

TOWN OF WEST POINT

Pursuant to Wisconsin State Statute 19.84, the Town Board of the Town of West Point held their regular monthly meeting on Thursday April 11, 2013 at the West Point Town Hall. The meeting was published in the Lodi Enterprise, the Sauk Prairie Star, posted in the three designated places in the town and on the town's web site.

The Town Board meeting was called to order by Dean Schwarz – Chairman at 6:30 p.m. The town board members present were: Dean Schwarz-Town Chairman, John Miller-1st Supervisor, Gordon Carncross-2nd Supervisor (6:35 p.m.), Bill Niemi-3rd Supervisor and Matt Zeman-4th Supervisor. Also present were Edith K. Eberle-Town Clerk, and Lonna Zeman-Town Treasurer.

The Pledge of Allegiance was said.

A motion was made by Bill Niemi to move agenda items #12, #13,#15 and #16 up to accommodate the Town Attorney Jeff Clark as he has a tight schedule, 2nd by Matt Zeman – motion carried unanimously.

A motion was made by Matt Zeman to repeat agenda item #4 Citizen Input later in the agenda, 2nd by Bill Niemi - motion carried unanimously.

Citizen Input: None.

Copies of the March 14, 2013 meeting were emailed to each town board member prior to the meeting for their review. A motion was made by Bill Niemi to approve the March 14, 2013 minutes with minor typo's, 2nd by John Miller – motion carried.

Treasurer Lonna Zeman had prepared the following report: General Fund as of March 31, 2013 - \$295,181.14; Park Fund \$4,727.32 (\$1,530.28 in separate account in Quick Books and \$3,197.04 is in a six month CD Park Fund at the Bank of Prairie du Sac); Historical Society is \$2,846.86 and Savannah Tree is \$2,124.28 is in a 1 year CD. The Town Treasurer and Town Clerk balanced the bank accounts for the month of March.

Correspondence – Columbia County Ag Reporter; notice of violation for Robert & Lana Morvice at W12180 Stated Highway 188 on Tourist Rooming House;

Information on Fire Department and Emergency Medical Services Funding; Notice of Complete Application for Proposed Boat Ramp on Lake Wisconsin; Copy of Local Government Property Insurance; Minutes for Lodi EMS from February 21, 2013; Letter from Wisconsin Deferred Compensation Program; Letter from DNR on Fire Permits; Letter from Tracy Thompson on safety concern on the lake access in Selwood Subdivision; and Bill was sent to Crystal Lake RV Resort on Fire Call bill.

The bills were reviewed by each town board member prior to the town board meeting. A copy of the bills, deposits, budget for 2013 were given to each town board member for their information. A motion was made by Bill Niemi to move \$10,000.00 from 53316 Road Construction and move to 53312 Snow Plowing, 2nd by John Miller – motion carried unanimously. A motion was made by Bill Niemi to move \$3,000.00 from 59900 Reserve Contingencies to 51300 Legal - motion carried unanimously. A motion was made by Bill Niemi to pay the bills as presented, 2nd by Gordon Carncross - motion carried unanimously.

Kevin Kryinski and Tara Bast from Johnson Block and Company, Inc. presented the town board with copies of the Financial Statement of the General Fund audit that they performed for the Town of West Point 2012 for their consideration. Kevin Kryinski had concerns with uninsured and uncollectable money for 2 months during tax time. Kevin Kryinski stated that the Town of West Point has a 29% fund balance carry over which is good. A motion was made by Gordon Carncross to approve the 2012 Financial Statement the Johnson Block and Company, Inc. has presented, 2nd by John Miller - motion carried unanimously.

A motion was made by John Miller to have Lonna Zeman, Town Treasurer check with the Bank of Prairie du Sac on the uninsured money (over the FDIC) to see if the money should be put in different accounts during tax time, 2nd by Matt Zeman - motion carried unanimously.

The following resolutions were presented to the Town Board for their consideration: Lodi Boys Basketball team, Lodi Girls Basketball team and Sauk Prairie Wrestling team. A motion was made by John Miller to approve Resolutions #4-11-2013BB, #4-11-2013GB, and #4-11-2013, 2nd by Bill Niemi - motion carried unanimously.

Chuck Pursell, Superintendent of the Lodi School presented the Town Board with a draft copy of a Memorandum of Understanding between the City of Lodi, Town of Lodi, Town of West Point, Lodi Fire Commission, Lodi EMS Commission

and School District of Lodi on emergency preparedness and facilities which would be suitable for providing emergency services in event of an emergency, severe weather or a natural disaster for their consideration. A motion was made by Dean Schwarz to approve the draft MOU with minor changes, 2nd by Gordon Carncross - motion carried unanimously.

