

DECEMBER 2021 TOWN BOARD MEETING MINUTES

December 16, 2021

Portland Town Hall

7:30 P.M.

Town Chairman Jeff Spoke called the December monthly meeting of the Town of Portland Board to order at 7:35 P.M., and all in attendance joined him in the Pledge of Allegiance to the flag.

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

Others Present for at least a portion of the meeting: Jeffrey Robbins and Tim Yelk.

Clerk Thompson verified that proper notice of the meeting had been posted at the three designated posting locations as specified by law and on the Town's website and that the agenda had also been sent to the Courier editor.

Motion by Sup. Crave, seconded by Sup. Keach, to approve the agenda as posted. Crave's motion carried 3-0 on a voice vote.

Motion by Sup. Keach, seconded by Sup. Crave, to approve the minutes of the November 18, 2021, regular Town Board meeting, the November 23, 2021, Public Budget Hearing, and the November 23, 2021, Special Town Meeting of the Electors as printed. Keach's motion carried 3-0 on a voice vote.

No one present expressed interest in addressing the Board on a non-agenda item.

Clerk Thompson reported that a farm electric service permit had been issued by General Engineering to Abendroth Farm since the Board's November monthly meeting.

The Board then discussed its first item of Unfinished Business: the Board's application to rezone up to 10.36 acres owned by Steven Schwark at W11615 STH 19 from A-1 to A-2 or R-1. The Town's Plan Commission had conducted a public hearing on the application on December 1, 2021, and at their meeting following conclusion of the public hearing had voted 5-0-0 to recommend that the 10.36 acres on Parcels 036-0913-3333-006, -003, -004, -007 be left zoned A-1 and that "the Town Board find an alternate way to make the property along Hwy 19 compliant with the Dodge County farmland preservation re-certification process." Speaking for the property owner, Jeff Robbins noted that the family had discussed the possibility of re-fencing some or all of those parcels for animals, since buffalo had been housed there a few years ago. He added that there is a spring in the parcels which makes some of the

land wet and not developable. The family is concerned that if all the property is rezoned A-1 it will be useless to them or anyone else going forward.

Chr. Spoke said that only a small .25 acre triangular portion of parcel (036-0913-3333-006) currently zoned A-1 is complicating the Town's farmland recertification process, since that portion is not shown on the county's farmland preservation map. He suggested that that portion alone be rezoned to A-2 and that doing so would not restrict the current owners from doing what they might want with their total 10.36 acres. Following additional brief discussion and review of maps of the area, motion by Sup. Crave, seconded by Sup. Keach, to rezone the .25-acre triangular portion of Parcel # 036-0913-3333-006 owned by Steven Schwark from A-1 to A-2. Crave's motion carried 3-0 on a voice vote.

The Board next addressed its application to rezone 1.81 acres owned by Jeremy Sullivan at N1423 CTH I & T from A-1 to A-2. The Plan Commission had conducted a public hearing on that application on December 1, 2021, and had voted in a meeting following the public hearing 5-0-0 to recommend the town board "rezone 1.81 acres from A-1 to A-2 on Parcel 036-0913-1632-001 located at N1423 County Rd T & I Waterloo WI 53594 to make the township compliant in the Dodge County farmland preservation re-certification process." Members of the Town Board expressed no concerns with that recommendation and thereby voted 3-0 on a motion made by Sup. Crave and seconded by Sup. Keach to rezone 1.81 acres (Parcel # 036-0913-1632-001) located at N1423 County Rd T & I, Waterloo from A-1 to A-2. Crave's motion carried 3-0 on a voice vote.

In addressing the Board's final item of Unfinished Business, Sup. Keach moved to approve the "finalized" CLR agreement for fire and emergency rescue service. Sup. Crave seconded that motion and it passed 3-0 on a voice vote. Chr. Spoke will sign the finalized agreement at an upcoming CLR Governing Committee meeting.

