

COMMITTEE OF THE WHOLE MEETING MINUTES
TWIN LAKES VILLAGE HALL
AUGUST 1, 2005 @ 7:00 PM

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CALL TO ORDER - 7:05pm/PLEDGE OF ALLEGIANCE/ROLL CALL: Bower, Connolly, Griffin, Karow, Moran, Skinner, Present. Stoen-Absent. Attorney Rod Carter, Village Administrator David E Cox, Police Chief Robert O'Hallen and Clerk/Treasurer, Kathleen Richardson, also in attendance.

PUBLIC COMMENTS AND QUESTIONS:

Betty Loranger, 2403 Anna Avenue - expressed concern that everyone may not be aware of the "burning ban" and asked that it be posted on the Village sign. Loranger further stated it took her an hour and a half to get home due to Country Thunder traffic. Chief O'Hallen agreed that is not an easy task, and that Thursday night was a disaster due to the fact that many promotional tickets were given out. Parking was not available so it spilled over into the neighborhoods. Ideas were discussed for next year as well as a safety lane for local traffic to access the neighborhoods.

O'Hallen also spoke of two programs the department was participating in, "Click it or Ticket" and "You Drink, You Drive, You Lose" through the State Department of Transportation. Officer Steve Flash was recognized with a certification from the DOT for his hard work in establishing these programs in the Village. The Village was chosen as one of eight finalists for a \$4,000 grant from the DOT due to Flasch's work.

Pat Dahme, 1911 Esch Road - noticed the Kenosha County Sheriff were not doing any patrolling (during Country Thunder) on the Randall side of Esch Road, and asked about this for next year. O'Hallen stated this was a County concern, however, Twin Lakes did have barricades there for local traffic only. Dahme further expressed concern with our out of town home owners not being aware of the burning ban. Chief stated a warning and informational brochure will be issued, and then a citation if burning continues.

Jeff Gresenz, 1715 Roosevelt Road - expressed great concern that the Courtesy Code sheet passed out by LARA at the annual Lake District meeting was incorrect. It is an embarrassment that this was allowed and the Board needs to examine who is running the Lake District. Gresenz also thanked all those who volunteered their time to clean the multi-use trail.

Vicki Skinner, 1309 Lance Drive - stated the Courtesy Code distributed by LARA at the Lake District was done so from a tent outside of the meeting.

Pam Becker, 232 Park Avenue - concurred with Vicki Skinner that the Codes were wrapped around a free bottle of water along with a LARA brochure.

Pete Lovely, 120 W Hunt Avenue - expressed interest for a system whereby those who ice fish would be able to take a four wheeler from their homes directly to the lakes. Chief O'Hallen suggested perhaps roads next to the snowmobile trails could be used.

PRESIDENT AND TRUSTEE REPORTS

TRUSTEE BOWER - Administration, Finance, Judiciary, Licensing: (i) *Consideration of a Motion to Approve Operator's Licenses for the Following Individuals Subject to Schooling and Police Department Review in Accordance with Village Code:* Ashley Easterwood (New License, Twin Lakes Liquor), Andrea Hardeg-Melcher (New License, Independent), Michelle Millard (New License, Mad Dan's), Melissa Yanke (New License, Independent). (ii) *Consideration of the Issuance of an Amusement Establishment License to Edward Vardon for a Business Located at 200 E Main Street.* Cox stated the business is geared towards teenagers and offers a combination of computer/arcade games. (iii) *Discussion and Consideration of Possible Actions Related to the Ethics Board's Recommendation to Bid out Basic Vehicle Maintenance Services.* Skinner removed himself into the audience for this discussion. Cox stated the Ethics Board suggested these services be bid out since Skinner has been elected to the Board. The Village ordinance is a stricter requirement than State Statutes. Connolly stated the Village has maintained an on-going relationship with Skinner's Services for years for the maintenance of both the Police Department and Public Works fleet vehicles. Bower agreed as did Moran who also stated the convenience of having the vehicles serviced in town was a plus. Perhaps the bidding out of major repairs could be done. Chief stated he hoped they would allow him to have some input in that Skinner's Service will pick up/drop off vehicles, and many times will jump squads or fix on the spot at

no charge. Skinner's also has a towing service. Bill Kaskin, Public Works Foreman, agreed with the Chief.

