

TOWN OF LISBON
TOWN BOARD MEETING

June 14, 2010

Minutes of the regular, semi-monthly meeting of the Lisbon Town Board held in the Town Hall, on June 14, 2010.

Chairman Gehrke called the meeting to order at 6:30 P.M.

Present: Supervisors Dan Fischer, Ryan Lippert, Dan Heier and Joe Osterman.

Also Present: Attorney Kathy Gutenkunst, Treasurer Plotecher and Clerk/Administrator Jeff Musche.

CLOSED SESSION

A motion by Supervisor Fischer, second by Supervisor Osterman, to convene into Closed Session pursuant to 19.85(1)(e) Wis. Stats. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. More specifically relative to bargaining with C/N Railroad with respect to possible closing of the Colgate Road railroad crossing and costs associated with same. Roll Call: Osterman - aye; Fischer - aye; Heier - aye; Lippert - aye, Gehrke - aye. All ayes, motion carried at 6:31 P.M.

RECONVENE IN OPEN SESSION

A motion by Supervisor Osterman, second by Supervisor Heier, to reconvene in open session according to Section 19.85(2) Wis. Stats. for any necessary action resulting from the closed session. Roll Call: Osterman - aye; Fischer - aye; Heier - aye; Lippert - aye, Gehrke - aye. All ayes, motion carried at 6:57 P.M.

PRESENTATION OF INFORMATION BY TOWN BOARD ON COLGATE ROAD CROSSING

Chairman Gehrke provided background information on four interrelated topics as follows: The determination on if Colgate Road will be closed at the Railroad crossing is one that is made by the State of Wisconsin Commissioner of Railroads office, not at the Town level. The Town received notice from the State a few years ago that they were looking at this crossing for potential closure because of the angle of the crossing. Notwithstanding the fact of no known accidents at this crossing, they view it as a potentially dangerous intersection. After no action by the state for a few years, the state finally stated that they plan to make a final determination on this road this year. They will either have the road closed at the crossing or add gates. The gates, which cost over \$100,000 to purchase and install, would be paid for by the State. The Lisbon Fire Department, Police Department, and Highway Department all have stated that they want the road to stay open. Generally speaking the Town Board agrees, but has considered financial factors up to this point. Unless comments tonight indicate otherwise, we are likely to take the stance of opposing the closing of this road to through traffic. However, the State of Wisconsin only identifies a few of these crossings for potential closure each year and they have told us that the likelihood they will rule this road to be closed to be greater than 50%. If the road is ruled closed, the railroad, Canadian National Railroad will be ordered to pay for the cost of the closure. Therefore the State has asked us to negotiate with CN to see if we could reach a financial agreement on the road's closure. Given that our cost estimates for a road closure are nearly \$85,000 and CN has offered materially less, a voluntarily closure was not given any consideration by the Lisbon Town Board from a financial standpoint, without even factoring in the safety concerns that we have.

Regarding paving of Colgate Road, as many of you are aware, a few years ago, the Town was only a few weeks away from repaving this road. The paving was pushed off because the State indicated at that time that they were again looking at closing the road to through traffic. If a final decision is

reached on the status of this road this year, we will repave Colgate Road next June. This is scheduled to occur if the road stays open to through traffic or is closed, as long as a final determination has been reached. The road repaving work would likely cost close to of \$200,000 less if the road were dead ended at the crossing and that is the reason we have delayed the repaving.

Safety concerns are also a consideration. In addition to the safety concerns expressed by the Fire and Police Departments dealing directly with Colgate Road, the closure of Colgate Road will result in traffic being diverted onto other roads. We are concerned with the traffic turning north from North Lisbon Road onto Town Line Road. Unfortunately, even while we made attempts to convince Waukesha County to make safety improvements to this intersection, they will not be doing so in the foreseeable future. The repaving of Town Line Road starts tomorrow and the life of the new road will be approximately 10 years. It is possible that significant safety improvements will be made along Town Line Road near the end of the life of this road - in approximately 10 years. For this reason Waukesha County has stated that they will oppose the closing of Colgate Road regardless of the position taken by the Town of Lisbon.

