

The special Village Board meeting was called to order by President Walsten at 7:03 pm at the Village Hall with Trustees Van Den Eng, Lust, McCallum, Frandy, Hawkey were present. Trustee Klahn arrived at 7:31 pm. Others present were Clerk Strause, Atty Christopher, Lloyd and Ruth Klahn, Andy Kessnich, Heather Kirkpatrick.

Copies of a written letter dated 6-22-12 from **Lloyd and Ruth Klahn, Klahn revocable trust, Lot 15, N. Kerch**, were handed out. The **residentially zoned lot** was planted with soybeans and was previously established by the assessor that the lot was used for agriculture purposes. The 2012 assessed value is \$100, assessed as Ag land. The Village's Zoning Administrator, Rob Roth, sent the Klahns a letter (June 14, 2012) identifying the zoning violation as ag use with the Klahns to respond by July 16<sup>th</sup> (30 days) their intent. On June 22, 2012, the Klahns met with Nadine Walsten, Village President, Rob Roth, Zoning Admin., Atty Christopher, and Clerk Strause to discuss the zoning violation. Klahns asked for an extension to Sept 10, 2012 to resolve an alternate means of accessing their property to the east of Lot 15 on Kerch St. No response from Klahns was received at the Sept 10, 2012 Board meeting and the matter was tabled to 9-18-12 special Board meeting.

Atty Christopher stated the Klahns have said they have no intention fighting the Village on this and recognize that it is a zoning violation. All parties want this resolved without any further proceedings on this issue. The possibility of an agreement whereby the owners were to 1)agree to not use this property for ag purposes, and 2)the Klahns will not seek ag land use assessment as of 2013 and as long as the Klahns own the property. Christopher stated that the Village has about \$6600 expenses in legal, engineering, and loss of revenue from the tax roll for this lot. The maximum zoning violation penalty is \$200 a day. Roth recommended a reasonable rate of \$50 a day penalty. The outstanding violation could start on June 15<sup>th</sup>, the day after the letter was sent.

Lloyd Klahn stated they do have a chance to use other property for access to the east of Lot 15. He continued that he does not believe what he is hearing as we are all small town neighbors, and he didn't know they had to respond by Sept 10<sup>th</sup>. Klahn continued to state that given a penalty, it would be the last year the Village will get any taxes off this property. Because Trustee Todd Klahn (son) is not part of the LLC that owns this lot, Lloyd Klahn commented that he could not believe that Todd cannot sit in on this discussion. This has Todd in an awkward situation and Lloyd felt Todd should have been able to sit in the audience. Walsten responded that Todd Klahn's participation is forbidden as it is a conflict of interest because this issue involves his parents.

Trustee Hawkey stated the crops were off the property by Sept 10<sup>th</sup> and feels the lot is now in compliance. Walsten stated that anyone with a vacant lot can plant a crop and get ag use assessment if we do nothing with this present zoning violation. The agreement was the Klahn's would respond by September 10 to avoid penalties and did not do so. Trustee Van Den Eng asked if we need a formal document to this agreement to not use the lot for ag purposes and not apply for ag use in the following years.

Trustee Van Den Eng moved, second Frandy to have Atty Christopher draft an agreement that the Klahns will not use Lot 15 for ag use and will not apply for ag use assessment in 2013 and beyond and the Village will not issue any fines or fees with the matter being settled. Roll Call VOTE: AYE: Van Den Eng, Frandy, Hawkey, McCallum, Lust; NAY: Walsten. Motion carried. Klahn asked if his neighbor could have a garden on this lot. Zoning Code states it is allowed if not greater than 50% of the lot.

At 7:33 p.m., Trustee Van Den Eng moved, second Frandy, carried to convene to closed session pursuant to WI Stats 19.85(1)(e) to negotiate the possible purchase of property for the Brooklyn Business Complex.

Trustee McCallum moved, second Frandy, carried to reconvene to open session at 9:07 p.m.

Trustee Hawkey moved, second McCallum, carried to appoint Tracie Meyer to the Recreation Committee. McCallum moved, second Van Den Eng, carried to allow the Recreation Committee to create their own website with a link to the Village's website. Brit Springer, committee member, will create the website, pay all costs, and manage it.

