

**UNAPPROVED - TOWN OF CENTER - UNAPPROVED
MONTHLY BOARD MEETING MINUTES
May 13, 2024**

BOARD MEMBERS PRESENT: Gary Timm, Gary Blank, Ron Klemp, David Vander Bloomen, Pete Hofacker

OTHERS PRESENT: Logan Farrell, Adam Dobbert, Tina Valencia, John Dexter, Jerry Lingnofski, Anne Schmidt, Paul Garvey, Dennis Neumann, Dawn Garvey, Mike Manteufel, Dave Vander Zanden, Emily Tseffos, Michelle Sasman, Steve Schmeichel, Tom Schupp, Al Kramer, Ryan Wettengel, Kevin Wohlrabe, Brian Wloszczynski, Chase Simonis, Danielle Simonis, Steve Wieckert, Jim Nelson, Bill Vachon, Ryan Kramer, Bill Rathsack, John Carew, Norb Dargelies, Keith Doyle, Troy Christnacht, Jack Christnacht, Marv Ebben, Kim Calmes, Dave Calmes, Tom Shambeau, Rick VandenHeuvel, Tim Jenkel, Craig Smoll, John Baum

Chairman Timm called the regular Town Board Meeting to order at 7:04 p.m. after the initial Board of Review meeting. The Pledge of Allegiance was recited. Supervisor Hofacker said a prayer.

Supervisor Vander Bloomen moved, seconded by Supervisor Hofacker to approve the agenda as printed. Motion carried – 5 aye, 0 nay.

Supervisor Hofacker moved, seconded by Supervisor Klemp to approve the minutes of the April 8, 2024, Special Town Board Meeting. Motion carried – 5 aye, 0 nay. Supervisor Vander Bloomen moved, seconded by Supervisor Blank to approve the minutes of the April 8, 2024, Regular Town Board Meeting. Motion carried – 5 aye, 0 nay. Supervisor Hofacker moved, seconded by Supervisor Vander Bloomen to approve the minutes of the April 22, 2024, Special Town Board Meeting. Motion carried – 5 aye, 0 nay.

Public Comment Period – Anne Schmidt lives at the end of Meadow Lane, just off Mackville Road – she requested the town to add gravel to Meadow Lane and level it out. She stated there are large potholes and only screening remaining. Supervisor Vander Bloomen inquired if the residents on that road would agree to have an assessment charged back for the expense of the gravel. There was a debate about whether the town or the Meadow Lane residents should be liable for the road maintenance expense. Anne Schmidt requested to have the town's attorney check into it. Chairman Timm agreed to look at the road and determine next steps. Al Kramer reported they are still moving forward with the NRCS grant. They have already been approved for a feasibility study.

Outagamie County Officer Update – The County Officer asked if anyone had any criminal or traffic related issues to be addressed. Chairman Timm indicated that there have been some road signs stolen.

Old Business

The board discussed the insurance proposal for Accidental Health & Accidental Death & Dismemberment Coverage for First Responders and Firefighters. The consensus was that this additional benefit would not be enough to impact recruitment or retention for either department. Supervisor Vander Bloomen moved, seconded by Supervisor Hofacker not to proceed with this additional coverage. Motion carried – 5 aye, 0 nay.

New Business

Marshall Properties of Appleton, LLC, a solely owned entity of Vinton Construction Company (VCC), requested approval for a Special Exception Permit to expand on the current non-metallic mining operations in the area – Parcels: 040-045700, 040-051800, 040-046200, 040-051900, 040-046001, 040-052000, 040-046000, 040-052100, 040-045800 and 040-052300. Chairman Timm indicated the Town Planning Committee approved the request unanimously with conditions requiring house/well inspections, to keep the trees on the southern border and to comply with eagle regulations.

John Dexter is concerned about more water drainage to his property between his house on Pleasant Road and the proposed quarry expansion area. Bill Vachon is the representative for the project and agreed to work with the neighbors to make sure they are not flooded out. Danielle Simonis would like confirmation that the conditions proposed at the Planning Committee Meeting are noted on the Special Exception Permit. Supervisor Vander Bloomen noted that the Outagamie County Zoning Committee has the final ruling on whether the Special Exception Permit is approved. Residents can go to the county public hearing and express concerns or ask

questions before the county makes their final decision. Wayne DeBruin said the quarry is only 250' feet from his house and he has not had any issues as long as the quarry follows required regulations.

