



## Deb Magritz

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**From:** Cindy Schroeder <clschroeder@hotmail.com>  
**Sent:** Monday, August 28, 2017 6:52 AM  
**To:** Deb Magritz  
**Subject:** Fw: Esser Rezoning  
**Attachments:** Scan0021.pdf

Deb,

Here are the minutes from the special meeting the town board held on Saturday, August 26, 2017. As you can see on the last page, the board rescinded the previous motion for the Esser rezoning and Conditional Use permit and also made a new motion to deny the rezoning and conditional use permit. Please confirm you have received this email and have given it to the County board for consideration. Also, if you are able could you let me know the outcome of the board on this matter?

Thanks,

Cindy Schroeder  
Town of Waterloo

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The August 26, 2017 Town of Waterloo Special meeting was called to order at 7:02 am by Chairman Peschel. All board members, except treasurer Bleecker were in attendance, as well as the Towns Attorney, Andrew Griggs. There were 40 residents in attendance.

Chairman Peschel gave a summary of the previous meetings and how we had come to the point of holding this special meeting.

Tim Esser explained the process he had gone through to receive rezoning and conditional use for the storage units on Newville Road. He also explained that there was not any opposition by any residents at either the June or July meeting that he attended or he would have taken it into consideration.

Ken Christiansen, N7651 Toppe Road, stated he had gone to the county public comment session and that they had suggested that the town hold another meeting prior to their meeting on Monday, August 28, 2017 at 8:30 am. He also asked the board about documentation they had received from Mr. Esser when he requested the rezone and conditional use and the documentation that was being provided now.

Mr. Esser explained that he had given the board some documentation and offered a site plan if needed, but the board did not request it. The site plan was now needed at the county level.

Mr. Esser also stated he purchased his residence in May 2017 and that he farms 20 acres and has planted over 200 trees. He stated the county allows 30% of the property to be storage units.

Mr. Christianson stated he has 4.5 acres on the corner of Newville and Toppe Roads and had lived there for 13 years. He is concerned with the additional traffic the storage units may bring because the road is narrow making it hard for 2 cars to pass. He also stated that many bicyclists from Trek frequent the area. He wants to know if additional police presence would be required. Would the speed limit need to be changed? He very much disagrees with the decision of the board.

John Joyce, N7682 Newville Road is primarily concerned with safety due to the rolling hills in the area and the bicycle traffic. He also provided the board with a petition signed by 40 residents opposing the storage units. He said he did not go door to door with the petition it was just made known the petition was available for anyone to sign.

Bob Lincks, N7766 Toppe Road stated he has lived there for 22 years raising his family here. He is worry there will be a precedent set for future businesses. He also wanted to know if there was any factual information concerning the economic impact the business would have and the traffic it would bring. Chairman Peschel explained the town does not have a police officer but relies on the county to patrol. Mr. Esser explained he has 230 units in the City of Lake Mills and estimates 5 cars a day visit the units. He also stated he does not allow storage outside. Mr. Lincks also asked if he has any incidents at these units. Mr. Esser explained he had one break in 10 years ago where the locks were cut off three units but they were too dark inside for anything to be taken. He also said that the camper business and US Cellular were robbed by the same individuals. He explained he felt the units would be a safe place because they were right in his backyard. He estimated the value would be 1 million dollars with 20,000 – 25,000 dollars' worth of tax revenue.

Kris Hannin asked if there would be a fence around the property, Mr. Esser indicated there would be.

Supervisor Holzhueter questioned the drainage for the property. Mr. Esser explained there was a retention pond for drainage. Supervisor Holzhueter asked where the water would go if the pond was full. Mr. Esser stated that he would have to ask the person at the county that made the plans.

Brad Sillman, N7706 Newville Road stated he moved there 18 months ago to get away from the Industrial Park. He is concerned with the loss of value he will receive if these units are built. He is also concerned with the safety with the added traffic. He stated he had talked with someone that knew of the parceling off of this property and they had stated it was originally done for agricultural purposes. He also had soil information for the property showing agricultural was the best use for the property.

Kris Hannin stated that Mr. Esser had said he moved to the country for the views, just as they had but that he would not have to look at these units.