The special Village Board meeting was called to order by President Walsten at 7:03 pm at the Village Hall with Trustees Van Den Eng, Lust, McCallum, Frandy, Hawkey were present. Trustee Klahn arrived at 7:31 pm. Others present were Clerk Strause, Atty Christopher, Lloyd and Ruth Klahn, Andy Kessnich, Heather Kirkpatrick.

Copies of a written letter dated 6-22-12 from **Lloyd and Ruth Klahn, Klahn revocable trust, Lot 15, N. Kerch**, were handed out. The **residentially zoned lot** was planted with soybeans and was previously established by the assessor that the lot was used for agriculture purposes. The 2012 assessed value is \$100, assessed as Ag land. The Village's Zoning Administrator, Rob Roth, sent the Klahns a letter (June 14, 2012) identifying the zoning violation as ag use with the Klahns to respond by July 16<sup>th</sup> (30 days) their intent. On June 22, 2012, the Klahns met with Nadine Walsten, Village President, Rob Roth, Zoning Admin., Atty Christopher, and Clerk Strause to discuss the zoning violation. Klahns asked for an extension to Sept 10, 2012 to resolve an alternate means of accessing their property to the east of Lot 15 on Kerch St. No response from Klahns was received at the Sept 10, 2012 Board meeting and the matter was tabled to 9-18-12 special Board meeting.

Atty Christopher stated the Klahns have said they have no intention fighting the Village on this and recognize that it is a zoning violation. All parties want this resolved without any further proceedings on this issue. The possibility of an agreement whereby the owners were to 1) agree to not use this property for ag purposes, and 2) the Klahns will not seek ag land use assessment as of 2013 and as long as the Klahns own the property. Christopher stated that the Village has about \$6600 expenses in legal, engineering, and loss of revenue from the tax roll for this lot. The maximum zoning violation penalty is \$200 a day. Roth recommended a reasonable rate of \$50 a day penalty. The outstanding violation could start on June 15<sup>th</sup>, the day after the letter was sent.

Lloyd Klahn stated they do have a chance to use other property for access to the east of Lot 15. He continued that he does not believe what he is hearing as we are all small town neighbors, and he didn't know they had to respond by Sept 10<sup>th</sup>. Klahn continued to state that given a penalty, it would be the last year the Village will get any taxes off this property. Because Trustee Todd Klahn (son) is not part of the LLC that owns this lot, Lloyd Klahn commented that he could not believe that Todd cannot sit in on this discussion. This has Todd in an awkward situation and Lloyd felt Todd should have been able to sit in the audience. Walsten responded that Todd Klahn's participation is forbidden as it is a conflict of interest because this issue involves his parents.

Trustee Hawkey stated the crops were off the property by Sept 10<sup>th</sup> and feels the lot is now in compliance. Walsten stated that anyone with a vacant lot can plant a crop and get ag use assessment if we do nothing with this present zoning violation. The agreement was the Klahn's would respond by September 10 to avoid penalties and did not do so. Trustee Van Den Eng asked if we need a formal document to this agreement to not use the lot for ag purposes and not apply for ag use in the following years.

Trustee Van Den Eng moved, second Frandy to have Atty Christopher draft an agreement that the Klahns will not use Lot 15 for ag use and will not apply for ag use assessment in 2013 and beyond and the Village will not issue any fines or fees with the matter being settled. Roll Call VOTE: AYE: Van Den Eng, Frandy, Hawkey, McCallum, Lust; NAY: Walsten. Motion carried. Klahn asked if his neighbor could have a garden on this lot. Zoning Code states it is allowed if not greater than 50% of the lot.

At 7:33 p.m., Trustee Van Den Eng moved, second Frandy, carried to convene to closed session pursuant to WI Stats 19.85(1)(e) to negotiate the possible purchase of property for the Brooklyn Business Complex.

Trustee McCallum moved, second Frandy, carried to reconvene to open session at 9:07 p.m.

Trustee Hawkey moved, second McCallum, carried to appoint Tracie Meyer to the Recreation Committee. McCallum moved, second Van Den Eng, carried to allow the Recreation Committee to create their own website with a link to the Village's website. Brit Springer, committee member, will create the website, pay all costs, and manage it.