

**MAPLE CREEK TOWN BOARD MEETING  
TOWN HALL W10388 COUNTY ROAD W  
FEBRUARY 8, 2021 6:30 PM**

**Call to order and Pledge of Allegiance**

Chairman Korth called the February 8, 2021 Maple Creek Town Board Budget meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**Verify open meeting notices, roll call, approval of agenda order (stands as is unless motion for change)**

The agenda for these minutes was posted at the three Town posting boards on Friday, February 5, 2021.

Elected Officers present: Dalton Korth, Mike Bruette, Jim Young, Tory Much and Steve Janke

Appointed Officer present: Lynette Gitter

Others present: Debra Radmer, Mike Miller, Susan Griffin and Katie Batten

**Approval of January 11, 2021 Town Board meeting minutes.**

*Young made a motion, seconded by Bruette, to approve the January 11, 2020 Town Board meeting minutes. All Ayes. MOTION CARRIED.*

**Treasurer's Monthly Report;**

**A. Monthly Report**—The balances for all accounts as of January 31, 2021, are as follows: Checking - \$16,414.45; Investment Savings - \$379,566.33; and Town CD's - \$130,821.84. Total town funds - \$526,802.62. Stands as read subject to an audit with the clerk.

**B. Clerk/Treasurer 4<sup>th</sup> quarter Reconciliation**—reviewed the fourth quarter bookkeeping reports. The only change was a Treasurer correction on a check for wages for an election worker. She recorded \$165 and it should be \$222.75. The board should bring up any questions next month.

**Outagamie County Sheriff's officer report (if in attendance)**

None

**Public Input: Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present matters for Town Board consideration, however, they cannot be discussed or acted upon until the subject matter, of the proposed action, has been noticed.**

Katie Batten addressed the audience. She is running for SD of New London School Board. She is a mother of four, has 22 years of radio experience and considers herself fiscally conservative. She would appreciate our vote on April 6. She did mention that there will be a public forum on Thursday, March 11 to meet the candidates.

**Specific matters for discussion and possible action:**

**A. Mike Miller-Building Inspector-Finalize and sign contract**

Chairman Korth would like to see something in the contract regarding advance notice of issuing the permit so that the lot restrictions will be reviewed. It was decided that another statement would be added in the third bullet of the draft stating, "Town Board approved Certified Survey Maps will be sent by the Clerk, when approved, to "Miller" so the Minimum Lot Size ordinance restrictions may be properly enforced." This statement was agreed to by Mike Miller.

*Young made a motion, seconded by Bruette, to approve the Contract for Building Inspection Services with the addition of the following, "Town Board approved Certified Survey Maps will be sent by the Clerk, when approved, to "Miller" so the Minimum Lot Size ordinance restrictions may be properly enforced." All Ayes. MOTION CARRIED.*

**B. Letter from Legal Counsel regarding Minimum Lot Size**

Here's the legal opinion from Attorney Richard Carlson: *The overwhelming practice among Wisconsin Towns, Cities and Villages is not to include or count any part of a public road right-of-way as part of a parcel. Most right-of-ways are owned by the municipality. Some old line Town Roads laid out in the late 1800's and early 1900's are "easement" roads. That is, a Town Road was laid out, but the Town never obtained a deed. A parcel adjacent to such a road may be described as "excepting the south 33 feet for highway purposes" or "reserving the south 33 feet of the parcel for highway purposes". In either event, state road statutes confer virtually absolute*

*control of the right-of-way to the Town over the years, Towns often obtain a deed for the right-of-way when the road was reconstructed. I do not recommend including or counting any part of the right-of-way as part of the parcel. It is unusable for non-road purposes. It will diminish highway setback requirements. More than likely, the Town will have some variety of easement – fee simple right-of-ways which will make zoning administration difficult and confusing. If you think it is somehow unfair to exclude the right-of-way from being counted in your two acre minimum size for these few easement roads, I suggest you reduce the two acres to something less. That is a legislative decision.*

The Clerk reported that the Ordinance No. 2021-1, amending the Minimum Lot Size ordinance has been posted and published, and is now in effect.

**C. Zoning Hearing-10:30am, Feb 9<sup>th</sup>/Mike Siewert proposed rezone from Ex Ag to General Ag**

There is a zoning hearing tomorrow for the Siewert proposed rezone. The Plan Commission and Town Board have already approved the rezone.

