

AUGUST 14, 2017 WHEATLAND TOWN BOARD MEETING

Meeting was called to order by Chairman William Glembocki at 6:00 p.m. on Monday, August 14, 2017 at the Town Hall in New Munster and opened with the *Pledge of Allegiance*. Town Board members present: Supervisor Andrew Lois and Supervisor Kelly Wilson. Others present: Clerk Sheila Siegler, Constable Robert Santelli, Fire Chief Lou Denko, Town Attorney Jeff Davison, Town Engineer Len Roecker, WI DNR Recreational Safety Warden Jason Roberts, WI DNR Warden Brandon Smith, DNR Warden, Alan Kaddatz, Grant Kaddatz, Dan Geren, Eric Glas, Brian Bird, Fred Linninger, Jeff Halldorson, Chris Brown, Eldonna Koehnke, Bill Koehnke, Mike Opitz, Jeff Butler, Dennis Robers, Bob Haas, George Grenus, Brian Wanasek, Dan Boileau, Clayton Wagner, Tom Kaczmarek Jr, Doug Schaal, Lowell Lemmerhirt, Wayne Kaddatz, Jen Schenning, Greg Governatori, Marleen Lamp, Len Gilardi, Jorja Gilardi, Karl Schenning, Michelle Manley, Bruce Maki, Thomas Carlson Jr, Michael Herda, Callie Rucker, and Ken Rucker.

Notices were posted in two public areas (Town Hall and Transfer Station) 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. Property owners abutting Tax Parcel #95-4-119-041-0218 (Daniel & Penny Boileau) were notified by First Class Mail.

Minutes of the July 24, 2017 town board meetings were motioned for approval by Kelly Wilson and second by Andrew Lois. Motion carried.

Fire Dept. Report - none

Public Safety Report - none

Public Comments - Tom Kaczmarek Jr, 33157 331st Ave. said Lilly Lake was closed (ordered as Slow No Wake) a month ago. What criteria did the board use to close, what criteria to open? Is it going to be closed all summer. Chairman responded it was a safety issue and the water is still too high. Kaczmarek said people on lake are being deprived of lake usage; close the beach instead. Chairman said it is on the agenda later in the meeting for discussion.

DNR recreational safety warden Jason Roberts - ATV travel on town roads

Chairman said people have been asking about using four-wheelers and golf carts in subdivisions like they do up north.

Warden Roberts said he was asked to attend and speak about ATV and golf carts on town roads. He said it is a local decision but other municipalities have found that ATV's and UTV's are built and designed with off road use in mind. ATV and UTV use is not recommended by manufacturers for paved roads. Some modern machines don't have lights, signals and brake lights. The steering columns are not for roadway use and the tires are an issue also.

State law states you can't exceed speed limit but if roadway is a 45 mph, you need that reduced to 25 mph for ATV use. In winter you have a compressed roadway with snow banks perhaps on each sides and motor vehicles fighting with UTV and ATV for space. Volume of traffic and pedestrian use are a consideration and a challenge that needs to be addressed. It is more sparsely populated up north.

Law enforcement - you would have local police and sheriff department but sheriff has had no ATV patrol for a couple of years. DNR is limited - state overall only nine positions. Chairman said he did talk to sheriff and sheriff said whatever the board decides, they will work with. Roberts said sheriff could be reimbursed for ATV patrol if he puts in hours and applies for reimbursement.

Roberts also said that in Walworth County, Darien and Sharon recently enacted ATV use on some local roads. They've had complaints of riders trespassing in farm fields, people wanting to travel on gravel shoulder which causes more maintenance and noise complaints. ATV noise is bound by state statute and DNR can check that for us if it becomes an issue.

The town has the authority to open up roads. You would need to publish an ordinance, send ordinance to DNR and post all roads that are opened for ATV travel in accordance with DNR standards. This means road route signs and standard DOT signs which are green, reflectorized and meet standards. The ordinance has to mention each road or have map that clearly shows road routes. County and state roads would need county board approval and Dept of Transportation approval, respectively, to open those roads for travel. Responding to Chairman Glembocki, Roberts said you can legally cross county roads but you can't ride adjacent to them.

Regarding accidents - Roberts said the 5 year average is 22- 25 fatal each year. In 2007 only about 17% of the fatal were related to roadway use. 2016 - 63% fatal were roadway use. 2017 so far, 14 fatal and 8 were related to roadways. Speed has to be kept down because machines are not built for roadways.

Chairman next step will be to go thru the information presented. We have people wanting roads opened and others not wanting that.

Supervisor Lois said on roads he's ridden up north there are signs that require the ATV to be ridden on the roadway rather than the shoulder.

Bob Haas said the Village of Westfield and the City of Reedsburg allow them in municipal limits. They've had no problems of which he is aware. He said these are expensive machines. People won't abuse them.

Jason Roberts said they could be seasonal, open just in winter or summer. ATV on roadways actually started up north for fishermen to operate in winter on frozen lakes. Chairman said we would be considering for year around.

