

Town of Whitewater Town Board Meeting Minutes  
Wednesday, August 12, 2015  
6:36pm

Present: Lowell Hagen, Bob Strand, Norman Prusener, Carrie Hintz

The minutes of the July 8, 2015 town board meeting were reviewed. Norm made a motion to accept the minutes as written, seconded by Bob. The motion passed unanimously.

Clerk report – Carrie reported the January 1, 2015 preliminary estimated population at 1485.

Treasurer report – Carrie read the account balances. Norm made a motion to accept the Treasurer's report as presented, seconded by Bob. Motion passed unanimously.

1<sup>st</sup> Side Supervisor – Bob reported that he had a call on Hackett Road about brush hanging over road and he cut it all down and the road guys will chip it soon. Also on Hackett Road there was an apple tree in our right-of-way that was hit during a storm and we had the tree removed and chipped.

2<sup>nd</sup> Side Supervisor – Norm reported that he had a complaint about the buoys. Bob Strand said that he counted 17 buoys that need repair. We purchased 12 new buoys this year. Need to buy 10 more next year. Parking on Ridge Road is taken care of.

Chairman – None

Sheriff's Department Incident Report – Tim Otterbacher read report (see attached). Speed trailer was up on Kettle Moraine Drive. Four thefts last month.

Wagner variance request at N7718 Kettle Moraine Drive – Linda and Carl Wagner are requesting the keep the existing house and deck 56.6' from the ordinary high water mark and 22.5' from the right-of-way. They are also requesting to construct an addition 5' from the right-of-way and an accessory structure 2' from the right-of-way and 12.9' from the side lot line. They are also requesting to keep the boathouse 3.9' from the right-of-way. Linda and Carl Wagner explained that they inherited the property from Linda's parents and they would like to live there. Because of the age of the house and some of the design features, they need to remodel. There is office space above the garage, but they can only get to it by going through an unheated garage via dangerous pull down stairs. They would like to remodel to gain interior access to the upstairs and add additional living space. They would like to build a new garage behind the old garage. The elevations would not go up and it will all be the same roof line to the road. They're asking town permission to be at 22.5' from the lot line instead of 25.' They have interference from the well and elevation and the area to the north of the present lot is considered a road access, but it's basically impassable as a road. That prevents them from pushing the new garage more to the north because of the grade and another road access. The septic field is in the streetyard and that limits where they can build. Requesting town permission to remove some 6" diameter spruce trees and relocate a few burning bushes that the previous owner planted onto the berm to the south. Linda said that they aren't expanding, but are rather building on top of the existing garage and driveway. No additional hardscaping will be done. Norm said that he looked at the property and everything they're asking for makes perfect sense. The existing buildings have been there for many, many years. Bob said that the septic permit shows the end of the septic 5' from the property line. They have an enormous setback and the septic and berm are on town property. He agrees that the road access isn't passable and will never become anything. Four doors down the street there is a garage built on what Bob thinks is town property. Bob said some neighbors are 20' from the water and 56' for Wagners to the edge of the deck. Bob said the proposed shed is closer to the side lot but the neighbor doesn't have a problem. Property will need a culvert. Norm made a motion to approve everything requested, seconded by Bob. Motion passed unanimously.

Blackwell variance request at N7423 E. Lakeshore Drive – Mr. Blackwell would like to reconstruct an existing deck that is 7' from the ordinary high water mark. Ordinance requires a 75' setback from the ordinary high water mark. The existing deck has been there about 36 years and the Blackwells have lived there about 20 years and have been replacing one board at a time as needed. They would like to rebuild the deck up to code and up to proper safety levels. This deck also leads to the main entrance of the house. New deck will be the same size as the existing deck and isn't visible from the lake. They have a licensed knowledgeable contractor to do the work. Owners in the 1970's did some improvements on the house and built the deck, but Walworth County doesn't have record of a permit for the deck, so Darrin at the county had to deny the Blackwell request. Mr. Blackwell said he measured 14' from the deck to the water versus the 7' that the county shows. The deck has helped with soil erosion and Mr. Blackwell is concerned about the lake and the land. Norm and Bob were both visited the property. Bob said that the deck is the only entrance to the lower level and that this deck has been there for decades and thinks of this as a repair versus construction project. It is a must do. Norm made a motion to grant replacing the deck in the same footprint as it is now, seconded by Bob. Motion passed unanimously.

