

TOWN OF SHELBY

County of La Crosse

State of Wisconsin



2800 Ward Ave

La Crosse, WI 54601

Phone: (608)788-1032

Email: info@townofshelby.com

APPROVED

Town Board Meeting Minutes

Date: Tuesday, May 3, 2022

Time: 5:00 p.m.

Location: 2800 Ward Ave, La Crosse, WI 54601

Town Officials Present: Chairperson Tim Candahl, Supervisors Renee Knutson, Marlene Heal, Tim Ehler and Tim Padesky, Administrator Christina Peterson, Treasurer Sara Jarr, Public Works Director Terry Wright, Clerk Fortune Weaver, Sanitary District President Kurt Knutson, and Commissioner Robert Lynn.

Town Officials Excused: None.

Attendance List: Carla Corbin and Luke Marcou (Skyline Fireworks), Dave Gebhart (W5374 Boma Road), Lawrence Wilcox (N2417 Three Town Road), Carl Kammel (N2422 Terry Ct), Dillon Mader (N1074 Bloomer Mill Road – District 30 Representative)

1. Meeting called to order by Candahl at 4:59 p.m.
2. Minutes from 4/19/2022. Motion by Padesky to approve minutes from 4/19/2022, second by Ehler. Motion carried unanimously.
3. Bills Payable. Motion by Padesky to approve open invoices for \$4,174.59, and paid invoices for \$40,130.00, second by Heal. Motion carried unanimously.
4. Parcel 11-319-0 CSM. Peterson provided information on the subdivision and certified survey map requirements. Peterson noted Planning Commission has reviewed this and has recommended that the Town Board recommend approval to La Crosse County Zoning. Dave Gebhart provided additional information. Peterson stated that all lots as drawn follow Town ordinances. Motion by Padesky to recommend approval to La Crosse County Zoning, second by Ehler. Motion carried unanimously. Gebhart did note that the City of La Crosse will also review because of extraterritorial review and thanked the Board for their time.
5. Citizen's Concerns.
 - a. Carl Kammel (N2422 Terry Ct) detailed ongoing issues with the shared well he and some of his neighbors utilize. Kammel spoke with Wright about the proposed location and Wright informed him that the well would be right on the park property line. Wright confirmed Kammel would need a variance to place the well on the property line and then would need permission from the Town to enter the park with well drilling equipment. Kammel noted that the proposed location is the furthest location from any septic systems. Additionally, the cistern will remain the same, but the wellhead would be moved. Kammel noted that the permit is being reviewed by the DNR and will be submitted to La Crosse County for review. Kammel noted that neighbors have been made aware that equipment may cross their property lines and have no issues. Peterson advised Kammel to confer with La Crosse County because if they need a variance the town can review, but the county may have additional permits that are required. Peterson advised the Board that if the request is just to cross the property line or run equipment over the park lines, this request could be approved under citizen concerns, if the resident needs approval for placing part of the well on town property, it should be an agenda item. Candahl tabled until the next meeting, and recommended Kammel contact La Crosse County. Peterson and the Board will obtain more information before the next meeting on May 17th.
6. Schedule Budget Work Session. Candahl called for comments on what dates work best for a Budget Work Session noting it will likely be a 3-hour session. Board settled on June 14th at 4:00 p.m.

7. Pay Scale Discussion. Candahl noted previous discussions on pay scale. Peterson provided additional information on current pay rates. Candahl recommended \$2.00 per hour added across the board to current part time rates. Heal noted that the change would put Shelby in a competitive range. Motion by Heal, second by Padesky to raise the hourly rate \$2.00 per hour. Ehler abstained. Motion carried unanimously. (New Pay Scale Attached)

Candahl noted that there is an issue with multiple people talking over each other and it causes issues in the minutes and meeting recordings. Peterson added when making motions, they need to be word for word in the recording and Weaver will draft the minutes to match and read back the motions if necessary.

