

The Town Board of the Town of Taycheedah met on Tuesday, January 8th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the January monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The Clerk read the minutes of the December monthly meeting. Jerry Guelig motioned to accept the minutes as read, seconded by Tim Simon. Motion carried (3-0).

Committee Reports:

Web site update appears on the meetings agenda.

- #1 Mt. Calvary Fire Dept. request for additional funds to purchase a 6-wheeler. Mt. Calvary Fire Dept. asked for donations to purchase a 6-wheeler with tracks and trailer, to be used for remote location rescues. It is a joint effort between the fire department and the ambulance. The vehicle cost is approximately \$13,000.00. One town has donated \$750.00. After public input, Jerry Guelig motioned to donate \$1500.00 to the Mt Calvary Fire Dept., seconded by Ann Simon. Motion carried (3-0). The budget will be amended at the February meeting in recognition of the donation.
- #2 Review and possible approval of the Preliminary Plat of Hawk's Landing subdivision as requested by Nett Land & Development. The Plan Commission conducted a public hearing on January 7th, 2002. The Plan Commission resolved to recommend the Town Board approve the Preliminary Plat conditional upon a review of the drainage plan by the County or an independent expert prior to this meeting. The review should include what can be done in the future to protect ag-land south of the culvert. The Plan Commission instructed Ron Cunzenheim to request that the County fax their written review to the Clerk prior to this meeting. Ann Simon contacted Lynn Mathias, Fond du Lac County Land Conservation Department. Mr. Mathias' letter regarding the Plan Commission's condition was submitted to Ann Simon. Mr. Mathias' letter states, 'After considerable discussion with Mr. Cunzenheim, it is my opinion that the calculations used for the pre-development and post-development conditions are consistent with the method our office will use to review the proposal when it reaches the county for review'. The letter also states, 'As always, our office will conduct an on site review and will scrutinize the assumptions and calculations used in determining the peak flow and volume of storm water discharged from the site'. Mr. Mathias will also meet with concerned adjoining property owners. Mr. Cunzenheim stated that since last night's Plan Commission hearing, further evaluation was done pertaining to current drainage flow patterns adjacent to the site. If a berm is constructed along the east edge of the subdivision, as offered by the Nett's, water collecting on the Petrie farm will not be able to drain effectively. An access will be provided to aid the flow of water from the Petrie's to the west. Mr. Cunzenheim requested Board approval contingent upon the County's review, in order to move forward with the project. The Board wants assurance that there will not be drainage problems in the future. The Board also has concerns about the enforceability of the restrictive covenants pertaining to the maintenance of the open space and the possibility of the Town becoming liable. Tim Simon suggested that Attorney John St. Peter review the covenants. Sanitary sewer service was briefly discussed. Mike Freund, Sanitary District Commissioner, stated the he 'don't see how the district could be limited to provide service' if the Board approves the subdivision. Ann Simon motioned to deny the approval of the Preliminary Plat until the following data is compiled: 1) the review of the drainage calculations, 2) the legal aspect of the covenants and the Town's liability and 3) the proposed state legislation that would dictate the location of residential districts from ag. After additional discussion, Ann Simon withdrew her motion. The Board discussed the two issues. Chairman Guelig will meet with Mike Nett to discuss his concerns pertaining to the covenants. Ann Simon motioned to table the Preliminary Plat until February 12th, 2002, for further information on 1) the drainage and 2) the covenants. Motion carried (2-1). Tim Simon voted nay.
- #3 Proposal and project outline from WisNet for the web site. Marlys Welsch contacted Rick Kolstad of WisNet for a proposal to complete the development of the Town's web site. \$2000.00 has been budgeted for the site. WisNet's total estimate is \$1925.00 without a \$40.00 a month maintenance fee. The Web Site Committee will meet soon.
- #4 Consideration of a Blasting Permit application submitted for the Bertram/Eckert quarry operation. John Ahlgrimm, Ahlgrimm Explosives Company, did not attend the meeting. Item tabled until the February meeting.
- #5 Consideration of a Blasting Permit application submitted for the Simon/Northeast Asphalt quarry operation. After review, Jerry Guelig motioned to approve the Blasting Permit, seconded by Ann Simon. Motion carried (2-0-1). Tim Simon abstained.
- #6 Consideration of a budget amendment transferring \$200.00 to Chairman wages and \$200.00 to Supervisors wages. Jerry Guelig motioned to transfer \$400.00 from the Contingency Fund and put \$200.00 into Chairman wages and \$200.00 into Supervisor wages, seconded by Ann Simon. Motion carried (3-0).
- #7 Further discussion of increasing the minimum lot size for residential purposes. Item tabled on 11/13/01. After further discussion on the issue and other related issues, the Board instructed the Clerk publish the notice required for an ordinance amendment. The notice shall propose a minimum lot size amendment of .5 acres for sewered lots and 1.5 acres for unsewered lots.
- #8 Schedule the Road Maintenance Supervisor's annual review. The closed session review was scheduled for Wednesday, January 23rd, at 8:00 a.m., open session will follow with a workshop meeting.
- #9 Certified Survey Maps. No Certified Survey maps were submitted.
- #10 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 1-58), seconded by Ann Simon. Motion carried (3-0).

Ann Simon motioned to adjourn, seconded by Jerry Guelig. Motion carried. (3-0).

Attest Brenda A. Schneider
Brenda A. Schneider, Town Clerk

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Attest 
Brenda A. Schneider, Town Clerk

B. Schneider

- Minutes -

Web site committee Meeting

The town of Taycheedah Web Site Committee met on 1-14-02 at the town hall at 6:15 p.m.

Members present; Judy Barret, Marlys Welsch, Brenda Schneider, and Robert Norris.

General Meeting Opened. Minutes of last meeting, July 9, 2001 were read and approved.

Marlys Welsch gave a detailed report to the rest of the committee of her work with Rick Kolstads. To include his association with Dot Net and other projects he has worked with the Don Jones organization as well as Horning Inc. All agreed he is likely the best individual for us to hand our web site project to.

It was noted Rick Kolstads e-mail address is rkolstad@wisnet.com.

Marlys also pointed out that Rick hoped that each committee member e-mail to him two web site formats which would be favorable for the town.

The town logo was again discussed and possible ways to get town residents involved. Brenda Schneider was appointed to post notice or requests to town members to submit ideas. The costs of the site were discussed and Kolstads outline of charges was looked at and all agreed to use available funds now and add more detailed and costly items in the near future. Those more costly items being codes, ordinances, and the comp plan.

Bob Norris was appointed to contact Charles Mathison regarding his donation of the old map and photos for the history page of the site. In a brief history discussion it

was noted that the town's name, Taycheedah, is the Indian word or words meaning, camping place.

Brenda Schneider was asked to contact Rick and inform him what portion of the towns ordinances are already on disc so he will be more aware of the work remaining.

Judy Barredt was appointed to outline some ideas for the calendar page.

Marlys volunteered to keep the lines of communication open and supply information to and from Rick Kolstad so things may progress nicely.

Respectfully,

Robert Norris

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The Chairman called the meeting to order. The Pledge of Allegiance was said. The Clerk read the minutes of the January monthly meeting. Ann Simon motioned to amend the minutes to reflect that Mike Nett agreed to the tabling of Hawk's Landing Preliminary Plat review, seconded by Jerry Guelig. Jerry Guelig motioned to accept the minutes as amended, seconded by Tim Simon. Motion carried (3-0).

#7 Approval of Town bills. Ann Simon motioned to approve the Town bills as submitted (order nos. 59-124), seconded by Tim Simon. Motion carried (3-0).

Committee Reports:

The web site is now up and running. The site has email capabilities, officials contact information, calendar, history and maps. Agendas and minutes will be inserted.

The Park & Rec. Committee will be meeting on Monday, February 18th.

Special Orders

The Chair instructed Kim Bertram, Park & Rec Committee Chairperson, to address the need to clean the park trails and mark the trails.

Unfinished Business:

#1 Review and possible approval of the Preliminary Plat of Hawk's Landing subdivision as requested by Nett Land & Development. Tabled on 01/08/02. The Plan Commission conducted a public hearing on January 7th, 2002. The Plan Commission resolved to recommend the Town Board approve the Preliminary Plat conditional upon a review of the drainage plan by the County or an independent expert prior to the January 8th Town Board meeting. The review should include what can be done in the future to protect ag-land south of the culvert. At the January 8th Town Board meeting, the Board tabled the Preliminary Plat review pending Mr. Mathias' review of the drainage plan and further research pertaining to the restrictive covenants.

Mr. Mathias' letter dated February 11th, 2002 states, "All calculations and assumptions used for designing the drainage and stormwater management structures are consistent with methods currently used by the Land and Water Conservation Department. I have visited the site and I'm confident that the proposed drainage plan and stormwater structures will adequately protect the landowners adjacent to the proposed development, as long as the structures are installed and maintained as designed."

"While stormwater has been adequately addressed under current county policy for this proposal, I find nothing that pertains to the long term maintenance of the stormwater structures or control of erosion during the construction phase of the project. At a minimum, and prior to any individual lot permits being issued, all stormwater detention basins should be installed and protected from erosion by permanent seeding. All drainage ditches along roadways, as well as major swales between lots, should be seeded and mulched prior to any building permits being issued. Any permits issued should contain language concerning erosion control on individual lots in order to protect the established drainage system and stormwater structures. And, all areas designated as green space, should be shaped, seeded and mulched prior to lots being developed."

"Any areas that have been permanently seeded prior to lot development should be immediately repaired if damage to the seeding occurs during lot development or utility installation."

Chairman Guelig spoke about the need for permanent swales between each home.

Chairman Guelig met with Mike Nett about the green space issue. He also consulted the Town's attorney. The attorney recommends the restrictive covenants, the plat and the deed restrictions state that the owner and/or developer are responsible for the green space and that at no time will the town accept the green space as town property. Also, the Nett's will have to provide a bond for the cost of the construction of the roads. The roads will be built to town specs before the town will accept the roads. All driveway approaches to the roads must abide by the ordinance and all mailboxes must be back at least 2 feet from the edge of the blacktop.

Ann Simon stated that people with complaints have approached her. Some of the complaints have been about Mike Nett. The complaints against Mike pertained to two issues. The first issue being the fact that Mike had a license through the state to conduct perc test. The complaint she received claimed that Mike lost his perc testers license due to misrepresentation of perc test results. Ms. Simon admitted that she was given false information. During her investigation, she discovered that Mike Nett had allowed his license to lapse.

The second issue pertains to the location of the proposed subdivision. Ms. Simon accused Mike Nett of acquiring the land into the Plan by misuse of powers by a town official. Ms. Simon stated that she has handed the complaint over to the District Attorney and that he will follow-up. Ms. Simon stated that it is her responsibility as an elected official to maintain that nothing illegal goes on in the Town. Ms. Simon also stated that she contacted Attorney John St. Peter. Attorney St. Peter stated the Town has two options: 1) with Mike Nett's consent, table the Preliminary Plat approval for 30 days in order to allow the DA time to review the complaint or 2) deny the Preliminary Plat.

Tim Simon asked Ann Simon if she had permission from the Chairman to contact the Town's attorney. Ms. Simon stated she can't talk to Jerry without violating the Open Meetings Law and that she had to make a choice. She also stated that if the Board is not happy with it, she will pay any fees the attorney

charges.

Ms. Simon asked Mike Nett if he had any comments. Mike Nett stated that Ms. Simon's allegations are unsubstantiated and unwarranted. The professional planner contracted by the Town to do the Plan had recommended the Town rezone the property to residential. However, the Board chose to not show favoritism toward Mike and made the property Ag-Transitional.

Ms. Simon asked Mr. Nett if he was willing to consent to tabling the Plat review for 30 days. Mr. Nett stated he could not answer the question without a consultation with his brothers and their attorney. He also stated that Ms. Simon's claims have no bearing or relevancy to the Plat. Ann Simon stated the situation is out of the Board's hands and that the Plat should be put on hold until the DA has reviewed the complaint.

Ron Cunzenheim, Excel Engineering, stated that Ann Simon has done everything she could think of to delay and even to stop the subdivision. The proposal meets all the criteria in the Town's ordinances. The Board should support their ordinances. "Some one contacted you; you're elected to protect the Town". She could have picked-up the phone and called Mike to discuss her concerns. Instead, she chose to attack the character and integrity of the Netts. Ron also asked Ann Simon if she had written documentation supporting her allegation. Ms. Simon answered no.

Ann Simon informed Tim Simon that people have also questioned him voting on the Nett's subdivision because he digs basements for the Netts.

Jerry Guelig stated every concern should be and will be addressed.

Dr. Welsch stated that last year the Board expressed a desire to listen to all. The Board also established a policy that complaints must be filed in writing, signed and dated. All legitimate complaints should follow the outlined procedure.

Dennis Osterholt, Plan Commission Chairman, questioned Ann if the complaints she received were filed in writing. Ann stated that she does not have them but the complainants said they would put it in writing. Dennis responded that the complaints should have been in writing before she proceeded with the complaint.

Jim Huck informed the Board that the professional planner was the person who included the parcel in the growth area; not Mike Nett.

Ron Cunzenheim requested and Chairman Guelig agreed that all of Ann Simon's comments be included in extensive minutes. He also stated a family's name has been taken apart in less than 10 minutes due to unfounded complaints.

Ann stated that she did what is legally required of her.

Ron Cunzenheim requested a copy of the letter giving Ann the authority to speak to the attorney and a copy of all letters of complaint.

Dennis Osterholt informed the Board that the Plan took approximately 30 meetings, more than 40,000 total man-hours, to educate the Town. The Plan was voted on by the residents, approved by the residents, approved by the Plan Commission and approved by the Town Board. That Plan included the Nett's property.

Neal Nett requested that the Board move forward with its decision without further delay. Last month's meeting had two stipulations. Both stipulations have been met.

Jerry Guelig stated that he would not uphold the proposal. However, if something develops that he doesn't know about, we will have to start over. Jerry Guelig motioned to approve the Preliminary Plat of Hawk's Landing with the following stipulations:

- The restrictive covenants, deeds and the plat clearly state that the property owners and/or developer are responsible for the green space and that at no time will the Town accept the green space as town property,
- All driveway installations shall comply with the ordinance,
- All mailboxes shall be installed at least two feet from the edge of the road.
- Any areas that have been permanently seeded prior to lot development, should be immediately repaired if damage to the seeding occurs during lot development or utility installation,
- The retention ponds must be a minimum of three feet in depth.

Motion seconded by Ann Simon. Motion carried (3-0). Ann Simon offered to speak to Mike Nett after the meeting.

#2 Consideration of a Blasting Permit application submitted for the Bertram/Eckert quarry operation. Tabled on 01/08/02. Jerry Guelig motioned to accept the Blasting Permit application as submitted, seconded by Ann Simon. Motion carried (3-0). A letter will be sent to the blaster and the Bertram's reminding them that they must follow the Blasting Ordinance.

#3 Consideration of amending the Zoning Ordinance increasing the minimum lot size for sewer and unsewered residential purposes. Tabled on 11/13/01. The Plan Commission conducted a public hearing on November 12th, 2001. The Plan Commission resolved to recommend the Town Board leave the square-footage of sewer and unsewered lots as written and to research the development of a Conservation Subdivision Ordinance. After discussion pertaining to the current minimum size, the applicability to new developments and existing developments, the current varying lot size requirements in the different zoning

classifications, and that the current green space requirement may need to be amended because it is based on the number of lots not lot size, Jerry Guelig motioned to amend the Zoning Ordinance by increasing the minimum lot size of sewered lots to 1/2 acre and unsewered to 1 1/2 acres as of 02/12/02 on any new plats, seconded by Tim Simon. Motion carried (3-0).

New Business:

- #1 Consideration of a resolution adding St. Peter Sanitary District as a Party to the Contract between the City of Fond du Lac and the Outlying Sewer Group. Tim Simon motioned to adopt the Resolution Consenting to Admission of St. Peter Sanitary District of the Town of Taycheedah as a Party to the 2000 Wastewater Agreement, seconded by Jerry Guelig. Motion carried (3-0).
- #2 Consideration of a budget amendment transferring \$1500.00 from the General Contingency Fund to Public Safety. Ann Simon motioned to transfer \$1500.00 from the General Contingency Fund to Public Safety, seconded by Jerry Guelig. Motion carried (3-0).
- #3 Discussion of adopting a Temporary Burning Ban Ordinance as requested by the Fond du Lac County Fire Chiefs Association. The Fire Chiefs Association is requesting that each town adopts an ordinance that would ban burning during dry conditions. The Town has yet to obtain a sample ordinance.
- #4 Consideration of enforcement of fire number placement. Some residents have removed their new fire numbers. Missing numbers could cause confusion with emergency response. The Board will send a letter requesting the residents re-install their fire numbers.
- #5 Certified Survey Maps. Jerry Guelig motion to approve the Certified Survey Map submitted by George Walker for Lot 27 and part of Lot 26 of J.W. Brigg's Plat of Linden Beach and a part of the SW 1/4 of the SW 1/4 in Section 17, and a Certified Survey Map submitted by Cliff Heights Farms for the SE 1/4 of the NE 1/4 of Section 9, seconded by Ann Simon. Motion carried (3-0).
- #6 Consideration of purchasing additional tables for the Town Hall. Jerry Guelig motioned to authorize Dennis Osterholt to research the cost of new tables, seconded by Tim Simon. Motion carried (3-0).
- #7 Approval of town bills. At the request of Treasurer Roger Schneider, the bills were approved at the beginning of the meeting.
- #8 Seminar Ann Simon attended on Ag. Ann Simon reported on the Compatibility of Agriculture in an Urban Environment educational session she attended.
- #9 Storage of official records. Ann Simon has emptied the vault and Tim Preston has power-washed it. The vault will be painted. The records will be sorted and then placed back into the vault. All records, with the exception of the last two years will be stored at the Town Hall. The office will be remodeled. Once the office is remodeled, office hours will be established and all records will be in the Town Hall. Records can be viewed and copied but may not leave the building. A new copying machine is located near the vault. The Chairman and the Clerk are the only ones entitled to remove records from the building. The locks will be changed and the Clerk must be present when people are viewing records.
- #10 Wisconsin Legislature letter. The Board discussed the impact Governor McCallum's budget proposal will have on the Town if his proposal is approved.

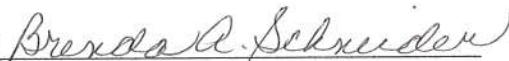
Public comment and questions pertaining to town business:

Mrs. Welsch questioned the legal notice pertaining to the 5-acre lot size that was in the paper recently. The Clerk explained that she inadvertently emailed the background file instead of the resolution file. The paper also admitted responsibility for the error and therefore, substantially reduced the fee.

Jim Rosenthal, Board of Appeals Chairman, questioned who is responsible to regulate and enforce the conditions established on Conditional Use Permits. Ann Simon responded that any complaint would go to the Town Board. The Town Board would investigate the applicability and then it would go to the Board of Appeals.

Scott Otte, J.E. Arthur & Associates, Inc., presented engineered drawings of the proposed town road that will provide access to the Gerald Gilgenbach property. The Town Board approved the Certified Survey Map of the road on December 11th. The Certified Survey Map has been recorded with the Register of Deeds. Chairman Guelig authorized Mr. Otte to proceed with the DOT permit.

Ann Simon motioned to adjourn, seconded by Jerry Guelig. Motion carried. (3-0).

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TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN

RESOLUTION AMENDING THE CODE OF ORDINANCES

The Town Board of the Town of Taycheedah does hereby ordain as follows:

Section 1. The portion of the Town of Taycheedah Code of Ordinances, the Residential Zoning Districts minimum square footage of a buildable lot for residential purposes, be amended in accordance with the following revisions:

13-1-42(d)(1) R-1

Single-Family Residential District with Public Sewer
Increased from 15,000 sq. ft. to 21,780 sq. ft. (1/2 acre)

13-1-43(d)(1)(a) R-2

Single-Family Residential District Without Public Sewer
Increased from 35,000 sq. ft. to 65,340 sq. ft. (1 1/2 acre)

13-1-44(d)(1) R-3

Two-Family Residential with Public Sewer
Increased from 20,000 sq. ft. to 21,780 sq. ft. (1/2 acre)

13-1-45(d)(1)(a)

R-4 Two-Family Residential Without Public Sewer
Increased from 50,000 sq. ft. to 65,340 sq. ft. (1 1/2 acre)

13-1-46(d)(1)

R-5 Single-Family & Two-Family Residential with Public Sewer
Increased from 15,000 sq. ft. to 21,780 sq. ft. (1/2 acre)

13-1-47(d)(1)(a) R-6

Single-Family & Two-Family Residential Without Public Sewer
Increased from 20,000 sq. ft. to 65,340 sq. ft. (1 1/2 acre)

13-1-48(d)(1) R-7

Lakeside Single-Family Residential District
Increased from 10,000 sq. ft. to 21,780 sq. ft. (1/2 acre)

The minimum square footage increases apply to all new plats.

