Town of Lyndon Board of Supervisors Public Hearing
Kris Hughes Memorial Town Hall, W6081 CTH N, Plymouth
Wednesday, January 8, 2025 7 pm

NOTICE IS HEREBY GIVEN that, pursuant to Wisconsin Statute § 66.1003, the Town Board of the Town of Lyndon will meet to conduct a public hearing and consider:

1. A resolution declaring that it is in the public interest to discontinue (vacate) a portion of a town highway right-of-way in the Plat of Lake Ellen Heights subdivision known as Silver Sands Road, which is described as follows: The easterly portion of the cul-de-sac at the southern terminus of Silver Sands Road in the Plat of Lake Ellen Heights, formerly being a part of Lots 8 and 9 of Block 2, being part of the Southwest ¼ of the Southeast ¼, Section 29, Township 14 North, Range 21 East, Town of Lyndon, Sheboygan County, Wisconsin
   Contains approximately 2,367 square feet or 0.054 acres of land
   PIN: Part of 59010-128232
2. An application submitted by Daniel and Lisa Shilts, W4548 CTH N for a request to split off 18.91 acres from Parcel #59010122991, and 1.09 acres from Parcel #59010122021 to create a new 20-acre parcel to be zoned A-1. The remaining 20 acres containing the woods, a small sliver connecting to the house and buildings land. The wooded area of this lot is proposed to be zoned A-PR and house and buildings A-2.

Chair Roll opened the Public Hearing at 7:00 pm.

In regards to the Public Hearing Item #1, JoAnne Friedman believes it is not in the public's best interest to discontinue part of Silver Sands Road. (Documentation, including verbiage of what Friedman read aloud, is attached at the end of the minutes.) Carol Marshall-Horne also spoke, when asked by Chair Roll, and rebutted most of what Friedman said.

No comments were heard regarding Public Hearing Item #2.

Chair Roll closed the Public Hearing at 7:08 pm.

Town of Lyndon Board of Supervisors Monthly Meeting
Kris Hughes Memorial Town Hall, W6081 CTH N, Plymouth
Wednesday, January 8, 2025 Immediately following Public Hearing

1. Call to Order, Verification of compliance of Open Meeting Law: Chair Roll called the meeting to order at 7:08 pm; Clerk/Treasurer Klatt confirmed the agenda was posted on the website and at the town hall on 1/06/25 at 1:00 pm.

2. Pledge of Allegiance: Chair Roll led the attendees in the Pledge of Allegiance.

3. Roll Call:
   Members Present: Chair Roll, Supervisors Kimberly Kuehl, Dan Mayer, Jenny Wiskirchen
   Members Absent: Supervisor David Eisentraut
   Others Present: Residents Mike Krubsack, Carol Marshall-Horne, Dan & Lisa Shilts, Ray Zimmermann, Adam & Kari Redlich, JoAnne Friedman, Resident & Reporter Tom Ward, Permit Agent Al Steiner, DPW Steve Stuebs, Clerk/Treasurer Rhonda Klatt

4. Discussion, Corrections if necessary, and Approval of the minutes from the meeting(s) of December 11, 2024: **Motion by Mayer, seconded by Wiskirchen, all voting in favor of approving the minutes from December 11, 2024,** motion carries.

5. Discussion, Corrections if necessary, and Approval of the Financial Report: **Motion by Kuehl, seconded by Wiskirchen, all voting in favor of approving the financial report as presented,** motion carries.

6. Discussion, Corrections if necessary, and Approval of the Payment of Bills: **Motion by Wiskirchen, seconded by Mayer, all voting in favor of approving the payment of bills,** motion carries.

