

Town of Whitewater Town Board Meeting Minutes
Wednesday, March 9, 2016
7:00pm

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

The minutes of the February 10, 2016 town board meeting were reviewed. Norm made a motion to accept the minutes as written, seconded by Bob. The motion passed unanimously.

Clerk report – There is a Presidential Preference and Spring Election on April 5. Our town annual meeting will be on Wednesday, April 20 at 6:30pm, with our monthly town board meeting to immediately follow.

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

1st Side Supervisor – Bob reported that he's making a list of pot holes and the crew picked up cold patch yesterday. Bob spoke with the Walworth County road driver regarding Highway P south of Hi-Lo Road where there were branches and growth in the ditch that has now been cleared out.

2nd Side Supervisor – Norm reported that there is an abandoned house on Clover Valley and there were complaints because there were rodents or raccoons coming into the neighbor's property. The property owner is contemplating tearing it down and building a new house.

Chairman – A resident farmer called Lowell to say that when he moves his combine, especially in fall, when you go Clover Valley to Engel and you make that jog before you head up the hill, the oak trees are getting close to the road and branches go through his hopper. Town should consider cutting them down.

Sheriff's Department Incident Report – Tim Otterbacher read report (see attached). One burglary on Hill Drive and a theft on Grandview Drive. Talk to neighbors and tell them to report anything that seems off to the Sheriff's Department, especially in the spring when people come back to their homes after the winter. Norm asked if the DOT can fix the light where there was a fatal accident on Walworth Avenue and Highway 12 Bypass. Tim said he spoke with the Fire Chief, who has mentioned it to the State Patrol and Tim is going to discuss it at the next Highway Safety Committee meeting. Would be nice to have a flashing left arrow. A letter of concern from the township could help so Carrie will send. Also discussed signage each way on Highway P where the Ice Age Trail crosses. Tim has brought that up to the Highway Safety Committee and a letter of concern would help.

Galligan variance request at N7551 Ridge Road (DMH 00071) – The Galligan's architects presented that the Galligan's are requesting to construct 19.89' from the right-of-way and requesting to construct a residence and deck 28.1' from the ordinary high water mark. They are also requesting to construct a patio and steps 21' from the ordinary high water mark. Along with the proposed structures the applicant is also requesting to do grade changes as close as 15' to the ordinary high water mark. The architects said that the existing house will be removed due to serious water damage. They have some challenges because of the lot size and shape on Ridge Road. Bob said that the shoreyard setback is due to the averages of the neighboring homes, but Bob doesn't see an issue because the house will actually be set back from where the current foundation is. The street setback shouldn't be an issue either. The patio and staircase are still farther back than where the existing home is. Bob suggested getting letters of recommendation from neighbors to bring to the county. Norm asked about the shoreline grade change where there is an existing carved out area for the walk-out basement. Want to bring back grade to what they think is the natural state. One tree is coming down because it's pretty well dead, but it's not in the building area. Norm made a motion to recommend approving all three variance requests. Bob then

made a motion to accept the street setback change, shoreyard setback change, and grade changes on shoreyard side, seconded by Norm. Motion passed unanimously.

