

## **OTTAWA TOWN BOARD**

### **Meeting Minutes July 8, 2024**

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

Roll call attendance was taken and Town Supervisor Ahrens, Jones 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 Jones made a motion to accept the Building Inspector's monthly activity report. The motion was seconded by Supervisor Wiedenman and carried.

Chief Bowen was present and gave the WLFD update.

Public comment was held. The following residents spoke:

Pete Kraeger, Pretty Lake, asked if he could ask Chief Bowen a question? Chairman Rupp allowed it. Mr. Kraeger asked about one of the fire lanes on Pretty Lake and if it could be abandoned as a fire lane? Chief Bowen answered that he does remember when that was asked a few years ago, but that it would affect the ISO (insurance) rating. Mr. Kraeger also wanted to commend the town for taking care of a fallen tree in a timely manner.

Gene Larson, Waterville Rd, spoke about speeding on Waterville road. He was involved in a fatal accident three weeks prior. He provided a map where he thinks a sign could be posted for a curve.

Lukas Holzbauer, State Road 67, he has been reaching out to the board in the last couple of days, and he does not feel the residents on Hunters Lake fully understand the information about wake boats. He requested that the board table this to allow him time to educate the homeowners on Hunter's Lake.

Deb Tarnow, State Road 67, feels there is some misinformation going around. The Hunter's Lake Association has been talking about this for a long time. The Association only represents maybe 50% of the residents. Also, Hunters Lake is not a district, cannot self-regulate and has no enforcement.

Patricia Puccinelli, State Road 67, she has the one and only wake boat in the Town of Ottawa. She believes the board is moving forward based on misinformation, personal preferences, inaccuracies, and disregard for due process. She would like to see this tabled until the Hunters Lake residents can be educated on the impact of wake enhancement. Or, please follow the advice of your attorney and wait for State Legislature to take it up.

There was no other public comment.

The next item on the agenda was for artificial wakes from wake boats on Town of Ottawa lakes ordinance draft consideration. Chairman Rupp shared the Town Attorney's recommendation to look at tabling this until January or February to see what the State is going to do. Supervisor Jones shared a last-minute email from Mr. Holzbauer and a distribution from Lakes of the State about a news story on wake boats. He would like to give Lukas time to educate the residents, and get a majority opinion.

Supervisor Wiedenman would like to table for a month. He feels this is an important issue.

Supervisor Ahrens thinks it would be prudent to table this, to digest information that has been received recently.

Supervisor Jones made a motion to table this item to the August meeting. The motion was seconded by Supervisor Wiedenman and carried. Chairman Rupp announced to the audience, that should anyone like to get information to the board, that they do that at least a week before the meeting to allow time for the board members to read through.

The next item was for the Preserve at Hunters Lake HOA document consideration. Chairman Rupp shared the recommendation from the Town Planner. Supervisor Wiedenman made a motion to approve signing the HOA document, with the addition of verbiage recommended from the Town Planner. The motion was seconded by Supervisor Jones and carried.

The next item on the agenda was the ATV/UTV ordinance draft consideration. Chairman Rupp shared the Town Attorney comments that we cannot remove the exemption for 12-year-olds that is part of State Statutes, part of the law. Supervisor Jones doesn't understand why we can't override the law, the law was designed for trails. He believes it is our jurisdiction for the roads. He doesn't understand why we can't. Clerk Geyman referred to the letter from our attorney in February that explained this. The state would need to include provisions in certain chapters to allow local authority to address. They have not yet, in certain chapters, with ATV's and road use. Supervisor Wiedenman stated that we should be able to write it how we agreed to write it, despite what our attorney or the statutes say. He believes it is arguably safer for our roads and the drivers. If this is ever challenged in court in the future then we'll look at it. Chairman Rupp stated that part of the reason we are looking at this is because Summit did this, and the requiring of a driver's license. If it goes to court, our attorney will say that he advised us not to do it. We would need to find another attorney to defend us in court. Supervisor Jones stated he would correct that statement. It is in many other ordinances and hasn't been legally challenged. Chairman Rupp responded that doesn't mean we should lean into it. Supervisor Wiedenman asked what is the risk? He doesn't see this as a significant risk, if his kid is 13 and they go on an ATV without a helmet and die, he will say I wish I would've pushed that ordinance through. He's standing strong on that. Chairman Rupp reminded them it is very prudent for us to take our attorney's advice. That is what we pay him for and he specializes in. He is following what he knows and what his office supports with other communities. We asked for his legal input. She also stated that it is not the board's job to parent or be a nanny to other people's children. Supervisor Jones stated that we do this on lakes to keep lakes safe, and that's what we are trying to do with ATVs on roads. He stated that Summit police department wrote this in their

ordinance. Chairman Rupp responded that they were also advised not to by their attorney. Supervisor Ahrens stated we have no enforceability on anything, and doesn't see a lot of risk in making the ordinance more stringent, even if it's against the advice of counsel. Chairman Rupp went on to the next comment from the attorney to have the Okauchee ATV/UTV club pay for signage, that a draft agreement would be needed. Supervisor Jones stated that is an uneducated comment. The ordinance doesn't go into effect until the signs are ordered and paid for. Clerk Geyman mentioned that doesn't cover any future signage that may be needed. Supervisor Wiedenman asked Steve Spak, in the audience, if he thinks the ATV club would agree to that? Mr. Spak said he would ask them. Supervisor Jones asked if an email agreeing to it would be sufficient? He received one from the club President, stating all this, and he will send it to the Clerk who can send it to the board, to see if that's acceptable.