Supervisor Hofacker moved, seconded by Supervisor Vander Bloomen to approve the Special Exception Permit with the following conditions: 1) Applicant hires a structural engineer to survey homes & inspect wells, 2) Applicant keeps the trees on the southern border, 3) Applicant complies with eagle regulations and 4) Applicant considers drainage requests/reasonable property-damage mitigation needs of neighbors. Motion carried – 5 aye, 0 nay.

Tyler Calmes and Troy & Jennifer Christnacht requested approval of a CSM to amend the lot line between parcels 040-064500 (W3899 Highview Dr) and 040-064513 (W3955 Wege Rd). Supervisor Hofacker moved seconded by Supervisor Vander Bloomen to approve the CSM as requested. Motion carried – 5 aye, 0 nay.

Bill Rathsack would like to create a 3-Lot County Plat with his property on Devine Lane. The property has been split the maximum allowed times by CSM, therefore, a County Plat is the only option for future splits. At the March 2024 Town Board meeting, the board agreed to remove the verbiage on the existing CSM that had 66' reserved for town road purposes. Chairman Timm stated he wasn't in favor of where the road easement was shown before on the CSM but if Bill proceeds with a County Plat, it may be beneficial to include the road easement on the northern border of his proposed Lot 2 in the event there is development in the surrounding area in the future. There was further discussion about the future road easement and how the town would own the road easement. If there was ever a new development, the developer would need to pay to build the new road to connect the properties.

There was discussion about the Autumn Hills sub-division and the expenses the Town has already incurred for engineering plans and work to improve drainage. Dave Vander Zanden owns the property to the south and expressed concerns about the flooding on his property and the Autumn Hills retention ponds not working. He has aerial maps throughout the years that show the amount of water on his property increasing as more houses in Autumn Hills were built. Supervisor Klemp would like to give the Autumn Hills property owners a time limit to create a plan to clean up the retention ponds. If it is not completed within the time limit given by the town, he suggested the town hire the work done and assess it back to the property owners. Craig Smoll, on behalf of the Autumn Hills residents, stated they are continuing to take steps forward and would like to keep working with the town. Craig would like an opportunity to review the new information about the property to the south flooding. He said that contractors last fall agreed the retention ponds were doing their job. Al Kramer questioned what the new county staff is saying about pond inspections since the county approved the ponds, but no inspections were ever done in the past. Al suggested mentioning this at the next Task Force meeting with the county. Supervisor Hofacker expressed that it was his understanding that Cedar Corp's Engineering assessment (\$8,592) was intended to be charged back to the Autumn Hills property owners. The engineering plan was requested by the Town Board to receive professional expertise to assess the drainage problems and determine how to resolve them. Supervisor Vander Bloomen said it was his understanding that the Town was covering Phase 1 of the drainage improvement project (\$9,409), which prevented the road from flooding and freezing over. Phase 2 expenses prior to this meeting total \$28,694 - including the Engineering Plan. Tom Brown questioned if the ditch cleaning is the town's responsibility or the sub-divisions. There was continued discussion about who is responsible for maintenance of ditches, water drainage and if sub-divisions should be required to establish HOA's. This issue will be tabled until further information is received to clarify who is legally responsible for ditch maintenance.

The Board reviewed and edited all town ordinances at a special meeting on April 22, 2024. The Clerk made the requested changes and provided the Board with a final draft of the changes to review. Supervisor Hofacker moved, seconded by Supervisor Vander Bloomen to proceed with a Public Hearing with their updates to the Town ordinances. Motion carried – 5 aye, 0 nay.

Chairman Timm mentioned the Town of Dale has had an ordinance in place prohibiting the use of holding tanks for new construction for over twenty years. The board reviewed Dale's ordinance and would like to do the same. Supervisor Hofacker moved, seconded by Supervisor Vander Bloomen to proceed with a Public Hearing to create a new ordinance to prohibit the use of holding tanks for new construction. Motion carried – 5 aye, 0 nay.

There was discussion about landowners cleaning their own ditches and whether the town could reimburse landowners for the expense. The Board agreed qualified landowners could clean their own ditches, but it would need to be at their own expense. Tom Brown would like to sit down with the board to create an application for interested landowners.

