

# TOWN OF HARTLAND MONTHLY MEETING FEBRUARY 14, 2012

## TOWN OFFICIALS PRESENT:

- CHAIRMAN ROBERT WOLDT
- CLERK ROY BRODHAGEN
- TREASURER JENNY MITCHELL
- SUPERVISOR JAY TESCHKE
- SUPERVISOR FRANK HELLER

## MEETING ATTENDEES:

Bill Dittman  
Ross & Pam Berkahn  
Liesner family  
Marlin Noffke  
Rick Fink  
Brennan Haworth -- Menn Law Firm

## CALL TO ORDER:

The monthly town board meeting of the Town of Hartland held on Tuesday, February 14, 2012 was called to order by the Town Chairman, Robert Woldt at 7:00 pm in the Town of Hartland town hall.

## MEETING NOTICES:

Chairman verified that proper postings had been done at the Town Hall, corners of N. Highline / Townline Road and S. Highline / E. Slab City Road.

## MINUTES:

Clerk read minutes from the January monthly meeting. Jay Teschke made motion to approve minutes and Frank Heller seconded.

## TREASURER'S REPORT:

### Payment of Bills:

Frank Heller made a motion to approve payment of accounts, check numbers 8648-70 totaling \$433,291.76 Jay Teschke seconded the motion, motion carried.

### Financial Report:

February Income	\$167,225.14
February Expenses	\$433,291.76
February Month End Balance	\$163,834.10

## PLANNING COMMISSION

Frank Heller made a motion, seconded by Jay, to have Marlin Noffke replace Roy Brodhagen on the Plan Commission due to Brodhagen's work schedule making it nearly impossible to attend Plan Commission meetings. Marlin Noffke then provided a report of the previous Plan Commission meeting. He noted that continuing Farmland Preservation as part of the new town zoning code has been a bottleneck. Marlin stated that WI DATCP seems to be moving away from town by town zoning towards Agricultural Enterprise Areas. The town needs to have some type of zoning code in place by April 20<sup>th</sup> if possible since the county zoning for the town will expire on April 19<sup>th</sup>. He noted that since the Plan Commission has not gotten past the Farmland Preservation issue yet they haven't had time to study the proposed new zoning code yet. Marlin has volunteered to take the existing county code and implement it as a "stop-gap" measure until the town's official code is complete. If the same people that wanted to get out of Prime Ag zoning a few years ago still want out, that would leave the town with approximately 70% of the town's acreage remaining in Farmland Preservation. Questions had been raised as to whether that leaves the town with enough land in Farmland Preservation to have an acceptable certified map. Marlin feels that since there is a push towards AEA's anyway, the town should approach that matter now to get a head start.

## ROADS

Frank noted that there are some bad bumps on Old 47 Road. Discussion was held about just signing it until spring. Bob Woldt read estimates from the Town of Waukechon for 2 projects on Valley Road in which the towns would split

the cost 50-50. The first project would be to grind, prep and pave valley Road from Sunrise Road north to East Meadow Lane at a cost of \$38,000. The total distance is 1575 feet, paved 20' wide and a 3" compacted thickness placed in 2 lifts. Shouldering is estimated at \$2500. Construction of the west side ditch on Valley just north of Sunrise Road is estimated at \$15,000. The second project entails grinding, prepping, paving and shouldering Valley Road from Porter Road 930 feet south to the next good pavement joint. The pavement will again be 3" compacted and 20' wide. There is a double run of 30" culvert pipes located on this project. The pipes should be 40' in length when replaced. This is estimated to be \$5000 and includes the cost of the galvanized corrugated culvert pipes.

Motion was made by Jay and seconded by Frank to go ahead with both cost-shared projects.

Jenny asked what roads are being allocated for the 2012 Road Fund. Jay stated that the town should consider setting up a 2-3 year road plan at the next monthly meeting.

Ross Berkahn noted that there are a few missing and broken road signs and discussed locations with the board for proper replacements.

#### **FIRE DEPARTMENT**

The fire department bowling fund raiser went well. Gene Panske has retired from the fire department.

#### **LIQUOR LICENSE ORDINANCE**

Roy explained a revised Liquor License resolution number 2012-01 that updated previous license fees and license provisions according to recent updates required by the Wisconsin Department of Revenue. Frank made a motion to approve the resolution as written, seconded by Jay.