Discussion was had regarding people under 16 are not allowed to operate an ATV/UTV on road routes. Chairman Rupp stated the attorney comment is that this is not consistent with state statutes. Supervisor Jones responded that we all gave our opinions already. Discussion was had regarding removing a state exemption on helmets. The attorney's comment was that we cannot remove a state exception. Supervisor Jones, Wiedenman and Ahrens disagree. The statute was written for trails not roads and the state is behind in not updating the statutes for roads. Chairman Rupp stated that she is against not being consistent with state statutes, and that we should follow the attorney's recommendations. Supervisor Jones stated we get to do it, it's our roads. Chairman Rupp stated that she doesn't understand why we are adding things the attorney says we can't and removing things the attorney says we can't. Supervisor Ahrens agreed, it is contradictory. He's not talking about principal, but are we going to follow the attorney or are we not going to follow the attorney advice. Supervisor Jones stated he is being consistent. He's not listening to what the attorney thinks is state law on both comments. He stated, for the record, that the state law is for the trails and these are our roads that we have the authority on, so we're writing an ordinance. He said if enough communities do, maybe they'll wake up and think it's the smart thing to do for allowing a utility vehicle on a road. Clerk Geyman stated that while these may be excellent standards to write, the state has not given us this authority on certain specific aspects pertaining to ATV/UTV road routes, yet. Hopefully that will change. Supervisor Jones disagrees, that we are simply setting precedence over the State.

Discussion over requiring a driver's license was had. Chairman Rupp read the attorney's comment that this is not consistent with state law. Supervisor Ahrens stated that the statutes were written for trails, and we are now trying to adapt them for roads.

Supervisor Jones made a motion to adopt the draft as discussed. Supervisor Wiedenman seconded the motion. The motion carried with Supervisors Ahrens, Jones and Wiedenman in favor and Chairman Rupp opposed.

The next item on the agenda was to review our noise ordinance. Chairman Rupp stated that the attorney recommends keeping decibel levels in as a form of measurement. Supervisor Ahrens shared that in speaking with the Sheriff's office that they do not have a device to measure decibel levels, and that noise levels are at the deputy's discretion. In looking at the Town of Eagles ordinance, the board would like to start with the first section of Eagle's ordinance. Supervisor Wiedenman looked at some other municipalities noise ordinances. He agrees that maybe we

shouldn't use the decibel levels, but should include descriptions such as engine revving, music from a stereo. Supervisor Ahrens said vague, but enforceable. Supervisor Wiedenman agreed, and that we use section one of the Eagle ordinance example. Supervisor Jones stated that it seems like section one would be enough for an officer to enforce disturbing the peace. Supervisor Jones made a motion to write our ordinance using Section 1 of the Town of Eagle ordinance number 98-05 and striking anything that is duplicated. The motion was seconded by Supervisor Ahrens and carried.

Discussion was had on authorizing department heads to make purchases for operation of their departments. The Clerk provided a sample from another community as a starting point. Discussion was had for changes to that draft including one off purchase, routine or recurring purchases and including budget information. Supervisor Jones discussed a timeline as being able to spend up to a certain amount per event on non-routine purchases, provided they are all within the budget. Chairman Rupp stated she thinks it should be per month, as per event could get carried away. Supervisor Wiedenman stated that certain months there may be more than one purchase and other months there may not be any purchases. Supervisor Jones stated that this is all about purchasing within the budget. He recommended the dollar amount to be \$500 per one-off event, within the budget. Routine purchases are fine no matter the amount, as they have already been discussed and approved in the budget. The purchasing policy should be about purchases outside of routine. Supervisor Wiedenman made a motion to create the purchase policy for the town as discussed. The motion was seconded by Supervisor Ahrens and carried.

The next item on the agenda was for Town road crack filling. Chairman Rupp suggested we may want to wait on this topic until after we meet with the Engineer for the Capital Improvement Plan. Supervisor Wiedenman made a motion to table this topic to the August meeting. The motion was seconded by Supervisor Jones and Carried.

The next item was for an update on the park sign quote. Supervisor Smukowski was not present to provide the update. Supervisor Wiedenman made a motion to table this topic to the August meeting. The motion was seconded by Supervisor Jones and carried.

Chairman Rupp explained the quote for culvert/ditch clearing on Manor House & Tallgrass Ct. there are some catch basins that require cleaning as well. They can look at those when they come to do the culvert and can estimate the cost. Supervisor Jones made a motion to allow Chairman Rupp to spend up to \$3500 to clear the culvert and catch basins. The motion was seconded by Supervisor Ahrens and carried.

Under lakes update, Supervisor Jones shared that Hunters Lake Association has no President right now, and they are reorganizing. Supervisor Wiedenman gave an update on School Section Lake.

There was no park update. Clerk Geyman shared that we did receive a park donation from the soccer group that utilized the park.

Supervisor Wiedenman gave an update on some snowplowing considerations, and a quote should be ready soon.

Supervisor Jones made a motion to approve the minutes from the June 10, 2024 meeting. The motion was seconded by Supervisor Wiedenman and carried.

Supervisor Wiedenman made a motion to approve the minutes from the June 12, 2024 meeting. The motion was seconded by Supervisor Ahrens and carried.

Supervisor Jones made a motion to approve the minutes from the June 26, 2024 meeting. The motion was seconded by Supervisor Ahrens and carried.

Under correspondence the following was shared: Supervisor Jones will ask the Clerk to forward an email from Lakes State of WI. Chairman Rupp shared the OASC newsletter, information from the Attorney on road right of ways, specifically pg. 4(a).

Supervisor Wiedenman made a motion to pay bills as listed, in addition to payroll and associated withholding payments for L Geyman, M Barnhart, John's disposal, cardmember services and WE energies. His motion was seconded by Supervisor Jones and carried.

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

Respectfully submitted,

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