Date	Num	Name	Memo	Paid Amount
Checking General *-204**				
12/19/2024	Debit	ETF		-1,397.26
12/12/2024	Debit	EFTPS	39-1541386	-2,827.82
12/12/2024	Debit	Wisconsin Dept. of Revenue	036-1020421702-03	-444.24
01/08/2025	Debit	Mullikin Properties LLC	Town Hall Rental Refund, 12/15/24	-100.00
12/17/2024	Debit	Quill Office Supplies	Calendars, Key Tags	-38.41
12/18/2024	Debit	Quill Office Supplies	Key tags	-23.44
12/18/2024	Debit	WMCA	Annual WMCA Dues	-65.00
01/01/2025	Debit	Bertram Internet, formerly Mercury	Jan.TownHall Internet	-59.99
01/07/2025	Debit	American Legion	3 American, 3 Wisconsin flags	-269.02
01/08/2025	Debit	Wisconsin Dept. of Revenue	036-1020421702-03	-6.02
01/08/2025	Debit	EFTPS	39-1541386	-4,483.52
01/08/2025	Debit	Wisconsin Dept. of Revenue	036-1020421702-03	-775.46
01/07/2025	18021	Buchholz, Larry	Payroll	-397.10
01/07/2025	18022	Dulmes, David L	Payroll	-1,733.31
01/07/2025	18023	Eisentraut, David M	Payroll	-269.36
01/07/2025	18024	Goodine, Daniel D	Payroll	-4,076.16
01/07/2025	18025	Henkel, Christine R	Payroll	-599.27
01/07/2025	18026	Klatt, Rhonda J	Payroll	-3,560.66
01/07/2025	18027	Kuehl, Kimberly	Payroll	-269.36
01/07/2025	18028	Mayer, Daniel J	Payroll	-269.36
01/07/2025	18029	Redlich, Adam J	Payroll	-46.17
01/07/2025	18030	Roll, David M	Payroll	-430.97
01/07/2025	18031	Schiel, James	Payroll	-751.52
01/07/2025	18032	Steiner, Alan	Payroll	-175.46
01/07/2025	18033	Stuebs, Steven L.	Payroll	-4,792.54
01/07/2025	18034	Vang, Vu	Payroll	-46.17
01/07/2025	18035	Weigel, Beverly	Payroll	-46.17
01/07/2025	18036	Wiskirchen, Jennifer	Payroll	-269.36
01/01/2025	18041	Up North Assessments, LLC	2025 Annual Maintenance Contract	-790.00
01/06/2025	18042	Rhonda J. Klatt	Reimbursement for Postal Fees	-6.30
01/06/2025	18043	Al Steiner - PC, Misc	Dec 2024 PA Mileage Reimbursement	-32.90
01/06/2025	18044	Schiel, Jim	Dec 2024 Sanitary Mileage	-67.20
01/07/2025	18045	Goodine, Daniel D	Inv #021; Postage reimbursement	-48.00
01/08/2025	18046	All American HVAC, LLC	Thermostat @ DPW Shed, trip charge	-352.01
01/08/2025	18047	Compass Minerals America	11033247	-4,386.98
01/08/2025	18048	Frontier	TownHall Telephone	-100.16
01/08/2025	18049	Gibbsville Implement, Inc.	Hose, hose fittings	-86.06
01/08/2025	18050	Hopp Nuemann Humke LLP		-4,790.81
01/08/2025	18051	Performance Propane		-957.56

