

TOWN OF WEST POINT
TOWN BOARD MEETING MINUTES
July 13, 2023

Pursuant to Wisconsin State Statute 19.84, the Town Board of the Town of West Point held their regular monthly meeting on Thursday, July 13, 2023, at the West Point Town Hall and via Zoom. The meeting was published in the Lodi Enterprise, the Star News, posted in the three designated places in the Town and on the Town's website.

The Town Board meeting was called to order by Ashley Nedeau-Owen - Town Chairman, at 7:00 p.m. The Town Board members present at the Town Hall were: Ashley Nedeau-Owen - Town Chairman, Kevin Kessler - 1st Supervisor, Scott Earnest - 2nd Supervisor, John Ungrodt - 3rd Supervisor, and David Lendved - 4th Supervisor. Also present was Taffy Buchanan - Town Clerk. Absent was Sharon Richmond - Town Treasurer(excused).

The Pledge of Allegiance was said.

A motion was made by Scott Earnest to approve the agenda as presented, 2nd by John Ungrodt – motion carried unanimously.

Citizen Input – None

Copies of the June 8, 2023, Town Board Meeting minutes were emailed to each Town Board member prior to the meeting for their review. A motion was made by Kevin Kessler to approve the June 8, 2023, Town Board Meeting minutes with the addition of the summary of the Parks & Open Space Committee report, 2nd by David Lendved - motion carried unanimously.

The Clerk presented the following report for the Treasurer Sharon Richmond: General Fund as of June 30, 2023 - \$495,371.97; Coronavirus Recovery Acct (ARPA Funds) - \$208,290.42; Park Fund \$2,727.00; Historical Society is \$6,593.20; and Savannah Tree is \$1,170.97 is in a 1-year CD (matures 5/24/24). The Town Treasurer and Town Clerk reconciled the bank accounts for the month of June.

Correspondence – Blackhawk Ridge Condos have received all their permits and will be starting construction. A resident told the Clerk they were concerned about the visibility issues at the corner of State Road 188 and Rausch Road and wanted to know

if the corn could be cut. The Sauk Fire District conducted their fire inspection of the Town Hall and pointed out that the outside bathroom doors need replacement, the bottoms are rusted, but it is not a fire issue. The Town received minutes from the Lodi Area Fire District Fire Commission meeting from May 17, 2023. The Town Chair received another letter about the trees in Pine Vista from Clifford Wilkenson. "Steering into the Skid" a short play on the early progression of dementia will be held at the Lodi Middle School on August 16, 2023. John Ungrodt attended the Wisconsin Towns Association Columbia County Unit meeting on June 22, 2023, where he learned of a significant increase to the Shared Revenue amount the Town receives.

The bills were reviewed by each town board member prior to the town board meeting. A copy of the bills, deposits, and budget for 2023 were given to each town board member for their information. A motion was made by David Lendved to take \$5,000.00 from 53116 Highway Reconstruction and move it to 53633 Transfer Site Expense, 2nd by Kevin Kessler – motion carried unanimously. A motion was made by Kevin Kessler to approve paying the bills as presented, 2nd Scott Earnest – motion carried unanimously.

Reports:

Columbia County Report – Doug Richmond sent a written report stating the clean-up is continuing from the fire at the Solid Waste Center and rough estimates are putting the loss at about \$8,000,000.00. The budget process for 2024 is beginning with all departments asked for a zero increase in operating expenses.

Lodi Fire Commission – David Lendved reported they met on June 20th, 2023, and passed a resolution that the Fire Chief will be the official "keeper of the records". They decided Bobbie Annen, former LAFD Fire Chief, will be the Marshall for the Susie Day Parade and that they will have an appreciation presentation for him at the Pancake Breakfast.

Sauk Fire District – no meeting

Sauk Prairie Ambulance – John Miller reported that they just voted on the change of officers and everything is running smoothly.

Lodi EMS Commission – no meeting

Plan Commission – Kevin Kessler reported on the July 6, 2023, meetings. The Plan Commission held public hearings, discussed, and made recommendations on rezones & CSMs for 5th Generation Homestead and Vincent Demarte. The Plan Commission also held a public hearing for a variance for Steve Britt, but postponed action because they deemed the application incomplete.

Transfer Site Report – no report

Park & Open Space Committee – no meeting due to lack of quorum

A rezone and CSM request were received from 5th Generation Homestead LLC c/o Tyler and Andrea Miller, to rezone a portion of Parcels #11040-249.A, #11040-262, and #11040-263 from A-1 Agriculture to RR-1 Rural Residential and rezone a portion of Parcel #11040-263 from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay. The Plan Commission reviewed the request and recommended approval of the rezone and CSM. A motion was made by Kevin Kessler to recommend to Columbia County to approve the rezones that would create the RR-1 Rural Residential lot and for the Town Board to approve the CSM subject to the payment of the “park fee” and filing of the deed covenants, 2nd by John Ungrodt – motion carried unanimously.

