

Town of Otter Creek Regular Town Board Meeting Minutes
Otter Creek Town Hall, Wheeler WI
Tuesday, July 12, 2022

Attendees:

Chairman Mark Warner*
Supervisor 1 Cecil Hayes*
Supervisor 2 LeAnn Ralph*
Clerk/Treasurer Bev Bernier
Patrolman Gary Anderson

Guests: Dylan Deringer, Jessica Deringer, Randy Simpson, Chuck Boyer, Bob Bernier, Jon Robinson, Joe Robinson, Mike Robinson, Josh Secraw, Ken Satter, Chris Menard, Mark Dehusson, Tom Morris

*Board Members

The Regular Town Board meeting was called to order by Town Chairman, Mark Warner, at 7:00 p.m.

Approval of Minutes from the June 14, 2022 Regular Town Board Meeting and July 9, 2022 Fence Viewing. Motion by Hayes to approve the minutes of the 6/14/22 Regular Town Board Meeting and 7/9/2022 Fence Viewing, second by Ralph, MC.

Fence viewing update – the town board viewed the fence between Sudbrink and Deringer on Saturday, July 9, 2022. They did not make decision at that time. Warner contacted several attorneys, including a Wisconsin Towns Association attorney. The Towns Association said that, according to Statute, if one land owner is engaged in animal raising, and one is not, then both landowners are responsible for the fence. UW extension lawyer he tried to contact, and contacted two other attorneys. One attorney is booked until August, the other one he is waiting for a reply. The Board could delay the decision until talking with the attorney. Discussion regarding a provision about the unenclosed land and who previously had responsibility for the fence. When Deringer bought the property, there was no decent fence on the property. How much does this come into play. Fence was not holding anything back. If we make a ruling tonight, it stays on the record, unless it is challenged and modified. The Chairman and previous clerk went through records from 1970's forward, nothing recorded with the clerk regarding the fence.

A fence had been constructed fairly recently on the property in question by Robinson (where there currently is no line fence) and the fence was then torn down, just a few feet off the survey line. Robinson said this was a temporary fence, Deringer had no knowledge that this was a temporary fence. It was electric and both parties did not have an agreement on an electric fence, Deringer was not asked to agree or disagree regarding an electric fence. Robinson went to the expense and trouble to build the fence, and labor to tear it down. Deringer thought this electric fence was now the line fence and then found out during the fence viewing that this fence had been taken down. Deringer's fencing contractors, when building Deringer's fence, got to the point of the Robinson's electric fence, and were not comfortable going any further since there was a line fence already constructed.

These cattle (Robinson's) have been out on numerous people's land. The Town Board can either make a decision now or delay the decision and talk to a lawyer first. Discussion on a partition fence vs boundary fence, if both parties are insisting it is a boundary fence – this is not a decision for the board. The board

makes a decision on a partition fence. This case is unique as there was a fence on the partition fence line and it was then taken down. There is no dispute on the property line, the land has been surveyed. The parties agree on the location of the 40-acre parcel, it would be at the point where the two 40's meet. Deringer would need an extension of at least 90 days if he needs to hire fence builders. Question to the board - can the board pass any by-law for Otter Creek that determines responsibility for fence building based on the use of land? Request for the record – there was a petition fence on Robinson's property, it did not match the rest of the fence, but it did not look temporary and the fence builders said it was a good fence per Wis. Stats. 90.02. Jon Robinson put up the electric fence, it was tied into both corners. The board has to describe the 40's that come to the points, the part that is in dispute and the part that needs to be constructed, need to write it up, give to clerk, and state who is responsible for what. If Robinson again builds a temporary fence, it must be a minimum of 15 to 20 feet out from the fence line so a permanent fence can be built on the fence line. Hayes made a Motion to make a draft determination with a 50/50 responsibility, and the board to meet, review, and act on the determination on Saturday, July 16, 2022, at 8 a.m. Second by Ralph, MC. The Clerk will notice the meeting to review the Determination document.

Discuss equipment replacement planning/schedule – one year since last discussion. To discuss:

- Plow truck – Status – pick up week of 7/11/2022. We need to do work on the 2011 truck to make it ready for sale. Clerk working on obtaining a duplicate title.
- Backhoe - we have 4500 hours on it, had 1800 when we bought it. Evaluate this after the plow truck purchase.
- Skid steer – we have very low hours on it thus far
- Grader – used second to plow truck.
- Consider V plow for the truck

Motion by Ralph to move the equipment discussion to the August 16, 2022 Regular Board Meeting, second by Warner, MC.

Summer propane fill - top it off. Clerk to contact Synergy.

Propane contract for Fall of 2022 – Synergy sending information late July

Sanitary Permit – Joseph Leier, N10878 690th St, Wheeler – in-ground replacement

Specials requests –

Legends Title – Eau Claire

Owner: NW3P LLC and Terra Investments LLC/Schafer

Property Address: Vacant Land on County Road S and County Road SS, Wheeler

Tax Parcel No.(s): Part of 17020-2-301204-340-0001

Legends Title – Eau Claire

Owner: NW3P LLC and Terra Investments LLC/Erickson

Property Address: Vacant Land Lot 2, Wheeler WI

Tax Parcel No.(s): Part of 17020-2-301204-340-0001 and Part of 17020-2-0301204-310-0001

WESTconsin Title Services – Menomonie

N9724 710th Street, Colfax WI – Owner Bradley R. Kehoe

Buyer: WM Metering Technology LLC (Jared Lubbers)

Updates from Fred Weber –

- 6/1/2022 Flug Permit Issued New Home Construction
- 6/10/2022 Berryman Final Inspection/Occupancy Passed

Date for August regular board meeting. August 9, 2022 is Partisan Primary, move regular board meeting to either August 2 or August 16, 2022. Motion by Ralph to move the meeting to August 16, 2022, second by Hayes, MC.

Clerk to submit emergency action plan to Dunn County.

Road Work/Equipment – Gary and Mark met with Dave from Monarch, 1030th, 4” to 6” of blacktop and base ground together. Shale and lime rock underneath it. Put \$20,000 on a gravel road, no sense messing with it, put the gravel on another road. Cut off at the intersection on bid, put another 100 feet on, put an apron on the dirt road. 20 tons more than bid, \$2200 more than bid. Need to get the plow truck ready for sale.

Auditing of bills for payment

Treasurer’s report. Motion to accept the Treasurer’s report by Ralph, seconded by Hayes, carried.

Clerk reviewed the finances.

Equipment Account -	\$46,451.18
Tax Account -	\$118,918.66
Checking Account -	\$70,684.51

Public comments – none.

Auditing of bills for payment

Any other business

Motion by Ralph to **adjourn Regular Board Meeting**, seconded by Warner, motion carried. Meeting adjourned at 8:29 p.m.

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