

Town of Merton
Plan Commission Meeting
Minutes of October 15th, 2025

- Meeting Called to Order by Chairman Klink at 5:30 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of October 1st, 2025, Public Hearing and Plan Commission Meeting. A motion to approve the minutes as printed was made by Commissioners Siepmann/Good. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Olson, Siepmann, Queoff, and Good, Attorney Van Kleunen, Planner Haroldson, and Deputy Clerk Claas

Absent: Commissioner Caliendo

Also Present: Jon Lang, James Graff, Jenny Oman, Deborah Schlafer, Steve Luterbach, Kelly Berens, Adam & Pat Bruckbauer, and Marty Iverson

New Business:

Plan of Operation, Site Plan and New Signage as Requested by Jon Lang – Lang Construction – for a Contracting Office and Storage of Some Equipment – Tax Key MRTT0349-988-001 – Planner Haroldson said Jon Lang is going to be operating a construction business. On the first floor he's going to have his shop and office and the upper floor has an apartment. In 2013 Waukesha County received a letter from Newfield Properties stating that the tenant in the above apartment was not necessarily affiliated with the business but lived there with reduced rent and takes care of the property. Lang confirmed that there is still someone living there. Planner Haroldson said the renter could be up there; he was granted a variance for that. Lang is not only asking for a Plan of Operation, but also for approval of a sign above the garage door. He does have a sign in the window. Lang said he could get rid of that one. Griffin clarified that the sign would be flat against the building.

Planner Haroldson said he has two employees; one full-time, one part-time, he has adequate parking, and he's not proposing any outside storage. He's submitted his Plan of Operation to Waukesha County because they have jurisdiction over this property.

Planner Haroldson questioned if Lang had the fire inspector in. Lang responded that he tried twice and left messages, and he can't get anybody to respond. Chairman Klink said if he has a problem with this to let the Town Clerk know. Lang said he could stop at the fire department and ask.

A motion to approve the Plan of Operation for Jon Lang contingent upon any additional conditions of Waukesha County Park and Land Use and the required inspection by the Building Inspector or Fire Inspector to ensure compliance with codes and also move to approve the new sign on the building was made by Commissioners Queoff/Siepmann. Motion carried.

50 ft Flag Pole Installation in the Monches Park – Along County Road E – Requested by Marty Iverson – MRTT0297-976-001 – Planner Haroldson said they wanted to put up a 50' flagpole. It was referred to the Plan Commission by the Building Inspector. He was a little concerned with the height of the pole and the fall radius. It's not going to fall in the highway; it would fall towards the field. The maximum flag rating is 115 mph. Planner Haroldson stated that Iverson thinks it will be about 65' from the road right of way. Waukesha County does not have a flag ordinance or requirements other than it not be in the road right of way.

A motion to approve the installation of a 50' flagpole at Monches Park with illumination directed upward with a 40-watt LED spotlight and an illumination assessment was made by Commissioners Good/Olson. Motion carried.

Park Participation Funding Request by Mark Thompson on Behalf of the Stone Bank Community Park – for Funds to Replace Stone Bank Community Park Playing Fields Surface (on all 3 fields – Tax Keys MRTT0362-991-001 and MRTT0362-012 – Attorney Van Kleunen stated he looked at the statute regarding impact fees and what impact fees can be used for. The distinction in the statute is any construction; any new improvement is something the impact fee can be used for. Repairs and maintenance are expressly excluded from having impact fees utilized to complete them. The memo from Sean and Mark the Plan Commission received at the last meeting listed several different items they are planning to do and there is a spreadsheet associated with that. The listed items in the memo need to look at whether it's truly a new improvement or constitutes as repairs and maintenance. Attorney Van Kleunen suggested some kind of itemization as to the five listed items on page 2. The Plan Commission needs to go through each to determine if it's a new improvement or if it's a repair and maintenance item. He thinks the Plan Commission would need a re-submittal on contractor letterhead as to what exactly those particular items cost and then make a motion up to a dollar figure. It's up to the Plan Commission's discretion, but anything related to repairs and maintenance must be outright excluded.

Commissioner Olson said with the wording that they used, it doesn't sound like maintenance to him. Commissioner Siepmann said his concern was staying inside the State law.. He feels it very important to discuss this, and while he is in favor of this stuff, he doesn't want to put the Town into a position where we're doing something that we shouldn't be and questioned if extending is because of an existing deficiency. Luterbach answered yes. Luterbach said they had two levels of youth baseball that they had to rent fields from Hartland in order to have that level of sport. They extended those two fields so that they could keep those leagues in Stone Bank.

Commissioner Griffin said on the first page its list the main field surface was last refurbished more than six years ago using a cheap and less desirable field mix and stated that kind of falls into maintenance and questioned if it was maintained with the right stuff. Luterbach said he wasn't involved in that, but he knows that when they removed that material it was supposed to be 4" or 5", and it was an inch and a half. It was all removed and replaced with 5" of material.

Attorney Van Kleunen stated existing deficiency is something the statutes talk about as well in addition to repairs and maintenance. The question is on when something is deficient can be a subjective question; like a stormwater culvert is too small and the pipe needs to be larger and they're going to replace the pipe because it's flooding the field, that he thinks is pretty clear on the deficiency, but dirt on a field, some may say they're adding to it because it's a deficiency or they're adding to it because they're improving it overall and it will have more use for the public. Chairman Klink said that by taking out and putting in new, he doesn't think they're adding to the field, they're improving the field so it can be used more often.

