

DATE: 10/19/20

# R E S O L U T I O N

No. 009

To The Board of Supervisors of Winnebago County, Wisconsin:

## AMENDATORY ORDINANCE 10/09/21

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF UTICA in accordance with the petition of Leonard & Teresa Schmick and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF UTICA, be and the same, are amended to provide that the attached described property be changed from the classification of **R-1 (Rural Residential)** of said ordinance, which it now and heretofore had, to the zoned district of **RR (Rural Residential Recreational)**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby  **ADOPTED** OR  **DENIED**.

\_\_\_\_\_  
County Board Supervisor  
(Town of Utica)

PARCEL NO: **024-0164-02**; FROM **R-1** TO **RR**

### COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jon Doemel

County Board Supervisory district **33 - Egan**



## Winnebago County

Zoning Department

*The Wave of the Future*

MEMO FOR P & Z MEETING AGENDA OF SEPTEMBER 10, 2021

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town Zoning Changes

1. Leonard & Teresa Schmick - Town Zoning Change (Tax ID No: 024-0164-02) – Town of Utica.

The town zoning change for Leonard & Teresa Schmick is consistent with Winnebago County's Future Land Use Plan. The Town of Utica approved the zoning change from R-1 (Rural Residential) to RR (Rural Residential Recreational) and Winnebago County's future land use plan shows future land use as Agricultural and Rural.

**RECOMMENDATION: Approve a motion to forward zone change to County Board for action.** *BD, RK<sub>2</sub> 4-0*

2. Gregory Jackson - Town Zoning Change (Tax ID No: 020-0469-03) – Town of Poygan.

The town zoning change for Gregory Jackson is consistent with Winnebago County's Future Land Use Plan. The Town of Poygan approved the zoning change from RR (Rural Residential) to A2 (General Agricultural) and Winnebago County's future land use plan shows future land use as Agricultural and Rural.

**RECOMMENDATION: Approve a motion to forward zone change to County Board for action.** *BD, BJ<sub>2</sub> 4-0*

3. Mary Alice Eisch - Town Zoning Change (Tax ID Nos: 028-0957, 028-0636, 028-0636-02-01, 028-0636-06, 028-0636-07 and 028-0636-08) – Town of Winchester.

The town zoning change for Mary Alice Eisch is consistent with Winnebago County's Future Land Use Plan. The Town of Winchester approved the zoning

change from R-1 (Rural Residential District) and R-2 (Suburban Residential District) to R-2 (Suburban Residential District) and Winnebago County's future land use plan shows future land use as Residential.

**RECOMMENDATION: Approve a motion to forward zone change to County Board for action.** *BJ, BD<sub>2</sub> 4-0*

4. Michael and Cindy Kronberg - Town Zoning Change (Tax ID No: 028-0661) – Town of Winchester.

The town zoning change for Michael and Cindy Kronberg is consistent with Winnebago County's Future Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

**RECOMMENDATION: Approve a motion to forward zone change to County Board for action.** *BJ, RK<sub>2</sub> 4-0*

5. Steve Liermann / Nik's Auto Parts Inc / Breezewood Yards LLC - Town Zoning Change (Tax ID Nos: 026-0050-01, 026-0051-01, 026-0051-02, 026-0051-03 and 026-0050-01-01) – Town of Vinland.

The town zoning change for Steve Liermann / Nik's Auto Parts Inc / Breezewood Yards LLC is consistent with Winnebago County's Future Land Use Plan. The Town of Vinland approved the zoning change from B2 (Highway Business Park District) and B3 (General Business District) to M2 (Heavy Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

**RECOMMENDATION: Approve a motion to forward zone change to County Board for action.** *BJ, BD<sub>2</sub> 4-0*

Town of Utica ~ Jenny Sonnleitner, Clerk  
6570 Bradley Ave. Pickett, WI 54964 ~ 920-410-0347 ~ utica1730@gmail.com

### SUBMITTAL FORM

Name of Property Owner: Leonard & Teresa Schmick / Kevin & Cindy Fritz

Address of Owner: 5669 Angle Road Pickett, WI 54964 / 5981 Fisk Ave. Oshkosh, WI 54904

Name of Applicant: Leonard & Teresa Schmick

Address of Applicant: 5669 Angle Road Pickett, WI 54964

Legal Description of Area to be Rezoned (attach CSM, if applicable):

PT E1/2 SE1/4 DESC AS LOT 1 OF CSM-6521 5.01 A.