A Conditional Use Permit for Stephen (Chris) Haynes at N2288 Trails End – Conditional Use Permit if for Columbia County Zoning Ordinance Chapter 16-150-070D for short term rental which is allowed under a Conditional Use Permit. Attorney Jeff Clark stated as of March 12, 2012 the town’s role has changed for Conditional Use Permit as that town has veto power. Chairman Dean Schwarz allowed the following to speak on the Conditional Use Permit:

- Scott Commings, N2310 Trails End – number of cars , lakes are a big investment, no supervision – **against**
- Micki Beutle W11000 North Lake Point Drive (not a town resident) – if not allowed it will knock tourism, supports local business – **for**
- Byron Olson – W12684 State Highway 188 – the Plan Commission looked at what the residents wanted and they were against 10-1, no benefit to the area, commercial not in residential area – **against**
- William Roark – 4801 Sheboygan Ave (owner of property next to Haynes) – vulnerability of property, unattended fires, and input on the “little marsh” – **against**
- Philip Bossard – N2296 Trails End – owned property next to the Haynes for 48 years, bonfire left unattended and went fishing, noise, language, and fireworks-called police – **against**
- Fred Bossard – N2296 Trails End (co-owner with Philip) signed petition that says it all, big boats – ruts from boats, slamming doors etc. vandalize and reported to Columbia County Planning and Zoning – **against**
- Henry Loncki – N2396 Trails End – **against**
- Chris Haynes – 250 N. Summit (owner of property) – lived on property for 6 years until last year, keep peace, apologize if offend anyone, there are two other neighbors who also rent their homes, Bossard lives in Chicago, tourism is good for economy, 30 tourist rooming houses in the area bring in \$18,000.00, need housing for tourists, need a chance, no hard evidence for findings of facts, and would respect the Town Board for their decision – **for**

- Judy Spek Haynes – ruts have always been there not from renters, local business support tourism, loss of businesses – **for**

The following letters of **support** were also received by past renters:

- Christine Russell – 810 Walnut Street – Verona
- Carolyn Gascon
- Curtis Miller – Monroe
- Melissa Woods
- Brent Varner
- Scott Davis – Lake Zurich, IL

The Plan Commission based on Public Hearing recommended to the Town Board was to deny the conditional use permit for Chris and Judy Haynes with the Findings of Fact #1, #2, #5, #7 were not satisfied and #3, #4, #6 were satisfied. The Town Board stated that this is a tough situation as we are acting as a judge as same for Board of Review. A motion was made by Dean Schwarz to deny the Conditional Use Permit application for Chris and Judy Haynes and to make the findings recommended by the Plan Commission regarding the review criteria in s. 16-150-070 D or the County ordinance, 2nd by Bill Niemi –

Gordon Carncross stated that this is the toughest decision – feuds with neighbors should not decide – need to be more specific – running a tourist room house is acceptable in a residential zoned property, have an agreement at local level with a duration of 2 years. It was stated that 7 are **for** and 39 against the Conditional Use Permit. A roll call vote was taken as follows:

- Dean Schwarz – yes
- John Miller – yes
- Gordon Carncross – no
- Bill Niemi – yes
- Matt Zeman – yes

The motion carried. The conditional use permit was denied.

A Conditional Use Permit for David Mitchell at W12618 Pleasant View Park Road – Conditional Use Permit is for Columbia County Zoning Ordinance Chapter 16-150-070 D for short term rental which is allowed under a Conditional Use Permit was presented to the Town Board for their consideration. David Mitchell stated that he has rented the property for 6 years and had no problem with neighbors until 6 months ago. There is 3 bedrooms, 8 people maximum, had the septic checked and it is ok, more control with weekly rental, has rules and regulations to give to people, trying to work with neighbors and the following signatures in favor of the Conditional Use Permit were presented as follows:

- Steve Attoe – W11405 County V
- Stephen Chris Haynes – N2288 Trails End
- David Mitchell – W12618 Pleasant View Park Road
- Kristen and Rodney Hegge – N2332 Pleasant View Park Road
- Paul Stadler – W12807 Pleasant View Park Drive
- Will Sadek – N2365 Pleasant View Circle
- Randy Hill – W12674 Pleasant View Park Road
- Becky Martell – W12563 County Road V
- Richard Telvick – N2381 State Road 188
- Jan Crawford – N2381 State Road 188
- David Duran – W12621 Pleasant View Park Road
- Mary Neuman – W12812 Pleasant View Park Road
- Tim Anthon – W12776 Pleasant View Park Road