Gloria Laurin, 425 Wilmot Avenue - stated for as long as she served on the Board, the Village never had a problem with quality of work or prices charged from Skinner's Service. They do an excellent job and to bid out each job is silly.

Marcia Giacolone, 427 S Lake Avenue - stated Skinner's has been servicing Village vehicles for 21 years, and does not want the business to be taken outside of the Village, as the closest business is in Bassett.

Howard Skinner, owner of Skinner's Service - stated he did not have any problem with bidding out, and has run a history of Village receipts which totaled \$2496 for five vehicles for the year.

Griffin stated perhaps the Village could bid out the basics, and reminded that the Village does not have to accept the lowest bid. Connolly stated it would be most beneficial for the Village to continue with Skinner's Service. Overall consensus of the Board was to leave as is. Skinner returned to the Board.

TRUSTEE CONNOLLY - Streets & Roads, Equipment, Street Lights, Weeds, Lake Planning and Protection:

(i) *Other:* Public Works has been cutting back on the grass cutting due to lack of rain, and have been working on other maintenance projects in the Village. Griffin asked if they did any clean-up after Country Thunder, to which Connolly replied nothing major. O'Hallen stated a bill has been submitted for work done by the Police Department during Country Thunder.

TRUSTEE GRIFFIN -Cemetery, Sanitation, Recycling, Seniors: (i) *Update on Availability of Larger Recycling Bins and Smaller Refuse Containers.* A meeting was held with Onyx in regards to the following: smaller refuse containers would require a different truck as well as an added charge; the entire Village would have to have the same; willing to do a pilot program in a larger subdivision (50 toters) to see if larger recycling bins would increase the recycling percentage; Village average is 18% compared to the state wide average of 26% recycling; increased recycling for the Village means more rebates; Onyx suggested distributing flyers again to explain the benefits of recycling; and that he is working an article for the Twin Lakes Report asking those that are interested in trying the larger recycle toter should contact the Village Hall. The only problem is that a toter for paper/cardboard and a separate one for glass/plastic containers is required. If the whole Village had recycle toters, than only one toter is necessary. Also, there is a required Village percentage for recyclables which the Village is just meeting, and if more people recycle, it will help keep taxes down. Cox stated in the upcoming year Onyx may offer different sizes of toters to begin to move towards allowing residents to tailor their costs to their needs, and begin to find ways to encourage people to recycle. Skinner stated he had a problem with reducing the trash can size and feared trash being thrown around the Village. Cox stated it was seldom the problem, and would offer incentive for smaller trash and larger recycling containers.

(ii) *Other:* Seal coating has been completed at the Cemetery and the roadways looks good.

TRUSTEE KAROW - Building and Zoning, Plan Commission, and Public Buildings: (i) *Discussion and Update Related to the Status of the Oak Meadow Subdivision and the Related Developer Agreement.* Meeting with Leland Stohr in regards to Oak Meadow subdivision; Carter stated an agreement is being drafted that will bring closure as it relates to the Di Palo Company.

(ii) *Consideration of Actions to Accept the Final Plat for Arrowhead South Addition #4.* Developer's Agreement should be ready for approval by the Regular Board meeting.

(iii) *Consideration of Actions Related to the Acceptance of Public Improvements in the Arrowhead South Addition #3.* Village Engineer Mark Kolczaski did a walk through and all the improvements are to the Village's satisfaction.

