

Town of Whitewater Town Board Meeting Minutes  
Wednesday, February 8, 2017  
7:00pm

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

The minutes of the January 11, 2017 town board meeting were reviewed. Norm made a motion to accept the minutes as written, seconded by Bob. The motion passed unanimously.

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.

1<sup>st</sup> Side Supervisor – Bob said that they’re doing some work in the field with heavy equipment on Bluff Road just north of Lowell Hagen Trucking. Road conditions are bad and we weren’t notified ahead of time. Bob got a contact for discussion after the field work is done. Also, Howard road north of Bluff we patched massive nasty holes north of Commercial Park to the county line. There was a comment that maybe that road was going to be annexed into the city, but the home owner said that wasn’t going to happen. We need to review that road on our road tour.

2<sup>nd</sup> Side Supervisor – None

Chairman – None

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

2017 Minneiska Ski Team request – Dan Witte, Julie Abramson, and Shawnda Peters requested permission to hold the practices at the State Park beach same as last year. Saturdays and Sundays from 9am-noon. Shows Saturday from Memorial Day to Labor Day. Also requesting a jump practice from 3:30-7pm on Wednesday and another one just before shows at 7:30pm. Julie said they have the same number of shows as previous years. Norm said we didn’t have any complaints last year so made a motion to approve it as long as they get their certificate of insurance in, seconded by Bob. Motion passed unanimously.

Christon Certified Survey Map (DCHR0003-DCHR00006) – Looking for a parcel consolidation combining lots 3, 4, 5, and 6 of Christon Heights. Chris Christon presented on behalf of his father, George Christon. Several years ago they broke up parcels for a subdivision and they’d like to recombine into a nearly 10-acre parcel. There isn’t a road in yet. There shouldn’t be any cost to the town because it will go through County Zoning. Norm made a motion to abandon the subdivision plot and return to the original 9.13 acre plot, seconded by Bob. Motion passed unanimously.

Conditional use request for Dick Kraus on tax key DA267800001 – Dick Krause rents the property to Jim Jackley. Jim said that they rezoned last year but didn’t realize they needed a conditional use permit. They’d like to have produce and pumpkins and haunts on the weekends primarily during October, with occasional ones on other dates. They’d like to start this fall and they have the DOT permit completed for the driveway on Hwy 89 and no passing or pull off lane needed. There is a street address from the county. Would like this second haunt because a lot of customers go to numerous haunts during October. Six years Dick has had haunts at the Fuzzy Pig without issue. This application to the county says 400 people on-site but they think the Fuzzy Pig only has 100 at a time. Jim would like to work with his son and get more into produce and hops. Would like to do more sustainable ag when he retires in 4 years. There’s a big demand from local Wisconsin micro-breweries for local hops. Norm said that they need a sanitary permit according to the paperwork. Jim said that the port-a-potties are fine because they’re limited use and they need a hand washing station. Bob has a concern with the traffic and the cars that are going to be stopping and turning into the driveway since the “local” speed limit is 65 miles per hour (actual speed limit is 55) with several fatalities in the past few years. He’d suggest some blinking yellow lights in both directions and Jim will talk to the DOT about portable signage. The Fuzzy Pig is just a little town road without a lot of traffic. Jim said

he won't lease any farmland for a maze. Jim said the driveway for the two houses will be there for an emergency, but not used for public. Bob made a motion that he can proceed with the conditional use, seconded by Norm. Motion passed unanimously.

Bruce Meyer water issues at W8073 Bay View Drive – Bruce Meyer bought W8080 in 1999 and sold it 4 years ago. The garage and pavement were there when he bought it. He didn't realize the culvert under the road was blocked. Now Bruce Meyer lives across the street and has water issues. Bob said Burke at W8072 contacted him last year about the water flooding their house. Bob researched and the garage at W8080 was built 9' from the lotline and should have been 10'. Bruce got a variance for that. Bob thinks the culvert comes underground and is buried on township property. In order to open the culvert they need to chop a hole in the pavement, check the condition of the culvert, and get it to slide past the garage. Will likely kill a big tree as well. The Burke's would probably have to burm something up to move the water. There is a swail where the water is supposed to go between the two properties. Mr. Meyer has a brand new culvert under his W8073 driveway. The Meyers have lived in their new home just over 2 years. Last year they didn't have a lot of water issues. Lowell said he thinks this issue is because we've had an unusual amount of water, but the Meyers and neighbors think that this has happened regularly and the road has been flooded previously. Bob said that the water flows right over the roadway when it rains hard. Could open the culvert and direct in the burm between the two properties. Norm said that would just dump water on the neighbor and suggested that we need some grading to fix the issue. Need to ditch to the parkland / intersection and get the water to flow from the empty lot. There's a hump in the ditch that's holding the water back. The neighbor to the west would also need some ditching in front of her house. Also need to clean out the existing culvert at the intersection at the end of the road that has some debris built up. Bob Harris should be able to do it with the tractor. Norm said we'll look at it on the road tour and then make a decision.

