

OTTAWA TOWN BOARD

Meeting Minutes January 13, 2025

The meeting of the Ottawa Town Board was called to order by Chairman Rupp.

Roll call attendance was taken and Town Supervisor Ahrens and Wiedenman were present.

Supervisor Wiedenman made a motion to accept the Treasurer's monthly financial activity report. The motion was seconded by Supervisor Ahrens and carried.

Supervisor Ahrens made a motion to accept the Building Inspector's monthly activity report. The motion was seconded by Supervisor Wiedenman and carried.

Chief Bowen gave an update on the Western Lakes Fire Department. Pete Kraeger, Pretty Lake, thanked the WLFD for all of their excellent work.

Ron Bennett gave an update on snowplowing in the Town and the ice events.

A Waukesha County Sheriff was present. Resident Sharon Emery, Tallgrass Ct., inquired about break-ins at the Scuppernong trailhead? The Sherriff responded that they are aware of it and to encourage residents to keep valuables out of their vehicles.

Public comment was held. The following residents spoke:

Pete Kraeger, Pretty Lake, spoke to a letter the town received from Ms. Puccinelli that mentioned a threat of litigation over a wake enhancement ordinance. He stated there have been no lawsuits in the state.

William Bosenbecker, Parry Road, stated that he feels the ATV club is not following DNR recommendations regarding signage. He also asked the Town Board to speak into their microphones so people can hear them.

Randy Cavaiani, Pretty Lake, stated there have been 36 wake enhancement ban ordinances in the state with zero lawsuits. He believes somehow that the board could face personal liability if there were an accident if we don't enact an ordinance.

Dave Carlson, Pretty Lake, stated that if there is an accident with wake enhanced boat usage, he believes somehow it would be a liability to the Town, especially if it were an injury to a child.

Bob Tutkowski, Pretty Lake, against wake enhanced boat usage. The waves are hard to navigate for the kids, row boats, fishing boats and destroy fisheries and adds to shoreline erosion.

Jim Wagner, Pretty Lake, in favor of the wake enhancement ban, believes it causes obvious damage.

Tom Klein, Hwy D, in favor of wake enhancement ban, the waves cause ecological problems and needs to stop.

Deb Tarnow, Hwy 67, Challenges the board to look at the water quality reports and asks where the professional credentials are? Does the Town have a specific plan to enforce a ban? She also stated that restricting public comment to two minutes is not conducive to Town Board members hearing from public and should only be restricted to contentious topics. She asked who will patrol the lakes? Enforcement of this is going to be an issue. Writing this ordinance is a liability.

Patty Puccinelli, Hwy 67, state that the Towns Attorney pointed to significant risk in writing this ordinance. There is one wake boat in Ottawa. There is no scientific evidence of lake damage, no study done, no case law.

Jill Bedford, Hunters Lake Rd., thanked the Town for the recent tree trimming. She stated that enforcement on Crystal Lake is no problem, they enforce with a neighborhood watch. On Hunters Lake, there is only a 14-acre area for the wake boat to use. When the wake boat is out there, it prevents other boats from being able to follow the counter-clockwise rule. Basically no one else can use the lake when the wake boat is operating.

Jean Bosenbecker, Parry Rd., it is hard to paddle or canoe when the lake is so full.

Sharon Emery, Tallgrass Ct., stated she represents the Preserve. A majority of people are in favor of a wake enhancement ban.

Elizabeth Pogodzinski, Hwy 67, hopes the ban is written. She is concerned other wake boats will come to the lakes and be on the lakes for hours and hours.

Lucas Holzbauer, Hwy 67, stated wake boats are safer than other boats. Wake boats go at a slow speed of 11 mph. They are safe. Jet ski's and other motor boats go much faster, and congest the lake. Wake surfing is a safe sport. There is no case law on this or specific safety concerns.

Public comment was closed.

The next item on the agenda was for artificial wakes from wake boats on Town of Ottawa lakes draft ordinance consideration. Chairman Rupp shared the attorney comments. So far, the Board has not adopted or approved a Draft, the board did not vote for this to go to the DNR. The board was not shown the revised draft nor was any draft approved before Supervisor Jones sent it to the DNR. Condition reports were not approved by the Board. The Clerk provided the meeting minutes on the motions that have been made so far. Chairman Rupp had the Clerk forward a report from Connecticut that the attorney provided. Clerk Geyman shared that it is a detailed condition report and professional study with clear facts on wake enhancement specific studies. This would provide a rational basis for the ordinance.

Supervisor Wiedenman stated that the ordinance sent to the DNR is consistent with what they are looking for and should be used. Chairman Rupp shared that the DNR does not approve or

disapprove of an ordinance or contents of any report, just criteria that papers have been turned in, not if they are accurate.

The DNR also cannot enforce this ordinance. They can only enforce State Statutes.