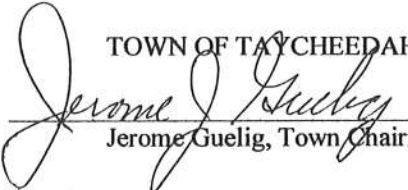
Section 2. The Town Clerk is authorized and directed to revise the text of the Code of Ordinances in accordance with the changes adopted in Section 1, above.

Section 3. The amendment authorized by this resolution shall take effect upon adoption and publication in the Town's official newspaper.


Section 4. The remaining provisions of the Town's Code of Ordinances shall remain in full force and effect, except as amended by this resolution.

Adopted this 12th day of February, 2002.

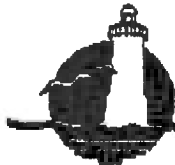
TOWN OF TAYCHEEDAH


Jerome Guelig, Town Chairman

Attest:


Brenda A. Schneider, Clerk

921-9985



Fond du Lac County

LAND & WATER CONSERVATION DEPARTMENT
PHONE (920) 923-3033 Ext. 101
FAX (920) 923-3039

Agricultural Service Center
W6529 Forest Ave., Fond du Lac, WI 54937

Sam Tobias
Planning & Parks Director
City/County Government Center
160 South Macy Street
Fond du Lac, WI. 54935

February 11, 2002

Dear Mr. Tobias:

I have reviewed the drainage plan for the Hawks Landing Preliminary Plat, along with the Engineering Report from Excel Engineering, Inc., and have the following comments.

" All calculations and assumptions used for designing the drainage and stormwater management structures are consistent with methods currently used by the Land and Water Conservation Department. I have visited the site and I'm confident that the proposed drainage plan and stormwater structures will adequately protect the landowners adjacent to the proposed development, as long as the structures are installed and maintained as designed.. "

" While stormwater has been adequately addressed under current county policy for this proposal, I find nothing that pertains to the long term maintenance of the stormwater structures or control of erosion during the construction phase of the project. At a minimum, and prior to any individual lot permits being issued, all stormwater detention basins should be installed and protected from erosion by permanent seeding. All drainage ditches along roadways, as well as major swales between lots, should be seeded and mulched prior to any building permits being issued. Any permits issued should contain language concerning erosion control on individual lots in order to protect the established drainage system and stormwater structures. And, all areas designated as green space, should be shaped, seeded, and mulched prior to lots being developed. "

" Any areas that have been permanently seeded prior to lot development, should be immediately repaired if damage to the seeding occurs during lot development or utility installation. "

If you have any question on the above comments and recommendations, please give me a call at 920-923-3033 Ext. 121.

Sincerely,

Lynn Mathias

Lynn Mathias,
County Conservationist

cc: Ann Simon, Town of Taycheedah Supervisor

First on the Lake

**RESOLUTION CONSENTING TO ADMISSION OF
ST. PETER SANITARY DISTRICT OF THE TOWN OF TAYCHEEDAH
AS A PARTY TO THE 2000 WASTEWATER AGREEMENT**

TOWN OF TAYCHEEDAH

RECITALS

WHEREAS, the Town is a party to the 2000 Wastewater Agreement ("the Agreement") between the Sewer User's Group Tributary to the City of Fond du Lac Regional Wastewater Treatment Facility ("the OSG") and the City of Fond du Lac; and

WHEREAS, the St. Peter Sanitary District ("St. Peter") has previously been admitted as a member of the OSG and has requested that it be admitted as a Party to the Agreement; and

WHEREAS, the Town of Taycheedah has previously purchased capacity in the Shared Regional Facilities that will be purchased and used by St. Peter; and

WHEREAS, the admission of St. Peter as a Party to the Agreement will not adversely affect any current Parties to the Agreement, Shared Sewers or the Shared Regional Facilities; and

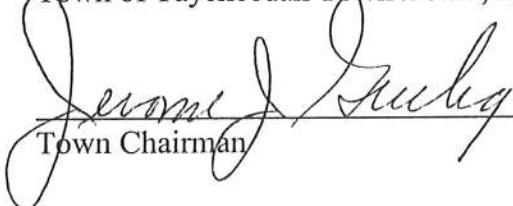
WHEREAS, St. Peter meets the criteria under the Agreement for admission of a new Party, subject only to the consent and approval of current Parties;

RESOLVED

The Town consents to and approves the admission of the St. Peter Sanitary District as a Party to the 2000 Wastewater Agreement.

Adopted this 12 day of Feb., 2001. 2002

Town of Taycheedah Town Board, by:


Town Chairman

Attest:


Town Clerk

The Town Board of the Town of Taycheedah met on Tuesday, March 12th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the March monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The Clerk read the minutes of the February monthly meeting. Ann Simon requested the following revisions to the minutes:

- Unfinished Business Item #1:
 - Strike the sentence "Ms. Simon accused Mike Nett of acquiring the land into the Plan by misuse of powers by a town official."
 - Strike "and to even stop". Replace it with "You have thrown a wrench into everything possible to delay this."
 - Add to the stipulations in the approval motion "If anything develops with the District Attorney, the whole development will start over."
- New Business Item #9:
 - Strike "Clerk" and replace it with "any elected official"
- Public comment per the Clerk's request:
 - Strike "Mrs." And replace with "Marlys".

Jerry Guelig motioned to approve the minutes as read and amended, seconded by Tim Simon. Motion carried (3-0). The Board discussed whether or not the minutes should be inserted into the web site and if whether or not they should be inserted prior to Board approval.

Committee Reports:

The Web Site Committee. The web site is online. Ron Cunzenheim is in the process of scanning the Code of Ordinances in preparation of insertion into the site. The Committee plans to meet prior to the April monthly meeting to discuss a few minor issues that have arisen.

Park & Rec Committee. No report.

Special Orders

None stated.

Unfinished Business:

None.

New Business:

- #1 Consideration of an attachment to the boundary of Johnsburg Sanitary District requested by Jason Meyer. The Johnsburg Sanitary District Commission met on March 11th, 2002. The Commission resolved to recommend the Town Board approves the attachment request submitted by Jason Meyer. Jerry Guelig motioned to approve the attachment, seconded by Ann Simon. Motion carried (3-0).
- #2 Consideration of a Class B Beer License application submitted by St. Peter Athletic Club. Jerry Guelig motioned to approve the renewal of the Class B Beer License for the St. Peter Athletic Club, seconded by Tim Simon. Motion carried (3-0).
- #3 Discussion of the current and former zoning classifications of property owned by Pat & Sandy Mand. Pat Mand contacted Ann Simon. Mr. Mand had petitioned for a rezone of over 40 acres from agriculture to residential in 1988. When the Plan was done the zoning was changed back to agriculture. The Mand's also own a small parcel between the St. Peter ball diamond and Mark Mand Excavating that was zoned business. That parcel was also changed to ag. The Mand's were not informed when the zonings were changed. Mr. Mand would lose money if he tried to sell the property without the former zonings. Ann Simon spoke to Sam Tobias, Fond du Lac County Planning Director. He stated that at the time, the Board was not required to provide direct notices to the landowners. The Board feels they should re-look at everything that was changed. Mike Nett recommended the Board review the Plan Commission minutes from that process. He stated the Plan Commission had the burden of amending the zoning map using the Comprehensive Plan as its basis. A resident suggested reviewing previous newsletters. He stated the property owners are obligated to keep themselves informed. The Board was also questioned as to how the Mand's were able to put up a business building and start running a business if the property was zoned residential. Jerry Guelig responded that the building is a storage shed with no office. The item was tabled.
- #4 Discussion of increasing the maximum square footage of detached garages and accessory structures in the residential districts (R-1 to R-7). The Board has increased the minimum lot size and feels the

detached structure size should be increased. Charlie Mathison, Board of Appeals member, stated that the Board of Appeals Handbook recommends that if numerous variances are being requested, the Board should consider amending their ordinance. Mr. Mathison recommended the Plan Commission evaluate size limits based upon a three-class system depending upon lot size. Ann Simon agreed that it should go to the Plan Commission. She feels the whole ordinance should be reviewed. Tim Simon recommended developing a formula based upon lot size. Jerry Guelig stated the Board would develop a formula and have the Plan Commission review it. The Board will conduct a workshop meeting to further discuss the issue.

#5 Certified Survey Maps. Jerry Guelig motion to approve the Certified Survey Map submitted by Neil Groeschel for Lot 1 in the SE 1/4 of the SW 1/4 in Section 21, seconded by Ann Simon. Motion carried (3-0).

#6 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 125-170), seconded by Tim Simon. Motion carried (3-0).

Public comment and questions pertaining to town business:


The Clerk received an emailed letter submitted at the request of Darrell Bazzell, Secretary of the Department of Natural Resources. Mr. Bazzell's staff attorney has determined that the Town and the Fisherman's Road Fishing Club are exempt from the Shoreland Zoning Ordinance. However, Spike Clarenbach is insisting that the Town & the Club still need to meet with the County Board of Appeals for their determination on the exemption issue. Spike will try to have the meeting scheduled within the next month.

At the next meeting, the Board plans to show a video of the Town's new tractor/snowplow in action. Randy Rieder, one of the operators of the tractor, says it works great. It saves a lot of time.

Judy Barrett found her original motion from the 2001 Annual Meeting. The motion was to authorize the development of a web site to include all meeting dates, agendas and minutes.

Chairman Guelig stated that people could submit complaints in writing through the new email system. The people would then have to attend the meeting when their complaint is handled. Ann Simon stated that prior minutes indicate that complaints must be in writing except in cases of emergency. Mike Wirtz informed the Board that emailed complaints cannot be signed and that anybody's name could be typed in.

Jerry Guelig motioned to adjourn, seconded by Ann Simon. Motion carried. (3-0).

Attest 
Brenda A. Schneider
Town Clerk

The Town Board of the Town of Taycheedah met on Monday, April 8th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the April monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The Clerk read the minutes of the March monthly meeting. Jerry Guelig motioned to approve the minutes as read, seconded by Ann Simon. Motion carried (3-0).

Committee Reports:

The Web Site Committee. Most of the town contact email addresses are now useable. Marlys Welsch offered additional assistance to those that may need it. Input from people visiting the site will be appreciated. The Codification of Ordinances is now on the site.

Park & Rec Committee. No report.

Special Orders

None stated.

Unfinished Business:

Ann Simon informed the Board that she is still gathering information pertaining to the zoning changes that took effect in 1999. She has contacted Mid America Planning Services, reviewed the Plan Commission meetings minutes and will meet with an individual that attended all of the Comprehensive Planning meetings. The individual has all the background material used during the Plan development.

New Business:

- #1 Consideration of a Jurisdictional Transfer Agreement between the Wisconsin Department of Transportation and the Town of Taycheedah submitted by the DOT. The transfer agreement pertains to the construction of a cul-de-sac to the two homes located southwest of the Hwy. 151 and Hwy. 149 intersection. The state will bear the costs of construction prior to the transfer. Jerry Guelig motioned to approve the Jurisdictional Transfer Agreement, seconded by Tim Simon. Motion carried (3-0).
- #2 Consideration of a Class B Beer License application submitted by Johnsbury Athletic Club. Jerry Guelig motioned to approve the renewal of the Class B Beer License for the Johnsbury Athletic Club, seconded by Ann Simon. Motion carried (3-0).
- #3 Consideration of Plan Commission member appointments. The terms of members Angie Prull, Mike Wirtz, Mark Kirschling and Joe Thome are expiring. Jerry Guelig asked for volunteers interested in serving on the Plan Commission. The following residents volunteered: Angie Prull, Mike Wirtz, Neal Nett, and Bill Spieker. The Chairman also added Bud Sabel and Allen Sabel to the list of volunteers. Joe Thome was not contacted. The Chairman will contact Mr. Thome. The Board will meet for a workshop meeting to further consider the candidates. Appointments will be made at the next meeting.
- #4 Review the 2001 Annual Report. The Board reviewed the Annual Report. Board member and audience questions were answered.
- #5 Certified Survey Maps. No Certified Survey Maps were submitted.
- #6 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 171-255), seconded by Tim Simon. Motion carried (2-1). Ann Simon voted no.

Public comment and questions pertaining to town business:

The office is under construction. The public was invited to view it.

Mike Nett read a personally written statement. Mr. Nett's statement is summarized as follows:

Mr. Nett is protesting the revisions made by the Town Board on March 12th, to the minutes of the Feb. 12th meeting. Mr. Nett believes the original minutes, as prepared by the Clerk were accurate and factual. Ron Cunzenheim was not contacted in reference to the revision pertaining to his statement. If contacted, he would not have agreed to it. Jim Huck has also signed a statement supporting the accuracy of the original minutes. Mr. Nett also submitted a transcription of the tape, which was started prior to Jerry Guelig's motion. Mr. Nett requested the original minutes be re-instated.

Mr. Nett also informed the Board that Ann Simon has not responded to his written open records request submitted to her via certified mail. Mr. Nett publicly request Ann to respond to his request.

And lastly, Mr. Nett informed the Board that he still has no knowledge of a complaint against him filed by Ann Simon with the District Attorney. Mr. Nett requested that Ann forward a copy of her filed complaint to him.

Mr. Nett submitted to the Clerk a copy of Jim Huck's statement, a copy of the audio-tape transcription, a copy of his open records request mailed to Ann Simon on Feb. 14th, 2002 and the corresponding certified mail receipt signed by Ann Simon. (All submitted documents are attached in the official minute book.)

Ann Simon's comments were as follows:

- No one from the public made any comments when the Chairman asked for corrections to the minutes. The minutes were approved by the Board. The minutes should stand as approved unless seeking advice from Attorney John St. Peter.
- She met with the District Attorney. He is reviewing the case.
- Personal notes and personal phone bills are not considered official town records. Mike Nett had no right and was wrong to ask for that information from her. Ann stated that she does not have to respond to the open records request.
- The information submitted to the District Attorney is part of an investigation. If charges are filed, Mr. Nett and his attorney can file a motion of discovery with the District Attorney and get all the information that was given to him.


Mike Nett stated that his understanding of the law is that the Board itself approves the minutes and that the public has no right to request changes. Also, a revision was made to Ron Cunzenheim's comments. Ron was not in attendance at the March 12th meeting. He had to obtain a copy of the original Feb. 12th minutes and a copy of the revised Feb. 12th minutes before asking Ron for his comments.

Ann Simon stated that she will not submit her complaint to Mr. Nett as verbally requested. She also feels that she has answered the certified letter that asked for things that are not official records.

Ann Simon stated that when they campaigned, they stated that they were not going to allow anymore things to go on in the Town that did not seem right. She has to do what the Town ordinances say and that she will not change it for anybody.

Jim Rosenthal, Board of Appeals Chairman, asked if Ken Ogie's Conditional Use Permit is being enforced. Jim questioned if the Board has done an inspection of the Ken Ogie salvage yard to determine if the hazardous chemicals are no longer outside, uncovered, if the estimated 2000 tires have been removed and if the fencing has been repaired. Jim stated that if the conditions have not been met, the business should be shut down. Ann Simon stated the DNR inspects salvage yards. The Board discussed the status of the Conditional Use Permit approved by the Board of Appeals in June of 2000. Jerry Guelig stated he will look into it and report at the next meeting.

Jerry Guelig motioned to adjourn, seconded by Tim Simon. Motion carried. (3-0).

Attest 
Brenda A. Schneider
Town Clerk



Wisconsin Department of Transportation

February 20, 2002

TRANSPORTATION DISTRICT 2
2000 Pewaukee Road, Suite A
P.O. Box 798
Waukesha, WI 53187-0798

Telephone: (262) 548-5902
FAX: (262) 548-5662
E-mail: waukesha.dtd@dot.state.wi.us

Brenda A. Schneider
Clerk, Town of Taycheedah
W2695 Loehr Street
Malone, WI 53049

Dear Ms. Schneider:

Please find enclosed three jurisdictional transfer agreements for the segment of roadway that will be left in place when USH 151 is relocated. A sketch is attached to the back of the agreement to help identify this segment. Please return all three agreements to me for processing after the Town has signed them. A fully executed document will then be returned to you.

If you need any more information, please contact me at the District office or by telephone at (262) 548-5943.

Sincerely,

A handwritten signature in cursive script that reads "Richard Raupp".

Richard Raupp
Transportation Planner

Enclosures

EDGARTON, ST. PETER, PETAK, MASSEY & BULLON
10 Forest Avenue, P.O. Box 1276
Fond du Lac, WI 54936-1276
Telephone: 920 922 0470
FAX: 920 922 9091
E-mail: jstpeter@lawfdl.com

TO: Brenda A. Schneider
FROM: John A. St. Peter
DATE: April 4, 2002
RE: DOT Jurisdictional Transfer Agreement
TOTAL PAGES: 1

This will confirm that I have reviewed the above agreement that was presented to the Town by the DOT relating to the new 151 cul-de-sac.

The agreement is in proper legal form and will be enforceable in accordance with its terms. As you and the Board no doubt know, the Town will be legally responsible for the new road on the date of transfer. (The agreement says that the date of transfer is November 15 of the year the reconstructed 151 is open to the public. This is ambiguous. Do they mean the entire 151 bypass or only the portion in the vicinity of Peebles? You may want to clarify the trigger date.)

I have not reviewed the legal description or map for accuracy. It appears self-explanatory, but an independent engineer or surveyor should review the map if there is any doubt about the location of the road that will be transferred to the Town.

Thank you.

P.S. Congratulations on your recent election to the County Board.

JURISDICTIONAL TRANSFER AGREEMENT

BETWEEN

THE WISCONSIN DEPARTMENT OF TRANSPORTATION

AND

THE TOWN OF TAYCHEEDAH

This agreement, made and entered into by and between the Wisconsin Department of Transportation, hereinafter called the State, and the Town of Taycheedah, hereinafter called the Town, provides for the transfer of the jurisdictional responsibility for the newly constructed cul-de-sac of USH 151.

Whereas, the cul-de-sac will be functionally classified as a local road, and

Whereas, Section 84.02(8), Wisconsin Statutes, enables the State to enter into jurisdictional transfer agreements with local units of government, thereby facilitating such alterations in jurisdictional highway systems.

Now Therefore, the parties hereto do mutually agree to transfer the jurisdictional responsibility for the highway described below under the conditions described below.

ROUTE DESCRIPTION:

The cul-de-sac of USH 151 to be built south of existing STH 149 begins at a point on the southerly limits of existing STH 149 approximately 250 feet east of its intersection with the newly constructed USH 151; then, proceeds southerly to its terminus, a distance of approximately 0.10 miles, all lying in the northwest quarter of Section 32, Township 16 North, Range 18 East, Town of Taycheedah, Fond du Lac County.

RESPONSIBILITIES

I. The State shall:


- A. Construct the new cul-de-sac to serve the residential properties of Peebles at no expense to the town of Taycheedah.
- B. Transfer jurisdiction of the roads described above on November 15 of the year the reconstructed USH 151 is open to traffic.

II. The Town shall:

- A. Accept jurisdiction of the newly constructed road described above on November 15 of the year the reconstructed USH 151 is open to traffic.

APPROVAL

This Agreement is approved and enacted by:



Authorized Signature
Town of Taycheedah

4-8-02

Date

Authorized Signature
Wisconsin Department of Transportation

Date



April 8, 2002
Jerry Guelig
Chairman, Town of Taycheedah

I am formally notifying you that I am protesting the revisions to the minutes you as a board approved for the Feb. 12 monthly town board meeting, at last months monthly town board meeting.

According to law, unless a mistake has been made, there is no legal basis to change minutes. Or simply put, you can't correct minutes if no basis ~~for~~ mistake exists.

fa
I believe the original printed minutes as prepared from the personal hand notes by Town Clerk, Brenda Schneider, to be accurate and factual. My protest is not with the original minutes, but the revisions requested by Ann Simon.

The basis for my protest is that Ann had nothing to support her claim for her requested revisions. My basis for supporting the original minutes is the fact that the revisions requested by Ann Simon are not the recollection what I, the town clerk, James Huck, or Ron Cunzenheim had of the meeting.

I spoke with Ron Cunzenheim and he stated this: " I would not have agreed with the change in the minutes had I been contacted, nor do I do so now. It is unfortunate the tape of the meeting is incomplete. With that fact in mind I believe that the next best available record is the Town Clerk's notes".

I have a signed letter from James Huck, our former town chairman which states as follows: "I have read the minutes of the Taycheedah Town Board Meeting of February 12, 2002. The minutes as presented are an accurate statement of Ann Simon and Ron Cunzenheim's statements when considering the Nett new subdivision. I was in attendance at the above meeting".

Therefore, I am formally requesting the original minutes of the Feb. 12, 2002 meeting be reinstated.

