

TOWN OF PORTLAND BOARD MEETING MINUTES

Thursday, May 17, 2018

Portland Town Hall

7:30 P.M.

Town Chairperson Jeffrey Spoke called the Town of Portland Board's regular May monthly meeting to order at 7:30 P.M., and all persons present joined in the Pledge of Allegiance.

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): Kimberly Kitelinger (Wolf Paving), Travis Schaller, Dennis Moungey (Payne & Dolan), Bob Fandrey, Dani Fandrey, Penny L. Springer, Ellen Didion, Brad Didion, Lori Schey, Dan Schey, Paul Kehl, Richard Yelk, Thomas Yelk and friend (she did not sign in), Mike Schey, Thomas Weiur (spelling?), and Chris O'Brien (Courier correspondent).

Clerk Thompson verified that proper meeting notices had been posted at the three designated locations as required by law, delivered to the Courier office, included in the Municipality Meeting section of the May 11, 2018, edition of the Watertown Daily Times, and posted on the Town's website.

Hearing no requested revisions to the posted agenda, 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 April 19, 2018, regular Town Board meeting as printed. Keach's motion carried 3-0 on a voice vote.

The Board also reviewed the draft minutes of the April 24, 2018, Annual Meeting of the Town Electors and noted no necessary revisions. Those minutes will be officially approved at the 2019 Annual Meeting of the Town Electors.

Several persons then addressed the Board during the Public Input section of the meeting. Bob Fandrey expressed his interest in purchasing the bar/restaurant from John Checki but (prior to completing the purchase) wanted assurance that he'd be able to get a license for that establishment. Noting that the Board could not guarantee approval of a license at this meeting, Clerk Thompson give Fandrey a copy of "Wisconsin Alcohol and Tobacco Laws for Retailers," as well as the paperwork he'd need to complete and return to her if he wanted to pursue getting a license, so that the statutorily-required notice could be published in the Courier. The Board then could potentially act on Fandrey's application at the Board's June monthly meeting.

Paul Kehl noted that he has been dealing with an adjacent landowner for about the last five years regarding blockage of a ditch into which water is supposed to flow. He added that the landowner has closed off both ends of the culvert there, resulting in no outlet whatsoever anymore for water. Consequently, water backs up into Kehl's field. He said that the situation has been very frustrating. Kehl said that he has called the county but was told that the situation was out of the county's hands-- that the Town should have its own "water laws." He also has spoken with previous and current town board members, but no action has been taken. He requested that the town board adopt needed "water

laws" and then enforce them with pretty strict penalties. He said that he's been told that the DNR won't get involved, since there is no navigable stream involved--just a private drainage ditch.

In response, Chr. Spoke noted that he has not found anything in Town of Portland regulations covering Kehl's situation but added that DATCP has state laws which the Town would fall under. (Kehl responded that he has also talked with someone from DATCP but the situation still exists.) Sup. Crave suggested that the Town speak with one of the WTA's attorneys, since doing so would be much faster and more cost effective than trying to adopt a new ordinance. Crave added that the town and county had formed drainage ditches years ago. Though most of them have been abandoned, Joe Roche currently serves on the county drainage ditch board. The Board noted that it would continue to seek information regarding Kehl's situation.

Joel Schwartz also addressed the Board. Noting that he lives directly across the street from the town hall, Schwartz briefly explained a proposed building project. He gave the Board a diagram of such which showed setback distances, possible additional expansion areas, etc. He said that he had spoken with Dick Yelk some time ago but that Yelk wasn't sure then whether Schwartz's plans would comply with Town regulations or whether a variance would be needed for the proposed project to be completed. Schwartz added that he has spoken with four of his neighbors and that all said that they supported his going ahead with the project. The Board asked Yelk to review the diagram Schwartz provided and the site itself to make a definitive determination of whether or not a variance would be required.

Police liaison Weihert was not present to update the Board on current Town issues/concerns.

Richard Yelk reported that he had issued the following permits since the Board's April monthly meeting:

Nathan Loeffler - permit for residential driveway off Witt Lane
Nathan Loeffler - deck for planned wedding barn + wheelchair ramp to that deck \$32,000.00
Robert Haseleu- permit for shed driveway on Dalman Road
Leonard Bohlman - new deck and porch \$5,000.00.

