Regular Town Board Meeting
October 14, 2024, 7:00 PM
Linn Town Hall
W3728 Franklin Walsh St. Zenda, WI. 53195
In-Person and Remotely

Chairman Weiss called the meeting to order at 7:01 pm.

Present at roll call were Chairman Weiss (virtual), Supervisors Zimmerman, Livingston, Leith, and Palmer also present were Clerk Morris, Administrator/Treasurer Hurley, and Attorney Duquette.

Pledge of Allegiance

Consent Agenda

Leith/Palmer motioned to approve the Consent Agenda as submitted. Motion Carried.

Financial Reports & Payment of the Bills

Payroll Report – September 2024

Palmer/Livingston motioned to approve the Payroll Report from September 2024. Motion carried.

Profit & Loss Statement – August 2024

Livingston/Palmer motioned to approve the Profit and Loss Statement through August 2024. Motion Carried.

Mr. Hurley said that income was over at the end of August. That was due to the loan coming in for the building modifications that had not been budgeted. The Town also received the second installment for the property taxes, as well as interest payments which are $153,000 over. On the expense side we remained on tract with a couple items to monitor: the Lackey Lane bridge using bridge reserves and some drainage projects, engineering design and tornado disaster aid that has not been paid to the Town yet.

Credit Card Report – September 2024, discussion only

Mr. Hurley noted that there was a charge for the door at the Firehouse. That was returned, and we will be seeing a refund. The overall budget is still under $4,500.

Payment of the bills

Palmer/Leith motioned to pay the bills, for this past month, in the amount of $379,079.45. Motion Carried.

Mr. Hurley said that there are two invoices from Glen Fern for the modifications to the fire station.

Plan Commission

Weiss/Palmer motioned to approve the conditional use with the four conditions that had been provided to us in detail in the attachment of an email of October 11th from attorney Chad Pollard. Motion Carried.

a. Planned Residential Development: Larry Maddock (President of Maddock Construction Co, applicant) James Conlon Trust (property owner) of W3415 Snake Road

(Parcel No. IMA 0004) are requesting a PRD to build a third home in the exact location that a previous house was placed that was razed. This 20.7-acre property currently has two additional homes and a pole barn on it. *The Plan Commission unanimously approved with the following conditions: (1) approve site plans as submitted (2) maintain singular ownership for the duration of the Conditional Use Permit (3) provide an acceptable landscape/buffer plan to Mr. Pollard and his client and (4) limit construction of the third dwelling on site to weekdays from 7a.m. to 5 p.m.*

Chairman Weiss explained that Mr. Pollard has submitted an email that outlined each of the conditions. No one on the Plan Commission was opposed to this proposal and liked all of the conditions.

Public Comments:

In Attendance:

Kurt Leedle of N623 Zenda Rd re-addressed the board asking why his driveway was not opened yet. Mr. Leedle mentioned an easement that dated back to 1963.

David Tersteeg of N1563 Woodstone Lane, said that in October he presented a document at the Protective Services meeting. He feels that the current speed limit on S. Lakeshore Dr. is unsafe and is outside the DOT's criteria. The topography of S. Lakeshore Dr. shows inadequate or unsafe sight line distances for travelers on that road as well as the minor roads that intersect S. Lakeshore Dr. He came up with solutions. He would like the three solutions to be run by the Highway Superintendent and the Police Chief. He thinks that 25 mph is the most reasonable speed.

Online Comments: None

Ordinances, Resolutions & Proclamations

Amend Ordinance S. 10-3, Solicitors & Transient Merchants – possible final reading

Palmer/Leith motioned to adopt the ordinance 10-3 Solicitors and Transient Merchants. Motion Carried.

Mr. Hurley said nothing has changed since the last meeting. The Board will need to further define the procedures.

Resolution 2024-007, Authorizing the Issuance and Sale of a $2,848,000 General Obligation Promissory Note – first reading

Palmer/Livingston motioned to approve the first reading of resolution 2024-007 authorizing the issuance and sale of $2.856 million general obligation promissory note to Biard Wealth Management. Motion Carried.