Property address: 1790 Elo Road Pickett, WI 54964

Tax Parcel Number, if existing parcel: 024-0164-02

Section 9 Town 17N Range R15E

Existing Zoning: R1 Name of District: Rural Residential

Proposed Zoning: RR Name of District: Rural Residential Recreational

Town Board Action:  Approval  Denial

Findings: 1) Does the Town have an adopted Land Use Plan? Yes

2) Does the request agree with the Plan? Yes

3) Other findings (List). approved by Town Board vote:

Approved by the Town Board vote 3-0

I, Jenny Sonnleitner, Clerk of the Town of Utica, hereby certify that a public hearing was conducted on March 3, 2011 and that all required notices were posted and/or mailed as required by local ordinance.

Signed: Jenny Sonnleitner

Date: 1/22/2015

# LISTING OF PARCELS SURROUNDING SUBJECT PARCEL FOR REZONING CHANGE

Subject Parcel: 024-0164-02 / 024-0164 & 024-0160

Owner: Leonard & Teresa Schmick / Kevin & Cindy Fritz

Applicant: Leonard & Teresa Schmick

OWNER 1	MAILING ADDRESS	CITY/STATE/ZIP
Kevin & Cindy Fritz	5981 Fisk Ave.	Oshkosh, WI 54904
Ralph & Joan Hunter	1789 Elo Road	Pickett, WI 54964
Ralph Hunter	1785 Elo Road	Pickett, WI 54964
Wayne Coe	6185 Fisk Ave.	Oshkosh, WI 54904
Brian & Wendy Fisher	2360 Elo Road	Pickett, WI 54964

### Town of Utica Public Hearing

Teresa and Leonard Schmick, owners/applicants, are requesting a zoning change for Tax Parcel #024-0164-02 (2.34 acres) located at 1790 Elo Road, Pickett, WI 54964 from Rural Residential to Rural Recreational and Residential Mixed Use. They are also requesting that approximately 2.76 acres owned by Kevin and Cindy Fritz be divided from a larger parcel and the zoning be changed from A-1 to Rural Recreational and Residential Mixed Use. A Conditional Use Permit for a horse and other small animals has also been requested.

The hearing will be held on Thursday, March 3, 2011, at 7:30 p.m. at the Utica Town Hall, 1730 County Road FF, Oshkosh, WI 54904. Public testimony will be taken at the time of the hearing. All written testimony must be received prior to the hearing and can be sent to Thomas Thiel, 1209 County Road M, Pickett, WI 54964.

Shirley Gallert, Plan Commission Secretary

# Town of Utica

## Plan Commission

### Town of Utica Plan Commission Meeting Agenda

The Town of Utica Plan Commission will hold a meeting on Thursday, March 3, 2011 at 7:30 p.m. at the Utica Town Hall, 1730 County Road FF, Oshkosh, WI 54904. Town Board members may also be present.

1. Call the meeting to order.
2. Take roll call.
3. Approve minutes from the meeting held on January 6, 2011.
4. Read the Agenda.
5. Hold a Public Hearing for a request for a Commercial Conditional Use Permit from the United Cooperative, N 7160 Raceway Rd., Beaver Dam, WI 53916 for temporary grain storage on approximately 1.37 acres of a 13 acre site in Pickett, WI 54964. The 1.37 acres is located on the North side of the WSOR railroad tracks by the United Cooperative's Agronomy Center at 6664 State Road 44, Pickett, WI 54964. An asphalt pad has been placed on the site and no structures will be built. The site is shown as Lot 2 on CSM 6004 and is in Section 29, T17N, R15E in the Town of Utica, Winnebago County, Wisconsin, Tax Parcel #024-062801. Action will be taken by the Plan Commission following the Public Hearing.
6. Hold a Public Hearing for a request from Teresa and Leonard Schmick, owners/applicants, for a zoning change for Tax Parcel #024-0164-02 (2.34 acres) located at 1790 Elo Rd., Pickett, WI 54964 from Rural Residential to Rural Recreational and Residential Mixed Use. They are also requesting that approximately 2.76 acres owned by Kevin and Cindy Fritz be divided from a larger parcel and the zoning be changed from A-1 to Rural Recreational and Residential Mixed Use. The 2.34 acre parcel and the new parcel would be combined to make a new 5+ acre parcel zoned Rural Recreational and Residential Mixed Use. A Conditional Use Permit for a horse and other small animals has also been requested. The parcels are located in Section 9, T17N, R15E, Town of Utica, Winnebago County, Wisconsin. The Plan Commission will act on the request following the Public Hearing.
7. Consider the changes to the Land Use Plan discussed at the Workshop on February 3, 2011 on the south end of County Road FF and around the Town Hall.
8. Plan Commission will further take into consideration the Radloff and Bargenquast changes to the Land Use Plan that were also discussed at the February Workshop.
9. Entertain requests for Informal Opinions.
10. Move to Adjourn.

