

JANUARY 14, 2013 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman William Glembocki at 6:30 p.m. on Monday, January 14, 2013 at the Town Hall in New Munster. He opened the meeting with the *Pledge of Allegiance*.

Town Board members present – Chairman Glembocki and Supervisor Andrew Lois. Others present: Clerk Sheila Siegler, Attorney Jeff Davison, Ardie Monzel, Marilyn Magnuski, T. Vestal, Jill M. Rzeplenski, Louis M. Gurley, Kurt Bowman, Don Lupi, Jim Schneider, Joan Schneider, Emily Pavlich, Charles & Cis Boyer, Dan Lupi, Tom Gerner, Marc Kaiser, Marjorie Huddleston, Tom Barr, John Caesan, Chris Massie, Jodi Massie, Deanna Delimat, Tim Delimat, Bill Heeg, Charlie Holst, Ryan Holst, T.J. Crichton, Jeff Butler, Ralph Holst, Jonathan Huddleston, Daniel Huddleston, Devin Massie, Tyrus Beam, Tony Giorno, Cheryl Eisenhauer, Jeff Beam, *Kenosha News* reporter Jill Tatge-Rozell and *West of the I* reporter Darren Hillock.

Chairman Glembocki noted that for anyone who may not have heard, Supervisor Bob Herda died December 7, 2012. We will not have a full board until April 16th when the new board takes office.

Notices were posted in six public areas and the town website. The *Kenosha News* and *Westosha Report* were notified. Individuals who have requested meeting notices by e-mail were also sent agendas as required by state law.

William Glembocki moved to approve Minutes of the December 10, 2012 Town Board Meeting. Andrew Lois seconded. Motion carried.

- **Fire Dept.** – none
- **Public comments** – Jill Rzeplenski, 28700 60th St., Salem and representing Lily Lake Resort regarding the motorcycles on the ice, said she wants to answer questions. They want to get along with everyone and need the business. They had one race three years ago but not in the past two years. She is here tonight to answer questions.

- **Discussion of motorcycle ice racing on Lilly Lake – no action to be taken at this meeting.**

Chairman Glembocki said there have been a lot of e-mails regarding the motorcycle racing on the ice. He was able to arrange to have the town attorney attend tonight. He opened the meeting for discussion by those present.

Cheryl Eisenhauer, 7915 334th Ave. asked why the attorney was called and who is paying for his service? Chairman explained he doesn't know all the laws and it's better to have someone present who can give the correct information. He is the town attorney and his service is an expense paid by the town.

Town Attorney Jeff Davison said the DNR would need to approve any ordinance regulating activity on the lake and that does require a 60 day review period. Any objections would require a public hearing which could further delay enactment. There is no proposed ordinance that will be presented at this meeting. The purpose is to hear both sides in this issue and perhaps come up with some ideas that could work for both sides.

Jim Schneider, 33108 80th St. said he spoke with the DNR attorney and was told the DNR doesn't have jurisdiction of the ice.

Davison said he represents a number of other local municipalities. The Sturtevant DNR Office stated jurisdiction of ice-bound waters also requires DNR approval. Locally, that has been the DNR position.

Marc Kaiser, 33114 80th St. said he spoke to Sgt Benn of the Kenosha County Sheriff's Dept. and they have nothing to regulate motorcycles on ice and can't enforce anything on the lake. Kaiser said if an ordinance is put forward by the town, it should be for all motorized vehicles. He doesn't want to stop the motorcycles but there should be agreement about hours, exhaust pipe, etc. It should be a safe activity; he doesn't want any responsibility or any taxpayer liability.

Davison said the DNR insists snowmobiles and ATV's would also have to be covered. The law would have to be uniform. There is not a liability to the taxpayers of Wheatland. The state owns the lake, not the town. Factory equipped mufflers should be a part of any proposed ordinance.

Chairman Glembocki said he asked bikers if there was a way to muffle a big bike so it's not a full bore attack. He said the board will be addressing this at the second meeting in April when we have all

three board members. Everyone has great ideas but the board needs to balance them. He encouraged the two sides to get together and encouraged the motorcycle enthusiasts to tell their friends of the need to muffle the noise. Boats and wave runners are also noisy when operated at full steam.

John Caesan, 5520 14th Ave., Kenosha said the bikers do try to police themselves but there are always one or two individuals. They do get on fellow riders to quiet down but, as citizens, they can't kick bikers off the lake. Davison said if the ordinance is enacted by the town board and the DNR, it can be enforced.

Chairman Glembocki – we can't get an ordinance for this year so an effort by the bikers to control noise would go a long way. Caesan said he doesn't do racing; they are just playing around and having fun. He would like to hear comments and concerns.

Emily Pavlich, 33104 80th St., said the bike racing was more than just on Saturday and Sunday. It happened during the week, and it was 95 decibels inside her house. She wants to reiterate that it was loud. She just wants to share the lake. If she were ice fishing, the bike activity would drive her crazy; the bikers just take over.

Davison asked Caesan if there was a formal organization. Caesan said, "no," it's just a bunch of families getting together. Davison said if there were an umbrella organization, it would allow a permit process to be able to run on the lake.

