**B. November 4, 2019 Regular Town Board meeting**

**Moved by Rebout, seconded by Coplien,** that the minutes of the regular meeting held

November 4, 2019, be approved as presented. Motion carried on voice vote.

**2. Financial Report**

**Moved by Fox, seconded by Coplien,** that the financial report, ending November 30, 2019,

be approved as presented. Motion carried on voice vote.

**3. Citizen Participation –**

**A.** Chairman Schneider reported about a meeting with Nick Rose, director at Camp Indian

Trails, owned by the Boy Scouts of America (BSA) that he, Doug Rebout, (P&Z

Chairman), and Supervisor Janet Kassel attended this morning.

The B.S.A. has owned 100 +/- acres of land in the Town of Janesville since 1946, that is

zoned C-2 Overlay (Highland Conservation District). They would like to sell their office

on Racine Street, in Janesville, and build on their land with capital improvements of

roughly $4,000,000. One condition of the C-2 Overlay is that no dirt can be moved, so they

would need to obtain a conditional use permit in order to build. Schneider stated the Boy

Scouts plan to build up in the hills, not in any flood line. Rebout stated that if they build

within 1,000 feet of a shoreline, they would still have to go through the County shoreline

zoning and the DNR. Kassel assured him that they informed B.S.A. of that and requested

B.S.A. meet with those agencies before they come back to the Board to be sure that what

they are planning is doable. The Board does not know when the land became zoned C-2 or

why it became C-2. Chairman does not know if there is any way to find those records; Doug

Rebout told him that years ago, former Clerk Linda Fewell searched for those records but

could not find them. Kassel added that they need help from Town Attorney Holly Jensen to

research and determine how many buildings would be allowed on the property, among

other things. Chairman Schneider comment he has been receiving calls about potholes on Town roads

and dead trees in Town’s right of way.

**4. Planning & Zoning Committee Recommendations –** Did not meet

**5. Unfinished Business**

**A. Sheila Everhart,** 4618 West County A, reported that she has spoken with the Department

of Public Works (DPW) about reducing the speed limit on Burdick Road and was told she

needs to speak with the Town Board, who at the October 2, 2019, meeting, told her to call

DPW, so it is a perplexing situation. She does have people searching for more information.

She stated she needs a copy of the traffic study done on Burdick Road by the Sheriff’s

Department. Chairman does not believe the Town has a copy of that study, but believes that

her neighbor on Burdick Road at the bottom of the hill before the creek has a copy, since he

had made the request for the study to be done.

Sheila is requesting copies of the Sheriff’s Reports in the Town of Janesville from the past 2

years from the Sheriff’s Department; she is hoping they will provide her with filtered

copies, showing only theaccidents occurring on Burdick Road at County A, on Burdick

Road at Hwy 14, and on Burdick Road itself. If the Sheriff’s Department cannot produce

Thoser reports, Sheila will request them from the Town Clerk. Sheila believes the Town

has the jurisdiction to set the speed limits on Town roads after speaking with the DPW

today, while reporting two 45 mph speed limit signs that were broken off along Burdick

Road sometime within the past 2 weeks.

**Steve Donahue,** 2126 N. Burdick Road, said he had just become aware of Sheila’s request

today, and questioned why she wants to lower the speed limit. Sheila responded, because

many motorists fail to drive 45 mph, instead they drive 50, 60, 70 mph or faster, so

she would like to see the speed limit lowered to 35 mph on Burdick Road. Steve then asked,

why don’t we enforce the current posted speed limit? He feels that lowering the speed limit

will not fix the problem, and would possibly cause more problems for motorists driving 35

mph and having someone come up behind them driving 90 mph. He saw someone driving a

loaded semi today flying down the road way faster than 45 mph. He feels reducing the

speed limit on one Town road might lead to people wanting to reduce speed limits on other

Town roads snowballing into having a majority of the rural roads in the Town posted with

speed limits of 35 mph. Steve feels we should look at more options first.

