

Town of Whitewater Town Board Meeting Minutes
Wednesday, June 10, 2015
7:00pm

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

The minutes of the May 28, 2015 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 – None

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

1st Side Supervisor – Bob reported that there is a graduation party on Ridge Road this Friday. Already contacted County Sheriff's Department and neighbors. Going to do shuttling from other parking areas.

2nd Side Supervisor – Norm said that we'd have to discuss the boat under other town business.

Chairman – None

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

Bronson-Kuchan zoning request from B2 to R1 (DA193400002 at N7470 Kettle Moraine Drive) – Mr. Bronson is looking to rezone his property from B2 to R1. Mr. Bronson said that the existing property was at one time a resort zoned B2. They'd like to do a tear-down and rebuild and need to rezone to R1. One neighboring property has already been rezoned to R1. Norm made a motion to ok to rezone from business to residential, seconded by Bob. Motion passed unanimously.

Holland variance request (DMH00022 at N7618 Ridge Road) – Mr. Holland is requesting a deck 36.7' from the ordinary high water mark to add a lakefront deck to their first floor. When they built in 2004 they were told they couldn't have a deck. Now they've noticed others have decks so would like to have a deck off of their first floor level. Bob Strand said that he viewed the property and pulled platted surveys for the four neighboring houses and they all have lakefront decks. Two have 26' setbacks, one has 35.2', and one has 54.6'. Average is 35.6'. Hollands are asking for 36.7' setback. Norm said the county has been turning most of these down, but he'll vote for it. Bob Strand said that the Holland's would be the furthest back and, from his experience, zoning can use averages up to 150'. Bob made a motion to approve the variance request, seconded by Norm. Motion passed unanimously.

Haser-Andres encroachment agreement at N7659 E. Lakeshore Drive – Bob Strand stated that he's spoken with the property owners. The retaining wall constructed in October at the roadside isn't a parking area, but the intention was to keep residue and silt that came across the road from filtering down on their property and settling on their septic bed. They did it without coming to the town because so many people going up and down the road had retaining walls. It's washed stone covering most of the width of the lot. Noticed with the spring rain they haven't had any residue coming down their sod between the house and the roadway so it worked. The owners would like tentative approval from the board before proceeding with the encroachment agreement. Lowell said there's been a long history of water issues and this retaining wall is helping with the water distribution. Plus there is a culvert that crossed underneath E. Lakeshore Drive and dumps water right onto their property. Two weeks ago the town had the culvert opened and cleaned out and there will be a catch basin so it can be regularly cleaned out. Bob said that he would have granted the permit if they requested it in advance. Norm said that the encroachment agreement must say 1) resident assumes total responsibility for that item that is in the town right of way, 2) resident doesn't have a right to go after adverse possession for that land and, 3) any future town board could remove the encroachment for any reason they deem necessary. Mr. Andres said he will prepare the agreement with these stipulations. Bob made a motion

that we are in favor of the encroachment agreement but must review it before approving, seconded by Norm. Motion passed unanimously.

Art Schmitz asked if the town plans to put a sandpipe in on the east side of East Lakeshore and Bob said yes. He said that the ditching has been done and they aren't planning on a culvert at Chad Malicki's driveway. Will monitor.

Taylor Road patching quote from Tim Mattingly – Payne & Dolan is going to charge \$3315 for the Taylor Road work and Mr. Mattingly agreed to pay to repair 2 spots that were damaged in the construction of his home in 2014. Tim got a quote for \$600-\$900 over the phone for those spots from his own road contact. Payne & Dolan quoted \$265.08 for the one marked spot in that area. Lowell made a motion split his quote and accept payment of \$750, seconded by Norm. Motion passed unanimously.

“Class B” Intoxicating Liquor and Retail Class “B” Fermented Malt Beverages License renewal applications received from Fuzzy Pig, Whitewater Country Club, and JNT Parkside Marina, LLC – The board reviewed the applications from the three current license holders. Lowell visited the Fuzzy Pig and Country Club and everything was fine. Jeff from JNT said that the original builder backed out because he moved up north. Found a new local builder and they have the blueprints. Permits will be pulled soon and the building will be framed and enclosed before winter. Jeff said that he is not selling beer or liquor at any other establishment. Norm would be in favor of it as long as we don't issue a bartender license until there is a bar. Bob made a motion to approve all three licenses, seconded by Norm. Motion passed unanimously.

Operator license applications for 2015-2016 – Nine applicants applied for operator permits and will be working at the three places in town with liquor licenses. Background checks were completed on all applicants. All background checks came back clear except Kellie Agen who had one 2008 unrelated incident. Norm made a motion to grant all operator licenses requested except for Nicole Widner for JNT's Marina, seconded by Bob. Motion passed unanimously.

Dead elm tree in town right-of-way at N7873 E. Lakeshore Drive – Norm said that we have a lot of dead trees throughout the township. The ones that people bring to our attention we generally take down. He suggests talking to some of the tree trimmers and see if we can get a special rate and allow them a budget each month to do work when they're in the area. Bob Harris said there's an ash on Krahn Drive, one by Holst's house leaning across the road, another elm on E. Lakeshore, cottonwood by Fuzzy Pig. Bob thinks the average cost is \$500 per tree. Bob H. and board will start making a list of those to come down. Electric company might take care of those that interfere with the lines. Will get bids after list is made for cutting trees down and for incidental work if they're in the area. Board will review after bids come in.

