Regular Town Board Meeting
October 13, 2025, 7:00 p.m.
Held In-Person and Remotely
Linn Town Hall
W3728 Franklin Walsh St, Zenda, WI 53195

MINUTES

Chairman Weiss called the meeting to order at 7:01 PM

Present at roll call were Supervisors Zimmerman, Leith, Palmer, Livingston, and Chairman Weiss. Also, present were Attorney James Duquette, Clerk Morris and Interim Administrator/Treasurer Dave Bretl.

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 2025:

Livingston/ Palmer motioned to approve the payroll report as presented. Motion Carried.

No discussion or questions

Profit & Loss Statement – August 2025:

Palmer/Leith motioned to approve the Profit and Loss Statement for August 2025. Motion Carried.

No discussion or questions

Credit Card Report – September 2025, discussion only:

No discussion or questions

Payment of the Bills:

Palmer/Zimmerman motioned to pay the bills as presented. Motion Carried.

This month's bills totaled $595,909.00. One was for WI DOT for $128,000 for bridge work. This was approved at a Special Town Board meeting due to high expense. Ewald Automotive for a Police Squad car for $45,447, and $28,294.09 to Deere Credit, Inc is the last payment on the John Deere loader. Supervisor Zimmerman wondered why we were paying Reputation Partners $13,000 when it was to be $500 monthly. This was due to delay in billing.

Plan Commission:

Weiss/Palmer motioned to approve the Conditional Use as submitted. Motion carried.
Conditional Use - Mitchell Severson of Trotter Associates, Inc., representing Steve Konstantopoulos (SMG Amusement LLC), owner of W4036 Stateline Rd (parcel I L 3300006), are requesting a Conditional Use to construct a 4-acre pond. The primary purpose of the pond is to provide an aesthetic and recreational feature for the property owner while simultaneously serving functional stormwater management and environmental enhancement purposes. *The Plan Commission motioned to accept plan as newly stated.*
Chairman Weiss said that this came before the Plan Commission a couple months ago, but they did not have approval yet from the DNR, nor was a required wetland delineation completed. Therefore, they needed to complete that and return. In that time the wetlands and the location of the pond changed a small amount. They received approval from the DNR and unanimous approval by the Plan Commission.

Comments from the public: - None

Ordinances, Resolutions & Proclamations:

Amend S. 3-9 Installation of Driveways and Culverts:

Livingston/Palmer motioned to accept the first reading of the change in this ordinance 3-9 Driveways and Culverts. Motion carried.

Mr. Bretl addressed the minor revisions to this ordinance. They are as follows:

"A. Permit for new driveways. No person shall hereafter lay or install any driveway or install a culvert in connection therewith in the Town road right-of-way within the Town of Linn without first obtaining a permit from the Town of Linn. The permit will be obtained with the building permit and will be issued through the Highway Department."

"(7) Damage to road and/or right-of-way. Any damage to the Town right-of-way, including the road surface adjacent to property when construction is occurring, shall be repaired at the property owner's expense and in accordance with the Highway Superintendent's recommendation. For road surfaces, damaged areas are to be saw cut or milled to create an even seam to existing pavement. Hot mix asphalt depth shall be a minimum of two inches after compaction. Repairs along the road edge must be a minimum of 2 (two) feet wide. Certain circumstances may warrant, at the Highway Superintendent's discretion, a larger width to cover necessary repairs. In new construction settings, all repairs must be completed before an occupancy permit is issued."

"(8) Temporary construction access driveway. No person shall lay or install a temporary constructions access driveway without first obtaining a driveway permit from the Highway Department. "

Supervisor Palmer said that Highway Superintendent Wittum asked for just the first reading of this ordinance. He suggested that the slower pace will help them with thinking over these changes.

Amend S. 4.7 Planting, Trimming of Trees and Shrubs:

Mr. Bretl explained the following.

(1) The Town, in its discretion, may trim or cut back any trees, bushes or shrubs in the public right-of-way for the following purposes: to help maintain public safety, to protect infrastructure, to ensure proper

access for maintenance and emergency services and to improve visibility at curves, intersections, reducing the risk of accidents. Nothing herein shall obligate the Town to remove any tree or share in the cost of its removal.

