

MINUTES OF TOWN OF HULL BOARD MEETING
COUNTY OF PORTAGE, WISCONSIN HELD ON
MONDAY JUNE 10, 2019

01) Call to order by Chairperson John Holdridge at 5:30 p.m. at the Hull Municipal Building, 4550 Wojcik Memorial Dr., Stevens Point, WI 54482.

Present: Chair Holdridge, Supervisors David Pederson, Dave Wilz, Jan Way and John Koshnick.

Others present: Clerk Janet Wolle. Treasurer Jim Kruziki, Secretary/Deputy Clerk Barb Brilowski, Road Foreman Pete Kaminski and Fire Chief Ken Sadogierski.

Excused: Assist Chief/EMS Administrator Mark Fritsche.

02) Pledge of Allegiance

03) Minutes

Motion Supervisor Pederson, **approve minutes of the May 9, 2019 Task Force meeting re: Country Club Dr.** Second by Supervisor Koshnick. Motion carried by voice vote.

Motion Supervisor Wilz, **approve minutes of the May 13, 2019 board meeting**. Second by Supervisor Way. Motion carried by voice vote.

04) Vouchers presented

Motion Supervisor Wilz, **approve for payment vouchers presented**. Second by Supervisor Pederson. Motion carried by voice vote.

05) Public Comments. Agenda items are for discussion with possible action. Those in attendance, who would like to talk to an agenda item, please indicate that item now. Non-agenda items may be raised under opinions of Interest (Item 8 below)

Speak to #9

06) Report of public issues facing Town of Hull – Chairperson, Supervisors, Clerk, Treasurer, Fire Chief, Assistant Chief/EMS, Road Forman

Chairperson:

- Have reports from Fire Department, EMS, Treasurer, North Second Dr.

Supervisor Pederson, does Amherst Telephone Company send in fees?

Treasurer Kruziki – Yes, two payments made in 2018 and 1 so far in 2019.

Holdridge – do we get reports on revenues we get primarily from the state and these vendors?

Kruziki – Spectrum sends us a report every quarter as to the number of customers and the fees they collect.

Holdridge – what about General Transportation Aids and Shared Revenue?

Kruziki – they usually send us a letter the day before or after the payment is made via electronic transfer.

- Stevens Point/Hull meeting on June 26 at 10:30 a.m. in Hull
- Roads Group developed and reviewed ordinances relating to biking/running/walking – has been sent to attorney for review
 - o All signs to be enforced must be legal signs
 - o Enforcement of speeders is an issue
- Letter sent to citizen regarding damage to lawn – town is responsible for repair only if beyond 9' of right-of-way
- Received protocol on how run meeting – information from Wisconsin Town's Assoc. (WTA)
- Annual WTA conference in Wisconsin Dells in October
- Want to create a task force regarding ATVs/UTVs (7 to 9 members people who are pro and people who are con) – make recommendation to town board
- Hull Plan Commission will meet on June 18
 - o Cindy Piotrowski, Aging & Disability Resource Center Director will be present to discuss status of elderly in Town of Hull

Supervisors:

Supervisor Way

- ✓ While having coffee with some people a lady was waiting to hear from the service station on her car repairs
 - o She received a phone call - repair of car was more than car was worth – she was going to have to have her car totaled
 - o She had hit a pothole
- ✓ The budget process at the state for transportation
 - o Governor proposes:
 - Increase in gas tax by 8¢ a gallon
 - Increase fees on heavy vehicles
 - o Legislature proposes:
 - Increase title fees by \$95.00
 - Increase registration fees by \$10.00
 - The criticism heard is leaves any out of state drivers off the hook
They don't have to chip in for any expense at all
 - The legislative plan is 200 million dollars less than what the governor's plan is
 - o Encourage everybody, if they have a strong opinion one way or the other, to call Senator Testin and Representative Vander Meer
- ✓ Poverty – homelessness
 - o People are working on that
 - United Way – Portage County Hunger & Poverty Prevention Partnership - League of Women Voter's put out a mission statement on poverty in Portage County – Jerry Gargulak is the Stevens Point School District homeless liaison who often times has to leave meetings early because he

has to run help with a family who is suddenly finding they do not have food to eat or they do not have a place to live

Clerk – No report

Treasurer – Jim Kruziki

- Have talked with Lonnie Reetz of River Cities Bank
 - Papers have been finalized for Hull's loan for North Second Drive project
 - Later this week or next week he will bring papers to have Chair, Clerk and Treasurer sign off
- River Cities has merged with Pine Federal Savings Bank – they are based out of Marshfield, Medford and our area
 - There will now be more branches and bigger assets

Fire Chief – report handed out

Asst. Chief/EMS Administrator – report handed out

Road Foreman – No report

07) Commission/Committee Reports – Plan, Parks, Water, Road; Groups- Comprehensive Plan, Policy/Ordinance and Goals/Objective

Plan Commission (Holdridge)

- Will meet on June 18 and will talk largely about elderly services

Parks Committee (Wilz) – No report

Water Committee (Holdridge)

- Meets in July and looking at a system that identifies the status of our water

Road Committee (Holdridge)

- Will be looking at ordinances on the roads

Comprehensive Plan (Holdridge)

- Plan Commission will meet on June 18 to discuss the elderly and Hull's Comprehensive Plan

Policy/Ordinance Group (Holdridge)

- Need to get together

Goals/Objective Group (Holdridge)

- Need to get together

08) Opinions of Interest – citizens in attendance

None

09) Culvert Request by Jennifer & Peter Laskowski on Jordan Road by parcel # 020-24-0809-14.01

Jennifer and Peter Laskowski present.

