

Town of Merton
Plan Commission Meeting
Minutes of December 6th, 2023

- Meeting Called to Order by Acting Chairman Siepmann at 5:30 p.m.
- Pledge of Allegiance led by Acting Chairman Siepmann
- Minutes of the November 15th, 2023, Plan Commission Meeting. A motion to approve the minutes as printed was made by Morris/Queoff. Motion carried.

Present: Acting Chairman Siepmann, Commissioners Griffin, Jensen, Morris, Good and Queoff, Attorney Van Kleunen, Planner Haroldson, and Deputy Clerk Claas

Absent: Chairman Klink

Also Present: Roberta & Mark Thompson, Robert Struebing, Fred Libick, and Percy Chaby

Old Business:

Modified Swimming Pool Ordinance 17.29 – Requested by Ken Nyhouse, Building Inspector – Siepmann said there was no action taken on this at the last meeting. Haroldson stated number 2 on the ordinance was changed to read, “No horizontal ladder type fences are allowed. All fences constructed on decks shall be built flush with outside of deck to prevent ledges to crawl, climb or walk on or over” to meet the Plan Commission’s request. Everything else stayed the same.

Siepmann questioned if this would eliminate any cable rails systems, anything horizontal. Claas responded anything horizontal. Haroldson clarified that this is only for fences on pools. Attorney Van Kleunen said this is on a going forward basis as well. Anything constructed after the ordinance is issued. Siepmann asked for the ordinance to read all swimming pool fences in the two places of the ordinance in number 2.

A motion to approve the ordinance related to swimming pools with addition of swimming pool fences in the two sentences was made by Morris/Jensen. Motion carried.

New Business:

Plan of Operation and Site Plan – To have Office Space, a Meeting Room, and Storage Space for the PerCSoft Consulting Business – W315N7735 Hwy 83 – Zoned B-2, Business – Requested by Percy Chaby on Behalf of PerCSoft Consulting LLC – Tax Key MRTT0350-008-002 – Haroldson said originally when the Plan Commission approved the building, the Site Plan, and the Plan of Operation, the first floor was retail and the second floor was an apartment. Chaby is now not building the apartment upstairs and is just going to have open space upstairs. There will be no restrooms upstairs; it will be completely open. He's going to use it as a meeting room and store things there. Nothing has changed with the parking and the exterior of the building will stay the same.

Siepmann questioned if it would be open to the public for meetings, or if it’s just for them. Siepmann recommended that occasional neighborhood meetings get added to the Plan of Operation. Chaby is hoping to be in by winter, but We Energies has slowed them down. If he decides in the future that he wants to put apartments in, he will need to come back to the Plan Commission. The stairs to the second floor are inside. Haroldson stated that he will need to submit his altered plans to the Building Inspector. He will need a fire inspection and an occupancy inspection.

A motion on behalf of PerCSoft LLC to approve the Plan of Operation, Site Plan contingent upon an occupancy inspection by the Building Inspector and a fire inspection by the Fire Dept for a Plan of Operation, Site Plan for an office and meeting room with storage based on the second floor at W315N7735 Hwy 83, Hartland, WI was made by Queoff/Morris. Motion carried.

Updated Plan of Operation and Site Plan and the Installation of a Fence – to Operate a Landscaping Business and Lawn Maintenance and Snow Removal – Groundskeeper, Inc – W300N7639 Christine Lane – Zoned M-1, Limited Industrial – Requested by Roger Struebing – Tax Key MRTT0345-010 – Haroldson said they brought in an updated Plan of Operation and have been in operation for 20 years plus, and what drew attention to the updated plan was there was a fence installed without a permit. There was concern that the fence was in the drainage easement, but a survey was provided showing that it was not. The concern with the fence is that it meets the ordinance in height, but it does not meet the fence ordinance that it has to be open. Instead of being board to board, it needs to be open space, so one board on one side and one board on the other side per the Building Inspector. The Building Inspector also questioned that they added additional outside lighting. Haroldson also said the shipping containers on the property are not allowed permanently in any zoning district.

The petitioners questioned if there is any kind of variance for the shipping containers. Haroldson responded that they can always appeal the decision, but probably not because the Town has asked others to remove them. They could potentially put up a hoop house, but a building permit is required.

Haroldson stated Groundskeeper needs to meet with the Building Inspector, get a permit pulled for the fence, resolve the compliance issue. They need to talk to the Building Inspector about the electric as well. Haroldson said they might want to review the covenants and restrictions for the industrial subdivision.

Attorney Van Kleunen recommended the following for a motion to approve the updated plan of operation, site plan with the condition that the applicant obtain a fence permit from the Building Inspector by doing that the Building Inspector will inspect the fence and say what they need to do, in addition to that, have the Building Inspector view the electrical on the property or in the area that's been referenced and then also removing the shipping containers on the property with a date determined by the Plan Commission. The Plan Commission suggested a date of June 1st, 2024.

A motion to approve the Plan of Operation for Groundskeeper contingent upon their meeting with the Building Inspector to clarify what should be done with the fencing, what should be done with the electrical, and then set a June 1st, 2024, timeline on removing their shipping containers was made by Jensen/Morris. Motion carried.

Request for ARPA Funds (\$20,000) to Install Fencing at the Stone Bank Park – Stone Bank Road – Requested by Roberta Thompson on Behalf of the Stone Bank Lions Club – Tax Key MRTT0362-991-001 – Haroldson stated that the Town Board approved the use of ARPA Funds for each park up to \$20,000. The Stone Bank Park fencing proposal is \$23,400. They would need to have the fence project/installation done by August 1, 2024. The Park would need to pay the additional amount owed and signed an agreement with the Town regarding the use of funds from ARPA. Haroldson stated this is only for the dark blue area on the map, which is just the backstop. Thompson stated the fence is curling and dangerous for players and there is not enough protection for the spectators. A lot of the other fence work will probably have volunteers help them. Attorney Van Kleunen suggested they submit their building permit to the Building Inspector before the Town Board Meeting for preliminary comments,

A motion to recommend to the Town Board to approve the use of \$20,000 of the ARPA Funds for the fence at the Stone Bank Park was made by Good/Morris. Motion carried.

- Planner Report Marilyn Haroldson – updated the Plan Commission on the Cackleberry conditional use permit stating the Plan Commission approved a lot of the components for the conditional use permit, but Haroldson believes the petitioner is going to amend that so it will be brought back to the Plan Commission for their review and input. Haroldson also said they are working with the owners on Reddelien Road to have a vacate and swap the right-of-way and create a right-of-way where the pavement is within it. It affects four property owners.
- County Board Supervisor Report – stated he has a Park & Planning meeting next week Thursday, and the County Board Chairman is not running for re-election. Morris also was at a ribbon cutting for the trail under Hwy 67.
- DPW Report -Griffin stated there is a big tank out in the parking lot. They are going to be pre-wet the salt. By putting brine on the salt before it hits the ground it should reduce the bounce on the road to keep more on the road and it will activate the salt and get it working faster.

A motion to adjourn was made by Jensen/Good. Motion carried. Meeting adjourned at 6:10 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk