

TOWN OF UTICA

Town Board Meeting ~ Minutes

Monday, November 10, 2025

After 6:00pm Public Budget Hearing

Notice is hereby given that a Town Board meeting in the Town of Utica, Winnebago County, 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. Discussion and Action may occur on the following items, except for Public Forum.

The Town Board meets regularly the SECOND MONDAY OF EACH MONTH AT 5:30PM (unless otherwise noted). All meetings are open to the public, this is a public meeting. Any person wishing to attend who, because of a disability, requires special accommodation, should contact Chairman Len Schmick at 920-850-0758 at least twenty-four (24) hours before the scheduled meeting time so appropriate arrangements can be made. As such, all members, or a majority of the members, of the Town Board may be in attendance. While a majority of the Town Board members or the majority of any given Town Board Committee may be present, only the above committee will take official action based on the above agenda. Posted at: townofuticawi.gov, Town Hall, and Pickett Country Market.

1. Call the Meeting to Order

Chairman Schmick called the meeting to order at 6:14pm

PRESENT: Chairman Leonard Schmick, Supervisor 1 Ben Sawall, Supervisor 2 Chuck Kuhrt, Treasurer Trisha Hunter, and Clerk Jenny Sonleitner; 16 present

"These meeting minutes are only a draft of the minutes of the meeting. They have not been approved yet. They are subject to change and you may not rely on their accuracy. For more information, please contact the clerk or a town board member."

2. Pledge of Allegiance

3. CONSENT AGENDA:

A) Approve October 13, 2025 Town Board Meeting Minutes & October 22, 2025 Board of Review Meeting Minutes

B) Affidavit of Posting/Publication

C) Approve Payment of Bills

Chairman Schmick motions that we approve the October 13, 2025 Town Board Meeting Minutes, Affidavit of Posting/Publication, and approve payment of bills; seconded by Supervisor Kuhrt; Carried 3-0

4. Treasurer's Report; BMO Harris Bank / Horicon Bank: October 2025

Treasurer Hunter stated since we are coming to the end of the fiscal year, there are three under 70% of their budget: Assessor has 59.1% left, Rush Lake Committee has 63.7% left, and Building Inspections has 66% left. All others are almost to 100%.

5. Public Forum: *Opportunity to comment about an Agenda item or new business; say your name & address (no action taken by the Board)*

Jason Axman stated he has issues with the Burn Ordinance. He has a few neighbors on Crown Drive and hoping to take care of the issue. He has a little girl with medical needs. We can't have massive amounts of smoke coming our way. Sometimes it covers the entire yard in front and sometimes it gets in the house with everything closed. Has a note from her pulmonologist stating this is extremely harmful. Pleading with the neighbors to be more respectful of what and when they burn. He is on the eastern side of all three of them. Anytime one of them burns, it comes directly to his house. Most of the time, the wind is going in that direction. Cheryl Pucci stated she is a retired Nurse Practitioner and appreciates what he is saying. She has a problem with the way approached and handled by the neighbor. Has not been informed of why the concerns. Was stalked for two hours by one of the family members who sat and watched us burn, and called the fire department. We made sure the fire was heading east and on a day where there was almost no smoke. She has a video that the smoke went the other way. Rather than handling this in a nice manner, we have been sworn at and harassed. There has to be a nice way to deal with it. Jason Axman stated he wants to take care of that too. We don't want issues with our neighbors. The smoke issue is a really big thing for our daughter, our only child. She has a trach and doesn't have the natural things that we do. Cheryl Pucci stated that he knew there was a burning ordinance when they moved in. Jason stated we don't mind the neighbors having a bonfire, unless it causes health issues, like the ordinance states. It should be clean wood, that doesn't create the smoke like weeds and vegetation does. Mike Pucci stated he talked with the Chairman and he can't control the wind. Someone from 44 called the fire dept and fire dept came over. The Fire Chief was in his backyard it's tough when 10 homes are so close. Not sure what else we can do. Cheryl Pucci stated they are careful to burn when there is no wind, or very light wind; and that the wind is going to the east. Chairman Schmick asked when you say wind is going to the east, that is going away from his house? Cheryl Pucci replied totally away. Jason Axman said his house is to the east of their house and he has video. Chairman Schmick asked Fire Chief Jay Roberts how many times he has been over for this situation? Fire Chief Jay Roberts replied he doesn't know, over the years, it has been too many. Chairman Schmick asked Fire Chief Jay Roberts of all the times he has been over there, has the smoke been blowing past his house? Fire Chief Jay Roberts stated when Jason called last week, the wind was blowing NW. He is NE of the house. Not saying there isn't anything going on, but when there, nothing is going on. Chairman Schmick stated he heard that someone moved out of the area because they were sick and tired with getting yelled at, that's ridiculous. We don't want people leaving our community for the way they are being treated. We all have our own issues with people in our homes, things go wrong. Don't have the right to tell anybody in this community what they can or can't do. They are allowed to burn