Sealed bids submitted for the Sullivan Road paving overlay and shouldering project were then opened and announced as follows:

Tri County	\$112,779.89
Payne & Dolan	\$109,429.60
Wolf Paving	\$ 99,470.60.

Motion by Sup. Keach, seconded by Sup. Crave, to accept Wolf Paving's bid of \$99,470.60, contingent on the Town having adequate funds to complete that project. Keach's motion carried 3-0 on a voice vote.

Treasurer Benninger then reported that Officer Weihert had visited most (she wasn't 100% certain if he had visited all persons out of compliance) Town residents noted as being out of compliance with the Town's dog licensing regulations and that four persons still remain out of compliance. The Board asked Benninger to talk with Weihert once more--verifying either that he has spoken with all four individuals or otherwise will do so. As a result, the Board decided to wait until its June monthly meeting to take any enforcement action.

Clerk Thompson reported that the Town's 2018 Open Book would be conducted at the town hall on Monday, June 11, 2018, from 4:00-6:00 P.M. and that the Board of Review (adjourned from the initial meeting held prior to this evening's town board meeting) would be conducted on

Monday, June 25, 2018, beginning at 9:00 A.M. and continuing for a minimum of two hours that morning.

As its first item of New Business, the Board reviewed Daniel Schey's application to rezone approximately 1/2 acre in Section 26 located at W10445 Hubbleton Road from A-1 to A-2. The Town's Plan Commission had conducted a public hearing on Schey's application on May 2, 2018, and had voted 4-0 later that same evening to recommend Town Board approval of Schey's requested rezoning.

Chr. Spoke noted his belief that what Schey is currently doing doesn't fall into any of the permitted or conditional uses in the A-1 zoning district and that he's not interested in having that property zoned commercial, since he views what Schey is doing as being similar to the sale of farm products produced on the premises. Sup. Crave felt that Schey's brewery could fit under conditional use #21 : "Any similar use subject to Town Board approval" in the A-2 zoning district. Crave also noted that multiple persons spoke in favor of Schey's rezoning and conditional use permit applications at the public hearing conducted by the Town's Plan Commission. In response to a question regarding rezoning only 1/2 acre, Schey said that acreage would adequately cover the building and parking area, as well as provide a grassy area for horseshoes.

Following that discussion, motion by Sup. Crave, seconded by Sup. Keach, to approve Daniel Schey's requested rezoning of approximately 1/2 acre in Section 26 located at W10445 Hubbleton Road from A-1 to A-2. Crave's motion carried 3-0 on a voice vote.

The Board then discussed Schey's conditional use permit application "to make sales out of a brewery" on the property just rezoned. The Town's Plan Commission had also entertained public commentary on that application at the May 2 public hearing/meeting and had voted 3-1 to recommend Town Board approval of the conditional use application. The Commission also recommended that the following conditions be placed on the conditional use permit if approved by the Town Board: hours of operation to be 5:00-8:00 P.M. Friday and 1:00-5:00 P.M. Saturday, fire inspection required, parking prohibited on the road, and a parking lot required. Plan Commission meeting minutes indicated that Plan Commission Chairperson Battenberg voted against recommending approval of the permit due to Schey's "situation not fitting in a conditional use category under A-2 zoning."

The Board discussed the recommended conditions, as well as other possible ones, among themselves and with Schey. Chr. Spoke said that one concern that's been expressed is that people don't know where to go. Schey responded that he currently has a sandwich board sign there and that he will put up signage. (He said he's currently working on such.) Schey also indicated his preference for greater flexibility in hours of operation (such as 1:00 P.M.-9:00P.M. every day), even though he said that he anticipates being open primarily Friday, Saturday, and Sunday (but only until about 5:00 on Sunday). Chr. Spoke noted that the Board in similar "unique"/new situations has approved a conditional use permit for an initial two-year trial period, with Board action on possible revision, extended approval, or invalidation of the conditional use permit at the end of that time period. Spoke also indicated that he had contacted the Department of Revenue regarding breweries like Schey's and that what he was told was consistent with what he's been told by both Schey and Clerk Thompson: that the "alcohol side of such things is not the Town's department."

Following the discussion, motion by Sup. Crave, seconded by Sup. Keach, to approve issuing a trial two-year conditional use permit (effective through May 31, 2020) to Daniel Schey "to make sales out of his brewery" with the following conditions: 1) There can be no parking on Hubbleton Road.