Pauline Christianson, N7651 Toppe Road wanted to know what type of advertising would be done for these units? She stated she had gone by Mr. Esser's business in Lake Mills and there was a trailer of some sort outside with some advertising on it. She did not want billboards or even the type of signs that are placed in the ground that are seen all over the county. Mr. Esser stated he would follow the county's sign ordinance.

Jenny McKay, N7706 Newville Road stated the property is right in her front yard. It is 2.5' from her vegetable garden, 30' from her driveway, and 80' from her front door. She is concerned with the lack of privacy and increased crime these units will bring.

Heidi Kabat, N6099 Ziebell Road stated she owns 107 acres across from the property. She stated they have always kept it in agriculture. She is in real estate and said there are 66 properties in a 2 mile radius so these buildings would affect 66. She stated that the high voltage lines put through caused a 5 – 10% land value decrease and wondered how much this would cause?

Ken Christianson wanted to know if there would be no supervision on the site that would make sure there were no items stored outside and no oil changes, etc., being done.

Tanya Stewart, N7410 Mulderink Lane stated they all had bought rural homes expecting to see other homes, agricultural buildings, etc., not commercial buildings.

Cindy Haas, N7785 Newville Road has a young child and is worried about additional traffic.

Shawn Wordell, N7803 Toppe Road also has traffic concerns. He said people will be coming more than twice a year to get their boats out; they will be coming every time they want to use it. He is also concerned about security.

Janet Hughes, N7816 Toppe Road has lived there for 24 years. In February 2014 they had their house broken into and is concerned with security also. She also wanted to know who is to say there will not be more units added later on the remainder of Mr. Esser's property.

Bill Dandoy stated that in 2008 ATC came through. The land owners did not have a choice on what happened. In this, there is a choice and he is not sure how this was allowed to pass. He stated Mr. Esser is a very good guy and nothing against him but he moved to the county to enjoy the country.

Lisa James, N7568 Newville Road asked why Mr. Esser moved to the county and then immediately wanted to rezone for a business. When ATC came through they lost ¼ acre of their 1 acre lot. She does not want to lose more value.

Mr. Esser's attorney, Al Larson stated that from a legal standpoint his concern was that the board was holding this meeting out of the normal sequence according to the county ordinance. The procedure does not state to have an additional meeting following the public comment portion at the county level and before the final hearing.

The town's attorney, Andrew Griggs stated he represents roughly a dozen towns in Dodge and Jefferson Counties. He confirmed Attorney Larson's recap of the procedure; however, the town does need to address the citizen's concerns and make a decision based on public health, safety and welfare.

Ken Christianson said he was the head of the citizens for the public comment at Jefferson County and that the county told them they should come back to the town board to be heard.

Attorney Griggs again stated this was not conventional procedure and that the town could have stayed with its original decision and not held a meeting or as it did, hold the meeting to hear the citizens. He also stated that the town could be sued by Mr. Esser for not following procedure if the original decision was overturned; however, he said it was important the board took into consideration everything that was heard today.

Clint James, N5678 Newville Road was concerned because there was a discrepancy between the original plan given to the town and the site plan given to the county and this is why the board needed to reconsider.

Mr. Esser reiterated that there was not a site plan required by the town board but that he would have supplied one if asked.

Steve Sterwald agreed with Mr. Esser's comments stating he would have provided a site plan.

Mary Lincks, N7766 Toppe Road has lived in the town for 22 years. She would like to appeal to Mr. Esser to be a part of the neighborhood and to make the right decision.

Attorney Griggs stated the board needed to keep the existing motion or rescind the existing motion and then make a new motion.

Supervisor Ellis said he felt that everyone was to fault in this case for various reasons, the board, the citizens and Mr. Esser.

Supervisor Ellis made a motion to rescind the original motion, 2<sup>nd</sup> by Supervisor Holzhueter, all in favor, motion carried.

Supervisor Ellis made a motion to deny the conditional use permit and the rezoning, 2<sup>nd</sup> by Peschel. During discussion Supervisor Holzhueter was concerned with possibly being able to put some limitations on the business, concerning draining and the retention pond. Attorney Griggs stated that could be addressed if the rezone and conditional use ever went into effect. All in favor, motion carried.

Motion to adjourn at 8:36 am was made by Holzhueter, 2<sup>nd</sup> by Ellis, all in favor, motion carried.

Submitted by Cindy Schroeder,  
Clerk, Town of Waterloo