(iv) *Consideration of Actions Related to the Proposed Shore land Overlay Protection District.* Based on comments at the Public meeting on July 23, 2005, the Village Board is asked to discuss the proposed ordinance and to make changes as necessary prior to the final official public hearing as part of the Regular Board Meeting. Cox stated this is the ordinance that was reviewed by the Plan Commission as well as published with the notice for the annual Lake Rehabilitation District meeting and the Public Hearing on the 23rd of July. If there are any changes, discussion about them should take place. Skinner stated the Board has been working on this for the last three months and felt that channel, stream and pond should be taken out as the main concern is with the lakes. Vegetative buffer was discussed and Judy Jooss stated the buffer is meant for above the high water mark. There are plant, shrubs, trees, and flowers lists available that indicate the type of native plants to use for a buffer. Cox stated the purpose of putting in the set back is to protect the resource of the lake, and by establishing a 60 foot buffer, this allows plants to capture whatever

water is coming off the property, slow it down, and filter it out. If one is to move closer to the water, you need to improve the resource because you have now narrowed that gap between the use up hill that is generating stormwater and pollutants to reduce the amount of time one's yard has to absorb that. This will only occur if one is doing redevelopment of one's property and it is less than what the DNR recommends.

Pam Becker, 232 W Park Drive - stated the ordinance needs to be defined and the buffer should be proportionate with the lot size. Also, there is a sea wall there, so why would she have to do a buffer. Cox stated if one tears down their house and starts over, you would have to comply with the current zoning code. Becker stated assuming she could build on the same footprint and within the current setbacks, why would that trigger the buffer zone. Skinner stated this ordinance only applies to new construction or any alterations that are to the lake side of a home. Moran stated if the elevation is changed that may trigger it because you may change how it is sloping towards the lake.

Karow stated this is a big step in the right direction, but there is a need to clarify what triggers in the ordinance. Cox stated the trigger points are the same - if more than half changes, must come into compliance or go to the Board of Appeals. Discussion continued with regard to the intent of the ordinance and enforcement. Griffin questioned Section 17.38.070(F)(5). Discussion followed with regard to enforcement.

Jeff Gresenz, 715 Roosevelt Road - distributed an article from the DNR website. Twin Lakes is the only community in Kenosha County that does not have a Shoreline Zoning ordinance. It was suggested to place the ordinance on the website for the public to review and make comment on.

Karow felt these parts should be struck from the proposed ordinance: in Section 17.38.070 (A) "upon designation of the conservation"; Section 17.38.070(B) "pond or stream"; Section 17.38.070 (F)(5) remove "permit needed to clear dead trees". Karow stated a permit should not be required, but perhaps the cutting should only be done by an independent forester. Griffin recommended a separate ordinance for trees.

Murray Saxon, 1536 Lucille - recommended using "licensed arborist" as language instead of "forester".

Griffin read a letter from the Committee with several other recommendations with regard to perpetual design and maintenance plan by the property owner, maximum 10-20% of total shore yard, and using pitched roof on structures as opposed to flat roofs. Judy Jooss stated her Committee did not write the ordinance and felt the language was confusing, so the Committee tried to come up with some ideas. 'Perpetual' was added to define that one could not plant a buffer one year and then mow it down the next year. In regards to a pitched roof, these would eliminate the use of the flat roofs as decks which may block views and become eye sores for neighbors. Once one gets over 10% of impervious surface in a shore area, it begins to effect the quality of the water that runs off and also the quantity and how fast it moves. The Plan Commission came up with allowing a single structure to be 600 square feet and the total of all the square footage coverage to be 1200 square feet. Therefore, if one has a small lot, that could be half of the area from the front of the primary structure to the ordinary high water mark. They feel that a percentage would work better. Cox stated as a matter of information, elsewhere in the general regulations of the zoning code, there is a requirement that says "Accessory buildings that are not part of the main building shall not occupy more than thirty (30) percent of the area of the rear yard."

Pam Becker, 232 W Park Drive - asked how the ordinance would be policed. Skinner stated the neighbors squeal on you. Moran stated the Board is giving the building inspector tools to work with so he can execute the ordinance. Jooss continued this is a new concept for everyone, but there are other lakes in Wisconsin where they have instituted shoreline restoration programs. The way they have encouraged them is that they have done matching grants to these landscaping projects on shorelines. Started with just a few but found out that so many people liked the results that they really want to do them. An example is Big Green Lake near Ripon where the shoreline restorations have gone gang buster. People are lined up to try to get them and only allowed to do them with certified landscapers who know what they are doing on the shoreline. This will protect our lakes, the water quality and enhance the value of property. Cox stated the code would not cover cement patios, walk ways, or the same. The regulation recommended by the Shoreline Committee probably would. Connolly stated he would like to see 10 - 20 percent. Skinner agreed. Cox stated that would include everything impervious such as buildings, sidewalks, patios and everything that doesn't hold water. Twenty (20) percent was agreed upon. Pitched roofs were discussed and heights of decks not to exceed 12 feet. Connolly stated this was a good start and amendments can be made as needed. Cox will make the changes, get copies to the Village Board and put it on the website.

