

TOWN OF DRAPER

WWW.TOWNOFDRAPERWI.GOV

6994N MAIN STREET
LORETTA, WI 54896

(715) 266-2110

INFO@TOWNOFDRAPERWI.GOV

On April 16, 2024 the Annual Meeting of Electors for the Town of Draper was called to order with the Pledge of Allegiance at 6:00 p.m. at the Draper Town Hall. Present were Chairman R. Burt, Clerk E. Klein, and twenty six Electors.

W. Momberg asked if there was a quorum and where are the supervisors. Chairman Burt explained this is the annual meeting.

The minutes of the April 18, 2023 Annual Meeting were approved on a motion by E. Peters, second B. Shydowski; all in favor, motion carried.

The Clerk's 2023 Financial Reports were presented to the Electors. No questions were asked.

The floor was opened to business brought up by the Electors.

S. Cain asked why they received a notice of violation for their business using the dump, since they also live there as a residence. The Town Ordinance says businesses must provide their own recycling dumpster but D. Zett said it was never enforced before. J. Gerwing responded that both bars are also the residences of the owners and they can still dispose of their personal recycling. J. Gerwing asked why the dump was closed on Wednesdays. E. Klein gave him a sheet with information he had requested for the discussion. S. Beining answered that only 7 people had used the dump on the Wednesday before it was closed. A citizen asked if volunteers could open it on Wednesdays. S. Beining stated no, due to liability laws and that the town dump employees must sort the recycling to prevent fines after the town got in trouble with DNR for past violations. B. Momberg asked for clarification on dump wages on the financial report and how that added up to a \$4,000.00 difference in closing the dump on Wednesdays. E. Klein explained the dump and recycling expenses must be separated for the DNR grant, and demonstrated the math.

R. Cain observed that the town hall brings the community together and there are out of towners on the board wanting to tear down the town hall. He would like to have the minutes printed in the paper again.

W. Momberg questioned live streaming the board meetings at a \$5,000-7,500.00 expense when the average age of Draper residents is 65 and they can't use technology. She questioned why recent minutes say "over-talking" instead of the citizens' comments. Chairman Burt stated it was hard to hear when everyone is talking at the same time. She pointed out that no one ever came to the meetings before and now we have a turnout of 18-30 disgruntled people showing up and there is a something wrong with this town board.

B. Shydowski asked for a definition of "out-of-towners." I. Cain said the policies of the board represent out-of-town ideas: not wanting bear hunters, four-wheelers, Air BnBs, or businesses to go to the dump. The town is made for tourism. W. Momberg stated the town nearly died when the railroad went out 100 years ago and now we need tourism for the community to thrive. The people that have 5M homes on Round Lake are our bread and butter. B. Shydowski stated she does not want an Air BnB next to her with the noise and traffic. W. Momberg asked why she is selling her farm. B. Shydowski stated the board needs to look at regulating rentals. W. Momberg asked if B. Shydowski thought about that when she had her Bed and Breakfast. B. Adler stated she was not in favor of Air BnBs but the one next to her has never had a problem.

At 6:29 the fire department received a page for a forest fire and E. Klein, C. Klein and S. Beining left to respond and were not present to rebut the following remarks.

S. Cain referred to the RESP Grant press release in the Gazette which refers to Draper as a disadvantaged community due to health factors and high electricity rates and asked why the citizens should pay more for the cemetery and town hall.

G. Heath asked why the board started charging money to use the town hall, and stated the community could raise money and get together to fix it up. They do not want the rules or a deposit to clean. Is there a way to change the agreement back?

B. Adler asked why the Community Club deposit was a personal check from E. Klein and not the town.

J. Zaborski stated the park needs a port-a-potty for the park and businesses do not want the public using their facilities. It costs about \$110 a month to rent. Chairman Burt agreed to ask about it at the May board meeting. J. Zaborski wants the picnic tables moved out of the shelter. The landscaping blocks were stolen after a year. B. Shydrowski stated that a neighbor saw drug dealers in the park.