#### **FIRE ORDINANCES**

Roy gave a brief synopsis of the Fire Prevention & Protection Ordinance 2012-01 along with the Open Burning and Refuse Burning Ordinance 2012-02. Frank made a motion to approve both ordinances as written, seconded by Jay.

#### **SOUTH HIGHLINE ROAD DITCHING ISSUE**

Brennan Haworth, attorney with Menn Law Firm in Seymour opened up the discussion by asking the town board their position on the ditching issue, to what extent is additional cleaning planned, and what type of engineering, if any, is being utilized for the ditching project. To address the first question, Bob stated that the town originally planned on cleaning 500 feet north from Goebel's driveway. Jay corrected him stating that in September the plan was that the ditch was to be cleaned from Berkahn's property north to Swamp Road. Liesner's had talked to Scott Frank and said that Frank would be more than willing to come to a meeting and explain anything he can. Jay then summarized what he felt happened with this entire project, from its initial discussion at the September monthly town board meeting until now, including the fact that the town had "jumped the gun" by failing to notify landowners before the project was initiated. Bob Liesner explained the water flow issue from his point of view. A basic problem with the ditch is that it was constructed by reaching from the road with a backhoe as far as possible and pulling muck and debris against the road bank to help hold the road in place. Jay stated that whether or not the town cleans 6 inches out of the ditch it shouldn't affect Liesners. Liesner's disagreed with this stating that the water is already flooding their property from Vandebrook's water. They noted that Scott Frank had told them that there was no more debris to be removed from the ditch. Valerie King presented the board with email correspondence she had with Frank and also their attorney. Liesner's agreed that they understand that the town can clean out the ditch but if asked if the board would be ok with just cleaning out 6 inches as proposed by the Berkahn's. Bob provided a summary of the town's attorney Tom Martell's opinion on the issue. Brennan Haworth stated that there was an agreement by the town board in September to clean out the town ditch and that he's asking the board to honor that original plan. He further stated that he's not trying to undermine the authority of Scott Frank and he reiterated that the town has the ability to clean out their ditches as it's within their right to do so. The ditch is part of the town's infrastructure that needs to be properly maintained. He concluded by stating that his clients, the Berkahns, would be satisfied if the town finished the process as originally proposed in September. After some debate and discussion, Valerie King stated that the cleaning that has occurred is beyond a typical cleaning. Brennan Haworth inquired of the board as to if the ditch has been uniformly cleaned. Bob and Jay replied that it had not. Haworth then raised the question as to whether doing any additional cleaning would hold any merit, especially because high points in the ditch didn't have any debris on them since water hasn't flowed over them. Jay stated that the town board can't go back on what was originally agreed upon in September. After further discussion did not appear to be leading to a consensus and comments were being made to wait until the next

monthly meeting to continue discussion on the issue, Jay noted that a decision to put this issue to rest should be made now. Brennan Haworth indicated that he would like the board to make a decision to conclude this issue tonight as well. Liesner's summarized that they feel that what's been done to date is sufficient and that Scott Frank agreed. Bob Woldt explained some of the constricting points within the ditch and that it would have been excavated all the way to Goebel's property to properly rectify the problem. Liesner's wanted to know if there is a policy in place to make sure that if the ditch is cleaned that they will retain adequate access off the road to their property. Brennan Haworth, Bob Liesner, and the Berkahn's then approached the table to review the drainage maps together. Valerie King noted that if additional cleaning is done, they would like to be part of the process and would like to have Scott Frank present as well. Brennan Haworth noted that a town representative should also be present to ascertain that all work is being conducted properly. Liesner's asked the board if the ditch is cleaned out if the town will provide a culvert for them so they can get on and off the road from their property. In conclusion the board decided to re-affirm the motion to clean out the ditch, utilizing Scott Frank as a third party observer. Jay made a motion to have Matt Maroszek (excavator) continue to clean out the ditch on South Highline Road from Swamp Road south to just south of Berkahn's property contingent upon the presence of a third party observer Scott Frank of the Land Conservation Service for Shawano County and also a town board representative. Work is to be completed by the first of June. Frank seconded, motion carried.

#### **ADJOURNMENT**

After no further business was presented, motion was made by Frank and seconded by Jay to adjourn. Meeting was adjourned at 8:50pm.