Daniel A. & Penny L. Boileau, 6475 366th Ct., Burlington, WI 53105, Tax Parcel #95-4-119-041-0218 - request for a variance from the Kenosha County Zoning & Shoreland Floodplain Ordinance to construct a 32' x 36' (1,152 sq. ft.) detached accessory building which will be located in the street yard of 366th Ct. Ordinance requires the location to be side or rear yard; this is a corner lot with mostly street yards.

Chairman said the board members looked at it and said it is a large lot but there is no other place to put it. Supervisor Lois asked what the exterior of building would be. Boileau said brown metal. No one was present to speak against it. Abutting property owners have been notified of the meeting.

Andrew Lois moved to approve a favorable recommendation to the Kenosha County Board of Adjustments for the variance requested by Daniel A. & Penny L. Boileau to construct a 32' x 36' detached accessory building to be located in the street yard of 366th Ct. per application submitted for 6475 366th Ct., Tax Parcel #95-4-119-041-0218. Kelly Wilson seconded. Motion carried unanimously.

Discuss Slades Corners water problems

Wayne Kaddatz, 39405 60th St. presented a large panoramic photo display taken today of water still standing from the recent July 12th storm. He showed engineering study he had done by Farris Hansen. He quoted from the SEWRPC study of 1984, water drains north and seeps away. A large berm is constricting the storm water from Slades Corners. With the new development on the north side of 50, it is supposed to drain away from a 100 year storm in 72 hours by infiltration but it has been more than a month. Can be fixed by rerouting but very expensive.

Chairman said town purchased a tax-deeded corner lot last year next to George Grenus to help with this drainage issue. Water still standing everywhere from this storm.

Len Roecker said Slades Corners is a natural kettle area with no outlet and relies on water soaking into the ground. Before the development that has occurred, there was no natural outlet. To provide some relief to Slades Corners, is it wise to divide the water to relieve this. Downstream property owners would get more water and may object. Is there good public benefit to do this?

Storm brought out problems everywhere of where water is stored or not enough storage. Still have standing water in many areas. Where the water has left, there may be field tiles.

Mr. Kaddatz is correct in that infiltration is the only way to get rid of the water. This is wettest year in Wisconsin history with 25 inches already. There was already a high water table before the storm.

A high water overflow device could make sense if there are no negative downstream effects. Are there additional areas for storage that could be used? That might be a solution. This natural kettle area had a greater storage capacity. Highway 50 roadbed took away capacity. There was no mitigation.

The town continues to monitor the New Generation development. DNR and the county have all been appraised of issues at the construction site. All entities approved the project and it was designed to 100 year flood standards. Maintenance agreement has been signed and the system is required to be functional.

Design documents were not engineered to drain away in 72 hours. We had a very large event that exceeded the design parameters. We need the property to drain out before we can determine whether it is functional or just not working.

Amount of rain put this storm in category of 180 - 200 year event using monitoring systems in place at other spots. Locally you may have found greater rainfall.

Chairman explained the system previously discussed using perforated tile. This could relieve the high water table. It would help but not prevent in biblical storm.

Len Roecker said an engineered answer can be done but downstream property needs to be addressed.

Vince Mosca, to Roecker's point, can't just drain depression by easements on private property. You would need permits from the state and the county. Can't hurt someone. Need an engineering study.

Wayne Kaddatz - 854.59 elevation in the middle of town. It won't get out. Rain gauge showed 7.25" in his yard in the middle of town. 1.5 mile ditch, 18" culvert surrounded by boulders, could drain the south side of 50 with hardly any downstream issues. But the north side of 50 is another matter.

Alan Kaddatz said the other building and blacktopped road are not in and that will stop absorption and create more runoff.

Wayne talked about his 3,670 ft. ditch that will have to be cleaned all the time to maintain or larger maintenance problem. They use a high-ho now to mow and cut small trees.

Using the tax-deeded lot, 1/2 mile of ditch will de-value his field plus the cost of maintaining, dividing the property, etc.

Downstream flooding and how far downstream any study would have to address. Roecker said it may have to go further east than Rollingbrooke Manor Sub.

Wayne Kaddatz attorney argued that a WI Supreme Court case ruled that you can shed downstream. Town attorney Davison disagreed.

Vince Mosca said you may need to use a 25 - 50 year storm because there is not a lot of fall. It would get an edge off storage.

Attorney Davison said you need a proposal for a study from Len Roecker.

Dennis Robers said he is opposed to tiled ground. Frozen ground won't let drain water down.

Roecker said any study would need Wayne Kaddatz involved, SEWRPC, County, DNR, and can't affect downstream people.

Doug Schaal said he heard New Generation was 17" too low. Who is monitoring. Roecker said there are multiple things not done and all are being checked. New Generation needs to complete these items in next 6 weeks and is obligated to do all this. As to who is monitoring, the county, town, and state are doing so.

Len Roecker said it would be the September 11th meeting before he had a proposal ready.

Chairman thanked Wayne Kaddatz for his efforts.

Fire Dept. -

Fire Chief Lou Denko reported that at the last fire department monthly meeting, the membership decided a change is needed. They are discontinuing the June festival and will plan a fundraiser for the beginning of Fall in 2017. It will be an indoor event. With the amount of time and money that was expended this year, it was not a good return.