- 2) The entity cannot be open past 9:00 P.M. on any day.
- 3) No loud music can be played there.

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

Sup. Keach then presented the following fee revisions and additions at the Town's recycling/solid waste disposal site as recommended by site attendant Joe Pantely:

Level pickup load: increased from \$15.00 to \$25.00

Full/heaping pickup load: increased from \$30.00 to \$40.00

Paint cans: \$1.00 per can

No fees for appliances without freon other than for dishwashers and water softeners.

Following discussion on the need for and merits of Pantely's recommendations, motion by Sup. Keach, seconded by Sup. Crave, to approve the pickup load and paint can fees as recommended but not to approve the recommendation regarding appliances without freon. Keach's motion carried 3-0 on a voice vote. Pantely will be asked to post all current fees at the recycling site, and it was suggested that the approved fee changes be posted on the Town's website.

The Board then reviewed the Town's contract with Advanced Disposal for solid waste/recycling services. That contract will renew for another three years unless the Town notifies the company otherwise by certified mail prior to June 1, 2018. Following discussion, no action was taken to discontinue the Town's contract with Advanced Disposal. Clerk Thompson was asked to request a copy of the renewal three-year contract from the company for both the Board's and company representative's signatures. It was also mentioned that the Board might want to research the costs for and resident interest in curbside pickup.

Next the Board considered possible salary adjustments for the recycling site attendant and/or building permit administrator. Clerk Thompson distributed and then reviewed an information sheet she had prepared regarding 2017 recycling site revenues and expenditures, 2017 and 2018 site revenues and expenditures for the first four months of the year, current salary levels for both positions, and the last approved salary adjustments. Chr. Spoke noted that Town residents seem "real happy" with the recycling site attendant--one of the positive comments he hears regarding the Town. Board members noted that the site attendant's job is not easy, that the attendant needs to be in multiple places at one time, and that the current attendant seems to be looking out for the Town's interest. Richard Yelk noted that, except for the building door, the site looks nice. In response to a question, Richard Yelk explained what he does as building permit administrator, why he sometimes needs to make multiple trips to a location, and why he sometimes receives no compensation for his work/travels. Following further discussion, the Board agreed to address compensation for both positions in the fall when the 2019 budget is prepared.

Chr. Spoke then presented an application being submitted on behalf of Northcrest Dairy, Inc. for an updated ATCP 51 siting permit for planned expansions to that dairy's site. He noted that upon completion of the proposed expansions, the dairy would be increasing its animal units on site from 605 to 998 but is not looking to grow beyond that. The application also specifies that an existing animal lot (Animal Lot 1 in the plan) would be removed once the animals housed there can be relocated into the proposed expansion. The process to be followed is for the Town Board to send the application to Dodge County for review, with the Town Plan Commission conducting a public hearing on the application following the county's review. Clerk Thompson added that she had a copy of a Memorandum of Agreement to engage with the Dodge County Land Resources and Parks Department

for its review of the application, with the fee for such being \$300.00, and that costs the Town incurs (total costs not to exceed \$1,000.00) could be "charged" to the dairy.

Motion by Sup. Crave, seconded by Sup. Keach, to approve signing a Memorandum of Agreement with Dodge County Land Resources and Parks Department for the review of the Northcrest Dairy Farm Expansion ATCP 51 siting permit application, with Northcrest Dairy to reimburse the Town for the county's fee for doing such as well as the costs incurred by the Plan Commission in conducting the required public hearing and/or any other fees required by the county, state, or town associated with the application. Crave's motion carried 2-0-1, with Chr. Spoke abstaining.

Clerk Thompson announced that she has received a Class "B" application from the Waterloo Gun Club, Inc. and a "Class B" combination application from Katherine L. Zwieg for Chatty's Pit Stop for the July 1, 2018, to June 30, 2019, licensing period. Thompson will see that the required notice is published in the Courier, with Board action to be taken on those applications at the Board's June monthly meeting.

The following items were requested to be placed on the Board's agenda for its June monthly meeting: Class "B" and "Class B" applications, undesirable object compliance, dog licensing compliance, and needed patching on Torpy Road.

The Board agreed to hold its June monthly meeting at the Portland Town Hall on Thursday, June 21, 2018, beginning at 7:30 P.M.