There is an ATV Club that would cover the fees involved to open sections of County Road PP & County Road O to ATV's. The Town ATV ordinance needs to match the county ATV ordinance before the county will consider any applications. The Outagamie County Hwy. Commissioner, Dean Steingraber, is currently reviewing the town's ordinance. The ATV Club would like to do a combined county application and combined public hearings between townships where the county roads connect, if allowed by the county.

Due to recent accidents, Supervisor Vander Bloomen reached out to Dean Steingraber as to how the Hwy 47/County Road S intersection could be improved until the roundabout can be completed in 2027. Dean said rumble strips could be installed if requested by the town. The DOT would not consider full LED lights on the stop signs because accidents are not occurring from people missing the stop signs. The board decided not to request rumble strips.

Supervisor Vander Bloomen mentioned the town should consider creating a border agreement with the City of Appleton to try to prevent annexation. The East Central Wisconsin Regional Planning Commission requested to meet with Chairman Timm next week so he will see what that meeting is about before continuing a border agreement discussion.

Josh Boucher and Gary Timm were the top two candidates to fill the next 3-Year Planning Committee term from May 1, 2024 to April 30, 2027. Supervisor Vander Bloomen moved, seconded by Supervisor Hofacker to approve Josh Boucher and Gary Timm to fill the Planning Committee positions for the 2024-2027 term. Motion carried – 5 aye, 0 nay.

Reports

Roads Report – Tom Brown reported that Autumn Hills ditches were cleaned out and Rock Road was fixed where the tractor got stuck. Tom is recommending requiring sub-divisions to establish an HOA. He also recommends not allowing concrete bottoms in ditches as the water runs too quickly and creates a wash out at the end. Wege Road is completed and Tom heard some people were questioning why it was only 22' wide. He explained that if he made it any wider, it would have increased the slope of the ditch too much. The chip sealing should be done by the end of May. Hillview and Woodview were patched. Glenn Street had some prep work done before chip sealing. Service Motors has a tractor available for leasing, but it is bigger than originally requested. Logan is continuing to work on the snowplow truck. Tom asked the Board how often they want the town hall roof inspected – it was suggested every other year. The restroom floor will be replaced next week. Logan will be removing the existing flooring and he will also spray for ants while nobody has the hall rented.

Ball Diamond – Steve Schmeichel reported the ball diamond is going well.

Citizen's Concerns – Chairman Timm reported there is a building going up on Meade Street that did not obtain a building permit from Paul Hermes. Paul Hermes will work with them to get one.

Fire Chief – Sam Dillenberg has raffle tickets available for the Fire Department Picnic.

First Responders – Sam Dillenberg reported the First Responder's fundraising event went well.

Clerk's Report/Correspondence Received – none

County Report – none

Bartender License Approval/Denials – Supervisor Hofacker moved, seconded by Supervisor Vander Bloomen to approve St. Edward's temporary Class "B" beer license and "Class B" wine license for the Mackville Nationals Truck & Tractor Pull. Motion carried – 5 aye, 0 nay.

Supervisor Hofacker moved, seconded by Supervisor Blank to approve St. Edward's temporary bartender licenses for Brian Ebben and Jeff Wolter. Motion carried – 5 aye, 0 nay.

Supervisor Hofacker moved, seconded by Supervisor Vander Bloomen to approve the bartender license application for Deanna Depner. Motion carried – 5 aye, 0 nay.

Building Permits – Supervisor Hofacker moved, seconded by Supervisor Vander Bloomen to approve the building permit report submitted by Paul Hermes. Motion carried – 5 aye, 0 nay.

Financial Reports – Expenses for April 9, 2024 – May 13, 2024 were \$66,065, Revenue was \$26,308. Current checking account balance is \$655,444. Supervisor Vander Bloomen moved, seconded by Supervisor Hofacker to accept the financial report as submitted. Motion carried – 5 aye, 0 nay.

Payment of Invoices – Supervisor Vander Bloomen moved, seconded by Supervisor Blank to approve payment of invoices, checks #17488 through #17562, ACH Payments. Motion carried – 5 aye, 0 nay.

Supervisor Klemp reported on the WI Town's Association Road Conference he attended.

Supervisor Hofacker moved, seconded by Supervisor Blank to adjourn the meeting at 9:06 p.m. Motion carried – 5 aye, 0 nay.

Respectfully submitted,

Amy L. Olson, Clerk-Treasurer