



Town of Lincoln: ToL Board of Supervisors Regular Meeting Minutes, Monday, February 1, 2021

I. The regular meeting was called to order at 7:01p.m. by Town Chairman, Cory Cochart. Pledge of Allegiance recited. Board of Supervisors (BoS) present: Jordan Nowak & Jesse Jerabek. Others present: Tim Strnad, Town Treasurer, Joe Jerabek, Town Assessor, Steve Alberts, Vicki Alberts, Stuart Fenendael, Lonnie Fenendael, Todd Every, Brent Eisenman, Nick Guilette, and Mick Sagrillo, PC Chairman.

II. February 1, 2021 Agenda: Motion made to approve agenda as submitted (Jerabek/ Nowak). Motion carried 3-0.

III. Motion made to approve January 4, 2021 meeting minutes as submitted (Nowak /Jerabek). Motion carried 3-0. Motion made to approve January 16, 2021 Special BoS meeting minutes as submitted (Jerabek/ Nowak). Motion carried 3-0. Motion made to approve November Public Budget meeting minutes as submitted (Sagrillo/Joe Jerabek). Motion carried.

IV. Treasurer's Report: Strnad gave report on ToL Income, Checking, CD, Savings, & Loan accounts. Motion made to approve Treasurer's Report (Nowak /Jerabek). Motion carried 3-0. Collection of property taxes to wrap up this week.

V. Clerk's Report: Work completed over last month: attended one PC mtg, returned one special assessment letter, filed: Tobacco Sales Survey w/ State, State survey on new construction, Summary of Illnesses & Injuries, completed 2% Fire Dues for Algoma & Luxemburg, contacted AT&T on town hall internet billing, followed up on new laptop quotes under WEC Security Grant, issued 38 absentee ballots for 2.16. 2021 Primary Election, & addressed one request for town hall rental. Correspondence received: Wiese Memorial & Burial agreement, PILT payment notice, & WTA Feb. magazine.

VI. County Supervisor's (District 2) Report: Nick Guilette reported on 1.26.21 County Board Meeting: Bug Tussel gave progress report on wireless & broadband; Casco & Algoma to be live in next two months, no direct contact made w/ ToL. Equipment & monthly fee options reviewed. Another grant has been applied for to improve tower capabilities. 11-8 vote missed 2/3 vote needed to pass phase 3 of Jail Project, to be on next month's agenda. Sagrillo stated as rep of ToL, BoS should be directing Guilette as Cty Supervisor District 2 on Jail votes. Guilette reviewed referendum options to be covered at next mtg. Public Health Dept. has started Covid vaccinations & are currently not receiving doses as expected & are overwhelmed w/ phone calls re: appointments. Guilette also noted issue of emerald ash borer / land proposal in Black Ash is not something he is going to move forward on. Supervisor Jerabek noted recommendations are contained in ToL Comprehensive Plan.

VII. Planning Commission (PC) Report: Sagrillo reported PC Hearings / Meetings held on 1.11.21 for Ground Water Protection Plan (GWPP), and 1.25.21 for GWPP & Scott Fenendael CUP. PC voted 5-0 to recommend Scott Fenendael CUP to Board for their approval. Scheduled PC meetings/hearings: 2.8.21 CUP for Dairy Dreams duplex construction, 2.15.21 for work on GWPP, 2.22.21 Public Hearing for GWPP. Guilette questioned if estimated 2.16.21 posting of GWPP would be sufficient time for public review based on State processes of 30+ days for public to comment after drafts are made available. Guilette questioned what the State law is re: minimum timeframe for public comments. Sagrillo stated a public hearing is not actually necessary before bringing GWPP for approval, but would prefer to give public the opportunity to comment.

VIII. Zoning: Scott Fenendael CUP Request: Request submitted by Scott Fenendael CUP. Board reviewed ToL PC CUP Action Report. Motion made to approve Scott Fenendael request w/ conditions (Jerabek / Nowak). Motion carried 3-0. Conditions of this CUP: CUP is between Town of Lincoln and Scott Fenendael /Extreme Custom Food Plots, LLC., soil test be obtained & findings re: septic system be followed, and a residential inspection & occupancy permit be received from State Inspector.

