

Town Board Meeting
July 14, 2008 6:00 P.M.
Bradley Town Hall

Chairman Jack Huston called the meeting to order. Present were Supervisors Joan Hilgendorf, Bill Jelinek and Kevin Koth.

Following the Pledge of Allegiance Phyllis Evans gave the treasurer's report as follows: Building & Office Equipment Fund - \$35,525.92 Equipment Fund - \$77,753.52, General Savings Account - \$160,395.15 Checking Account - \$15,980.74 Two Greenwood Cemetery CD's - \$135,416.53 and \$10,918.58. M/M Hilgendorf/Koth to accept the report. Passed 4-0

M/M Jelinek/Hilgendorf for approve the minutes of June 9th (2 meetings) and June 23rd with corrections. Passed 4-0

M/M Hilgendorf/Koth to approve payment of vouchers #1644 through #1716. Passed 4-0.

M/M Koth/Hilgendorf to approve the operator's licenses for Shawna Morey, Suzanne Skees, Ross Krautkramer, Ellie Lock and Candace Grenzer. Passed 4-0.

Plan Commission Chair Harry Gladwin reported that the Plan Commission recommended approval of the following:

A minor land division request by Tony Frisch / Clarence Viegut to subdivide parcel # 04.233406.012.000.00.00 (end of Wadell Rd.). (The easement road, power and telephone lines will also service 5 lots greater than 10 acres each immediately south of this 2 lot subdivision).

M/M Koth/Hilgendorf to approval the request. Passed 4-0

A conditional use request by Jeff and Gail Arnold for parcel # 04.103506.016.008.08.00 to build a garage/storage/shop building larger than 1500 square feet with the following conditions:

1. The lot shall be bound and made non-severable with the residential lot located north of Sand Lane by deed covenant.
2. There shall be screening established in the areas depicted with cross hatching on the applicant's plot plan that will meet the definition of a landscape buffer yard per the zoning ordinance.
3. The driveway must be reduced in width and area so the property will comply with the 20% cap for impervious surface.
4. Foundation plantings shall be placed along the north wall to lessen the appearance of the building height.
5. No commercial use will be allowed within the building without consent from the Lincoln County Zoning Department.
6. The building is not to be used for human habitation.

M/M Jelinek/Hilgendorf to approve the request with the conditions. Passed 4-0

A conditional use permit requested by William Eastwood of Billy Bob's Sports Bar for parcel # 04.033506.001.007.000 to add a volleyball court and a seasonal tent for outdoor music with the following conditions:

1. No outdoor "festival" activities (bands, beer distribution, contests, etc.) may extend beyond 11:30 p.m. on any authorized day. Outdoor events (bands, beer distribution, contests, etc.) may be held on a maximum of fourteen days per season between Memorial day weekend and the Harley Ride weekend, not to exceed five hours per day, including instrument warm up, sound system set up and performances.
2. All outdoor lighting must abide by the performance standards of Section 17.5.04 of the Lincoln County Zoning Ordinance.
3. The volley ball court must not infringe upon the defined easement as evidenced by the survey map stamped by "Boundary Hunter" on Jan 20, 2003 and labeled "Exhibit 'C'" unless that easement is relinquished by Thomas and Lisa Herriges and their assigns.
4. The outdoor volley ball games may not occur on the same days as any outdoor festival activities and must conclude by 11:00 p.m.
5. A parking plan, with written agreements that guarantee rights for parking (i.e. legal easements), must be submitted to the Lincoln County Zoning Department before this permit will be authorized.

6. Sufficient numbers of portable waste systems (Porta Potties) must be supplied for each event to accommodate attendee's present and meet State and Lincoln County Health requirements and statutes.

Gladwin also explained that since the Plan Commission met he has received new information and numerous phone calls from the surrounding area residents opposed to the conditional use permit.

He read the following and asked that it be placed in the minutes:

Two people attended the June 23rd Plan Commission meeting in opposition to the Billy Bob's Sport bar CUP. The opposition centered around noise levels, parking, etc. The day after the Plan Commission meeting, many phone calls from surrounding neighbors began. The calls had one thing in common. No one was aware of the plan commission meeting (the itinerary was printed in the Tomahawk Leader and was emailed to WJJQ and I presume announced).

All callers were strongly in opposition. Complaints of insufferable noise levels, heavy metal bands, profane and filthy language (on Memorial weekend the "F" word was screamed over an amplified mike numerous times), parking problems, litter on surrounding properties and trespassing were often repeated.

The Plan commission was told by Mr. Eastwood several times He was attempting to appeal to the over 55 age crowd with country western and polka bands, not heavy metal or acid rock. According to the phone calls and other conversations held with neighbors, the exact opposite has happened since the variance was given for his outside deck. Complaints have typically been "We started with a good restaurant, which turned into a bar, which turned into loud music on the outside deck and now he wants permission to make it worse?"

My son lives approximately one and one half miles from Billy Bob's and he can hear the noise (music?) at his house.

Lisa Herriges printed information from four web sites of bands scheduled at Billy Bob's. None of them look like polka or country. One web site (SLAB) shows a crowd holding their middle fingers up to the camera. Another website (Sazzy Lee Varga) shows a woman exposing her breast with fingers across the nipple, her other hand between her legs with the logo "Billy Bob's Sports Bar & Grill across her waist. The caption below says, "PRINT MODEL for Billy Bob's Bar and Grill Tomahawk, WI- More Images up soon, plus other cool swag".

When Dan Miller and I met with Bill Eastwood for our pre-application consultation, I asked Bill if the business was making money. His answer was "You never make any money until you sell it". Is this his plan? With this start with a CUP what may be expected with a new owner?