F. Boundary Trees. Situations may arise where a diseased, dying or dead tree is located on the boundary between private property and Town right-of-way. The Town does not share in the cost of treating diseased trees. For dying trees, the Highway Superintendent or his/her designee, will evaluate the tree and determine the necessary course of action. This may be done in conjunction with the Highway Committee and Town Board. For dead, boundary trees, if the Highway Department is unable to remove it with its resources, the cost of removal shall be shared with the property owner, with each respective party paying 50% of the cost of removal. If the ownership of a tree comes into question, the property owner shall pay for a survey to determine ownership. Prior to the removal of any boundary tree, the property owner shall enter into an agreement with the Town concerning cost sharing and other issues. In the event the property owner fails to execute an agreement or fails to pay according to the agreement, the Town may remove or cause the tree to be removed and bill the property owner.

G. Removal of fallen trees from private property. The Town, in its discretion, may clean up any fallen tree from private property back to the location where the property and right-of-way meet.

Chairman Weiss asked for an explanation of what is between private property and the right-of-way. Supervisor Palmer gave the example of a wide tree trunk that is on both private property and the right-of-way. Attorney Duquette said that section G is vague. He also wanted to make sure they were complying with chapter 86 of the statues regarding ownership of the trees. Taking them down is one thing, but the timber may still be owned by the property owner. He would also like to take a look at the Agreement referenced here. Supervisor Palmer said that he thinks section G is written incorrectly. It should regard a tree from the right of way that falls onto private property. The Town would clean it up, up to the private property line. Chairman Weiss questions the survey. If the tree is on both properties each party would pay for the survey 50/50. The cost of the survey is the expense of the proper owner of the tree based on survey results.

This will go back to Highway Committee and then come back to the Board.

New Business:

Buildings and Grounds Committee: – No Meeting

Harbor Commission: – No Meeting

Hillside Bridge Property Easement and Statement to Construct Forms:

Palmer/Leith motioned to approve the easement of payments of the five parcels as shown on the agenda. Motion Carried.

Parcel 1 - Thomas W. York - $900.00
Parcel 2 - Hillside Farmette LLC - $100.00
Parcel 3- Steven L. Loudenbeck - $1100.00
Parcel 4 – Steven L. Loudenbeck - $100.00
Parcel 5 – Speckman Seed Farms Inc - $1800.00

Supervisor Livingston said that these are not in the check run but are to be paid by November 1st.

Highway Committee:

Walworth County MOU, Winter 2025/2026, recommend to Town Board:

Palmer/Livingston motioned to approve the Walworth County MOU for the 25-26 winter. Motion Carried.

Supervisor Palmer said that the Board has the standard MOU for buying salt from the state. They are not obligated to buy from the state. It just gives the Town another avenue to purchase salt if we run into an emergency. This is no risk.

Seasonal Plow Drivers:

Palmer/Livingston motioned to advertise the position at $35 an hour. Motion Carried.

Supervisor Palmer said that the Highway Committee would like to advertise for a seasonal plow driver at a rate of $35 an hour.

After-the-fact Permit Fees:

Palmer/Livingston motioned to charge the after-the-fact permit fee for the first four items on the agenda in the amount of $50 each. Motion Carried.

Palmer/Livingston motion to assess a late, after the fact permit fee to N2017 S. Lakeshore Dr in the amount of $500 subject to not having already been assessed the fee. Motion Carried.

Supervisor Palmer said that there is one error on the agenda. The last after-the-fact permit fee on S. Lakeshore Dr should be $500 not $200. The reason for this high of a fee is that a contractor who knows the rules was doing the work. Clerk Morris wants the record to show that this last property may have been on last month's agenda.

N1905 Linn Rd- *Committee Recommended $50.00*
N2420 Main – *Committee Recommended $50.00*
N2463 Main - *Committee Recommended $50.00*
W3943 Forest Dr - *Committee Recommended $50.00*
N2017 S. Lakeshore Dr - *Committee Recommended $200.00*

Parks Committee: – No Meeting

Protective Services Committee: – No Meeting

Non-Standing Committees, and Professional Services Reports:

Geneva Lake Environmental Agency:

Chairman Weiss was not able to attend last month's meeting as it was in the afternoon, and he will not be able to attend this month's as the Board has a Special Town Board Meeting at that time. He'll report back at the next regular Town Board meeting after reviewing the minutes.

Geneva Lake Use Committee Report: – No Meeting

Building Inspection Reports: – No questions or comments

Code Enforcement Report & Case Updates: – No questions or comments

Pier As-Built Survey Progress Report: – No questions or comments

Engineering Report: – No questions or comments

Livingston/Leith motioned to adjourn at 7:30 PM. Motion Carried.

Respectfully submitted,

Alyson Morris

Linn Town Clerk