

Town of Whitewater Town Board Meeting Minutes
Wednesday, September 14, 2016
7:00pm

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

The minutes of the August 18, 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 – None

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

2nd Side Supervisor – Norm talked to Sean of the Safety Patrol. Had a real light boating season and not a lot of tickets. Had more warnings than actual citations. Still going to qualify for our grant. Also asked if they'd take the buoys out for the same \$600 as they put them in for and he agreed to do that on Whitewater Lake. A volunteer is going to take them out on Rice Lake and store them at his house.

1st Side Supervisor – Bob picked up 4 more television sets. Town residents will get a notice with tax mailings on how to get rid of them. Nelson Bus is concerned with some branches doing damage to buses and they'll provide a list of spots to be addressed.

Chairman - Lowell said that Gerald and Connie Murray lost their house at Whitewater Lake to a fire last night.

Sheriff's Department Incident Report – John Albright read the report (see attached).

Update on the State of the Whitewater Unified School District (M. Elworthy & N. Jaeger) – District Administrator Mark Elworthy said that after 18 months of citizen and community feedback, there will be a \$23,500,000 referendum on the November 8 ballot. Nate Jaeger said most buildings were built in the 1960's and 1950's. This referendum will have a minimal impact on the tax levy. Referendum information is available on the school district website. Open office hours every Monday at Central Office, can visit community groups, and October 12 open house at Lincoln.

Florczak right-of-way deed request at N7805 E. Lakeshore (DGS 00020) - The Florczak's went to Walworth County Zoning and they said that the existing encroachment doesn't allow them to put up any structure. They're requesting the small portion of land in the town right-of-way be deeded over to the Florczak's. Norm said that there was one instance that we did give land to the property owners on Krahn Drive. That was a unique situation and this situation is different. Norm said giving road away is setting a terrible precedence. He said the land would have to be rezoned. Bob said that they have 22.9' to the property line. The Florczak's could put up a single car garage with a variance in that space. Bob said that selling people property isn't the right move because it is setting a bad precedence and he thinks they should pursue the single car garage option. The Florczak's said they haven't filed the retaining wall encroachment agreement yet, but will take care of that. Norm made a motion to deny the right-of-way deed request, seconded by Bob. Motion passed unanimously.

Hite variance request at N7566 W. Lakeshore Drive (DMP 00018) – Kyle Kroft, the Hite's representative, came back with additional changes to their plan. They met with Walworth County today and were told the stairway law RN115 changed recently and that everybody is entitled to an access way or stairway to the lake. They added three times the vegetation of what the Walworth County planting person suggested. The wall around the firepit could be built up slightly and regraded to make it more of an original grade. Also presented a letter of confirmation that the work would be complete by May 2017 in accordance with the stipulations. They said that the original work was never done with ill intent and they are trying hard to come

up with a plan that will work. They appreciate the town and county working with them to try to come up with a feasible plan. Norm said that our input is just a recommendation. Norm asked what the town should tell other people who want to do this same work that they can't but that the Hite's can do their work illegally and then get approval. Kyle presented photos of the neighbor's who have retaining walls, deck on the lake, etc. Around the lake there are other properties with similar work. Norm asked whether those properties work was done with a permit or not. Bob mentioned that those properties may or may not have a permit and that the work could have been done long ago. The Hites are willing to sign an agreement that when the Hites no longer own the property, they could put everything back to the original condition. Norm said that if time was of the essence to make this a happy place for Mr. Hite, in two days the illegal stuff could be taken out and new sod put down. Bob said you can't use someone's health as a reason to approve an illegal project even though it's a huge, gorgeous project. Bob spoke to a neighbor today and they think it's beautiful, but some neighbor's would like the same thing. Bob said that even if they did apply for permits initially, zoning might not have approved it. Bob said the stairs is an easy fix. The shore stone walkway will be completely removed that's parallel with the lakefront. Bob met with a man who is going to buy a house on Rice Lake and Bob informed him to take his plat of survey to Walworth County first to see what he can and can't do. Norm said that on Deerpath Road, a gentlemen had a terminal wife. The house had three bends in the hallway and the ambulance had to strap her to a board and put it on end to get her out of the house three times. They wanted a deck access off the master bedroom for this purpose and the town and county boards both turned them down. The Hite's representation said they don't see anything in their plan that is a burden to the neighborhood. It doesn't affect waterflow or looks. Norm said that it could be for the lifetime of this individual and then be taken out if that's even a legal option. The Hite's would be agreeable to that, but the Hite's would have to come back to the town board. Bob said the illegal firepit is the biggest issue. The lakefront isn't supposed to be disturbed and this firepit does exactly that. Bob made a motion to deny the firepit, the stairway will be repaired to the correct landing size, and the seawall flagstone is going to be removed, seconded by Norm. Motion passed unanimously.