For further information concerning this notice, please contact:  
Thomas Thiel-(920)-589-3005 or Shirley Gallert-(920)-589-3454

Posted: February 16, 2011

TOWN OF UTICA  
REZONING APPLICATION

Filing Fee: \$400.00  
(Made payable to Town of Utica)

Date Received: 2-10-11

Property Address: 1790 Elo Road, Pickett, WI

Name of Owner(s): Leonard & Teresa Schmick

Address, if different than above: 5669 Angle Rd, Oshkosh, WI

Home Phone: 920-850-0758 Daytime Phone if different: —

Name of Applicant(s): Leonard & Teresa Schmick

Address, if different than above: 5669 Angle Rd, Oshkosh, WI

Home Phone: 920-850-0758 Daytime Phone if different: —

Name & Address of professional in charge of proposed development (architect, builder, contractor, engineer, etc):

Leonard & Teresa Schmick

Legal Description of Property: PT SE SE Desc AS Lot 2  
OF CSM-5155  
2.34 acres

Tax Parcel Number: 1790 Elo Road 024016402/Kevin Fritz land 0240164 &  
0240160

NOTE: Please attach a copy of the Certified Survey Map for the property.

Location of the property in relation to nearby roadways, buildings, or other landmarks: North of Fisk Ave and South of Bradley Road

1. What is the current use of this property? Residential R-1 on the  
2.34 acres. The additional land of approx. 2.76 acres  
is Agricultural now and is cropland.

2. What is the intended use of this property? to have a horse and possibly a goat for companion, maybe, some laying hens

3. Please mark the current zoning for the property:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Single Family Residence | <input type="checkbox"/> Industrial                      |
| <input type="checkbox"/> Two Family Residence               | <input type="checkbox"/> Commercial                      |
| <input type="checkbox"/> Multiple Family Dwelling           | <input type="checkbox"/> Institutional and Recreational  |
| <input type="checkbox"/> Agricultural                       | <input type="checkbox"/> Planned Residential Development |
| <input type="checkbox"/> Rural Recreational                 | <input type="checkbox"/> Residential Mixed Use           |

4. What is the requested zoning for this property? R.R.R.

5. Please explain the reason for this rezoning request. Our daughter has a horse that we have been keeping at our property. She is planning on buying the property in the next year and would like her horse there at the property. She may want to have chickens and a goat also.

6. If this is a Rural Recreational rezoning request, please specify what type of conditions are being requested. To be allowed to have a horse and goat and maybe some laying hens

Please explain why this is the best proposed use for this property: It is by itself across from a farm and was a farm with animals in the past.

8. Please explain the compatibility of the proposed use(s) with the surrounding land uses. Farm land surrounds it and there is a farm across the road from the property.

9. List all property owners within 300 feet and their mailing addresses.

1. Kevin Fritz  
5981 Fisk Ave.  
Oshkosh, WI, 54904

4. Wayne Coe

2. Ralf Hunter  
1789 Elo Road  
Pickett, WI, 54904

5. Brian + Wendy Fisher

3. Ralf R. Hunter  
1785 Elo Rd  
Pickett, WI, 54904

6.

Twelve (12) copies of the application and all attachments shall be submitted to the Town Clerk, Town Zoning Administrator or other designated representative no later than twenty-one (21) days prior to the meeting

*Leard Schuck*  
Signature of Applicant

1/7/11  
Date

*Teresa Schuck*  
Signature of Owner

1/7/11  
Date



FYI

## Town of Utica Plan Commission

Members of the Town of Utica Plan Commission, Town Board, and Board of Appeals participated in a workshop session at the Utica Town Hall in Fisk on Thursday, February 3, 2011. The purpose of the workshop was to review the *Comprehensive Land Use Plan*. The group was also going to try to determine where the Farmland Preservation area(s) would be designated based on the slips turned in by the agricultural property owners in the township. Town Attorney, Steve Sorenson, was the leader for the workshop session which started at 7:00 p.m. and ended at 8:55 p.m. Individuals in attendance are on the attached sheet.

### General Information

Attorney Sorenson explained the purpose for the workshop. The Town of Utica has decided that the *Comprehensive Land Use Plan* would be reviewed annually in February. He clarified that Winnebago County can't tell the Town of Utica what to do because it has Village Powers, but the County has to review and approve what the Town does. Two green lights are needed to amend the Plan, one from the County and one from the Town. In the extraterritorial area, three green lights are needed, one from the Town, one from the City and one from the County. If significant changes are made to the *Future Land Use Map*, the map will have to be submitted to the County. Attorney Sorenson cautioned the group that when considering a change on the map, you think about the area and not individuals.

After a question was raised about land being zoned Industrial on the *Future Land Use Map* and is currently zoned A-1 and in Farmland Preservation, Attorney Sorenson emphasized that Farmland Preservation is use not zoning. Owners can continue to use the property as it has been, but if that use is changed then it has to be what is on the *Future Land Use Map*.