At this point, Sheriff’s Department Deputy Valencia arrived to the meeting to check in with

the Town and take any complaints. Chairman asked if more patrols could be put on Burdick

Road and she said absolutely and asked when the speeding usually occurs. Sheila replied,

speeding is the worst between 7:30 and 9 AM and again between 3 and 4:30 PM. Steve

agreed that it is the times when people are hurrying to and from work. Deputy Valencia said

she would put those extra patrols out on Burdick road.

Chairman said we will revisit this issue again at the January Board meeting.

**B.** Chairman stated he has informed the County about the erosion and drainage issues at

2801 N River Bluff Drive and there really is nothing more the Board can do.

**C.** Regarding Judy Grunzel’s complaint about the appearance of the residence at 4500 N

County F; the owner, John Troon is present tonight and does agree that there are still too

many cars on his property. He is working on getting them hauled away and hopes the Board

will continue to be patient with him. He said some of the cars have been sitting for 20 or 25

years. Judy brought in some overhead photos of John’s property (taken by drone) to show

the Board and stated that she first made the complaint last spring. She asked the Board

how long will they wait until they impose a penalty on the landowner. Rebout mentioned

that Constable Henkelmann had brought up last month the Property Maintenance Ordinance

adopted in 1994 or 1995, so the vehicles that were in place before that time would not have

to be moved. Rebout asked, how do we know which vehicles have been sitting there since

before 1995? That is what makes this so difficult.

Rebout added that John is working on it, and Fox agreed saying he would rather see that

John is working on it, albeit slowly; at least the cars are being taken away. Judy questioned

the complaint about wet ground, saying combines are in the fields now. Rebout disagreed,

saying the floatation on his combine is a lot better on wet fields than a tow truck trying to

pull a car out of a yard. Rebout said he has not been able to pull semi-trucks into his fields

at all this fall, and feels a tow truck would get stuck in John’s yard now. He further stated it

has been an unusually wet 2 years. Kassel asked John if he knew how long it would take for

him to get rid of most of the cars. John replied he has changed his strategy; he will be taking

care of the vehicles that can be seen from the road and will just have 2 vehicles in his

driveway, the one he drives and a spare vehicle. He will stop moving cars from the back of

his property while it is so wet, since it is making a mess of everything. He stated he should

be able to clean up the front of his property relatively soon. Rebout said he would like to see

John remove the vehicles close to the road first, and then the Board can check in with John

after the winter. Rebout acknowledged, from personal experience, that one cannot clean up

40 years’ worth of junk in 2 months. Judy asked if there had been complaints over the years

about this property, and Rebout told Judy that hers was the first complaint the Board has

received. Chairman asked about setting a time limit and Town Attorney Jensen said that a

member of the Board would need to go out and inventory the vehicles, and determine which

vehicles may or may not be “grandfathered” and allowed to remain on the property. The

Board *could* give John 30 days under the Property Maintenance Ordinance to do X, Y, or Z.

Attorney Jensen looked at the Ordinances and could not find the one from 1994-1995.

The oldest ordinance she found was from 2003; Rebout stated the ordinances were updated

in 1994-1995. Attorney Jensen is not sure there was anything contained in the

2003 ordinance that specifically prohibited what is being complained about now, but the

2012 Ordinance does address this issue. Kassel asked when the board should revisit this,

and Coplien asked John if he would update the Board monthly as to how the clean-up is

progressing. Kassel agreed that would be helpful if John would update the Board over the

winter and then a couple Board members could go out in the spring and inventory the cars

on the property. John was agreeable to this. Fox asked John to let the Board know how

many cars have been removed from his property each month. Rebout told John he could call

the office and give his report each month over the winter to the Clerk. Chairman added that

John could give the update to the Constable and then the Constable can report to the Board

at each regular meeting. Chairman told John to keep in touch with the Board and the issue

will be revisited in April 2020. John expressed his appreciation for the extra time.