Holdridge – received a map that describes the property in question

- It is about 40 acres on Jordan Road
- Is it correct you would like to see a culvert under the road taking the water to the north

J Laskowski – yes.

Holdridge – do you own the land?

J Laskowski – we do.

Holdridge – the topic of culvert situation has a history

- Out of that came a dike situation
- The water would be taken on the south side of Jordan to the east and then cross and go down the north side of Jordan to Moses Creek – that is the way the system was designed

Lee Turonie, attorney for the Laskowski's was present and handed out copies of Wisconsin Statute 88.87 "Road grades not to obstruct natural drainage, landowners not to obstruct highway drainage; remedies"

- ✓ Basically the statute is a process for handling the situation
- ✓ Assigns duties to any governmental unit and railroads
 - From railroad grading and street grading basically they are forbidden to cause any undue pooling of water – not to obstruct the water flow
 - Essentially if someone has a problem with water affected by a roadway they are to complain
 - It does not assign fault or anything like that – it is a town highway that is affecting the water and that is very much how it goes
 - You can file a claim eventually
 - If you file a claim it is not the same as the other claim statute – similar but the rules are a little different
 - You have a lot longer to file a claim
 - When you get a claim you are supposed to do something within ninety (90) days
 - If you don't do anything within ninety (90) days it is an automatic denial
 - Essentially there can be a law suit over the matter
 - Do not know if Hull has something to provide to insurance carrier to see what they say
 - Statute gives you a couple of options
 - Remedy the situation (which is the culvert requested)
 - History says formerly there was a culvert crossing Jordan by parcel 020-24-0809-14.01
 - The town would pay money, it is a condemnation type of issue because you are causing the loss to private property – there is a value to that called condemnation

- In fact if Hull would deny the claim or take no action the lawsuit that is entitled to occur is inverse condemnation – a condemnation but it is initiated from the other side because you in effect took the property even though you did not go through the hassle of actually condemning it
- In order to preserve some of our rights, we may have to file a notice of claim, that doesn't mean we don't want it to be worked out anyway – how this can be worked out is in anyone's interest but you realize there are deadlines or you don't file and you lose your time, you lose your ability to have a claim

✓ I can send the statute to Hull's attorney

Holdridge – we use Anderson & O'Brien but I think we need to look at it internally as we have had some issues over there

Holdridge (to Laskowski's) – did you buy the land when it had all of the water on it?

J Laskowski – no

Holdridge – how long have you owned it?

J Laskowski – have owned not quite a year.

Holdridge – does anybody know the rainfall this year in comparison to past years?

Jerry Eckendorf - according to the Point paper it is about normal.

Citizen - can the blue pipe by Wilshire be checked out?

Pete Kaminski – the water levels in our pipes, which one of the other crew did, the ground water level is actually 2 feet higher than it was last fall plus have heard we are another 4" from this season.

L Turonie – maybe for that reason right there, the statute actually allows you to file a claim on discovery of the issue.

- ✓ You have changes in rain level year to year but it is when you first notice it that your deadline starts running

J Laskowski – last April we came in front of the board on April 25 and action was just tabled. We did not receive a follow-up. That is not saying we were supposed to but I thought when it was tabled I was trying to determine when we were coming up for a meeting.

Holdridge – if we put a culvert in there, where do you think the water is going to go?

J Laskowski – it is going to go follow north to Willow Springs to Hay Meadow Creek.

Paul Kubowski – do you feel it will follow it or it will pool basically behind your house depending on where you put the culvert?

J Eckendorf – there was a culvert there years ago and it was removed.

Kubowski – that is when they rebuilt Jordan Road.

- ✓ That property has always had water
- ✓ I have lived there for 23 years and every spring that gets water
- ✓ I get water in my front yard – I live basically right across the street from your property

J Laskowski – we cannot get to the back of our property

Kubowski - You have that one long road that goes all the way to the back

J Laskowski – that would require a new driveway being put in so what you are indicating would be on the upper west side of the property line where the driveway is. We can't access to that because everything is flooded.

P Kubowski – I just know, that come spring, we always have water.

- ✓ My concern is you are going to put a culvert under the road, and if it works, great, but are you going to flood the north side of Jordan Road

J Laskowski – not according to the contour maps

P Kubowski – those maps also change.

Holdridge – what engineering firm did you use?

Kubowski – my concern is you putting the water across the street. You are now taking the problem from the south side and taking it to the north side.

- ✓ The ditches put in along Jordan Road was supposed to help mediate that problem

J Laskowski – the elevations reflect that.

Eckendorf – it almost went over Jordan Road

Holdridge – it never went over Jordan Road.

Citizen(s) – it came real close.

Holdridge – who is your engineering firm?

Peter Laskowski – I spoke with Gremmer and I also spoke with

Holdridge – Gremmer is Hull's engineering firm.