Moving onto New Business, the Board reviewed a proposal from DPL Maintenance LLC (Tim Yelk) to provide basic road maintenance, sign installation, etc. throughout the Town in 2022. Yelk's proposal specified the following hourly charges which include the operator):

- Truck \$55.00 per hour
- Trailer \$20.00 per hour
- Tractor \$35.00 per hour
- Sign Installation \$60.00 per hour
- General Labor (includes pothole repair) \$40.00 per hour.

Brief discussion centered around how Yelk would be notified of needed work and when other operators might need to be called in instead. Following that discussion, motion by Sup. Crave, seconded by Sup. Keach, to accept DPL Maintenance LLC's proposal to do basic roadwork as needed in 2022. Crave's motion passed 3-0 on a voice vote.

Next the Board addressed a minor land division letter of intent filed by N. Charles Eggert to split 2.5 acres off a 105-acre parent parcel off Buss Road owned by the Ronald C. Schultz Family Trust. Chr. Spoke noted that no rezoning would be needed but that this division (if approved)

would be considered one of the property owners' possible splits. Motion by Sup. Keach, seconded by Sup. Crave, to recommend to Dodge County Land Resources and Parks Department approval of the 2.5 acre land division (Activity Number 2021-1136) as requested by the Ronald C. Schultz Family Trust. Keach's motion carried 3-0 on a voice vote.

The Board then discussed the need for a second "furniture" dumpster at the Town recycling center. Discussion centered on whether or not a second dumpster should be contracted for on a permanent basis, whether the Board could provide some other type of container for overflow items, the costs involved, and whether current fees are sufficient to cover any additional costs the Town incurs. Following discussion, motion by Sup. Keach, seconded by Sup. Crave, to have a second "furniture" dumpster brought in. The motion carried 3-0 on a voice vote. Board members also asked that discussion concerning contracting for a "permanent" furniture dumpster be placed on the Board's agenda for its January monthly meeting. Sup. Keach offered to get specific costs for the various options the Board had discussed earlier and to see if the recycling site attendant could either attend that January meeting in person or via telephone to answer questions and provide guidance.

Motion by Sup. Crave, seconded by Sup. Keach, to approve Budget Resolution 2021-6 reflecting the following revenue and expenditure changes to the 2021 Town budget:

Decreasing Other Taxes from \$1,900.00 to \$960.03
Decreasing Licenses & Permits from \$15,000.00 to \$13,750.00
Increasing Fines, Forfeitures, & Penalties from \$200.00 to \$465.00
Increasing General Government from \$200.00 to \$300.00
Increasing Material Sales from \$1,100.00 to \$1,700.00
Increasing Solid Waste Disposal from \$14,000.00 to \$14,600.00
Increasing Interest from \$800.00 to \$900.00
Increasing Miscellaneous Revenues from \$6,450.00 to \$7,700.00
Decreasing Town Hall from \$5,500.00 to \$4,970.00
Decreasing Insurance from \$6,200.00 to \$6,150.00
Increasing Public Safety from \$120,600.00 to \$120,750.00
Increasing Highway Maint. & Const. from \$185,000.00 to \$192,450.00
Decreasing Snow Removal from \$70,000.00 to \$68,500.00
Increasing Street Lights from \$2,000.00 to \$2,200.00
Decreasing Solid Waste Disposal from \$6,000.00 to \$5,650.00
Increasing Recycling from \$11,439.00 to \$11,600.00
Decreasing Culture, Recreation, & Education from \$2,800.00 to \$2,660.00
Decreasing Conservation & Development from \$4,000.00 to \$3,450.00

AND

Decreasing December 31 Undesignated Reserves from \$13, 530.22 to \$9,458.76.

Crave's motion carried 3-0 on a roll call vote.

Motion by Chr. Spoke, seconded by Sup. Keach, to adopt the Town of Portland 2022 budget as presented at the November 23, 2021, Public Budget Hearing. Spoke's motion carried 3-0 on a voice vote. Clerk Thompson noted that the Board would need to amend that document at its January monthly meeting to reflect the actual beginning-of-the year balance, as well as the projected end-of year restricted and unrestricted reserve balances.