Building permit service proposals review and discussion –

- Greg Noll and Troy of MZIS provided a proposal to offer their services. They've been working in the Jefferson County area since 2004 and work for 3 cities and 9 townships. Both men come from the contracting trades. Greg had been approached by a couple contractors asking if they'd talk to Whitewater Township. They're in the City of Whitewater at least 3 days per week. They can offer any range of duties that we need. He provided a proposed fee schedule that is similar to other townships, but he's flexible and will do what our town wants. We don't currently do permitting and inspections for commercial properties, but MZIS does commercial permits if we're interested. Bob said residential permitting is all about safety. Greg said we're a little low on permit fees. Norm said that we're hiring someone to put a tax on the people doing the building. Norm said that if MZIS could do it for same prices as in our ordinance, we wouldn't have to change our ordinance. Greg said that our ordinance might need to be updated anyway. Greg said that he has a simplicity to his proposed fee structure. Norm would like to see the same service we're getting now for the same money, and he could add commercial if he wants to. Bob said we currently keep 10% with SafeBuilt and MZIS would give us 20%. He collects all of the fees and at the end of the month he provides the town with their 20% and a listing of all permits issued. Norm said the fees could be kept where we're at and we maintain the 10% rather than 20% to make up the difference. Norm doesn't want to change our ordinance because of the work and cost. If we add commercial and agricultural electric we'd have to change our ordinance anyway. Greg said he feels confident that he has enough manpower to cover our township and they both live close by. They generally can do inspections the same day or within 24 hours. State requires an inspection within 48 hours of notification. Bob asked about whether a photo of footings could be approved if no one is available. Greg said he doesn't like to do that, but if there was a unique situation and he'd done a lot of work with a reputable contractor in the past, he could make that work. He hasn't had to deal with Walworth County Zoning yet, but has dealt with other zoning agencies. He could work with our current fee schedule for a year until we change our ordinance schedule.
- Joe Messler, who lives in Edgerton, has been in the trades for 42 years and comes past Whitewater twice a day. Certified in all commercial categories as well. He's been a building inspector for 29 years and knows Darrin at Walworth County. He has municipalities all over Walworth County. He does all of the inspections, but isn't short staffed and has a man who works in the office and fills in when Joe isn't available. Most contracts are 80/20 or 70/30. He said you have to be fair and reasonable to the customers. Time is always of the essence and we're all on the same team. He agreed on the photo footing question, that he could do that if it's a reputable contractor. He is the inspector for the city of

Elkhorn right across the street from the courthouse and has office hours there, so contractors could stop there during his office hours after meeting with the Walworth County Zoning. Does monthly report like MZIS. He isn't short staffed and he picks and chooses his communities. Joe said he'd work with the town's fee schedule for the first year as well.

- Carrie said that she checked with Walworth County clerks and they recommended Joe Messler and one other service provider who doesn't have room to take on another municipality. Carrie didn't check with Jefferson County for recommendations. We have to give 60 days notice to SafeBuilt if we decide to stop using their service. Norm made a motion to table to November, seconded by Bob. Motion passed unanimously.

Whitewater-Rice Lake Management District grant support letter – Norm said we do this every year as a formality for the district to get grant funds from the DNR. A resident asked if this was to get money to remove the bogs. The board said this is an issue for Whitewater-Rice Lake Management District and the town doesn't have anything to do with it. Norm made a motion to send the letter, seconded by Bob. Motion passed unanimously.

Safety Patrol and buoys on Whitewater & Rice Lakes - Lowell said that he attended the August Whitewater-Rice Lake Management District annual meeting and there was discussion that no one is legally obligated to take care of the lake in the manner in which we do with the safety patrol and buoys. Rich Charts said he appreciates all of the town's efforts. The E. Lakeshore Drive water issue came up and people said money is being spent to solve one man's problem there, but he's also received complaints that we're spending town money for people who want to use the lake when that's only a certain group of people. He shared the financial costs of the safety patrol and buoys. Lowell told them that Sean is in the process of marking and numbering the buoys with GPS locations so that we can use that in future years. Norm said that next year Sean will be locating the buoys on Rice Lake. Elaine Florczak said that Sean does a good job and is always very pleasant. Norm said that we appreciate the fact that over half of our taxes come from the lake properties, but that people are demanding and getting short-tempered. Lowell said that he also reminded the Lake Management meeting attendees that of all of the tax money we collect, we only keep 5% and the other 95% goes to the county, state, schools, etc. Pat Ross said that there has been more fast motor boat activity on Rice Lake and that's affected the lake quality.

Other town business – Bob said that on Bay View the man who wanted the bed and breakfast is now selling his property. Carrie said that after the agenda was published, she received information that the Chevy S10 needs about \$500 worth of work. The valve cover gasket is leaking, causing the spark plugs to foul. Norm said we bought that truck for \$3300 about 8 years ago for quick light trips. Norm said that's a pretty expensive repair. He suggests we auction it off and consider purchasing a different runner. Lowell said we won't okay the repair right now and will discuss in the future.

Public input – Elaine Florczak said that she asked people to be more polite when calling in lake problems.

The board paid bills.

Norm made a motion to adjourn at 8:50pm, seconded by Bob. The motion passed unanimously.

Respectfully submitted by Carrie Hintz, Clerk/Treasurer