P Laskowski – I talked with Dave (Gremmer) last week and he indicated that the design that is there with the ditch going east was requested by the town that is why it was designed the way it was.

- Apparently to alleviate the water that was going through that culvert

- Talking with him, he is 18" short of pitch
 - o If you look at the contour maps you are basically at 1114 that is three-quarters of a mile you are trying to push water flat – there is no ditch to work
 - o We have 3' or more just within a couple hundred feet – 3' is a lot more than nothing for three-quarters of a mile

Eckendorf – that is a lot of water.

Holdridge – Jerry do you live on Jordan?

Eckendorf – yes I do. Right in the heart of the problem. I wish I had known about this, I never would have bought the property.

Holdridge – did you buy it recently?

Eckendorf – no, 27 years ago. Have had drain tile put in and it is still bad.

Holdridge – we have to pull out our records but one of the concern was water was going across Jordan Road and was flooding by a small business there.

Annette Eckendorf – that was our neighbor (James Lasky)

Holdridge – that was a big concern. We need to take a look at this with our engineer and talk with our engineer.

Attorney Turonie – the way deadlines work and such, we may file our notice of claim, that doesn't mean we don't want to try and work it out anyway.

Holdridge – once you file that we have ninety (90) days?

Turonie – ninety (90) days before a lawsuit could be filed. If you achieve what you are trying to do short of doing such things

Holdridge – one of the things I have discovered out here is water always has to go somewhere.

- We need to know where the water goes
- Can the water get to Hay Meadow Creek – that is quite a distance to there

Citizen – about a half a mile.

Holdridge – is that a natural flow?

Citizen – it must have been because it knew where it was going to go for some reason.

Holdridge – we have the information. You are going to file something?

Turonie – is there a time where you think maybe we will hear back?

Holdridge – we have a number of things on the agenda for a part time board and we will try to get to this and deal with it. Obviously you say we have to respond in ninety (90) days that motivates us more.

Turonie – we will keep in touch and thank you for your time.

Holdridge – I don't have a problem if you think you ought to file it. You file what you have to file. It represents their interests but we are going to take a look at that and see what the best situation was.

- We assumed by putting the dike in, I know there was some driveway that blocked off some stuff

Eckendorf – that was east of us, right between the two 40's and that did not help any.

You can see where the 40 is now

- Water going southeast towards Moses Creek
- When Jim Grzezinski came in and logged property out they put the blockade in and did not take it out when they were done. There are _____ paths that flow that way.

Holdridge – the board needs to talk with our engineer. We need to look at the engineering as that was developed and get some feedback besides what is the best thing to do with that water.

- As I recall there has been water in that area for a number of years
- It is not a new issue as far as I understand

Eckendorf – it keeps staying there – even with a normal snow. It's like lake property, it won't go anywhere.

Holdridge – that is 40 acres that has been wet in the past.

Supervisor Pederson – you talk about the ninety (90) days, is that 90 days started or when you file?

Turonie – it's from when I file.

- ✓ The real deadline is that we cannot file a lawsuit sooner than 90 days
- ✓ If everything is going well, we are not just going to file a lawsuit for kicks but we can send a notice in time to preserve that

Holdridge – when you looked at the property, you understood the water situation that was there.

J Laskowski – no, there was no water on the property.

Holdridge – no water at all?

J Laskowski – no water at all. There was a section noted on the map that has water in it. We walked the property many times before we purchased it.

Holdridge – are you going to build a house there?

J Laskowski – in due time. Just as soon as we get rid of the water issue.

Pederson – we do have a monitoring well further up Jordan – we will check our records on the level of the water from there. That will give us some idea. We talked about groundwater levels being up and I know they are in my neighborhood too on the other side of I-39.

Holdridge – we have at least a year's data on some of these wells

Supervisor Wilz – I would like some clarification.

- What is currently happening out there now, my understanding was that was engineered by Gremmer due to a situation that happened in the 1990s
- Was there a flood in that area

Pederson – that was a flood that came in from the northeast

Citizens – came across the Emerald Forest subdivision.

Wilz – so they blocked off the culvert

Pederson – just a year or two ago we dealt with having that dike

Wilz – my question, my understanding was the way it is right now was based off of something that happened back in the 90s where this other situation in where Gremmer came in and said this was a way to handle it appropriately.

Citizen(s) – there was a culvert there and it was taken out and it is getting worse
1994 culvert was there and taken out

Richard Zurawski – until they put a driveway in we never had water on my side of the road. Now water comes from that property crosses over and comes to my property. The long driveway runs north and south.

Pederson – is that the driveway east of the Laskowski property?

Laskowski – yes.

Paula Glen - we bought the property with long driveway in 2002. Was not aware of water problem then. In March we could not get down that driveway either.

Supervisor Koshnick – we need someone to look at the long driveway that was put in there.

Wayne Glen – there is one culvert in there right about the back of the old(?) 40.

To Glens – how is the water by you?

Glens – wet.

Holdridge – last year at this time did you have the same problem?

Citizens – it is wet every year but this year exceptionally wet.

A Eckendorf - In 2011 we had the same issue.

J Eckendorf (north side of Jordan Rd) – was 8” drain under our driveway at that time, then put in 12” drain and hauled in a bunch of fill along the front end and the driveway.