01/08/2025	18052	Sheboygan County Treasurer	60021	-755.48
01/08/2025	18053	Town of Lyndon Treasurer		-33.00
01/08/2025	18054	U.S. Cellular	929649727	-102.20
01/08/2025	18055	Waldo Oil Company		-2,329.20
01/08/2025	18056	WE Energies	DPW Shed - Electric	-192.84
01/08/2025	18057	WTA/TAC	6-mo TAC membership	-192.13
			Total Checking General ***-204	-43,445.95
Tax Checking Account - *-495**				
12/24/2024	901	Sheboygan County Treasurer	To be applied to #59010124261	-5,397.30
12/24/2024	902	Deverney, Rob & Amanda	2024 RE Tax Refund	-105.53
12/24/2024	903	Steinhardt, Steven C & Heather L	2024 RE Tax Refund	-211.30
12/24/2024	904	Osieczanek, Steven W & Joyce M	2024 RE Tax Refund	-82.27
12/24/2024	905	Degnitz, Andrew or Linda	2024 RE Tax Refund	-83.35
12/24/2024	906	Reilly, Lindley M	2024 RE Tax Refund	-215.01
12/24/2024	907	Bein, Steven & Brigitte	2024 RE Tax Refund	-155.97
12/24/2024	908	Marquardt, Brian T	2024 RE Tax Refund	-89.78
12/24/2024	909	Lueck, Timothy C & Gena M	2024 RE Tax Refund	-172.39
12/24/2024	910	Flunker, Casey A & Crystal A	2024 RE Tax Refund	-87.09
12/24/2024	911	Kitzerow, Michael J	2024 RE Tax Refund	-662.95
12/24/2024	912	Kirsch, Randall	2024 RE Tax Refund	-98.48
12/31/2024	913	Selk, Andrew R. & Melissa R	2024 RE Tax Refund	-113.99
12/31/2024	914	Worthman, David A & Kathryn A	2024 RE Tax Refund	-274.51
12/31/2024	915	Alferi, Rodney & Jennifer	2024 RE Tax Refund	-491.29
12/31/2024	916	Hranicka, Michael E & Kelly K	2024 RE Tax Refund	-6.92
12/31/2024	917	Bagley, Keith & Kandi	2024 RE Tax Refund	-124.06
12/31/2024	918	Frederickson, Daniel B or Kerry B	2024 RE Tax Refund	-212.10
12/31/2024	919	Beck, Edward & Denise	2024 RE Tax Refund	-210.81
			Total Tax Checking Account - ***-495	-8,795.10

7. Reports of Town Committees:
    a. Permit Agent: Discussion held on permits issued. No action taken.
    b. Plan Commission: PC Chair Roll gave a recap on the previous meeting. No action taken.
    c. Dept. of Public Works: DPW Stuebs spoke of the new snowplow, which should be finished next week, and Serwe replaced a switch in the controller box on the tractor, and it is now up and running.
    d. Finance: Supervisor Eisentraut not in attendance; no action taken.
    e. Cemetery: Supervisor Wiskirchen mentioned she will be working with Steiner to figure out the differences in the maps.

8. Public Comment *(Three (3) minute time limit per person):* No comments were heard.

9. New Business:
    a. Final Resolution and Highway Order: **Motion by Wiskirchen, seconded by Mayer, all voting in favor to adopt the Final Resolution and Highway Order as presented,** motion carried. *Clerk/Treasurer will forward signed document to Attorney Dirkse, who will then authenticate the signatures, record it with the Register of Deeds, and provide a copy to the county highway commissioner.*

FINAL RESOLUTION AND HIGHWAY ORDER DISCONTINUING PART OF SILVER SANDS ROAD RIGHT-OF WAY IN THE TOWN OF LYNDON, SHEBOYGAN COUNTY, WISCONSIN

RESOLUTION NO. **2025 - 1** 2024/25

Town of Lyndon, Sheboygan County, Wisconsin

In the Matter of:
Discontinuance of a Portion of Town Highway Known as Silver Sands Road, pursuant to § 66.1003, Wis. Stats.

WHEREAS, there exists within the Town of Lyndon a town road known as Silver Sands Road located within the Plat of Lake Ellen Heights, Town of Lyndon, Sheboygan County, Wisconsin; and

WHEREAS, the following portion of Silver Sands Road is no longer in use as a town road and not needed for road right-of-way (hereafter referred to as the "Subject Parcel"):

The easterly portion of the cul-de-sac at the southern terminus of Silver Sands Road (dedicated as road right-of-way in a Certified Survey Map recorded as Document 1968727, Volume 25, pages 311-316) in the Plat of Lake Ellen Heights, formerly being a part of Lots 8 and 9 of Block 2, being part of the Southwest ¼ of the Southeast ¼, Section 29, Township 14 North, Range 21 East, Town of Lyndon, Sheboygan County, Wisconsin.

Contains approximately 2,404 square feet or 0.055 acres of land.

PIN: Part of 59010-128232

See "Parcel A" on the attached *Plat of Survey* which is incorporated by reference.