They are also looking for a 14 ft. flat-bottomed John boat, one they can carry across ground. The recent flooding showed the need for this.

Review Lilly Lake Slow-No-Wake and approval of any changes to the order

Chairman said the SNW was discussed at the August 12 annual meeting of the lake district. Setting a high water level mark will be discussed and hopefully approved at a special town meeting in spring 2018.

He said he was not in favor of removing the SNW at this time. If the lake drops they can call a special meeting to remove. Andrew Lois said mostly everyone wanted SNW to remain at Saturday's meeting. It will be on the next meeting agenda.

Andrew Lois moved a motion to keep the Slow No Wake order in effect for now. Kelly Wilson seconded. Motion carried.

Alcoholic Beverage Operator License Applications for period July 1, 2017 - June 30, 2018:

- Tara Marie Costa, Twin Lakes - *Independent*
- Patricia L. Poppe, New Munster - *Independent*
- Kayla Chandel Anderson, Burlington - *Independent*
- Lucas J. Vieau, Burlington - *Wheatland Convenience Center*

William Glembocki moved approval. Kelly Wilson seconded. All have alcohol server certification and favorable background check. Motion carried.

Reports - Correspondence - Announcements

- A. Road report - none
- B. Chairman's report - none
- C. Clerk's report

Clerk's Report -August 14, 2017 Town Board Meeting	
FEMA mapping	August 31, 2 p.m., Racine Co. Service Center, Burlington, overview & demonstration of new mapping system for Fox River Flood Inundation areas
31st St/Karcher	T. Burlington is repairing guard rail damaged last winter and located in their maintenance section per our agreement for splitting the road into east end and west end. As a note: guard rail is on the south side and just west of 376th. If road was split lengthwise it would be our maintenance.
Sharing Center committee	Sharon Pomaville, Sharing Center Director is looking for someone from the Town to be on the committee to distribute the flood fund money.
402-85th-406th Ave	Complaints of potholes and cracks. Said we are considering paving but flood repair expenses have us reconsidering.
Disaster Aids for roads - state	Possible road aids if FEMA doesn't kick in. Would need to approve a Disaster Aid Petition at next meeting. State-funded.
USDA Rural Develop.	Help for people with flooding damage -loans and grants available
Favaro	meeting at zoning office, 9:30 8/15/2017
34925 67th St driveway	owner wants road fixed where broken off for his driveway. Road higher than driveway and we did not pave into his driveway. Now road breaking off.
Policy	when building sits on town line (Randall and Wheatland), bldg permit, variance, etc. will be permitted and heard by town with the highest value.
WI DOA	Preliminary population estimate for Wheatland = 3,359; 2016 was 3,352.
DNR - permit	DNR is using aerial spraying for chemical control of cattail/phragmites for approx. 50 acres in the New Munster Wildlife Area

D. Correspondence and Announcements -

Financial matters:

A. Purchase approval - Water patrol pier and boat lift proposal from Recreation Plus for \$4,100. Board decided to wait and perhaps run across a better deal. It's the end of the season. Randall has boat ready to be released. Chairman will speak to Randall for delivery.

Clerk said water patrol wants to know if we want it continued into September with the SNW in effect. Board said yes, weather permitting. Clerk reported buoys have been ordered to replace damaged buoys.

B. Other financial matters - Town of Burlington needs to be told we want the 31st St. guard rail replaced as engineered and not just the end cap. Accident report filed and insurance should pay part or all of it. Town attorney said we need replaced or we will have liability because the guard rail is on the south side even if we do have an agreement and that is Burlington's area for maintenance .

Kelly Wilson will be the board representative on the Sharing Center committee distributing the flood fund-raiser money.

402nd Ave. needs to be paved. More discussed. Will discuss at next meeting. Chairman said Randall will call this week with a firm date as to when they are paving.

Board approved purchasing a search light for the new boat from Randall for a price of \$198 on a motion by Kelly Wilson and second by Andrew Lois.

376th Ave. stumps in front of 3613 need to be bored according to owner. He is willing to pay for it. Board said get a price from Complete Tree who are removing the trees and then have the 3613 owner reimburse the town before the stumps are bored.

C. Clerk's Report of July Disbursements and 2017 Budget Report to date -

Chairman moved to approve July disbursements in the amount of \$65,493.15, checks #26819 thru #26884, July 1-31 as printed. Kelly Wilson seconded. Motion carried.

Motion to go into closed session under Sec. 19.85(1)(g) confer with legal counsel regarding current or likely litigation - T. Wheatland vs Pamela Fisher

Chairman moved to go into closed session to confer with legal counsel regarding current or likely litigation - T. Wheatland vs Pamela Fisher with the board, clerk, and town attorney to be in attendance. Kelly Wilson seconded. Motion carried. Town Attorney stated no minutes are to be taken and there is to be no audio recording of the closed session.

Adjournment - board adjourned in closed session.

Respectfully submitted,

Sheila M. Siegler, Town Clerk