Motion by Sup. Crave, seconded by Sup. Keach, to confirm Clerk Thompson's recommended appointment of the following persons to serve as election inspectors for the 2022-2023 election cycle: Debra Weihert, Chris Topel, Judy Stippich, Patsy Epstein, Mindy Crave, Ruth Webber, Jamie Palmer, and Terry Wermuth. Crave's motion carried 3-0 on a voice vote.

Chr. Spoke reported that both Kevin Dorn and Andrew Benninger were willing to be re-appointed to the Town's Board of Appeals for a term extending from January 1, 2022-December 31, 2024. Motion by Sup. Keach, seconded by Sup. Crave, to re-appoint both Kevin Dorn and Andrew Benninger to positions on the Town's Plan Commission for a term extending from January 1, 2022, through December 31, 2024. Keach's motion carried 3-0 on a voice vote.

Motion by Sup. Crave, seconded by Chr. Spoke, to re-appoint Angela Byers-Krantz and Clayton Weihert to the Town's Plan Commission for the term January 1, 2022, through December 31, 2024. Crave's motion carried 3-0 on a voice . Spoke noted that Byers-Krantz can only commit to serving through January 2022, due to her pending move out of the area. Spoke added that he has spoken with Kory Anderson of General Engineering regarding the possibility of eliminating the Town's Plan Commission in the future. Spoke said that he would speak with Anderson again prior to the Board's January meeting to learn more about the advantages/disadvantages of using a Plan Commission and the process that would need to be followed to eliminate one. (At a minimum, a public hearing would need to be held and the Town's Zoning Ordinance amended.)

Items noted for inclusion in the agenda for the Board's January monthly meeting include a minor land division request from the Lorie Benninger Revocable Trust, a 2022 budget amendment, Town Advocacy Council membership renewal, possible action regarding recycling site dumpsters, action regarding town hall snow removal, possible online burning permits, and discussion regarding the continued use of a Town plan commission. That meeting was scheduled for Thursday, January 13, 2022, (one week earlier than usual) at the Portland Town Hall beginning at 7:30 P.M.

In her monthly financial report, Treasurer Benninger reported November receipts of \$22,578.69 and November expenditures of \$8,914.46, resulting in a November Savings Account balance of

\$106,983.53. Of that total, \$55,212.66 is designated ARPA funding and \$18,626.04 is designated “tower” funds. With the addition of December receipts to December 11, 2021, of \$5,082.16 and the transfer of \$1,000.00 from savings to checking to pay needed bills, the total available in the Savings Account for the 2021 Town budget as of December 11th was \$37,226.99. After adding the \$919.02 checking account balance that same day, the combined savings and checking balance is \$38,146.01. In addition, \$554.25 remains in the Town Computer Savings Account.

Motion by Chr. Spoke, seconded by Sup. Keach, to approve Benninger’s financial report as given. Spoke’s motion carried 3-0 on a voice vote.

Motion by Sup. Keach, seconded by Sup. Crave, to authorize payment of all of the December bills as presented by Clerk Thompson. Keach’s motion carried 3-0 on a voice vote.

The Board then reviewed the following listing of correspondence received since the Board’s November monthly meeting:

1. Notification from the Department of Revenue of the school levy tax credit to be distributed on July 25, 2022: \$198,583.73 and of the Town’s 2022 major state aids
2. Agenda and documents from Christine Klister for the November 29th meeting of the CLR Group
3. Notification from Wisconsin Department of Revenue of the maximum credit values for the 2021 First Dollar Credit and 2021 Lottery Credit
4. Copy of Joint Powers Agreement signed by both the county and the Town for the County’s 911 Emergency System
5. Notification that the Columbia County Board of Supervisors had approved several designated amendments to that county’s comprehensive plan 2030 on November 2, 2021
6. Ehlers request for the Town’s outstanding bond debt for use in preparing an official county statement for the sale of municipal obligations
7. PILT payments calculation form from the State of Wisconsin DNR
8. Information from Nationwide Retirement Plans regarding the transition to its new FastPay payroll submission process
9. Electrical service permit application submitted by Abendroth Farm to General Engineering Company
10. Notification from Frederick Bahr of AT-827 liquor license reporting change
11. Notification from Dodge County Land Resources and Parks Department of the F-AN-D LLC new building number at N2084 County Road II, Waterloo
12. Draft minutes from the Reeseville Rural Town Group’s June meeting, along with notification of the group’s December meeting from Christine Klister
13. Copy of the finalized CLR agreement for Town Board approval from Christine Klister
14. Notification from Patti Hilker of Diana Minnameier’s 2020 ag use conversion payment
15. Wisconsin Towns Association December 2021
16. Listing of 2021 Town building permit applications January-November from General Engineering Company