Peter Laskowski – listening to these people is interesting, but my property is on the south side of the road. Between the other side of the road and our side there is an 18” elevation difference. One side of the road is flooded, the other side is not. The contour map tells us the water wants to go north and we are fighting it and it is not working.

Motion Supervisor Way, **Speak to Hull engineer and follow-up on the issues.**
Second by Supervisor Pederson.

Pederson – have to have our engineer look at most current contour maps and clearly figure out where that water should go.

Find out the history from the 1990’s.

Wilz – I would think if we use Dave (Glodowski) or whoever we use the engineer have access to hear the stories, get permission to maybe walk on the land to do a good analysis of it.

Laskowski – when I stopped to talk with Dave (Glodowski) I wanted to make sure I was not wasting everybody’s time. Sat with him for 45 minutes or so and we looked at the contour maps, I didn’t want to bring an issue up and it was a no go. His opinion was that we were proceeding with this. I think there are definitely some issues.

Holdridge – our engineer works for us, we don’t work for the engineer. We have some expectations too.

Motion carried by voice vote.

10) Review of 2019 spring clean-up – Harter’s/Hull successes/improvement areas

Pete Kaminski – 140 loads of branches picked up in 2019 compared to 80 loads in 2018. Ice and snowstorms this past winter contributed to increase in brush pickup

Chair Holdridge – what happens if pile exceeds allotted size?

P Kaminski – was out looking. No piles exceeded 10 X 12. Nothing was tagged this year.

- Branches from east Hull hauled to Zblewski Brothers
- Zblewski will pickup branches from Hull garage this fall

Barb Brilowski – there have been abuses this year and the cost continue to increase each year. 47.05 ton was delivered to the transfer station compared to 39.29 ton in 2018.

\$2,587.75 for 47.05 tons at \$55 a ton (amount paid to Portage County Transfer Station).

- Do not yet have charges from Harter’s for their hours
- Also do not have other landfill charges for the clean-up

J Holdridge – what would be landfill? I am on the Solid Waste Board and the landfill is closed.

B Brilowski – in 2018 Hull was charged \$5,218.32 for landfill charges

- Abuses this year
- Cost continue to increase each year
- According to Andy of Harter's, Hull is the only municipality that operates spring clean-up in the way we do
 - o Other municipalities bring in 40 yard dumpsters for a few days – citizens would bring their items to the dumpsters and would need to prove they are citizens
 - Would have to hire an attendant for the site
 - Bring in dumpsters is a great option if the town wants to save money
 - But there will be a lot of people who aren't going to be able to bring in if we go to dumpsters
- Hull will not receive money from Weller's this year as the cost of steel is down
 - o Phenomenal business done this year and you do not have to be a resident of Hull to bring items in when Weller's Salvage is here
 - Pay for tires and electronics
 - No charge for anything with metal i.e. appliances, hot water heaters, etc.
 - Weller's had two (2) huge trailers of items they crushed
- Like the service from Weller's
- Will have to talk about the other going to big dumpsters – need to be fair to all
- Had issues with 9 mattresses/box springs and 5661 Jurgella Lane – only items in the right-of-way was picked up

Supervisor Wilz – from the phone calls and comments received, how many people are abusing the service – how big of a problem is it

P Kaminski – Maybe about 25 residents abused the cleanup.

- Was told the items at 5661 Jurgella Lane maybe will fit inside a 40 yard dumpster
- A worker for Harter's suggested limit the amount to 12 items per residence

Wilz – it there are 25 people really abusing this, are they creating a 20% increase?

Brilowski – do not know. It depends what is being put out.

- If you look at the number of residences in Hull, the number is small
- Look at the time it takes

Supervisor Koshnick – if someone puts out large amounts, their neighbor will see that and they will put out large amounts also.

Holdridge – that's right.

Wilz – it is unfortunate because it never used to be a big issue. We don't limit the amount in the newsletter. We simply say this is your Trash and Treasure Day.

Supervisor Way – suggest put abuses in the newsletter and due to issues may eliminate the cleanup.

Brilowski – want to see fairness across the board.

Wilz – the city compost area is very expansive. Takes more than yard waste.

Holdridge – talk with people at Stevens Point and the Village of Plover on how they handle cleanup items.

Motion Supervisor Koshnick, **get recommendations from Barb Brilowski and Pete Kaminski for 2020.** Second by Supervisor Wilz. Motion carried by voice vote.

11) Request to adjust summer hours from Hull road crew

Motion Supervisor Wilz, **approve the road crew summer hour request with the following changes effective beginning June 11, 2019 6 a.m. to 2 p.m. and going back to 7 a.m. to 3 p.m. day after Labor Day.** Second by Supervisor Koshnick.

B Brilowski – suggest coming up with a policy so board and road crew are not required to revisit this on a yearly basis.

Motion carried by voice vote.

12) Update on Country Club Drive – status of temporary fix

Pete Kaminski met with Joe Skibinski, Corey Ladick and 2 other city employees on May 23, 2019.

- Bad areas on Country Club Drive were inspected
- Discussed the \$50,000 limit

June 3, 2019 Pete called Joe Skibinski about having met with American Asphalt.