Regarding the revision requested by Ann Simon to change the stipulations Chairman Guilig placed on the motion to approve the preliminary plat of Hawk's Landing, I have the Town Clerk's transcription of the audio tape and the tape clearly indicates that the minutes are factual presented.

as

As a citizen of the State of Wisconsin, I have a statutory right to make an open records request of elected officials, and as such, said elected officials have a statutory responsibility to respond. I would like the board to be aware that the certified letter I sent to Ann Simon on February 14, 2002, (of which you all received a copy), was accepted by Ann as evidenced her signature on this returned receipt. I would like the board to know that Ann has not responded to my requests in the letter.

I am requesting again, Ann, this time in public, that you comply with my request for the information I was legally seeking in the original letter I sent you on Feb. 14, 2002

Lastly, Ann claimed she filed a complaint with the district attorney. At this time I still have no knowledge of these so called filed papers. So Ann, at this time, as I am allowed to do by law, I hereby request that you forward a copy of the complaint you filed, preferably tomorrow. My fax number is 921-9585.

I submit to the town clerk the following documents to be included in the record of this months meeting: copy of letter from James Huck, copy of the audio tape transcript, copy of the letter and signed receipt of letter sent to Ann Simon on February 14, 2002

MARCH 15, 2002

I have Read the Minutes of the
TAYCHUEDAN TOWN BOARD MEETING of the
FEBRUARY 12, 2002 MEETINGS.

THE MINUTES AS PRESENTED ARE
AN ACCURATE STATEMENT OF ANN SIMON
AND RON CRUZENHEIM'S STATEMENTS WHEN
CONSIDERING the NEW NEW Sub-Division.
I WAS IN ATTENDANCE AT ABOVE
MEETING

James R. Huck
MARCH 15, 02

Jerry Guelig I think, I am not going to uphold this tonight at all. Ahm. I will grant you the go ahead. And that if something develops out of this, that I don't know about, that I do here, ah, we'll just have to start all over...(?)

Mike Nett That's a chance I'm willing to take, Mr. Chairman.

Lyle Nett?? Fair enough. Fair enough. (something about the DA and criminal acts or actions)

Mike Nett
Orneal And I'd like to wish Ann good luck in her endeavors.

Ann Simon I don't have any endeavors, against you. I am just doing what ...(I was elected) for

Ann to Jerry: Should we make a motion?

Jerry Guelig I would...

Ann Simon ...with this letter from, ah, Lynn, be included as one of the...(?)

Jerry Guelig Yeah. Yeah. Definitely so. We are, yes, yes. This letter from, ah, Lynn Mathias, is going to be a condition on granting the go ahead...(?)

Jerry to M. Nett If you are accepting of this?

Mike Nett No problem.
Ron Yes. Yes.

Jerry Guelig At this time, I, I, I'll make a motion that ohm, go ahead with this. If there are any appraisals or anything that's coming up after while. We'll have to grab the bull by the horns and, ah, do, do some things over.

Tim Simon (?)...if we find something wrong...(?)

Jerry Guelig So...

Brenda So it's a motion to approve. You don't want me to

→ Jerry Guelig I, I'll make a motion to let the Nett's go ahead and develop this.

Brenda Your motion is to approve the Preliminary Plat as..

Jerry Guelig Approve the Preliminary Plat of Hawk's Landing. Subdivision.

Ann Simon With Lynn Mathias' letter included.

Jerry Guelig That, and, ah, with some of the, ah, with ALL of them, ah

Brenda Those items you talked, spoke about in the beginning? The restrictions, or

Jerry Guelig Right, the restrictions. So that the people are made aware of that they will be reliable for this.

Brenda The responsibility of the green space.

Jerry Guelig That's right.

Ann Simon I might as well second that.

Jerry Guelig Seconded by Ann. All those if favor, say aye.

Jerry, Ann, Tim Aye.

Jerry Guelig Opposed?

Ron
Netts Thank you Mr. Chairman.
 Thank you.

Jerry Guelig Alright.

Ron I do have copies of the erosion control and the grading plan that are a part of that letter,
 all ready for you, so...

Jerry Guelig One other thing before you leave, I think Mike pointed me out today. The retention ponds
 will be deeper than one foot. I think they are at three now?

Ron There at three minimum.

Jerry Guelig Three minimum. Yeah.

Jerry to Brenda Please put that in your, ah, ah, Brenda, that, ah, the retention ponds are to be a minimum
 of three feet. This will help, ahm, retain a lot of water.

Ann Simon (Mike, I am willing to answer any of your questions after the meeting.)

Mike Nett I don't have any questions all.

Jerry Guelig Alright. Let's move on here.

Ron & Nett's Thank you.

Jerry Guelig Alright. Ahhh. Consideration of Blasting Permit application submitted for the
 Bertram/Eckert quarry operation. Tabled 08/02. (correct date 01/08/02)

February 14, 2002

Ann Simon
N7315 Laurel Lane
Fond du Lac, WI 54935

Ms. Simon:

Following the town board meeting of February 12, my family and I discussed at length the representations you made about my actions and me as a member of a past Taycheedah Town Board. To paraphrase your assertions, I offer the following summary:

- You stated that you received a complaint regarding the termination of my license as a soil tester. The allegation had been made that I had lost my license due to some impropriety in tests that I had performed while I was licensed. You investigated that complaint and found it to be unfounded, and therefore you found that allegation to be untrue.
- You stated you also received a complaint that while a member of the Town Board I acted improperly, if not illegally, in the creation and ultimately the adoption of the Town of Taycheedah's Comprehensive Plan. In effect, you alleged I used my influence as a Town Board member to gain favorable zoning for a parcel of land that we are now developing as "Hawk's Landing". As a result of your receiving the complaint, you contacted the Town's Attorney, and decided to turn the issue over to the Fond du Lac County District Attorney. As a result, you requested that I agree to a thirty-day delay in the approval of our preliminary plat. You then stated that if I did not agree to the thirty-day delay, the Town Board should vote to deny the same approval. Ultimately, the Board voted to approve the preliminary plat.

Ann, we are troubled by your actions and assertions. We therefore plan to examine options available to us. We wish to make our decisions quickly so that we may get beyond your actions and on to a successful project. We wish to do so with the least amount of conflict that is possible. We request your cooperation with these goals.


In order to fully evaluate our options, we require certain information that we believe you have access to either as a private citizen or as a Town of Taycheedah official. We are hereby requesting that you make the following information available to us and that you do so within seven (7) days. Be advised that we are making this request under the Open Records law of the State of Wisconsin.

- Copy of the current Town of Taycheedah policy on the acceptance and response to citizen complaints.
- Copy of the current Town of Taycheedah policy on contact with the Town Attorney.
- Copy of any letter, from any party, that you determined to be a complaint or comment about Mike Nett or Nett Construction.
- Copy of any notes, phone logs, computer files and etc. that are in any way connected with the allegations and assertions you made at the 2/12/02 Town Board Meeting.
- Copies of any other information you may possess that you utilized to make your decision as to the validity of the complaints or allegations or any other information pertaining to this matter in any fashion.

Again, I ask for your cooperation in this issue. We wish to get beyond this matter but cannot do so without your complete cooperation. We do not wish to get attorneys involved, but will not hesitate to do so if needed. Please remember that we make this request pursuant to the Open Records Law and as such, you are obligated to provide this data. Also please be aware of "General Duties of Public Officials" (Wis. Stat. 19.31; 19.32, items 1 and 2).

My brothers and I thank you in advance for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Nett", with a stylized flourish at the end.

Michael Nett

cc: Jerry Guelig, Town Chairman
Tim Simon, Town Supervisor
Brenda Schneider, Town Clerk

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ann Simon
N7315 Laurel Lane
Fond du Lac WI
54935

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature ☒ Agent
☒ Addressee

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7099 3400 0004 1539 5272

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

The Town Board of the Town of Taycheedah met on Monday, April 8th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the April monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The Clerk read the minutes of the March monthly meeting. Jerry Guelig motioned to approve the minutes as read, seconded by Ann Simon. Motion carried (3-0).

Committee Reports:

The Web Site Committee. Most of the town contact email addresses are now useable. Marlys Welsch offered additional assistance to those that may need it. Input from people visiting the site will be appreciated. The Codification of Ordinances is now on the site.

Park & Rec Committee. No report.

Special Orders

None stated.

Unfinished Business:

Ann Simon informed the Board that she is still gathering information pertaining to the zoning changes that took effect in 1999. She has contacted Mid America Planning Services, reviewed the Plan Commission meetings minutes and will meet with an individual that attended all of the Comprehensive Planning meetings. The individual has all the background material used during the Plan development.

New Business:

- #1 Consideration of a Jurisdictional Transfer Agreement between the Wisconsin Department of Transportation and the Town of Taycheedah submitted by the DOT. The transfer agreement pertains to the construction of a cul-de-sac to the two homes located southwest of the Hwy. 151 and Hwy. 149 intersection. The state will bear the costs of construction prior to the transfer. Jerry Guelig motioned to approve the Jurisdictional Transfer Agreement, seconded by Tim Simon. Motion carried (3-0).
- #2 Consideration of a Class B Beer License application submitted by Johnsburg Athletic Club. Jerry Guelig motioned to approve the renewal of the Class B Beer License for the Johnsburg Athletic Club, seconded by Ann Simon. Motion carried (3-0).
- #3 Consideration of Plan Commission member appointments. The terms of members Angie Prull, Mike Wirtz, Mark Kirschling and Joe Thome are expiring. Jerry Guelig asked for volunteers interested in serving on the Plan Commission. The following residents volunteered: Angie Prull, Mike Wirtz, Neal Nett, and Bill Spieker. The Chairman also added Bud Sabel and Allen Sabel to the list of volunteers. Joe Thome was not contacted. The Chairman will contact Mr. Thome. The Board will meet for a workshop meeting to further consider the candidates. Appointments will be made at the next meeting.
- #4 Review the 2001 Annual Report. The Board reviewed the Annual Report. Board member and audience questions were answered.
- #5 Certified Survey Maps. No Certified Survey Maps were submitted.
- #6 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 171-255), seconded by Tim Simon. Motion carried (2-1). Ann Simon voted no.

Public comment and questions pertaining to town business:

The office is under construction. The public was invited to view it.

Mike Nett read a personally written statement. Mr. Nett's statement is summarized as follows:

Mr. Nett is protesting the revisions made by the Town Board on March 12th, to the minutes of the Feb. 12th meeting. Mr. Nett believes the original minutes, as prepared by the Clerk were accurate and factual. Ron Cunzenheim was not contacted in reference to the revision pertaining to his statement. If contacted, he would not have agreed to it. Jim Huck has also signed a statement supporting the accuracy of the original minutes. Mr. Nett also submitted a transcription of the tape, which was started prior to Jerry Guelig's motion. Mr. Nett requested the original minutes be re-instated.

Mr. Nett also informed the Board that Ann Simon has not responded to his written open records request submitted to her via certified mail. Mr. Nett publicly request Ann to respond to his request.

And lastly, Mr. Nett informed the Board that he still has no knowledge of a complaint against him filed by Ann Simon with the District Attorney. Mr. Nett requested that Ann forward a copy of her filed complaint to him.

Mr. Nett submitted to the Clerk a copy of Jim Huck's statement, a copy of the audio-tape transcription, a copy of his open records request mailed to Ann Simon on Feb. 14th, 2002 and the corresponding certified mail receipt signed by Ann Simon. (All submitted documents are attached in the official minute book.)

Ann Simon's comments were as follows:

- No one from the public made any comments when the Chairman asked for corrections to the minutes. The minutes were approved by the Board. The minutes should stand as approved unless seeking advice from Attorney John St. Peter.
- She met with the District Attorney. He is reviewing the case.
- Personal notes and personal phone bills are not considered official town records. Mike Nett had no right and was wrong to ask for that information from her. Ann stated that she does not have to respond to ~~the~~ his open records request.
- The information submitted to the District Attorney is part of an investigation. If charges are filed, Mr. Nett and his attorney can file a motion of discovery with the District Attorney and get all the information that was given to him.


Mike Nett stated that his understanding of the law is that the Board itself approves the minutes and that the public has no right to request changes. Also, a revision was made to Ron Cunzenheim's comments. Ron was not in attendance at the March 12th meeting. He had to obtain a copy of the original Feb. 12th minutes and a copy of the revised Feb. 12th minutes before asking Ron for his comments.

Ann Simon stated that she will not submit her complaint to Mr. Nett as verbally requested. She also feels that she has answered the certified letter that asked for things that are not official records.

Ann Simon stated that when they campaigned, they stated that they were not going to allow anymore things to go on in the Town that did not seem right. She has to do what the Town ordinances say and that she will not change it for anybody.

Jim Rosenthal, Board of Appeals Chairman, asked if Ken Ogie's Conditional Use Permit is being enforced. Jim questioned if the Board has done an inspection of the Ken Ogie salvage yard to determine if the hazardous chemicals are no longer outside, uncovered, if the estimated 2000 tires have been removed and if the fencing has been repaired. Jim stated that if the conditions have not been met, the business should be shut down. Ann Simon stated the DNR inspects salvage yards. The Board discussed the status of the Conditional Use Permit approved by the Board of Appeals in June of 2000. Jerry Guelig stated he will look into it and report at the next meeting.

Jerry Guelig motioned to adjourn, seconded by Tim Simon. Motion carried. (3-0).

Attest 
Brenda A. Schneider
Town Clerk

May 6th, 2002

Monthly Workshop Meeting

1.

The Town Board of the Town of Taycheedah met for a workshop meeting on Monday, May 6th, 2002, at 6:30 p.m., at the Town Hall. Members present were Chairman Jerry Guelig, Supervisors Ann Simon and Tim Simon and Clerk Brenda Schneider.

The Chairman called the workshop meeting to order.

The Board discussed:

- Revising the size of an accessory structure based upon lot sizes. The proposed ordinance revisions are as follows:

▪ .5 acre lot	864 sq. ft.
▪ .75 acre lot	1014 sq. ft.
▪ 1 acre lot	1164 sq. ft.
▪ 1.25 acre lot	1314 sq. ft.
▪ 1.5 acre lot and up	1464 sq. ft.

The proposed revisions would apply to R-1 thru R-6. R-7 Lakeside Single-Family District would remain 864 sq. ft.

- Jerry Guelig, Tim Preston and Kevin Halverson will walk the Julka ditch before the monthly meeting.
- The annual road inspection meeting was scheduled for Thursday, May 9th, at 7:00 a.m.
- Plan Commission appointments were discussed. The Board is considering appointing Joe Thome, Mike Wirtz, Bill Spieker and Al Sabel.

The meeting adjourned at 8:00.

Attest



Brenda A. Schneider

Town Clerk

The Town Board of the Town of Taycheedah met on Tuesday, May 14th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the May monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The Clerk read the minutes of the April monthly meeting. Ann Simon objected to her statement, "Personal notes and personal phone bills are not considered official town records. Mike Nett had no right and was wrong to ask for that information from her. Ann stated that she does not have to respond to the open records request." Ann feels her statement was taken out of context. Ann stated that they have to respond to open records requests. But they do not have to respond to requests for personal information; they are not official records. The Chairman agrees that personal notes of a town officer should not be subjected to open records requests. Tim Simon stated that the minutes reflect what Ann said, not necessarily what she meant to say. The Board will listen to the tape at the June monthly meeting. The approval of the April minutes was tabled until the next meeting.

Committee Reports:

None submitted.

Special Orders

None stated.

Unfinished Business:

Ann Simon informed the Board that she contacted the Towns Association attorney in reference to Mike Nett's objection to the revisions the Board made to the Feb. 12th's meeting minutes. Ann was advised that the Board has the final approval of the minutes. If anyone has any discrepancies with the Board's approval of the minutes, they can go to court and try to have a judge change it. Ann also stated that the transcription Mike Nett submitted is very vague and incomplete. Mike Nett stated that the transcription he submitted did not encompass the entire meeting, only the parts that dealt with him. Mike stated his objection was to the revisions made to the minutes.

- #1 Plan Commission reappointments. Jerry Guelig motioned to appoint the following residents to the Plan Commission:
- | | | |
|------------------|--------------|------|
| Dennis Osterholt | 3 yr. member | 2003 |
| Bill Spieker | 3 yr. member | 2005 |
| John Wagner | 3 yr. member | 2004 |
| Mike Wirtz | 1 yr. member | 2003 |
| Bud Sabel | 1 yr. member | 2003 |
| Joe Thome | 1 yr. member | 2003 |
- Ann Simon seconded the motion. Motion carried (3-0).

New Business:

- #1 Review and possible approval of the Final Plat of Hawk's Landing submitted by Nett Land & Development. The Plan Commission met on Monday, May 13th. The Plan Commission postponed consideration of the Final Plat. Mike Nett submitted a written request in a timely manner; however, Excel Engineering's staff submitted their documentation after the deadline. The Clerk did not catch the discrepancy. The Plan Commission will re-meet on Monday, June 10th. The Board postponed the review of the Plat to June 11th.
- #2 Consideration of a petition submitted by Patrick Mand to rezone approximately 2 acres from A-T to Business-2 (without public sewer). The site is located at N7907 Church Road. The Plan Commission met on Monday, May 13th. The Plan Commission resolved to recommend the Town Board approve Mr. Mand's rezoning request. Mr. Mand is requesting business zoning in order to make his business activity comply with the zoning ordinance. Jerry Guelig motioned to adopt the Plan Commission's recommendation and rezone the property to B-2, seconded by Tim Simon. Motion carried (3-0).
- #3 Bertram/Diederichs drainage complaint. Fritzie Bertram and Paul Diederichs appeared before the Board with a complaint pertaining to the drainage ditch running through Connie Julka's farm. Connie Julka and her legal counsel, Ron Hammer, were present at the meeting. Bertram and Diederichs stated that Julka's ditch is obstructing water flow. The County Soil Conservation Dept. has viewed the ditch. The Dept. has determined that the ditch is holding back water that is not allowing the tiles to drain properly. The Dept. recommends that the Julka ditch be cleaned. The following comments and concerns were made by the parties:

- A permit would be required from the DNR due to the fact that the ditch is a tributary to the south branch of the Manitowoc River.
- Connie Julka would agree to the ditch cleaning after the DNR issues a permit.
- Attorney Hammer does not want his client exposed to repercussions by the DNR due to failure to secure the necessary permit.
- As landowners, we are required to exercise ordinary care in maintaining the ditch within our land.
- There was a disagreement as to who should pay the expense of cleaning the Julka ditch.
- Attorney Hammer stated that the obstruction is due to natural causes and not the negligence of the owners. The Town Board should not be involved unless there is evidence of negligence. Upstream property owners do have a right to enter the property without trespassing in order to remove an obstruction at their expense. Hopefully the situation can be resolved with better communication between the parties. Attorney Hammer offered to meet with affected parties afterwards and try to work it out.

Board discussion was as follows:

- Roger Braun estimated \$1000-\$1500 for the cleaning. The three parties directly affecting should share the cost.
- The Simon's have planted crops along the ditch. The Simon's may need to consent to the cleaning.
- The Chairman gave the three parties one month to resolve the issue with each of the parties paying one-third of the expense.

The parties went into the office to try to resolve the issue.

#4 Consideration of lawn cutting bids for the 2002 season. The following bids were received:

- Jack's Lawn Care \$140.00 per cutting
- Dirtworkx, LLC \$175.00 per cutting
- Wayne's Clean Cut \$135.00 per cutting

Ann Simon motioned to accept the bid from Wayne's Clean Cut, seconded by Tim Simon. Motion carried (3-0).

#5 Preliminary consultation with Bob Norris regarding his future residential development. The Board recommended compiling and submitting a drainage plan, showing all lots, swales, etc, with preliminary lot drawings. All lots must be at least 1 1/2 acres for an unsewered subdivision and soil boring are needed for on-site septic systems. Bob stated the property has passed perc tests.

#6 Board of Appeals member reappointments. Tim Simon motioned to appoint the following residents to the Board of Appeals:

James Rosenthal II	term expires 2005
Robert Holzman	term expires 2004
John Buechel	term expires 2003
Tom Friess	term expires 2004
Charlie Mathison	term expires 2005
Gale Burg (1 st alternate)	term expires 2003
Angie Prull (2 nd alternate)	term expires 2003

Ann Simon seconded the motion. Motion carried (3-0).

#7 Schedule Board of Review meeting. The Board of Review was scheduled for Tuesday, June 11th, at 7:15. The Board will meet and adjourn.

#8 Certified Survey Maps.

Certified Survey Map for a part of the SW 1/4 of the SE 1/4 of Section 9, submitted by Bill and Jody Spieker. The survey creates Lot 1-7.916 acres, Lot 2-19.595 acres, Lot 3-8.998 acres and Lot 4-11.982 acres. Ann Simon motioned to approve the certified surveys. Ann Simon rescinded her motion. Ann Simon motioned to approve the certified surveys with the condition that 10 feet of road frontage be added the 40.11 feet of Lot 3 and only approve Lot 1 & 2, seconded by Jerry Guelig. Motion carried (3-0)

Certified Survey Map for a part of the SE 1/4 of the NE 1/4 of Section 1, submitted by Ken Sippel. The survey creates Lot 8-1.48 acres on Blackberry Drive. The survey was completed in 1992 but not recorded. Ann Simon motioned to approve the certified survey, seconded by Jerry Guelig. Motion carried (3-0). The Clerk is to send Mr. Sippel a letter informing him that all new unsewered developments must contain lots 1 1/2 acres or larger.