The Plan Commission based on Public Hearing recommended to the Town Board was to deny the conditional use permit for David Mitchell with the Findings of Fact #1, #2, #5, #7 were not satisfied and #3, #4, #6 were satisfied. A motion was made by Dean Schwarz to deny the Conditional Use Permit application for David Mitchell and to make the findings recommended by the Plan Commission regarding the review criteria in s. 16-150-070 D or the County ordinance, 2nd by John Miller – Matt Zeman stated that it is commercial business in residential area – Bill Niemi stated that Conditional Use Permit goes with the Property. A roll call vote was taken as follows:

- Dean Schwarz – yes
- John Miller – yes
- Gordon Carncross – no
- Bill Niemi – yes
- Matt Zeman – yes

The motion carried. The conditional use permit was denied.

The Town Board had asked Chuck Bongard, town engineer to give them an approximate cost for adding a checklist to compile with the Town of West Point Comprehensive plan. Chuck Bongard stated in an email letter that the building permit and/or driveway permit application forms will need to be updated to require applicants to provide adequate information so that a review can be completed. A check list should also be created that Chuck Bongard would complete with pertinent comments and submit to the Plan Commission upon review of an application. Chuck Bongard will be asked to prepare the application materials and checklist for less than \$500.00. Chuck Bongard stated in his letter

that a typical review would be approximately \$250.00 which would be added to the \$200.00 driveway application. A motion was made by Bill Niemi to have Chuck Bongard, Town Engineer to prepare the application materials and checklist, 2nd by Gordon Carncross - motion carried unanimously.

A Plat of Survey for Gasser Bros, Inc. was presented to the Town Board for their consideration. The Plan Commission recommended to the Town Board - to grant a waiver for materials that would be required under the Town of West Point Land Division Ordinance, Sections 6.09 and 6.10, to approve the request for the land division, conditioned upon receiving deed covenants and restrictions satisfactory to the Town Attorney. A motion was made by Gordon Carncross to approve the Plat of Survey for Gasser Bros. Inc. with the following conditions –

1. Preparation of Declaration of Covenants satisfactory to the Town Attorney and the execution and recording of the same
2. Preparation of Easements for ingress and egress in favor of Cemetery association in a form acceptable to the Town Attorney and the execution and recording of same

2nd by John Miller - motion carried unanimously.

The Town Board had asked Attorney Jeff Clark to give them a quote to revising Chapter 6 Land Division and Subdivision Ordinance. Attorney Jeff Clark quoted a cost of \$3,000.00 to \$5,000.00 to revise Chapter 6 Land Division and Subdivision Ordinance and to have it completed by June 1, 2013. A motion was made by Bill Niemi to approve \$3,000.00 to \$5,000.00 to revise Chapter 6 Land Division and Subdivision Ordinance and to have it completed by June 1, 2013, 2nd by Matt Zeman - motion carried unanimously.

Bill Niemi stated that the Park Committee had met at St. Al's to determine the size of the pavilion; it was revised to 32 x 50. Curtis Ryan is drafting a revised drawing in one week at which time it will be on the Plan Commission agenda for the May 2, 2013. There has to be bids for material and how to build it. A motion was made by Dean Schwarz to ask Chuck Bongard, Town Engineer to set up bid documents not to exceed \$600.00, 2nd by John Miller motion carried unanimously.

Bill Niemi asked to have a separate committee for fund raising of the pavilion is set up. Dean Schwarz, Matt Zeman and Bill Niemi (help) will be on the fund raising committee.

A motion was made by Bill Niemi to postpone action on the Promissory Note for building the pavilion until final cost have been determined, 2nd by Matt Zeman - motion carried unanimously.

A motion was made by Dean Schwarz to get a quote from Columbia County Highway for maintenance on the Old Sauk Road Bridge, and ask if the bridge surface will be coated with liquid epoxy, 2nd by Matt Zeman - motion carried unanimously.

No action on Brushing of Town roads.

A motion was made by Matt Zeman not to approve Columbia County Highway Advance, 2nd by Bill Niemi - motion carried unanimously.

An application for permit of Using Town property in Pleasant View Park Road has been received from Sean M. Cleary. A copy of insurance was presented along with the application. A motion was made by John Miller to approve the application for use of Town property in Pleasant View Park Road for Sean M. Cleary, 2nd by Bill Niemi - motion carried unanimously.