(v) *Consideration of Actions Related to Approval of a New Zoning Map.* This has been discussed at past Plan Commission meetings. The new Zoning Map was presented with more defined areas. The Public Hearing is scheduled for August 15, 2005.

(vi) *Update and Consideration of Actions Related to the Site Restoration Project Being Undertaken by the Village on Mount Moriah.* Trustee Karow recused himself. Cox stated the project is into the final stages. Powers Lake Construction (PLC) and the engineer have been monitoring the site, and PLC is wrapping up their final grading work.

A meeting has been held with the owner to discuss concerns he has in regards to the future of the site. The intent is to move the project through the modified Special Assessment process. Skinner stated some pictures were taken and would share them with anyone who was interested. Karow returned to the Board.

TRUSTEE MORAN - Sewer, Health and Environment, Youth Library: (i) *A Sewer Committee Meeting Is Being Scheduled to Undertake Review and Provide Comment Related to the Northwest Sewer Study and Other Issues. The Northwest Sewer Study Is an Evaluation and Plan Related to the Proper Expansion of the Village's Sanitary System for Undeveloped Land on the Northwest Side of the Village.* Meeting scheduled for Wednesday, August 3, 2005 at 7:00 PM. Cox stated Wanasek has completed the pipe replacements, and Insituform has completed the long lining work, but is unknown if the short lining is completed. Connolly asked if there would be a significant drop of water leakage into the sewer system, to which Cox stated that was the intent. The project focused on major leaks and places where laterals had broken into the pipe.

TRUSTEE STOEN - Police, Fire, Lake Control, Parks and Beaches: Read by President Skinner in Stoen's absence.

(i) *Discussion of Various Proposals to Lease or License Village Owned Lake Front Property or Rights of Way. (1) Haegele's Hickory Point (Village Owned) (2) Indian Point (Right of Way)*

Haegele's Hickory Point: Joe Anselmo, 1122 Lucille Avenue - The Hickory Point Channel area has been used and cared for by the associations since 1943; approximately 13 years ago the Village entered a formal lease of the property ; approximately five years ago the residents wanted to take more control of the area and pursued purchasing the area from the Village; Village was not interested in selling and proposed a new lease; this lease is a proto type lease for all such uses throughout the Village; the main concern of the group is to make that area functional as the silt is very bad making the area unusable; it has gone from 18 - 20 slips down to 12 with some on dry land; dredging now has become a huge factor and have had proposals made, however, can't do it without the lease; costs has increased to \$40,000, for dredging, shore restoration, pier improvements, landscaping and other site work that is necessary for improvement; financing and terms need to be worked into the lease agreement.

Carter stated meetings have been held with the Hickory Point as well as the Indian Point groups, and the Village is attempting to create standard leases. With Hickory Point, the Village is looking at helping them to finance the dredging but a few outstanding issues remain with verbiage that are being worked out. Indian Point is not looking to dredge. They are looking at \$300.00/slip per year to the Village in terms of rent with an inflationary factor of 3% per year. The big issue is "Public Access" to the areas which both do not want. If public assess is allowed, the Village will require insurance and indemnification from the associations which will be difficult to do. Choice of either No Public access under the lease and having the leases go exclusively to subdivision association members, or if the sub division association can't fill up the slips with its own members than it would be open to the community at large. If the Village wants to allow Public Access, does the Board want to get into the pier rental business. Maintaining the piers, collecting money, and the parking at the site would be the Village's responsibility. Or, does the Village want to have a pier there without slips.