WHEREAS, the Subject Parcel has been dedicated, conveyed and/or used for road right-of-way purposes; and

WHEREAS, the Town has no present need, nor does it foresee any future need, to use the Subject Parcel for road right-of-way purposes; and

WHEREAS, on November 13, 2024, the Town Board adopted an Initial Resolution indicating its intent to discontinue the Subject Parcel as town road right-of-way; and

WHEREAS, pursuant to § 840.11, Wis. Stats., a Lis Pendens containing a description and map of the Subject Parcel was filed in the Sheboygan County Register of Deeds Office; and

WHEREAS, a Notice of Public Hearing concerning the Town Board's consideration of this matter was published as a Class 3 notice, and proper notice has been served on the owners of abutting lands, as required by § 66.1003, Wis. Stats.; and

Prepared by/Return to:
Attorney Paul A. Dirkse
HOPP NEUMANN HUMKE LLP
2124 Kohler Memorial Drive #310
Sheboygan, WI 53081-3174

Fee & Return Exempt: 77.25(2)

Final Resolution (Silver Sands Road ROW Discontinuance—Boulder Wall) Page 1 of 2

WHEREAS, the Town of Lyndon Plan Commission has reviewed the proposed road discontinuance and provided its recommendation to the Town Board; and

WHEREAS, no written objection sufficient to prevent the proposed vacation and discontinuance has been filed with the Town; and

WHEREAS, it is in the public interest to discontinue the Subject Parcel as town road right-of-way; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Town of Lyndon Board of Supervisors as follows:

1. The Subject Parcel is discontinued as town road right-of-way.
2. Pursuant to § 66.1005(1), Wis. Stats., the Subject Parcel shall be merged with the adjacent parcel to the north (Lot 7, Block 2, Lake Ellen Heights Subdivision, Sheboygan County, Wisconsin; PIN: 59010-130630) owned by Lake Sands LLC.
3. Pursuant to § 66.1005(2), Wis. Stats., the Town of Lyndon shall have a ten foot (10') wide snow storage easement over the western, concave portion of the Subject Parcel.
4. The Town attorney, on behalf of the Town Clerk/Treasurer, is authorized and directed to record a certified copy of this *Final Resolution and Highway Order* in the Office of the Sheboygan County Register of Deeds, and to submit a certified copy to the Sheboygan County Highway Commissioner.

Adopted on: **January 8, 2025**

TOWN OF LYNDON

By _____
David M. Roll, Town Chair

CERTIFICATION

This is to certify that the above resolution and order was duly adopted by the Town of Lyndon Board of Supervisors on the date indicated above.

