

Town of Whitewater Town Board Meeting Minutes  
Wednesday, October 12, 2016  
7:00pm

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

The minutes of the October 4, 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 – The voting polls will be open Tuesday, November 8 from 7:00am to 8:00pm. The buoys on Whitewater Lake were removed last weekend. One buoy is still stuck in the bog, another disintegrated, and a third broke free from the chain and will be picked up when it hits shore. Treasurer report - Carrie read the account balances. Norm made a motion to accept the treasurer and clerk's reports as read, seconded by Bob. Motion passed unanimously.

1<sup>st</sup> Side Supervisor - Bob said road repair on the end of Ridge Road will be put on hold because Larry Jacob is still under construction on his house and we don't want to have the new repair damaged by heavy construction equipment. E. Lakeshore Drive project should start in about 3 weeks. Hill Drive work is on hold because of the rain, but should start soon. Bernie Tagney said thanks for the gift certificate for removing buoys on Rice Lake. Deep Pond Road near Hwy P was damaged by the fire trucks when responding to the Murray home fire. He left a message for the fire chief to see if they can help pay for the damage. Getting an estimate from Frank Brothers on having that work done. Wondering if either our insurance or Murray's home owners insurance would cover it.

2<sup>nd</sup> Side Supervisor – Norm had a couple of little complaints, but nothing big.

Chairman - Lowell had a person who asked if they could still get in the running for building inspector. Another manure complaint and Lowell asked the farmer to leave his spreader down so it doesn't spill on the road.

Sheriff's Department Incident Report – Tim Otterbacher read the report (see attached).

Zinkgraf variance request at N7698 Woodchuck Alley (DMH 00010) - Applicants are requesting a variance to construct an accessory structure (16' x 22' garage) and a deck on a single-family residence. The Ordinance requires a 25' street yard setback and 75' shore yard setback for an accessory structure (garage) and a 75' shore yard setback for a residential deck. The applicants are requesting a 4' street yard setback and a 33.4' shore yard setback for an accessory structure (garage) and a 22.2' shore yard setback for a residential deck. Stephen Bruns, the owner's representative, said that the Zinkgraf's recently purchased this property that is more shallow than wide, which presents an issue with zoning ordinances. They plan to use the residence year round and off-street parking is critical. They'd like a modest detached garage that is in the front yard setback, but it is closer to the right-of-way because it's a narrow lot. Also asking to extend the rear raised deck so that it meets the architecture of the house and will work with a door coming off of the kitchen. The current access to the deck is through a bedroom. This is in tandem with reducing some of the impervious surfaces which will meet with the DNR requirements. This is safer and more environmentally friendly. Will remove some deck and walkway that leads to it and will reduce driveway width down to a pedestrian walkway. Can't push garage closer to the house due to grade, where it is prohibitively steep. Bob said the three neighbor's garages are 16', 16', and 9' away from the asphalt. Bob said the Zinkgraf's is 12' away from the asphalt, which is the average. Should be safer for backing out. Bob said the deck is just a continuation off of the 6' that is there now. The setback at the new deck is further away than the original deck by a foot or two. Norm said that he doesn't think that extending the deck is going to get through the county. Stephen said that they're actually removing deck and bench on the shorefront and aren't getting any closer to the water

than what's already there. There is a corner landscaped area on town property that should be taken out. Norm made a motion to okay the garage at 4' off the lotline and the deck, seconded by Bob. Motion passed unanimously.