Guidance is needed from the Board tonight. Skinner asked if it can be termed as for the association access so in one light it would be public access for the association which is connected to that piece of property. Carter stated it could but the insurance company would require the pier to have a locking gate, therefore limiting access. Anselmo stated in earlier discussion with regard to cost of slips that many lakes have deep water access, amenities, services, facilities, food, drink, bathrooms and parking. This area is a walk in area, very shallow and does not accommodate many types of boats. If the Village were to do this, liability insurance, maintenance, and the landscape service my be \$400 or more just to cover the debt service, which is a long way from what people have been paying. This year there are 16 people paying to keep their spot even though it is no longer in the water, with 12 boats there now. With the cost related to this it presumes that we have 18-20 clean usable spots and whether we can generate that many, who knows. If the Association was running it themselves and did not fill it, we would be looking for someone else to rent a slip just to be able to pay off the cost. Carter stated the Village could work the lease so if a slip was not being used, there would be no payment due. Anselmo stated they are trying to amortize the cost to get the area useable. Once this is paid off the Village can perhaps make some income off of this. With adding the major re-development on and still try to generate more, the numbers just don't work. The concern for the association is not having control. Karow asked if the intent of the lease agreement was to charge a debt service plus a rental of the slips. Cox stated initially it was the lease rate plus cost of dredging but perhaps that won't work. Anselmo stated the debt service is 10 years and the Association was hoping for a longer period. The lease in the past has been \$10/year per Anselmo. The Association proposal is to modify the lease to include the dredging and finance the cost, yet maintain the same lease they have had for the last 12

years. If it weren't for the dredging issue, the Association would continue on the same basis or even allow purchase of the area. It doesn't seem reasonable to get prices of a slip so high that no one would be able to take them. The commercial marinas with parking and facilities previously talked about are about \$500.00 per slip. This area is half a mile down a dead end road with no parking. It is walk in access for the neighbors. Skinner stated the Board should take that into consideration, however, the Village should not fund the project.

Anselmo stated that is why they have the amortization. The Association could contribute approximately 20% of the total that would reduce the debt service and that would reduce the slip rate a little bit to a \$350 range. The Association is paying liability insurance and now being asked to double that which is very costly. Jooss stated the Association is not only paying \$10 per year they would be paying the portion of the improvement every year and at the end of 10 years, they would have paid over \$35,000 in improvements. Jooss stated if the Village did the dredging, they would still have to do the shoreline improvement because that is now part of the regulation.

Larry Smith, 1319 Lance Drive - questioned that there are only 17 people in this Association and the Village is going to help finance. Cox stated they would borrow the money from the Village and pay it back with interest. Smith then asked what would happen if the Association didn't want it, would the Village leave it the way it is? Cox stated maybe. Moran suggested perhaps grant money is available for dredging. Anselmo stated most of the Association members do not oppose having access beyond the subdivision, but one of the concerns is that the Association is being asked to cover \$4,000,000 of liability to maintain anything that gets damaged, erosion, upkeep, landscaping and restoration. This area is only used 6 months out of the year so how does one address that, who covers the insurance the rest of the year and how would we do it if everyone had equal access to it. The Association would have all of the liability but no control. The other problem is timing on processing a dredging permit which at this point is already late for next season. Griffin asked Cox if the Village had been the bank for other dredging projects. Cox stated the Village did finance the project to dredge the channel between First and Second Street (off of Lake Elizabeth). The project was around \$57,000 and the Village ended up banking approximately \$35,000 that was spread among the homeowners.

Betty Loranger, 2403 Anna Avenue - stated each person on the channel paid \$900 and had two years to pay. Griffin asked if the Village made money on the last project by charging a higher interest rate, to which Cox stated the funds came out of cash reserves and the Village charged 5% interest.

Karow reviewed the issues: 1) Does the Village want public access? If so, then it will run the boat slips. If not, then the Association can run the slips. 2) Will the Village fund the dredging project? The money will come back within a 10 year period, and the concern is will it need to be done again. Skinner felt that the Association has been there all these years and they may have squatter's rights so to speak and it would not feel right to take that away. Karow stated then open up the other slips to the general public. Skinner stated it does go back to the money issue no matter how you slice it. Carter asked about fisherman access to the pier because that will be an issue if a locked gate is on the entrance to the pier. Anselmo stated this is not a place one can lock off, and perhaps consideration of an extra pier for fishermen use only.

