

Town of Whitewater Town Board Meeting Minutes
Wednesday, April 20, 2016
6:40pm

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

The minutes of the April 12, 2016 special 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 that we had about 67% turnout for the April 5 election, which was above the 40% anticipated. Also, Laura Koplinski, Deputy Clerk / Treasurer, is going to be leaving at the end of June so we'll be looking to replace her before tax season.

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.

1st Side Supervisor – Bob reported that they're going to do the post hole digging for the fee collection boxes next week so they're done before the end of the month. Will dig by hand. He's also met with a couple other people about future ditching plans on E. Lakeshore Drive.

2nd Side Supervisor – None

Chairman – Lowell received a call from an electrician about our building inspector showing up a few hours late to an inspection. He sat with a crew and a main panel and no electricity. He had to call the electric company to turn on the electricity without an inspection. Said he'd worked with Roland in the past without issue, but has had issues with the temporary inspector. Bob said that the fill-in inspector has 14 municipalities to cover and can drive up to 300 miles per day. Bob said he will speak with the inspector about this tomorrow. Lowell said the electrician conversed with the inspector's boss as well.

Sheriff's Department Incident Report – Tim Otterbacher read report (see attached). Fraud in the county is really up, especially with scam, like Craigslist scams, so be cautious. Also reminder to property owners to report anything that might have happened over the winter. In June they're going to add 4 cars to their fleet. The Lyons Town substation is up and running and will be a pilot program for a year. Would like to deploy from the Whitewater Town Hall 24/7 as well as two other locations in the coming months. Shouldn't be a lot of time in the town hall, but a squad car and personal vehicles will be parked at the Town Hall. People calling with a complaint who want to meet with an officer can meet at the Town Hall instead of going to Elkhorn. Speed trailer will be coming out so if we want it out, let Tim know where. Will start tracking data more this year, like they did on Reliance Road. Officer discretion for giving warnings versus tickets. There are verbal warnings, written warnings, and tickets. Have a ride-along program that people can join an officer during a shift.

Variance request for William & Patricia Hite at N7566 W. Lakeshore Drive (DMP 00018) – The Hite's are requesting to retain existing patios, fire pit, retaining walls and a landing, approximately 40 square feet, up to the ordinary high water mark. The representative, Kyle Croft, said that he believes a neighbor called and reported the issue. Bob said a big issue is that people see other's work and want to do the same and wonder why they can't. Breezy Knoll did the work without a permit four years ago. Mr. Croft said that one of the contractors had checked with the DNR, but did not get a county permit. Bob said it was done without a permit and is wrong. Bob said the stairway meets the requirements and the square footage of 200 feet allowed but the walkway alone is 338 feet. There are a few criteria that they may be able to get it passed, but they have a lot of work with Walworth County if they want the fire pit. They're not going to get the walkway and the firepit and there is a 70% vegetation criterion. The criteria are very strict. Norm said that everyone on the lake wants what the Hite's have and he doesn't

believe the county will allow it because the hardships aren't big enough. If the county lets these things go, then everyone will want the same thing. If the pier is way to the left, they could move the pier to the middle to eliminate the walkway. Firepit could be reduced if it's too much square footage, but the elevation was changed for that, which is a problem. Bob suggested the next step is to meet with Darrin at County Zoning to see what's savable, which is likely the staircase, but the landing is too big. Might be able to come up with a new plan and come back to the Town Board. Bob made a motion to deny the request as presented, seconded by Norm. Motion passed unanimously.

Conditional Use Permit for David McComb at W9230 State Road 59 (DW 800007) – David McComb is requesting a conditional use for storage of modular wheelchair ramps and components for installation at off-site locations. Delivery is once every 2-3 weeks. One to two nonfarm employees will be onsite only at the beginning and end of the day. Solid waste handled by John's Disposal. Parking will be to the SW of the barn. Mr. McComb said he bought a franchise that installs handicap access ramps, most of which are temporary medical devices. He wants to store the product at his property. No assembly or manufacturing at his site. He doesn't foresee any outside storage. Sign about 9 square feet out front is for the delivery trucks to see. They can hire up to two nonfarm people in the future. Norm made a motion to grant the conditional use and sign, seconded by Bob. Motion passed unanimously.