R. Cain stated E. Peters' administration tried to tear the town hall down. Tim and Steve are not from our community and want to change it. He asked how the former clerk was able to do the job without having extra help and asked why we need an IT person. Chairman Burt stated C. Klein only gets \$1,000.00 a year to work on all the computers. R. Cain stated he saw him submit a bill from the D. Zett administration that was for \$6,000.00 and asked about his contract. W. Momberg asked if the IT work should be bid out and that E. Klein and C. Klein should not both be working at the town. I. Cain stated that they are enriching themselves. R. Cain saw numbers like \$500 per year for IT in other towns and we only need it during the election. B. Momberg objects to the resolution that states the IT person can authorize access to the office- it should only be the elected officials. R. Cain asked about how C. Klein gives zoning reports at meetings. It was stated that he is on the planning commission. W. Momberg stated that the electronic voting machine was not up when the polls opened two weeks ago. E. Barker who was a poll worker said yes it was. W. Momberg stated it was sitting there and it didn't have its "things" up. E. Barker stated the new machine is different. It was asked if C. Klein was working at the elections as IT or as an election volunteer. E. Peters explained that election workers are trained every year and there are supervisors and election workers, and they are all paid an hourly wage throughout the county. He stated that IT and zoom meetings are important: a person can attend and participate online and it's a valuable resource. He doesn't agree with all of this board's decisions but the current board is capable and moving forward and that requires technology to be connected, to access things and participate in the 21st century. He stated the town hall building is uninsulated and the heating bills have been astronomical in cold years. The building has functionality but is not suited for a government office.

J. Burt wants to see things in the newspaper. He feels he does not have a voice because the people come to talk about the town hall and the dump for five months and the board makes the decisions. He stated that Liz makes all the drafts and they're all illegal and the people have to abide by them.

W. Momberg asked how much Liz makes a year. Chairman Burt stated it should be there in the financial report, and that he makes \$500 a month. W. Momberg asked if the supervisors go out with the town crew and get an hourly wage. Chairman Burt said no, he volunteers at the dump site and they don't get an hourly wage. W. Momberg asked how much B. Adler made as town clerk. B. Adler stated \$11,000 a year. W. Momberg asked why E. Klein is being paid two or three times what B. Adler made and stated it is not a full time job. B. Shydrowski and Chairman Burt stated it is a full time job for her, and she works on grants. W. Momberg stated there have been no financial reports for the past few meetings and that she is disgruntled. D. Erickson stated she and others who disagree with some citizens do not speak up because they do not want to be attacked. She stated that the cost of everything has gone up and things are costing more money. R. Cain and W. Momberg asked what the crew did all winter. M. Erickson, a part time employee, said he did not work all

winter. W. Momberg stated the crew sits around drinking coffee and does not work. S. Zmuda asked if the workers make out a time sheet. W. Momberg asked if they fill out a mileage sheet. Chairman Burt said to put your application in. Chairman Burt stated they are doing their job and they are devoted workers. R. Cain appreciates the people who are doing the work and going after the grant money, but we have strayed as a town.

At 6:58 p.m. E. Klein returned from the fire call. D. Erickson continued to clerk the meeting.

S. Cain stated the supervisors had two people in tears and they should not be allowed to treat people that way. W. Momberg stated the people want their voices to be heard. Some people say the board is doing great work, but we do not feel that the town of Draper is being utilized the way it should be. Draper Daze was seventeen years ago. Chairman Burt invited the people to attend more meetings.