### Informal Opinions-Zoning Change Required

Individuals had made requests for a zoning change during the "Informal Opinion" section of Plan Commission meetings. During the workshop session, the group considered whether or not to change the zoning in those areas on the Future Land Use Map.

- **Gary and Wendy Groves wanted to purchase 2.4 acres on Ripple Road between County Road FF and Elo Road**
- **Lynda Kleinschmidt-Johnson's daughter wanted to purchase the house and 31/2 acres on the family farmstead located at the corner of Ripple Road and County Road FF.**

These two requests were taken under consideration at the same time because they are both located in the same area and both properties are currently zoned A-1 and would be changed to R-1. A discussion took place as to whether or not a residential corridor should be created on Ripple Road between Elo Road and County Road FF. It was felt that when Gary and Wendy Groves left the Plan Commission meeting after making their inquiry, they sensed it was not going to happen. According to Chairman Hinz who has

talked to the Kleinschmidt-Johnson family, they indicated that they were going to create a forty (40) acre parcel. Nobody spoke in favor of this idea. The three homes on this road are where former farmsteads were located. Comments were made that there are large tracts of land for cropping and that when the Future Land Use Map was created this area was thought to remain as an agricultural area of the township.

- **Wes and Shirley Radloff have built a home for their grandson who is involved in the family farming operation on James Road. It currently is a second house on a family farm, but they would like 5.273 to be changed from A-1 to Rural Recreational and Residential Mixed Use (RRR).**

The Radloffs questioned whether it could be a smaller parcel and be zoned R-1. They were told it needed to be RRR because it is in a transition area from farming to residential areas along State Road 44. The *Ordinance* could be changed so that two houses could be on a farm and have different owners for family members. It was decided to change the Future Land Use Map from A-1 to RRR starting at the corner of Ripple Road and James Road going south to State Road 44. Attorney Sorenson will draw this corridor and get it to the Plan Commission prior to the Plan Commission's meeting on March 3, 2011.

- **Leslie Bradley wants to build a house on a parcel taken off her parents' farm located on County Road FF near the corner of County Road N. The zoning is currently A-1 and would have to be changed to Rural Recreational and Residential Mixed Use (RRR).**

The *Future Land Use Map* was reviewed and it was noted that a large stretch of land along County Road FF south of State Road 44 is shown as RRR. Through the years, a considerable number of homes have been built in that area as well. The "Soils Map" for the township was looked at and the map indicates that much of the land is not the best for cropping. It was agreed that the area where Leslie would like to build has many stones which makes it difficult to crop. The decision was to have Attorney Sorenson draw a corridor along County Road FF south of Angle Road to County Road N. He will review the "Soils Map" and take that into consideration. That drawing will be submitted to the Plan Commission for their consideration before the meeting on March 3, 2011. The acreage in the corridor could be zoned Rural Residential or Rural Recreational and Residential Mixed Use.

- **Amy Bargaquist wants to build a house on a parcel to be taken off her dad's farm on the east side of County Road FF between 2308 County Road FF and 2398 County Road FF. She requested that 5+ acres of wooded land be changed from A-1 to Rural Recreational and Residential Mixed Use (RRR).**

The *Future Land Use Map* was referred to. There are some other RRR parcels in the area. The request is for wooded land that is not used for cropping. It was decided that a RRR sliver will be added south of the RRR parcel at 2398 County Road FF instead of a corridor.

- **There was another request for a zoning change from R-1 to Rural Recreational**

**and Residential Mixed Use (RRR) at 1790 Elo Road.**

Attorney Sorenson explained that since the request is to make a small parcel into a larger parcel, the *Future Land Use Map* does not have to be changed. The R-1 parcel and the A-1 property around it will blend into RRR. The purpose of the Town's Plan is to have as much agricultural land as possible and this request is in agreement with that purpose.

**The applicant will have to apply for a zoning change along with a conditional use for what they want to do on the property.**

- **A Plan Commission member suggested that the land east of the Town Hall, (north of the Christianson and Culver homes) along with the Rich house on the corner of Fisk Ave. and County Road FF be shown on the *Future Land Use Map* as Institutional and Recreational. It was felt that this would provide land for expansion of the Town Hall, Fire Department, or recreational areas for the Town in the future. This was agreed on.**

**Farmland Preservation Areas**

Attorney Sorenson suggested that the Town "hold off" on this until the *Farmland Preservation Law* is solidified. Both the State and County continue to make many changes in their requirements.

**Miscellaneous**

Mini-warehouses could be allowed in the Rural Recreational and Residential District. A house would have to be on the lot.

Respectfully submitted by Shirley Gallert, Plan Commission Secretary.