**D.** Building Inspector Tim Kienbaum presented his suggested fee schedule that is open for

discussion. The current fee schedule is a $500 base fee that covers the first 2,000 square feet

of a new home construction, with no additional fees charged for electrical, plumbing, or

HVAC permits. Tim suggests the Board increase the base fee to $750 for the first 2,500

square feet, which would be a 1,000 square foot home (the minimum allowed by zoning

ordinances in the Town) with a 2 car garage. Any square footage over the 2,500 square feet

would be charged an additional $0.15 per square foot, added to the base rate for building

permits. Tim also recommends charging $0.06 per square foot for electrical, plumbing, and

HVAC permits to put the Town of Janesville closer in line with what our neighboring

townships are charging. Tim said this would be a major increase in fees, but house values

are rising as well. Tim added that all the permit fees using his recommendations would be

less than 1% of the total cost of construction-using values from homes constructed so far

during 2019, and for some homes the permit fees would be closer to 0.5 % of the total

construction costs. Tim also recommends increasing miscellaneous permit fees from a

minimum of $50 to a minimum of $75. Miscellaneous permits include additions to existing

homes, electric service upgrades; basically any time someone needs a permit but is not

building a new home. Kassel asked what Tim recommends for farm buildings. Tim said

farm buildings are generally less complicated than a home, so the permit fee would

probably be less than $0.15 per square foot. When asked what the town currently charges

for building permits for farm buildings, Tim stated the fee is ½ of the category for a

building on (A-1) zoning. Basically, when building on property zoned (A-1), the fee would

be ½ of the permit fee for any other type of new building. Chairman asked Tim what the fee

per square foot (added to the base rate of $500) for new homes over 2,000 square feet is

currently, and Tim replied that it is $0.15 for every square foot over 2,000 square feet of

inhabitable living space. Tim is proposing the building permit fee be calculated by

subtracting 2500 square feet from the total square footage of the new construction

(including garage and deck areas), then multiplying by $0.15 and adding that value to the

base rate of $750. For electrical permits, Tim proposes charging $0.06 per square foot of

total living area, basement and garage; for plumbing permits the fee would be charged per

square foot of living area and basement. Tim summarized by saying that under his proposal,

building permit fees would more than double. However from his research, Tim does not

believe these fees have been addressed or updated since 2008. Coplien suggested notifying

the builders of a rate increase to avoid shocking them. Likewise, Steve Donahue voiced

concern that this is too much of an increase all at once. He added that he has no plans to

build in the Town so the increase would not affect him. Also, he has talked to a couple

builders who have said the Town of Janesville does not have the availability for inspections

that would justify such a steep increase in permit fees. Tim said he puts in between 2 and 4

hours of work before he can even issue a building permit, partly because the state (DSPS)is

requiring much of the “paperwork” be submitted online. To address the comment

about level of service, Tim explained he works for the Town of Beloit full time during the

day, and he endeavors to take voice mail messages on his phone and to return those calls at

the end of the day, at about 4:30 pm. Then he makes contact with the builders telling them

he is available to do inspections in the evenings and Saturdays. Furthermore, the code

stipulates that the building inspector have 48 hours of notice before the builder can move on

without an inspection and Tim assures that he is working hard to do the inspection within

the 48 hour window for those builders in a hurry, or for builders not in a hurry to stick with

an agreed upon time frame for the inspection. Tim and the Board have noticed some of the

numbers on his proposed fee schedule comparing 4 homes currently being built don’t seem

quite right, perhaps due to a problem with the spreadsheet program. Fox would like Tim to

check on the program further before making a decision, which Tim agreed to do. Coplien

asked if Tim could estimate how many hours he typically spends on a new house; Tim

replied he spends between 12 and 20 hours. From the time the builder pours the footings

until the time final occupancy is granted, there will potentially be 10 to 12 trips Tim will

have to make to the construction site. Fox moved that this be tabled until Tim can check the

formulas in his spreadsheet program. Chairman said let’s move on to item E.

