

# **TOWN OF PORTLAND BOARD MEETING MINUTES**

**Thursday, July 16, 2020**

**Portland Town Hall**

**7:30 P.M.**

Chairman Jeffrey Spoke called the Town of Portland Board's regular July monthly meeting to order at 7:35 P.M., and all persons present joined in the Pledge of Allegiance.

Members Present: Chairman Jeffrey Spoke, Supervisor Kurt Keach, and Treasurer Carleen Benninger. Supervisor Thomas Crave and Clerk Nancy L. Thompson attended virtually via telephone.

Others Present (for at least a portion of the meeting): Chad Yerges, Kalen Minnameier, Attorney Alan Strohschein, and Amber Gerber (Courier Editor).

Clerk Thompson verified that proper meeting notices had been given to the Courier editor and posted at the three designated locations as required by law, as well as on the Town's website.

Chr. Spoke requested that agenda item VII C (Discussion/possible action on proposed settlement agreement with Gordon and Debra Yelk ) be postponed until Attorney Strohschein was in attendance. Motion by Sup. Keach, seconded by Sup. Crave, to approve the agenda as printed with that understanding. Keach's motion carried 3-0 on a voice vote.

Motion by Sup. Crave, seconded by Sup. Keach, to approve the minutes from the June 18, 2020, second meeting of the 2020 Town of Portland Board of Review, the June 18, 2020, regular Town of Portland Board meeting, and the June 18, 2020, closed session of the Town of Portland Board meeting as printed. Crave's motion carried 3-0 on a voice vote.

No one present expressed interest in addressing the Board during the Public Input section of the meeting.

Clerk Thompson noted that a commercial electrical permit had been issued by General Engineering to Eggert Grain and a building permit for a detached garage to David Tilly since the Board's June monthly meeting.

Treasurer Benninger reported that all of the individuals sent letters by Attorney Strohschein have finally come into compliance with the Town's dog licensing regulations. Stacey Fandrey (who was not contacted by Strohschein) still has not paid the required licensing fee. Sup. Keach was asked to contact her to make that payment.

Motion by Sup. Keach, seconded by Chr. Spoke, to approve issuance of a Class "B" license effective July 17, 2020 – June 30, 2021, to the Waterloo Gun Club, Chad Yerges, agent. Keach's motion carried 3-0 on a voice vote.

Clerk Thompson reported receipt of an operator's license application from both Philip Krause and Samantha Krause. Both individuals have provided proof of their completion of the required beverage server course and have paid the required (one year) fee.

Motion by Sup. Keach, seconded by Sup. Crave, to approve issuance of an operator's license effective July 17, 2020, through June 30, 2021, to both Philip Krause and Samantha Krause. Keach's motion carried 3-0 on a voice vote.

The Board then briefly discussed the advisability of reducing the speed limit on Dalman Road from Highway I to Highway 89. After noting that that particular stretch of roadway is being used more frequently as a crossroad and that the Board had previously reduced the speed limit on the remainder of Dalman Road, motion by Sup. Crave, seconded by Sup. Keach, to reduce the speed limit on Dalman Road from Highway I to Highway 89 from 55 MPH to 45 MPH. Crave's motion carried 3-0 on a voice vote.

Items mentioned as agenda items for the Board's August meeting included possible action on a minor land division requested by Fred and Debbie Gay (Highway GG and Hanson Road) and possible expansion of services to be provided by General Engineering.

The Board agreed to hold its August monthly meeting on Thursday, August 20, 2020, at the Portland Town Hall beginning at 7:30 P.M.

Following Attorney Strohschein's arrival, the Board discussed a proposed settlement agreement with Gordon and Debbie Yelk. Strohschein first briefly reviewed the timeline of events leading up to the proposed agreement-- noting that the Yelks had filed an appeal of a 2019 judgment against them for violation of the Town's zoning ordinance regarding undesirable objects. Strohschein added that if the proposed settlement were approved by the Board, the Yelks would give up their claims against the Town. In addition, approval would eliminate the possibility of 1000's of additional dollars of legal fees and time spent trying to resolve the issues and he added that an argument possibly remains regarding applicability to Yelk Lane. Strohschein said that the proposed settlement had already been approved and signed by the Yelks and their attorney and that a copy of any approved settlement would be submitted to the county the following day for dismissal of the Yelks' appeal of the judgment against them. With Board approval of the settlement, the Yelks would be giving up all of their claims.