# Town of Utica

## Plan Commission

Town of Utica Plan Commission Meeting  
March 3, 2011

Meeting was called to order by Chair, **Thomas Thiel**, at 7:30 p.m. at the Utica Town Hall, 1730 County Road FF, Oshkosh, WI 54904.

### Roll Call

**Members Present:** Shirley Gallert, Jonathan Groth, Frederick Marohn, Thomas Thiel, Donavon Bradley (alternate), Michael Christianson (alternate)

**Excused:** Deanna Bradley, Sandy Forsgren, David Sweet

**Absent:** None

**Town Board Members Present:** Charles Kuhrt, Frederick Marohn

**Other People Present:** (See attached sheet.)

### Minutes

**Thiel moved to approve the minutes as read from the meeting held on January 6, 2011. Christianson gave a Second. The minutes were approved with a voice vote.**

Chair, **Thiel**, read the agenda.

### Public Hearing for United Cooperative

**Public Hearing for a request for a Commercial Conditional Use Permit from the United Cooperative, N7160 Raceway Road, Beaver Dam, WI 53116 for temporary grain storage on approximately 1.37 acres of a 13 acre site in Pickett, WI 54964. The 1.37 acres is located on the North side of the WSOR railroad tracks by the United Cooperative's Agronomy Center at 6644 State Road 44, Pickett, WI 54964. An asphalt pad has been placed on the site and no structures will be built. The site is shown as Lot 2 on CSM 6004 and is in Section 29, T17N, R15E in the Town of Utica, Winnebago County, Wisconsin, Tax Parcel #024-062801.**

**Al Jentz**, a representative from the United Cooperative, explained the request.

### **Public Session:**

**Bill Santiago**, a neighbor, asked that the easements be kept open and if any structures go up he'd like for the Cooperative to come back to the Plan Commission.

**Public Session was closed.**

### **Regular Session:**

The conditions submitted with the application were reviewed and discussed. **Al Jentz** stated that the corn would be picked up by March 31st of a given year, but if it remained out that long it would be covered. He also informed the Commission that they probably wouldn't use the site every year as they have been granted a Conditional Use Permit and are in the process of acquiring a Building Permit to put up a grain bin in Ripon, WI.

Rodent control was also discussed.

**Christianson moved that we approve the Conditional Use Permit for the United Cooperative to store grain on property per conditions that are stated in the application as well as implement rodent control.**

**Groth gave a Second.**

Discussion: There was no discussion.

**Vote: The motion passed with a unanimous voice vote. (6-0)**

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**Public Hearing for Teresa and Leonard Schmick**

**Public Hearing for a request from Teresa and Leonard Schmick, owners/applicants, for a zoning change for Tax Parcel #024-0164-02 (2.34acres) located at 1790 Elo Rd., Pickett, WI 54964 from Rural Residential to Rural Recreational and Residential Mixed Use. They are also requesting that approximately 2.76 acres owned by Kevin and Cindy Fritz be divided from a larger parcel and the zoning be changed from A-1 to Rural Recreational and Residential Mixed Use. The 2.34 acre parcel and the new parcel would be combined to make a 5+ acre parcel zoned Rural Recreational and Residential Mixed Use. A Conditional Use Permit for a horse and other small animals has also been requested. The parcels are located in Section 9, T17N, 15E, Town of Utica, Winnebago County, Wisconsin.**

Teresa Schmick explained the request.

**Public Session:**

A five (5) acre parcel has been surveyed, but the Schmicks don't own it. Attorney Sorenson said that they can't rezone land they don't own. He went on to say that the following procedure needs to be followed: 1) The parcel needs to become a CSM. 2) Plan Commission needs to approve the CSM. 3) The Plan Commission needs to recommend to the Town Board that the Rural Recreational and Residential zoning takes place. 4) The Conditional Use would be given.

The Plan Commission can pass a resolution stating that the intention of the Commission is to recommend the zoning change to the Town Board. Then, at the next meeting the Plan Commission needs to review and approve the CSM, review and recommend the zoning change to the Town Board, and discuss and give conditions.

**Christianson made a motion that we support the request of Teresa and Leonard Schmick to purchase land from Kevin and Cindy Fritz and have the 5+ acres of land rezoned to Rural Recreational and Residential Mixed Use.**

**Thiel gave a Second.**

Discussion: There was no discussion.

**Vote: Motion passed with a unanimous voice vote. (6-0)**

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**Land Use Changes**

The Plan Commission considered four changes to the *Future Land Use Plan* that were

discussed at the Workshop on February 3, 2011.