Walworth County short term rental ordinance – Walworth County Zoning asked local municipalities to make a recommendation regarding changing the ordinance to allow short term rentals. Norm said that the Sheriff's Department will be overworked if short term rentals are allowed in residential areas. In Door County there must be someone close by to monitor. Stipulations listed to police the properties won't help and will cause issues. Lowell said that the laws that they'd like to pass are to prevent issues. He said there are other concerns, like how many ordinances we are going to have to enact and how are the taxes going to be collected. Bob said he knows some people who do this and hasn't heard of any negative incidents. Feels there should be someone to caretake or keep an eye on the property. There will be inspections, licenses, conditional use permits, etc. to help ensure things go smoothly. Resident comments: Bob Harris said that a neighbor donates his lake house for fundraisers and has never had an issue. As a resident Bob doesn't have an issue. Dale Jensen agrees that this is happening anyway and the current law isn't being enforced. To set in place a ton of laws that have to be enforced doesn't seem logical. Tim Otterbacher has only seen one issue in his 28 years. Art Schmitz said there are hundreds in Walworth County listed on VRBO. Rich Charts and Claudia Holst both said they know where there have been big issues in both Whitewater and the county. Septic systems don't handle big groups. Rich Charts think neighbors want to be able to call the police if there is a violation. Norm said the real estate companies are pushing to have the length reduced from 30 days. Norm made a motion to deny letting short-term rentals in residential districts. No second. Lowell made a motion to accept allowing short-term rentals, seconded by Bob. Motion passed 2-1.

Pier donation to Lions Club – Last year the board spent \$341 on materials for an extension for an old pier that the town already owned to go at the Lions Club for the safety patrol to use. Unfortunately it was too shallow for the boat lift which is back at JNT's Marina. Town doesn't have any use for this pier, but the Lions Club does including a fishing event for the blind. Lowell made a motion to donate the pier as it is to the Lions Club, seconded by Norm. Motion passed unanimously.

Ford F350 truck repair and/or replacement purchase – We don't have any word on repair cost yet. Bob said we need a new truck because this one is in real sad shape with many major issues from its 21 years of use. Since 2001 we've spent a chunk of money, including motor and transmission. We're behind on chipping. Bob worked with the Chevy dealer in town to get a price of \$42,000 with plow and dump box. Also found a Ford in Elkhorn for \$42,488 almost completely equipped. We only have \$16,000 in truck account and \$37,000 in the building account that we could use as long as we could build that fund back up. One suggestion is to sell the cement building across the street from the town hall. Triebold would be interested at a decent price. Bob will get an appraisal. Need to have a meeting of the electors to sell property. Norm said that per the WTA we can only spend \$5,000 per mile for road work. Norm said we used to chip and put it in a dump truck. Could be chipping with the red dump if we put a hitch on. Norm is concerned with spending so much money that we don't have when we could be spending it on other things, like repair costs for the F350, safety patrol motor, and Sean would like a second boat to patrol Rice Lake.

Other town business – Safety Patrol hasn't been on the lake yet this season because the motor that was purchased brand new last summer is broken. Bob Harris said that the boat issue was originally the starter, then it was a wiring harness, now it's the ECM and they're waiting for a Mercury technician. Tim Otterbacher said that the County has a marked pontoon that may or may not be available. Jeff from JNT has a boat and motor that we can use as long as it's not damaged. Jeff has the head service tech's number at Mercury and Lowell will call them tomorrow. If needed, will check with Captain Gerber to see if there are options to use the county's pontoon boat.

Public Input – Jim Harmon said that the excavator that is ditching on his side of the road now has the ditches full of dirt. Driveway in the fire lane to the north was ditched and there is a culvert there. Need to open the end up. Excavator was on Jim Harman's property and carried brush up the hill and dumped it. Bob Strand will look for that. Bob said Jim Harmon gave him permission to ditch and said the town can do what they need to do and gave excavator permission to go up driveway to do the work. There are two trees that the roots got accidentally damaged, but they were on town property and one was a half-dead already. Standpipe will be installed at highest point between Jim Harmon and Chad Malicki's properties. Digger's hotline said power/gas line was where Jim's culvert was going to go in. Town hit Jim's phone line and now he has static. Jim Harmon asked where the survey was. Jim said that Rich Schleis isn't happy and neither is Chad Malicki. Bob said excavator nipped the bottom of Chad's pavement and Chad is okay with that. Bob will be seeding where the work was done. Town is trying to make everyone happy and manage the water.

Jim Harmon said that the lot next to his dad's on E. Lakeshore has too many piers. Jim must contact DNR to report.

Bob Harris said that there's a cedar home on South Beach Court that put a pier that shouldn't be there in our lake access area.

Rich Charts thanked the board for doing everything to make people happy with little money. Thanks for getting things done.

Tim Otterbacher had a resident who had an ATV/golf cart on the road and suggested to them to ask the town board if they want to make the town roads ATV roads like Darien and Walworth Townships have done. Just a heads up. The law says that you can't operate an ATV on the road, unless plowing snow with special regulations (light, registration, etc.). Must be 33' from the center of the road. Can't run them in the ditch.

Adjourn to Closed Session - Norm made a motion to move into closed session, seconded by Bob. Motion passed unanimously. Called to order. Present: Lowell Hagen, Bob Strand, Norman Prusener, Carrie Hintz, Bob Harris

Roadman contract discussed.

Adjourn back to open Town Board Meeting.

Board paid bills.

Norm made a motion to adjourn at 9:35pm, seconded by Bob. The motion passed unanimously.

Respectfully submitted by Carrie Hintz, Clerk/Treasurer