The Town received a request from Vincent Demarte to rezone Parcel #11040-551.A from C-2 General Commercial with PD-2 Planned Commercial Overlay to R-1 Single-Family Residence with PD-1 Planned Residential Overlay and then combine it with Parcels #11022-275 & #11022-275.A, which are in the Town of Lodi with a CSM. There is an existing residence on this property and by rezoning this property to R-1 Single Family Residence the residential use on the property will be brought into compliance with the zoning code. The Plan commission reviewed the request and recommended approval of the rezone and CSM. A motion was made by Kevin Kessler to recommend to Columbia County to approve the proposed rezone, 2nd by David Lendved – motion carried unanimously. A motion was made by Kevin Kessler to approve the proposed CSM for a lot-line adjustment, 2nd by Ashley Nedeau-Owen – motion carried unanimously.

A request for a variance was received from Steven & Lisa Britt, to Section 12.110.03(1) Parcels and Building Standards in Residential Zoning Districts, Section 12.110.03(2) Minimum Required Setback for Front and Street Side Yards, and Section 12.525.02(1) Shoreland Setbacks of the Columbia County Zoning

Ordinance at W12694 Pleasant View Park Road, Lodi, Parcel #11040-657. Steve & Lisa Britt would like to remove the existing single-family residence which is in ill-repair and rebuild a new single-family residence, under current standards, the lot size does not allow for any building. At the July 6th Plan Commission meeting, the Plan Commission made a motion to find the application incomplete and postpone action. The Town has 60 days to give a recommendation to the County from June 5th, 2023. Since the Plan Commission decided to postpone, a recommendation would not be able to happen until the August Town Board meeting, which is after the 60 days. Kevin Kessler called the County to ask for an extension and meet with the County and applicant to get more information on the variance, was informed that extensions are not granted for variances. The Board discussed the requested variances and affirmed that there were questions posed by the Plan Commission that had not been answered by County staff. The first question is on the County variance form under Legal Standards for Variances, it says "In most cases, if property is already developed and has an established use, a hardship will not exist." Since a hardship determination is excluded "in most cases," what are the exceptional cases where a hardship could be determined? The second question relates to self-imposed hardship. If a hardship exists for the applicant to build a new house, is there a limitation in the size of the house to avoid creating a self-imposed hardship? What would the maximum square footage of the buildable area before it would be considered a "self-imposed" hardship? A motion was made by Kevin Kessler that the Town Board not make a recommendation of "approval" or "disapproval of the variances because of the discrepancies, 2nd by David Lendved – motion failed unanimously. A motion was made by Kevin Kessler to recommend to Columbia County that they approve all 3 requests for variances, but the Board also bring to the County's attention the two questions the County staff could not answer, 2nd by Scott Earnest – motion carried unanimously.

The following operator license applications for Sunset Harbor Bar & Grill were presented to the Town Board for consideration: Gretchen Backhaus, Susan Ballweg, Lisa Krueger, Joseph Wright, and Heather Woodruff. All applicants presented have either held Operator Licenses in the Town of West Point before and / or attended Alcohol Awareness Classes. A motion was made by Kevin Kessler to approve the Operator Licenses as presented, 2nd by David Lendved – motion carried unanimously.

The Town Clerk received the check for \$15,680.00 from the Lake Sustainability Fund for the cost of the 2 culverts for the Schoepp Road Project and

wanted to verify it should be deposited. The Town Board agreed it should be deposited in the Town's bank account.

John Ungrodt presented the updated "draft" ordinance for ATV / UTV use on Town Roads. A motion was made by Kevin Kessler to authorize the Town Clerk to schedule a public hearing for the draft ordinance amendment for ATV /UTV use on Town Roads for the August meeting and to strike "for public safety" in Section 12.45(F)(1)(a), 2nd by John Ungrodt – motion carried unanimously.

In May the Town Board authorized crackfilling to be done by Columbia County Highway up to \$14,283.50 with the Petition for County Highway Aid. The Engineer gave the County a list of roads that could be done, and the County gave an estimate for each road on the list. The Town Board agreed with the Town Engineer recommendation on crackfilling Rausch Road and VanNess Road.

Scott Anderson, Town Engineer, send an estimate from S&L Underground for improvements of the detention ponds for the Blackhawk Ridge area. The estimate was for \$17,811.00 for the ditching and pond revisions on both areas. The estimate included two "mobilize" charges of \$1,065.00 each and the Town board questioned why there would be two if they would be doing both at the same time. A motion was made by Kevin Kessler to authorize \$16,750.00 to S&L Underground for the work on the Golf Road detention ponds, 2nd by David Lendved – motion carried unanimously. The Town Chair will contact S&L Underground about the amount approved for the work.

The Town Chair sent out a "Notice of Violation" to the landowners of the property in Ryan's Haven where there had been significant tree and brush clearing to let them know to stop all land disturbance and the Town Engineer went out to look at the property. A motion was made by Ashley Nedeau-Owen to postpone until the August Town Board meeting, 2nd by Kevin Kessler – motion carried unanimously.