- Their suggestion is to wedge the bad areas and overlay them with blacktop
- They would wedge and overlay from Carol's Lane going north for 500 feet, both lanes
- They would then wedge and overlay just the northbound lane until it meets the city border
- If process is approved by both the city and Hull, the next step would be to put the job out on bids and get the work done immediately.

Supervisor Pederson – this is the temporary fix.

Supervisor Wilz – did anyone from Stevens Point put in any holes or patch potholes?

P Kaminski – they went in to 3 different spots that showed there was 4" of old blacktop there.

Holdridge – these were test samples.

Wilz – this is coming back in front of the Stevens Point Board of Public Works with a bid of hopefully \$50,000 or less. They will vote on it and then it has to be bid out. We don't want the city to have to wait on us.

Clerk Wolle – at the meeting on May 22, 2019, Supervisor Way made the motion to go ahead with the temporary fix at a cost to Hull not to exceed \$15,000, and she proceeded with doing the complete construction in 2020.

Pederson – need to maintain documentation on how the 1985 agreement was put in to play again.

Motion Supervisor Wilz, **accept the update on Country Club Drive presented by Road Foreman P Kaminski**. Second by Supervisor Way. Motion carried by voice vote.

13) Repair of Country Club Drive – Hull costs to date

Chair Holdridge – a paragraph in the 1985 agreement talks about major maintenance defined as any single repair exceeding \$1,000 or more shall be performed by third parties including the town and the city pursuant to a competitive process requiring approval by both the town and the city.

- That received from Pete Kaminski is all after the fact

Hull costs to repair County Club Drive from March 12 to May 29:

- ✓ Wages (excluding benefits) and materials were \$11,338.99
- ✓ Wages (including benefits) and materials were \$14,950.62

Holdridge – Hull's cost to date is a subject that should be talked about with Corey Ladick.

Supervisor Wilz – questions about what is on the report. As I live there I see what is going on.

- Very often you have all 4 people, trucks stacked up to keep people safe
- I also see many times when there is 1 or 2 people there
- Report shows 73 hours per person – wonder how that can be the same when I see groups of 4, groups of 2, groups of 3

P Kaminski – there was a Friday when sent 2 guys to blacktop. 99% of the time all 4 of crew were repairing Country Club Dr.

- All product purchased was used for Country Club Drive

Motion Chairperson Holdridge, **John Holdridge, Dave Wilz and Pete Kaminski meet with Stevens Point to discuss Hull's costs to date**. Second by Supervisor Koshnick. Motion carried by voice vote.

14) Task Force to organize/finish Hull Municipal Building lobby and government/community meeting room

Chair Holdridge – like to create a 7 to 9 member task force on organization, furnishing of Hull Municipal Building.

- Let me know if you want to serve or know of someone who would serve
- Suggest Task Force consist of Hull staff, Hull elected officials and Hull citizens

Supervisor Wilz – recommend we get someone who knows about audio visual and what is needed.

Motion Supervisor Wilz, **move forward with suggestions from Chair Holdridge on creating a task force**. Second by Supervisor Pederson. Motion carried by voice vote.

15) Emergency Response Plan for the Town of Hull

Chair Holdridge – look at emergency situations based on different scenarios in Hull and how government will respond.

- Have a plan – not complex

Fire Chief Ken Sadogierski – have an emergency plan

- Plan does not go into specifics
- Has general structure

Sadogierski – new people with Emergency Government have been at chief's committee meetings.

Motion Supervisor Wilz, **take information from Chief Sadogierski, look at the plan/use skills of Fire Department. Understand what Hull has in place/change as needed.**

Second by Supervisor Koshnick. Motion carried by voice vote.

16) Fire Department plan for raising revenue

Chief Sadogierski

- Have talked with the Stevens Point Postmaster
- Talked with state gaming commission
- Prize will be cash
- Mailing tickets to Hull residents in mid to late July
- Firefighters can also sell

Supervisor Wilz – the rules for how this works were followed last time - the controversy was guns.

Motion Supervisor Way, **accept support for Fire Department having Sweepstakes.**

Second by Supervisor Koshnick. Motion carried by voice vote.

17) Wisconsin Town's Association Town Advisory Council (solicitation of membership)

Chair Holdridge – refer the WTA Town Advisory Council to 2020 budget group

Supervisor Wilz

- Things towns wanted were advocated for in Madison by the then WTA Urban Town's Group
- Question why not all towns paying for lobbying
- Will investigate more fully

Motion Supervisor Wilz, **table action, refer to budget group. Will get clarification if group is different from previous Urban Town's.** Second Supervisor Pederson. Motion carried by voice vote.

18) Reappointment of Maurice Stoltz to serve on the Park Committee

Motion Supervisor Way, **reappoint Maurice Stoltz to serve on the Park Committee.**
 Second by Supervisor Pederson. Motion carried by voice vote.

Clerk Wolle will send letter of reappointment and thank you for service.

19) Operator's license application: Tiffanie VanPatten, Alyssa Gagas, Kelly Reed

Clerk Wolle – John Koshnick can act on all operator's license applications even when the individuals work at Jordan Bar as the licenses are issued to the individuals. With these licenses the individuals can tend bar at any establishment serving alcohol in the Town of Hull. John, however, needs to abstain from acting on his alcohol license for Jordan Bar.