Dated: January 8, 2025

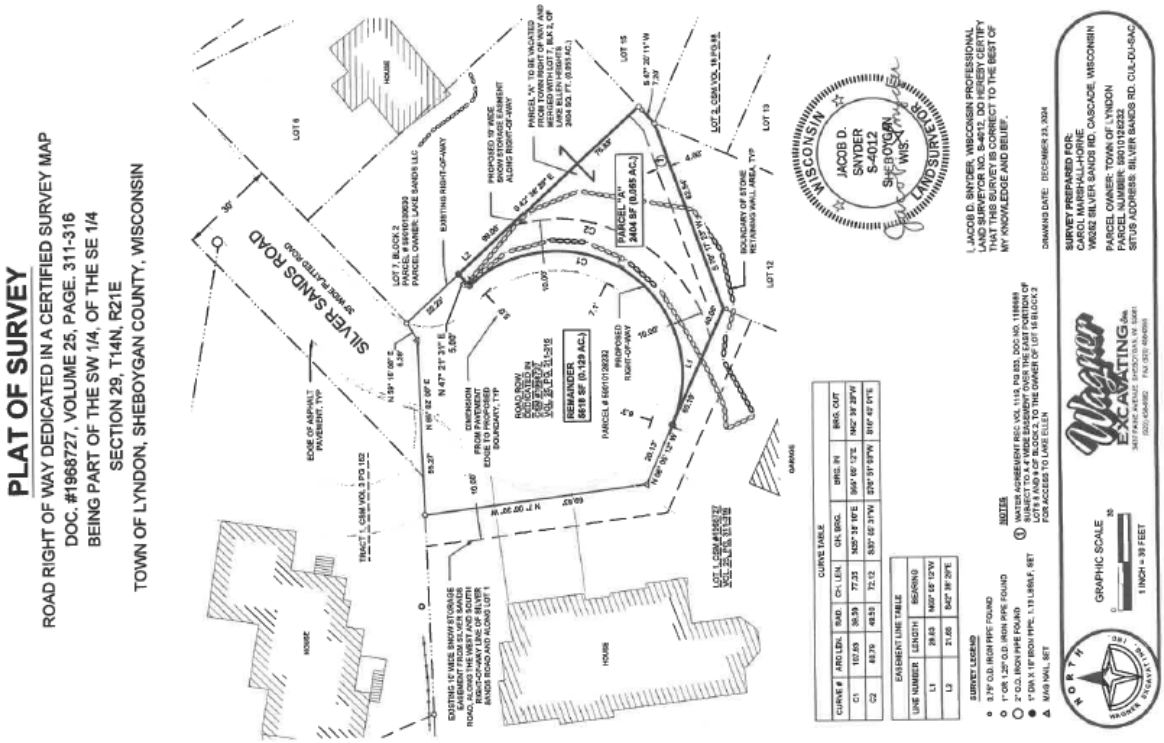
Rhonda J. Klatt, Town Clerk/Treasurer

AUTHENTICATION

Signatures of **David M. Roll** and **Rhonda J. Klatt** authenticated on _____, 2025.

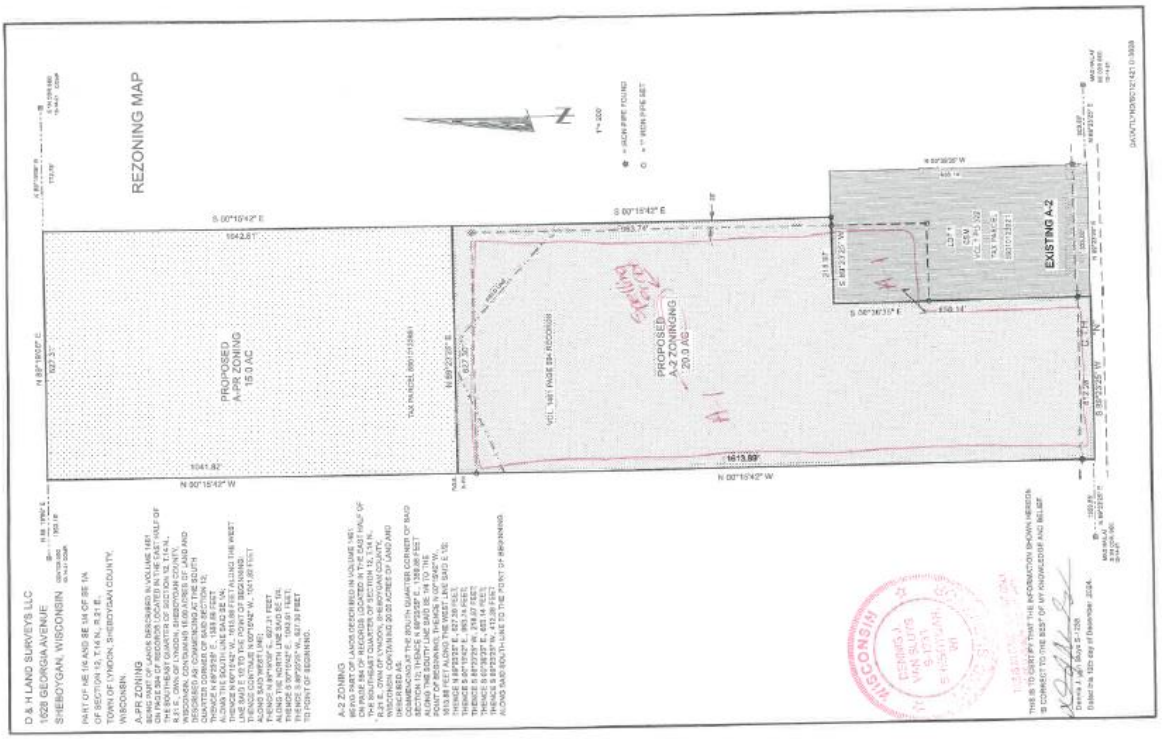
_____
PAUL A. DIRKSE, Attorney, State Bar of Wisconsin