**D. Jason Hintzke/Pre-application meeting summary on proposed rezones & land division**

The Hintzke family is now proposing a shop on the east side of the existing home on the south end of Snapping Turtle Lane. Its use would be primarily for a snow removal business. A contractor's shop is allowed by a Special Exception Permit in the General Ag Zone. The area is currently zoned Exclusive Ag so another 2 acres could be rezoned. Since the County only allows rezoning up to 2 acres per parcel from Ex Ag to General Ag, a separate parcel for the house and shop would be needed and a CSM created. The Hintzke's would need Town approval for a zone change and a special exception permit.

**E. Farmland Preservation program/accepting petitions until August 1, 2021**

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is currently accepting petitions until August 1, 2021, to designate new and to modify existing AEAs (Agricultural Enterprise Area). A minimum of five landowners and their local governments must file a joint petition. Chairman Korth said they talked about it a couple of years ago and nobody is interested.

**F. Open Book and Board of Review proposed dates: Wed. April 28<sup>th</sup> 5-7pm & Tues. May 18<sup>th</sup> 5-7pm**

These dates were acceptable to everyone. Young made a motion, seconded by Korth, to set the Open Book for April 28<sup>th</sup> from 5:00 – 7:00 p.m. and to set the Board of Review for May 18<sup>th</sup> from 5:00 – 7:00 p.m. All Ayes. MOTION CARRIED.

**G. Purchase recycling carts?**

The clerk received an email from Marissa Michalkiewicz, County Recycling/Solid Waste Coordinator. The Village of Black Creek regarding an interest in purchasing additional recycling carts. Chairman Korth stated that we purchased 10 carts from Harter's a while back and they will be converted to recycling carts, so we don't need any.

**H. Roads**

**1. Schweitzer Road bridge guardrails**

Chairman Korth was contacted by the County Highway department regarding if we still wanted to fix the guardrails on the Schweitzer Road Bridge. The cost would be approximately \$6900. Chairman Korth told them to go ahead and fix it. This had been discussed prior and approved.

**8) Report of officers:**

**Clerk—**

- February 16<sup>th</sup> Primary
- Sending two chiefs to election training March 24<sup>th</sup>; Voter registration and Poll Book Mgmt.
- Would like to put a write-up in the next newsletter for those running in contested races in the Town
- Pay for the whole year/Star Communications

**Raft—none**

**Plan Commission—see agenda items C & D**

**Constable—picked up a small dog on the corner of Spurr and Pribbernow Roads**

**Building Inspector—agenda item A; no new building permits**

**Cemetery Commission—nothing**

**Public Input: Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present matters for Town Board consideration, however, they cannot be discussed or acted upon until the subject matter, of the proposed action, has been noticed.**

Town Board Meeting, February 8, 2021

Chairman Korth drew up a map to scale with 1 acre, 1 and 3/4 acres and 2 acres to show that there is enough room to fit a 1900 square foot house and a 2000 square foot septic tank on 1 acre.

**Complaints and/or Correspondence/No action taken**

- Letter from County recycling regarding no longer accepting shredded paper
- Letter from Rural Mutual regarding changes to terrorism coverage on Business Owners policy
- Email from WTA County Unit/will try to have next meeting in April

**Review and payment of vouchers**

Vouchers for checks numbering 11589 to 11620 were submitted for review and payment. Additional payments will be made by direct debit from checking for the February IRS withholding tax.

**Future Agenda Items: Discussion/Action?**

**Adjournment/Calendar:** Next Town Board meeting, March 8, 2021 6:30pm; Spring Primary February 16, 2021, 7am-8pm; Next Plan Commission meeting, March 4, 2021 6pm.

Young made a motion, seconded by Bruette, to adjourn at 7:30 p.m. All Ayes. MOTION CARRIED.

These minutes were taken at a meeting of the Town of Maple Creek Board held on the 8<sup>th</sup> day of February 2021,

And were entered in this record book by: \_\_\_\_\_, Clerk Gitter

And were approved this 8<sup>th</sup> day of March 2021 by:

\_\_\_\_\_, Chairman Korth

\_\_\_\_\_, Supervisor Bruette

\_\_\_\_\_, Supervisor Young