Had this information been available at the Plan Commission meeting, my recommendations to the commission would have been much different. My vote would not have been to recommend approval to the Board. This is one time I would welcome the Board's decision against our recommendation. The Commission made what I thought was a good compromise with the information available at the time. I'm sorry that information was evidently very incomplete.

The following people spoke in opposition to the permit:

Doug Peters – foul language in music lyrics, loud music. Easement blocked by vehicles due to parking inadequate parking space. He also presented a petition with 39 names in opposition.

Dave Claflin – loud music, no control over type of music. He was against allowing Billy Bob's any weekends and afraid it would set precedence for other establishments.

Charlene Shelton – not enough parking, garbage, loud music that vibrates the house, inappropriate music, trespassing by patrons onto private property. Volley balls going onto private property.

Lisa Herriges – noise, fireworks debris, devalues property, safety issues music and speakers on deck, against Lincoln County permit.

Ron Shelton – loud music, can't carry on a conversation in own home.

Paul Anderson – people have moved from the neighborhood sue to the loud music, safety of people crossing the road. He also noted that contrary to what Bill Eastwood said about purchasing the land across the road, the owner said he had no intention of selling.

Don Sickles – lives ¾ mile away and the music is still very loud, bought in residential area for the quiet and he no longer has that.

Rich Johnson – he feels it is total disregard for the local people, excessive noise, crowd control, enclosed would be okay. He would like the petition from Billy Bob's audited. (Told it was presented to Lincoln County), requested information on the appeal process, and feels the town should have to notify neighbors of requests.

Art Olson – had a copy of the petition from Billy Bob's with 314 signatures and most were from out of the area. Did not like the late hours for the music.

Susan Claflin – called Sheriff several times. They were told there was a permit.

Gary Luedke – noise, parking, house vibrates.

Sally Sickles – Labor Day '07 called permit. Bill Eastwood said there was a permit. Found out there wasn't any permit.

Linn Kenworthy – saw young ladies dressed scantily for an ad that was being filmed.

Timi Lussow – would like to see the people keep their objections to the actual problems and not speculate as to the kind of people the music attracts.

Supervisor Jelinek stated that the Plan Commission based their recommendation on the input that they had from the residents (2 in favor, 2 against) that were present at the commission meeting. He felt the commission made a good decision and compromise on what the conditional use permit asked for with the information that was available to them at the time. Now there is more information. He felt that the volleyball court should not infringe on the neighbors and should probably be fenced.

Supervisor Koth said he had talked with a few of the surrounding neighbors and some had problems with the music and some did not.

Supervisor Hilgendorf said she felt it may set precedence and other establishments may start asking to set tents up and have live music outside. She sees no problem with Harley weekend or asking for a special event. She feels that the tent is a safety problem.

Chairman Huston said that he had originally supported Bill Eastwood at the Plan Commission meeting but after attending the Lincoln County Zoning meeting he found that there were a lot of inconsistencies between what was said at the P.C. meeting and what he heard at the zoning meeting.

Plan Commission Chair Harry Gladwin feels that Mr. Eastwood misled the Plan Commission and that in light of what he has since learned he was not proud of the recommendation that was made by the P.C. Harry then read into the record the conditions set by the Plan Commission (listed above).

M/M Hilgendorf/Huston not to approve the requested conditional permit to construct a volleyball court and to erect a 40 ft. by 80 ft. tent from Memorial Day to fall ride for outside entertainment. Passed 4-0

The waterway marker application and permit for Deer Lake was signed and will be submitted to the DNR.

M/M Koth/Hilgendorf to accept the crack filling bid from Fahrner Asphalt for \$1.18 per pound. Passed 4-0

Byron Lange reported that he and Rod Akey are still talking to the DNR concerning the culvert sizes on Peaceful Valley Road and should have an answer by the 15th. Duffek is ready to move their equipment in as soon as the matter is settled.

Byron feels that the town should bury the broken slabs that have been hauled out to Bob Eisenman's field. It will be placed on the August agenda.

Huston said that he and Byron met with the road crew and that they are using the new time sheets and the weekly planners.

Frederick Drephal had contacted Bill Jelinek concerning Kahle Road. He feels that the road infringes on his property. In checking the road gas tax maps the road has been there since at least 1936. M/M Hilgendorf/Koth to send a letter stating how long the road has been there and that as long as it has been maintained by the town and used by the public for at least 10 years it is an established road. Passed 4-0

M/M Hilgendorf/Jelinek to approve the mobile home permit for Timothy and Marilyn O'Leary. Passed 4-0

The clerk will get estimated prices on a new computer for the clerk's office.

Supervisor Jelinek reported that Foley's Tree Service had removed the tree near the Christianson lots. Jelinek will contact Foley's to have them go through the cemetery and have them remove all the dead limbs and trim any trees that need it. The clerk will contact Mike Christianson concerning the removal.

He also reported that a portion of the floor in the cemetery building fell through. He will look into prices of a replacement building.

There should be signs with the cemetery rules posted. He will look into possibly having the shop department at the school do it.

The mower needs replacement with a zero-turn and will be added into the 2009 budget.

Supervisor Koth reported that Rick Congdon had been hired for park help, Randy Schulz has been contacted to dig the holes for the swings, one of the stands at Kahle Park is finished and the floors have been painted in the park building. The tennis court will be striped.

Supervisor Hilgendorf said the carpets would be cleaned on the 22nd.

M/M Jelinek/Koth to adjourn Passed 4-0

Ann Eckman, Clerk