Little Acorn road damage charges due to Murray fire – Carrie said that we billed Gerald Murray \$2,655 for road repair from road damage done by the fire trucks responding to his house fire in September. Their insurance company researched and no other insurance companies have heard of or paid out for this situation. They questioned whether the fire department is banned from the roads during the weight limit restriction time and said the roads should be built to withstand fire trucks. Bob said that he doesn't feel that we should take any legal action in this situation. Bob said that some of our road work last year came in under budget so we have some extra road funds. Lowell said that we tried and it didn't work, so we should let it go, seconded by Norm. Motion passed unanimously.

Utility Policy – The town attorney drafted a utility policy for the board to review. Norm said that private utilities in the town ROW should be one contract. Norm said that we should have it that any private utilities that go in the road ROW should be contracted with / subscribe to employ Digger's Hotline to locate their private lines when someone calls. At last month's meeting Brian agreed to have his lines listed with Digger's. Carrie to contact town attorney to add this verbiage to the utility policy and talk to Brian Madl to make sure he understands that he'd have to pay to subscribe to Digger's Hotline. Norm said many, many years ago we gave permission to gas, power, and phone companies to put their utilities in the roadway as a utility easement. Norm would like to add something to the draft policy about who is responsible for broken line repairs. Carrie said that last month Brian said that whoever damaged the line would pay for the repairs. Lowell said the fee schedule is lengthy and time consuming for our town employees. Lowell wonders if we can charge an annual calendar year permit of \$500 or \$1000 to do what they need with the rule that they restores everything. Carrie said an annual permit would also help eliminate issues where an emergency permit might be needed at night or a weekend when the town hall is closed. Norm said that we could charge the electric company as well. Last month Brian said that everything will be directional bored underground without road cuts. If he can't get through, then he'll have to open the road. Then Brian would be responsible for repairing the road and dirt at his expense. Ed McManaway mentioned an example from years ago where the company didn't do a good job of restoring because there were rocks under the road. A few changes to the draft include: Page 4 discusses triple forms and email options. Should be a single page that can be emailed and faxed. Page 5 change policy verbiage to "according to our fee schedule" that we're going to create later this year. Page 6 the number of feet should be 5 feet. Page 7 clear zone "is the area where a vehicle leaving the road can travel without conflict. The specific size of the clear zone is typically limited to the Right of Way the municipality maintains or has been designated along a roadway or street." That verbiage should remain in the policy. Norm said when we do our fee schedule we'll have a drawing with the instructions for open cut repairs. Will review again at a future meeting.

Truck repairs needed – Colin’s Mobile Repair looked at our trucks and said that some repairs are needed. Exhaust repair to truck 100 is done at just over \$500. Loren’s truck 101 needs a new clutch repair and it’s an expensive repair. Colin’s quoted about \$2,000 parts and labor. Lowell will get another bid from S&H. He’d like to know if Colin’s is a new or rebuilt clutch, which a rebuilt would be sufficient. He knows it’s very expensive. Bob made a motion to not exceed \$2000 for the clutch repair after we get a second bid, seconded by Norm. Motion passed unanimously.

Changing March 8 town board meeting date to March 15 – Norm made a motion to move it, seconded by Bob. Motion passed unanimously.

Other town business – Norm said that for brushing there is a community service group rather than Huber. Carrie checked with Katie Behl at Walworth County who said the OWI court’s workers all non-violent offenders who are sober and have drug testing and monitoring. These volunteers find their own transportation. Katie said liability isn’t an issue because they’re volunteers and they’ve not had a lawsuit. Katie needs a month’s notice and she’ll overbook because there’s usually a no-show. They do it in a lot of communities, including the City of Elkhorn and the County DPW. Lowell said to try to get three people the weeks of March 20-March 24, March 27-31, and April 3-7 from 8-noon daily. If can’t get the first week in due to not enough notice, then go with April 10-14. Norm said we can be flexible with dates and hours to help volunteers fulfill their needs. Norm said he can come and help with driving and monitoring workers too. Carrie to confirm availability with Tim Ryan to work with the crew. Norm said that volunteers are covered by our insurance without a problem. We’ve done that before.

Public Input – Julie Abramson asked the criteria for getting a passing lane on Highway 89 because she has had close calls turning from Hwy 89 onto town roads. Lowell said that the town doesn’t have any jurisdiction on Hwy 89 or any other state and county roads. Tim Otterbacher said he doubts the county or state would allow a turn lane when turning onto a town road, but he doesn’t know the textbook answer. There is one at Parker Road, so maybe it would be an option. Dan Holst said that they would monitor traffic.

Dick Krause said he’s contacted by college students regularly who need to do volunteer community service work in case the OWI court workers don’t work out. He also asked about fixing Bluff Road, which we’ll look at on the road tour.

Board paid bills.

Bob made a motion to adjourn at 8:24pm, seconded by Norm. The motion passed unanimously.

*Respectfully submitted by Carrie Hintz, Clerk/Treasurer*