Motion Chair Holdridge, **grant operator's licenses to Tiffanie VanPatten, Alyssa Gagas and Kelly Reed as per recommendation of Clerk Wolle.** Second by Supervisor Koshnick. Motion carried by voice vote.

20) Adjournment: Motion Supervisor Koshnick, **adjourn the meeting.** Second by Supervisor Pederson. Motion carried by voice vote. Meeting adjourned at 7:28 p.m.

Janet Wolle, Clerk

Vouchers approved

Vendor	Amount	Purpose	Credit Card
Amazon	\$23.06	RD: Ivy-Dry Cream for poison ivy	X
Amazon	\$16.95	RD: Ribbon for time clock	X
Amazon	\$17.48	RD: Preventative towelettes for poison ivy/oaks	X
American Asphalt of WI	\$600.48	RD-Material: 8.34 ton cold mix	
Condon Oil	\$777.83	RD-Fuel 286.6 gals diesel fuel	
EO Johnson Business Tech	\$229.06	Gen Adm-Copier Billable copies: B/W 9,059; Color 3,681	
Fleet Farm	\$54.95	Parks-Landscaping: Annuals	X
Fleet Farm	\$89.94	RD-Maint:Gloves; Drop ball mount; Hitch pin w/clip;Weed killer; Trailer ball	X
Fleet Farm	\$16.98	RD-Mat.&Maint:Dawn dish soap	X
	\$87.60	Parks-Eqp&Maint: Pruning seal; Folding saw 7"; Trash bags;Sport spray;Batteries;Gloves; Lysol; Nitrile Glove	
Frank's Hardware Co	\$9.74	Parks-Eqp&Maint: Fasteners	X
Just Flowers	\$59.23	LEGI ADM: Flowers for Janet-get well	X
Harter's Fox Valley Disposal	\$12,539.26	Refuse collection	
	\$4,874.42	Recycle collection	

Integral Building Systems, Inc	\$344.00	Gen Bldg-Annual ShoreCare Partner Support - phone system	
LaCrosse Premium Water	\$12.00	Gen Bldg-Contract Supply: Water	
Northern Construction	\$200.00	Bldg Inspection Penalty Fee - Reimbursement	
Oshkosh Fire & Police Eqp Inc	\$389.00	FD-Fire Protection Eqp-2% Dues: NFPA, Grade D Annual air test renewal	
Precision Sealcoating Inc	\$13,966.00	RD-Street sweeping	
Service Motor Co	\$98.92	Parks-Eqp&Maint:Filters-Air cleaner; Filter oil; Fuel filter assm	X
Stevens Point City Times & BG	\$26.13	RD-Ads: Chip Seal Bids	
TAPCO Safe travels	\$168.65	RD-Mat&Maint: Paint; Glass beads;Freight	
TAPCO Safe travels	\$846.40	RD-Mat&Maint: Paint; Glass beads;Freight	
The First Signs of Fire	\$121.50	FD-Unclassified: Reflective Equip Markers	
Transmotion LLC	\$53.75	RD-Parts&Eqp:3 1/2" bend radius 43 series fittings:Fem slk swv shrt;Fem slk swv lng	X
Water & Environmental Analysis Lab	\$120.00	Pblc Hlth Srv-Monotor Wells UWSP:Emerald Forest/Stroik Monitoring	
Water & Environmental Analysis Lab	\$200.00	Pblc Hlth Srv-Monotor Wells UWSP:Monitoring Wells	
Wolter Power Systems	\$200.00	RD: Generator Maintenance	
	\$36,143.33		

88.87 Road grades not to obstruct natural drainage, landowners not to obstruct highway drainage; remedies.

- (1) It is recognized that the construction of highways and railroad grades must inevitably result in some interruption of and changes in the preexisting natural flow of surface waters and that changes in the direction or volume of flow of surface waters are frequently caused by the erection of buildings, dikes and other facilities on privately owned lands adjacent to highways and railroad grades. The legislature finds that it is necessary to control and regulate the construction and drainage of all highways and railroad grades so as to protect property owners from damage to lands caused by unreasonable diversion or retention of surface waters due to a highway or railroad grade construction and to impose correlative duties upon owners and users of land for the purpose of protecting highways and railroad grades from flooding or water damage.
- (2)
 - (a) Whenever any county, town, city, village, railroad company or the department of transportation has heretofore constructed and now maintains or hereafter constructs and maintains any highway or railroad grade in or across any marsh, lowland, natural depression, natural watercourse, natural or man-made channel or drainage course, it shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water-soaking uplands or an unreasonable accumulation and discharge of surface waters flooding or water-soaking lowlands. All such highways and railroad grades shall be constructed with adequate ditches, culverts, and other facilities as may be feasible, consonant with sound engineering practices, to the end of maintaining as far as practicable the original flow lines of drainage. This paragraph does not apply to highways or railroad grades used to hold and retain water for cranberry or conservation management purposes.
 - (b) Drainage rights and easements may be purchased or condemned by the public authority or railroad company having control of the highway or railroad grade to aid in the prevention of damage to property owners which might otherwise occur as a result of failure to comply with par. (a).
 - (c) If a city, village, town, county or railroad company or the department of transportation constructs and maintains a highway or railroad grade not in accordance with par. (a), any property owner damaged by the highway or railroad grade may, within 3 years after the alleged damage occurred, file a claim with the appropriate governmental agency or railroad company. The claim shall consist of a sworn statement of the alleged faulty construction and a description, sufficient to determine the location of the lands, of the lands alleged to have been damaged by flooding or water-soaking. Within 90 days after the filing of the claim, the governmental agency or railroad company shall either correct the cause of the water damage, acquire rights to use the land for drainage or overflow purposes, or deny the claim. If the agency or company denies the claim or fails to take any action within 90 days after the filing of the claim, the property owner may bring an action in inverse condemnation under ch. 32 or sue for such other relief, other than damages, as may be just and equitable.
 - (d) Failure to give the requisite notice by filing a claim under par. (c) does not bar action on the claim if the city, village, town, county, railroad company or department of transportation had actual notice of the claim within 3 years after the alleged damage occurred and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant city, village, town, county, railroad company or department of transportation.