leaves, they are not allowed to burn rubbish. Has been getting calls daily about this. I said to send out the note about this so that you can see they can burn leaves if they want. If they are burning rubbish and garbage in an old 55-gallon drum or something, then no, that's not okay. They can burn their leaves and have a campfire, a fire pit. Every time they light a fire, even if it's 2-3 houses away, it seems you call the fire department. Jason Axtman stated he has many pictures. Chairman Schmick asked if the pictures show smoke going in his house? Jason Axtman replied no, not in his house. Chairman Schmick then said it's okay if it's up in the air and going away from your house. Jason Axtman said but it's not, it's covering the entire 4-5 houses, has video and pictures. Chairman Schmick stated the wind does things, the whole community of Imperial Hills, shouldn't be subject to you. From what he has heard from them, they have tried to not burn, unless the wind is the right way. Cheryl Pucci said you moved into this neighborhood knowing the regulations and ordinances are. I understand that this situation is difficult, then move to a community, home area, where they don't allow burning. We are all a respectful neighborhood. It is very difficult to be respectful when the 'f' bomb is thrown out at you and being watched while outside. Felt very intimidated. We are Christians, we don't do things like that. You moved into an area that has an ordinance that allows this, we will be respectful but we can do this at our home. Chairman Schmick gave an example that if he moved into an area at the end of an airport with airplanes flying over his house, he wouldn't ask the airport to be shut down. Jason Axtman just asked that the neighborhood be more respectful. My experience says they aren't being respectful. We are in the house most of the time, she needs 24-hour care. We aren't always talking to neighbors. Have heard neighbors talk about us that we never met. Chairman Schmick said if there is cussing and swearing going on, that will spread around the neighborhood. Jason Axtman said he has also had 'f' bombs dropped his way. Cheryl Pucci replied she has never used the 'f' bomb. Marty Witczak said when he bought his house, there were 40 empty lots. Has been watching neighbors as they came and left. We have all been burning out there since the day he moved out there. The dilemma is that we have nowhere else to take the leaves; need to be a city of Oshkosh resident to drop leaves off there. Chairman Schmick stated because everyone else burns their leaves. We only burn leaves roughly 2 weeks of the year, maybe some cleanup too in the Spring. This Fall, it has been windy the last 3 weeks and the winds shift. Can start out with the winds in one direction, and by the time you're done, the wind is now in a different direction. Chairman Schmick stated as a town, we don't really have anything else. We don't have a cop, we have a fire department. Can only call cops and fire dept so many times before you know it, they won't believe that you have a problem. Cheryl Pucci stated it is also a waste of resources. Chairman Schmick stated the Utica firemen are not getting paid, they are volunteers and they don't need to be harassed. Don't believe anyone in this town would want to harm your daughter. If really concerned and smoke is actually coming into your house, there should be a way or a system, to keep her so she wouldn't get this smoke. I've never had to deal with this before. Jason Axtman stated we have done everything we possibly can do. You shouldn't have to smell smoke in our house when everything is closed. Chairman Schmick said is like saying you aren't interested in smelling barn manure when the neighbors spread manure. We don't have a landfill anymore, we have garbage pickup, they will not take leaves; Oshkosh won't take our leaves. No one wants them; either burn them or compost them. Everyone has the choice on what they want to do with them. Jason Axtman stated they use a mulcher mower so we don't have a fire. Chairman Schmick stated he really hopes you guys can get along. Doesn't like to hear people screaming and hollering at each other back and forth. People want to live peaceably in their own property. Mike Pucci stated he is probably one of the guys that has smoke coming at his house. Has anyone ever come over to ask me to stop burning (asking Jason Axtman)? Jason Axtman replied we did a few years ago. Mike and Cheryl Pucci both said no. Mike Pucci said no one has ever come into my yard to say this smoke is coming into house, could you please stop. Cheryl Pucci said or to tell us the reason for it. Jason Axtman said he apologized if that never happened, hoping we can move forward. Cheryl Pucci said they are as careful as they can to have the smoke blow the other way and to try to have a small fire, we can only do so much. On the other hand, sitting in a car watching me for two hours is very intimidating; swearing at us as what has been done for other reasons is very intimidating. I am here for a quiet neighborhood. Jason Axtman said we will make an effort on our part, if you do as well. Jill Schwenn said the problem she has is being sworn at, Jason's father-in-law giving hand gestures like he's shooting at us, hollering at us, every time we are outside, he's taking pictures. There are surveillance cameras up everywhere, signs up that say 'you are under surveillance'. We know it, swearing and yelling at us, treating us like dirt is not helping anything. Jason Axtman said we have a cease and desist for false reporting. Jason and Jill brought up an incident about Jason cutting down a tree. An officer came out and Jason stated if he cut down their tree, where is the stump? There was no stump. Jill Schwenn said she doesn't appreciate having a camera facing them every time we are outside. Their concern is having the cameras facing their house and seeing inside their home. We don't know that is happening, but it's a concern. Winnebago County Officer stated you cannot record into someone's private space; intimate space or a decent amount of privacy such as a bathroom or shower, a bedroom. Can't record in a personal space. Marty Witczak asked if a voice recorder can be used, is that legal? Winnebago County Officer said yes, WI is a one-party state; only one person needs to know there is a recording. As long as not recording in intimate areas or a decent amount of privacy, such as a bathroom, bedroom, changing room. No warning is needed.