Commissioner Good stated he doesn't understand that field 1 material can be dried out and then take field 1 material and move it to fields 2 and 3 and questioned that they're taking bad material out of 1 and moving it. Luterbach said as they found out, there was only an inch and a half of that material which may have been the reason they were having the flooding because it wasn't draining properly there, and they had to get more material for the back diamonds.

Commissioner Griffin asked why this wasn't brought to the Plan Commission before it was done. Luterbach said his understanding was that it did, but he wasn't part of that. The bathrooms and the

pavilion came to the Plan Commission, but not the fields. Planner Haroldson said she thought it came early in the summer, but because they had not completed some of the 2024 project, it didn't come forward. There was some confusion. Chairman Klink said it was part of a discussion, but it didn't come formally to the Plan Commission. Because they hadn't finished one thing to get the money, it was put on the back burner, and it never came back.

Commissioner Siepmann asked what the needs analysis say in the impact fee ordinance. Attorney Van Kleunen said that the ordinance does say it's expressly for parks. Planner Haroldson said that each park has a little bit different allocation to it in the impact study, but it also requires that the Town itself comes up with some kind of plan for park monies, not just the impact fee. Since 2019 the Town's only collected \$61,000 in impact fees. Commissioner Siepmann said there is an 8 year turn on that money. Attorney Van Kleunen said actually there's 7 year per the ordinance. The Town does need to amend the impact fee ordinance at a future date to change it from 7 years to 8 years.

Attorney Van Kleunen reviewed the list for the baseball fields with the Plan Commission. There was discussion on what is considered new. Attorney Van Kleunen said his impression would be a new improvement that would perhaps exist would be the new dirt that's added onto field 1, extending two backfield baselines could be considered new because it doesn't exist there right now, and extending the backstop area as well because it's non-existent right now. He suggested that they come back with those couple of items then that's what could be covered up to 50%. Chairman Klink asked if they could break that out and bring it back with those numbers broken out.

No action taken.

Recommendation to the Town Board that an Ordinance be Created and Adopted for the Shipping Containers Addition to the Ordinance, Chapter 17.22 – Recommended to be Modified per the Plan Commission and Attorney at the Plan Commission Meeting on October 1, 2025 – Attorney Van Kleunen stated the definition of shipping container was added with a little bit of a description.

A motion to approve the ordinance amending section 17.03(2) and creating sections 17.22(4)(h),(i) and (j) of the municipal code of the Town of Merton was made by Commissioners Olson/Good. Motion carried.

Appeals (§14.02(12) Request by Adam and Patricia Bruckbauer – for the Plan Commission to Consider Minor Modifications to the Setback and Location of the Fence on the Property Lines – Installed at W299N9086 County Road E – Tax Key MRTT0295-997-013 – Planner Haroldson said this is an appeal. The fence is on the property line. Adam Bruckbauer said their property borders his mother-in-law's property. It's farmland and they are trying to develop a homestead where they can maximize the use of their property to grow fruits and vegetables for themselves. For many years they had a temporary fence and then they decided to put up a nice-looking fence. The property on both sides is using the maximum that they can plant crops and grow things. Moving it in 3 feet is just 3 feet of unusable space.

Attorney Van Kleunen clarified the neighboring property is his mother-in-law's property and questioned how big his mother-in-law's property is. Deborah Schlafer (mother-in-law) said 24 point some acres. Planner Haroldson asked if they could just move the lot line. Schlafer said she has no objection to the fence being on the lot line, she never intends on selling the property, and it's set for her children to inherit the property at some point when she's gone. They won't have any neighbors; she just rents it out to her nephew for crops, and she likes the way it looks. Bruckbauer said they have also put out the offer that if it does go up for sale, they would like to purchase it themselves.

Commissioner Siepmann asked if they would be willing to put an easement on your mother-in-law's property to allow for maintenance of the fence. Planner Haroldson suggested they could have their mother-in-law sell them a small strip. She could just transfer it to them. They wouldn't have to do a survey. They would have to have a legal description. Attorney Van Kleunen said a deed should be written so that it attaches to their property.

Commissioner Griffin stated the Town had two other people totally redo their fences. Chairman Klink said the Plan Commission doesn't have as much leeway as they might think when it comes to appeals especially when it's on the property line. The other two property owners didn't get a permit, and they couldn't do anything else, and they ended up having to move them. The Plan Commission is trying to look at ways they can keep this fence. Commissioner Griffin asked if they would be willing to look into it and if it's something feasible they can do and then come back to the Plan Commission. The Plan Commission is trying to figure out ways so they would not have to move their fence.

Attorney Van Kleunen said he can't imagine that it would be that difficult for a surveyor and recommended they call Mark Powers or the person who did the original certified survey map. It was mentioned that Mark Powers is retired, but Lake Country Engineering would still have their files. Attorney Van Kleunen clarified that the minimum is 3 feet from the lot line. Commissioner Siepmann suggested they do 5 feet as a buffer. Attorney Van Kleunen agreed. Pat Bruckbauer asked if they were able to get an extra 5 feet tacked on, can they just go to the Building Inspector for a permit or do they need to come back to the Plan Commission. Planner Haroldson said they don't have to come back to the Plan Commission, but they need to make sure the Building Inspector is comfortable with the fact that they're to add that strip.

A motion to table this was made by Commissioners Siepmann/Olson. Motion carried.

Planner Report – Marilyn Haroldson – had nothing to report.

DPW Director Report – Paul Griffin – had nothing to report.

A motion to adjourn was made by Commissioners Siepmann/Queoff. Motion carried.
Meeting adjourned at 6:18 p.m.

Respectfully submitted,

Holly R Claas,
Deputy Clerk