17. Copy of minor land division letter of intent filed with Dodge County Land Resources and Parks Department by N. Charles Eggert for the Ronald C. Schultz Family Trust
18. Lifestar November CAEMs report from Christopher Orange
19. Town Advocacy Council Membership renewal information from the Wisconsin Towns Association
20. Claim closing notice from Bitco Insurance Companies for resident's fall at the town hall in June of 2020
21. Copy of letter from Eric Howlett, Fire Chief of the new CLR Fire and Rescue Department
22. Letter from Russell Kottke regarding the county's ARPA allocation, the associated January 21, 2022, submission deadline, and the February 1st county board meeting to follow
23. Copy of letter from Alan Strohschein to R. Rick Resch regarding terms of the settlement agreement with Gordon and Debra Yelk
24. Reminder from DOT of the December 15th WISLR Local Road Certification deadline
25. Notification from Christine Klister of the December 20th CLR Committee meeting, along with materials for such
26. Quarterly contribution wage report for completion and submission to the Department of Workforce Development
27. Notification from Dodge County Highway Commission of culverts purchased and installed for six Town residents.

Treasurer Benninger noted that one of the school bus drivers had spoken to her regarding potholes on and the "washboard" condition of Baumann Lane.

Chr. Spoke reported that he had talked with Attorney Strohschein regarding Ben Gorder's tire situation in River Oaks. About a truckload of tires remains there, but since Gorder plans to put the tires in his garage, Spoke felt that no additional action would be needed. Strohschein would like a picture of the empty spot once those tires are removed, and the DNR also wants notification of such to close out its claim. Spoke also said that he had checked to see if all unlicensed vehicles had been removed from Gordon and Debra Yelk's property as stipulated in their settlement agreement. Spoke reported to Attorney Strohschein that he couldn't see any vehicles except for a wagon in the back, so Strohschein sent a letter to Yelk's attorney indicating such and noting that the next stage of the settlement agreement would begin.

Sup. Keach reported that Mr. Pantely had told him that the Town recycling site would be open on both December 24th and December 31st from 8:00 A.M. – 1:00 P.M. and that those hours would also be posted at the site.

With no other business needing to be addressed, Sup. Keach moved to adjourn the meeting. His motion was seconded by Sup. Crave, and it carried 3-0 on a voice vote at 8:45 P.M.

DECEMBER 2021 BILLS APPROVED FOR PAYMENT

4265 We Energies	\$ 23.83
4266 USPS	23.20
4267 GFL Environmental	444.83
4268 We Energies	26.79
4269 Steve Battenberg	92.35
4270 Angela Byers-Krantz	105.28
4271 Clayton Weihert	68.34
4272 Chad Yerges	68.34
4273 Carleen Benninger	304.50
4274 Joseph Pantely	439.29
4275 General Engineering Company	320.00
4276 Carleen Benninger	2,390.56
4277 Nancy L. Thompson	2,160.13
4278 APG of S WI	41.27
4279 Kurt E. Keach, LLC	160.00
4280 MR Concrete, LLC	5,000.00
4281 Nationwide Retirement Solutions	1,866.87
4282 Kurt Keach	534.89
4283 Jeffrey Spoke	917.27
4284 Waterloo Utilities	329.29
4285 United States Treasury	647.02
4286 Karl Junginger Memorial Library	2,500.00
4287 The O'Brien Agency, LLC	105.98
4288 Thomas Crave	471.77
4289 Albert Benninger	800.00
F & M State Bank - automatic deduction for safety deposit box rental	<u>15.00</u>
TOTAL:	\$19,856.80

Nancy L. Thompson, Clerk