**1. Consider a Recreational and Residential Mixed Use corridor along the Northeast side of County Road FF from County Road N to Angle Road .**

A drawing of the corridor made by Attorney Sorenson was reviewed. It was agreed that the soil for farming in this area is marginal. It connects two Rural Recreational and Residential districts. The West side of County Road FF in this area is low and not a buildable area.

**Groth made a motion to change the *Future Land Use Map* from Agricultural land to Rural Recreational and Residential Mixed Use along the Northeast side of County Road FF from County Road N to Angle Road.**

**Donavon Bradley gave a Second.**

Discussion: **Donavon Bradley** clarified the motion. The change will actually be from Mahlke Road to Angle Road as County Road N joins County Road FF for a short distance.

**Vote-Motion passed with a unanimous voice vote. (6-0)**

**2. Consider changing the land East of the Town Hall to Institutional and Recreational.**

The change was suggested for possible future expansion of the Town Hall, Fire Department, and/or other needs of the community. **Howard Christianson**, owner of the property under consideration, gave a brief history of the property. He also informed the Commission that he does not plan on changing the property, but feels the considered change would infringe on the future value of the property. A discussion took place about the rights of property owners vs. the need to plan for the future.

**Marohn made a motion to table the considered changes around the Town Hall. Christianson gave a Second.**

**Vote-The motion passed with a unanimous voice vote. (6-0)**

**3. Consider changing the *Future Land Use Map* on the West side of James Road between Ripple Road and Highway 44 from A-1 to Rural Recreational and Residential Mixed Use.**

Attorney Sorenson also made a drawing showing this change to be made to Parcels numbered 024-0221 and 024-0224. The change shown would be for all of the two forty (40) acre parcels. A question was raised if the change should include all of the two parcels instead of a strip along the road. Some individuals felt that changing the complete parcels would give the owner more flexibility.

**Donavon Bradley made a motion to change the *Future Land Use Map* on the West side of James Road between Ripple and Highway 44 (Parcels # 024-0221 and 024-0224) from Agriculture to Rural Recreational and Residential Mixed Use.**

**Marohn gave a Second.**

Discussion: There was no discussion.

**Vote-Motion passed with a voice vote. (4-2)**

**4. Consider changing the *Future Land Use Map* from A-1 to Rural Recreational**

**and Residential Mixed Use on the East side of County Road FF between 2308 County Road FF and 2398 County Road FF.**

The *Future Land Use Map* was looked at. This area is wooded and it would not take any land out of agriculture.

**Groth made a motion to recommend to change the *Future Land Use Map* to the Rural Recreational and Residential Mixed Use classification on the parcel immediately South of the ten (10) acre Parcel #024-0033-01 on the East side of County Road FF.**

**Thiel gave a Second.**

Discussion: There was no discussion.

**Vote-Motion passed with a unanimous voice vote. (6-0)**

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**Informal Opinions:** 1

An attendee asked if there were regulations in the *Town of Utica Zoning Ordinance* as to where trees could be planted. This would include the distance from lot lines or property lines.

Trees can't be in the right-of-way or in a visual corner. There are no regulations as to the distance from lot and property lines.

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**Marohn made a motion to adjourn. Christianson gave a Second.**

**Motion passed with a voice vote.**

The meeting adjourned at 9:35 p.m.

Respectfully submitted by Shirley Gallert, Secretary.

*Shirley Gallert*

# TOWN OF UTICA

## TOWN BOARD MEETING

Notice is hereby given that a Town Board meeting in the Town of Utica, County of Winnebago, and State of Wisconsin for the transaction of business as is by law required or permitted to be transacted at such a meeting will be held at the Utica Town Hall, 1730 County Road FF in said Town.

**Date: Monday, MARCH 14, 2011.**

**Time: 7:30 PM**

1. CALL THE MEETING TO ORDER.
2. APPROVE FEBRUARY 14, 2011 MINUTES.
3. APPROVE TREASURER'S REPORT.
4. ADOPT AGENDA.
5. PUBLIC FORUM.
6. ANIMAL IMPOUND AND MAINTENANCE CONTRACT.
7. TEMPORARY LIQUOR LICENSE FOR DARTBALL TOURNAMENT - JPF
8. FINAL ZONING ORDINANCE.
9. TOWN HALL REPAIRWORK BIDS.
10. INSURANCE CONTRACT.
11. DONATION PICKETT COMMUNITY CENTER.
12. SIGNING OF CERTIFIED SURVEY MAP FOR LEONARD SCHMICK CHANGE IN ZONING FROM A-1 AND R-1 TO RRR AND ACCEPTANCE OF RESOLUTION OF THE PLAN COMMISSION FOR THE CONDITIONAL USE OF THE LAND.
13. ITEMS FOR INCLUSION IN PICKETT NEWSLETTER.
14. REPORTS:
  - Board of Appeals.
  - Fire Department.
  - Plan Commission.
  - Educational Opportunities.
15. CORRESPONDENCE.
16. POINTS OF INTEREST.
  - Lawn mowing contract in 2010 was approved for 2 years therefore, bids will are not being accepted for 2011 work.
  - Open book is April 30, 2011 from 8-10am. This day is intended for the public to come and review their assessment and compare with others with the Town Appraiser.
  - Board of Review is May 14, 2011 from 11am-1pm in which you have the opportunity to appeal your property assessment. At this meeting you need to prove to the Board of Review that your property's assessment is inaccurate.
17. APPROVE PAYMENT OF BILLS.
18. ADJOURNMENT.