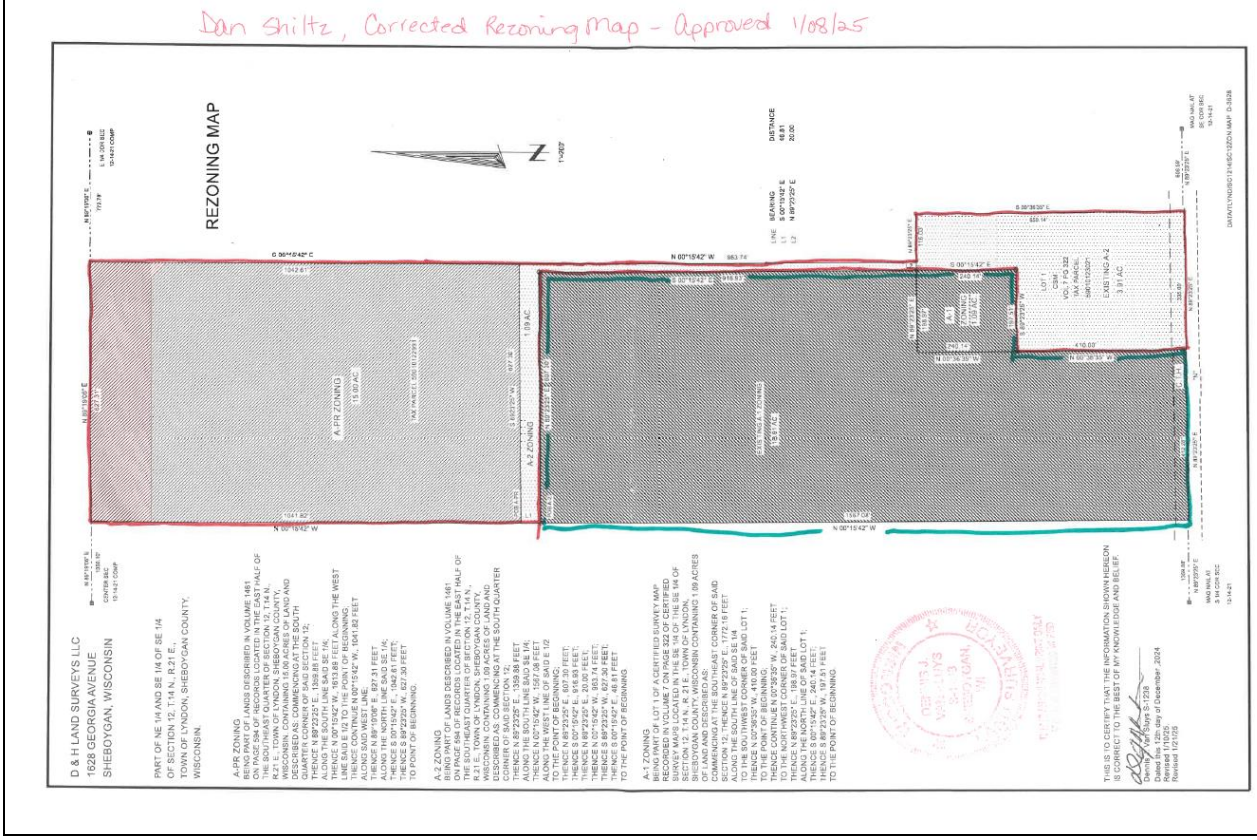
Final Resolution (Silver Sands Road ROW Discontinuance—Boulder Wall) Page 2 of 2