Cheryl Eisenhauer said the racing was advertised as a promo on Channel 4 and 6. Jill Rzeplenski said it was but that was two years ago. Nothing was done last year or this year.

Supervisor Lois said he was present during some of the bike riding/racing. He could not believe the noise; there were eight at a time. Ice fishermen were out there and the bikers were close to the ice shacks and going as fast as possible. Everybody has to share the lake; any ordinance should regulate days and hours.

Caesan said they were nowhere near the ice shanties when he was riding this past week. They attempt to stay a minimum of 100 ft. away. He asked for direction from the board as to what the board would ultimately like to happen. Glembocki said he would like some written input before the April meeting and 100 ft. from a shack would be good but he knows the shacks can move around.

Jill Rzeplenski said there is a smaller track by Lilly Lake Resort. What can she do? Davison suggested she speak to the residents there.

Marc Kaiser said noise and safety are his main concerns. Can they stick to one part of the lake? He doesn't want to ban it from the lake.

Chairman suggested they talk to each other outside the meeting and bring suggestions to the board.

- **Request by Hillside Heights Estates Subdivision developers Jankowski-Iselin Partnership, 29120 Ketterhagen Rd., Burlington, WI 53105 for an amendment to the subdivision covenants** relating to temporary storage of boats or recreational vehicles, cutting & harvesting of boxelder trees and storage of firewood.

Chairman Glembocki moved to accept the amendment as written. Supervisor Lois seconded. Motion carried.

- **Alcoholic Beverage Operator License: Renee T. Peterson, Lake Geneva – Local Folks**

Andrew Lois moved approval of an alcoholic beverage operator license for Renee T. Peterson. William Glembocki seconded. Background check and school certification requirements have been met. Motion carried.

- **Request of Tucker Bay Energies, LLC, 18 Culverdale Pl., The Woodlands, TX 77382**

(owner), Black Bull Fireworks, 34231 High Drive, East Troy, WI 53120 (agent) for a Kenosha County Zoning & Shoreland/Floodplain Zoning Temporary Use Permit to operate a temporary fireworks sales stand from June 14th to July 7th, 2013, 10 a.m. – 8 p.m. from a 30' x 40' tent, an 8' x 40' steel storage shed and including two (2) 8' x 15' banner signs to be located on property owned by Tucker Bay Energies LLC, Tax Parcel #95-4-219-353-0230. Sales tent & shed will be located in the parking lot on the east side of the pumps of the *Wheatland Convenience Center* (Marathon Gas Station - Hwy "83" & "50"), 33703 59th St.

Deanna Delimat was present and stated the sales operation would be the same this year as in the past.

Marc Kaiser asked if it was legal to set off fireworks and if not, why should they be sold. We are creating a nuisance by allowing this. Attorney Davison responded the state law does not make sense but it is legal to sell a certain level of ground fireworks (sparklers, etc.) to Wisconsin residents and they can set them off but it is also legal to sell the higher level "good" kind to out-of-state buyers but not legal for a Wisconsin residents to buy or to explode them.

Chairman Glembocki said there were a few problems with two of the sales operations in the town last year. The one at Black Bull Fireworks was a salesperson's error and steps were taken by the Delimats to remedy that for future sales. Otherwise, the Black Bull Fireworks have had no problems and run a good operation.

Supervisor Lois moved a motion to send a favorable recommendation to the Kenosha County Board of Adjustments with the stipulations in the application regarding the business dates, hours, placement, etc., the same as last year. Chairman Glembocki seconded. Motion carried.

- **Reports**

- A. Road report – Chairman said the main snow operation, so far, has been salting
- B. Treasurer's Report – next meeting
- C. Building Inspector Report – next meeting
- D. Other reports - Chairman noted American Transmission Company was mailing a notice of a meeting to all property owners within 1500 ft. of the proposed new transmission routes. The north route includes a good portion of Wheatland. The line is expected to be built by 2019.

- **Announcements** – none

- **Correspondence**

Clerk reported there will be a Plan Commission meeting on January 28. The Kenosha County Planning & Development Office has informed us they will be sending all meeting notices, beginning with the February 2013 meeting, to the municipalities by electronic mail. It will also be available on the county website.

Charter Communications will be making changes in coming months beginning a process to remove the analog format of select channels from their lineup. More than 85% of the customers use digital equipment. Some channels will remain analog at this time. A complete list was attached. Charter serves part of the Powers Lake area in Wheatland.

A letter, dated December 12, 2012, was received from the State of Wisconsin Government Accountability Board in regard to the polling place onsite accessibility compliance audit report conducted during the General Election on November 6, 2012. The letter stated we would receive a report in regard to their onsite audit in the next 30-45 days. The report should provide the findings, and recommendations.

A letter dated November 21, 2012 and received December 13, 2012 from Veolia ES Solid Waste (current garbage and recycling services company) informs us Veolia has been combined with Advanced Disposal and will be operating under the Advanced Disposal name. There should be no change in operation.

- **Financial matters:**

- A. Purchase approval - none
- B. Other financial matters – none

- **Adjournment**

Meeting adjourned at 7:20 p.m. on a motion moved by Glembocki and seconded by Lois.

Respectfully submitted,

Sheila M. Siegler, Town Clerk