

**MEETING MINUTES
TOWN OF LAFOLLETTE
Monthly Town Board Meeting
Monday, April 14th, 2025**

Attendance: Chair Darwyn Brown via phone, Supervisor Scott Lauder, Supervisor Mitch Coyour, Clerk Sandy Hinkley

Residents: 30 - Attached sign-in

Meeting Start: 7:00 pm

Verification of Posting: Posted notice on website and 2 physical locations.

Reading of Minutes:

March 17, 2025 Monthly Town Board Meeting. Motion to accept minutes made by Mitch, 2nd by Scott

Motion was made by Scott to change agenda order. Bring resident issue - Enhanced Wake Ordinance – to top of agenda due to large resident attendance. Mitch 2nd – so moved.

Resident Issues: Enhanced Wake Ordinance

Darwyn opened by reading out loud correspondence received from town Attorney.

Summary advice – Don't be an early adopter, Enforcement concerns, DNR steps OK if truly desire to pursue ordinance.

Sandy read correspondence from town insurance carrier.

Summary advice – Lake exposures are excluded unless the exposure is listed under the GL

Sandy read copy of potential draft ordinance since printed copies not available due to network issues.

Following Open Meeting Regulations: The current draft version was presented to Town Board in March meeting by Terri Averill. Draft was updated by Scott to relevant Town of LaFollette language then shared with board members for information purposes. Draft Ordinance has not been discussed by board members until this April monthly meeting. This is verified by all board members and clerk.

Current draft was prepared by Steve Johnson (non-resident), Richard Phillips (non-resident, retired lawyer).

There are no town owned public landings, all DNR owned. Q - Steve Johnson

Darwyn – Boarder lakes – Owl, Viola, Sand Lake - 60% of lake shoreline must lie within Town boundaries to be compliant of Town ordinance.

Darwyn – contacted other towns within Burnett County, reported on his understanding of their actions / stance on similar ordinances. Summary – those he contacted are delaying or refusing to move forward.

Town of Scott within Litigation, which named Board individuals that approved the Ordinance. Steve stated it is a letter of claim vs lawsuit. Steve gave his experience with each local town.

Eric Hughes – Parents are LaFollette property owners, he is not. He is an enhanced wake boat owner/user on Warner Lake since 2020. Operate in wake enhanced mode 10x per season. Operates with current guidelines, shows respect and consideration of lake size. Believes, based on results of some studies there can be safe operation of Wake Enhanced boats on lakes such as Warner.

Darlene Leonard – Experience of Wake Enhanced boats on Warner Lake that have created waves affecting (“wrecked”) pontoon, docks and shoreline. Strong advocacy for ordinance

Judy Martley – Experience Warner Lake by skin diving. Clarity, plants and wildlife of lake changed since 90's. Daughter has been slammed into bottom of lake due to Enhanced Waves, potential danger in canoe due to wave size. Have seen Wake Enhanced boat in less than 30 ft. Cannot claim all environmental damage caused by Wake Enhanced Boat.

Jim Cook – Viola Lake resident, does testing of Viola Lake for DNR. Multiple Wake Enhancement boats all show respect, yet he has been washed off anchor while fishing. Concern with output of water column created by Wake Enhanced Boats, minimum of 20 feet down. Based on depth of local lakes, glacial lakes, this disrupts ecosystem, but column could disrupt the seal. Only Wake Enhanced boats, which repeat paths, create this depth of water column for that long. No change in water quality.

Vicki Weinberg – Owl Lake resident. Lake too small for Wake Enhanced Boat. After talking with all Owl Lake property owners, do not want litigation from Township. They do not want an ordinance, afraid of further regulations.

Hannah Martley – Concerns of Short-Term Rentals increasing the number of Wake Enhanced boats. Believes they have contributed to decline of water clarity within last two years.

Patti Hurd – There is already regulations on all boating, ex. 100 feet from shore, etc. Why does additional regulation such as ordinance cause issue?

Steve Johnson – Burnett County Lakes and Rivers Assoc – Resident Town of Scott

Gave a presentation concerning ordinance experience of several towns within county and state.

Talked about litigations, history, potential of State or DNR regulations. With focus on Town of Scott experience. Also mentioned studies.

Eric Hughes stated while other states do have restrictions such as distance concerning enhanced wake boats, contamination from ballast water is not regulated anywhere and is concern for all boats.

Ordinance addresses use of Enhanced Wakes, not the wake boat itself.

Enforcement of Town ordinance.

Neither Game Warden, DNR nor County will enforce Town Ordinances.

Citizen record infraction, pass to town clerk, then district court, then county clerk will send citation.

No one has confirmed with County Court that they accept this process

Could get complex for citizen, clerk and court to determine if true infraction was made.

Would be great if wake enhancement became a State or DNR regulation. WI State Journal asks State to consider action. Comments that activity at local level required to garner State attention.

Paul Gehlen – Suggests Town begin with DNR submission.

Warner Lake does not have or want a Lake Association to help this restriction.

Mitch Coyour, Town Supervisor, suggested we close discussion and work to take steps to give the submission to the DNR for review. Town is not required to hold a vote until ready. Concerned about Town of Scott outcome, will not vote until that is settled. Town Board needs to review the ordinance before we submit to DNR. Should also discuss at Electors Annual Meeting. Seek legal guidance, etc. before any vote occurs.

Anne Taylor – Town needs to take steps to determine insurance coverage of any personal Board Litigation.