Darwin Newell mentioned there was a rental down here. There was one table that had many divets and bad spots on it. We removed that table and got a new table. Took out the damage table, it was cracked and bad. Chairman Schmick said thank you for doing that.

Ray Yearwood from Liberty Prairie Cemetery Association. There are three ways that the cemetery gets any money; graves sales, burials and donations. We should be alright in 2026 to pay for the mowing which runs \$12,000 - \$14,000 per year. Just a head up that 2027 is unsure. Chairman Schmick said if there is a cemetery in the town, and if the association can't afford it, it would become the town's responsibility. In the past, the town has given the cemetery money to get them by.

Chairman Schmick said he hopes you can work out your differences and get along better. We have the ordinance, beyond that is civil. Appreciates you all coming and talking it out, hopefully things will improve.

Marty Witczak said many people don't know this, but the first 20' along the road is County land. Chairman Schmick said we aren't living in the city. We do special things in that area (Imperial Hills). We don't spread stone mixed with salt because you asked us not to. So, there is a special guy that comes out and just spreads salt because we were getting complaints from some people in Imperial Hills that it was coming in their house. We can handle things like that. We try to do the best we can with what we are dealt. If the plow digs up some dirt and it ends in your yard, it's your problem to take care of.

Marty Witczak said when the place from Ripon would plow, they took out mailboxes. Now that the County plows, they do a fabulous job. The County did go around and fix the grass they dug up. Chairman Schmick said the County doesn't have to replace the mailboxes, but they can. They are pretty good about fixing something if they mess up. Marty Witczak said it works both ways, we trim the grass keeping it clean.

Public Forum closed

6. BUDGET:

A) Any 2025 Amendments

Chairman Schmick motions that \$1511.97 from Ambulance/EMS account and put to the Fire Protection account, \$437.40 taken from General Buildings and Plant account and be put in the Planning Commission account; and that the sum of \$192.16 be taken from General Buildings and Plant account to Other General Government account; seconded by Ben Sawall. Carried 3-0

7. OPERATOR LICENSES: Pickett Country Market – Alpeshkumar Patel and Ritaben Patel

Chairman Schmick motions that we approve the Pickett Country Market Al Patel and Rita Patel to get their license; seconded by Ben Sawall. Carried 3-0

8. PLAN COMMISSION:

A) Approve Recommendation to approve a CSM dividing parcel number 024-0763-02 (Joann Strook 448 County Road FF Pickett, WI 54964) of 22.89 acres currently zoned A2. The lot with the home will be 5.009 acres remaining as a single-family residence, and the remaining 17.883 acres will remain as general agriculture; both to be zoned RR.