Palmer/Livingston waived the second reading of the resolution. Motion Carried

Palmer/Livingston motioned to adopt resolution 2024-007. Motion Carried.

Mr. Hurley introduced Mr. Kevin Mullen from Baird. He is here to discuss the refinancing of the $2.8 million Town Bank loan from earlier this year (due to technical difficulties, he was unable to be heard). Baird has offered a lower interest rate over a longer term.

Town Bank's interest rate was 6.5% and Baird's is 3.75%. Chairman Weiss stated that Baird also has some fees, but overall Baird's loan is much favorable for the Town. Mr. Hurley added that pre-payment is an option as well. Originally, we were to pay $100,000 a year for eight years, but it seems with the change in some budget line items, such as the restructuring of the fire department, the Town may be able to make one payment of $800,000 earlier than thought. Supervisor Leith said that when the Town made the resolution for the note, we had $2,800,000 for the overall not to exceed $2,900,000. She asked if the $56,000 that is in the Baird loan, is the interest that would have been calculated for the other note? Mr. Hurley said that it is. It is a combination of fees and interest. This is the upfront cost that Biard is going to be paying Town Bank and then that will close that loan. The Town will then begin paying interest at 3.75% for the duration of the note over ten years.

New Business:

Stormwater Management Ordinance – discussion only

Mr. Hurley said that Walworth County shared the minimum standard for post construction storm water reviews. This would apply to one -two family dwellings. Mr. Hurley will have a red line ordinance to review and an agreement with SafeBuilt. Supervisor Palmer wondered if this is duplicating Walworth County. Mr. Hurley explained that Walworth County looks into this when within 1000 feet of the lake or navigable waterway, or zoned Shoreland. Therefore, there are many areas within the Town that they do not look at even for new home construction, or grading. Chairman Weiss asked if Mr. Hurley would inquire as to the difference between grading and stormwater management/ what is all inclusive in stormwater management/ or omitted. Chairman Weiss wondered if we could get a map from Walworth County regarding what is inclusive of Stormwater Management and what is not. Mr. Hurley was unsure if they had such a map because with each build it just depends how much land disturbance there is. Erosion Control and Stormwater Management are two different things.

Linn Sanitary District Board Appointee – James Livingston

Palmer/Zimmerman motioned to reappoint Mr. Livingston to the Sanitary District Board. Motion Carried.

Lackey Lane Bridge Replacement Project Change Orders

Mr. Hurley explained that there have been several change orders for the temporary roadway, and this is the majority of the excess costs. The temporary road ended up being much softer than previously thought. He also said that if they are not offered office space in the municipality then the Town has to pay for a field office. In the future they will offer them office space. There were additional items as well and the total change order expenses total $12,674.26. A couple of the expenses may change. The Town does not have the final bill at this time.

Amendment No. 1 to Contract with the Wisconsin Department of Transportation and Westbrook Associated Engineers, Inc. – Hillside Road Bridge Replacement Project

Leith/Palmer motioned that they approve the Change Order so that it may be sent off to complete this project on the Hillside Road Bridge; $11,633.86 in changes. Motion carried.

Mr. Hurley explained that with the Hillside Bridge replacement the Town will need to do some right-of-way acquisitions. Not a significant amount of right-of-way, but it is necessary for the bridge project to be up to WisDot standards. The Wisconsin Southern Railway also has regulations that were not included in

the design contract. With the Board's approval it will go to WisDot. There are two additional costs that Mr. Hurley hopes that WisDot will fund a portion of the costs.

Supervisor Palmer shared that he attended this meeting, and the Town could avoid the right-of way portion if we built retaining walls and more expensive structures. It is less expensive to obtain the property.

2024 Garbage Refund from Johns Disposal to Parcel IW 00060 for $228.72

Leith/Zimmerman motioned to approve the expense of $228.72 for the garbage refund. Motion Carried.