b. Merge & Rezone Request, submitted by Daniel & Lisa Shilts: **Motion by Kuehl, seconded by Mayer, all voting in favor of approving the merge and rezone request as presented by Dan & Lisa Shilts with the**

change from A-2 to A-1 in the lower part, and fixing the spelling error in the word "zoning", motion carries. *The "skinny" strip of land on the west side of the A-1 land should be designated as A-2.*





c. Approval of 2025 Emergency Service Contract from Cascade Fire Department: **Motion by Kuehl, seconded by Wiskirchen, all voting in favor of approving the 2025 Emergency Service Contract from the Cascade Fire Department,** motion carries.
d. License Applications: No action taken on this item.
e. WTA District Meeting sign-up: Clerk/Treasurer was instructed to register herself and Supervisor Dan Mayer to attend the March 22nd meeting in Manitowoc, and Chair David Roll for the March 29th meeting in Beaver Dam. This district meeting includes the required Board of Review training in which at least one member of the BOR must be certified every year.
f. Next regular meeting date: Wednesday, February 12, 2025
g. Items for next meeting: OneEnergy Renewables' CUP application reconsideration, Harbor Lights noise agreement

10. Town Chair Report: Chair Roll spoke of the WTA County Unit meeting held last week.

11. Clerk's Report:
    a. Tax collection is going well, and January Settlement checks will be issued this week.
    b. Candidate papers have been received, and include two running for (one seat) Chair (David Roll and JoAnne Friedman) and two running for (two seats) Supervisor (Dan Mayer and Chris Kestell).
    c. New office hours of Monday through Wednesday, 9 am to 2 pm are going well.
    d. The Town will be hosting the next WTA County Unit Meeting on March 6th.

12. Adjourn: **Motion by Mayer, seconded by Kuehl, all voting in favor to adjourn,** motion carries. Time: 8:05 pm

Documents given to the Town Board after Public Comment from JoAnne Friedman:

1/8 Given to TB during Public Hearing regarding Marshall Home land vacation.

Marshall has created a toxic environment with her landscaping techniques on public land without regard for the consequences to the ground water or the water of Lake Ellen. She also has violated the agreement with our town board. The landscaping boulders she placed on the .054 acres prevent the land from being used for the towns needs.

For these reasons, the decision to vacate the property is not in the public interest. The boulders need to be removed at Marshall's expense. The town will be able to plant the .054 acres with native wildflowers providing habitat for birds, pollinators, fireflies and amphibian species with a permeable space that will accommodate snow removal in the winter season. The view from the beautiful new home will be enhanced. Instead of a sterile bunch of boulders with no biodiversity around them, the return of our local plants will set an example for other lake residents to enjoy and inspiration to do the same on their lake properties.

JoAnne Friedman
W6654 County Road V

PUBLIC COMMENT January 8, 2025

In the matter of discontinuance of a portion of a town highway known as Silver Sands in the plat of Lake Ellen Heights Subdivision

It is in the public interest that eastern portion of the cul-de-sac remain as property of the Town of Lyndon.
Although the area is only .054 acres of land, this land provides additional space for snow removal and future possible easements for the Town of Lyndon.

This property was part of a land swap agreement, which was suggested by Attorney Paul Dirkse, in which the Town of Lyndon agreed to relocate the cul-de-sac to accommodate the building of a new home by Carol Marshall. The Town of Lyndon also agreed to let Marshall landscape the .054 acres of public land which was given to the town in the land swap. This contract is on file with the Town. In the agreement, all maintenance was to be payed by Marshall. In violation of the agreement, Marshall had the property sprayed with pesticides by Steve Stuebs DPW, at the expense of the Town of Lyndon taxpayers.

Every person on Lake Ellen has a well. Over 90% of pesticides end up in ground water which goes into wells and lakes. Held at cold temperatures and out of sunlight, these toxic chemicals are held in perpetuity. "Threatened Waters," beyond pesticides.com for complete 28 page analysis.

