

Town of Whitewater Town Board Meeting Minutes
Wednesday, August 10, 2016
7:00pm

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

The minutes of the July 13, 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 – We had 291 voters at the Partisan Primary yesterday. The General Election is Nov. 8.

Treasurer report - Carrie read the account balances. Norm made a motion to accept the treasurer report as stated, seconded by Bob. Motion passed unanimously.

2nd Side Supervisor – Norm was questioned on when west Island Road shouldering would be done. One man's driveway approach is an issue. Also ordered decals to put on the ordinance boards at the lake to make them in compliance with our code. Safety Patrol can only enforce the ordinance so we'll make the signs match the ordinance wording.

1st Side Supervisor - None

Chairman - Lowell received 2 calls regarding Whitewater Lake. One man is what caused Norm to change the signs at the lake because they didn't match the ordinance. There was a formal complaint made against the Safety Patrol. Other call was a buoy issue that he took care of.

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

Pyne conditional use request at N7695 Pine Knolls (DLS 00032) – Dan Pyne is looking to open a bed and breakfast at his single family home zoned R-1. The proposed use is to rent the property using AirBNB while being compliant with the Bed & Breakfast standards of Wisconsin, Walworth County, and Whitewater. Mr. Pyne said the cabin sleeps 8 people comfortably. At the May meeting he was asked to look into the code to make sure that a 1-room dwelling would be complaint and to better define his plan for sharing the space. Mr. Payne stated that Walworth County told him that his plan is in full compliance with the code. Mr. Pyne said that he and his wife would now stay in the building while others are there rather than in their vehicle. He said zoning has verbally approved it, but at some point there would probably have to be an inspection done. The driveway fits 2 cars, there is grass parking, and he has a 1-car garage and Matt Weidensee at Walworth County told him that was sufficient. Norm said that he spoke to the county as well and the sleeping arrangements were the original issue. Norm said that this small cabin isn't really a bed and breakfast, even if it meets code. Mr. Pyne said that it's not really a bed-and-breakfast, but that's the only conditional use option that he could be in compliance with. Norm suggests renting out 3 times each summer for at least 30 days at a time as Mr. Pyne's current request wouldn't fit in very well with the rest of the neighborhood. He suggested waiting a year or two until the short-term rental laws are finalized. Norm said that 6 people in a one-bedroom house could overtax the septic system. Lowell said that Mr. Pyne lives in Elmhurst, Illinois and it could be difficult to always be at the property when the renters are there. Mr. Pyne has some work flexibility and could be selective with rental dates. Bob said it would be helpful if he exchanged his thoughts with the neighbors. Mr. Pyne hasn't gotten the neighbor's opinions. He's had two new neighbors in the past year. Mr. Pyne said he'd do the renter screening and would reject anyone who wouldn't fit in to the neighborhood. Jim Harmon asked about paying a room tax to Walworth County. Another resident on that street said there are often a lot of cars at his house and the neighbor's don't like it. Norm made a motion to deny at this time and see what the county comes up with, seconded by Bob. Motion passed unanimously.

Hite variance request at N7566 W. Lakeshore Drive (DMP 00018) - Applicants requested to postpone until a future meeting.

Ehlen farm separation request at N7537 McCabe (DW3600002) – Jeff & Lynn Ehlen just rezoned. They are looking for a farm separation to take 10 acres out of the full lot and keep all of the farmland in Jeff's name while letting his son have some land. Norm made a motion to approve the farm separation, seconded by Bob. Motion passed unanimously.

Florczak encroachment agreement at N7805 E. Lakeshore (DGS 00020) – The Florczak's have an existing retaining wall in the right-of-way. In July the board approved them moving the retaining wall with the understanding that they get an encroachment agreement drawn up for the new work. The wall has been removed. They'd like to use cement instead of stone and they're wondering if that's an issue. There would be a frost wall and drainage and then they'd like to put up a carport or garage and they'd work that new wall into the future structure. Bob said the stone or concrete wall would be the Florczak's decision as long as it's done in the right way. Lowell said that the town could require the Florczak's to remove any garage or structure if needed in the future and the Florczak's understand that. Bob said that the encroachment agreement states that and it gets recorded on the deed. Norm said that the Florczak's would accept responsibility if someone gets hurt because it's town property and they'd have to notify their insurance. Carrie will have the town attorney approve the agreement before the board signs it. Norm made a motion to accept the encroachment agreement, seconded by Bob. Motion passed unanimously.

Ludeman Certified Survey Map approval at N8901 Parker Road (D W 1200007 & D W 1200009) – Becky Ludeman, daughter of Wilfred and Jean Ludeman, said the property is going to stay zoned A-1 and the current farmers will continue to farm and they want to buy it. Becky wants to keep the house and sell the farmland to the current farmers. Norm said that the county checked it over and everything looked good to them. Norm doesn't see any problem with it. Norm made a motion to approve, seconded by Bob. Motion passed unanimously.