**E.** Discussion regarding compensating Tim for performing the remaining inspections (roughly

100), to complete the former building inspector’s permits. Kassel feels Tim should be

compensated for all this work, perhaps $1,000 (100 hours at $10 per hour). She also feels

the Board should consider changing the way the inspector is paid, perhaps not paying the

full amount for each permit up front. The Board agreed they need to make a change to

prevent this situation from happening again. Steve Donahue suggested paying the

inspector only half the total compensation up front and paying the rest after all the

inspections are completed. Chairman asked if Tim has a number in mind, and he said

$1,000 seems reasonable. At $10 per trip, it covers the cost of gas and a little of his time,

which is much better than no compensation at all.

**Moved by Kassel, seconded by Coplien,** to compensate Tim Kienbaum $1,000, to cover

inspections required to finish projects for the permits issued by the former building

inspector. Motion carried on voice vote.

**F.** Janet reported the County no longer has “One Lane Bridge” signs; instead they use

“Narrow Bridge” signs and there are only **new** signs. The cost would be $125 per sign,

including installation. Chairman asked if the County indicated how long it would take to

order and install the signs; Kassel does not know. She knew someone who was killed

in an accident at the Mineral Point Road bridge 35 years ago, and does not want to wait

until there is another fatal accident to address this. The signs (one-lane bridge) that were

posted at the bridge have disappeared. When asked if the Town would be liable should an

accident occur on or at the unmarked bridge, Attorney Jensen said she would need to look

into that since she does not know if the Town is required to post signs at the bridge, or the

exact dimensions of the bridge. Rebout said the width of the bridge, inside to inside, is 19

feet 2 inches, and it is 21 feet long. The Clerk mistakenly thought the Polzin Road bridge

was included in Kassel’s request; it is only the Mineral Point Road bridge that is a concern.

**Moved by Schneider, seconded by Kassel,** that the Town **not** put up “Narrow Bridge”

signs at the Polzin Road bridge. Motion carried on voice vote.

**Motion made by Kassel, seconded by Coplien,** to install “Narrow Bridge” signs at the

Mineral Point Road bridge **if** Attorney Jensen finds the Town is legally liable for posting

the signs, in the event of a fatal accident. Motion failed by voice vote, no one voted in

favor of it.

**Motion made by Kassel, seconded by Coplien,** to approve installing 2 “Narrow Bridge”

signs at the Mineral Point road bridge. Motion failed by voice vote; 2 – 3, Kassel and

Coplien in favor and Schneider, Rebout, Fox against.

Attorney Jensen will research this and report back to the Board, when we revisit this

issue in January 2020.

**G. Motion made by Rebout, seconded by Schneider,** to approve increasing the hall rental

fee for any **new** rentals, to $250 with a $125 deposit refunded, **if** they clean up after

themselves. Motion carried on voice vote.

**6. New Business**

**A. Building Inspector’s Report**- Chairman commented that 7 of the permits for the month of

November were the minimum fee of $50. Tim said that when looking back over the past

year, a majority of the permits are the minimum fee type. At this point, Chairman asked if

Tim found the problem with his program and Tim said it was his error when entering

numbers into the program. Chairman asked the Board for some input, saying he could see

doubling the fees.

**Motion made by Fox, seconded by Kassel,** to change building permit fees to $750 for the

first 2,500 square feet, and an additional $0.15 per square foot for everything over 2,500

square feet; that electrical permits be $0.06 per square foot of living, basement, and garage

space; plumbing and HVAC permits be $0.06 per square foot of living and basement space;

and the minimum permit fee be increased to $75 from $50. Motion carried on voice vote.

**B. Motion made by Fox, seconded by Coplien,** to approve operator licenses for Amanda K.

Johnson and Deborah K. Liebman to expire June 30, 2020. Motion carried on voice vote.

**C. Motion made by Schneider, seconded by Kassel,** to approve Tuesday, January 14th,

2020, at 7:30 pm, for Town Caucus. Motion carried on voice vote.

**D.** The date of Tuesday, April 21, 2020, at 7:30 pm for the Annual Town Meeting was set at

last year’s Annual Town Meeting, so no further action is needed.