Certified Survey Map for a part of the SW 1/4 of the SW 1/4 of Section 22, submitted by Jim & Joan Rosenthal II. The survey required review by the City of Fond du Lac. The City is requiring some revisions. Mr. Rosenthal will resubmit a revised survey. Mr. Rosenthal questioned the timing of blacktopping the road. He would like to wait with blacktopping until the sewer is constructed and the soil has time to properly settle. The Board agreed to delay the blacktopping requirement until the sewer is installed.

- #9 Approval of town bills. The attorney bill was reviewed. Jim Rosenthal, Chairman of the Board of Appeals, had contacted Attorney John St. Peter by email. Ann Simon pointed out that the Code states only elected officers may contact the attorney. Mr. Rosenthal explained that he received two complaints pertaining to Ken Ogie's Conditional Use Permit. He believes it is his duty as Chairman of the Board of Appeals to research complaints pertaining to Board of Appeals issues. Ann Simon wanted to know who the complainers were. Mr. Rosenthal said his integrity would be questioned if he answered. Ann Simon believes Mike Nett was one of them. Mr. Rosenthal was instructed that in the future, he informs complainers that they need to address the Board, in person, with their complaints. Ann Simon questioned Mr. Rosenthal as to why he feels she has a conflict of interest pertaining to the Ogie situation (as stated in the email). Mr. Rosenthal responded that Mr. Ogie has represented her in the past. Ann Simon denied ever needing Mr. Ogie to represent her. Jerry Guelig motioned to approve the bills as submitted, with the stipulation that Mr. Rosenthal reimburses the Town \$42.00 for attorney fees, seconded by Tim Simon. Motion carried (3-0).

Public comment and questions pertaining to town business:

Jim Karls, Ledgeview Springs homeowner had several St. Peter Sanitary District related questions. Mike Freund, District Commissioner was able to answer Mr. Karls' questions.

Jerry Guelig motioned to adjourn, seconded by Tim Simon. Motion carried. (3-0).

Attest



Brenda A. Schneider

Town Clerk

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Committee Reports:

None submitted.

Special Orders

None stated.

Unfinished Business:

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Bud Sabel	1 yr. member	2003
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Ann Simon seconded the motion. Motion carried (3-0).

New Business:

#1 Review and possible approval of the Final Plat of Hawk's Landing submitted by Nett Land & Development. The Plan Commission met on Monday, May 13th. The Plan Commission postponed consideration of the Final Plat. Mike Nett submitted a written request in a timely manner; however, Excel Engineering's staff submitted their documentation after the deadline. The Clerk did not catch the discrepancy. Ann Simon stated that according to our ordinance, materials need to be submitted to the Clerk at least 15 days prior to the Plan Commission meeting. In October, the Nett's Preliminary Plat was scheduled for review. Ann called the Clerk to bring the deadline requirement to her attention. The hearing had to be rescheduled. Both the Clerk and Mike Nett were aware of the deadline. Ann acknowledged that Mike Nett submitted his hearing request timely. Ann asked the Clerk why the hearing was scheduled when the plat submittal did not meet deadline. The Clerk explained that she spoke to Mike Nett around the 18th of April. They spoke about proceeding with Final Plat review at the May meeting. They spoke briefly about a deadline. Mike told the Clerk that he was well aware of a deadline and so was Ron Cunzenheim. Some of the information was submitted on the 25th and the rest of it on the 30th. The Clerk stated she felt she had no reason to question Ron Cunzenheim integrity on the issue because she knew he was fully aware of the deadline. Excel purchased a copy of the Town's complete Code of Ordinances and probably has it on disc, too. The Clerk acknowledged that she should have checked to ordinance and did make a mistake. Ann Simon requested the Clerk pay special attention to the ordinance. Ann Simon asked Mike Nett why he didn't inform the Clerk that they didn't meet the deadline. Mike stated that he submitted his letter on April 25th, and that he was not aware the

- Excel's submission of the plats did not meet deadline. Mike said he was assured by Ron Cunzenheim that the deadline would be met. Mike apologized to the Board. Ann Simon stated the Clerk should not process future requests until all documents are received. The Plan Commission will re-meet on Monday, June 10th. The Board postponed the review of the Plat to June 11th.
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| Gale Burg (1 st alternate) | term expires 2003 |
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#7 Ann Simon seconded the motion. Motion carried (3-0).
Schedule Board of Review meeting. The Board of Review was scheduled for Tuesday, June 11th, at 7:15. The Board will meet and adjourn.

#8 Certified Survey Maps.

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Public comment and questions pertaining to town business:

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Jerry Guelig motioned to adjourn, seconded by Tim Simon. Motion carried. (3-0).

Attest


Brenda A. Schneider

Town Clerk

The Town Board of the Town of Taycheedah met on Tuesday, June 11th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the June monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The April monthly meeting minutes were not approved at the May meeting. Ann Simon and Brenda Schneider listened to the tape prior to the meeting. They agree that the word 'the' could be changed to 'his' in reference to Mike Nett's written open records request in order to add clarity. Jerry Guelig motioned to approve the April minutes as revised, seconded by Tim Simon. Motion carried (3-0). The Clerk read the minutes of the May monthly meeting. The Chairman asked if there were any revisions or corrections. Jim Rosenthal, Chairman of the Board of Appeals asked Ann Simon if it is true that she never had Mr. Ogie represent her. Ann stated no she has not. Jim presented the Board with a copy of Circuit Court documents related to a traffic violation that indicated Mr. Ogie as her defending attorney. Ann acknowledged that Mr. Ogie is listed, however, he did not formally represent her because she never gave him a retainer fee or ever paid him any money. She did not legally hire him. He sent a letter on her behalf but it is not considered representation. Mr. Ogie was not aware of what the document was and suggested Mr. Rosenthal go to the Clerk of Courts and request a certified copy of the item. Ann stated that traffic records have nothing to do with town business. Mr. Rosenthal stated that he has received calls, which is why he contacted Attorney John St. Peter last month. Ann Simon requested detail in item #1 referring to a second violation of the ordinance pertaining to Hawk's Landing subdivisions plat approvals. Ann Simon also referenced Stat. 60.15 referring to the completion and filing of minutes within 5 days. The May minutes took almost three weeks to complete. Ann requested that the Clerk comply with the statute. Mrs. Bertram discussed the final sentence of Board discussion pertaining to the Julka drainage complaint. The parties had come to an agreement that Mrs. Julka would have the ditch cleaned at her expense. Jerry Guelig motioned to approve the minutes as read; Ann Simon requested detail of the violation of the ordinance in reference to Hawk's Landing. Mike Nett, as a point of order, stated there was no violation based on our ordinance. The ordinance states submittal deadline is 15 days. At the Plan Commission hearing, Ann pointed out that the deadline was not met. Mike then stated that we would not be in compliance if we proceeded. There was no discussion and no vote was taken. Therefore, there was no violation. Mike apologized to the Plan Commission for the inconvenience. Ann Simon disagreed. The meeting would have proceeded if she would not have brought it to the attention of the Plan Commission Chairman. Mike Nett, as a second point of order, stated the Preliminary Plat was submitted for the January meeting. He is not aware of a first violation. Ann stated that Brenda set up the meeting for the November Board meeting. Brenda's letter stated the Plat was scheduled for a meeting. The letter stated the application was submitted, but she was waiting for the plats. Ann called Brenda and the Plan Commission Chairman a week before the meeting stating that the meeting could not take place as planned because all information was not submitted by deadline. The meeting was rescheduled. Marlys Welsh, as a point of order, discussed the Board's ability to not approve the minutes. The Clerk can listen to the tapes and revise the minutes. Motion died for lack of second. The Clerk will make revisions and present at the next meeting.

Committee Reports:

Web Site Committee. Marlys Welsh discussed inserting the monthly meeting dates for the remainder of the year.

Park Committee. Lyle Nett informed the Board that the annual park clean-up day was held and that the Committee has no new projects at this time.

Special Orders

None stated.

Unfinished Business:

- #1 Zoning changes that occurred during comprehensive plan without owner's knowledge. Ann Simon believes that 16 property owners were affected. Ann informed the Board that she contacted the Towns Association attorney and Gary Peterson, Mid America Planning Service, in reference to the rezonings. She was told that zoning changes did not have to go hand-in-hand with the Plan and that zoning changes do not have to be done until 2010. She was told that statutes require notification of property owners, detail legal notice listing the specific properties and notification of adjoining property owners. The attorney stated that the statute of limitations has lapsed. However, the public still has a right of claim because the legal was not published accurately and the landowners were not notified and therefore, the statute of limitations would be extended. The statutes and the ordinance states the Board is suppose to protect the value of property. Ann supplied a list of affected property owners and the legal

notice. At the 7-14-99 Board meeting, the Plan Commission submitted an amended zoning map. The Board returned the map to the Plan Commission with the recommendation that the map complies with the Plan. The Plan Commission was operating under the direction of the Board. Ann stated the process was illegal. Ann feels that the only way the issue could be resolved is to take the new map and revise it back to the pre-99 zonings. Dr. Welsh questioned what would be done for the owners that have since petitioned for rezones back to what their land was and paid the fees. Ann stated that it wouldn't be fair to charge the taxpayers to reimburse the land owners and that the landowner would have to recoup the loss by a lawsuit. Dr. Welsh asked what procedure would be required. The Association attorney stated that when a zoning map is amended, the legal notice must run at least twice. The notice must list all the proposed parcels to be rezoned, the owner notified and adjoining neighbors notified. Ann stated that proper notices weren't done in 1999. The Plan will have to be updated prior to 2010. The zoning map should be amended and then apply it to the Plan. Ann contacted all the property owners that she could determine were affected. One person wants to keep the residential zoning she currently has. The group discussed methods of notifying the affected property owners. Ann stated that the Association attorney stated that due to the nature of the issue; he strongly recommended the Town hire an outside attorney to get legal advice on how to compensate the property owners who have paid for rezones since 1999. The Chairman stated that we will send notices to all landowners informing them of their current zoning. If anyone sees that they were changed, then they can come back to the Board and it will be changed back to what it was. Those that paid for rezonings back to what it was; he will find out from an attorney, how to go about reimbursing them. Dr. Welsh suggested contacting an independent attorney before initiating the process. Ann Simon motioned that before we move further, the Chairman will contact an attorney, outside of Fond du Lac County, for advice on the subject, seconded by Jerry Guelig. Motion carried (3-0).

New Business:

-
- #1 Building Permit Issuer. #2 Official record keeper and storage of records. The attorney advised the Chairman that the Board could be designated as record keepers. The Chairman would like to see the Chairman and the Clerk in charge of the records. Records are open to the public. There should be two copies, one in the vault and one in the office. Jerry Guelig motioned to table items 1 & 2. The Board will have a workshop meeting with the Clerk and the Treasurer to resolve the issues with the records and the office, seconded by Ann Simon. Motion carried (3-0).
- #3 Sewer problems occurring for the sanitary district. Mike Freund, Commissioner, was asked to give a report. Mike stated that the District is currently waiting for DNR and City approval. The District hopes to be soliciting bids in September. A public hearing is scheduled for July 10th. The Commission needs to review the special assessment roll. The Commission is trying to schedule more of their meetings in the evenings. They needed to have several daytime workshop meetings with the District's professional advisors. Ann Simon questioned if the District had a meeting on May 15th, at the attorney's office with Jim Hovland, the attorney, Brenda was asked to clerk the meeting, Foth & Van Dyke and Mike Nett. The meeting was not posted. Mike Freund verified that there was a meeting. He stated proper procedures weren't followed. The meeting should have been a closed session for contract negotiations. The meeting was followed-up with two additional meetings. The Commissioners have decided that all developers will pay their share of district-wide costs. The District will take ownership of the pipe. A credit will be given back on a per lot basis. The District's inspectors will inspect those projects.
- #4 Review and possible approval of the Final Plat of Hawk's Landing submitted by Nett Land & Development. The Plan Commission met on Monday, June 10th. The Plan Commission resolved to recommend the Town Board approve the Final Plat (3-1). Ann Simon feels the Board could not approve the plat until the Board speaks to an outside attorney because the land was rezoned from A-1 to A-T illegally. Lyle Nett pointed out that the Nett's petitioned for a rezone to residential. Ron Cunzenheim identified Wis. Stats. 236.11(b) and Code Section 14-1-32(d), that states, if the final plat conforms substantially to the preliminary plat as approved, it is entitled to be approved. The Nett's final plat meets the test. There are no other reasons that the Board could deny the plat. Ann disagreed. She stated that the Board could deny it based on the '99 rezoning issue. Jerry Guelig clarified that he will speak to an outside attorney about rezonings that took place without the owner's knowledge. Mike Nett stated that if the parcel would have been rezoned from A-1 to Residential in '99, the Board may have a basis to discuss this. However, it went from A-1 to A-T, which has all of the zoning classifications of an agriculture parcel. Since then, the Nett's have petitioned for residential rezone. Mike feels the final plat meets the test for approval and that there is not an issue with the zoning. Jerry Guelig will speak to an attorney to determine how to rezone the impacted landowners properties to what it was zoned before '99. Jerry stated that he is for development in this community. The group further discussed the various

rezonings of the property. Jerry Guelig motioned to approve the Final Plat of Hawk's Landing. Ann stated the Board has two options: 1) with Mr. Nett's approval, the Board asks for a 30-60 extension or 2) denial of the plat. Jerry Guelig withdrew his motion. Tim Simon stated that everyone knew this property was being rezoned to residential, regardless of the prior zoning. The rezoning process took years. The Board has the ability to rezone from A-1 to residential. The Plan Commission was aware of the '99 rezoning issue when they voted to approve the Final Plat. Tim Simon motioned to approve the Final Plat as submitted. A citizen commented on the Board's liability, the possibility of contacting an attorney within a day and additional attorney fees in the event the Board is wrong. Ron Cunzenheim commented that the Netts have been working through this project for six years. The Netts are entitled to an approval as state statutes outline. Mike Nett commented that they came before the Board with a conceptual plan. The Board approved it. They came before the Plan Commission and the Board with their Preliminary Plan. It was approved. They came before the Plan Commission with their Final Plat. It was approved. To do anything other than approve the Plat would be a violation of their rights as stated by our ordinance and the statutes. Jerry Guelig motioned to amend Tim's motion that he will know by next Tuesday if everything is legal. More or less saying that he will know by then if the Board has the right to deny the plat and whatever other legal advice the attorney has. The Board approved of this to start with. The Plan Commission approved of it. Ann feels the Board needs to extend the plat for at least two weeks. Jerry Guelig withdrew his amended motion. Jerry Guelig seconded Tim's motion. Motion carried (2-1).

#5 Open road repair bids for 2002 season. Bids were received and opened for road repair projects from Northeast Asphalt, Scott Construction, Fahner Asphalt and Seal Tech. The Board will award the bids at the July 9th meeting.

#6 Citizen requests the Town Board develop and adopt a drainage ordinance. Fond du Lac County is in the process of adopting an erosion control and stormwater management ordinance. Croplands would be exempt from the ordinance. Barb Bertram, Charlie Mathison, Karen Schwengels, Paul Diederichs and Angie Prull volunteered to sit on a research committee. The committee will report to the Board in two months.

#7 Consideration of Liquor/Beer license applications. Taycheedah Citgo's application was not submitted timely. Ann Simon noted that the ordinance requires 90-day minimum county residency. Moses is a resident of Outagamie County. Moses may have to appoint a county resident as an agent. Ann Simon motioned to approve all license applications with the exception of Taycheedah Citgo, Moses will be asked to resubmit his application, seconded by Tim Simon. Motion carried (3-0).

#8 Consideration of a Zoning Ordinance revisions increasing the maximum square footage of detached garages and accessory buildings. The Plan Commission met on Monday, June 10th. The Plan Commission resolved to recommend the Town Board increase the maximum square footage as follows:

- .5 acres lot 864 sq. ft.
- .75-acre lot 964 sq. ft.
- 1-acre lot 1064 sq. ft.
- 1.25-acre lot 1164 sq. ft.
- 1.5-acre lot 1264 sq. ft.

The revision would apply to R-1 to R-6 zoning classifications. Jerry Guelig motioned to adopt the Plan Commissions recommendation, seconded by Ann Simon. Motion carried (3-0).

#9 Consideration of a Resolution Consenting to Admission of Johnsbury Sanitary District of the Town of Taycheedah as a Party to the 2000 Wastewater Agreement. Tim Simon motioned to accept the resolution as submitted, seconded by Jerry Guelig. Motion carried (3-0).

#10 Certified Survey Maps.

Certified Survey Map for a part of the SW 1/4 of the NW 1/4 and a part of the NW 1/4 of the SW 1/4 of Section 23, submitted by Dan and Dave Bertram. The survey creates Lot 1-1.406 acres.

Certified Survey Maps for a part of the SW 1/4 of the SE 1/4 of Section 9, resubmitted by Bill and Jody Spieker. The survey creates Lot 1-7.916 acres, Lot 2-19.595 acres, Lot 3-9.156 acres and Lot 4-11.815 acres.

Certified Survey Map for a part of the SE 1/4 of the NE 1/4 of Section 29, submitted by Gerald Braun. The survey creates Lot 1-6.36 acres.

Certified Survey Map for a part of the NE 1/4 of the NE 1/4 of Section 15, submitted by Edwina Thome. The survey creates Lot 1-2.780 acres.

Jerry Guelig motioned to approve the Certified Survey Maps as submitted, seconded by Tim Simon. Motion carried (3-0).

#11 Set date for office Open House. An Open House was scheduled to take place prior to the July monthly meeting.


- #12 Consideration of approving permanent erosion control measures at the Fisherman's Road Boat Landing. Foth did not submit the pay request in time for the meeting. The Board tabled the request.
- #13 Budget adjustment for Fire Protection. Jerry Guelig motioned to transfer \$611.22 from the General Contingency Fund to Fire Protection, seconded by Tim Simon. Motion carried (3-0).
- #14 Budget adjustment for Debt Service-Interest. Jerry Guelig motioned to transfer \$419.56 from the General Contingency Fund to Debt Service-Interest, seconded by Ann Simon. Motion carried (3-0).
- #15 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 303-350), seconded by Tim Simon. Motion carried (3-0).

Public comment and questions pertaining to town business:

Dan Mand, representing Fisherman's Road Fishing Club, approached the Board about installing timed locks on the doors to the bathrooms. He also asked who would maintain the bathrooms. After considerable discussion pertaining to the cleaning and maintenance of the bathrooms, Ann Simon stated she will research cleaning services and Jerry Guelig stated he will research to timed locks. Jerry Guelig, Bill Casper and Rich Bernath will inspect the facilities.

Jim Huck asked if Ken Ogie has a valid Conditional Use Permit. Jerry Guelig stated that Attorney John St. Peter advised him that the permit is valid.

Jerry Guelig motioned to adjourn, seconded by Tim Simon. Motion carried. (3-0).

Attest 
Brenda A. Schneider
Town Clerk

The Town Board of the Town of Taycheedah met for a workshop meeting on Tuesday, July 2nd, 2002, at 6:30 p.m., at the Town Hall. Members present were Chairman Jerry Guelig, Supervisors Ann Simon and Tim Simon and Clerk Brenda Schneider. Also present was Tim Preston, Town Road Maintenance Supervisor.

The Chairman called the workshop meeting to order.

The Board discussed the season's road repair projects. The budget contains \$114,500 for blacktopping, chipsealing and crackfilling. The Town will receive a LRIP grant reimbursement of a maximum of \$15,000 for the Church Road work. The Board is working with the County Highway Commissioner to transfer an \$11,000 LRIP grant for work needed on Golf Course Drive. The Board can not award the Golf Course Drive work until the state approves the grant transfer. Tim Simon will abstain from voting on the bid awards at the July 9th meeting. The Board reviewed all the bids received for the various projects. The Clerk will prepare a spreadsheet for the Board members prior to the monthly meeting.

The current fire protection contract was discussed. The Calumet Fire Department has notified the Town Board of their intent to re-negotiate the contract. Calumet may request an adjustment in the rate. Calumet has also requested changing the contract to a yearly format instead of the current two-year cycle. The Board has also informed Mt. Calvary Fire Department of its' intent to re-negotiate the contract with them. The Board is concerned about the lack of equity in financial support, the lack of representation on the Fire Commission and the lack of financial reporting. The Town of Forest has also informed Mt. Calvary Fire Department of their intent to re-negotiate their contract. The Town of Empire intends to join the negotiation process. The Board agreed that it would be best if all three towns negotiate as a group instead of individually. The Clerk will contact the other towns to schedule a joint meeting.