Killion N7817 E. Lakeshore Drive encroachment agreement – Norm said that the proposed encroachment agreement doesn't address 1) the fact that the town can take it back at the board's pleasure 2) acknowledge all liability for anything that should happen because of the structure in the roadway 3) can't claim adverse possession. Bob viewed the sight today and well over 3/4ths of it from the south to the north goes in the direction of their backyard. The last section tips to the north and there are several French drains. He has no lawn, only stone. He obviously had a problem and took care of it by doing this. Norm said that we need to tell him the three things to include in the encroachment agreement and then to resubmit.

Culvert at W8072 Bay View Drive – Bob said that these folks called because their cottage has been getting water from the south side of the road. He took pictures for the board. There is a culvert going under the road, but there is no exit because the neighbor's paved parking lot and garage covers it. Bob said the culvert isn't doing anything. Property owner is wondering what the town can do. Bob said it's at least a 30' culvert. Homeowner also have an objection to the tree being gone if we do work on the road. Norm said someone obviously filled the outlet end of the culvert and built over it. Bob suggested looking at it when we do the road tour next year. At the present time there is a new home directly across and there will be less place for water to go and more water shooting across the road. Bob Harris said that the garage has been there since at least the 1970's and it only seems to be an issue when there is torrential rain. Is this an annual problem or is this the first time? Lowell would like to go out and look at it. Topic tabled to next meeting.

Purchase of new town pick-up / plow / dump truck – Fagan has a 2015 Chevy Silverado 3500 4WD in stock that is a decent price. Would need to upgrade to the 9' plow. Bob Harris could put his own light on the top for \$250 versus the quoted \$675. Bob Strand said the power heated campered mirrors are helpful for plowing. Fold down sides are ok per Bob Harris. Not necessary but will be okay and can be handy. Bob Strand said that Burness Chevrolet would service this truck. There is a truck for \$1,000 less at another dealer, but we'd have to order and won't likely have it until January or later. Norm made a motion to purchase the truck from Fagan for \$41,710 plus the \$130 upgrade to 9' plow and remove the light. Motion seconded by Bob Strand. Motion passed unanimously. Lowell made a motion to take the money from the truck and equipment fund plus use the money that is extra "float" money to pay for the truck, seconded by Norm. Motion passed unanimously.

Sale of 1994 Ford F-350 – Bob Harris said it needs to go in for the sensor to be repaired because it doesn't shift right. Should be under warranty. Lowell made a motion to put it on Wisconsin Surplus with a minimum of \$5,000, seconded by Bob. Motion passed unanimously.

Other town business – None

Public Input – Rich Charts said that Hackett Road between the two blind curves has bushes and branches over the road. Bob Strand said that he took care of it on Saturday. Brush will be chipped soon. Rich confirmed that Lowell will be at the August 22 Lake Management Annual meeting. Dale Jensen said that on Kettle Moraine there is a property on the northwest side that has goats and a barn and the property is in horrible condition. The town doesn't have an ordinance regarding the condition of homes. Walworth County can address it only under certain circumstances. Barb Converse asked what

the procedure is to get trail signs on County P for the Ice Age Trail. People run across Highway P without concern for cars. Norm said to call Walworth County. Tim Otterbacher will also bring it up at the quarterly highway safety meeting. Claudia also asked Tim to mention that bikes don't stop at the stop sign at Territorial and Highway P as well. Art Schmitz thanked the board for E. Lakeshore Drive grading. It has helped get the water to the north, but water is still going across the road. Art Schmitz is putting a 12" tile from the front to the back of his new house. However, he thought there would be more ditching work done. To the south toward Cruise Lane the ditch wasn't taken down enough. Lowell said that there is a gas line in that ditch. Art said the gas line should be under the shoulder rather than where we'd ditch. Bob Strand said that he'll go back out and research further.

Board paid bills.

Norm made a motion to adjourn at 7:55pm, seconded by Bob. The motion passed unanimously.

*Respectfully submitted by Carrie Hintz, Clerk/Treasurer*