Lohff variance request at N7416 Ridge Road (D W 3500044) – The Lohff's are requesting to construct a deck 21' from the ordinary high water mark and a hot tub 33' from the ordinary high water mark. They are also requesting retaining walls, brick driveway and grade changes 44.9' from the ordinary high water mark. They are also requesting a shoreyard stairway that is 7'3" wide. Mr. Lohff said he has five requests that were completed without a permit and they pretty much inherited most of these problems. The driveway was gravel and the Lohff's followed the grade that was there, leveled it out and put brick on top with it channeled to the drainage system that existed. Bob said that the road right-of-way is only 2' and 3' on each side, and nothing can be put in there without town approval, which was not approved by the township prior to the work being done. Norm said now they're looking for concrete block that's half grass to allow penetration of top soil to help erosion. Bob said that it's mostly sloped away from the edge of the pavement, which helps the plows. Norm said that he doesn't think the county will allow them to do anything near the lake. The Lohff's think that the underbrush will replenish and they are going to replant the shoreland. The northwest corner of the home where the backfill was brought to the house, it was a steep grade and they put in two small (under 2') retaining walls where they are planning on planting. It is adjacent to the septic system and they were concerned that just sloping and planting could affect the septic. The deck is their only usable outdoor space because of the sloped lot. No neighbors to the north. Lot to the south was purchased by the people who bought the point, so they don't have any neighbors there. Deck isn't viewable from the street and no neighbors to interfere with. Septic is in the way if try moving the deck. Bob said that Walworth County should decide because they're the ones who allowed the house to be built and now you can't do anything with it because almost the whole house lies within the 75' setback. Bob said that their builder has set a precedent by building their house and is concerned the north lot for sale would want something similar. Norm said that they're worried about having all the buildings right up to the water and he doesn't feel the deck variance will pass the county. The Lohff's had a stairs constructed with a permit provided when they bought the property and later realized the permit was expired. Width at base of stairs is 27" wider than it should be but the rest of the stairs are only about 3'. Looking for variance for work that was already done. Bob's again concerned about the precedent that has been set. He said it should be easy to get it to 5' at the base. There is a handrail is for safety, even though they aren't required by the county. Mr. Lohff said they put a hot tub on an existing platform and that it isn't a problem because it's on the existing platform per Walworth County. Norm would be opposed to the deck, but is ok with the rest. Bob made a motion to accept the variance for the pavers in front of the house, accept the variance for the retaining walls with the understanding that plantings will be placed there, accept the variance for the deck with the thought that the deck could be smaller and because the county started it, reject the 7'3" width at the bottom of the staircase and change to the proper with, and accept the hot tub variance. Motion seconded by Lowell. Motion passed 2-1.

Jacob variance request at N7405 Ridge Road (DMH 00107) – Mr. Jacob is requesting to do grade changes under the deck approximately 54.6' from the ordinary high water mark. In the process of construction, Larry said that when they lifted the building and put beams in there, the sand was caving and they had to put more cribs in under the permitted structure on the lakeside of the house. Foundation is there for a block stairwell that would step down to access the lakefront on the garage side. He wants to maintain the original 1963 grades. Now he could put a door in the lower level of the garage with the lower grades. Wants to change the grade and blend to the existing grade. Bob said that everything on the lake side of the house the grade will basically stay put. Larry said that underneath that permanent structure there won't be sun so he'll be putting in porous pavers. It'll be better to have a flat pitch versus a slope where the water can run downhill. Larry's plan will simplify the design, allows him to reduce the impervious surface and structures, eliminate needing additional fill to raise the grade/elevation, eliminate underground drainage and soil disruption, and improve shoreland yard egress in case of safety issues. Bob said that everything will be tiled to the rain garden. Norm made a motion to grant an 18" grade deviation, seconded by Bob. Motion passed unanimously.

Lake buoy location plan – Norm said we are currently up to 137 buoys from an original 80 and it's getting out of hand. This year we'll plan on putting in about 110 buoys. We've ordered new buoys to replace the 20 bad buoys. Norm said that in the future all buoys will be required to be numbered and their locations determined, but numbering standards haven't been set yet. The DNR will require a buoy permit. Sean said that this past year there were 9 buoys that came loose and determining where they came from is difficult. Other people start moving buoys for various reasons. Sean would like to get the reflective 2" or 3" numbers to identify each buoy and use the proper change to limit drift. Sean also needs to know how far from shore the buoys should be and he suggested 100' from shore, which the board approved. Residents at the meeting said that distance is fine. Also determine the distance between the buoys could be determined, some areas closer than other areas. Sean's plan is to use the barge to install the buoys. He'll put GPS coordinates, mark on a lake map, use the patrol boat depth finder to cut the chain to the proper length to eliminate chain slack, put a number on each buoy, and using thicker zip ties. He believes the whole lake can be done in 4 hours with Sean and four of his additional guys at a total cost of \$600 plus the barge cost. Norm said that the DNR grant doesn't cover buoy installation or removal. This planning project would be paid for by the township and not through the County as safety patrol wages. Chain would stay on the buoy and removed from the block each year. Norm will take care of chain and numbering letters. Lake Management doesn't want anything to do with the buoys. Sean would also suggest house numbers be placed on the piers or on the lake side of the house for emergency responders. Now have a mapping program on the computer on the boat so that has improved this situation. Norm made a motion to put Sean in charge of the buoy work that has to be done for permitting and hire him and his crew for installing and removing the buoys, seconded by Bob. Motion passed unanimously.