(3)

- (a) It is the duty of every owner or user of land who constructs any building, structure or dike or otherwise obstructs the flow of stream water through any watercourse or natural or man-made channel or obstructs the flow of surface water through any natural or man-made channel, natural depression or natural draw through which surface waters naturally flow:
1. To provide and at all times maintain a sufficient drainage system to protect a downstream highway or railroad grade from water damage or flooding caused by such obstruction, by directing the flow of surface waters into existing highway or railroad drainage systems; and
 2. To protect an upstream highway or railroad grade from water damage or flooding caused by such obstruction, by permitting the flow of such water away from the highway or railroad grade substantially as freely as if the obstruction had not been created.
- (b) Whoever fails or neglects to comply with a duty imposed by par. (a) is liable for all damages to the highway or railroad grade caused by such failure or neglect. The authority in charge of maintenance of the highway or the railroad company which constructed or maintains the railroad grade may bring an action to recover such damages. An action under this paragraph shall be commenced within the time provided by s. 893.59 or be barred.
- (c) The authorities in charge of maintenance of highways or railroad companies maintaining railroad grades and their agents and employees may enter any lands for the purpose of removing an obstruction in a watercourse or highway drainage ditch which is in violation of par. (a) and which is flooding or causing damage to a highway under its jurisdiction.
- (4) If a railway company fails to comply with sub. (2), any person aggrieved thereby may file a complaint with the office of the commissioner of railroads setting forth the facts. The office shall investigate and determine the matter in controversy in accordance with ch. 195, and any order it makes in such proceeding has the same effect as an order in any other proceeding properly brought under ch. 195.

History: 1977 c. 29 s. 1654 (8) (c), (9) (f); 1979 c. 323; 1981 c. 347; 1993 a. 16, 123, 456.

Sub. (2) (c) requirements are mandatory conditions precedent to bringing an action under this section. *Van v. Town of Manitowoc Rapids*, 150 Wis. 2d 929, 442 N.W.2d 557 (Ct. App. 1989).

This statute preempts common law claims; the claims period under sub. (2) (c) begins to run when the damage is first discovered and is not extended if damage continues. *Pruim v. Town of Ashford*, 168 Wis. 2d 114, 483 N.W.2d 242 (Ct. App. 1992).

Despite a finding that a railroad was not responsible for increased water flow that resulted in flooding, an order to the railroad to install a drainage pipe was proper. *Soo Line Railroad v. Commissioner of Transportation*, 170 Wis. 2d 543, 489 N.W.2d 672 (Ct. App. 1992).

Sub. (2) (a) imposes a duty on railroads to refrain from impeding water flow. The railroad commissioner may act prospectively under sub. (4) to prevent flooding. Sub. (2) (c) applies when there has been actual damage, but does not require actual damage for the commissioner to act under sub. (4). *Chicago & North Western Transportation Co v. Commissioner of Railroads*, 204 Wis. 2d 1, 553 N.W.2d 845 (Ct. App. 1996), 95-2509.

This section does not impose on a circuit court a positive duty to grant injunctive relief under specified conditions, but provides an alternative remedy to an action for damages under ch. 32. The common law preference for legal over equitable relief applies. As such, to obtain an injunction it must be shown that the injunction is necessary to prevent future harm to the property and there is no adequate legal remedy. *Kohlbeck v. Reliance Construction Company, Inc.* 2002 WI App 142, 256 Wis. 2d 235, 647 N.W.2d 277, 01-1404.

Parties who can state a claim against the Department of Transportation under both ss. 32.10 and 88.87 may choose to file suit in either Dane County or the county in which the property lies. *Kohlbeck v. Reliance Construction Company, Inc.* 2002 WI App 142, 256 Wis. 2d 235, 647 N.W.2d 277, 01-1404.

The state was not a proper party for claims against the Department of Transportation (DOT) as the two are distinct legal entities. Service on the state of a summons and complaint that named the state and not DOT as a party does not constitute service on DOT necessary to establish personal jurisdiction over DOT. *Hoops Enterprises, III, LLC v. Super Western, Inc.* 2013 WI App 7, 345 Wis. 2d 733, 827 N.W.2d 120, 12-0062.

