

**MINUTES FOR
SPECIAL MEETING OF ALGOMA TOWN BOARD
ALGOMA TOWN HALL
15 N. OAKWOOD ROAD, OSHKOSH, WI 54904
THURSDAY, JULY 11th, 2013 AT 6:30 PM**

1. Call to order.

The meeting was called to order by Chairman Blake at 6:30 P.M.

2. Roll call.

Chairperson Blake	Supervisor Rasmussen
Supervisor Timm	Supervisor Kierszh
Atty. K. Marone	Clerk Nelson

3. The Town Board will hold a workshop with the Sheldon Nature Area Committee/Oshkosh Area School District regarding the following:

A. The possibility of placing town owned parcel 002-012433 in a land trust.

1. Presentation by Jim Klinkert of Northeast Wisconsin Land Trust regarding the land trusts.

The purpose for the land trust is to protect the Mrs. Sheldon's land donation for the intended use, a nature preserve, into perpetuity. Should the school decide to sell in the future, access to the Sheldon Nature Area would be limited. There was a soft agreement in the parks minutes from about 12 years ago that allowed the Sheldon Nature Area to do whatever they wanted to the nature preserve as long as it was in the best interest of the town and the school. The nature area needs legal documentation to ensure that it will stay a nature area into perpetuity; this is through a land trust. Should the school district sell, the new owners would have to respect land trust and the nature area could never be anything other than a nature area. The Sheldon Nature Area Committee would appreciate a partnership with the Town of Algoma to put the town owned north access parcel into the land trust as it would benefit both entities.

Mr. Klinkert explained that Northeast Wisconsin Land Trust (NWLT) was incorporated in 1996, is a private nonprofit organization that helps people protect the land they love. This is done either by donating the land or by putting a conservation easement on the land. This limits the type of development that can go on the land. The document is legal and recorded with the Register of Deeds and stays with the land. NWLT does not work with term easements, and have preserved over 5400 acres of land from 1996 to the end of this year. Some of the properties have been turned over to the DNR for natural areas. Included in the land trust document is why the land should be preserved, what is not allowed to be done on the property, the reserved rights of the property owner, and legal requirements. Sheldon Nature Area and the Oshkosh School Board will be involved in the process. NWLT makes sure the land is not developed any more than agreed to and that nothing changes the conservation of the land. The Sheldon Nature Area property is educational. All the easements

are required to be a public benefit. The nature area land would be permanently accessible. There was talk of a soft agreement that was made with the Parks Committee about twelve years ago. The land trust would solidify the soft agreement into a legal document. Should the Town donate the land, it would become part of the Sheldon Nature Area. For the land trust to go through, the Sheldon Nature Area would have to be re-surveyed and made into one piece to make it simple. The Sheldon Nature Area is not looking for a donation tonight, but would not turn down the donation of north end parcel. If the Town would donate the parcel, it would be relieved of the liability. The school district has to agree with the south boundary. The donation would be a great gift to the community, and it's a great area for residents to go. The legal entity the town would have to work with regarding the donation of land is the school board as Oshkosh Area School District owns the Sheldon Nature Area. The timeline is by May 2014 to be done. NWLT can't do anything until they have an agreement with the School District. The Town's agreement would be contingent on the School District's decision. There are benefits to the Town donating the land. The electors have to be consulted before you can donate the land. The conservation easement is to protect the conservation of the land. The Land Trust puts an extra layer of protection on it. The sole purpose is to protect the land. The only way it would be amended is if it is for equal conservation or to enhance the conservation benefits. The reason for the Land Trust is to protect the land if the School sells the land. An easement can be changed if both parties agree to the new terms. The easement could be permanent. Sheldon Nature Area did not come to see if the land would be donated. Sheldon Nature Area just wants to make sure that the use stays the same. It would take the liability and maintenance away from the Town. NWLT looks for both parties to be winners. The Sheldon Nature Area will pay for the surveyor, not taxpayer dollars. All the money for the Sheldon Nature Area has been due to the Sheldon Nature Area Board members work. The taxpayers have the use of the Sheldon Nature Area as a benefit without paying for it. There are curriculum guides that have been published and there was a grant to print the literature. When grants are applied for, the Sheldon Nature Area can use the Oshkosh Community Foundations 501C. The Land Trust will give donators a better confidence that their donations will stay with the Sheldon Nature Area for many years down the road.