Brenda Morrell, Clerk  
Posted: 3-12-2011

Also posted on the town website at: [www.townofutica.org](http://www.townofutica.org)  
If you would like to have these notices e-mailed to you, please e-mail Clerk at [utica1730@gmail.com](mailto:utica1730@gmail.com) to be put on Town of Utica e-mail list.

**TOWN OF UTICA**  
**TOWN BOARD MEETING MINUTES**

March 14, 2011

**1. CALL THE MEETING TO ORDER.**

The March 14, 2011 meeting was called to order by Chairman Nelson Hinz at 7:30 p.m. at the Utica Town Hall. Nelson Hinz, Chairman; Charles Kuhrt, Supervisor #1; Betty Messerschmidt, Treasurer and Jenny Sonnleitner, Clerk Assistant were present. 18 citizens were in the audience.

**2. APPROVE FEBRUARY 14, 2011 TOWN MEETING MINUTES.**

The minutes of the February, 2011 Town board meeting were reviewed. Supervisor Kuhrt made a motion, seconded by Chairman Hinz motioned to accept the minutes as presented. 2 ayes and 0 nays. Carried.

**3. APPROVE TREASURER'S REPORT.**

Treasurer Messerschmidt read the Treasurer's Report. Receipts were \$518,810.87. Disbursements were \$961,678.23. The checkbook balance is \$261,383.62. Supervisor Kuhrt made a motion, seconded by Chairman Hinz to accept the Treasurer's Report as read. 2 ayes and 0 nays. Carried.

**4. ADOPT AGENDA.**

**5. PUBLIC FORUM.**

Kevin Fritz questioned the crack down the middle of Bradley Road and if road signs will be posted. Garbage should be in containers for pickup, Veolia was not supposed to pick up, but is at some residences. Asking if weight limit signs will be posted on the roads for spring thaw. Only local truck traffic or delivery use. Concerns for road maintenance if enough money will be used to maintain road usage.

**6. ANIMAL IMPOUND AND MAINTENANCE CONTRACT.**

Supervisor Kuhrt made a motion, seconded by Chairman Hinz to have the Oshkosh Animal Center be the main animal shelter for the Town of Utica's stray animal needs. 2 ayes and 0 nays. Carried.

**7. TEMPORARY LIQUOR LICENSE FOR DARTBALL TOURNAMENT - JPF**

Chairman Hinz made a motion, seconded by Supervisor Kuhrt to approve the temporary liquor license for the dartball tournament on March 27, 2011 at the Pickett Community Center. 2 ayes and 0 nays. Carried.

**8. FINAL ZONING ORDINANCE.**

New zoning ordinance is approved and will be using the revised version from July 2010 to be part of the working Town's zoning plan. Chairman Hinz made a motion, seconded by Supervisor Kuhrt. 2 ayes, 0 nays. Carried.

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9. TOWN HALL REPAIRWORK BIDS.

Chairman Hinz made a motion, seconded by Supervisor Kuhrt to have Jim Wiesner do the repair work for the Town Hall. 2 ayes and 0 nays. Carried.

Jim Wiesner mentioned to possibly reseal around the outside, since it has been about 7 years ago; and is unable to make predictions of all work that will be needed until the walls are opened up. Jim did not look at work for the bathroom remodel to give a comparison quote. Walt Whiting thought there were partitions in the old firehouse, but some may have gone into the scrap yard about 10 years ago according to Chairman Hinz. Homestead Builders could complete in about 1 month. Jim Wiesner is unable to give completion time until he looks over the bathroom for remodel. Will put brakes on the wheels for the front desks. The Town would like the remodel to start after elections to avoid a mess during elections.

10.INSURANCE CONTRACT.

No information has been received.

11.DONATION PICKETT COMMUNITY CENTER.

Chairman Hinz made a motion, seconded by Supervisor Kuhrt to approve a donation of \$1,000 to Jasper Pickett Foundation. 2 ayes and 0 nays. Carried

12.SIGNING OF CERTIFIED SURVEY MAP FOR LEONARD SCHMICK  
CHANGE IN ZONING FROM A-1 AND R-1 TO RRR AND ACCEPTANCE  
OF RESOLUTION OF THE PLAN COMMISSION FOR THE  
CONDITIONAL USE OF THE LAND.