Chairman Rupp continued, that there are questions as to the DNR letter stating the Town turned in certain items and "Authored" condition reports. Who authored them? What draft did Michael send to the DNR? The Board needs to approve a draft ordinance as well as the reports, a motion needs to be officially made, before these things are done. Clerk Geyman explained that the items on the DNR checklist were not officially gone over with the whole board. The Board has not seen all of the items on the checklist, and they should all be gone through, and the board should decide if the requirements are to their satisfaction. If the board wishes to move forward, it starts by reviewing the wording in the ordinance and showing board action to approve the draft to be sent to the DNR. The board also needs to go through the condition reports and show board action to approve submitting them. Doing our due diligence in checking and approving each item before submittal. Supervisor Wiedenman asked if we have to do that? Chairman Rupp responded yes, in her conversation with the attorney, these things need to be done. Approve a draft ordinance, have the attorney make any changes per board action, go through and approve the reports, then approve submitting to the DNR and that's when the 60 days would kick in with final action taking place after that timeline.

The board needs to know if we are to author or can we approve someone else authoring? Are there any credentials the authors have? That specific information should be in the Condition Reports. This is a question for the Attorney. The DNR letter should be shared with him as well, to make sure we have met the requirements. The DNR does not approve the ordinance, just that an ordinance was turned in and spoke to certain requirements. They have no opinion for or against the ordinance, nor can they enforce a local ordinance.

Supervisor Wiedenman expressed his frustration in that this has been on the agenda for years, and the residents overwhelmingly would like to see this ordinance in place. He does understand the detail necessary to do this all correctly. He would be willing to make a motion to approve the ordinance that was submitted to the DNR. Chairman Rupp stated that we cannot do that, as we have not gone through the ordinance as a board. Supervisor Wiedenman thought we had done that back in June. Supervisor Ahrens read the motion from June that stated the motion in June was just to move forward with drafting an ordinance, pending attorney review. No draft was approved. Supervisor Wiedenman stated that we should start now, and go through the ordinance.

The board read through and discussed the ordinance in detail and made some changes. Supervisor Wiedenman made a motion to send the draft ordinance to the attorney as corrected, with Clerk Geyman and/or Chairman Rupp asking clarification on the questions the board discussed. Supervisor Wiedenman and Supervisor Jones will have the ability to continue to discuss with the DNR as well as any residents that are a part of the condition reports, and to begin working on requirements for signage at the boat launches. Everything encompassing DNR requirements for this ordinance plus the cleaned-up reports could possibly be ready for the board to go over in its entirety and possibly a vote at the February meeting to send to the DNR. The motion was seconded by Supervisor Ahrens and carried.

The next item on the agenda was for Resolution 1-25 approving the Municipal Court budget. Supervisor Wiedenman made a motion to approve Resolution 1-25 approving the Municipal Court budget. The motion was seconded by Supervisor Ahrens and carried.

The next item on the agenda was regarding having a survey done for the Ottawa Cemetery. Supervisor Wiedenman shared discussions he had with another surveyor and the neighboring property owner. He is still waiting on an estimate for work. Supervisor Wiedenman made a motion to table this item to the February Town Board meeting. The motion was seconded by Supervisor Ahrenst and carried.

The next item on the agenda was for an ATV/UTV update. Chairman Rupp stated that she would like the map of signage to be colored red for end/stop type signs and green for starts. There are a number of places on the map that are missing signage. There was discussion on the State Statutes and DOT rules regarding signage. Supervisor Wiedenman made a motion to have himself get DOT clarification on statutes 23.33(8) for signage and to get that information to the ATV club and Mr. Spak for them to amend the map if needed. The board requests the amended map one week ahead of the February meeting for the Board to review and the Board to approve. The motion was seconded by Supervisor Ahrens and carried.

The next item on the agenda was an update to no parking areas, ordinance 7.05(5). Chairman Rupp stated that Mr. Sieracki of Badger Kart Club has asked for some no parking signs on Gramling Rd. Chairman Rupp also explained what might be needed if Temporary No Parking signs were needed in the Countryside Estates area once the sports fields open in 2026. After some discussion, Supervisor Wiedenman made a motion for Clerk Geyman to get more information from Mr. Sieracki regarding who is parking on Gramling, and a suggested solution and to bring it back to the board in February. The motion was seconded by Supervisor Ahrens and carried.

Under Lakes update, Supervisor Wiedenman shared some activity updates from the School Section Lake district meeting.

The next item was for the pay range for hiring a new Deputy Clerk. After some discussion, Supervisor Wiedenman made a motion to give the Clerk the ability to post the position and hire within the pay range amounts discussed. The motion was seconded by Supervisor Ahrens and carried.

Supervisor Ahrens made a motion to approve the minutes from the December 9, 2024 meeting. The motion was seconded by Supervisor Wiedenman and carried.

Under correspondence the following was shared: KM communications magazine, Trends magazine, OASC newsletter, upcoming BOR volunteers, Fire District honoree event and a reminder of our upcoming Annual Meeting on April 15th.

Supervisor Wiedenman made a motion to pay bills as listed, in addition to payroll and associated withholding payments for L Geyman, M Barnhart, cardmember services and WE energies and

tax payments for KM school district, Oconomowoc school district, Palmyra/Eagle school district, Mukwonago school district, WCTC, Waukesha County, SSLMD, PLMD. His motion was seconded by Supervisor Ahrens and carried.

A motion was made by Supervisor Wiedenman and seconded by Supervisor Ahrens to adjourn. Motion carried unanimously.

Respectfully submitted,

Lori J. Geyman, WCMC
Clerk/Treasurer, Town of Ottawa