**E. Motion made by Schneider, seconded by Fox,** to set the dates for the next 6 Town Board

Meetings: **Jan. 6,** **Feb. 3, Mar. 2, April 13, (**since April 7, 2020 is the spring election**),**

**May 4, and June 1, 2020.** Motion carried on voice vote.

**F. Motion made by Schneider, seconded by Coplien,** to appoint 29 poll workers on the

attached list for 2 year terms (2020-2022). Motion carried on voice vote; Supervisors

Kassel and Fox abstained from voting since they are among the poll workers listed.

**See list.**

**G.** Board discussed a resident’s (at 734 E. Russell road) request to construct a temporary

garage by putting a roof over 2 metal shipping containers. The property is 1.5 +/- acres,

and on the zoning map, it is zoned (A-1), but on the Rock County Tax Database website,

the property is listed as (SFRR). Rebout received a call from Mr. Weber, the property

owner’s son, asking about bringing in a shipping container to store their feed for their

animals and protect it from all the wet weather. Many questions need to be answered, such

as what does *temporary* mean? Does it mean 6 months, a year, 5 years, or 20 years? Steve

Donahue stated the rule for property zoned (SFRR), is that the owner can have detached

accessory building(s) that are up to 4% of the lot size, and the property already has a

couple buildings on it. Kassel stated she likes the idea of doing this for ag land to help

farmers protect their feed but, as Steve stated, this is not something that should be allowed

on land zoned (SFRR) since it would probably upset the neighbors. Steve also said the

property has 2 driveways and Coplien said one of the driveways goes into the Town

cemetery. Attorney Jensen asked if an application for this has been completed, and Rebout

replied there is no application, just a request over the phone. Building Inspector

Kienbaum has seen structures built from 2 shipping containers spaced apart with trusses

attached to form a roof and has concerns about the stability of those attachments. He feels

residents should need to apply for a permit so they would be required to provide a plot

drawing showing placement of the building and clearly outline their plans for the Board.

Attorney Jensen said while researching Town Ordinances, including definitions of

buildings and accessory buildings, she has not found anything helpful. She agrees that the

resident making the request needs to provide more information about what he proposes to

do since, as Rebout stated, currently the ordinances neither allow nor prohibit this type of

temporary building in the Town. The Board agreed to table this until the resident making

the request can be present to explain their intentions.

**H. Moved by Rebout, seconded by Fox,** to approve the annual Road Maintenance Contract

for 2020, with Rock County Department of Public Works. Motion carried with a voice

vote of 4-1; Supervisor Coplien against.

**7.** **Report by Town Attorney –** nothing further to report on.

**8. Correspondence**

**A.** Sheriff Report - on file with clerk

**9. Vouchers**

**Moved by Fox, seconded by Rebout,** that Vouchers #354 through and including #387 be

approved for payment. Motion carried on voice vote.

**10. Adjournment**

**Moved by Fox, seconded by Kassel,** to adjourn. Motion carried on voice vote.

Meeting adjourned at 9:38 PM.

Minutes approved ( ) with ( ) without corrections, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2019.

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Julie Eells, Town Clerk Bruce Schneider, Town Chairman

**2020-2022 POLL WORKER APPOINTMENTS**

**Julie Eells (Clerk)**

**Peggy Augustine (Chief Inspector/Poll Worker)**

**Linda Fewell (Chief Inspector/Poll Worker)**

**Larry Holterman (Chief Inspector/Poll Worker)**

**Roger Yoss (Chief Inspector/Poll Worker)**

**Mary Jo Rebout**

**Denise Braukhoff**

**Dan Braukhoff**

**Sherri Haakenson**

**Mark Cassioppi**

**Mary Williams**

**David Augustine**

**Kenneth Heise**

**Cindy Grassl**

**Meri Deremo**

**Jay Deremo**

**Robert Kaiser**

**Linda Shea**

**Sheila Gensler- Everhart**

**Marc Shapiro**

**Mary Ann Burkheimer**

**Beth Swope**

**Mike Obershaw**

**Andrea Gloede**

**Gary Fox**

**Linda Fox**

**Janet Kassel**

**Susan Peterson**

**Dan Peterson**