Chairman Schmick motions that we do approve the recommendation on CSM dividing parcel number 024-0763-02 Joann Strook at 448 County Road FF Pickett, WI to 22.89 acres currently zoned A2, that that lot will be divided where the home and 5.009 acres is one lot which will be zoned RR as a single-family residence, and the remaining 17.883 acres will remain as general agriculture land because it is under 40 acres, it will also be rezoned to RR; seconded by Supervisor Kuhrt. Carried 3-0

B) Building Ordinance adopting SPS 320-325 and SPS 327.

Chairman Schmick stated we are making sure that we follow state statutes, and that our Building Inspector is going to follow state statutes on building permits pertaining to these different statutes. Chairman Schmick motions that we adopt these state-mandated ordinances to our building dept; seconded by Supervisor Sawall. Carried 3-0

C) County Shoreland Zoning Discontinuance – Town of Utica letter to Winnebago County requesting to extend deadline

Chairman Schmick stated there is no way we can be ready by the November 21 deadline, so we created a letter asking the County to extend the deadline for 6 months.

D) Steering Committee for 10-year Comprehensive Future Land Use Plan Update

Chairman Schmick attended the meeting and they talked about different options and ways we can have land use, how's its done. They didn't get into the 'meat'. Not much to report at this time.

9. Burning Ordinance issues & concerns

Chairman Schmick stated that we covered this during the Public Forum

10. TOWN HALL:

A) RENTAL: Reimbursing September 26, 2025 renter Receipts

Clerk Jenny Sonnleitner wants to make sure she is reimbursing the correct amount. The motion from last month was to give her back her money whatever she spent to rent the Town Hall, which she believes she was given that back. Joan Newell confirmed she was given back the rental money. If she comes up with receipts for meat and cheese trays, we will take care of that too. Meat and cheese trays, Clerk Sonnleitner was picturing a platter of cheese and sausage. Is that what you were talking about? Joan Newell stated it was only cheese trays. Clerk Sonnleitner questioned the

motion again, the platter with meat and cheese together on a tray or separately, the meat, and cheese. Chairman Schmick said yes, he assumed it was the meat and cheese. Joan Newell stated when she spoke with the renter, it was the cheese trays on cardboard, she also had platters that were all taken. There was no meat taken. She was only asking for \$40. Joan had 3 trays that came back and the price was about \$9, that was \$27, but the rental said there were 4 trays. Clerk Sonleitner processed the 4 trays at \$8.99 each as a reimbursement. The renter also included a receipt for meat from Beck's Meat for \$210. Joan Newell said there was never meat involved, it was just the cheese. She got all the cheese trays back plus getting reimbursed for that.

B) Landline Phone: Brightspeed

Clerk Sonleitner received a response from Attorney Blazel that there is no statutory requirement that the Town have a landline, unless we have an ordinance, the Town is free to discontinue. Clerk Sonleitner has not seen an ordinance, so doesn't believe we have one. Supervisor Kuhrt said he thought in the past, the fire department required it. Ben Sawall motions that this is the last check we send Brightspeed this month. Treasurer Hunter asked how they get a hold of you guys? Josh Heine said they use pagers, cell phones and radios. Seconded by Chairman Sawall. Carried 3-0

C) Snowplow Bids for the Town Hall / Fire Station parking lot

Clerk Jenny Sonleitner stated no quotes have been received yet. Jay Roberts mentioned his quote would be the same as last year. Chairman Leonard Schmick said we need to put it out for bids and will wait for next month.

11. Snowmobile Trails Crossing Town Roads and Town Property

Chairman Schmick motioned that we adopt this resolution as it's stated, that they get the insurance to cover the Town if something would go wrong; seconded by Supervisor Sawall. Carried 3-0

12. WI Towns Association County Meeting: Town of Utica hosting on Thursday, January 8, 2026 – discuss meal options

Chairman Schmick mentioned that Farmstead Saloon doesn't cater; they only did that special for their town. Log Cabin doesn't cater either. Will table this for one more month. Jon Ashcraft mentioned Off the Wolf in Winneconne. Supervisor Sawall will contact them. 50 people.

13. Purchase 2026 Plat Book? \$40. If purchase by November 14, will be entered into a drawing for a free wall map

Supervisor Kuhrt motions that we purchase it; seconded by Chairman Schmick. Carried 3-0

14. ROADS: Maintenance Agreement

Chairman Leonard Schmick stated it is pretty much done.

