

VILLAGE BOARD MINUTES
Special Meeting
Thursday, January 5, 2023
7:00 PM
BOARD ROOM, MUNICIPAL BUILDING, 210 COTTONWOOD AVENUE

Call to Order

Roll Call

Present: Trustees de Boer, Truttschel, Pfeiffer, Wallschlager, Conner, Hallquist, President Pfannerstill

Others present: Village Attorney de la Mora, Police Chief Misko, Clerk Igl, John Freuler, interested parties

1. Pursuant to Village of Hartland Ordinance Section 66-12 (e), the Village Board will hear the appeal of John Freuler to be exempted from the moratorium regulating residency in the village.

Attorney de la Mora provided background on the sex offender moratorium for the benefit of new board members. He stated that a sex offender cannot move into the Village unless they have exercised their appeal rights. He stated that the ordinance has reduced the saturation level as it is going down slowly.

It was stated that in late October, Mr. Freuler was charged for an offense that was committed in the Hartbrook mall area. As a result of the investigation, the Police Department learned that he previously lived in CA and obtained information that due to an offense in 2015, is a registered sex offender in CA. It was stated that his record in WI identified some violations, however none of these violations are listed in our ordinance. The Police Department informed Mr. Freuler at that time that to live in the Village of Hartland he must have consent from the Village Board by means of an appeal. Mr. Freuler did file an appeal asking to appear before the Village Board. Mr. Freuler was notified of the hearing date and the meeting was posted as required, however, it was learned on Jan. 3 that the Department of Justice could not obtain documents that would enable them to register him as a sex offender in Wisconsin. It was stated that it cannot be established that Mr. Freuler is subject to the Village moratorium as he is not registered as a sex offender in WI and DOJ cannot confirm that he is registered in CA.

Attorney de la Mora felt that rather than cancel the proceeds, it was imperative that the Village Board have the opportunity to hear from the parties. He stated that even if Mr. Freuler is convicted for the October violation, the violation is not on the list of violations that the Village's ordinance includes.

Chief Misko stated that his communication has been directly with CA Department of Justice Sex Registry personnel. They did confirm that Mr. Freuler is on the registry in CA, that they have spoken to Mr. Freuler and he is willing to comply with the registry requirements. He stated that the Village believed that state statute was clear in referencing that if an individual is on a registry in another state they must register in WI and therefore would fall under the Village's ordinance. However, WI will not switch over the registration without proper paperwork from CA so this is pending. It was stated that the Village Board may table the matter until DOJ resolved the registry issue. It was stated that there was a probation violation in May, 2021 which took place in Brown County.

Attorney de la Mora recommended that no determination be made at this meeting and Mr. Freuler be allowed to remain. Attorney de la Mora read the written appeal of Mr. Freuler into the record stating that it was dated Nov. 27, 2022. Attorney de la Mora stated that he was concerned about the amount of time that had passed since learning of Mr. Freuler being listed on the registry.

Village President Pfannerstill commented on the reasoning for creation of the moratorium was primarily to provide public safety as the Village's saturation rate was so high per capital compared to other municipalities in the county. He reiterated that if Mr. Freuler committed the same offense in WI that he committed in CA which caused him to be registered, he would not have to go on the registry in WI. He stated that the Police Department and Village Attorney took the property steps, however, at this point there is no need for an appeal. Additionally, he stated that there is nothing in our ordinance pertaining to his October offense. It was stated that the statute needs to be interpreted by WI DOC and then appropriate actions taken. President Pfannerstill allowed Mr. Freuler to speak if he desired but he declined.

Chief Misko stated that CA personnel communicated that they have advised Mr. Freuler that he is in violation which would require him to go back to CA in person. Mr. Freuler stated that he was told he could go through the process by phone but now is being told that he didn't do it correctly.

2. Following the submission of testimony under oath /evidence, the Village Board will deliberate in open session and render a decision regarding the appeal.

There was discussion related to next steps including that if he becomes registered as a sex offender in Wisconsin, Mr. Freuler will have to file an appeal with the Village Board for consideration. Motion (Truttschel/Pfeiffer) to table the matter indefinitely. Motion carried.

3. Adjournment

Motion (Conner/Wallschlager) to adjourn at 7:45 p.m.

Respectfully submitted,

Darlene Igl
Village Clerk