William Spring donation of rip rap retaining wall on town property near N7535 Ridge Road – Mr. Spring said that he got the permit for his property, but needs a second permit for \$603 for the town property, which Mr. Spring said he would pay for. Jeff Widner said they didn't stake it out before installation. The cost to remove will be about quadruple the cost of the permit. They covered up telephone cables that were bare. If they remove it, the telephone cables will be snagged. He suggested leaving it in because of erosion issues. Mr. Spring said there are probably 6 beer cans laying there, inside the downed hickory tree a piece of styrofoam, a gas can and 3 tires on town property. In the past Mr. Spring has cleaned it up. He said he made a mistake thinking the property line was at the downed hickory tree and he thinks the retaining wall is an improvement. He's paid an attorney to draw up paperwork to donate it to the town. In terms of the turtles, there was about 18" of erosion prior, which would have been difficult for them to maneuver. There is a 2 to 1 pitch for that reason and this wall meets those requirements. Norm is worried the public won't know that's public property because they'll think it is Mr. Spring's. Norm said people can't put piers in or moore boats on town property and he said there were boats there, but Mr. Spring said they're moved now. Norm said there was sand dumped next to the downed tree, which is not allowed. If we let one person break the rules, then we have to let everyone break the rules. Norm said we make others remove their plantings when they plant in the town right-of-way or in town parks. Mr. Spring said there's no place to park or walk down, so people go on Mr. Spring's property to get to the lake. Norm suggested a fence if Mr. Spring is concerned with people going on his property. Jeff Widner said it's likely that someday all properties will need rip rap for erosion control. Bob said the area needs some type of attention. The wall is a beautiful job and we'll likely have to continue it if required by the county or the state in the future. If Mr. Spring ever sells, it's not to be a common law that the town property is part of his property. Norm said the legal document Mr. Spring's attorney wrote up should be reviewed by the town attorney if we proceed with this. Jeff Widner said he'll pay up to an hour of attorney fees on the town's part. Bob made a motion to accept the wall as is after clarification of the legal document by our attorney and have Bill pay for the permit, seconded by Lowell. Motion passed 2-1.

June 4th town road use for Whitewater K9 5K/10K race – Lt. Jim Elder of the Whitewater Police Department sent a letter asking for permission to close the southbound lane of Clover Valley Road from the city limits to Anderson Road for their race on June 4th from 7am to 11am. They expect 30 participants. They will have volunteers stationed to assist with traffic direction at the intersections of Clover Valley and Willis Ray, as well as Clover Valley and Anderson Road. They will line the center of Clover Valley Road with cones and also have barricades at the intersections with signage for traffic. He has an agreement releasing the Town of Whitewater from liability once he receives permission to close the road. Norm said that this is the busiest time of the day on the busiest day of the week in the busiest time of the year. He said he'd be in favor of allowing them to do what they did last year, which

was close one lane. Norm made a motion to grant permission to do the same as last year and not close the road completely, seconded by Bob. Motion passed unanimously.

2016 Whitewater & Rice Lake Safety Patrol contract – Carrie stated that the contract appears to be the same as last year with a budget for wages of \$18,500. Total cost for wages for 2015 was only \$13,346.70 because the boat was out of the water for repair for a few weeks. Had an additional cost of \$4,537.61 for safety patrol supplies in 2015. Audit was good. Budgeted grant reimbursement of \$17,500 but received only \$14,229.41 because our expenses were lower, plus Richmond Township contributes some. Norm made a motion to approve the contract with the Walworth County Sheriff's Department same as last year, seconded by Bob. Motion passed unanimously.

Urban Towns Association membership and dues – Lowell said that a speaker at a WTA meeting said that all of the town work that gets done at the state level gets paid for from Urban Town's Association funds. They are lobbyists to promote town concerns at the state level. UTA membership is based on population and would be \$370.25 annually for us. It's per calendar year, so if the Town wants to join, they could consider waiting until 2017. Norm made a motion to start January 1 to become a member of the Urban Town Committee donating fund, seconded by Bob. Motion passed unanimously.

Purchase of replacement riding lawn mower – Norm, Bob Harris, and Bob Strand got a variety of bids ranging from \$2499 to \$4999.95. Norm said that there are two with a welded deck zero-turn. Bob got a bid from Triebold for a 54" Cub Cadet RZT-L with a steering wheel and 25 HP engine for \$3,059.99. Lowell said that he'd expect this should last at least 10 years. Norm said this shouldn't go on a trailer to mow the flowing well. Guys should be using a push mower for that. Lowell made a motion to pay up to 3,059.99 to purchase the Cub Cadet at Triebold, seconded by Norm. Motion passed unanimously.

Determine road work to be put out for bid – The board completed the road tour last week and made a list of items that could be completed. Lowell likes getting bids on specific projects so we have a firm price. Norm said the next section of Island Road can't be completed with grant money until 2017. He said we could do Island Road from Hwy 89 to the bridge this year and switch the planned order of those two projects. Norm said we should have a big chunk of blacktop someplace. Norm said at some point we should have a 5-year plan. Bob will work with Carrie to put out sealed bid info with deadline of May 26. After that we will schedule a special meeting to determine work to complete.

Other town business – None

Public Input – Dan Holst said that the crew who cut the tree in their right-of-way did a great job.

Board paid bills.

Norm made a motion to adjourn at 8:07pm, seconded by Lowell. The motion passed unanimously.

Respectfully submitted by Carrie Hintz, Clerk/Treasurer