The Board discussed the office issue. The Chair discussed the ability for the Board to hire an administrator to man the office. The Administrator would keep the records, do payroll, do the postings, take care of the bills, update the internet and issue building permits. The Clerk then would just clerk the meetings. The Clerk has concerns about the hours expected by the Board conflicting with the time required to take care of other related duties outside of the office, personal liability and personal safety. The Chair will meet with the Clerk on Monday to discuss the issue further.

The Fisherman's Road bathroom timed locks need to be installed. The additional expense will be presented for Board approval at the monthly meeting. Ann Simon has been cleaning the bathrooms. She has also contacted the sheriff's department. The department has been checking the property throughout the night.

The Chairman has been trying to obtain an appointment with Attorney Sorenson to obtain advise on how to handle the 1999 rezoning issue. Atty. Sorenson is in his Ripon office only on Wednesdays. The Chairman hopes to meet with him on July 17th. Tim Simon feels the Chairman should speak to John St. Peter because he was involved with the Town during the entire planning process. He believes Mr. Sorenson will have to spend considerable time reviewing all the documentation. Tim thinks the Board should set a limit on how much to spend on the other attorney's services. Ann Simon stated that Mr. Sorenson won't have a lot of documentation to review and that it shouldn't cost too much.

Jerry Guelig motioned to adjourn, seconded by Tim Simon. Motion carried (3-0).

Attest



Brenda A. Schneider
Town Clerk

The Town Board of the Town of Taycheedah met on Tuesday, July 9th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the July monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The minutes of the May monthly meeting were revised as requested. Ann Simon motioned to approve the May minutes, seconded by Jerry Guelig. Motion carried (3-0). The Clerk read the minutes of the June monthly meeting. Jerry Guelig motioned to accept the minutes as read, seconded by Ann Simon. Motion carried (3-0).

Ann Simon contacted the Towns Association. The Town must follow state statutes pertaining to liquor licensing. The Town cannot require county residency.

Timed locks have been installed on the Fisherman's Road bathrooms. Ann Simon has been cleaning the bathrooms.

The Clerk received an email from Jeff Pagels, WDNR, enquiring if the Town needs additional money for the Fisherman's Road project. The Clerk worked with Foth & Van Dyke to compile an estimate of over-runs. A Wisconsin Waterways Commission meeting has been scheduled for August 15th to consider the Town's request for additional funds.

Committee Reports:

Web Site Committee. No report.

Drainage Committee has scheduled a meeting for July 23rd with Lynn Mathias, Fond du Lac County Land & Water Conservationist, and Sam Tobias, Fond du Lac County Planner.

Special Orders:

None stated.

Unfinished Business:

- #1 Zoning changes that occurred during comprehensive plan without owner's knowledge. The Chair has been in contact with the office of Attorney Sorenson. Attorney Sorenson has offices in Ripon and Milwaukee. He is in the Ripon office on Wednesdays only. The Chairman is attempting to schedule a meeting with him.

New Business:

- #1 Ernie Winters, Fond du Lac County Highway Commissioner, will discuss Board control of speed limits on town roads. Wis. Stats. 349.11 gives the Board authority to modify speed restrictions. Stat. 346.57 outlines the speed restrictions of various types of streets. However, the Board cannot reduce the speed limit by more than 10 mph. A thorough study would need to be done of the current drivers speeds and the lay of the road. The County could assist with a study. If the Board feels a 10 mph reduction is not enough; the Board would need approval from the Department of Transportation. The County Sheriff's Department would assist with the enforcement. Unmarked roads are assumed to be 55 mph. The Board can sign curves and erect advisory speed limit signs on the curves. A study is being done in reference to additional passing lanes along Hwy. 151. The bid was awarded on July 9th for the bypass project. Construction will begin this year. The Hwy. 149 project is scheduled for 2004. Ernie advised moving ahead with the sewer construction along Hwy. 149.

- #2 Consideration of awarding road repair bids. Ann Simon motioned to award the following road repair bids:

Wedging Projects

#1	Cheedah Meadows-N7373	Northeast Asphalt	approx. \$1,100.00
#2	Golf Course Dr.-next to fence	Northeast Asphalt	approx. \$800.00
#3	Cody Road-W3233	Northeast Asphalt	approx. \$1,760.00
#4	Cody Road-W3131	Northeast Asphalt	approx. \$360.00

Overlay Projects

#1	Golf Course Dr-Cody Rd.	Northeast Asphalt	\$6,625.50
#3	Church Rd-LRIP Project	Northeast Asphalt	\$29,774.50
#4	Wellings Beach-2" surface only	Northeast Asphalt	\$4,316.00
#6	Kiekhaefer Pkwy.	Northeast Asphalt	\$2,876.00

Chipseal Projects

#1	Cody Rd-Tower to Golf Course	Fahner Asphalt	\$9,665.00
#3	Konen Rd.-Hwy. 149 to Cody	Scott Construction	\$19,700.00 dbl. Seal

#4	7 Hills Rd.-Hwy. 149 south	Scott Construction	\$4,687.00
#6	Wellings Beach Rd.	Scott Construction	\$2,500.00

Total project cost of \$84,164.00. Jerry Guelig seconded the motion. Motion carried (2-0-1). Tim Simon abstained. The Town has requested a transfer of \$11,000 LRIP grant money. Additional work may be done to Golf Course Drive this year pending transfer approval.

- #3 Consideration of referendum question for the September Primary Election. The Chairman read the resolution and the notice of advisory referendum asking if the Town should increase the Board to 5 members.

Jim Karls motioned to conduct a referendum election of the registered voters of the St. Peter Sanitary District asking whether to approve or disapprove the sewer project. Mr. Karls was informed that the Town Board does not have authority over the Sanitary District Commission. The Commission has full control over the sewer project. Mr. Karls feels the people are not being heard. The Chairman recommended Mr. Karls attend the Sanitary District's public hearing scheduled for July 10th. Mr. Karls requested a second to his motion. Mr. Karls was informed that citizens do not have the authority to make motions at Board meetings. Only the Annual Meeting gives the electorate the authority to make motions.

Jerry Guelig motioned to approve the Resolution Calling for Advisory Referendum Increasing the Size of the Town Board from Three Members to Five Members, seconded by Ann Simon. Motion carried (3-0).

- #4 Consideration of Street Use Permit submitted by John Rickert. Jerry Guelig motioned to approve the Street Use Permit application, seconded by Tim Simon. Motion carried (3-0).

- #5 Consideration of Change Order #2 for Fisherman's Road Boat Launch Improvement Project for permanent erosion control and times locks. The Change Order requests \$1,265 for timed locks and \$1,530 for erosion control measures. Jerry Guelig motioned to approve Change Order #2, seconded by Tim Simon. Motion carried (3-0).

- #6 Consideration of Addendum to the Contract with Foth & Van Dyke for the Fisherman's Road Boat Launch Improvement Project. The contract addendum requests an additional \$4,500 for engineering and consultant services. Tim Simon motioned to table the Addendum until the August meeting, seconded by Ann Simon. Motion carried (3-0).

- #7 St. Peter Sanitary District Commissioner appointment. Adolph Schneider's term is expiring. Mr. Schneider is willing to serve another term. Jerry Guelig motioned to re-appoint Adolph Schneider to the St. Peter Sanitary District Commission, seconded by Tim Simon. Motion carried (3-0).

- #8 Consideration of changing the date of the August monthly meeting. The August meeting will be on the second Tuesday as usual.

- #9 Certified Survey Maps.

Certified Survey Map for a part of the SE 1/4 of the NW 1/4 of Section 34, submitted by Jim Costello. The survey creates Lot 1-1.5 acres. The Board questioned whether or not the lot should be five acres or more. Ann Simon motioned to approve the survey with the condition it meets the exemption to the five-acre lot minimum requirement, seconded by Jerry Guelig. Motion carried (3-0).

Certified Survey Maps for a part of the SE 1/4 of the SW 1/4 of Section 12, submitted by Alan Simon. The survey creates Lot 1-10 acres. Jerry Guelig motioned to approve the Certified Survey Map, seconded by Tim Simon. Motion carried (3-0).

- #10 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 351-401), seconded by Ann Simon. Motion carried (3-0).

Public Comment:

- The office cupboards are all installed. The office hours will be Monday-Thursday, 8:30 a.m.-1:00 p.m., afternoons by appointment. The Chairman stated that he feels the Clerk will be in the new office by August 1st. The Board discussed the Clerk's salary in relationship to the hours and the fact that the Clerk's duties are established by statute. Bill Huck commented that salaries are established before nominations are made for each position. It is based upon the job, not on an hourly basis.
- It was suggested that the Board consider upgrading the Clerk's computer.
- The Board was asked about the lack of financial reporting by Taycheedah Sanitary District No. 1. The Board has not been supplied with such information. The Clerk will request a report.

- Ann Simon asked Roger Schneider if the dog issue has been settled. He stated one license has been issued; one dog still needed it's vaccination. The Sheriff's Dept. may need to become involved.
- Jim Rosenthal asked Ann Simon to clarify the issue with his son's house. People have questioned his actions while being the Board of Appeals Chairman. Ann stated that the Board received a Certified Survey Map dividing Mr. Rosenthal's property. The survey was put on hold. Someone informed her that Jim's son was building a home. Ann stopped at the site. There was no building permit posted by the road. Jim told Ann that the permit was in his house and that he owned all of the land. Ann commented that you can't build two homes on one parcel. Ann went back the next day and told Jim he would have to stop building until the issue was resolved. Ann researched with the County. The County verified that Jim owns multiple parcels. Ann called Jim that night to apologize.
- John Neimeier owns six lots on Schuster Lane. The road was never built. There is a question as to whether or not the Town ever accepted the road. Bill Huck will research the road issue.

Ann Simon motioned to adjourn, seconded by Jerry Guelig. Motion carried (3-0).

Attest Brenda A. Schneider
Brenda A. Schneider
Town Clerk

**TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN**

**RESOLUTION CALLING FOR ADVISORY REFERENDUM
INCREASING THE SIZE OF THE TOWN BOARD
FROM THREE MEMBERS TO FIVE MEMBERS**

WHEREAS, Wis. Stats. §60.21 authorizes the Town Board of the Town of Taycheedah, by ordinance, to increase the number of Supervisors to no more than 5; and

WHEREAS, because of the importance of the matter, the Town Board wishes to submit the question to the electors for an advisory referendum; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Town of Taycheedah, Fond du Lac County, Wisconsin shall hold an advisory referendum on the 10th day of September, 2002 for the purpose of submitting to the electors the question of increasing the Town Board's size from 3 members to 5 members.

2. An official Referendum Ballot shall be prepared pursuant to the ballot form and procedures set forth in the Wisconsin Statutes.

3. The referendum question to be submitted to the electors shall be as follows:

“Shall the Town Board of the Town of Taycheedah, Fond du Lac County, Wisconsin pursuant to Wis. Stats. §60.21, adopt an ordinance increasing the number of Town Board Supervisors from 3 members to 5 members?”

4. The Town Clerk shall be authorized and directed to take such further steps as may be necessary to bring the matter of the above referendum question before the electors on the date designated by the Town Board.

Dated this 9th day of July, 2002.

TOWN OF TAYCHEEDAH

By: Jerome J. Guehig
Town Chairperson

Attest:

Brenda A. Schneider
Town Clerk

Rec'd
7-5-02

LAW OFFICES

EDGARTON, ST. PETER, PETAK, MASSEY & BULLON

10 FOREST AVENUE

P.O. BOX 1276

FOND DU LAC, WISCONSIN 54936-1276

FAX NUMBER: (920) 922-9091

920-922-0470

A.D. (DAN) EDGARTON
ROBERT V. EDGARTON
RONALD L. PETAK
JOHN A. ST. PETER
KATHRYN M. BULLON
PAUL W. ROSENFELDT

ALLAN L. EDGARTON (1908-1994)
THOMAS L. MASSEY (1935-1995)
NEIL HOBBS (1922-2001)
GEORGE M. ST. PETER, RETIRED

June 3, 2002

Ms. Brenda Schneider
Town of Taycheedah Clerk
W2695 Loehr Road
Malone WI 53049

Re: Advisory Referendum Documents

Dear Brenda:

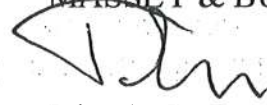
You asked me to submit the appropriate legal documentation for bringing on an advisory referendum to increase the size of the Town Board from 3 persons to 5 persons. Enclosed are the two necessary documents:

- Resolution Calling for Advisory Referendum
- Notice of Advisory Referendum

The Notice of Advisory Referendum should be sent to the County Clerk if the Town Board adopts the resolution. I presume that you will work with the County Clerk on the publication of the notice, the preparation of a ballot, etc. Please call if you need any assistance.

Respectfully,

EDGARTON, ST. PETER, PETAK,
MASSEY & BULLON



John A. St. Peter

JASP:lac

Enclosure

cc: Town Board, w/enc.

**TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN**

**RESOLUTION CALLING FOR ADVISORY REFERENDUM
INCREASING THE SIZE OF THE TOWN BOARD
FROM THREE MEMBERS TO FIVE MEMBERS**

WHEREAS, Wis. Stats. §60.21 authorizes the Town Board of the Town of Taycheedah, by ordinance, to increase the number of Supervisors to no more than 5; and

WHEREAS, because of the importance of the matter, the Town Board wishes to submit the question to the electors for an advisory referendum; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. The Town of Taycheedah, Fond du Lac County, Wisconsin shall hold an advisory referendum on the ____ day of _____, 2002 for the purpose of submitting to the electors the question of increasing the Town Board's size from 3 members to 5 members.

2. An official Referendum Ballot shall be prepared pursuant to the ballot form and procedures set forth in the Wisconsin Statutes.

3. The referendum question to be submitted to the electors shall be as follows:

"Shall the Town Board of the Town of Taycheedah, Fond du Lac County, Wisconsin pursuant to Wis. Stats. §60.21, adopt an ordinance increasing the number of Town Board Supervisors from 3 members to 5 members?"

4. The Town Clerk shall be authorized and directed to take such further steps as may be necessary to bring the matter of the above referendum question before the electors on the date designated by the Town Board.

Dated this _____ day of July, 2002.

TOWN OF TAYCHEEDAH

By: _____
Town Chairperson

Attest:

Town Clerk

NOTICE OF ADVISORY REFERENDUM

To: Electors of the Town of Taycheedah
Fond du Lac County, Wisconsin

TAKE NOTICE that a referendum will be held on the ____ day of _____, 2002 in the Town of Taycheedah, Fond du Lac County, Wisconsin, on the question of whether to increase the size of the Town Board from 3 members to 5 members. The question which shall appear on the ballot is as follows:

Shall the Town Board of the Town of Taycheedah, Fond du Lac County, Wisconsin pursuant to Wis. Stats. §60.21, adopt an ordinance increasing the number of Town Board Supervisors from 3 members to 5 members?

EXPLANATORY STATEMENT AND EFFECT OF VOTE

The advisory referendum ballot will ask the town electors to vote “yes” or “no” on the question as set forth above.

A “yes” vote on the advisory referendum expresses your support for the adoption of an ordinance to increase the size of the Town Board from 3 members to 5 members.

A “no” vote on the advisory referendum expresses your opposition to the adoption of an ordinance to increase the size of the Town Board from 3 members to 5 members.

The Town Board will take into consideration the outcome of the advisory referendum as to whether it should adopt an ordinance increasing the size of the Town Board from 3 members to 5 members

POLLING PLACES AND HOURS

Town electors must vote at the times and places at which they cast their ballots at regularly-scheduled elections.

INFORMATION TO ELECTORS

- (a) Upon entering the polling place, an elector shall give his or her name and address before being permitted to vote. Where ballots are distributed to electors, the initials of two inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth or machine and cast his or her vote, except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.
- (b)
 - (i) If paper ballots or lever machines are used, then on the referendum election question, the elector shall make a cross (X) in the square at the right of or depress the button or lever next to the answers which he or she intends to give.
 - (ii) If a punch card voting system is used, then on the referendum election question, the elector shall make a punch or a hole at the right of "yes" if in favor of the question, or the elector shall make a punch or a hole at the right of "no" if opposed to the question.
 - (iii) If a marksense voting system is used, then on the referendum election question, the elector shall make a mark in the space at the right of "yes" if in favor of the question, or the elector shall make a mark in the space at the right of "no" if opposed to the question.
- (c) The vote should not be cast in any other manner. If the elector spoils a ballot, he or she shall return it to an election official who shall issue another in its place, but not more than three ballots shall be issued to any one elector. If the ballot has not been initialed by two inspectors or is defective in any other way, the elector shall return it to the election official, who shall issue a proper ballot in its place. Not more than five minutes' time shall be allowed inside a voting booth or machine. Unofficial ballots or a memorandum to assist the elector in marking or punching his or her ballot may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

- (d) (i) After an official paper ballot is marked, it shall be folded so the inside marks do not show but so the printed endorsements and inspectors' initials on the outside do show. After casting his or her vote, the elector shall leave the voting machine or booth and, where paper ballots are distributed to the electors, deposit his or her folded ballot in the ballot box or deliver it to an inspector for deposit in the box, and shall leave the polling place promptly.
- (ii) If a punch card voting system is used, then after an official ballot is punched, it shall be inserted in the envelope provided so the punches do not show. After casting his or her vote, the elector shall leave the booth, deposit the envelope containing his or her ballot in the ballot box, or deliver the envelope to an inspector for deposit, and shall leave the polling place promptly.
- (iii) If a marksense voting system is used, then after an official ballot is marked, it shall be inserted in the envelope provided so the marks do not show. After casting his or her vote, the elector shall leave the booth, insert the ballot in the voting device, discard the envelope, and shall leave the polling place promptly.
- (e) An elector may select an individual to assist in casting his or her vote if the elector declares to the presiding official that he or she is unable to read, has difficulty in reading, writing or understanding English, or that due to disability is unable to cast his or her vote. The selected individual rendering assistance may not be the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector.

Persons with questions regarding the voting procedures for the advisory referendum should contact the Town Clerk, Brenda Schneider.

Brenda Schneider, Town Clerk

The Town Board of the Town of Taycheedah met on Tuesday, August 13th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the August monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The minutes of the July monthly meeting were read. Tim Simon motioned to accept the minutes as read, seconded by Ann Simon. Motion carried (3-0).

Committee Reports:

Web Site Committee. Marlys Welsch has compiled a booklet of correspondence received during the Committee's work on the web site for open records purposes. A few of the emails contain sensitive information that shouldn't be open to the public. The items will be withheld due to security reasons. Marlys will deliver the booklet to the Board at the next meeting.

Drainage Committee. The Drainage Committee met on July 23rd and August 7th. The Fond du Lac County Erosion Control and Stormwater Management Ordinance covers the town's future development. The Committee feels the County's ordinance is more than sufficient to meet the Town's needs. The next meeting of the Committee is scheduled for August 27th. Jim Savinski, Town of Algoma will discuss Algoma's Stormwater Management Plan. The Committee is concentrating on how to deal with existing drainage problems.

Special Orders:

None stated.

Unfinished Business:

- #1 Zoning changes that occurred during comprehensive plan without owner's knowledge. The Chairman has met with Attorney Sorenson. The attorney recommended an addendum to the Comprehensive Plan reverting the zoning back if the owners wish. Marlys Welsch questioned the fee and other expenses paid by those who have formally petitioned for the change. Jerry responded that the filing fee could be refunded. Ann Simon stated that it would be unfair to charge it to all the other taxpayers. Ann further stated that she is not satisfied with the answer. She is concerned that neighboring property owners were not given the opportunity to protest. Jerry added that the attorney stated that the Board is not required to send letters to the property owners or the neighbors. Property owners are responsible to keep themselves informed. Marlys Welsch asked that the issue be tabled for further discussion. The group discussed notification. Ann stated she had asked The Reporter to do a small article that has yet to be printed. Ann will follow-up with the newspaper. Mike Wirtz stated the notices are posted on the boards and on the website. People are responsible for their own property. Ann will send letters to the affected property owners informing them of the issue and request a reply as to whether or not they are happy with their current zoning or wish to have it changed back. Jerry Guelig motioned to table the issue to the October meeting, Ann will send the letters, and the Welsch's will have time to contact their partners, seconded by Tim Simon. Motion carried (3-0).

- #2 Consideration of Addendum to the Contract with Foth & Van Dyke for the Fisherman's Road Boat Launch Improvement Project. Tabled on 7/9/02. The project has been approved for an additional \$18,000 in grant money. Jerry Guelig motioned to approve the Addendum to the Contract, seconded by Tim Simon. Motion carried (3-0). The Board discussed reducing the hours on the automatic locks, installing hand dryers, adding more signs, changing to the large rolls of toilet paper, obtaining a bid from Waste Management for a small dumpster, the fact that the urinal not working properly and the possible future need to consider a launch fee.