8. Parcel 11-1005-0, Culverts, Boma Road/Highway 33 Drainage. Candahl noted that there needs to be additional discussion about this property, when this was previously discussed (11-9-2021) there was no official motion about the town paying for Scott Wrobel's driveway. Candahl reviewed previous discussions about this property; when Boma Road construction begins, the town could potentially use Mr. Wrobel's driveway as a temporary roadway in exchange for two culverts being put in under the driveway. Candahl met with WisDOT on the project and drainage issues and discussed the access to Highway 33 from Boma Road. Candahl clarified the State approved the double culverts for the driveway, not La Crosse County, Weaver will correct minutes. Candahl noted that if the property is used as a temporary roadway, there would need to be clearance from the state to allow traffic to flow onto Highway 33 from another entrance and a temporary easement from the property owners will need to be in place, and an additional cost of property liability insurance while town traffic flows through that route. Candahl would like to discuss this issue further with WisDOT and engineers before commencing with this project. Wright confirmed that 36-inch culverts, four 20-footers, a band and two aprons have been ordered for this project. Wright confirmed that the culvert was initially priced around \$8,500.00, because of price increases the new cost for materials is \$9,066.80 and \$2,000.00 for labor and installation. Knutson commented that she believed the engineers would be able to keep one lane open and the driveway wouldn't be necessary. Candahl confirmed that when installing the box culverts the engineers would be able to keep one lane open. Candahl gave additional information on the elevations of the property. Candahl pointed out where double culverts would be placed. Ehler asked for clarification if there would be ditching with the culverts, Wright confirmed that there is an existing ditch, but there would be additional ditching and culverts and Wright added there will be ditching done above the property to help the ditches handle the water, aka "shaping". Candahl reiterated that the road may be able to stay open one lane at a time, which the board, public works, and Mr. Wrobel did not know when this proposal was made. Knutson noted there was an understanding that it would be a tradeoff to use the alternate exit. Ehler noted previous issues with drainage, Candahl commented this parcel is in the flood plain. Peterson noted that the water coming into this property is from further up Boma Road, because of the drainage issues above Boma Road this project pertains to the Boma Road design. Comments on a pipe under Highway 33 that would offer just as much relief. Wright commented that the slope in the area requires specific sized culverts. Peterson noted potential challenges with this project if it moves forward. Candahl suggested cost share with Wrobel. Knutson noted the board needs to consider how it will look if the money is spent to offer relief to fewer residents. Candahl wants to know if we can special assess Mr. Wrobel or have him pay for part of the installation \$9,066.80 for pipes, \$2,000.00 for install. Padesky noted that if the state wants to put a culvert in that could be 2 plus years and 100-year event could be a big problem for the area. Peterson asked Wright to clarify what Wrobel's understanding is. Wright explained the misunderstanding. Ehler pointed out that cost share with the resident would make it justifiable. Motion by Padesky to approve installation of pipes with the understanding that Wrobel will assume half the cost for the project of \$5,533.40 second by Knutson. Motion carried unanimously. Candahl moved move forward with negotiating cost share

with Mr. Wrobel and there will be an agreement reached and signed, preapproved amount \$11,066.80. If town has to move forward with using the property as a temporary roadway, Wrobel will be compensated appropriately.

9. 2022 Fireworks Permit Application. Candahl noted that Fire Chief has inspected the establishment and found no issues. Peterson and Weaver agree that there is a requirement for buyers to have a permit to purchase fireworks. Peterson stated the town ordinance needs to be updated. Corbin reiterated that fire inspections have never found issues. Corbin stated it's impossible to know whether people have a permit to buy and continued that they do their due diligence when they see suspicious activity and follow state law regarding age requirements for purchases. Heal asked if permits have ever been issued by Skyline Fireworks. Corbin answered that they have given permit applications but have never issued permits themselves. Candahl suggested keeping a record of all individuals who purchase fireworks that can be provided to the town. Peterson suggested posting the state statute by the register. Motion by Heal to approve the permit for Skyline Fireworks if they maintain a list of the individuals buying the fireworks and post the state statute for fireworks by the register, second by Candahl. Motion carried unanimously.
10. Administrator Report
 - a. Peterson, Jarr, and Weaver met with Ehlers Financial to discuss options for making room in the budget. Peterson provided additional information on what the options are. Peterson explained what development can and cannot do for the town and the levy based on the law. Ehlers is willing to help with procedure to set some of those options up in the future.
 - b. TRIP money was not awarded to the Town of Shelby which included Boma Road, options for moving forward will be discussed at the budget meeting. Wedgewood Drive E was included in that as well. Peterson did note that the TRIP Supplemental Funding of \$340,000.00 for Breidel Coulee Bridge was awarded to the Town.
 - c. ARPA money may be moved around to make room for the projects. Procurement policy will be discussed at the next board meeting. This will address soliciting contracts and engineers for upcoming projects.
 - d. Federal Land Access Grant for railroad crossing was received, Peterson will confirm that the town does not need to put any funds into the project. Peterson noted the preliminary engineering fees will need to be paid, and the town will not be able to front any money for that. Details will be brought to the board soon. Candahl reminded Peterson of the meeting with WisDOT. Before Peterson signs any documents, the board will be notified and will be given details about the project.
 - e. Upcoming WisDOT local officials meeting for municipalities to talk about south portion of Highway 35 project 10 at state DOT office. Peterson noted the town won't be affected besides drainage which has already been addressed. Peterson noted they can learn about the timeline and proposed trail that will be upcoming.
 - f. US Fish and Wildlife meeting is on Thursday, May 5th at 1:00 p.m. in Brice Prairie. Discussion on proposed railroad bridge crossing and current reconstruction, due to be completed in September. Candahl commented that they will raise the crossing 8 inches and add 20 more feet left to right to allow logs to go underneath it during storms.
 - g. LOSA annual retirement benefit statements came through, Peterson calls in distributions on those and final bill is sent to the town Jarr assists with that.
 - h. Insurance renewal is coming up. Jarr noted an increase from last year of about \$4,000.00. Peterson noted no major coverage changes. \$68,000.00 split with Sanitary District for their assets.
 - i. Peterson noted SYB lease from La Crosse County has been signed. The County is not willing to include the first right of refusal in the lease as they have no intention of selling the fields anytime

