

TOWN OF PORT WASHINGTON

OFFICE OF THE CLERK

Official Minutes of the regular meeting of the Port Washington Town Board
Tuesday, September 6, at 7:30 p.m.
At the Town Hall, 3715 Highland Drive, Port Washington, WI

1. Roll Call and Pledge of Allegiance.

Present: Mike Didier, Gary Schlenvogt, Greg Welton, Roger Kison, Heather Krueger-Clerk, Mary Sampont-Treasurer
Press: 0, Public: 6 Residents

2. Approval of August Town Board minutes. Motion made by Didier to approve August Town Board minutes, second by Welton. Motion passed unanimously.

3. Public Comments. Rick Fellenz, 4237 Highland Drive is concerned his neighbor, Steve Weber 4341 Highland Dr. is correcting field tile on his property and may be in the road right-of-way; and that in digging up this tile may cause water to go on Fellenz property. Didier drove past and feels he may already be in the road right-of-way.

4. Town Chairman report. 1) St. Simon Church, 3448 Green Bay Road called regarding the culvert being overgrown. Didier inspected and it is very overgrown, he cut down a thicket and that helped a little, but he told JJ that it will need to be cleaned out. JJ can do the work in the fall. 2) A resident on Weiler's Way cul-de-sac called, they were told by the US Postal Service that they will need to place all the mailboxes in a central location on the cul-de-sac, the problem is that the ditch is higher than the road in that area and causes a large puddle to form when it rains or snows. Didier asked JJ to do ditch work in that area, and he will get to it in the fall. 3)The ATV ordinance passed and is still waiting on signage from the town board. Lakeshore ATV contacted Didier that the signs are ordered, and they will be installing before winter. 4) Didier is signed up to go to the WI Towns Association Law Conference on Sept. 30th, which is virtual. 5) Didier spent a lot of time investigating a vacant parcel on Hwy KK that was not zoned. The lot most likely was created for a roadway by the developer of that are in 1966, it is 74' wide. The lot was created after the zoning in Jan 1966 and should be zoned residential but does not meet the requirements of a buildable lot in 1966 or today. The current owners will be selling the lot along with the adjoining lot and the new owner can combine the parcels to make it one lot if they wish. 6) Didier received a call from friends of Nick Tholl that he is still in the hospital, and they are continuing to clean up his property on County Road LL .

5. Town Supervisor report. none

6. Town Building Inspector report. One new home permit submitted for Weiler's Way. Occupancy permits given out to two homes on Applewood. Per Didier, do not return the road bond for 2668 Applewood because of the damage.

7. Town Treasurer report. Sampont reports the Town has a balance of \$490,787.50 in the money market account, \$100,740.04 in the checking account, \$35.07 in the small business account, and \$167,019.68 in the Newburg State Bank (APRP funds). The town received August tax settlement from Ozaukee County. A letter was submitted to the town board from Karl Dickson as part of the formal process of requesting a refund for overcharged of 2022 property taxes paid by Glenogle Co. The error was made by the Register of Deeds when combining parcels.

8. Town Clerk report. 1) Krueger reports the Primary Election went very well; the town is lucky to have such a great staff of Inspectors. Absentee voting will begin in two weeks for the General Election. 2)The 2023 Recycling grant has been submitted. 3). After submitting the Rural Mutual Insurance audit annually, the town always receives an increase in rates. Krueger is wondering is the town should seek bids to make sure we are getting the best rate. The town will need to have the insurance

adjusted to include the new building. 4) the WI Election Commission will be offering a \$1200 technology grant, Kreuger is wondering if the board feels the need to add any technology to the town hall. 5) Krueger attended the WMAC conference last month, attended classes on Liquor Licensing, budgeting, Board of Review and a session with the WEC.