Marshall has contacted a local company to ask if asphalt sealer can be applied to our public cul-de-sac. The City of Sheboygan has banned asphalt sealants to protect the community in their homes and water sources. These chemicals are linked to increased risk for several cancer types. - Sheboygan Press 2/6/2019

NEWS

Sheboygan among Wisconsin cities to ban pavement sealant containing dangerous chemicals

Diana Dombrowski
Sheboygan Press

Published 6:29 a.m. CT Feb. 6, 2019 | **Updated 10:01 a.m. CT Feb. 6, 2019**

SHEBOYGAN - The Sheboygan Common Council voted Monday to ban the sale and use of coal-tar sealant products in the city, following a trend in communities throughout Wisconsin.

These sealants are sprayed or painted on asphalt pavement in parking lots, driveways, and playgrounds to improve appearance and protect the asphalt.

Studies show hazardous chemicals from coal-tar sealants make their way into nearby homes and water sources. Studies mostly examining the effects of inhalation of those chemicals show exposure is linked to increased risk for several cancer types including lung, skin, bladder, respiratory and urinary tract.

Within the last couple years, 13 communities in Wisconsin have implemented similar bans, including cities like Milwaukee and Port Washington. Dane County also has its own ban.

Threatened Waters

Turning the tide on pesticide contamination

All forms of life need water to survive. Clean water is essential for human health, wildlife, and a sustainable environment. Yet, surface water (rivers, lakes, streams, bays, and oceans) and underground water supplies (groundwater, wells, and aquifers) are being polluted at unprecedented rates with pesticides, nutrients, metals, and other toxic chemicals. This contamination threatens human health and the environment.

Did You Know?

- Human health effects, including low birth weights, breast cancer, and low sperm counts are linked to herbicide-contaminated water;
- Frogs exhibit hermaphrodism when exposed to legally allowable levels of the herbicide atrazine in waterways;
- Dozens of pesticides and their degradation products contaminate waterways and escape regulatory oversight;
- Runoff from urban lawn pesticides contaminates local watersheds and stresses municipal water treatment; and,
- Children are not adequately protected by federal limits of pesticides in water.

Used to kill unwanted insects and plants, pesticides are widely applied to lawns and landscapes, playing fields and parks, home yards and schoolyards, gardens and farms, and sprayed over communities. The pesticides then run off or drift into surface water or move through soil (leach) into groundwater. Rain and snow melt washes pesticides into streets and gutters. From there, the pesticide-contaminated water makes its way to drains, which empty into water bodies. These chemicals can ultimately contaminate sources of drinking water. Federal and state standards allow contamination levels that have raised serious scientific controversy because of inadequate regulatory attention to: (i) mixtures of chemicals found in water; (ii) health impacts on especially sensitive population groups, such as children and the elderly, (iii) long-term low level exposure hazards; and, (iv) key possible health effects, such as adverse im-

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Wells

Public and private well water is drawn from groundwater sources. USGS finds that around 50 percent of well samples (taken primarily from private domestic wells) contain one or more pesticides. Those wells that tap shallow groundwater beneath agricultural and urban areas have the highest detection frequencies of pesticides. A study in the mid-1980s of well water by the chemical company Monsanto found the herbicide alachlor in wells affecting 100,000 people in 89 counties across the country. The study also found that 12.95 percent of the wells sampled contained detectable residues of other herbicides. Additionally, the herbicide atrazine, an endocrine disruptor and carcinogen, was found in the highest percentage of wells and in the highest amounts.

One in five wells in Dakota County, Minnesota tested positive for elevated levels of pesticides and other harmful chemicals in a 2005 study. The research was part of a voluntary multi-year study to track underground water quality in the area. Researchers found levels of nitrates and pesticides that exceed state safety standards for drinking water in 14 of the 68 wells tested. Forty-two of the wells tested show lower levels of contamination, while only 12 wells exhibit no contamination at all.

Drinking Water, Exposure, and Effects

In a typical diet, more water is consumed per kilogram of body weight than any other item in the diet. In a 2006 study, the national environmental group Environmental Working Group (EWG) documents 260 contaminants in the tap water serving 231 million people, including over 77 pesticides and pesticide degradates. More than half of the total contaminants (141) are completely unregulated.

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