13.ITEMS FOR INCLUSION IN NEWSLETTER.

- Open book is April 30, 2011 from 8-10am. This day is intended for the public to come and review your assessment and compare with others with the Town Appraiser.
- Board of Review is May 14, 2011 from 11am-1pm in which you have the opportunity to appeal your property assessment. At this meeting you need to prove to the Board of Review that your property's assessment is inaccurate.
- Installation of New Town Officers April 11, 2011 at 7:30 p.m.
- Annual Meeting – April 12, 2011 at 7:30 p.m.
- Election including Town Board officials – April 5, 2011 from 7am to 8pm
- Make sure dumpsters, as provided, are used to make sure your trash will get picked up. If you do not have a dumpster please notify the Town Treasurer, Betty Messerschmidt. If a second dumpster is needed, contact Veolia at 685-6666.

14.REPORTS:

- Board of Appeals.
- Fire Department.

Received 4 or 5 First Responder calls, nothing major.

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Discussing in the near future to replace "grass truck" possibly within the next 5 years.

CPR class will be open to the public, 12 participants will be needed.

**Newsletter**-Jay Roberts. Dates will be determined.

- **Plan Commission.**

Rush Lake meeting next week. Likes to keep track of the watershed from Rush Lake through our area.

Looking at taking different corridors on the map. Co-op will store corn at the Co-op in Pickett if needed – will issue a conditional use permit.

A public hearing will be held regarding changes to land use map. Notice will be in the newspaper and posted on the agenda in April.

- **Educational Opportunities.**

- 1) Wind Tower workshop next Friday for residential or small use.

- 2) Town Association Meeting on May 3 for new members and also discuss any new legislature.

Electors meeting regarding levy limits – Town Board are also members and can also place votes.

- 3) Asphalt Pavers Association

- 4) Town Lawyer's Association – April 29, 2011

#### 15. CORRESPONDENCE.

Recycling letter from Governor Walker regarding funding for recycling programs.

#### 16. POINTS OF INTEREST.

- Lawn mowing contract in 2010 was approved for 2 years therefore, bids are not being accepted for 2011 work Brian Trebakowski.
- Open book is April 30, 2011 from 8-10am. This day is intended for the public to come and review their assessment and compare with others with the Town Appraiser.
- Board of Review is May 14, 2011 from 11am-1pm in which you have the opportunity to appeal your property assessment. At this meeting you need to prove to the Board of Review that your property's assessment is inaccurate.
- Election April 5, 2011 7 am to 8 pm
- Installation of new officers – Town Board meeting – April 11 at 7:30
- Annual Meeting April 12 at 7:30
- Property next door to the Town Hall belongs to the county (Nichols property).

#### 17. APPROVE PAYMENT OF BILLS.

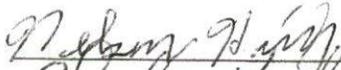
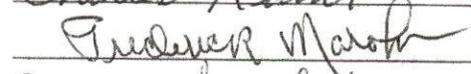
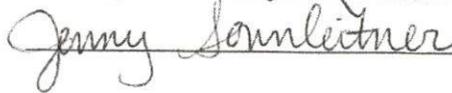
Supervisor Kuhrt made a motion, seconded by Chairman Hinz to pay the bills as submitted by the Clerk. 2 ayes and 0 nays. Carried.

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18. ADJOURNMENT.

Supervisor Kuhrt made a motion, seconded by Chairman Hinz to adjourn. 2 ayes and 0 nays. Carried.

Jenny Sonnleitner, Assistant to the Clerk

 _____	Nelson Hinz, Chairman
 _____	Charles Kuhrt, Supervisor #1
 _____	Betty Messerschmidt, Treasurer
 _____	Jenny Sonnleitner, Assistant to Clerk

# Resolution

Date: \_\_\_\_\_

To the Board of Supervisors of Winnebago County, Wisconsin:

## **Amendatory Ordinance**

Whereas, it is desirable to amend the Zoning Ordinance and the Zoning Map of the Town of Utica in accordance with the petition of Leonard & Teresa Schmick;

Whereas said request is in compliance with the adopted Winnebago County Land Use Plan.

Now, therefore, the County Board Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the Town of Utica, be and the same, are amended to provide that the attached described property be changed from the classification of one (1) parcel 2.34 acres zoned R1 of said ordinance, which is now and heretofore had, to the zoned district of one (1) parcel 5.014 acres zoned RR.

\_\_\_\_\_  
County Board Supervisor

Parcel No: 024-0164-02

### **County Disclaimer:**

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mark Harris

County Board Supervisory District