soon. This is a 10-year lease with 60-day cancellation clause. All Shelby Youth Ball teams are set, and sponsors acquired. Still some administrative tasks being taken care of.

- j. Knutson asked about policy for reviewing CSMs, Peterson realized their ordinance still requires town review and approval, so policy timeline is unsure, until the county ordinance has changed, there won't be a new policy.

11. Public Works Report.

- a. Wright noted working on storm damage list for Wisconsin Emergency Management.
- b. Chip sealing will be next on the list.
- c. Meeting with DNR on using the old landfill for storage.
- d. Parks are fully open now.
- e. Working with Paragon on Wedgewood Drive E, TRIP money received
- f. Issue with Bubbler in Pammel Creek Park, the water tables are high and so there is water in the tank all the time. That's being addressed.
- g. Heal asked about building up at Hillview- if that is shared who pays utilities. Peterson noted that there hasn't been a lease for that, and no details have been discussed. Peterson did note that the lease would be long term for little money and the county would assume all those charges.

12. Supervisor Reports.

- a. Candahl, Kurt Knutson and Peterson met with an attorney in Madison regarding the boundary and sewer agreements, which will be the primary focus of discussion in closed session.
- b. Candahl noted Railroad construction will be done in September. Adding 200 feet on either side of the track.
- c. Padesky wanted to introduce Dillon Mader newly elected county board supervisor for district 30. Judiciary and health and human services. Will be invited to next plan comm meeting.

13. Cliffside Drive Discussion. Candahl stated that he spoke with residents about the upcoming project. Peterson noted discussion from last meeting and conditions discussed. Peterson asked to tie into the catch basin, and to pay back the amount in 5 years with no interest. The City of La Crosse has responded stating repayment must have interest and directly connecting to their storm sewer will include a reoccurring fee. The City stated that the fee is part of their policy, they would not approve tying in the catch basing as part of the project. Candahl pointed out plans on map. Peterson and Candahl agree that the consensus from residents is that there is a problem, and they would be willing to pay towards the project to fix the problem. Candahl added that this could be an assessment to be paid off overtime. Peterson will investigate the issue more but wanted to update the board. Wright commented that the water is running into the City's pipe a block down anyways. Peterson noted bids are being collected on Thursday as option 3. Peterson noted tying into the catch basin can be discussed as part of the boundary agreement. Motion by Padesky to add Cliffside Drive to the agenda, second by Knutson. Motion carried unanimously.

14. Closed Session. Motion by Heal to go into closed session per Wis Stat 19.85 (g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved at 6:50 p.m., second by Padesky. Motion carried unanimously.

15. Open Session. **Motion by – to reenter Open Session, second by – at __ p.m. Motion carried unanimously. (needs to be added)**

16. Cliffside Drive Discussion. Motion by Candahl to move forward with option 3 with no contingency on the ditch connection second by Ehler. Motion carried unanimously. Heal abstained.

17. Adjournment. **Motion by Padesky to adjourn the meeting at - p.m., second by Knutson. Motion carried unanimously. (needs to be added)**

Next Town Board Meeting – May 17th, 2022, @ 5:00 p.m. at Town Hall, 2800 Ward Ave.

Board of Review – May 17th, 2022, 4:00 p.m. – 6:00 p.m. at Town Hall, 2800 Ward Ave.

Respectfully Submitted,
Fortune M. Weaver, Town Clerk