IX. Business/ Actions:

a. Road Construction Projects: Todd Every, Kew County Hwy Commissioner, present to explain LRIP grant process & discuss ToL projects. First ToL project approaching sunset date of 6.30.2021: Tamarack Rd from Cty X to Cardinal w/ ToL to purchase asphalt from contractor & have County do hauling & paving (alternative qualifying project may be submitted if necessary). Combining of two projects on Tamarack (to Hawk Rd) is allowed as qualifying as long as minimum required dollars are spent and both projects are completed by 6.30.21. Every to supply estimates for County work.

b. El-Na Farms Tile Line Installation: At special BoS meeting on 1.16.21 it was decided Zoning Administrator Jerabek to issue a cease & desist letter to El-Na Farms on tiling project. Supervisor Nowak felt Zoning Ordinance should be changed, should not tell people what to do on their own land, feels town needs to work with the farmers & feels Sagrillo points the finger because this is a big farmer, and shouldn't fight them every step of the way. Asked how are farmer supposed to know if banned by ZO if they don't read it. Chairman Cochart felt adjacent neighbors should be notified of actions that may affect their land. Supervisor Jerabek agreed conflicting language in ZO could be clarified, but should still go through town before project starts. Since not currently allowed, resident could ask for variance starting process through Joe Jerabek. Commented right-of-ways are not private property so approval must be made at local or county level. Also stated there are possible benefits of tiling for neighboring properties and there is a right way & safe way to do it, but is Board's job to enforce rules or change them if not acceptable. L. Fenendael did not object to 1.16.21 meeting minutes, but feels should not have to bring to BoS and approval should be comparable to driveway permit. His lawyer believes ToL actions are illegal. Sagrillo called B.S. on L. Fenendael's comment & should be ashamed of himself, stating L. Fenendael was on PC when vote was made to approve ZO and knew exactly how process works. Said Fenendael's claims that DNR & Land & Water approval received were untrue. Should not go ahead w/ project & think if in the ground, will not be challenged, otherwise he would have brought forward ahead of time. Stated work continued after being told by Joe Jerabek and Supervisor Jerabek to stop. Also noted ordinance language was cleared by both DTCAP and Bay Lakes Regional Planning Commission. Why bother making rules or having ZO if not enforced? Denied it was a big farmer issue, has no animosity towards L. Fenendael. Guilette asked if all Kewaunee County townships have tiling ordinances.

c. Untidy Yards: Property owner of one untidy yard passed away.

d. Road Issues / Multimodal Local Supplement Program (MLSP): Approval of MLSP re-award made in November. Wisconsin DOT funding agreement received by Supervisor Jerabek for 5-year project for signatures and return by email by 3.31.21 deadline.

e. Garbage Pickup / Commercial Dumpsters @ Residences: Three properties getting charged but no containers. Properties with a dumpster would rather continue w/ dumpster for adjusted fee; Chairman Cochart to contact Going Garbage. Strnad asked about returning containers for properties w/ delinquent taxes since town has to absorb special assessment charges for garbage/recycling. Re: special assessments, discussion on putting delinquent fire bills on property taxes as special assessment. County not considering taking over Fire & Rescue; Cochart reviewed new rates for Luxemburg calls.

f. New Town Hall / Old Town Hall/ Hawk Rd: Closing for old town hall building to be on 1.22.21. Interest has been shown on Hawk Road property.

g. Stone House Technologies Update: Equipment was sold on Wisconsin Surplus site. Cochart signed affidavit w/ Town Attorney to file w/ court against Stone House Technologies for non-payment of agreed upon settlement schedule.

X. Public Comment: (Guillette) GWPP draft versions could be on website for interested members of public to review & give input. Would not have known to recommend a review of Zoning Ordinance for tiling issues and did not know there was a ToL ban on tiling. NRCS, DNR, DTCAP, and farming & environmental groups are interested parties available for input. (L. Fenendael) Stated for record he did cease tiling & only continued work to bury culvert pipe after Joe Jerabek & Supervisor Jerabek contacted him. (Jesse Jerabek) There is a difference in pipes, some is water transfer, not all tiling. Stated wants conversation to continue so we can coexist & betterment of ToL. (Joe Jerabek) Joe Musial passed away, noting Joe was had good intentions and was vocal on Agropur, a Canadian owned corporation polluting Kewaunee Cty. (Strnad) Will review Going Garbage list again & will accept help if residents know who has dumpsters. (Jordan Nowak) Currently have tiling in GWPP / banned in ZO – feels extra meetings will be held for nothing.

XI. Agenda Items for Next Meeting 3.1.21: Hawk Rd; Road Issues / MLS Program; Road Construction Projects, Garbage Pickup; Untidy Yards; Stone House Technologies Update; Annual Mtg Date

XII. Bills: February bills were reviewed & check register signed by Board of Supervisors. Motion made approve February bills (Jerabek/ Nowak). Motion carried 3-0.

XIII. Adjournment: 8:28pm. Motion made to adjourn (Nowak/ Jerabek). Motion carried 3-0.

Respectfully submitted by Town of Lincoln Clerk, Mary Ann Salmon