

TOWN OF HORTONIA
Minutes of the Public Hearing and Town Board meeting July 09, 2024, 10:30 am

- 1) **Meeting called to order** by Chairman Dennis Clegg. Supervisors Nancy Willenkamp, Jules Zuehlsdorf, and Clerk Lyn Neuenfeldt were in attendance. Treasurer Marilyn Martin, and Constable Rick Bunnell planned to be absent.
- 2) **TB verified that public notice** of meeting--agenda was posted to Town's Website, www.townofhortonia.org and at the Town Hall.
- 3) **Minutes/Clerk's Report:** Supervisor Willenkamp motioned to approve minutes of the May 2024 TB meeting, Zuehlsdorf 2nd. **Motion Carried – unanimous.** The clerk reported that the office was almost complete/ready for move in. C. Cwiklowski has helped to make a lot of progress and will be continuing to get the bathroom done. R. Bunnell will be hauling cardboard and other materials to the county. The clerk will be setting up the Internet service in the first part of August. The Clerk also said she had checked with companies about the price of getting an updated Zoning Map produced. She had originally planned to have it produced by McMahon, but the PC had requested that it be priced out and brought back to them, she would like to move forward and McMahon (at a quote of \$500-\$1000) had provided the best option. This would not be for ongoing services; this would just be to produce a new map to enable the clerk to clean up the parcels that had not been recorded by the County; something she had been working on when Admin Sanders resigned and then had to delay while the new Zoning Administrator was hired. She suggested that they move forward with this and then have the PC continue with the RFPs for the Zoning ordinance and the Comp Plan, both of which would require larger budget considerations and many scheduled meetings. Atty Parmentier had said that it was up to the board to make the final decision. The board agreed to move forward with the proposal from McMahon.
- 4) **Treasurer's report:** Treasurer provided the report for May of 2024 that we had income of \$11,582.34 and outgoing expenses of \$51,286.74 leaving a total balance of \$518,968.74 remaining in Wolf River Money Market Accounts which includes \$289,866.11 in the contingency account, \$65,863.48 from County Sales tax payments, \$57,858.00 from Integrity Grading for the repair of lower Givens when the Hwy 15 is complete; and \$20,000 in New Town Hall Fund. There is \$22,774.50 in the Park Fund, \$974.50 in Dog License account, and \$5,005.88 in the Tax Account. Wolf River Checking (dist. Acct) \$8,406.84 Willenkamp motioned to accept the Treasurer's report. Zuehlsdorf 2nd. **Motion Carried – unanimous.**
- 5) **Hear from the Floor:** Attorney Parmentier addressed update residents about MCC quarry and their intentions of expanding including the recent addition of a berm allow Upper Givens Road. (Representatives from MCC were also in attendance)
Atty Parmentier went through a brief history of the situation with the Quarry. In 2021 MCC had sent a proposal to the town stating they believed the original quarries legal non-conforming use extended to all its more recently acquired properties even though those properties were owned by a separate subsidiary. The town disagreed with that but said they would consider a proposal from the quarry to find common ground. MCC drafted a proposal but other matters the town engaged in took precedent until the recent expansion brought it to the forefront. The board held a special meeting a few months ago to allow residents to voice their concerns about the quarry. After the meeting they held a closed session to consult with Attorney Parmentier and decided they needed to decline the proposal and ask MCC to submit an application for a Conditional Use permit for the properties that they reasoned were not covered by the past non-conforming status of the original area. MCC is in the process of completing their application but in the meantime both the Board and Planning Commission could not speak about the Quarry or application to make sure that everything discussed was "on the record."
Attorney Parmentier explained the process of a Conditional Use Permit application and how all the information that residents wished to express should be done at the Public Hearing or submitted in writing so that it could be added to the official record. No comments or evidence can be considered unless it is part of the official record. The Board will provide advance notice of the meetings and hearings once the Applications are submitted. While residents were certainly welcome to come to the board with their concerns prior to the process. Those concerns can only be considered as part of the process if they are part of the official hearing.

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It is important to remember that a CUP must be based on substantial evidence, and it is not discretionary and cannot be based on opinion. Attorney Parmentier gave the example of land value concerns. Many people may be concerned or have the opinion that land values are affected, but that would not be the same as written or verbal evidence given by licensed realtor/written evidence of an expert.

Atty Parmentier also explained the need for closed sessions when talking to council as way to strategize with the board for the good of the town. While it may not be satisfying right now, it is needed to provide the best chance for a positive outcome for the Town.

Resident Tim Manion thanked Atty Parmentier for his summary and explanation and asked when the meeting took place if there were not limits put on time or number of people who could speak. The Board said they were committed to having everyone have a chance to talk.

- 6) **Liquor License Renewals:** The Following Establishments submitted applications for renewal of their Liquor Licenses as well as applications for beverage serving licenses-Triple B's Old 45 Archery, Whistler's Knoll, and Quiver and Minnow. The Clerk stated that all applications were reviewed and requirements for renewal met. Motion to renew Licenses and approve Servers Licenses made by Chairman Clegg 2nd by Willenkamp- **Motion Carried Unanimous**
- 7) **Old Business**-2 CSMs presented to the Board, both have already completed the required rezoning process prior to this and the CSM's reflected the specifics laid out as part of those rezones. Both have been recommended for approval by the PC.
 - a. Parker CSM Moton-although previously approved this incorporate-although previously approved these incorporated changes requested by the county ed changes requested by the county made by Zuehlsdorf and 2nd by Willenkamp to approve the Parker CSM - **Motion Carried Unanimous**
 - b. Pfeifer CSM- Moton made by Zuehlsdorf and 2nd by Willenkamp to approve the Parker CSM- **Motion Carried Unanimous**
- 8) **New Business**- Chairman Clegg reported on the following Road updates:
 - He will be checking into the possibility of turning over a street and creating a cul-de-sac next to New London Building Supply since they have bought the houses across the street from the current location.
 - Crack Sealing has begun on Town Roads.
 - Striping will be added to Givens due to traffic.
 - The Board would be looking into the possibility of abandoning the dedicated road-Bel Aire Lane.
- 9) **Any Additional Items/HFTF**-none
- 10) **Approve Payment of Expenses**- Willenkamp Motioned to approve expenses of \$31,301.95, 2nd by Zuehlsdorf -**Motion Carried - Unanimous**
- 11) Motion to move into Closed Session made by Dennis Clegg-
 - a. Roll call vote: Clegg-Aye, N Willenkamp-Aye, J. Zuehlsdorf-Aye.
 - b. Motion to end Closed Session return to open meeting made by D Clegg 2nd by N Willenkamp.
- 12) **Set date for the next Meeting.** -Next Town Board Meeting will be set for July 09 at 2pm.
- 13) **Adjourn**-Motion by Clegg, 2nd by Willenkamp-**Motion Carried Unanimous.**