Mr. Hurley explained that a resident came in and said that over the past two years he had been charged double for garbage service. John's Disposal was called and shared what their records stated. They also said that they will not go back multiple years and begin refunding. What they did say they would credit the Town for one year and then the Town can cut the resident a check.

Change of Agent for Big Foot Markets Liquor License

Livingston/Zimmerman motioned to approve Vicki Drake as the new Agent for Big Foot Market. Motion Carried.

Clerk Morris said that she was notified by the prior Agent in an email that she was no longer employed at Big Foot Markets. Clerk Morris said Big Foot Market had 24 hours to notify her of this and they did so four days later. Their new agent came in and completed the proper paperwork. A background check was completed and forwarded to the Police Department. There was no reason to deny Vicki Drake the new Agent for Big Foot Markets.

Direct Seller Registration Application

Leith/Palmer motioned to approve it as submitted. Motion Carried 4-1. Zimmerman dissented.

Supervisor Leith said that they have looked over and discussed every aspect of the Direct Seller's Application and now that the Ordinance has been approved, they should move forward with approving the application. Mr. Duquette said that he has reviewed it. He noticed a while back that there was no permit application form and, in an effort, to make that happen the entire Ordinance was redone. This would now bring this full circle.

Storm structure replacement in the Highlands subdivision

Palmer/Livingston motions to award this work to Platinum Terrain in an amount not to exceed $22,327.15. Motion carried.

Superintendent Wittum gave the following overview. This is one project that they were hopeful to do this year before the Basswood sink hole, and other things happened. This structure is failing. It is at the bottom of a hill and gets a lot of water. If the Town doesn't do it now, then it needs to be at the top of next year's list. Supervisor Palmer said that last month at the Highway Committee, they said they realize it is an important project, but they didn't know if they wanted to go in the hole for it. Mr. Hurley said that right now the Highway Budget is $20,000 over budget due to the sink hole and curb work on Basswood. Chairman Weiss asked the cost of this Highlands project, $22,300. Therefore, the Town would be $45,000 over budget. Mr. Wittum was asked if it was an emergency, and he said "no." They also discussed that if the project is put off, it will be more expensive down the road.

Second driveway access request – N1217 Academy Road

Leith/Palmer motioned that this be remanded to the Committee level for discussion and their expertise to be put on this request. Motion carried.

Chairman Weiss asked what our Ordinance states. Mr. Wittum said, "one access point per tax parcel." They have plenty of room on their property to maneuver around. Chairman Weiss said that if our ordinance say's one access point then it should be one access point. Supervisors Palmer and Zimmerman agreed with that. Attorney Duquette said that the ordinance does not possess any criteria for granting second driveway requests. It is a case-by-case review by the Highway Committee. Supervisor Palmer added that this should not come back to the Town Board. It is the decision of the Highway Committee.

Harbor Commission

Supervisor Zimmerman said that the work on the Linn Launch is moving along nicely. She invited everyone to go see.

Buildings and Grounds – No Meeting

Highway Department – No Meeting

Protective Services – Chairman Weiss said that they did meet but there was nothing to bring to the Board.

Parks Committee – Supervisor Leith said that they met on September 18th and discussed their Maintenance Budget. It was voted to send it to the Town Board for approval. There was one change of an increase of $150 in the Bird Monitoring visits.

Non-Standing Committees, and Professional Services Reports

Geneva Lake Environmental Agency Report - No meeting, but there will be this coming month.

Geneva Lake Use Committee Report – No Meeting

Building Inspection Reports – Included in the packet – No questions.

Code Enforcement Report & Case Updates – No questions

Pier As-Built Survey Progress Report:

Clerk Morris stated that the only company that the Town is waiting to get surveys from is Gage Marine. Chairman Weiss would like the Clerk to send a certified letter to Gage giving them the date by when they need to have all the information to the Town. If they do not comply then they will be turned over to the code enforcer. When asked, Attorney Duquette said that sending it to Code Enforcer would be appropriate.

Leith/Palmer motioned to adjourn at 8:06 PM

Respectfully Submitted,

Alyson Morris, Town Clerk