- 9. Update discussion and possible action on request from resident to have the Town address flooding on property at 2538 and 2532 Hillcrest Rd.** Didier and Welton surveyed the area and took elevations. Per Didier: The cross culvert about 280 feet away is lower than the lowest point of the flooded area. In theory if you re-ditch and lower the culverts you could technically drain it. Didier had JJ Winnemuller look at it to get a scope of what the work would be. JJ looked at it but did not get back to Didier on the approx. cost of the project. Options are to: re-ditch, put a cross culvert across the road or do nothing. The last meeting the board decided to do something. Welton: we should try to get pricing. Didier: that will be difficult as they don't know until the work is being done. Putting in a cross-culvert may be somewhat effective and act as a failsafe but it's not going to change much. Kison: have you talked to the owner of the vacant lot? Didier: yes, I spoke with him, and he said he had concerns about a finished basement, and I agreed that he should have concerns. Paul Gantner, 2550 Hillcrest Rd, the owner does not want any water to cross his lot, he wants Gantner to divert the water from the back yard and run it to the west. He said the owner is planning on bringing in 100 truckloads to fill in his lot. This would block a natural waterway in the back of the lot. The mound and septic tanks are in the back, and he will flood them if he fills in the lot. He told Gantner multiple times that Didier told him that he can fill in his lot however you want. State law and your ordinance prohibits blocking natural waterway. There are currently engineered pipes/tiles helping the water flow, but he does not understand that, and the town needs to address this. Didier: So, there are two problems, the neighbors are arguing about water, and that is not the towns issue, but in the road right-of-way there is flooding. Gantner: so, you're not going to get involved in stopping him from filling in the lot? Didier: no, the town will not get involved with that. Gantner: Your ordinance states you can't block a natural water way. Didier: People in the town bring fill in all the time, the town will not police that. There are state statues regarding blocking water ways, that is correct and if he does that the neighbor can file a civil lawsuit. Civil, as the town will not get involved. Gantner: But your ordinance states you are not allowed to do that. Didier: Correct, but the town will not get involved to enforce something that has not been done yet and only hearsay at this point. Gantner: I would like that in the minutes. Didier: Outside the waterway affecting the town roads, we will not get involved. If he is affecting the neighbors water right-of-way, they can fight about it. I get calls several times a month and if the town got involved on every water issue it would cost the town several hundred thousand dollars per year. Welton: can we send a letter as information only? Gantner: Your ordinance states this is the towns responsibility, you would be negligent to your ordinance. What part of your ordinance can you state you can or can't do you would be arbitrarily opposing your ordinance. Didier: There is state law that says it to, so let the state deal with it. Gantner: Your ordinance echoes the state law. Didier: I am not getting involved in a civil issue and the Town is not going to police every quad axle load of topsoil that gets delivered on lands. He can fill/grade his lot as he deems necessary. You mention about filling a natural water way that is a different topic and issue all together. Again, the Town will not "police" people grading or filling residential yards. It would be a massive undertaking to do such. There are State laws that give property owners options if waterways are blocked by the action of an individual and that could be an option if this alleged future activity happens. Krueger: back to the bid that JJ would be doing, does the town want to post a bid notice? Didier: Yes, we would have to if its more than \$5000. But if the town is doing the work, then no it doesn't need to be posted. At what depth do we want to do this? Welton: The town could lower the ditch, but his yard is still lower than the ditch line. If he was going to fill his lot in, he would be wise to leave an area on the side lot. Gantner: Someone from the town should have a conversation with him, because all he heard was that Mike told him he could fill in his lot if he wanted. Welton: it would be a good idea to send him a copy of the ordinance and dealing with it now verses later. Didier: I don't recall the conversation exactly, but I would have told him that he can bring in fill to his property, I didn't tell him he could block waterways or bind the ordinance. Didier: We will wait until the bid from JJ comes back for the labor, and if its under \$5000 it will determine when the work can be done. No formal action needs to be taken at this time.

- 10. Update discussion and possible action on engineering study done at the intersection of Mink Ranch Road and County Road KK.** EMCS performed a site study, and the obstruction was the large trees on County Highway KK. Didier contacted the Oz. Co. Highway Commissioner as well as the Chair of the Public Safety Committee, Rick Nelson. Didier ran into Nelson, and he said that they would be removing the trees, probably this fall. Welton: Didn't the board purchase some LED safety lights? Didier: Yes, but then people wonder why they aren't on all the stop signs. Welton: If we purchased, we should due diligence and put them up. **Motion made by Welton to put up the LED safety lights on the stop signs at the intersection of Mink Ranch and County Road KK, second by Schlenvogt. Motion passed unanimously.**
- 11. Update discussion and possible action on electric, concrete work and overhead doors at the town drop-off shelter.** Sent out RFB for electric and concrete work to contractors. D&D did contact Mike to find out details, and to let him know the panels take a long time to get in. Didier received two bids for the overhead doors with openers \$8860.00 & \$9980.00. Each item will need to be put out for bid. WE Energy service will take a while also; they will do a site visit. Didier will put together the bid requests and we will get those posted, due by next town board meeting. Work to be completed by the end of November.
- 12. Consideration and approval of monthly bills. Motion made by Schlenvogt to approve the August bills in the amount of \$36,763.53, second by Welton. Motion passed unanimously.**
- 13. Adjourn.** Didier adjourned the August Town Board meeting at 9:00 PM.

Heather Krueger
Clerk