Linda Smith, 1319 Lance Drive - asked about maintenance costs as this is very low maintenance area mainly with turf grass. She suggested putting in a buffer strip to make sure the water doesn't run through the grass, which would save money. The Village is not suppose to get anything out of this, but it is the Village's land, and if we would invest, we could make \$60,000 in the next 10 years. It would not take long to get those to pay for a boat slip at \$300 which is a bargain. Otherwise, leave it undisturbed as an environmental corridor because it is 100% cat tails and swamp.

Cox stated at \$300 per slip for 18 slips, that is \$54,000 or so over 10 years. Take out \$40,000 for expenses and that is \$14,000 in interest and lease cost. After that the \$40,000 investment is paid and all that is left is lease rent. They have indicated that \$300 per year would be acceptable with a 3% increase per year. Anselmo stated whatever the Village wants to make per slip has to be part of the total amount.

Jim Hughes, Mad Dan's - stated the rental slip rate is at \$600 this year and will go to \$800 next year. On Lake Mary, the rate is around \$800 currently.

Skinner stated he felt more thought by the Board was needed, and suggested tabling the Haegele's Hickory Point and Indian Point topics for now.

(ii) Consideration of an Ordinance to Amend the Slow No Wake Time. At the annual lake meeting the advisory vote taken was 89 to 19 to amend the time to '8:30 pm or sunset, which ever comes first'. Griffin stated he felt this vote was not a fair representation of the majority since it was not officially on the agenda, and suggested going to a referendum to resolve the situation once and for all. Discussion continued that originally this topic was brought up with hopes of regulating the wave runners only, but the Board is unable to pinpoint just one type. Cox will draft an

Ordinance for '8:30 PM or sunset, which ever comes first' and present it to the Board.

Jeff Gresenz, 1715 Roosevelt Road - handed the Board a document on calculation of various no wake times from in and around Southeastern Wisconsin. The Village of Twin Lakes, even with 8:00 PM no wake time, continues to be the most lenient in the area. Many others have no ski times during the week ends, and have stricter limits on week ends than week days. Gresenz further stated he has talked with many people and they want the slow no wake times to stay the way they are, but are afraid to speak out because they will be chastised for not agreeing with some individuals. Skinner stated the Board will take and consider the information presented.

(iii) *Review and Consideration of Additional Annual Pier, Buoy and Raft Permits.* Chief stated one permit application for a buoy at 135 feet was received and approved due to the low water level.

(iv) *Follow up from the Committee meeting held on Thursday, July 28th regarding notification procedures for Fire Department house burns.* Police and Fire Committee met to discuss a resident complaint regarding lack of notice to area homeowners when the Fire Department plans on using a house for training and practice burns. Committee has requested staff to send notice to all property owners within 200 feet of properties that will be burned by the Fire Department. Staff will coordinate with the Fire Chief and Building Inspector who handles demolition permits to accommodate this request.

Chief O'Hallen invited the public to the " National Night Out" event at Legion Park from 5:00 PM - 8:00 PM on August 2, 2005. Several displays and demonstrations will be presented as well as hot dogs, chips and pop for the first 300 people that attend. This is a great chance to meet the officers, see the equipment, and visit with other agencies that will be present. It will be a very interesting night and all are invited.

Motion by Skinner, Connolly, to recess to closed session (10:05pm) to discuss property acquisition pursuant to SS 19.85 (1) (e) related to the possible purchase of private property for public purposes and to adjourn thereafter without reconvening into open session subject to Section 19.85 (2) of the State Statutes. Roll Call vote: Bower, aye; Connolly, aye; Griffin, aye; Karow, aye; Moran, aye Skinner, nay, Stoen absent. Motion carries.

SIGNED COPY AVAILABLE AT THE VILLAGE HALL

Kathleen Richardson, CMC
Village Clerk/Treasurer

DISTRIBUTION:
VILLAGE PRESIDENT
BOARD OF TRUSTEES
ATTORNEY

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