Kyle Mayes variance request at N7439 Ridge Road (DMH 00101) - Applicant is requesting a variance from Section(s) 74-167 / 74-181 / 74-221 / 74-232 of Walworth County's Code of Ordinances – Shoreland Zoning to construct an accessory structure (garage 22' x 30'), steps, walkway / deck and to permit grade changes, retaining walls and a gravel patio. The Ordinance requires a 25' street yard setback, a 15' side yard setback and a 75' shore yard setback for a garage; a 75' shore yard setback and 19' street yard setback for elevated steps and a walkway / deck; prohibits grade changes within 75' of shore; and requires a 75' shore yard setback for retaining walls and gravel patio. The applicant is requesting a 2' street yard setback, 3' side yard setback and 68' shore yard setback for accessory structure (garage); a 0' street yard setback and 30' shore yard setback for a stairway and walkway / deck; and retaining walls, grade changes and gravel patio as close as 34' to the ordinary high water mark. Kyle Mayes said that some of the work has already been done without a permit. They want a stairway going from the road to the enclosed porch, which goes about 1 foot 9 inches into the right-of-way. There was a brick stairway there and they replaced it with raised wood steps. Added stairs going from house to the lake where the rocks were unsafe and unstable. They are 48" and gets narrower near the bottom to allow safe access to the lake. He believes this is legal. They would like to connect a 3' wood walkway around the outside of the enclosed porch, which makes it closer to the lake. No elevation change and there will be a railing for safety. Average current setback is 31' and this will put them at 30'. They'd like to add a garage because there isn't one. They'd like a 2' setback from road and 3' from neighbor to the north, and it won't affect the grade. Setback is 68' from the water. Will enter the garage from the south, not the east. Will have to address the existing well. Norm said the garages we don't generally have objections to on Ridge Road because of the need for parking. Norm said that we need an encroachment agreement for the existing shed on town property. That first step in the roadway would be covered in that agreement. Kyle said that most of that was already there and they did mainly repairs or grade level changes. Bob asked about the north side retaining wall. Kyle said that the house slab was failing because of erosion. The lot is getting a lot of water runoff from north and south because it's half underground and at a low spot on the road. When they renovated, they excavated and put more gravel there and added a retaining wall to help hold that soil back. The retaining wall doesn't go any closer to the lake, but there were grade changes greater than 6". Bob said that's all within the setback. Kyle said the average to the lake is 31' and the retaining wall is 34'. Zoning told Kyle they could put a deck there if they wanted to, but their goal is to retain the soil more than a seating area. Norm asked if they could run the existing staircase at an angle to the pier. Kyle said there are some trees but it might be possible. Bob said he just put new stairs over existing staircase. Kyle said he thought everything was covered under the building permit from their renovation. Bob made a motion to accept everything that he is doing assuming he'll come back to the town for a garage building permit, seconded by Lowell. Motion passed 2-1.

Rothstein variance request at N7796 Kettle Moraine Drive (DITS 00044) – Applicant is requesting to construct an accessory structure 10.2' from the right-of-way and 3.4' from the side lot line. The applicant is also requesting a residence 14.5' from the right-of-way. Howard Rothstein and Mike Fess appeared. The Rothsteins have had the property as a personal weekend home since 2000. They haven't done much updating, but they'd like to possibly retire there so they'd like to fix it up. The real problem is that the garage is a small, one-car with a small garage door. The driveway has a steep slope with a big drop off at the end. The garage is on the side of the driveway so you have to make a challenging left-hand turn to get in and that's an issue in bad weather. They'd like to renovate the house, change the current garage into living space, and build a new garage. They found out that the 1975 house is not in compliance and is 14.9' from the right-of-way. Mr. Fess said the lot is fairly flat and then dives which explains why they originally placed it where they did. They need a variance for the non-conforming home. Need a 3' side setbacks and 10' front setback on the garage. It overlaps the house so it's considered side yard instead of front yard. To today's codes it would be legal if it was considered front yard. They can't move the garage back because it's steep and the septic is there. Bob said that the next house to the north the front of the house is in line with the front of his garage, so this isn't an issue. Five

doors to the south there the garage is 15' in our right-of-way and the next house is only 9' from the right-of-way. Norm made a motion to grant both variance requests, seconded by Bob. Motion passed unanimously.

