

Town of Otter Creek - Caucus Meeting – January 12, 2021

Otter Creek Town Hall

Attendees:

Chairman Mark Warner*

Supervisor 1 Cecil Hayes*

Supervisor 2 LeAnn Ralph*

Clerk/Treasurer Bev Bernier

4 Guests: Residents: Bob Bernier, Jeff Dehnhoff, Randy Simpson, Lori Sudbrink

8 Guests - Non-residents: Gary Anderson, Dylan Derringer, Jessica Deringer, Jenifer Reidel, Jeremy Caturia, Tyler Knutson, John Higbie, Bob Higbie,

*Board Members

Meeting was called to order by Chairman Warner at 7:05 pm.

All board members were in attendance plus 4 residents and 8 non-residents. Advertising had been done in the Colfax Messenger and on the Town website.

Warner explained the two ways available for the process of nominating people for the town offices. Verbal nomination was agreed upon for nominations. He then asked someone to chair the meeting as he was planning on running for a position. Bob Bernier then nominated Warner to chair the meeting. Jeff Dehnhoff seconded the motion. Aye – 8, nay – 0.

There would be three offices to be filled for the next two-year term, starting in April, 2021.

Chairman nomination: Bob Bernier made a motion nominating Mark Warner for the chairman position. Ralph seconded the motion. Hayes made a motion to close all nominations for the chairman position. Simpson seconded. Carried – 8, opposed – 0.

Supervisor 1 Nomination – Bob Bernier made a motion nominating Cecil Hayes for the Supervisor 1 position. Ralph seconded the motion. Ralph made a motion to close all nominations for that position. Bob Bernier seconded the motion. Carried – 8, opposed – 0.

Supervisor 2 Nomination – Hayes made a motion nominating LeAnn Ralph for the Supervisor 2 position. Bernier seconded the motion. Hayes made a motion to close all nominations for the position. Bernier seconded the motion. Carried – 8, opposed – 0.

Since there will be no opposition, in any one position, it is not necessary to determine in what order the names will appear on the April 6, 2021 election ballot. All nominated names will appear under their specific positions, in first place order.

Hayes made a motion to adjourn the 2021 caucus meeting at 7:11 p.m. Simpson seconded. Carried – 8, opposed – 0.

Bev Bernier, clerk/treasurer, met later with the necessary forms for the candidates to complete in running for their various positions on the Otter Creek ballot, to be voted on at the April 6, 2021 election.

Respectfully submitted – Bev Bernier, Clerk/Treasurer

Town of Otter Creek – Hearing – January 12, 2021

The public hearing for discontinuance of a Public Road in the Town of Otter Creek under s. 66.1003(4) Wis. Stats., was called to order on Tuesday, January 12, 2021, at 7:12 p.m. All board members were in attendance, plus four residents

and eight non-residents as noted above. Advertisement of the meeting was published in the Colfax Messenger on three consecutive weeks, on the Otter Creek website, on the Town Hall door, and posted within the Township. Notice was also provided to abutting landowners per s. 82.10(4) Wis. Stats. by certified mail, return receipt.

Resolution to Discontinue Road - process to date – ss. 82.10 – 82.12, Wis. Stat.

- November 10, 2020 – Town Board approved Resolution R-4-2020 – Notice of Hearing to discontinue road, hearing at least 40 days after introduction of the resolution. Hearing date: 1/12/2021, 62 days after introduction.
- November 11, 2020 – posted Resolution R-4-2020 – Notice of Hearing to discontinue road on Town of Otter Creek website and on Town Hall door and 2 posting boards within Township
- November 18, 2020 – filed/recorded Lis Pendens – Resolution R-4-2020 for Discontinuance of Public Road with the Register of Deeds, Dunn County WI
- November 25, 2020 – per chapter 985, Wis. Stats, sent via US Postal Service, Certified Mail – return receipt, at least 30 days before the hearing, served upon owners of lands abutting the roadway (sent 47 days prior to hearing): cover letter, copy of Lis Pendens with map and Resolution R-4-2020 to:
 - John Higbie, Jr (delivered 11/28/2020)
 - Gregory Lentz (delivered 11/30/2020)
 - Wis Dept of Natural Resources (delivered 11/27/2020)
 - Dunn County Land & Water Conservation (delivered 11/27/2020)
 - Jeremy Caturia (USPS attempted delivery 11/27 & 12/4/2020, Clerk phoned Caturia 12/12/2020 and left message regarding hearing and hand delivered documents to 312 W Menomonie St., Elk Mound WI, received by Jaycie Reidel-Caturia, daughter of Jeremy Caturia 12/12/2020)
 - Jessica Deringer (hand delivered 11/25/2020)
- December 9, December 16, & December 23, 2020
 - Notice of Hearing – Discontinuance of a Public Road in the Town of Otter Creek - published in Colfax Messenger, class 3 notice under chapter 985, Wis. Stats., Affidavit of publishing dated 12/23/2020.