Finally, a few comments about Quiet Zones. First, there is some confusion that the closing of Colgate Road and the creation of a Quiet Zone are related. That is not true. The Town Board has not considered the possibility of a Quiet Zone in developing its position on the road closing. These are separate issues. The Town Board has generally supported the idea of a quiet zone, but has been very hesitant about spending any material amount of money on a quiet zone at this time. A quiet zone includes railroad crossings where trains no longer sound their horns. If Colgate Road was to be included in a quiet zone and the road was to remain open, gates and other related improvements would need to be made to the intersection prior to being included in a quiet zone. We have been told that the state has a multiple year backlog on such work and therefore it would be 2013 or 2014 before this intersection would be allowed to be included in a quiet zone. The Village of Richfield has previously expressed a strong desire to have County Line Road/Q included in a quiet zone, but have recently become somewhat more reluctant because of funding concerns. A few years ago they did quiet zones on multiple other intersections within their community. The cost of upgrading Q would be shared between Richfield and Lisbon, and possibly Washington County. The Village of Sussex is planning on moving forward on a quiet zone that was initially to include Plainview Road as their northern most crossing, as Sussex is located at the southwest corner of this intersection. Earlier today the trustee that is heading up these efforts expressed a potential willingness to include North Lisbon Road in their quiet zone efforts. In order for a quiet zone to be granted the net safety index of the entire zone has to be better after the no horn policy is put in place as opposed to before. In order for this to occur, medians usually need to be added at some, but not all of the intersections. More credit is given to the intersections that have medians added at high traffic crossings than lower traffic crossings. As multiple medians have already been added, it appears likely based on current calculations that a quiet zone may be possible all the way north to North Lisbon Road at minimal additional cost. Then at some future point, if desired, Colgate Road and or CTH Q could be a new separate quiet zone that would connect Richfield's and Sussex's quiet zones.

Therefore, to make it more clear, the potential for a Quiet Zone is not factoring into our decision making, whatsoever, on closing Colgate Road. Furthermore, the Town Board has previously stated that they are not willing to spend much money on a quiet zone, but this will likely be at least briefly discussed during future budget meetings.

Moving forward, Town Board members want to make sure that they understand where the residents of this portion of Lisbon stand on Colgate Road's potential closure. It's our understanding that there are some mixed feelings. So unless the public comments are overwhelming in favor of the roads closing, the Town Board is very likely to go with the recommendation of our Fire, Police, and Public Works Departments and attempt to keep the road open to through traffic. With that said, I will move on to

item number six on tonight's agenda, unless anyone else from the Town Board would like to add anything at this time?

COMMENTS FROM CITIZENS

David Sinner, Colgate Road, raised some issues that should be considered when deciding to close Colgate Road. He noted the Russell driveway and the fact that it enters onto the road in the railroad right of way. He said he was in favor of a Quiet Zone because since 1964, when he moved in, there are significantly more trains and they are longer. He pointed out that entering CTH Q was difficult during rush hour times and further that Colgate Road continues north into Richfield so acts as a collector road. With this comes speeders. He also said that costs of road improvements and maintenance should be considered and asked who would pay for them. He raised the question if the road is closed, will Colgate Road be a priority for snow plowing?

James Lieberger, North Lisbon Road, said that Colgate Road is a busy road and needs to stay open. He asked that, after hearing what the Chairman had said, what can they do to stop the closing?

Anne Zeman, Colgate Road, presented a petition to the Town Board with 18 signatures of people living along Colgate Road, expressing a desire to keep the road open.

Mike Marten, owner of Zandi's, said he was opposed to closing of Colgate Road. He said that 90% of his business comes off of CTH Q. With the road closed at the tracks, his customers will have a much more difficult time finding him. He also indicated that noise was not a problem. He also asked for clarification because he had contacted the State Railroad Commissioners office and was told that the Town of Lisbon would make the decision to close the road. Chairman Gehrke asked Mr. Marten to forward the name of the individual he had talked to at the Commissioners office to the Clerk.

Dan Hanrahan, Colgate Road, indicated that he is leaning towards closing the road as there is a lot of traffic. He noted there would be even more traffic if the road was smooth. He said his concern is increased traffic and higher speeds. As it is, it is too dangerous to ride a bike on the road. It is a safety issue. If the decision is made to keep the road open, please reduce the speed limit and enforce it.

