

TOWN OF HORTONIA  
Minutes of monthly Town Board meeting August 10, 2010

Pledge of Allegiance recited. Meeting, called to order at 7:03 pm by Chairman John Jaeckle, had Board members Bob Luedtke, Nancy Willenkamp present; also present, Treasurer Marilyn Martin, Clerk Andrew Hogan and Constable Kevin Clegg. Six others were present, including Plan Commission Chairman Dave LeMahieu, Board of Appeals Chairman Dick Stauss, Town Attorney Rich Carlson, and CSM Applicant Jim Clegg.

Board verified that public notice of meeting and agenda were posted at Town Hall, Fire Hall, Modern Flooring, [www.townofhortonia.org](http://www.townofhortonia.org), and Town's answering service 779-9780.

Luedtke motioned, seconded by Willenkamp to approve Board meeting minutes as published. Carried.

Treasurer gave report. Luedtke motioned, seconded by Willenkamp to approve Treasurer's report. Carried.

Clerk gave report drawing attention to 7/23 letter from County regarding losses associated with recyclables.

Chairman noted summary of meetings attended through July 12 on agendas: Jaeckle (3), Luedtke (2), Willenkamp (2), Hogan (2), Martin (2).

Board heard from Tom and Lisa Wege inquiring about 10 acre Jones property spit; issues related to accessing the shed. Town verified property is already split into parcels #120-0082-01 (R-1) and #120-0082-02 (RE); verified a home could be built on 0082-02 if setbacks are met; recommended Weges return with drawing that shows lot boundaries and dimensions, if they want further clarifications. Carlson verified no CSM is needed unless boundaries are altered; shed would be non-conforming structure if within 50ft of property line, but no variance required; easement may be needed to access shed from east side.

Board reviewed Board of Appeals resolution R2010.8.2BOA approving Carothers variance request.

Board reviewed Plan Commission resolution R2010.8.1PC recommending that the Town Board approve the River Rd CSM proposal.

Luedtke motioned to approve River Rd CSM proposal. No second. Clegg fielded Jaeckle's questions about potential development related to the CSM, sewer & water options, annexation, and New London's open records request regarding the developer's agreement. Clegg sought amendment to agreement permitting billboard prior to the installation of the road. Board agreed to allow billboard. Carlson agreed to revise agreement to permit billboard; Clerk directed to obtain signatures from all parties on revised agreement.

Luedtke motioned, seconded by Jaeckle, to approve the River Rd CSM proposal subject to the authentication of the signed, revised developer's agreement. Carried – 3 ayes, 0 nays.

Board reviewed Sara Lee refund status; Clerk confirmed letters of intent from stakeholders; Carlson confirmed that a letter of intent does not constitute a contract, recommending Town borrows sufficient funds to cover the refund. Jaeckle stated it would be foolish to borrow full amount if money is coming from SDNL, FVTC and Outagamie Co. citing October 1 as Department of Revenue deadline. Answering Luedtke's question Jaeckle indicated he would work with the bank, borrowing as little as possible to cover September 1 tax refund check #7160 to Sara Lee Corporation for \$291,804.01

Board debated options for Town Hall maintenance including quote figures. Given issues with historical preservation, Board tasked Clerk with determining if Hall is on National Registry, including what sort of modifications could be made (metal vs. shingle roof, for example). Further discussion tabled. [Note: Town Hall is not on National Registry, but is eligible, having been designated AHI#68Q36]

Luedtke motioned, seconded by Willenkamp, to adopt Ordinance O2010.08.1 subject to November 2 referendum question: "Shall the person holding the office of town clerk in the Town of Hortonia be appointed by the Town Board?" Carried – 3 ayes, 0 nays.

Board sought input from Carlson on proposed County agreement. Carlson stated County is not presently obligated to cover the charges and recommended Town accept. Luedtke motioned, seconded by Willenkamp to accept the Outagamie County agreement as to delinquent special assessments and charges. Carried – 3 ayes, 0 nays.

Jaeckle reported on road maintenance stating County will be cutting grass in Town road shoulders & ditches beginning this week; trying to get WE Energy to cut trees encroaching into utilities.

Board reviewed minutes of HHFD meeting with Luedtke discussing procurement of \$94,000 brush truck and related fabrication of storage compartments. HHFD is funding about \$60,000; asking Town & Village to budget for their respective share, based on equalized value, of remaining \$34,000. Jaeckle questioned frequency of HHFD's requests. Stauss commented on HHFD's excellent response time. Luedtke motioned, seconded by Willenkamp, to add brush truck payment to Town's 2011 budget. Carried – 3 ayes, 0 nays.

Luedtke motioned, Seconded by Willenkamp, to appoint list of additional election workers provided by Clerk. Carried – 3 ayes, 0 nays. List of election workers who signed up to help subsequent to April Election composed of: Heidi Simmons, Len Lathrop, Mariann Sykes, Laura Jankowski, Marv (Roger) Chitwood, Naomi Close-Baehman and Lynn M. Neuenfeldt.

Board had no building permits to review for July.

Board discussed broadband options for Treasurer for tax software connectivity to County database. Clerk directed to put item on next agenda for possible action.

Board heard from Constable expressing complaint received about refrigerator and other abandoned items left along fence line of 120-0548-00 [Town's Nuisance ordinance §5(k) prohibits abandoned refrigerators; §5(l) prohibits junk vehicles abandoned over 30 days]; complaint from resident west of old Toy Factory regarding water runoff from Village washing out his driveway. Jaeckle agreed to talk to County and Mitch about driveway.

Carlson stated Town needs to decide whether it will hold a hearing to obtain testimony from Norman Hanson in light of circuit court's decision regarding Esselman v. Hortonia; recommended Town follow court's directive and schedule a hearing if Town determines that new evidence by Hanson was brought in good faith citing discrepancy about whether County dug a new ditch or cleaned-out an existing ditch. Clerk directed to put item on next agenda.

LaMahieu inquired about Town's jurisdiction at construction site at 120-0787-00. Jaeckle confirmed building permit is valid for 2 years; agreed to follow-up with owner.

Willenkamp expressed need for residents to keep eyes open citing recent spate of vandalism in Township. Suspicious behavior should be reported to 911. Anyone with leads should contact County Sheriff Sgt. Fitzpatrick at (920) 832-5499. Tips may remain anonymous. Mailbox vandalism can be reported at: <https://postalinspectors.uspis.gov>

Willenkamp motioned, seconded by Jaeckle, to pay the bills as printed. Carried – 3 ayes, 0 nays.

Meeting adjourned 8:57pm. Next regular Board meeting: Thursday, September 9, at 7:00 pm. Plan Commission meeting: Tuesday, September 7 at 6:30 pm. Primary Elections on September 14<sup>th</sup> at Fire Hall.

These minutes are unapproved and subject to final Town Board approval. Respectfully submitted, Andrew Hogan, Clerk