

**VILLAGE OF HORTONVILLE
JOINT VILLAGE BOARD AND PLANNING & ZONING COMMISSION
AUGUST 8, 2024 MEETING MINUTES**

President Jeanne Bellile called the meeting to order at 6:00 p.m. in the Community Center at 531 N. Nash St., Hortonville, Wisconsin.

Members present: James Moeller, Shauna Keel, Jane Olk, Grace Abitz, Bob Jewell, Tom Banker, Barry Hoff, Richard Gruenewald, Mike Bellile, Ryan Hansch, and Roger Retzlaff.

Members absent: Julie Arendt Vanden Heuvel and Dave Moe

Officials/Staff present: Administrator Nathan Treadwell, Clerk-Treasurer Jane Booth, and Attorney Ashley Lehocky

Public Hearing

Motion [Olk/Moeller] to open the public hearing. Unanimous voice vote, motion carried.

Public Hearing for protective covenants for the Hortonville Business Park, specifically, vi.B.Parking a portion of sect.1) "All parking lots, walks and loading zones shall be permanently surfaced with either asphalt or concrete. At least three (3) percent for the total parking lot area shall be landscaped as specified in these Covenants. Corner lots may be exempted from some setback requirements provided that loading and maneuvering areas are screened from public view by careful building orientation and landscaping. All paving must be completed within 15 months.", in addition to the discussion of the Covenants in general.

Administrator Treadwell said that this came up after our last Planning and Zoning meeting and passed it on to the village board. The idea was to have a public meeting and talk about this. Notices were sent out to all neighbors and all the businesses by mail.

Gary Beck, 210 Industrial Park Drive, said that he walked up and down the street in the industrial park and asked if they received a letter, and they all said that no, they had not, the letters were not received. He wondered if we have proof that we mailed the notices. He suggested mailing them by certified mail in the future.

Trustee Moeller reiterated the concerns that the board had. We were looking for the owners to come up with a compromise that keeps with the spirit of the business.

Gary Beck, 210 Industrial Drive, asked why the owners of the Industrial Park were not invited to the meeting of the Village Board. I bought my property second hand, and I was not aware of the covenants at that time. The Village president came out and we discussed my tractors that were parked out front. He never said anything about paving and covenants at that time. Mike Olk – TomCin Metals and the Village knew that he wasn't going to pave his lot. I have asphalt millings in my parking lot, and the dust isn't coming from my parking lot.

Richard Gruenewald asked if he applied for variances.

Gary Beck stated that he was advised to send a letter to the Planning & Zoning Commission at that time and he did that.

President Bellile asked Attorney Lehocky if she in fact did say variances aren't allowed.

Attorney Lehocky said that I don't think that the Village Board has the ability to amend these covenants without the property owners present. There must be a Majority of the Village Board and 2/3 vote of the property owners.

Trustee Abitz asked what the initial goal of the covenants was.

Richard Gruenewald said that everyone that bought property in the Industrial Park signed the contract and agreed to the covenants. Each one of them stated that they read and understood the contract, which included paving in their parking lots as part of their building plans. They had to agree to the covenants. Originally, we had a Village Administrator that went after this, and he went after the ones that didn't pave in the original phase 1. We kept getting new Village Administrators and it seemed like the Industrial Park wasn't a big issue and enforcing the covenants. I live right next to the Industrial Park and they are good neighbors.

Trustee Jewell asked how many businesses are in phase one that are affected with the current issues.

Administrator Treadwell said that about 8-9 businesses.

Trustee Jewell said we need to look at sending certified letters for this in the future.

Mary Ellen Ahlgrimm, Ahlgrimm explosives, said we are very proud to be in the Village. We are very concerned about being good neighbors, and we have spent a lot of money into building berms and planting evergreens. It will be hard to do the pavement for us.

Administrator Treadwell suggested going through the ordinances and updating the zoning code.

Attorney Lehocky said that an amendment to the covenant for the property owners to make changes could be done and let them handle it. She reiterated that for phase one, we cannot amend the covenants without 2/3 majority of the property owners in the Industrial Park to also vote.

Trustee Moeller suggested that we make amendments to the covenants and present it to the Industrial Park landowners and see if they agree.

Gary Beck said that this is a huge learning experience for the Village Board.

Kathy Gruenewald, said that we weren't excited when the industrial park was proposed back in the day, but now I wouldn't trade them as neighbors for anything, it has been nice. We have privacy every weekend.

Close Public Hearing

Motion [Hoff/Moeller] to close the public hearing. Unanimous voice vote, motion carried.

Discussion and possible action on protective covenants for the Hortonville Business Park

Trustee Moeller said that as a matter of principle the contracts were written, and I still struggle with the obligations not being followed. This has been a laborious project and

with that being said that is why I think the Administrator should draw up a resolution to remove the Village Board from the entire situation.

Attorney Lehocky said that we could draft the resolution to say the we are ok with being removed from phase 1 and phase 2.

Motion [Moeller/Hansch] to direct staff to draw up a proposal removing the village from phase 1 and phase 2. Unanimous voice vote, motion carried.

Adjourn

Motion [Moeller/Hansch] to adjourn. Unanimous voice vote, motion carried. The Commission meeting adjourned at 6:59 p.m.

Minutes submitted by,

Jane Booth, WCMC
Clerk-Treasurer