Treasurer Benninger then reported April receipts of \$35,213.86 and April checking account disbursements of \$14,401.09. With the addition of May receipts to May 13, 2018, of \$2,491.80 and the transfer of \$800.00 to the checking account on May 8, 2018, the balance in the Money Market Account as of May 13, 2018, was \$182,273.94 and the balance in the checking account was \$960.71 for a total in both accounts as of that date of \$183,234.65. In addition, \$526.66 remains in the Town Computer Savings account.

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

Motion by Chr. Spoke, seconded by Sup. Keach, to authorize Clerk Thompson to pay all of the May bills presented. Spoke's motion carried 3-0 on a voice vote. Thompson also reminded Board members to get their second quarter bills to her by no later than June 15, 2018.

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

1. March and April Department activity and training reports plus EMS survey ratings and comments from the Waterloo Fire Department
2. Investment Option Summary January 1, 2018, to March 31, 2018, from Nationwide Retirement Solutions
3. Draft minutes from the last meeting of the Columbus Area EMS plus the agenda for the group's May 2nd meeting
4. Notice of appraisal and sale of county-owned tax delinquent real estate (two parcels) from Dodge County

5. Copy of Wisconsin Uniform Building Permit application submitted by Kyle Hubacher to General Engineering Company for his new home on County T
6. Notification of Hometown News, LP's early deadlines due to the upcoming Memorial Day holiday
7. Copy of "Columbus Fire Department's 2017 Annual Report" plus monthly fire department report from Randall Koehn
8. Wisconsin Towns Association May 2018 report
9. Notification from Patti Hilker that Dodge County acquired title to two Town of Portland properties on April 26, 2018, due to tax foreclosure
10. Invitation and linked registration information to a May 23 presentation revealing the results from a recently-completed Labor Availability Analysis for Dodge and Jefferson counties
11. Online copy of WTA's Nonferrous Metallic Mining Regulation Handbook
12. Lifestar April report from Linda Henning
13. 2018-2019 renewal questionnaire from the Horton Group
14. Copy of letter sent from the State of Wisconsin Department of Natural Resources to Kyle Hubacher noting that his variance request meets the requirements of NR 812.44 Wis. Adm. Code and that his requested variance has been approved subject to noted conditions
15. Request from Matthew Stangel (WE Energies) for information concerning whether the Town would require a permit for WE Energies to run a new electric line to an existing shed within the 100-year flood zone at N2184 River Oaks Road
16. April 25, 2018, fire inspection report of the town hall marked "no violations observed during this inspection"
17. Solicitation from Progressive Commercial for insurance coverage.

Chr. Spoke then noted the following items in his monthly report:

1. The individual who shoveled the town hall's sidewalk this winter has submitted a request to be paid for 23 separate shoveling times. Verification of that number will be sought. In addition, Spoke suggested that the Board revisit the issue of town hall snow removal prior to the next shoveling season.
2. After receiving a number of phone calls and voice mails, Spoke visited a River Oaks resident at her home. He found no issue there with the Town that needed to be addressed.

Spoke also requested his fellow Board members to think about the Town's current system of issuing burning permits--whether an actual permit really needs to be issued and who should be able to issue them.

Richard Yelk questioned what happens to fire number signs when homes in the Town of Portland get torn down and not replaced.

With no further business needing to be addressed at the time, motion by Sup. Crave, seconded by Sup. Keach, to adjourn. Crave's motion carried 3-0 on a voice vote at 9:45 P.M.

MAY BILLS APPROVED FOR PAYMENT

3376 Staples	\$ 53.99
3377 Lange Enterprises, Inc.	228.68
3378 WE Energies	44.51
3379 City of Waterloo	705.30

3380 Wisconsin Towns Association	813.06
3381 City of Waterloo	28,953.00
3382 Kurt E. Keach, LLC	433.33
3383 Neitzel Auto & Hardware	51.98
3384 Lange Enterprises, Inc.	410.06
3385 Hometown News Limited Partnership	47.35
3386 Joseph Pantely	491.31
3387 Waterloo Utilities	245.23
3388 Advanced Disposal	675.33
3389 Lange Enterprises, Inc.	78.04
3390 Rodney Buss	<u>5.00</u>

TOTAL: \$33,236.17

Nancy L. Thompson, Clerk