11/17/2020 – report from Jenny Davis of Ridgeland that her car was hung up on a rock on 1090th Avenue on 11/13/2020.

11/18/2020 – barricades in place on 1090th Avenue

11/23/2020 – 11/24/2020 – barricades removed by unknown person

11/25/2020 – Chairman Warner submitted an incident report to Dunn County Sheriff's Department on theft

Objections received:

12/6/2020 – letter dated 12/2/2020 from Lori Sudbrink opposing road closure based on undue hardship as she uses the road for agricultural purposes.

Hand delivered by Lori Sudbrink before start of Monthly Board Meeting on 12/8/2020:

- Letter from John Higbie dated 12/2/2020 opposing road closure based on undue hardship as he uses the road for agricultural purposes.
- Petitions provided by Lori Sudbrink in opposition to road closure based on Wis. Stats. Sec. 66.1003(4)(c) – no discontinuance of a public way if written objection is filed with owners abutting the public way or by owners of more than one-third of the frontage of lands abutting – signed by Robert Higbie, John Higbie, Patrick Higbie, Audra Higbie, Diane Higbie (12/7/2020), and separate petition based on same statute signed by Jeremy Caturia, Jennifer Reidel, (12/5/2020) and Lori Sudbrink (12/8/2020).

12/29/2020 – letter dated 11/30/2020 from Kenny & Sue Satter opposing road closure based on undue hardship as they use the road for agricultural purposes.

12/23/2020 – letter dated 12/4/2020 from Jeremy Caturia opposing road closure based on undue hardship as he used the road for agricultural purposes, and from an emergency standpoint the road closure will put him at detriment as it will be one less access point if emergency services are needed.

1/12/2021- letter dated 12/2/2020 from John Higbie opposing road closure based on undue hardship as he used the road for agricultural purposes (same letter as received on 12/8/2020).

Discussion:

Bob Higbie – he goes from the top to bottom of the farm – way closer to go that way using the road. He runs some farm equipment, he goes up empty that way, bring tillage equipment up that way, check crops. He grows crops top and bottom. Very handy for them, otherwise they have to go all the way around. His own roads are too steep.

Jeff Dehnhoff – the road is too roughed up to travel with farm equipment in the summer, people use as a dump. Jeff never sees any equipment, tractor, etc, use the road. Jeff said many people get hung up and he gets asked to help any time of day or night. The width of the road is not good, the material from the road runs down the road anytime there is rain.

Bob Bernier talked to other farmers near the road, they can't take equipment up it. He talked to the insurance company regarding liability and there is concern with the road in it's current state.

Lori Sudbrink asked about making it a minimum maintenance road. Cecil Hayes stated that Wisconsin does not have that provision. Mark Warner stated the town is required to keep their road passable at all time. Tyler Knutson asked if it can be an 18' wide road? Jeremy Caturia asked where is the funding that comes from the State and land taxes, why has there not been anything done to this road? Road acts as fire break – helps with defensive fire-fighting. Response from board is that money is spent on roads where people live.

Motion by Ralph to close the public hearing at this time, seconded by Hayes. Resolution R-1-2021 introduced – motion to approve and close the road. Roll call vote – Cecil – aye, LeAnn – aye, Mark – aye. Motion passed. **Bernier to draft Order and send to Register of Deeds for recording and to County Highway Commissioner.**

Motion to adjourn the road closure hearing at 8:16 p.m.