This section, by its terms, is not limited to faults in the construction of a railroad grade. If negligent maintenance, by itself or in conjunction with shortcomings in construction, results in flooding, this section, and its limitations on the available remedies, applies to the claims of an injured property owner. Nothing in this section itself supports the notion that its scope is limited to conduct that gives rise to repeated flooding. *Boyer v. BNSF Ry. Co.* 824 F.3d 694 (2016).

[Menu](#)

2017-18 Wisconsin Statutes updated through 2019 Wis. Act 5 and through all Supreme Court and Controlled Substances Board Orders filed before and in effect on April 21, 2019. Published and certified under s. 35.18. Changes effective after June 1, 2019, are designated by NOTES. (Published 6-1-19)

6/5/2019

SPRING CLEAN UP – 2019

Another spring cleanup has come and gone. It appears to have been successful with a high rate of participation.

47.05 ton was delivered to the transfer station compared to 39.29 ton in 2018, an increase of just under 20%. In 2018, the transfer station cost was \$53/ton. At 39.29 ton, our cost for delivery to the transfer station was \$2,082.37. In 2019, the transfer station cost is \$55/ton. At 47.05 ton, our cost will be \$2,587.75, an increase of about 24%.

In 2018, Hull paid a landfill charge of \$5,232.18. To date, I do not have an invoice for the 2019 landfill charge.

In 2019, it took Harter's Disposal a total of 60 hours to complete the spring clean-up. To date, I have not received the charge for these hours. I cannot find a charge for 2018 for the pickup hours. Perhaps Harter's forgot to charge us for the hours they had invested picking up for the spring clean up.

I begin receiving calls for the spring cleanup days in February. I found the following statistics interesting.

February, 2019	106.47 ton	\$5,855.85
March, 2019	122.53 ton	\$6,739.15 - 15% increase from Feb.
April, 2019	131.74 ton	\$7,245.70 – 7.5% increase from March
May, 2019	158.16 ton	\$8,698.80 – 20% increase from April

Harter's employer that does the weekly refuse/recycling pickup for Hull indicated the increase in weekly refuse once the spring cleanup was advertised increased dramatically. This indicates to me the tonnage for the 2019 spring cleanup would have been higher if citizens would have put all their items out "only" during their designated spring cleanup schedule.

This year it was noted a number of citizens had an excessive amount of items put out for spring cleanup (i.e 9 mattresses and box springs & see attached picture). This indicates to us perhaps people from outside of Hull are utilizing the spring cleanup.

Andy Gayhart, Harter's Disposal Manager said Hull is the only municipality that does a spring cleanup in the manner we do it; drive to each residence and pickup what is left at roadside.

Other municipalities such as Wausau and Kronenwetter have 40 yard dumpsters brought in for a few days. Citizens would bring their items to the dumpsters and would need to prove they are citizens of Hull. Andy thought we could save money using this process.

On one Saturday in May, Weller's Salvage spends 9 hours in the Hull parking lot collecting large items, mainly appliances. They are here to assist the citizens. We also collect tires and electronics for a fee. We do not require people to prove they are citizens of Hull as this process does not cost the Town of Hull anything. In the past couple of years we have received a check from Wellers for the steel collected. Wellers brought in two large trailers and crushed the appliances. It was a busy and successful day.

If I receive further billing information before the meeting on June 10, I will do a financial update.

Thank you!

Barb Brilowski



5/9/2019
5661 Jurgella Lane
(This amount out in 2018 as well)
Only pickup up the items in the right of
way. We do not pickup items on private
property.

Barb J. Brilowski

From: Andy Gayhart <agayhart@harters.net>
Sent: Monday, June 03, 2019 8:39 AM
To: Barb J. Brilowski
Subject: [BULK] Re: Spring Clean Up

Importance: Low

No, we would only charge \$185 per pull plus weight. We would have to do a one time \$120 delivery, but after that just 185 plus weight per pull.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Barb J. Brilowski" <bjb@tn.hull.wi.gov>
Date: 6/3/19 8:12 AM (GMT-06:00)
To: Andy Gayhart <agayhart@harters.net>
Subject: RE: Spring Clean Up

Hi Andy,
So just to clarify, it would be \$370 to bring in and take out a 40 yard dumpster plus weight.

Barb

From: Andy Gayhart <agayhart@harters.net>
Sent: Friday, May 31, 2019 7:37 AM
To: Barb J. Brilowski <bjb@tn.hull.wi.gov>
Subject: [BULK] RE: Spring Clean Up
Importance: Low

Hi Barb, I sent you over the hours earlier in the week. After talking to the drivers it was as much individual abuses as it just seems like it gets larger each and every year. Some house do have way too much stuff out also on the individual abuses.

On other ways to do the spring cleanup we could limit everyone to 4-6 yards. If you did this you would have to trust our drivers though. You would definitely have people telling you untruths if we left stuff. Otherwise dumpsters at your town hall and a few scheduled days to do the pickup. I would say \$185 per pull of each 40 yard, and then Hull would just pay the weight. Wausau, Kronenwetter, and many other towns do this.

From: Barb J. Brilowski [<mailto:bjb@tn.hull.wi.gov>]
Sent: Friday, May 17, 2019 12:00 PM
To: Andy Gayhart
Subject: Spring Clean Up

Hi Andy,

On June 10th, we have our next Board Meeting. I would like to put together a summary of the Spring Clean Up event.