New Business:

- #1 Consideration of Jim Emerich's request to rezone 3.12 acres on Hwy. 151 from Residential without public sewer (R-2) to Business without public sewer (B-2). The Plan Commission conducted a public hearing on Friday, August 9th. The Plan Commission resolved to recommend the Town Board approve the rezone request due to the need to begin designating areas along the highway for small business locations. The proposed business would be for the sale and repair of utility trailers. A seasonal storage building may be added in the future. It would be low volume traffic flow. The DOT has approved the access. Jerry Guelig motioned to accept the

recommendation of the Plan Commission and approve the rezone request, seconded by Ann Simon. Motion carried (3-0).

- #2 Consideration of reducing the speed limit of Golf Course Drive. The Board has received a citizen request to reduce the speed limit on Golf Course Drive. The County Highway Commissioner recommends reducing the speed limit, adding signs and use the County's radar trailer. Jerry Guelig motioned to reduce the speed limit on Golf Course Drive from 55 mph to 45 mph from Cty. UU to the limits of the Village of Taycheedah, seconded by Tim Simon. Motion carried (3-0).

- #3 Discussion and possible action pertaining to a sign complaint. The complaint had been resolved prior to the meeting.

- #4 Certified Survey Maps.

Certified Survey Map for a part of the SW 1/4 of the SE 1/4 of Section 9, submitted by Dave Wollersheim. The survey creates Lot 1 consisting of 10.826 acres and Lot 2 consisting of 26.689 acres. Tim Simon motioned to approve the certified survey as submitted, seconded by Ann Simon. Motion carried (3-0).

- #5 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 402-465), seconded by Ann Simon. Motion carried (3-0).

Public Comment:

- The office chairs have not been delivered yet. The locks have been changed and the phone is connected.
- Pam Simon did the landscaping at the hall. The Chair would like to thank her with a gift certificate. It will be added to next month's bills.
- Lloyl McLeod informed the Board that a previous Board condemned the six lots on Schuster Lane many years ago due to drainage problems. The road was never approved. Mr. McLeod was the Chairman at the time.
- George Walker requested the Town trim the brush and trees from Silica Road down into the burning area of the former dump site.
- Jim Karls stated broken glass was left behind by the waste pick-up service in his neighborhood. Jim was advised to contact Waste Management if it happens again. They will send someone back out to take care of it.
- The Board was asked if paintball games are a legal use of the Town Park. The park rules were established many years ago. The Board will review and possibly update the rules at the next meeting.
- The Costello Certified Survey Map approved at the July monthly meeting did meet the 5-acre exemption.
- The Taycheedah Sanitary District No. 1 has been contacted for 2001 financial reports. The District has yet to submit.

Jerry Guelig motioned to adjourn, seconded by Ann Simon. Motion carried (3-0).

Attest Brenda A. Schneider
Brenda A. Schneider
Town Clerk

The Town Board of the Town of Taycheedah met on Thursday, September 12th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the September monthly meeting. Members present were Chairman Jerry Guelig, Supervisor Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider. Supervisor Tim Simon was absent.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The minutes of the August monthly meeting were read. Ann Simon motioned to accept the minutes as read, seconded by Jerry Guelig. Motion carried (2-0).

Committee Reports:

Web Site Committee. Marlys Welsch has compiled a booklet of correspondence she received during the Committee's work on the web site for open records purposes. Committee member Judy Barrett objects to the submittal of the booklet because it contains personal emails. Judy feels Marlys needs to obtain permission from the committee members. Judy also stated that original emails were altered. Marlys suggested contacting Attorney John St. Peter regarding emails as public records. Marlys will hold on to the book for the time being. Ann Simon stated she will contact Judy regarding her call to Marlys and the Towns Association for legal advice.

Park & Rec. Committee. The Committee will meet on September 16th, to discuss possible projects for a WCC crew to do next summer.

Drainage Committee. Charlie Mathison, Drainage Committee Chairman, gave a history of the Committee's meetings. The Committee has broken the issue into two parts: addressing new development and addressing existing problems. Jim Savinski, Town of Algoma, gave the Committee information on how to address the existing problems. The Committee will continue to work on the existing problems issue. As far as new development, the Fond du Lac County Erosion Control and Stormwater Management Ordinance would apply to the Town only if the Town does not have a drainage ordinance. The Committee recommends the Town Board delete Title 15, Chapter 2, pertaining to erosion control and drainage so that the County's ordinance would cover the Town. The County would administer and enforce the County ordinance. Lynn Mathias, Fond du Lac County Land & Water Conservationist gave an overview of the County's ordinance. Lynn has reviewed the Town's ordinance. He feels it is fairly decent. However, it lacks details on the plan requirements. It does not state specific data that would need to be included in pre-development and post-development plans. The County's ordinance also deals with water quality and provides protection downstream from future developments. The statutes specifically state that a Town drainage ordinance takes precedence over a County ordinance. If the Town rescinds their ordinance, the County's would automatically take effect. There would be no cost to the Town. The Town would still have the final say on approving new developments.

Special Orders:

None stated.

Unfinished Business:

- #1 Zoning changes that occurred during comprehensive plan without owner's knowledge. This item was previously tabled to the October meeting. The Reporter has not done an article on the issue. Ann will follow-up with the paper. Ann will send letters to the effected parties prior to the October meeting. Ann will supply the Clerk with a notice to be inserted into the website and the list a affected parties.

New Business:

- #1 Consideration and possible action on Steve Hamilton's request to rezone 1.9 in the SW 1/4 of the NE 1/4 of Section 32 from 151 from Residential without public sewer (R-2) to Business without public sewer (B-2). The property is located at W4271 Ledge Road. The Plan Commission conducted a public hearing on Monday, September 9th. The Plan Commission resolved to recommend the Town Board approve the rezone request and the Plan Commission will waive their per dium for the hearing. Ann Simon motioned to revert the zoning back to B-2, without any fee, seconded by Jerry Guelig. Motion carried (2-0).
- #2 Consideration and possible action on Jason Meyer's request to rezone 33.24 acres in the NE 1/4 of Section 9 from Exclusive Agricultural (A-1) to Residential without public sewer (R-2). The Plan Commission conducted a public hearing on Monday, September 9th, 2002. The Plan Commission resolved to recommend the Town Board amend the request for the 2.36 acre lot at the corner of Johnsburg Road and Mengel Hill Road and the 2.089 acre lot to the south of the corner lot and the 66-foot right-of-way needed for a future road to the west of the afore mentioned lots. The Plan Commission recommends approving the rezone request as amended with a legal description to accompany the resolution to the Board. Jerry Guelig motioned to adopt the Plan Commission's recommendation, seconded by Ann Simon. Motion carried. (2-0).

- #3 Consideration and possible action on Karen & Roger Miller's Class A Liquor/Beer license application. Jerry Guelig motioned to approve the application, seconded by Ann Simon. Motion carried (2-0).
- #4 Consideration and possible action on DO-IT-ALL, Inc.'s Class B Liquor/Beer license application. Ann Simon motioned to approve the application, seconded by Jerry Guelig. Motion carried (2-0).
- #5 Consideration and possible action to delete Title 15 Chapter 2, regarding surface water drainage and construction site erosion. Such action would require residents, property owners and contractors to comply with the Fond du Lac County Erosion Control and Stormwater Management Ordinance. Jerry Guelig stated that the excavators and developers in the Town need to know about the two different ordinances. He feels the Town needs to contact them and find out if they are in favor of deleting the Town's ordinance. Jerry would like to wait one month before taking any action. Ann Simon disagreed with Jerry. She stated that based upon Lynn Mathias' comments and a conversation she had with Charlie Mathison, she had more than enough information to make a decision. Ann Simon motioned to delete the Town's ordinance, Title 15 Chapter 2, and accept the County's ordinance, doing so will take a lot of pressure off of the Town, Jerry Guelig seconded the motion. Motion carried (2-0).
- #6 Consideration and possible action to amend the park rules. The Board requested the Park & Rec. Committee review and make recommendations to the Board.
- #7 Consideration and possible action on the Letter of Understanding for accounting services provided by G.M. Hietpas, CPA. Jerry Guelig motioned to approve the Letter of Understanding for accounting services, seconded by Ann Simon. Motion carried (2-0).
- #8 Consideration and possible action on the quote for dumpster service to Fisherman's Road Boat Launch. Waste Management quoted \$23.00 @ month for bi-weekly pick-up and \$30.00 @ month for weekly pick-up. The quote is for a 2-yard dumpster. The Board decided to reconsider in the spring.

The hand-driers will be installed and the wastebaskets will be removed from the bathrooms. Door sweeps have been installed on the doors. A drain is located in the utility room. The sub-contractor covered it with concrete. Russ Friemark will follow-up on the drain. The floors will be re-painted this fall. A vent will be installed in the door and one in the back of the room. The Fishing Club contacted Brooke Industries. The Club would like the bathrooms cleaned every Friday and Monday. Brooke would clean, supply cleaning materials and remove garbage for \$25.00 a visit. The group discussed who should pay for the service and who is responsible. Ann Simon will approach Tim Preston about cleaning the bathrooms.

The group also discussed closing the bathrooms for the season. Pat Bertram, Ahern-Gross, has offered to show the group the shutdown procedures.

The Club is planning on dredging the harbor next spring. Dan Mand contacted Jeff Pagels, WDNR, about grant possibilities. The Town would have to apply for the grant and obtain a permit from the DNR. Mr. Pagels suggested being prepared for a January Waterways meeting.

#9 Certified Survey Maps.

Certified Survey Map for a part of the SW 1/4 of the SW 1/4 of Section 22, submitted by Jim & Joan Rosenthal. The survey creates Lot 2 consisting of 0.977 acres, Lot 3 consisting of 1.206 acres, Lot 4 consisting of 1 acre and Lot 5 consisting of 1.524 acres. Ann Simon motioned to approve the certified survey as submitted, seconded by Jerry Guelig. Motion carried (2-0).

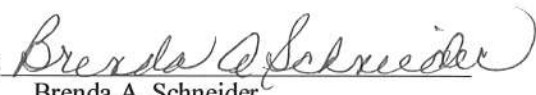
#10 Approval of town bills. Ann Simon motioned to approve the bills as submitted (order nos. 466-526), seconded by Jerry Guelig. Motion carried (2-0).

Public Comment:

- Marlys Welsch would like to see physical descriptions included with legal descriptions.
- The DNR will be issuing a permit soon to clean the Julka ditch.
- Jerry Guelig spoke to the Governor on Election Day. They spoke about the Hwy. 149 excel/decel lanes the DOT is requiring for Tim's Alignment. The Governor's aide contacted Jerry for more details. The aide made some contacts and informed Jerry the lanes still need to be installed.
- The clerk is planning to re-locate to the Town Hall office next week. Internet access was discussed. Another phone line will need to be installed or cable access for the computer. Marlys Welsh enquired about a new computer for the Clerk.

Jerry Guelig motioned to adjourn, seconded by Ann Simon. Motion carried (2-0).

Attest


Brenda A. Schneider
Town Clerk

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Special Orders:

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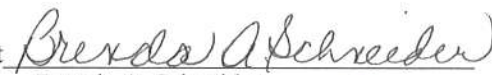
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Jerry Guelig motioned to adjourn, seconded by Ann Simon. Motion carried (2-0).

Attest 
Brenda A. Schneider
Town Clerk

G M Hietpas CPA, LLC

14 N. MAIN STREET
MAYVILLE, WI 53050-1636
(920) 387-3356
FAX (920) 387-3083

Certified Public Accountant
and Business Consultant

86 S. MACY STREET
FOND DU LAC, WI 54935-4131
(920) 921-3356
FAX (920) 921-7035

COPY GILBERT M. HIETPAS

January, 2002

Re: Letter of Understanding

Town of Taycheedah
W2695 Loehr Street
Malone, WI 53049

Dear Client,

I want to take a moment to thank you for being our customer. We do appreciate you, and look forward to serving you in the future.

The following is a list of services we presently prepare for you. We hope to meet your expectations of service from our firm by clearly identifying the particular services to be provided and their frequency. This letter of understanding will be for services provided through December 31, 2002.

	Frequency of Service:		
	Monthly	Quarterly	Annually
Cash receipts/disbursement			
Record keeping	___	___	___
Compilation of general ledger & financial statements	___	___	___
Prepare quarterly payroll			
Tax reports	___	___	___
Prepare payroll deposits	___	___	___
Prepare W-2's	___	___	___
Prepare sales tax reports	___	___	___
Prepare 1099 & 1096 forms	___	___	___
Reconciliation of bank Statements	___	___	___
Preparation of payroll checks	___	___	___

We will also, at your request, prepare your State and Federal tax returns.

Town of Taycheedah

None of the services listed above can be relied on to detect errors, fraud, or illegal acts that may exist. However, we will inform you of any material errors, fraud or illegal acts that come to our attention, unless they are clearly inconsequential.

Our fees for the above services are based on the time expended at our standard rates and will be billed to you monthly, payable upon receipt. We strive to keep the rates down and the level of service high.

To continue the services in the future, we have established a policy that any delinquent accounts over 60 days old will result in suspending service until such time as your account becomes current. Interest will be charged at the annual rate of 18% after 30 days outstanding.

For your information, the following is the privacy policy of our firm:

We do not disclose any non-public personal information about our clients or former clients to anyone, except as instructed to do so by such clients, or required by law. We restrict access to non-public personal information to those Professionals (Internal Revenue Service) and we maintain physical, electronic, and procedural safeguards to guard your non-public information.

We value you as a customer and thank you for all the referrals that you give us. If you have any questions, please call. Please indicate your acceptance of the above understanding by signing below. A copy is enclosed for you.

Sincerely,

G M Hietpas CPA, LLC

Accepted by: _____

Date: _____

TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN
AMENDMENT NO. 11 TO THE ZONING MAP OF THE TOWN OF TAYCHEEDAH

BE IT ORDAINED by the Town Board of the Town of Taycheedah, Fond du Lac County, Wisconsin, that the Zoning Map of said Town, passed and adopted on January 12th, 1999, is hereby amended in the manner following:

Section 1. That the classification of lands owned by Lillian Schneider, further described as:

A part of the SW 1/4 of the NE 1/4 of Section 32 in T. 16N.R18E, Town of Taycheedah, Fond du Lac County, Wisconsin,


Commencing 986.5' north and 271.86' east of center 1/4 post, thence north 249.94', thence east 329.70', thence south 258.68' and thence west to the point of beginning, 1.90 acres more or less, as recorded in the Fond du Lac County Register of Deeds Office, Vol. 538-206 and Vol. 1172-292,

being subject to all easements and restrictions of record, has been changed from Residential without public sewer (R-2) to Business District without public sewer (B-2).

Section 2. That the zoning map be amended to show such change.


Section 3. This amendment shall be effective upon passage and publication.

Passed and adopted September 12th, 2002.



Jerome Guelig, Chairman

Attest:



Brenda A. Schneider, Clerk

TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY, WISCONSIN

RESOLUTION AMENDING THE CODE OF ORDINANCES

The Town Board of the Town of Taycheedah does hereby ordain as follows:

Section 1. Title 15, Chapter 2, of the Code of Ordinances, regarding surface water drainage and construction site erosion is deleted. All residents, property owners and contractors are subject to the Fond du Lac County Erosion Control and Stormwater Management Ordinance.

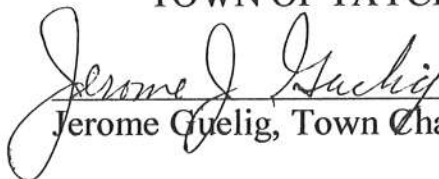
Section 2. The Town Clerk is authorized and directed to revise the text of the Code of Ordinances in accordance with the changes adopted in Section 1, above.

Section 3. The amendment authorized by this resolution shall take effect upon adoption and publication in the Town's official newspaper.


Section 4. The remaining provisions of the Town's Code of Ordinances shall remain in full force and effect, except as amended by this resolution.

Adopted this 13th day of September, 2002.

TOWN OF TAYCHEEDAH


Jerome Guelig, Town Chairman

Attest:


Brenda A. Schneider, Clerk

The Town Board of the Town of Taycheedah met on Tuesday, October 8th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the October monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The minutes of the September monthly meeting were read. Marlys Welsch requested that the Web Site Committee report be amended to state that she denied Judy's accusations and clarify that Judy was not at the meeting. Jerry Guelig motioned to accept the minutes as amended, seconded by Ann Simon. Motion carried (3-0).

Committee Reports:

Web Site Committee. Ann Simon contacted Judy Barrett. Judy requested that the Committee meet to review Marlys' book before it is submitted to the Town Board. Marlys will call a meeting of the Committee.

Park & Rec. Committee. The Committee has developed a list of projects for the WCC crew and have made recommendations for revisions to the park rules.

Drainage Committee. Charlie Mathison, Drainage Committee Chairman, reported that the Committee is getting closer to making a recommendation to the Board pertaining to the existing drainage problems. The Committee is working with Lynn Mathias and Spike Clarenbach. The Committee expects to submit their recommendation for consideration at the November meeting.

Special Orders:

None stated.

Unfinished Business:

#1 Zoning changes that occurred during comprehensive plan without owner's knowledge. The Reporter has printed an article on the issue. Ann followed-up with phone calls to affected parties.

Sandy Davis' 17-acre property was Business. It was changed to A-T. The Davis' petitioned for a rezone to R-8 in order to construct a home. They wanted to leave half of the parcel with their son's business. They would like a portion of the parcel changed back to Business but have yet to determine the number of acres. Sandy stated she needs to figure out the tax implications and where the house will be situated. Ann Simon feels they should be able to survey off a portion of the parcel and have it go back to Business.

Tim Huelster's property changed from Industrial to Residential. Ann contacted Tim. Tim stated the property in question is not his. Several people in attendance verified that it is indeed owned by Tim. It was a former stone crushing site.

Bob Mohr petitioned to rezone his property back to Residential.

Drs. Lent, Welsch and Janssen petitioned to change their zoning back to what it was before 1999. Ann feels their fees should be refunded. Dr. Welsch stated that they incurred expenses due to the process in addition to the fee paid to the Town. Dr. Welsch will submit an itemized bill to the Board. He stated the total is approximately \$2800.00 with legal expenses, surveying and the fee. Ann commented that the other expenses are questionable.

The Feyen Farm was rezoned from A-1 to A-T. Ann stated the adjoining property owners were not given the opportunity to protest. Jerry disagreed. He stated the neighbors were in attendance at all the meetings when the Board approved the residential rezone. Mike Wirtz questioned why it's OK for all the others to have the option to change their zoning back but it isn't OK for the Nett's. Jerry commented that all the protesting was done over a period of several meetings. If the Nett's want to keep their current zoning, then it should be OK. Ann disagreed. She stated the Nett's parcel is different because it isn't a single property, it's a development. Jerry named several other affected parcels with the potential for development.

Dan Perry was changed from A-1 to Residential. He is still try decide what zoning he wants.

Roger Baer and Dan Vixmer need to do additional research before making a decision.

Lillian Schneider's property was recently changed back. The fee was refunded.

Tim Simon stated that the Board needs to determine whether or not the rezonings were done legally in order to determine how to handle the issue. Jerry will speak to Attorney St. Peter. Tim also suggested Jerry talk to Gary Peterson, Mid-America Planning Services, in order to get a better understanding of what took place. Ann stated she has spoken to Mr. Peterson on several occasions. She quoted Mr. Peterson as saying the Town wasted \$40,000 because to Board did what they wanted regardless of his recommendations.

New Business:

- #1 Consideration and possible action on the Final Plat of Glacier Ridge subdivision as submitted by Roger Braun. The subdivision abuts Hwy. 149, McCabe Rd. and Fine View Road. The Plan Commission conducted a public hearing on Monday, October 7th. The Plan Commission resolved to recommend the Town Board approve the Final Plat as presented. Jerry Guelig motioned to approve the Final Plat as submitted, seconded by Tim Simon. Motion carried (3-0).
- #2 Consideration and possible adoption of an Ordinance Amending Title 2, Chapter 3, Town Board, of the Code of Ordinances. The amendment would increase the Town Board to 5 members. A referendum election was held on September 10th. The results were 568 yes and 281 no. Jerry Guelig motioned to approve the resolution creating a 5-member Board consisting of a Chairman and 4 un-numbered Supervisor seats, seconded by Tim Simon. Motion carried (3-0).
- #3 Consideration and possible adoption of an Ordinance Amending Title 12, Chapter 1, Regulation of Parks and Navigable Water, of the code of Ordinances. The amendment would update the Park rules. The Park & Rec. Committee reviewed the rules. The Committee recommends specifying that paintball is prohibited and to add a penalty section. The suggested fine is \$100-\$1000. Ann Simon wants to see some type of step method applied based upon the number of offenses. The Chairman tabled the issue for further research.
- #4 Consideration and possible approval of a Fire Protection Agreement submitted by Calumet Fire Department. Lee Gilgenbach, Chief, gave an overview of the current and proposed contracts and answered questions. The Department has submitted a budget that has been approved by the Fire Department Board and the Town of Calumet Board. The Department is asking for a penny increase. Ann Simon motioned to approve the agreement as submitted, seconded by Jerry Guelig. Motion carried (3-0).
- #5 Further discussion pertaining of Fisherman's Road Boat Launch. Tim Preston has been cleaning the bathrooms. The bathrooms will be shut down for the winter in the week or two.
- #6 Certified Survey Maps.
Certified Survey Map for a part of the SE 1/4 of the SE 1/4 of Section 2, submitted by Donald & Dianne Theusch. The survey creates Lot 4 consisting of 3.968 acres and Lot 5 consisting of 7.605 acres. Ann Simon motioned to approve the certified survey as submitted, seconded by Jerry Guelig. Motion carried (3-0).
- #7 Approval of town bills. Tim Simon motioned to approve the bills as submitted (order nos. 527-570), seconded by Ann Simon. Motion carried (3-0).