Town of Otter Creek – Regular Town Board Meeting – January 12, 2021

Mark Warner, chairman, called the regular town board meeting to order at the town hall on Tuesday, January 12, 2021, at 8:29 p.m. All board members were in attendance, plus five guests: Dylan & Jessica Deringer, Anderson, Bernier, Simpson. Advertisement of the meeting was published in the Colfax Messenger and as shown above.

Meeting minutes were not read by the Clerk as Warner, Ralph and Hayes reviewed the minutes prior to tonight's meeting and agreed that the minutes did not need to be read. Ralph approved the minutes as presented. Warner seconded. Motion carried to approve minutes as presented.

- Possible action on 2021 per capita payment to the Colfax Responsible Unit; **moved to February 9, 2021 meeting.**
- Possible action on purchase of solid waste and recycling equipment; **moved to February 9, 2021 meeting.**
- Review and action on Responsible Unit Agreement (RUA) Amendment; motion to sign amendment by Warner, seconded by Ralph, motion carried. **Bernier will send signed agreement to Niggeman.**
- Review permit request for Chibardun fiber optic cable throughout Otter Creek Township, permit consent application; Mark completed the Otter Creek permit, and prepared a requirement list for Mosaic. They are starting in the Spring of 2021 in Otter Creek and completed by winter. Hayes Motioned to approve the utility permit with Chibardun, seconded by Ralph. Motion approved. **Bernier will send the document to Chibardun.**
- Cemetery lawn maintenance charge; **moved to February 9, 2021 meeting.**
Review Otter Creek building ordinance – description of dwelling, number of buildings on acreage, zoning permit for metal container storage, letter from DC Zoning to Brad Ingram. Assessor will assess accordingly for the past two years and going forward. General agriculture only allows single family

housing and no accessory dwellings and a density of 1 dwelling per 5 acres (density can be transferred between contiguous tracts of land). **Bernier will get the definition of dwelling from the County.**

- Troy Holzhueter - E6400 1150th Ave, Wheeler. Do we plow all the way to the gate located at the "T" at the end of 1150th Ave. **Anderson will plow to the gate.**
- Current list of fees from Fred Weber, building inspector, was emailed to board 12/31/2020;
- Mileage reimbursement 1/1/2021 - .56/mile
- Chargeback of personal property tax (\$512 Andy Reinolt trailer removal) needs to be filed in April;
- Elections – February 16 Spring Primary, April 6 Spring Election;
- Colfax Rescue – 2020 Summary Report
- Weber Inspections December report - 12/10/2020 Giertz Insulation Passed
12/10/2020 Giertz Rough Electrical Passed
12/10/2020 Giertz Rough HVAC Passed
12/10/2020 Giertz Rough Plumbing Passed
- Patrolman report of road work/equipment; - did some sanding, brushed 765th, going to County S. Mower issues. Snow expected.
- Auditing of bills for payment; all bills approved.
- Review treasurer's report; Ralph motioned to accept the treasurer's report, seconded by Hayes, motion carried.
- Review/approval of budget amendment to balance the 2020 budget; Hayes motioned to approve the budget amendments for 2020, seconded by Ralph, motion carried.
- Public comments – none.
- Any other business – none.
- Adjournment motion to adjourn by Ralph, seconded by Hayes – motion carried. Adjourned at 9:10 p.m.

Clerk went through the finances.	Equipment Account -	\$31,309.35
	Tax Account -	\$201,961.01
	Checking Account -	\$35,559.51

Respectfully submitted – Bev Bernier, Clerk/Treasurer

CONTACT PHONE NUMBERS IN ORDER OF CALLING:

Gary Anderson – 715-658-1483;	Bob Bernier – 715-577-6310;
Mark Warner – 715-658-1602, 715-556-6083 (cell);	Cecil Hayes – 715-577-6634 (cell);
LeAnn Ralph – 715-308-6336;	Town Shop - 715-658-1319;
Bev Bernier - 715-658-0131;	Chuck Boyer – 715-600-4149