G. Heath talked about the hall again and suggested a committee to pound the nails in on the siding. The citizens have held fundraisers in the past. Since the hall issue has started with her complaining, the community has really come together. G. Heath is pursuing this because of the memory of Dave. No one feels comfortable coming here, and no one can afford to. She read the rules of cleaning, setting up the chairs and tables, clean the kitchen counters and stove top, sweep and mop the floor, pay for any damages, and don't tape things to the walls because it peels the paint off, and said they don't want any of those rules. D. Erickson said you can't rent anything anywhere without following those rules and times have changed. Someone asked if something happened that provoked the new rules. L. Caddy answered that last Earth Day they cleaned, but she left information and a box of seeds and that's when the s*it hit the fan. W. Momberg stated they had to pay a deposit to rent the American Legion in Kenosha but they didn't have to clean it up. R. Cain stated they could rent a park and a building in Darien for \$20 where he came from. Chairman Burt stated he agrees it should be no cost to rent the hall. L. Caddy asked for a motion to change it back. J. Gerwing stated communication is key- the septic tank has to be pumped and that is where the costs come from. Can it be rectified with a larger tank? B. Heath stated it's a 2,000 gallon tank. J. Zaborski asked if the people who rent the hall have to provide their own paper towels and garbage bags. There were no paper towels or garbage bags the last time. If you rent the Wannigan, you don't have to provide garbage bags or paper towels or mop the floor, and it's \$100 to rent. Chairman Burt stated the holding tank pumping is only after large events. J. Hunt asked who brings up the discussions to make changes. Chairman Burt asked them to attend the next board meeting to make the changes. J. Zaborski stated that Earth Day is a free event and they have to pay \$200. E. Klein stated they aren't paying, the fee was waived. W. Momberg is asking why the town is paying exorbitant salaries for anyone who is elected when that money could be used for the town. This isn't supposed to be a full time job. She stated this is a small town and the elected officials should have a regular job and just use this to service the residents and the township. L. Caddy asked if anyone knows if other towns have a full time clerk. Ojibwa works 8 hours a week, Town of Lake works 1500 hours a week. S. Johnston stated Town of Winter and Village of Winter are full time clerk/treasurers. C. Miller asked why people can't vote on how to upkeep the town hall instead of the board. L. Caddy wants to know how many hours the other clerks work. S. Zmuda stated the clerk does not have to be a member of the township. Ojibwa works one day a week. S. Johnston stated some positions are appointed and some are elected. S. Zmuda stated if the office is open on Monday and Tuesday she should get paid for Monday and Tuesday and shouldn't work at home. C. Miller said the floor needed to be finished since the 80's, and volunteers could do the jobs. Is the building in such bad shape that you can't have a meeting? J. Miller asked if we are subject to building standards. Atty. Kohls stated legally yes there are standards. W. Momberg asked Atty. Kohls where are we right now, are we meeting those standards? Atty. Kohls stated you would have to talk to the building inspector but there are codes. S. Zmuda asked why there is a lawyer and a police officer at the meeting. W. Momberg asked why there was an officer present last week. Chairman Burt stated somebody might get violent. J. Gerwing asked how information for a volunteer group would be communicated. L. Caddy stated the agenda for today was not posted online. B. Adler stated there is no agenda for the annual meeting. S. Zmuda

asked about the planning commission and who the people are who are on it. B. Adler asked why the positions are not posted on the website. E. Klein stated they are. E. Klein stated this agenda was posted on the website and in three public places. E. Klein explained the comprehensive plan and planning commission are statutory bodies, and in the past we had an opening that was posted for weeks and no one responded. L. Caddy asked E. Klein why only seven people knew when the dump was open last week. It was explained that it was not open on a Wednesday since last March. The subject of publishing in the newspaper came up again. W. Momberg stated even the 50 and 60 year olds at her company cannot work a computer and they want things published in the newspaper. E. Klein stated that every two years when a new board comes in she asks them if they want to publish in the paper and they always say no to save money. It can be brought up again and they will have to move several thousand dollars in the budget to cover it.

J. Gerwing asked about businesses using the dump for recycling again, and he is in and out fast on a Saturday. He would like to continue using it. Chairman Burt stated he prefers to let them go there. He asked for a roll call vote on opening on Wednesdays. By a show of hands, twenty six hands were counted.

S. Zmuda asked if they can vote on publishing the minutes and notices in the paper. Everyone raised their hands.

Chairman Burt asked if there were any announcements, B. Adler stated Earth Day is Saturday from 10-2, with a free lunch and four speakers. L. Caddy stated it was posted on FB and the Town of Draper website.

I. Cain asked to raise hands about getting the town hall prices back down.

E. Klein reminded Chairman Burt to schedule next year's annual meeting: it will be the third Tuesday in April, 2025 at 6 p.m.

S. Zmuda asked if the bathroom will be finished by Saturday. Chairman Burt stated no.

The meeting adjourned at 7:32 p.m. on a motion by W. Cain, second B. Momberg.

At 7:34 p.m. the Annual Cemetery Meeting was called to order. The April 18, 2023 minutes were approved on a motion by B. Adler, second L. Anderson; all in favor, motion carried.

Chairman Burt opened the floor to discussion.