2. Town easement for the north trail access from Sheldon Drive into the Sheldon Nature Area.

The north easement off of Sheldon adjacent to the Chapman property is owned by the Town, but no formal easement has been drafted to give access to the nature area. Sheldon Nature Area Committee has been given formal authorization by the Oshkosh Area School Board to proceed with the Land Trust. The Sheldon Nature Area Committee would like an easement granted from Sheldon Drive, the town owned parcel, and an easement across the school property from the south from Omro Road. Sheldon Nature Area would also like an easement for Nature Drive. If the school sells the property there would be no access to the south of the nature area. Without the easement nature area would be land locked. This is to protect the gift of the nature area as originally intended. The idea of the trust is to protect the access to the Sheldon Nature Area. The south easement has to be approved by the Oshkosh Area School District. In the Town of Algoma parks committee minutes about 12 years ago has a soft

agreement with the Sheldon Nature Area to do what is best for the Town and was continuous with the plan for the School District for using this property. The Town and Sheldon Nature Area felt this was a win-win situation because it is not a buildable property. People living north of Omro Road use this access to get safely to school. The land is maintained as a prairie or a savannah and is a safe haven for animals. The evergreens also give privacy to the residents in the area. Flying garbage stays in the tree boundaries. What is the benefit of the land trust? If a property is sold and there is a land trust, the new owner cannot stop access of the public or change the intent of the property. The trust and easement do accomplish the same thing.

3. Discuss the boundaries of the Sheldon Nature Area/Oshkosh Area School District property, and define the south border of the Sheldon Nature Area.

That is best described as north of the soccer fields where there is taller grass. One notable aspect is the black line runs about where the eagle sculpture is located.

4. Involvement of Town of Algoma parcel in a land trust.

See items 3A1 and 3A2. The timeline is May 2014. Sheldon Nature Area is getting bids for the survey right now. The bids so far do not include the Town property. Whether or not the town owned parcel should be included in the survey will be on the next Town Board Meeting Agenda, however, the board should listen to the presentation before a decision is made.

5. Ownership of Sheldon Nature Area property.

The Sheldon Nature Area is owned by the Oshkosh Area School District. .

6. Oshkosh Area School District position in land trust.

The Oshkosh Area School District has authorized the Sheldon Nature Area Committee to proceed with the land trust.

B. Stormwater management within the Sheldon Nature Area with Town Engineer Mark Shubak of Strand Associates.

Mark Shubak, the town engineer from Strand Associates, made a presentation. Shubak would like to address the flooding into Sheldon Nature Area from Honey Creek, along with some of the Town's flood negation initiatives, primary causes of the flooding in this area, the measures the Town is looking at taking and potential flood procedures. This is a work of progress over many years. In 2010, there was a master plan developed. The Sheldon Nature Area is in the critical area. A study was done to look at measures that could be taken to relief the flooding in this area. The cleaning and grading of the stream banks was the first step and finished last fall. The culvert is restrictive and sends water over Sheldon Drive. The channel had limited capacity and the cleaning helps the flow of the water. There are plans to replace the Oakwood Road Culvert this year or early next year. Then more stream bank work after the culvert, down the stream. The Town has applied for a grant. Another factor is the Sheldon Nature Area path is elevated. There is a bridge, and because this area is elevated, it contributes to the flooding of the Sheldon neighborhood. The limestone walk has had to be reinforced and replaced many times. Photos

were shown of 2012 flooding. Strand is proposing to put on both sides of the bridge an overflow area. There are small culverts, but with the excessive flow it is not enough. Shubak would like to look at lowering the path. Articulated concrete block could be used to withstand strong flowing water and reduce the maintenance. This is a navigable water way so the bridge has to be so high. Since the pictures were taken, three 10 inch culverts were put on the north side to carry the water under the trail. ADA compliance states that we have a 1/12 pitch because we have to have the bridge so high, it would be hard to lower the trail. Shubak isn't suggesting changing the bridge, but changing the slope coming off of the bridge. ADA compliance is easily dealt with. This flooding has happened quite frequently in the past fifteen years. These steps will relieve the flooding not alleviate it, however, it will provide relief for the flooding victims. The benefit is the Sheldon Nature Area spends a certain amount of money to maintain, and with this plan, it would eliminate some of that expense. Thirty thousand dollars is the rough estimate to get this work done. Concrete would also be effective, however, the trucks would be invasive. Sheldon Nature Area could do many repair projects for \$30,000. The stone migrates and could compromise work down the road. Before there are talks about sharing costs, both the Sheldon Nature Area Committee and the town need to take about working together on such things as the land trust. This is one of the ways, the cleaning of the stream bank is another. Unfortunately, the actions of the past cannot be undone. Work upstream has been discussed in the past and is currently being discussed. The town would not condemn the Sheldon Nature Area for use of a retention pond. There are other initiatives that will fix the problem. The Land Trust would protect the Town from taking any of these drastic steps for stormwater management. The plan is to try to manage the water flow. A boardwalk is another option for the times there is too much water. This would allow water to flow go underneath it. A comment by Mr. Walsh that the Sheldon Nature Area Committee has been proactive and have worked on this water problem and it is improved immensely from where it was in 1993.

The board cannot act or make a motion for putting the area known as parcel number 002 012433 in the survey or the land trust at tonight's meeting, but will put it on the next Town Board Meeting Agenda. Once approved, the town owned parcel can be surveyed by the Sheldon Nature Area Committee as part of their survey.

4. Adjourn.

Timm/Kierszch motion to adjourn the meeting. Motion carried 4-0. Meeting was adjourned at PM.

Respectfully submitted,

Mary Kuehnl
Acting Clerk
Town of Algoma, Winnebago County, Wisconsin