Public Comment:

- Marlys Welsch requested that special attendees be placed earlier on the agenda.
- Taycheedah Sanitary District No. 1 has not submitted a financial report as requested.
- Copies of the Fond du Lac County Stormwater Ordinance were available.
- St. Peter Sanitary district will open bids on Nov. 20th.
- Ann Simon stated that she received a phone call a couple of weeks ago. She was asked to look at a trail cut into the woods. Pipe markers were visible showing the boundary of the property. Ann stated that at the Nov. 13th, 2001 Town Board meeting, she told the Nett's that they don't own the property. She also made the Nett's aware that they don't own the property at the Jan. 7th, 2002 Plan Commission hearing. Ann stated that Nett clearly trespassed and maliciously vandalized the Petrie property.
- Larry Schneider submitted a complaint regarding drainage problems. Jerry stated that he and Tim Preston have looked at the property. They couldn't see any problems. Jerry will speak to Mr. Schneider.

Ann Simon motioned to adjourn, seconded by Jerry Guelig. Motion carried (3-0).

Attest _____

Brenda A. Schneider
Town Clerk

**ORDINANCE AMENDING CHAPTER 3 OF THE
TOWN OF TAYCHEEDAH CODE OF ORDINANCES**

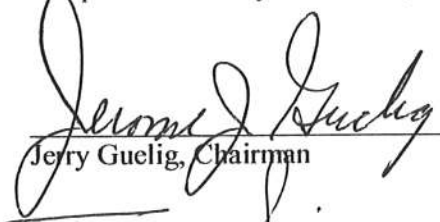
The Town Board of the Town of Taycheedah does ordain as follows:

1. Chapter 3, sec. 2-3-1, of the Town of Taycheedah Code of Ordinances is amended to read as follows:


Sec. 2-3-1 Town Board, Elections to

- a) Membership. The Town Board consists of four (4) Supervisors of the Town of Taycheedah and the Chairperson.
- b) Elections.
 1. In the 2003 spring election, there shall be elected five (5) Supervisors from the Town at large, one of whom will be designated as the "Chairperson" and the other four (4) as Supervisors. The Supervisors shall be elected to staggered terms so that the Chairperson and two (2) Supervisors receiving the highest number of votes in the next election serve 2-year terms and the other two (2) Supervisors serve one-year terms, with each subsequent election to be for 2-year terms so that elections occur odd-numbered and even-numbered years.
 2. This Ordinance shall be effective upon its adoption and publication as required by law.

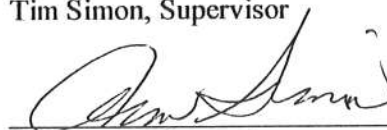
Adopted this 8th day of October, 2002.



Jerry Guelig, Chairman



Tim Simon, Supervisor



Ann Simon, Supervisor

Attest:



Brenda A. Schneider, Clerk

Property Changed without Owners Knowledge 10/02

1. Jason/Walter Meyer--- AT to Res 921-2699 N9284 Hwy 151
2. Dan Rosenthal--- B to Res 922-1418 W3737 Evergreen Ct Yes
3. Rose Petrie--- A1 to AT 922-7269 W3977 Ledge Road Yes
4. Joe Sabel--- A1 to R2 924-9168 W4040 Ledge Road Yes
5. Bub Sabel--- A1 to R2 921-2030 W4138 Ledge Road Yes
6. Lillian Schneider--- B to R2 921-1410 W4271 Ledge Rd "Petitioned to go back 8/02"
"Fees Waived"
7. Laura/Jerry Thomas--- AT to R2 921-1783 W4202 Ledge Road Yes
8. Pat Mand--- R2 to A1 B to A1 923-3242 N7995 Church Road Yes
9. Sandy Davis--- B to AT 922-9494 N6908 Tower Road "Discussion needed"
10. Tim Huelster--- I to R 922-5219 N7928 Hwy 149 review
11. Rick Mand--- A1 to AT 923-4476 W4014 Hwy 149 OK
12. Naomi's--- B to R2 921-2410 N7180 Cty Tk UU Yes
13. Guy Preisler--- A1 to R2 922-5268 N9218 Hwy 151 Yes
14. Angie Prull--- A1 to R2 921-8446 N9254 Hwy 151 Yes
15. Nett Development--- A1 to AT "no adjoining land owners able to protest change"
16. Rose Smiljanic--- B to R2 922-1786 N7602 Cty Tk UU OK
17. Clarence Beltz--- B to Res 921-8349 N7288 Winnebago Yes
18. Moore--- R to A1 Lap Road "petition to go back 2001"
19. John Lent--- R2 to AT 921-6021 W4341 Golf Course Dr. "petition to go back 2001"
20. John Janssen--- R2 to AT 921-7807 N7274 Cty Tk UU "petition to go back 2001"
21. John Welsch--- R2 to AT 922-6689 N7278 Cty Tk UU "petition to go back 2001"
22. Dan Perry--- A1 to R 922-2415 N7711 Fineview Road "thinking"

During the discussion of fines for violation of park rules.

Statement made by Ann:

Well Mike, I'll tell you about our Sheriff's Department. We just had an incident, in our township here, where another property owner went on the other property owner's lot. Cut down a path at least ten feet wide. Cut right down the grass. Went into their woods. Made their own right-of-way. The Sheriff's Department came out. You know what the Sheriff's Department told 'em? That wasn't a malicious act. Even though they vandalized and trespassed on their property. That's not malicious. Nothing was done.

attach to.

Oct. no. no.

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Public Comment:

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- Taycheedah Sanitary District No. 1 has not submitted a financial report as requested.
- Copies of the Fond du Lac County Stormwater Ordinance were available.
- St. Peter Sanitary district will open bids on Nov. 20th.
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- Larry Schneider submitted a complaint regarding drainage problems. Jerry stated that he and Tim Preston have looked at the property. They couldn't see any problems. Jerry will speak to Mr. Schneider.

Ann Simon motioned to adjourn, seconded by Jerry Guelig. Motion carried (3-0).

Attest 
Brenda A. Schneider
Town Clerk

October 17th, 2002

Special Town Board Meeting

1.

The Town Board of the Town of Taycheedah met for a special meeting on Thursday, October 17th, 2002, at 3:00 p.m., at the Town Hall. Members present were Chairman Jerry Guelig and Supervisors Tim Simon and Ann Simon and Clerk Brenda Schneider.

The Chairman called the meeting to order.

The Treasurer suggests the Town borrow \$50,000 for a short-term. The Town treasury is low due to the money paid toward the Fisherman's Road project. The money will be reimbursed to the Town by the end of the year. Tim Simon motioned to authorize the borrowing of \$50,000 for 60 days, seconded by Ann Simon. Motion carried (3-0).

Harry Reinhold applied for a building permit for an 8-unit development. The building will be built on Spring Street in the Village of Taycheedah. The building is the third unit of a multi-family development originally approved in 1990. Ann Simon motioned to approve the multi-family development plan for the third building approved in April, 1990, seconded by Jerry Guelig. Motion carried (3-0).

The Board discussed the proposed fire protection contract received from Mt. Calvary Fire Commission. Jerry stated that he advised the Commission to develop a budget in order to determine the rate needed from all five entities in the service area. The Commission will re-submit a contract to the Town. The Board discussed the possibility of revising the Calumet and the Town of Fond du Lac's service area in the event Mt. Calvary does not submit an acceptable contract.

Jerry Guelig motioned to adjourn the special meeting, seconded by Ann Simon. Motion carried.

Attest



Brenda A. Schneider

Town Clerk

The Town Board of the Town of Taycheedah met on Tuesday, November 12th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the November monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The minutes of the October monthly meeting were read. Ann Simon motioned to not approve the minutes until her statement during public comment can be checked, seconded by Jerry Guelig. Motion carried (3-0).

Committee Reports:

Web Site Committee. The Web Site Committee met on October 28th. Committee Member Marlys Welsch made a personal statement with is attached to the official minutes and incorporated by reference. Tim Simon motioned to abolish the Web Site Committee, seconded by Ann Simon. Motion carried (3-0).

Park & Rec. Committee. No report.

Drainage Committee. Charlie Mathison, Drainage Committee Chairman, reported that the Committee has submitted to the Board an Ordinance for the Maintenance of Natural and Man-Made Surface Drainage Ways. The Committee recommends the Board adopt the ordinance.

Special Orders:

None stated.

Unfinished Business:

- #1 Zoning changes that occurred during comprehensive plan without owner's knowledge. Chairman Guelig read a letter submitted by Attorney John St. Peter in regards to the Board's authority to refund fees. The letter does not comment on refunding additional expense incurred by the property owners. The Chairman stated that Attorney St. Peter told him the Board has the authority to refund all expenses.

The Board agreed that affected property owners must submit a letter, noting their decision, regarding their zoning preference. Ann Simon stated she would send them all a letter. The property owners will need to respond by the January meeting.

Dr. Welsch questioned additional expenses pertaining to rezoning. Drs. Welsch, Jannsen and Lent submitted a hand-written claim of \$658.85 for fees to the Town, \$1669.00 for attorney fees and \$414.64 for surveying. The Welsch's claim that Brenda Schneider or Jim Huck told them they need to have a Certified Survey done in order to petition for a re-zone. Brenda Schneider denied making such statement to anyone. Tim Simon commented that the survey would be needed in the future. Dr. Welsch stated that they don't plan on subdividing or selling the land.

Jerry Guelig spoke to Gary Peterson, Mid-America Planning Services, about the rezonings. Mr. Peterson said he was hired to assist the Town with comprehensive planning. The Town Board made the zoning changes.

Mike Wirtz commented that the Board has yet to obtain a legal opinion that the '99 rezones were done illegally. Jerry Guelig stated that the owners and the neighbors must be notified. Ann Simon added that the notice did not list all properties to be rezoned.

Ann Simon motioned to refund total expenses to Dr. Welsch and others, seconded by Jerry Guelig. Motion carried (2-1) Tim Simon voted no.

- #2 Consideration and possible adoption of an Ordinance Amending Title 12, Chapter 1, Regulation of Parks and Navigable Water, of the Code of Ordinances. The amendment would update the Park rules. The item was tabled in order to obtain legal advise.

New Business:

- #1 Consideration and possible adoption of a Resolution Recommending the Designation of the Fond du Lac Urbanized Area Metropolitan Planning Organization (MPO) and an Organizational Structure for the Metropolitan Planning Organization (MPO). The MPO will regulate and plan for all methods of transportation within an specific area designated by the United States Census Bureau. The Towns of Friendship, Fond du Lac, Empire and Taycheedah are included in the planning area. The four towns will have one representative. Jerry Guelig feels the towns should have at least two representatives. Jerry Guelig motioned to table the resolution, seconded by Ann Simon. Motion carried (3-0).

- #2 Consideration and possible adoption of an Ordinance for the Maintenance of Natural and Man-Made Surface Drainage Ways "Ditches and Waterways". Charlie Mathison, Chairman of the Drainage Committee, gave a summary of the ordinance. The Committee asks that the Board adopt the ordinance. Barb Bertram, Committee Member, explained that the ordinance pertains to all lands in the Town. It follows Stats. 88.90 and 88.91. It aids the Board with the enforcement of the

statutes. Ann Simon added a correction that the Board of Appeals would hear appeals not the Town Board. Tim Simon questioned the application of the ordinance to property owners upstream, the impact of new development on existing waterways and other specific situations currently existing in the Town. An example Tim mentioned was that 22 acres of Rosie Petrie's farm drains through the Nett's land. He questioned if the Nett's or future lot owners will have a right to complain if the drainage ways become filled with sediment. Ann Simon commented that it is not possible. She said if you stand on Ledge Road and look, you can see the Nett's land is higher than the Petrie's. Tim stated that he spent 1.5 hours surveying it. He determined that when the Petrie land gets flooded high enough, it drains through the Nett's land. Ann asked Tim if Nett paid him to survey it. Tim stated no, it was done on his own time. Ann Simon motioned to adopt the ordinance, seconded by Jerry Guelig. Motion carried (2-1). Tim Simon voted no.

- #3 Consideration and possible adoption of a Resolution Correcting the Boundary of Taycheedah Sanitary District No. 3-St. Peter Area Sanitary District. Jerry Guelig motioned to approve the attachment to Sanitary District No. 3, seconded by Ann Simon. Motion carried (3-0).
- #4 Consideration and possible approval of a contract with Foth & Van Dyke for assistance with the dredging of the Fisherman's Road Boat Launch. The proposed contract is high. Tim Simon will contact Radtke. Jerry Guelig motioned to table the item until the workshop meeting, seconded by Tim Simon. Motion carried (3-0).
- #5 Consideration and possible approval of Jim Feyen's Kennel License for 2003. Jerry Guelig motioned to approve Jim Feyen's Kennel License, seconded by Ann Simon. Motion carried (3-0).
- #6 Consideration and possible adoption of a Resolution Authorizing Submission of a Community Development Block Grant-Public Facilities application for Johnsbury Sanitary District. Jerry Guelig motioned to adopt the resolution, seconded by Ann Simon. Motion carried (3-0).
- #7 Consideration and possible adoption of a Resolution Adopting a Citizen Participation Plan. Jerry Guelig motioned to adopt the resolution, seconded by Ann Simon. Motion carried (3-0).
- #8 Consideration and possible adoption of a Cooperative Agreement Resolution for the Community Development Block grant Program. Jerry Guelig motioned to adopt the resolution, seconded by Ann Simon. Motion carried (3-0).
- #9 Establish the 2003 rate for refuse and recycling service. Ann Simon motioned to establish the fees for 2003 as \$73.00 for bulky waste/refuse and \$18.00 for recycling, seconded by Jerry Guelig. Motion carried (3-0).
- #10 Schedule workshop meeting. The workshop meeting was scheduled for November 19th, at 6:00 p.m.
- #11 Schedule Budget Hearing. The 2003 Budget Hearing was scheduled for December 3rd, at 7:30 p.m.
- #12 Certified Survey Maps.

Certified Survey Maps for a part of the SE 1/4 of the NE 1/4 of Section 1, submitted by Ken Sippel. The survey creates Lot 1 consisting of 1.501 acres and Lot 12 consisting of 1.501 acres. Jerry Guelig motioned to approve the certified surveys as submitted, seconded by Ann Simon. Motion carried (3-0).

- #13 Approval of town bills. Jerry Guelig motioned to approve the bills as submitted (order nos. 571-622), seconded by Tim Simon. Motion carried (3-0).

Public Comment:

- Tim Simon commented that the Town representative will need to have access to a laser. Lynn Mathias asked him if the Town would hire an engineer. Tim volunteered to be the Town representative. Tim also questioned who will pay expenses for appeals and unwarranted complaints. The Board decided a revision will need to be made at the next meeting.
- The Chairman informed the Board that Mt. Calvary Fire Department has revised the fire protection contract to 60.5 cents per \$1000 of equalized value of improvements. The Towns requested a budget from the department. They plan to buy a new truck in 2006.
- Taycheedah Sanitary District No. 1 has not submitted a financial report as requested.
- Angie Prull enquired about the generator. It has not been purchased yet. The item is included in the budget. Jerry Guelig will check into it.

Jerry Guelig motioned to adjourn, seconded by Ann Simon. Motion carried (3-0).

Attest Brenda A. Schneider
Brenda A. Schneider
Town Clerk

Our last web site committee meeting Monday evening, October 28th, 2002, was resourceful and would like to report the following:

It is my belief that all minutes, letters and correspondence pertaining to our appointed committee work is a part of town record. The emails printed are the original emails sent and received and are all web site oriented and pertain to the chronological order of completing the task of the formation of the Town of Taycheedah's internet web site. My intent of this record was merely as a diary of the committee's progress and successful completion of this task.

The legal opinion that Brenda Schneider sought from Carol Narwocki, and not available in print to review, advises verbally that completed printing of the emails could be a precedent setting record. I had and have no intention of precedent setting anything. My intent was to include a diary, a history of committee work, our correspondence and our progress. It was very pertinent to keep the original emails so as to be able to reference them when recalling input or instructions on web site development. It is an accurate record of all my correspondence. Working as the go-between to the committee, Rick Kolstad, the professional web site consultant, and the clerk, Brenda Schneider, required saving each email for referencing passwords, meeting dates and times, various new internet jargon and especially for learning and constant reviewing the entering process for web site construction.

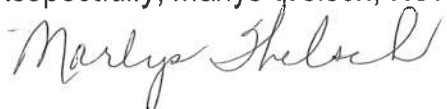
There are still 10 or more of our most recent emails that have not been printed. The printing is not complete. And it will not be completed so as not to possibly bind any committee or the Town Board to a precedent. Harmony with and for the Township is vital. The diary was intended as a prideful diary of the committee's work and accomplishment.

My knowledge of a computer, web site and the internet has been greatly expanded and for this I am grateful. Hopefully, the web site will serve as an additional tool to help the Town Board meet the informational needs of the residents of Taycheedah. The site was developed to give residents and others easier access to the agendas and minutes of our town meetings as well as other information about our town, local government and community events.

I believe our mission as charged by the Town Board is complete. I ask that the Board agree and dismiss our committee from further duties. This will allow for the Board to assign a new committee as needed in the future.

Thank you for the opportunity to serve "Taycheedah----the land we call home....."

Respectfully, Marlys Welsch, November 12, 2002.



LAW OFFICES
EDGARTON, ST. PETER, PETAK, MASSEY & BULLON

10 FOREST AVENUE

P.O. BOX 1276

FOND DU LAC, WISCONSIN 54936-1276

FAX NUMBER: (920) 922-9091

920-922-0470

A.D. (DAN) EDGARTON
ROBERT V. EDGARTON
RONALD L. PETAK
JOHN A. ST. PETER
KATHRYN M. BULLON
PAUL W. ROSENFELDT

ALLAN L. EDGARTON (1908-1994)
THOMAS L. MASSEY (1935-1995)
NEIL HOBBS (1922-2001)
GEORGE M. ST. PETER, RETIRED

November 6, 2002

Mr. Jerome J. Guelig
N8071 W. Ann Randall Drive
Fond du Lac, WI 54935

Re: Refunding Zoning Application Fees

Dear Jerry:

You have asked for my opinion on whether the Town Board has the legal authority to refund fees paid by various property owners who petitioned to rezone their land from its current classification to the classification that existed prior to the adoption of the Town's Master Plan. You mentioned that the property owners in question contend that they received no notice that their land was being rezoned. Therefore, as a matter of fairness, the Town Board wishes to refund the zoning application fee that was paid so that the land could be rezoned to the prior classification.

The Town of Taycheedah's fees schedule is determined by the Town Board. In other words, the Town Board has the legislative prerogative to determine whether a fee is required and, if so, the amount of the fee. The question you pose is whether the Town Board also has the power to refund a fee. In my opinion, the Town Board does have the legislative power to refund fees provided the refunds are made on a non-discriminatory basis. Before granting the refund, the Town Board should be satisfied that the property owners in question lacked notice that their property was being rezoned.

Please contact me should you have any questions concerning the above opinion.

Respectfully,

EDGARTON, ST. PETER, PETAK,
MASSEY & BULLON

John A. St. Peter

JASP:lac

cc: Town Supervisors
Town Clerk

JOHN WELSCH, M.D.

(CONTINUED)

06/30/00

ACCOUNT NO: 99238-000D

STATEMENT NO: 1

RE: REAL ESTATE

TIMEKEEPER

TIMEKEEPER RECAP

	HOURS	HOURLY RATE	TOTAL
Martin DeVries	10.90	\$150.00	\$1,635.00
Steven P. Sager	0.20	170.00	34.00

TOTAL CURRENT WORK

1,669.00

BALANCE DUE

Dr. Welsch / LEGAL FEES: \$1,669.00

Dr.'s Jannsen
Welsch
LewT / TOWN of TAYCHEEDAH: 658.⁸⁵
ARTHUR & ASSOCIATES: 414.⁶⁴

TOTAL DUE: \$2,742.⁴⁹
REIMBURSEMENT

The Town Board of the Town of Taycheedah conducted the August monthly meeting on Tuesday, August 10th, at 7:30 p.m., at the Taycheedah Town Hall. Members present were: Chairman James Huck, Supervisors Mike Colla and Dan Freund, Clerk Brenda Schneider and Treasurer Roger Schneider. The Clerk dispensed with the reading of the minutes from the July monthly meeting. The Chairman called the meeting to order and read the agenda.