J. Burt approached the board with handouts on do it yourself green burials and a rebuttal to the 2021 Bylaws. The following is almost verbatim, to record the full arguments J. Burt presented.

J. Burt stated that E. Klein said in the newsletter that only legal notices would be published in the paper. He asked the citizens to remember that. He cited Article 2 of the Bylaws that the members of the cemetery board are trustees. He stated that the supervisor said no one was on that cemetery board, but E. Klein was a 2021 member. He defined a trustee as one who holds the office for the benefit of the constituents. He asked if they performed their duty, and if the 2021 Bylaws, enacted against the will and vote of the Draper citizens are for the benefit of us. He stated five things that are not of the benefit for us:

Number 1: They take away what do it yourself green burials are, and what was voted on and approved and accepted by the Draper Cemetery Board in 2012

Number 2: They restrict the number of cremations that Draper residents have been interring in a grave plot where there's no statutory limit

Number 3: They exclude the cemetery procedures on digging graves and cremations that were permitted by all previous cemetery trustees

Number 4: They illegally increase an unreasonable and excessive financial levy without the free assent being obtained by the constituents. None of you voted for that high raise.

Number 5: They deny the existing rights that constituents had for generations

If the current board did not make these Bylaws then they should rescind them, because they are unlawful. We're not going to obey them because they are unlawful. The Draper residents had no clue that the 2021 Bylaws existed and they do not consent to them.

The legal definition of the newspaper is they didn't know because the town clerk is the one responsible for publishing the legal notification in the local newspaper. She didn't publish it so nobody knew. This is necessary so all those affected by it would have their legal right to voice their opinion and to vote for or against these bylaws. Statute 60.12(3), 893.70 and 985.02 it reads in part: the clerk is liable in her official duty by the omission of not publishing in a newspaper so persons affected could be notified. We're all affected but we didn't know they existed even. She was also supposed to post it in three places. If that isn't a legal thing then there is no legal thing, and she's liable for not posting it.

He also believes the Bylaws were incorporated during Covid when everyone was encouraged to stay home. The town hall was closed when the main election was on.

According to the statutory law of the constitution, our cemetery is under an entitlement called "existing rights," which cannot be annulled by any statute. This board exceeded their authority by enacting the 2021 Bylaws against our existing rights.

Existing rights include or consist of that which has always been a practice or a procedure of the Draper citizens for many generations. We've always done it. We always buried our own and we always took care of that cemetery and we were never restricted on it like it was Fort Knox.

To name just a few existing rights that were performed by family and friends: Hazel Burt was buried by her complete family. Gavin was buried by the whole town of Draper- everybody volunteered to go up there and dig that grave, with a pick and a shovel. Allen Miles was buried by Edward Miles. Joseph Burt was buried by his family. Debbie Burt was buried by family and friends. Scott and Terry Sammons were buried by their two sons. David Heath was buried by Jeff and Bill. Nobody had to get permission to do it, they just went and did it. It was grandfathered in. That's what we did here. We didn't have a handcuff on us to tell us we couldn't bury our own.

Green burials- they became existing rights by family and friends by the Draper electors. They said that you could have do it yourself burials when they took a vote on it in 2012. The new Bylaws cannot throw those out and say you cannot do it yourself in a green cemetery. Families must bury their own in a green burial because the funeral home just brings the body and drops it off, they don't put it in the grave. In a green burial we can even bring the body from home and bring it to the grave that we put it in, and we dig it ourselves. We don't have to hire a sexton because it's cheaper. And everyone that owns a cell phone can look it up.

The constitution cites: all citizens have a right to decide the necessity of a financial levy, and their free assent to it must be obtained. Their free assent wasn't obtained because they weren't here. They didn't even know that there was a Bylaw where they could vote on a higher raise on paying for everything. The 900% price increase or levy was bestowed on the constituents because another town did that so they decided to do it here. Our residents were not given a choice or the right to decide.

The Draper clerk acknowledged that Draper has qualified as a disadvantaged community. Disadvantaged people don't assent to a financial levy put upon them.

To clarify why we're disadvantaged let me share with you: Draper does not have the economic or industrial equality of other towns. Draper doesn't have a bank, a post office, a school, it doesn't have any stores, no gas station or service stations. Over 65% of the citizens have no money in the bank. Many of the people here are senior citizens on fixed incomes. Here again the trustees did not hold their office for the benefit of their constituents. Malfeasance. It's against their duties.