Town Chairman Dean Schwarz presented the Town Board with the following appointments for their consideration.

- Plan Commission – Fred Madison – a motion was made by Matt Zeman to appoint Fred Madison to the Plan Commission for 3 years (term ending April 30, 2016, 2nd by John Miller - motion carried unanimously.
- Plan Commission – Wayne Houston – a motion was made by John Miller to appoint Wayne Houston to the Plan Commission for 3 years (term ending April 30, 2016, 2nd by Gordon Carncross – a roll call vote was taken as follows – Matt Zeman – no; Bill Niemi – no; Gordon Carncross – yes; John Miller – yes; and Dean Schwarz – no – the motion failed.
- Historical Commission – Della Ryan – a motion was made by John Miller to appoint Della Ryan to the Historical Commission for 3 years (term ending April 30, 2016, 2nd by Bill Niemi - motion carried unanimously.
- Historical Commission – Chris Ryan – a motion was made by Dean Schwarz to appoint Chris Ryan to the Historical Commission for 3 years (term ending April 30, 2016), 2nd by John Miller - motion carried unanimously.
- Lodi Fire Commission – Douglas Nelson – a motion was made by Dean Schwarz to appoint Douglas Nelson to the Lodi Fire Commission for 2

- years (term ending April 30, 2015), 2nd by Matt Zeman - motion carried unanimously.
- Sauk Fire Commission – Bill Niemi – a motion was made by Matt Zeman to appoint Bill Niemi to the Sauk Fire Commission (term ending April 30, 2015), 2nd by John Miller - motion carried unanimously.
 - Sauk Fire Commission – Sean O’Connor – a motion was made by Bill Niemi to appoint Sean O’Connor to the Sauk Fire Commission (term ending April 30, 2015), 2nd by Dean Schwarz - motion carried unanimously.
 - Lodi Ambulance Commission – Alan Treinen – a motion was made by Dean Schwarz to appoint Alan Treinen to the Lodi Ambulance Commission (term ending April 30, 2015), 2nd by Matt Zeman - motion carried unanimously.
 - Sauk Ambulance Commission – John Miller – a motion was made by Bill Niemi to appoint John Miller to the Sauk Ambulance Commission, 2nd by Gordon Carncross - motion carried unanimously.

A motion was made by Dean Schwarz to postpone action on a report on the Town payment to Fish, Crystal and Mud Lake District, 2nd by Bill Niemi - motion carried unanimously.

Town Clerk Edith Eberle asked if any of the Town Board members were interested in attending the Town Official Workshop – no action.

Town Clerk Edith Eberle asked the Town Board to consider moving \$1,000.00 from Election Expense and moving to Town Clerk Expenses to allow Taffy Buchanan attend the Clerks Institute on July 14-19, 2013. A motion was made by Bill Niemi to move \$1,000.00 from 51441 Election Expense to 51403 Clerk Expense, 2nd by Dean Schwarz - motion carried unanimously.

Reports:

Town Park Committee – report in minutes as action items

Lodi Fire Commission – no report

Sauk Fire District – Officers meeting was held on March 20, 2013 and the next meeting will be in May.

Plan Commission – Gordon Carncross reported on the January 17, 2013; February 7, 2013 and March 7, 2013 meetings.

Sauk EMS Committee – Minutes from the March 28th meeting have been received and given to each Town board member for their information.

Transfer Site Report – Matt Zeman reported that there will be 2 persons working at the Transfer site in the summer when they have the construction dumpster.

Lodi EMS Committee – no report

Outdoor Open Space Committee –met on April 8, 2013

Columbia County Report – Kevin Kessler stated that Columbia County has the following items that are being discussed:

- ERN Numbers – installing and putting in numbers at a cost \$75.00
- Tourist Rooming houses
- Shooting Range

There will be a meeting on April 30, 2013 in Portage on the ERN numbers.

Fish, Crystal and Mud Lake District/Pumping – no report

Broadband Committee – will be meeting on April 3, 2013

The next town board meeting will be on Thursday, May 9, 2013 at 7:00 p.m. on the agenda is: Quotes for Refinishing the Town of West Point/Ryan Park /sign; Payment to Fish, Crystal and Mud Lake District; Bike Racks for Town Hall; and any other business that can legally added to the agenda.

A motion was made by John Miller to adjourn the April 11, 2013 town board meeting at 10:31 p.m., 2nd by Bill Niemi– motion carried unanimously.

Respectfully Submitted By
Edith Kay Eberle
Town Clerk