Chr. Spoke noted that it's been a "long haul" for the Board—that it has taken longer than anticipated to resolve the issues and that questions remain regarding the Yelks' allegation that they had a non-conforming use. Having said that, however, he stated that his goals from the beginning would be achieved through approval of the proposed settlement—those goals being ultimate removal of the undesirable objects, no cost incurring to the Town, and existence of a "lever" to ensure compliance with the entire settlement. The proposed settlement will be nullified if any identified benchmark is not met, and then the Town through its attorney would pursue judgment against the Yelks which would subject them to payment of significant charges. Sup. Crave also acknowledged that the settlement benchmarks extend out longer than desired but that the Town will ultimately achieve the desired results. Sup. Keach expressed vehement opposition to approval of the settlement—noting that both Spoke and Crave had agreed early in the process to "go the distance" on the issue. Keach also expressed his displeasure with the Town's legal counsel and with Keach's name being included in the agreement.

Following additional discussion and Sup. Crave's comments regarding the democratic process involved in board decision-making, motion by Sup. Crave, seconded by Chr. Spoke, to approve the proposed settlement with Gordon and Debra Yelk. Spoke's motion carried 2-0-1, with Sup. Keach abstaining.

Treasurer Benninger then presented her monthly financial report showing June receipts of \$4,602.07 and June expenditures of \$14,573.81. With the addition of \$29,145.48 receipts as of July 13, 2020, the balance in the checking account as of that date was \$4,080.10. The balance in the money market account was \$33,310.71, and the balance in the savings account was \$113,998.58 for a combined balance in all three accounts of \$151,389.39. In addition, \$550.63 remains in the Town Computer Savings account.

Motion by Sup. Keach, seconded by Sup. Crave, to approve Treasurer Benninger's report as provided. Keach's motion passed 3-0 on a voice vote.

Motion by Sup. Keach, seconded by Chr. Spoke, to authorize Clerk Thompson's payment of all of the July bills as presented with the exception of the bill (\$32.08) from the Village of Marshall. Chr. Spoke will talk with Waterloo's fire chief to determine if that invoice needs to be paid. Keach's motion carried 3-0 on a voice vote.

The Board then reviewed the following correspondence received since the Board's June monthly meeting:

1. Notification of July 15<sup>th</sup> meeting of the Dodge County unit of the WTA
2. June Columbus Fire Department report from Randall Koehn
3. Inquiry regarding burning permits and the process for changing one's road name
4. Inquiry regarding minor land division proposed by Fred and Deb Gay plus copy of the letter of intent filed with Dodge County
5. Confirmation of amount (\$1,677.73) submitted to Nationwide on June 30, 2020, for investment
6. Information from Karen Boyd regarding July 21<sup>st</sup> Beaver Dam drive thru job fair, extension of the Paycheck Protection Program and other associated items, and agricultural tourism
7. Request from Debbie Harmeling for approval to bind the Town's insurance coverage for 2020-2021
8. Copy of building permit application submitted by David Tilly for a detached garage at N2298 River Oaks
9. Notification of August 12<sup>th</sup> meeting of town chairs and village presidents to discuss the potential merger of the Clyman, Lowell, and Reeseville fire departments
10. Wisconsin Towns Association July 2020
11. Copy of proposed settlement agreement with Gordon and Deb Yelk from Attorney Strohschein.

Chr. Spoke reported that he had met with a representative of General Engineering Company to discuss the company's possible provision of consultant service to the Town in such areas as zoning, conditional use permits, mineral extraction, updating of zoning maps, etc. Spoke distributed materials for Board members to review prior to the Board's August meeting when the topic of contracting with General Engineering for consultant services will be on the agenda.

With no other Board members having a report and no other business for the Board to address at the time, motion by Chr. Spoke, seconded by Sup. Keach, to adjourn. Spoke's motion carried 3-0 on a voice vote at 8:25 P.M.

### **JULY 2020 BILLS APPROVED FOR PAYMENT**

3907	WE Energies	\$10.25
3908	Michels Commercial Aggregates	\$251.96
3909	John's Fire Protection LLC	\$46.91
3910	VOID	
3911	City of Columbus	\$1,510.40
3912	Kurt E. Keach, LLC	\$466.67
3913	Joseph Pantely	\$427.58
3914	APG of Southern Wisconsin	\$33.62
3915	Diverse Electric	\$335.00
3916	Waterloo Utilities	\$233.53
3917	Advanced Disposal	\$427.00
3918	United States Treasury	\$402.00
3919	Jeffrey Spoke	\$906.37
3920	General Engineering Company	\$275.00
3921	Dunneisen Excavating	\$629.90
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Nancy L. Thompson, Clerk