The Town Chair was waiting to send out the letter he drafted until he met with Jim Grothman to get a date for the meeting which he will include in the letter to send to residents affected by the "Promenade" to get the funding of an Assessor's Plat started. He will meet with Jim Grothman on July 17, 2023 and the letter will be sent out that week. A motion was made by Kevin Kessler that if the Town of West Point orders an Assessor's Plat covering the Promenade, the Town Board of the Town of West Point commits to contribute up to a maximum of

\$50,000.00 as a loan up front, with the Town's contribution being reimbursed to the Town out of the collections received from the individual title holders, under the special assessment process, 2nd by David Lendved – motion carried unanimously.

A request was made from a resident asking if a tree could be planted on Town property as a memorial. A motion was made by Kevin Kessler to delegate to the Parks & Open Space Committee to approval authority of planting trees on Town property and that if a memorial resolution is requested the Parks & Open Space Committee take on the task, 2nd by John Ungrodt – motion carried unanimously.

The Savannah Tree CD is a segregated tree fund the Town has been holding for the benefit of the 4 lots from the Savannah Ridge CSM located on Four Season Lane. A motion was to accept the "Landowners' Resolution to Release Tree Fund" releasing the funds and upon the mature date of Savannah Tree Fund CD the funds be moved into the "Park Fund, 2nd by Scott Earnest – Yes 3, No 0, Abstain 2 – motion carried. I have attached a copy of the "Landowners' Resolution to Release Tree Fund to the minutes.

A motion was made by Scott Earnest to postpone "EMS Inter-governmental Agreement," 2nd by Ashley Nedeau-Owen – motion carried unanimously.

The next regular town board meeting will be on Thursday, August 10, 2023, at 7:00pm, on the agenda is: Public hearing for ATV / UTV routes, Sauk Fire IGA, LAEMS IGA, Tree Cutting on Centennial Court, Town roads, and any other business that can be legally added to the agenda.

A motion was made by Kevin Kessler to adjourn the July 13, 2023, Town Board meeting at 10:30pm, 2nd by John Ungrodt – motion carried unanimously.

Respectfully Submitted By
Taffy Buchanan
Town Clerk

Landowners' Resolution to Release Tree Fund Savanna Ridge CSM p.1/2

We the undersigned are owners of all four lots on Four Season Lane (formerly named Wildwood Way) in the Town of West Point, Columbia County, Wisconsin. The purpose of this resolution is to allow the Town of West Point Town Board to release remaining monies from the segregated tree fund, to transfer the monies to the Town's Park Fund, and to use those monies for improvements to Town of West Point public parks.

Whereas, the four lots on Four Season Way were created by a Columbia County Certified Survey Map approved by the Town of West Point on 07/25/2006 and recorded with the Register of Deeds on 08/02/2006 as CSM Map No. 4603 and;

Whereas, an amendment to the Declaration of Covenants and Restrictions for the CSM was recorded with the Register of Deeds on 10/25/2007, DOC # 772566; and

Whereas, Section 2 of the above-referenced amendment records the creation of a "segregated tree fund for the benefit of the CSM" which, among other things, requires that:

- The developer or the subsequent owners of each lot are required to plant at least one oak tree on the lot at such time as a residence has been constructed,
- The oak tree(s) shall be in addition to the other shade tree that must be planted in each front yard.
- The cost of planting is to be reimbursed from the segregated tree fund based upon the share of the number of trees to be planted; and

Whereas, it has been over 15 years since the segregated tree fund was created; and

Whereas, the Segregated Tree Fund has a remaining balance of less than \$1200; and

Whereas, there is inadequate space at the front of lot 2 to plant a white oak tree upon completion of the residence and landscaping as is presently required; and

Whereas, the owners of said four lots do not intend to plant additional oak trees or to seek additional reimbursement from the Segregated Tree Fund.;

Now, Therefore, Be It Resolved, that the undersigned owners of all the lots on Four Season Lane consent to the release of the remaining balance in the Segregated Tree Fund provided that the full balance is transferred to the Town of West Point Parks Fund to be used for improvements to Town parks; and

Be It Further Resolved, that the undersigned owners consent to the release of any remaining deed restriction requirements to plant any additional white oak trees at the front of each lot..

Landowners' Resolution to Release Tree Fund
Savanna Ridge CSM p.2/2

Signed:

Lot 1:

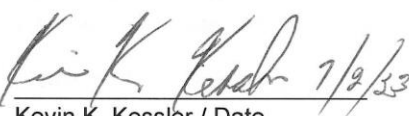

John W. Ungrodt / Date 7/2/23



Lori D. Ungrodt / Date 7.2.2023

Lot 2:

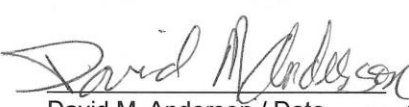

Square Foot Custom Design & Construction, LLC
By John W. Ungrodt / Date

Lot 3:


Kevin K. Kessler / Date 7/2/23


Sherry L. Kessler / Date 7/2/23

Lot 4:


David M. Anderson / Date 7/4/23


Karen Anderson / Date 7/2/23