William Spring rip rap retaining wall on town property near N7535 Ridge Road – Carrie has spoken with Al Byla of the DNR, Nicole at JNT's, and Bill Spring and the following is a summary of what was determined. A rip rap retaining wall was installed on Mr. Spring's property and on about 30' of Town property without proper DNR permit / approval. There was original rock in front of Mr. Spring's property before the most recent work was done. JNT's has now sent in the application, which has been reviewed by the DNR, and will send an additional \$300 for the after-the-fact permit for the retaining wall in front of Mr. Spring's property (this doesn't cover the retaining wall that was installed in front of Town property). The DNR should approve the permit in front of Mr. Spring's property as long as the additional fee is paid, vegetation is planted in the rocks, and the original concrete blocks are addressed / removed. Only the Town can apply for the after-the-fact permit for the retaining wall that was installed without permission on Town property. This can't be combined with the permit for Mr. Spring's property. Town doesn't believe there was a retaining wall or rock in front of town property before this project began. We're unsure who determined the location of the rip rap retaining wall that ended up on Town property, but that is between JNT's and Mr. Spring to work out. Per Al Byla with the DNR, basically the Town's options are 1) apply for a new rip rap retaining wall after-the-fact permit at a cost of \$603 for the section of retaining wall that was installed in front of Town property by JNT's (Mr. Spring offered to pay this cost) or 2) require that the retaining wall in front of Town property be removed and restored to its original condition. Travis Schroeder would be the DNR contact for restoration enforcement. Norm said he'd be in favor of taking it out. What is the cost? Tabled to April.

August 6, 2016 NMSS Best Dam Bike Tour approval and liability - MS has planned their annual bike ride going through the township. In the past we've not signed their letter, but instead responded with a letter requesting 1) that traffic not be stopped along the bike route and 2) that we receive a certificate of insurance 3) that we receive a letter stating that the MS Bike Ride will be responsible for paying any and all unpaid ambulance bills resulting during the bike ride where riders get injured and then do not pay their bills. Lowell said he doesn't like that the letter they sent this year says they'll pay up to \$1000 per ambulance transport, when they should pay the full costs. Norm would like letter to tell state that they have the same rights and responsibilities as anyone else using the roadway.

August 21, 2016 Fort Atkinson Lions Club Bike Ride approval and liability – Lowell made a motion to respond exactly the same as NMSS, seconded by Norm. Motion passed unanimously.

Purchase of a new Stihl FS90R weed wacker – Bob asked about purchasing a new weed wacker because the old one keeps quitting when it warms up, which means it probably has a scored cylinder. The Stihl FS90R is the one he would like because it has a solid shaft and he can put a blade on it. It's \$329.95-10% for a total cost of \$296.96 at both Triebold, Johnson Tractor, and Winchester True Value. At Triebold we can also pay \$12 to extend the warranty for a second year and also receive 6 cans of oil. Norm said to make sure to use premium ethanol-free gas. Board asked to confirm that the warranty applies because we're commercial / business versus personal use. Bob Strand made a motion to purchase this one with the warranty, seconded by Norm. Motion passed unanimously.

Set date for road tour – Tuesday, April 12 at 8:00am.

Other town business – Norm asked if Bob Harris is going to put in the three boat launch fee collection boxes. The holes needed are 3 feet square at 18" deep. Signs will be installed as well. Should be installed 30-40' from the water on the driver's side when backing in to the water. Norm will show Bob where to install them. All should be installed by the end of April.

Lowell said that at the WTA meeting on Saturday, they discussed what the Urban Town's Association does for towns through lobbying. Carrie to find out cost and put on April agenda.

Public Input – Claudia Holst said she thinks Carrie is doing a great job and handles everything very well. The dead trees are starting to be removed. Bob Strand to call follow up with Will's Tree Service. Also, small trees are in the ditch from storms that should be cleaned up by our road crew.

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

Completed Clerk/Treasurer annual review.

Adjourn back to open Town Board Meeting.

Board paid bills.

Norm made a motion to adjourn at 9:19pm, seconded by Bob. The motion passed unanimously.

Respectfully submitted by Carrie Hintz, Clerk/Treasurer