Summary of next steps

- 1) Schedule a special meeting to determine ordinance draft submission to DNR
- 2) Seek information of Town Board liability insurance coverage for litigation.
- 3) Send draft to DNR
- 4) Seek attorney feedback.

Motion made by Scott to pause meeting for 5 minutes, Mitch 2nd, so moved.

Clerk's Report

- Election:
 - o Congratulations to Town Board for reelection for next 2-year term
 - Due to deadline, notifications were given and oaths were taken, witnessed and signed separately, outside of Town meeting.
 - Darwyn gave oath and signature via remote, real-time visual
 - o Spring Election – 231 voters, 5 registrations, 56%
- April Tasks:
 - o CT-100 Financial Report not yet complete
 - o ARPA reporting completed, corrected and closed
- Upcoming Meetings
 - o Open Book 4/30 – agenda posted 4/16
 - o Annual Meeting 5/7 – send me agenda items this week
 - o BOR 5/14 – Ordinance for Alternates needs to be created. Two alternates suggested will verify availability and pass next monthly meeting
- Mentioned ARPA Grant available for Well deconstruction or maintenance – posted on website.

Treasurer's Report:

- Treasurer's report given by Sandy
 - o County reimbursing for culvert study
 - o Lottery Credit received – deposited tomorrow
- Motion to accept report made by Scott, 2nd by Mitch

Monthly Financial Report

- Will update with Lottery then redistribute. Total \$415,370 income. Expenses still early in year, well within budget.
- No income from WPC
- Election Wages are complete for 2025
- Darwyn verifies roads budget availability

Open Meeting Protocol

- Reminder of Open Meeting regulations.
 - o Shared printed summary of Scott's conversation with WTA.
 - o Review requirements - information can be shared but not discussed.
- Following protocol – need to establish date/time for special meeting.
 - o Mitch validated sending draft to DNR doesn't commit the town to an ordinance or action
 - o Scott will contact WTA for insurance suggestions
 - o Due to scheduling conflict, will continue discussion during this meeting as posted following Road Items agenda item.

Website Update

- Up to date.
- Will announce road restriction lifting and the ARPA Grant for well maintenance for citizens

Road Items

- Windorski Rd - Resident has planted trees in right-of-way, have a verbal confirmation to remove but will send written to establish a document of requested dates and deadlines. Requested no snow be pushed on to her property but road maintenance will continue as needed.
- Twin Lake Road – Need to widen road before fiberoptic cable laid. Doug has widened but need to remove stumps
 - o Doug & Mitch met with land owners, Jared Washburn and Brian Lund
 - They request to leave road as it is.
 - Estimate from D’Jock & Company for \$8,000 to cut and chip trees in right-of-way dismissed due to land owner’s statement
 - o Estimate received from Burnett County Highway Dept.
 - \$1,500 to remove stumps, \$5,200 to haul them away, totaling \$ 6,700.
 - o Scott moves to use any source to remove stumps, not to exceed \$6,700. Mitch 2nd
- Received estimates from Burnett County Highway Dept to chip seal various roads totaling \$88,900
 - o Using 5/16 chips on top of CRS-2 oil. With sweeping and fog sealing included
 - Doug will fix frost holes, etc. prior
 - County will crack fill
 - 0.6 miles of Viola Rd - \$ 15,600
 - Moved to accept bid by Mitch, 2nd by Scott
 - 1.0 miles of Culbertson Rd - \$ 24,000
 - Moved to accept bid by Mitch, 2nd by Scott
 - 1.3 miles of Anchor Inn Rd - \$ 24,500
 - Moved to accept bid by Mitch, 2nd by Scott
 - 1.5 miles of Coyour Rd - \$ 24,800
 - Moved to accept bid by Scott, 2nd by Mitch
- Indian Creek Rd – wish to get that ground and gravel and fix culvert in 2025. Will begin bid process soon. Potential to black top in 2026 without establishing a loan.

Resident Issues

- Enhanced Wake Ordinance draft of cover letter and ordinance to send to DNR
 - o Fine amount – determined as largest amount allowed by statute in draft, we can change. Portion of fine will be received by town.
 - o Need to verify if County Court Clerk will indeed process fine.
 - o Boarder Lakes
 - Need to have DNR validate requirement of ordinance inclusion for any boarder lakes that may reside within and outside of LaFollette.
 - Owl Lake does not want to participate, need to determine if included based on DNR regulation.
 - All border lakes within LaFollette share with Sand Lake Township, which has stated they will not create an ordinance at this time.
 - o Because LaFollette does not have Village Powers, we cannot enforce an ordinance
 - Village Powers can be granted at Electors Annual Meeting or via petition/referendum but board makes final determination
 - Zoning required by a town with village powers (*later discovered to be untrue*)
 - o Need to verify if insurance truly covers Board for litigation as “town officials” or as individuals, etc.
 - o Need to eliminate words within ordinance that “Town Board” will enforce
 - o Need to determine cover letter format, questions and intent to represent LaFollette
 - o Sending to DNR doesn’t require a public meeting or any ordinance posting regulations

Bills and Correspondence

- State WTA has a voluntary contribution to TAC of \$140.25. Scott makes motion to pay, Mitch 2nd.
- Posting of Open Book needed on Web and Commer

Motion to adjourn made by Mitch, 2nd by Scott

Meeting Adjourn: 9:55 pm

Sandy Hinkley,
Town Clerk