Jane Rodenkirk, Preserve Place, said the connection of the Quiet Zone to the closing of Colgate Road may have come from her efforts to establish a Quiet Zone. She said the Office of Commissioner of Railroads asked her to find out if people would support closing Colgate Road. She said when she talked to people about the Quiet Zone, she also asked about closing of Colgate Road to let the Railroad Commissioner's office know what people in the area thought. She said the issues are separate. With respect to the road being closed, she indicated no preference just saying the road should be kept straight.

Chairman Gehrke read into the record correspondence from Rick and Lisa King, Colgate Road, noting that they are opposed to the closing of the road. It is a through route and closing the road will adversely impact property values.

Chairman Gehrke read into the record correspondence from Bob and Nancy Russell, Colgate Road. They expressed opposition to closing the road and asked how their driveway situation would be remedied.

Mary Jo Lerch, North Lisbon Road, said she opposes closing the road. She said taking Colgate Road is much safer than trying to turn north onto Town Line Road from North Lisbon Road. She also requested that when the road is repaved that a bike path or walking path be included.

Jean Evert, Colgate Road, said there has never been an accident at the crossing and doesn't understand why the State wants to close the crossing. A larger shoulder along the road would be nice for pedestrians.

Fred Burg, Wooded Ridge Trail, agrees that the North Lisbon Road and Town Line Road intersection is a dangerous one and asked that the road be kept open.

Dan Hanrahan said that he lived at the corner of North Lisbon Road and Colgate Road for 66 years and does remember an accident at the crossing.

CLOSED SESSION

A motion by Supervisor Fischer, second by Supervisor Osterman, to convene into Closed Session pursuant to 19.85(1)(e) Wis. Stats. Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. More specifically relative to bargaining with C/N Railroad with respect to possible closing of the Colgate Road railroad crossing and costs associated with same. Roll Call: Osterman - aye; Fischer - aye; Heier - aye; Lippert - aye, Gehrke - aye. All ayes, motion carried at 8:05 P.M.

RECONVENE IN OPEN SESSION

A motion by Supervisor Osterman, second by Supervisor Heier, to reconvene in open session according to Section 19.85(2) Wis. Stats. for any necessary action resulting from the closed session. Roll Call: Osterman - aye; Fischer - aye; Heier - aye; Lippert - aye, Gehrke - aye. All ayes, motion carried at 8:13 P.M.

A motion by Supervisor Lippert, second by Supervisor Osterman, to direct staff to investigate procedures and the process used for road closings and to develop a strategy to oppose the closing of Colgate Road. All ayes, motion carried.

COMMENTS FROM CITIZENS

None.

APPROVAL OF MINUTES

A motion by Supervisor Fischer, second by Supervisor Osterman, to approve the minutes of the May 24, 2010 Town Board meetings as submitted. All ayes, motion carried.

APPROVAL OF BILLS

A motion by Supervisor Fischer, seconded by Supervisor Osterman, to approve the check register dated May 28, 2010 in the amount of \$2,134.04. All ayes, motion carried.

Treasurer Plotecher noted this was for gasoline and diesel fuel.

A motion by Supervisor Osterman, seconded by Supervisor Fischer, to approve the check register dated June 9, 2010 in the amount of \$80,398.83. All ayes, motion carried.

Treasurer Plotecher noted major outlays of: \$25,940 to World Point for a training manikin for the fire department; \$9,160.00 to Premier Building Inspection for inspection services; \$7,195.46 to Lannon for the interceptor loan; and \$6,036.38 to Strand Engineering for stormwater utility planning.

CLERKS REPORT

Clerk/Administrator Musche presented the Town Hall report for April as follows: 598 hours worked; 317 visitors at Town Hall; receipt of 701 telephone inquiries; preparation of 13 notices, agendas, and minutes for various Board, Commission and Committee meetings; attended Clerk training session at Delafield; prepared for and attended Subdivision Control Ordinance Workshop; along with Chairman Gehrke and Mike Mueller, met with representatives of Waukesha County Public Works Department regarding Town Line Road and North Lisbon Road intersection and the Colgate Road railroad crossing; met with Stephanie Thomsen of Strand to provide information for SLAMM model update, surveying of ditches and preparation of planning report – a draft is expected by the end of June;

assisted with permitting and coordination of pathway along Lake Five Road; along with John Greiten, acted as ground observer for the gypsy moth spraying; drafted no smoking policy for town buildings and vehicles in response to new state law; met periodically with Gary Kelly regarding Police services; met with department heads on various issues.