Due to some concern with the function of the Board of Appeals, Jim Huck motioned to change the Board of Appeals alignment, making Jim Rosenthal the Chairman and Brenda Schneider the Recording Secretary at a wage of \$50.00 per meeting and increase the fee paid by the petitioner from \$100.00 to \$130.00 plus \$50.00 publication deposit, seconded by Mike Colla. Motion carried (3-0).

The Board received a request to consider a speed limit reduction on Deadwood Point Road. The current unposted limit is 35 mph in a residential district. Mike Colla motioned to post Deadwood Point Road speed limit at 25 mph from the (north/south) beach road easterly for .2 of a mile and if space permits, a "reduce speed ahead" sign will be added, seconded by Dan Freund. Motion carried (3-0).

Hall rental and liability was discussed. The current fee is \$30.00 for spring to fall, and \$50.00 for fall to spring. Mike Colla motioned to set the Taycheedah Hall rental fee at \$50.00 year-round plus a \$50.00 security deposit that is refunded in the event of no damage plus reasonable cleaning must be done, and that liability for damage will be the responsibility of a town resident, seconded by Jim Huck. Motion carried (3-0).

Dan Freund motioned that the Town acquire a rental form that included a waiver exempting the town from any and all liability due to accident and the service of alcohol, while traveling to and from the hall, seconded by Mike Colla. Motion carried (3-0).

Certified Survey Maps from Lent/Jannsen/Welsch in Section 5 were reviewed. [REDACTED] surveys were submitted to correct errors made in the originals CSM's. The parcels [REDACTED] locked in the originals. The county asserts the new CSM's are now correct. Jim [REDACTED] motioned to approve the corrected CSM's of Lent/Jannsen/Welsch, seconded by [REDACTED]. Motion carried (2-1).

Mike Colla motioned that in the event we receive CSM's in the future; the agenda should list the name of the property owner. Motion withdrawn. Jim Huck will ask Attorney John St. Peter if the agenda needs to show the owners name.

The Board discussed the errors in the codification. The Board plans on starting to conduct special meetings in September to review the entire zoning ordinance for all these errors.

Brian Costello approached the Board in regards to the culvert on Konen Road. Brian has a permit approved by the Army Corp of Engineers to proceed with lowering the water level at the entrance of the culvert. The Board discussed installing a 24" culvert near the current 5' one to eliminate the water buildup. Brian feels the advantages of the job would be an extended life of the 5' culvert and area property owner's land would drain better and then could be tiled. The Board decided to inspect the culvert prior to the September meeting.

The Board of Appeals requested that the Town order and pay for the transcript
August 10, 1999 Monthly Meeting 2.

from Elmer Bertram's Special Use Permit to Quarry hearing in an attempt to settle a driveway dispute alleged by Victor Freund. Mike Colla motioned that the Board not authorize the ordering of the transcript from the Elmer Bertram hearing, seconded by Jim Huck. Motion carried (2-1).

Dan Freund motioned that based upon the request of the Board of Appeals, the portion of the transcripts pertaining to just the driveway issue be ordered. Motion failed due to lack of a second.

Jim Huck motioned to approve the town bills as submitted (order nos. 434-485), seconded by Mike Colla. Motion carried (3-0).

Jim Huck motioned to adjourn the meeting, seconded by Mike Colla. Motion carried (3-0).

Dated: August 15, 1999

Attest. _____

Brenda A. Schneider
Town Clerk

The Town Board of the Town of Taycheedah met for a workshop/special meeting on Tuesday, November 19th, 2002, at 6:00 p.m., at the Town Hall. Members present were Chairman Jerry Guelig, Supervisors Ann Simon and Tim Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the workshop/special meeting to order.

- #1 Consideration and possible approval of the fire protection contract submitted by the Mt. Calvary Fire Commission. The contract asks for one-cent increase. Jerry Guelig motioned to approve the contract for 2003, seconded by Tim Simon. Motion carried (3-0).
- #2 Consideration and possible approval of an engineering contract for the Fisherman's Road Boat Launch dredging project. Foth & Van Dyke submitted a contract for their assistance with the dredging project. Pre-dredge survey and drawings and preparation of permit applications total \$4375.00. Tim Simon will contact the DNR to see if the Town needs to have an engineer prepare the drawings.
- #3 Discussion of Zoning Ordinance changes requested by the Dept. of Ag in order to comply with Farmland Preservation. The Dept. of Ag met with Jerry Guelig and Brenda Schneider. The Dept. has requested a few text changes to the Zoning Ordinance. Ann Simon asked that this item be put on hold for more research. Ann stated that she was told the ordinance is alright as is.
- #4 2003 Budget review workshop. The draft budget calls for a levy of \$342,521.17 for a rate of \$1.4020. The following revisions were made:

Interest-Investments/Taxes	\$8,000 to \$6,000
Board-Convent/Edu. Fees	\$1,500 to \$1,000
Board-Accommodations	\$1,600 to \$1,200
Clerk-457-3% match	\$875 to \$0
Clerk-Fringe Benefits	\$2,350 to \$0
Clerk-Convent/Edu Fees	\$3,000 to \$2,000
Town Hall-table Racks	\$500 to \$700
Town Hall-Office Improvements	\$0 to \$3,500-2002 estimate
Town Hall-generator	\$0 to \$4,250
Inspections-Permit Issuer Wages	\$3,500 to \$0
Inspections-Payroll Taxes	\$1,430.55 to \$1,165
Constable-Wages	\$450 to \$700
Constable-Payroll Taxes	\$35 to \$45
Highway-Wages Full-Time	\$35,400 to \$34,000
Highway-Wages Part-Time	\$15,000 to \$8,000
Highway-Payroll Taxes	\$3,850 to \$3,215
Highway-Capital Outlay-Skidsteer	\$0 to \$15,000
Culture/Rec/Educ.-Kiekhaefer Park	\$15,000 to \$2,000
	(Later increased to \$5,000 per Jerry Guelig)
Debt Service-2002 Tractor/Plow	\$4,920.57 to \$14,920.57-2002 estimate
Contingency Funds-Smart Growth	\$20,000 to \$10,000-2002 estimate
Contingency Funds-Smart Growth	\$20,000 to \$5,000

Workshop meeting adjourned.

Attest: Brenda A. Schneider
Brenda A. Schneider
Town Clerk

December 3, 2002

Budget Hearing

1.

The Town of Taycheedah conducted a public hearing for the purpose of presenting the proposed 2003 budget on Tuesday, December 3rd, 2002, at 7:30 p.m., at the Town Hall. Approximately thirty-five residents were in attendance.

The Town Board met on November 19th, 2002, for a budget workshop meeting. The draft budget was reviewed and revised by the Board.

The Town Chairman, Jerry Guelig, called the public hearing to order. The 2003 proposed budget was presented and reviewed. The residents questioned several line items contained in the budget.

Jerry Guelig motioned to close the Budget Hearing, seconded by Ann Simon. Motion carried.

The Chairman called to order the Special Meeting of the Electors pursuant to Section 60.12(1)(c) of Wis. Stats. at 8:45 p.m., for the purpose of approving the 2003 total highway expenditures, establish salaries of elected officials and adopt the 2003 tax levy.

Dan Freund motioned to remove \$35,000 from Highway & Roads-Capital Outlay for the skidsteer, seconded by Jim Huck. Motion carried by a voice vote.

Jim Huck motioned to remove \$20,000 from Highway & Roads-Crackfilling, seconded by Mike Freund. Motion carried by voice vote.

Bill Casper motioned to adopt the anticipated 2003 highway expenditures of \$272,265.00, seconded by Jim Rosenthal. Motion carried by voice vote.

The Electors discussed the Supervisors wages. The Board proposes \$8,000 to be shared equally by the four Supervisors. No motions were made regarding the Chairman and Supervisors salaries.

Ann Simon proposed reducing the Clerk's salary to \$20,000. Jim Rosenthal motioned to keep the Clerk wage at \$29,120.00, seconded by Judy Osterholt. Motion carried by voice vote.

Ann Simon proposed establishing office hours for the Clerk. After considerable discussion, Clarence Kraus motioned to establish office hours of 8-4 Monday thru Thursday, with Friday for running errands, seconded by Joan Simon. Motion failed by a 13-17 show-of-hands vote.

Chairman Jerry Guelig stated that he would exercise his authority to hire an Administrator, reduce the Clerk's salary and make the Clerk 'just the Clerk'. The Electors reminded Jerry that the Clerk's salary has been established for the next two years.

Al Sabel motioned that the Treasurer's salary remain the same (\$10,019.00), seconded by Bill Casper. Motion carried by voice vote.

Bill Casper motioned that the Assessor's salary be established as presented (\$12,524.00), seconded by Dennis Osterholt. Motion carried by voice vote.

Jim Huck motioned to establish the Constable's salary as presented (\$700.00), seconded by Jim Rosenthal. Motion carried by a voice vote.

After adjustments made by the Electors, Jim Huck motioned to set the mil rate at \$1.2523 per \$1000, seconded by Mike Freund. Motion carried by voice vote.

Dennis Osterholt motioned to adjourn the Special Meeting of the Electors, seconded by Bill Casper. Motion carried by a voice vote.

Chairman Jerry Guelig called the meeting of the Town Board to order at 9:35 p.m.. The purpose of the meeting was for the Board to discuss and adopt the 2003 Budget.

Ann Simon motioned to adopt the 2003 Budget, seconded by Tim Simon. Motion carried 2-1. Jerry Guelig voted no. Ann Simon withdrew her motion. She objects to the Budget due to the Clerk's wage and she wants to establish Clerk duties prior to nominations. Jerry Guelig also objects to the Budget due to the decrease of \$15,000 for a skidsteer. Tim Simon and Roger Schneider informed Jerry & Ann that the Board has no choice but to accept the Budget. Tim Simon motioned to accept the Budget as passed by the Electors, seconded by Ann Simon. Motion carried (3-0).

Attest



Brenda A. Schneider
Town Clerk

December 9th, 2002

Workshop Meeting

1.

The Town Board of the Town of Taycheedah met for a workshop meeting on Monday, December 9th, 2002, at 6:30 p.m., at the Town Hall. Members present were Chairman Jerry Guelig, Supervisor Tim Simon, Clerk Brenda Schneider and Treasurer Roger Schneider. Supervisor Ann Simon was absent.

The Chairman called the workshop meeting to order.

Mike Immel, agent for Rural Insurance, updated the Board on the Town's current insurance coverage. Mr. Immel informed the Board that the insurance does not cover damage done to road signs, culverts or guardrails. Kim Bertram contacted Mr. Immel regarding insurance coverage for a 25-foot tower with two platforms. Mr. Immel stated that if a contractor, per engineer specifications, constructs the tower, Rural will cover it at no additional premium. However, if it is not built in that manner, Rural will not cover it. Jerry Guelig motioned to approve the insurance plan, seconded by Tim Simon. Motion carried (2-0).

Jerry Guelig stated that he does not intend to call a meeting of the Board regarding Mike Nett's Christmas tree operation. As Attorney John St. Peter's memo states, the activity may be grand-fathered. The Board may conduct a meeting in the future to determine whether or not the activity is a non-conforming use. Jerry also informed Brenda Schneider that he told Mike Nett to leave his sign up for this week. Mike will remove it by the end of Monday.

Jerry Guelig motioned to adjourn, seconded by Tim Simon. Motion carried (2-0).

Attest Brenda A. Schneider
Brenda A. Schneider
Town Clerk

TOWN OF TAYCHEEDAH
CITIZEN PARTICIPATION PLAN
PUBLIC HEARING MEETING MINUTES
December 9, 2002

The public hearing was called to order at 7:00 P.M by Town Chairman, Jerome Guelig.

Ron Van Straten, from Foth & Van Dyke explained that the purpose of the hearing is to obtain citizen comments and views on economic development, housing, and public facility needs in the Town of Taycheedah. The Town is considering submission of a Community Development Block Grant application to address a public facility need in the Johnsbury Sanitary District -- construction of a new sanitary sewer collection system. Mr. Van Straten explained that the State of Wisconsin has available approximately \$3 million per year for Public Facilities for Economic Development grants, \$9 -18 million for Public Facilities grants, and \$5-10 million for Economic Development grants. All three of these grant programs are now offered on a continual basis. The Town of Taycheedah could receive up to \$750,000 to partially fund construction of the infrastructure project.


Mr. Van Straten also indicated that the Wisconsin Department of Administration provides grant money for housing projects. He further provided a brief overview of the CDBG programs and identified the types of projects that are eligible.

Citizens were afforded an opportunity to comment on the proposed utility project as well as community goals and strategies for the Town. Discussion followed regarding boundaries for the Johnsbury Sanitary District. Residents on Mengel Hill Road, within Johnsbury Sanitary District, questioned whether they could opt out of the sewer collection project. Questions were asked regarding the impact of special assessment exemptions for low income residents. Members of the Johnsbury Sanitary District Commission explained that no formal decision has been made regarding how the cost of the sewer project will be calculated. The Sanitary District Commission is considering property tax levies, special assessments, as well as user charges to pay for the project.

This information was considered along with a summary of the proposed project activities. No displacement of individuals is anticipated as a result of the proposed CDBG project.

The Town advertised the public hearing in The Fond du Lac Reporter on November 24th, 2002 and posted the notice at the Town Hall, Taycheedah Citgo, Silica Hardware and Frank Nett Co. on November 14th, 2002.

Respectfully Submitted,


Brenda Schneider, Town Clerk


Date

TOWN OF TAYCHEEDAH

Brenda A. Schneider, Clerk

W2695 Loehr Street

Malone, WI 53049

ASAP

Phone: 920-795-4625

Fax: 920-795-4120

FAX TRANSMISSION COVER SHEET

TO: *Rox Ann Straten*

FAX NO.:

FROM: *Brenda*

DATE: *12/10/02*

TIME:

NO. OF PGS. W/ COVER: *2*

COMMENTS/INSTRUCTIONS:

*Minutes as requested and reviewed
I'm unsure about the posting date.
(my Proof of Posting is in my home office).
The 11/14th was the most recent day
I did postings.*

Brenda

IF YOU EXPERIENCE DIFFICULTY RECEIVING THIS
TRANSMISSION, PLEASE CALL (920) 795-4625 AS SOON AS
POSSIBLE. THANK YOU.

The information contained in this facsimile is **privileged and confidential**. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this communication in error, please notify us immediately at the above telephone number and return the original to us by mail. Thank you.

The Town Board of the Town of Taycheedah met on Tuesday, December 10th, 2002, at 7:30 p.m., at the Town Hall, for the purpose of conducting the December monthly meeting. Members present were Chairman Jerry Guelig, Supervisors Tim Simon and Ann Simon, Clerk Brenda Schneider and Treasurer Roger Schneider.

The Chairman called the meeting to order. The Pledge of Allegiance was said. The minutes of the November monthly meeting were read. Ann Simon motioned to approve the minutes as presented, seconded by Tim Simon. Motion carried (3-0).

Committee Reports:

Park & Rec. Committee. Kim Bertram, Chair of the Park & Rec. Committee, clarified for the Board that she has requested Brenda Schneider's attendance at meetings, not only for taking notes, but also as a resource. Kim stated that she will not do the minutes and she will not attend monthly meetings unless she has something to report.

Special Orders:

None stated.

Unfinished Business:

- #1 Consideration and possible adoption of an Ordinance Amending Title 12, Chapter 1, Regulation of Parks and Navigable Water, of the Code of Ordinances. The amendment would update the Park rules. The Board discussed establishing a penalty schedule based upon the number of offenses. Sec. 1-1-6, General Penalty, of the Code of Ordinances, does establish a penalty schedule to be used if a penalty is not provided within a specific ordinance. Jerry Guelig motioned to amend 12-1-1(c)(2), to prohibit paintball games in the Park, seconded by Ann Simon. Motion carried (3-0).

New Business:

- #1 Consideration and possible amendment regarding reimbursement of costs to the Ordinance for the Maintenance of Natural and Man-Made Surface Drainage Ways "Ditches and Waterways". Charlie Mathison, Chairman of the Drainage Committee, stated that the Board questioned who would pay the expenses incurred for unwarranted complaints. Sample wording has been presented to the Board. Charlie also mentioned that Tim Simon has volunteered to be the Town representative. Ann Simon stated an appointment could be made at the time of each complaint. A Board member could look at it and discuss it with the full Board. Ann Simon motion to approve Item G, Reimbursement of Costs, as an amendment to the ordinance, seconded by Jerry Guelig. Motion carried (2-0-1). Tim Simon abstained.

- #2 Consideration and possible action on the dredging of the Fisherman's Road boat launch. Tim Simon stated that the DNR does not require engineering for a permit. He has the application for the DNR permit. Tim estimated \$5000 for the job. The Fishing Club is willing to pay half of the costs. Jerry Guelig motioned to proceed with getting the DNR permit, seconded by Tim Simon. Motion carried (3-0).

- #3 Appointment of the 2003-2004 Election Officials. The Republican and Democratic parties submitted the following appointees:

<u>DEMOCRAT</u>	<u>REPUBLICAN</u>
Patricia Schneider	M. Athleen Simon
Barbara Thome	Judith Simon
Jean Sabel	Virginia Schneider

<u>Alternates</u>	<u>Alternates</u>
Helen Schmitz (April)	Betty Swenson
Betty Costello	Lorraine Thome
Lois Koenigs	Sue Carlson
	John P. Dobyns

Ann Simon motioned to approve the appointments as presented, seconded by Jerry Guelig. Motion carried (3-0).

- #4 Duties of the Clerk. Ann Simon wanted to get the Clerk's duties set-up before the Caucus. She was concerned about the number of posted hours the Clerk is in the office. Ann spoke about not having posted hours for a day other than Friday due to the fact that some offices and businesses close earlier on Fridays. Ann also spoke about having the Clerk in the office until at least 6:00 one day a week. Jerry Guelig also wanted to see expanded posted hours. They want to see posted 32 or 40 hours a week. Jerry stated the Clerk can put a sign in the door when she has to run errands. A couple of residents questioned the Board's authority to establish the Clerk's hours. Tim Simon suggested Jerry talk to Attorney John St. Peter about the Board authority to set the Clerk's hours.

Jerry claimed Attorney St. Peter said he has the authority to hire a clerk to work in the office 40 hours a week and the current Clerk would just do the minutes. Ann Simon stated that the Clerk was designated as full-time and that the Board has the right to set office hours. A resident commented that the issue was presented by the Board and voted down by the Electors at the Budget hearing the week before. Ann Simon feels the Clerk's salary is out-of-hand. She stated that elected positions are never fully compensated. Ann Simon motioned that the Clerk posts 32 hours a week with no hours posted for one day to run errands. Motion died for lack of a second. A couple of residents spoke about how accessible Brenda is compared to Clerks in other Towns. Another resident stated that the ordinances establish the duties for each office. Another resident mentioned the Clerk's authority to select a Deputy Clerk. The Board would establish the compensation for the Deputy Clerk. Jerry Guelig motioned that the Clerk's posted hours will be 8:30-4:30, Monday through Thursday, with Friday for running errands, seconded by Ann Simon. The Clerk reminded the Board of the letter her attorney sent them six months ago stating that the Board does not have the authority to establish hours of an elected Clerk. Jerry Guelig withdrew his motion. Jerry Guelig tabled the issue for one year, to the next Budget Hearing, at which time he will work to make the Clerk a hired position. Ann Simon commented that it couldn't be done for two years.

#5 Schedule the Town Caucus. The Caucus was scheduled for January 28th, at 8:00 p.m.


#6 Certified Survey Maps. None were submitted.

#7 Approval of town bills. Ann Simon objected to the Attorney's bill because Brenda Schneider contacted John St. Peter without Jerry Guelig's permission regarding Ann's claim that Mike Nett is operating an illegal business selling Christmas trees. Jerry was out of town at the time. Jerry Guelig motioned to approve the bills as submitted (order nos. 623-703), seconded by Tim Simon. Motion carried (2-1). Ann Simon voted no.

Public Comment:

- Jerry Guelig stated that he does not intend to shut down Mike Nett's Christmas trees business. It is his opinion that it is a non-conforming use due to the fact that it was established in 1988. The cut-your-own tree business operates only six days a year. Mike Nett will remove the sign by the end of Monday.
- Mike Wirtz questioned to approval of the October minutes. The clerk listened to the tapes. Ann's statement is accurate except for the word 'malicious'. However, Ann used the word earlier in the meeting when describing the same incident. Jerry Guelig motioned to approve the October minutes with the word malicious removed, seconded by Tim Simon. Motion carried (3-0).
- John Abler commented that rules and laws are meant to be used as guidelines. Board members should have better things to do.

Jerry Guelig motioned to adjourn, seconded by Ann Simon. Motion carried (3-0).

Attest 
Brenda A. Schneider
Town Clerk