Baxter & Woodman E. Lakeshore Drive ditching engineering plan proposal – Doug Snyder from Baxter & Woodman provided an hours, budget, and compensation plan for the proposed work on E. Lakeshore Drive. The total project cost is \$15,500. Bob said that we need to get the project engineered before we move forward. Doug said that he can find topo info from the 1964-era when the 4" steel main gas line was put in, but it won't show the ditch because it's only to the closest foot vertically and this is almost flat. Bob said we were going to put the ditching out to bid and then we learned that if we change any drainage direction we could be liable. Art Schmitz said that the fact that ditching hasn't been done has altered the drainage. He has pictures of how the water flows across the road and none of it is going through the new culvert. The ditch between there and Cruse Lane was dry in the last big rain. Doug said that the utility company must move their utilities, which takes time, at no cost to the town as long as there are approved engineered plans. Doug would have the locate company locate the depth, the survey crew will shoot it and determine if there is a real conflict as part of the engineering plan set long before we dig. Utility company will have a completely different set of plans for relocating the utilities that are conflicts. Doug said, if approved, engineering plans will be done this year and then they have to go to the utilities, which can take 90 days. Doug said the engineered plan timeline gives the utility company time to do something if they need to. Next April would be the first we could dig. There are three sections that could be done over a few years with a total cost of about \$250,000. Norm proposed wherever the pavement is on the east side of the road, go out 3' and down 1' and that would follow the contour of the road. Could adjust the culverts. Or we could burm up the lake side town property and take it down to Cruse Lane. Art says there's a maximum of 5' of town property and the ditch should be on the non-lake side of the road. Doug said the concept says to ditch on the east side of the road. No matter what happens you have to get the engineered plans. Norm says we should skip the engineered plan and could just do regular ditching maintenance to take care of most of the water issues and Art agrees that is the best option. Lowell said he's concerned about hitting a utility or causing an accident or injury. Norm said we would hire insured people who will dig by hand and be liable if there's an issue. Doug said we should protect ourselves with performance bonds and payment bonds. Bob said if it's engineering it will eliminate possible issues. Doug said some new and moved culverts might be needed to get it to drain properly. Another resident, Ben Barbour, said if there aren't issues, then why fix it. When you're on the downhill side of the road, that's where the water goes. No one else has come to the town in all these years to ask for help. Norm said that all the engineering we had done so far is on a 10-year rainfall and we've had 100 year rainfalls lately that could cause issues. Bob said we have a savings of almost \$30,000 on the road

work that was put out for bid this year and invoices have come in under bid. Lowell made a motion to should table and discuss at another meeting, seconded by Bob. Motion passed unanimously.

Century Fence proposal to install new guardrails on Island and Willis Ray Roads – Lowell made a motion to make the class 1 notice as necessary and will check any other bids that come in, seconded by Norm. Motion passed unanimously.

Hill Drive road work – Lowell met with the contractor who said cement is a terrible idea because the salt will eat it up in a short period of time. They will put adequate base underneath. Lowell said they'll dig it out, put the base in, compact, and blacktop yet this year. Lowell made a motion to accept the bid we currently have and see if they can get it done this year at that price, seconded by Bob. Motion passed unanimously.

Transportation Resolution – Lowell said that the township thinks the governor and the legislature need to do something with the road situation because we aren't getting enough money for roads. The governor doesn't want to put any more money in the road budget unless he can find cuts somewhere else. Lowell made a motion to approve the resolution, seconded by Norm. Motion passed unanimously.

Other town business – Lowell explained the DNR and the Wisconsin Town's Association said that the town isn't required to have buoys or safety patrol and they aren't our responsibility or our duty per law. We've taken it on, but it isn't necessary. We receive a lot of grief and take a lot of heat over it. It's an issue every year, with this year being especially bad. If the town chooses, we can announce that we are not going to continue these services. There would be an uproar because no one else wants to do it. Bob said we need to work with Lake Management by going to the meetings and explaining the situation. Lowell will attend the Lake Management District annual meeting in August and will discuss this and maybe they could take it over since they're a taxing authority who is so closely managing the lake issues. Norm said that we are lucky to have Sean, who is really dedicated and puts in extra effort, and he deals with a lot of nasty people.

Public input – Claudia Holst said that she noticed that televisions get thrown out by the road and it's not the town's responsibility to pick up. Could the town charge to pick up and dispose of televisions? Bob Strand picked up two this morning. John's charges \$40 for the first and \$20 for the second. Someone in Fort took these two from Bob at no charge. Carrie will put a note with the next tax bill and on the town website. In Whitewater there will be a plant that will accept televisions, but it isn't ready yet. Claudia also said there should be a speed limit sign on E. Lakeshore heading north by Shereda, which we talked about a few months ago. There are other signs on E. Lakeshore that might need to be repaired or replaced.

The board paid bills.

Bob made a motion to adjourn at 8:34pm, seconded by Lowell. The motion passed unanimously.

Respectfully submitted by Carrie Hintz, Clerk/Treasurer