TREASURER'S REPORT

Treasurer Plotecher indicated that a review of revenues and expenditures indicates that the Town is doing well so far this year. The only area of concern is the Fire Department building maintenance account and that is because of the cost of the Richmond lift station.

ANNOUNCEMENTS

Chairman Gehrke read the list of meetings for the remainder of June.

DEPARTMENT REPORTS

Supervisor Heier indicated no report.

Supervisor Osterman read the May statistics for Police services noting: 211 calls for service; 677 house/building checks; 121 citations issued and 74 verbal and written warnings; 26 follow-up investigations; 12 vehicular accidents; and 35 other offenses.

RISTOW CERTIFIED SURVEY MAP

A motion by Supervisor Fischer, second by Supervisor Lippert, to approve the Certified Survey Map for the Ristow property located on McLaughlin Drive, subject to the comments of the Town Engineer. All ayes, motion carried.

2010 PAVING CONTRACT

A motion by Supervisor Heier, second by Chairman Gehrke, to approve Alternative 1B paving of Polo Fields Subdivision, including \$16,265 to pave Beverly Drive to Micah Road, and to approve Alternative 1D paving of Twin Pines Subdivision to the 2010 paving program contract with Payne and Dolan, subject to approval by the developers and the approval of the Town Engineer. All ayes, motion carried.

PARK SHELTER ROOF REPAIR BIDS

A motion by Supervisor Fischer, second by Supervisor Osterman, to approve the award of contract to Lisowski Roofing at a cost of \$3,300 for roofing of the pump house and Down-Under and Hex shelters at the Community park. All ayes, motion carried.

RESOLUTION APPROVING DEPOSITORIES FOR TOWN REVENUES

A motion by Supervisor Fischer, second by Supervisor Lippert, to approve the resolution listing depositories for the Town, with a change in the name of National City Bank to PNC Bank. All ayes, motion carried.

FUNDING FOR USED FIRE ENGINE

A motion by Supervisor Osterman, second by Supervisor Fischer, to provide an additional \$16,431 for modifications to the used fire engine with the money coming from the Capital Fund. All ayes, motion carried.

MODIFICATION OF ENGINE BRAKE ORDINANCE

A motion by Supervisor Osterman, second by Supervisor Fischer, to approve the ordinance exempting fire trucks from the engine brake ordinance. All ayes, motion carried.

2010 BORROWING

A motion by Supervisor Osterman, second by Supervisor Fischer, to approve the ten-year loan of \$550,000 from Waukesha State Bank at an annual interest rate of 3.05%. All ayes, motion carried.

OPERATORS LICENSES

A motion by Supervisor Osterman, second by Supervisor Heier, to approve the Operator Licenses for the following: Cynthia Bosmans, Joseph Cavalco, Elizabeth Holzi, Matt Kollath, Bonnie Fera selling at PDQ; Terry Zeh bartending at Songbird Hills Golf Club; Mike Lehmann, Brian Arnt, Ashley Netteshiem, Brooke Donovan, Jamie Bootz, Amanda Sizer, Abby Brendemuehl, Lauran Kelty, Lexie Haidmanos and Amanda Wagner bartending at Ironwood Golf Course. All ayes, motion carried.

HOLDING TANK AGREEMENT

A motion by Supervisor Fischer, second by Supervisor Lippert, to approve the holding tank agreement for GRR8 Trust property on Colgate Road. All ayes, motion carried.

ITEMS FOR FUTURE AGENDAS

Public Safety Committee recommendations. Colgate Road action, if necessary.

ADJOURNMENT

A motion by Supervisor Osterman, seconded by Supervisor Fischer, to adjourn the meeting at 9:00 P.M. All ayes, motion carried.

TOWN OF LISBON

Jeffrey Musche, Clerk