15. AMBULANCE SERVICE:

A) Intergovernmental Agreement meeting updates from October 15 & 30, 2025 meetings

Chairman Schmick stated everything but locations are completely locked down. They are not going to use our old town hall. Plan to use space by Barr until the building is built out, if it's not done by the first. Will use the Omro fire house until they redo the old Omro firehouse that someone just purchased, will rent that. For now, the Paramedics will live in an apartment, close to the current fire house. \$39.91/capita per person, which is close to what the City of Oshkosh would have charged. Everyone is giving an additional \$1/capita for a fund if SWEMS needs to get something. The City of Oshkosh has agreed to do a 6-month test period for mutual aid, and revisit.

B) Intergovernmental Agreement meeting: November 13, 2025 at 6:00pm at Town of Omro Town Hall

16. FIRE/EMS DEPARTMENT:

A) FIRE CHIEF'S REPORT –

1) New Applicant(s):

Addison Hoagland. She will complete the EMT class on December 12. Will start fire classes next semester.

Chairman Schmick motions we accept her as a member; seconded by Supervisor Kuhrt. Carried 3-0

2) Retirement(s):

None

3) Truck Updates

Fire Chief Roberts said Brinley doesn't want the truck since they saw the pictures of the frame. Next option is WI Surplus. Brinley requested to send them the link to possibly bid on if it is posted to WI Surplus.

4) Buildings and Grounds

Fire Chief Roberts stated the heater next door and the exhaust needs to get fixed.

5) AFG Grant Update

Nick Keator stated air packs were approved. They are ordered and being made, no delivery date yet, hopefully by the end of the year.

6) Training

Fire Chief Roberts said they are still training in the house on Knott Road.

7) SOP/SOG

No updates but will provide the Board with a copy of the recent updates.

B) FIRE DEPARTMENT & TOWN ORDINANCE / BYLAWS

No updates

C) OCTOBER 2025: (7 Fire Calls / 15 EMS Calls)

Supervisor Chuck Kuhrt asked if there is any negotiating with the Town of Nepeuskun for Fire service with EMS? Fire Chief Jay Roberts said they are waiting on Ripon to dissolve their fire district. Whoever pulls out last gets the money. Up to the end of the year so far, Ripon isn't sure what they are going to do. They are going to dissolve it. There was a fire district that had about 6 towns, it's down to three, two towns and the city. Whenever that happens, they don't want to go back to Ripon. Utica would cover the east side of the township. Chairman Schmick asked if they would want to join SWEMS too. Fire Chief Jay Roberts said they talked with them and they wish they would have. The ambulance would still be there, but they are jacking up their rates also. They are looking at placing a small rescue truck at Ripon Truck Repair. Supervisor Chuck Kuhrt said it's a donation that will need to be insured, that's not in the budget. Chairman Schmick said if they are giving us a truck, I think we can afford the insurance. Jon Ashcraft said the Town of Nepeuskun will pay us something for our service, that will help with the cost. Fire Chief Jay Roberts said the fire budget over there is \$40,000, he told them he would like to get half. Right now, we are covering the whole town for accidents and EMS for free.

17. ITEMS FOR INCLUSION IN NEWSLETTER:

A) TOWN BOARD MEETING: Monday, December 8, 2025 – 6:00pm at the Utica Town Hall, 1730 County Road FF in Fisk

18. CORRESPONDENCE RECEIVED:

WI Towns Assoc Monthly Newsletter; Land Transfers; Building Permit: Weninger 5304 Fisk Ave, Kalmerton 5283 Cty N, Roberts 5096 St Rd 44, Kennedy 953 Cty Rd M, Tuchscherer 1127 Cty Rd FF; WPS Road Improvement Project Planning; Riesterer & Schnell; WI DOR 2nd Notice of Non-Compliance dated 10/31/2025.

14. ADJOURNMENT

7:08pm

Jenny Sonnleitner, Clerk

Leonard Schmick – Chairman		Trisha Hunter – Treasurer	
Ben Sawall – Supervisor #1		Jenny Sonnleitner - Clerk	
Chuck Kuhrt – Supervisor #2			

Minutes to be Reviewed / Approved at the December 8, 2025 Town Board Meeting.