Building permit service proposals – Greg Noll of MZIS and Joe Mesler of Professional Building Inspections, Inc. presented their services to the board at the September 14 town board meeting. Bob said that both proposals are the same. We're currently getting 10% of the fee and these proposals would be 20%. Bob asked how the transition works if we move from one to another. Greg would ask that SAFEbuilt complete their projects. Joe agreed and would help the applicant in any way he can, but SAFEbuilt would have been paid for the services. Greg or Joe would take on any new permits. Norm asked about fee schedules. Greg and Joe will take our current fees, but would like to look at adjusting the fees at some point in the future. Norm asked Greg about small buildings / sheds and where Greg shows a minimum of \$150 fee where we charge a fraction of that. Greg said he doesn't often do accessory structures under 500 square feet but he's flexible. Norm said he's not excited about switching companies and charging our citizens a higher fee. Joe said that our fees are close to other communities, but some of the things need to be tweaked. Joe charges per inspection rather than an amount per improvement value. Norm said that we don't charge for property maintenance, such as for roofs and replacement windows. Joe said state law requires a permit for hot water heaters. Joe said liability is a big part of this job. Greg does Towns of Cold Spring and Koshkonong and the City of Whitewater, among others. Joe does Elkhorn, Richmond and other Walworth County municipalities. Both are in the area often. Norm doesn't see a need for a change. Bob feels we need a change because currently when he calls in for an inspection, many times the person he's talking to doesn't even have his project information. There seems to be issues with SAFEbuilt. Both Joe and Greg have space space for another municipality. Lowell said that he's had recommendations for both Joe and Greg. Norm doesn't like the idea of raising fees because it's taxing the residents. Permit fees have gone up over the years in other places. Joe said the average permit in Elkhorn is \$10,000 and it hasn't stopped construction. Bob made a motion that we hire Greg and increase our permit fees down the line, seconded by Lowell. Motion passed 2-1. This agreement will go into effect January 1, 2017.

Walworth County Sheriff's Department deploying from Town Hall substation – Tim Otterbacher reported that about a month ago a small committee was formed and decided that, since Lyons' substation is going well, they should start deploying from the Town of Whitewater. This will begin on Saturday, October 15. Lowell said that he wonders about the squad cars in the winter because we don't have indoor space. Tim said they aren't in a garage in Elkhorn either. Tim said the plan is to have 2 officers for each shift at 4 different municipalities. The officers would report to work from their homes to the town hall. They'd like each of the six officers assigned to have their own town hall key at the Sheriff's expense. Bob Harris can get those made. Bob Harris told Tim that if the weather is bad, they could have a key for the salt shed so they could park in there without an issue. This is a community-oriented policing initiative. Complainants could talk to an officer at the town hall. Might need six small lockers to hold squad bags and personal items. Evidence will not be stored here. The board said parking of personal cars and squad cars shouldn't be an issue. There isn't any reimbursement to the town for this project. Would like a Sheriff and Town of Whitewater logos on the glass door of the town hall. Board members are okay with the hall keys, salt shed keys, and garage door openers if needed. Bob Harris can be the liason with the Sheriff's Department. Sheriff is planning on a press release. Norm made a motion to allow the Sheriff's department insignia on the door, seconded by Lowell. Motion passed unanimously.

Frank Brothers additional work on Deep Pond – Bob Strand is working on this as mentioned earlier.

Dead tree removal in the town right-of-way – Norm thinks that the cottonwood by the Fuzzy Pig was on our original estimate from Will's Tree Service last year. Bob will take a look to make sure it's in our right-of-way. Bob will talk to him about Pine Knolls subdivision. Bob made a motion to approve the three trees that were bid at \$1325 as long as the cottonwood on Clover Valley is in our right-of-way and if it wasn't in the original estimate last year, as well as the three pines if we still need to do them, per Bob's conversation with Will, seconded by Norm. Motion passed unanimously.

2017 town insurance renewal proposal – Horton Insurance provided their annual insurance renewal information. Carrie said that the coverage has stayed the same as 2016. In 2016 the insurance cost \$14,230 and the 2017 price is \$14,409. Norm made a motion to stay with Horton, seconded by Bob. Motion passed unanimously.

Other town business – Bob Harris will be out starting November 1 for medical leave.

Public input – None

The board paid bills.

Norm made a motion to adjourn at 8:44pm, seconded by Bob. The motion passed unanimously.

*Respectfully submitted by Carrie Hintz, Clerk/Treasurer*