The misuse of town money: our cemetery was mowed by three of our citizens: Terry Sammons, Larry Ryan and Brad Burt. For mowing the cemetery all summer they received around \$500 or \$540. Just think, our board hired somebody from Cornell and pays them \$6,000 for the same job. Why? Why would you hire somebody from another township when we have people here who would do it.

What about equal opportunity? It wasn't provided. It wasn't in the paper even. Bradley was still available. He got ill. He didn't quit and he didn't get fired. He came back and his job was gone. It's illegal. You can't hire somebody else because somebody got ill. That ain't America.

We're running out of the capacity in the vicinity of where our family members are buried in the cemetery. Yet our plot size is 13' by 6' 3" wide and that little cremation we put in there is about six inches. And they say we can't put any more in there, we can only put one in there. Common sense proves that several more generations could be interred by cremation if this extra space was still used.

In the first cemetery on the left there are two in the same hole that Pastor Terri put in there but now they say it's illegal and you can't do that. Maybe we should dig them back up and make them buy two more plots for another \$1500. We could put enough generations up there for several more and yet they say that we can't put more than one in. Yet there's no statutory limit, the statutes say you can put as many as you want in there. That's not a benefit.

This board should rescind those 2021 illegal Bylaws and reactivate the 2011 Bylaws that we all agreed with so that we have a standard in the cemetery for our procedures- we have to have some standards so we know what we can do. There should be an addendum for existing rights to be maintained, that more than one cremation can be interred in that same spot, and that do it yourself green burials be incorporated as they were voted on by the electors in 2012. It would solve all the problems of the future because we would know what we could do and we wouldn't be breaking the law as they did in making these Bylaws.

He turned it over to the Chairman for a discussion and a vote taken on this, to rescind those laws.

Chairman Burt stated that at the next meeting they could act on that, but maybe we could take a vote to see how many people wanted it.

Attorney Kohls offered to clarify some of the state cemetery laws. By law, in a municipal cemetery you can't have "do it yourself" burials. You can't have people or family members opening or closing graves, it has to be the town board or their designated officer. That is a state requirement. The board is authorized to contract with anybody they want- there is no residency requirement. S. Cain stated that the green burial was already approved, it was voted on by all the people. Attorney Kohls explained that green burial is different than do it yourself burial. Even if it was voted on by the electors, it's still unlawful by state law [to dig your own graves]. The board made their Bylaws compliant with the state which is what they have to do- they don't have that discretion.

J. Burt stated that existing rights overrides the statutes according to the Black's Law Dictionary and he will take this whole thing before the Judge and he will decide. Attorney Kohls restated the state statute about opening and closing graves, the board can contract with anyone, and they are allowed to adopt regulations and encouraged to adopt regulations for the cemetery so that's what the town board did through these Bylaws.

On the posting vs publishing issue, towns except for limited exceptions that don't apply here, don't have to publish in a newspaper. You can choose to but it's not required as long as you're posting in three places and on the town's website. For these annual meetings and for town board meetings most things don't have to be published as long as they're posted.

J. Burt asked what a legal posting is. Attorney Kohls stated it is either publishing or posting, it doesn't have to be both. J. Burt asked why is it called legal- a legal one is if it affects everybody it has to be posted. Attorney Kohls stated it can be posted or published, either one. J. Burt said it has to be both of them, or by the omission the clerk is liable. Attorney Kohls said no, not in towns.

W. Momberg asked if by state statute family members cannot open and close a grave and if we have one plot there and we have four family members that we want to put on that plot, and we have someone open that grave up, can we have four people in the grave. Attorney Kohls does not know about four people in the same grave. W. Momberg asked about a 12" by 6" cremation urn and if you can fit 4, 5, 6, 10 in the plot, can you? J. Burt stated the statutes do not limit the number. He stated that if you owned a farm you can bury anybody on it. A horse, a human being, which is an animal. But you can't bury people yourself in the cemetery? Attorney Kohls stated the municipality has certain responsibilities for its cemetery and that [the state law] is one of them.

E. Klein stated that Article 10 of the Bylaws states you can bury two cremains or one full coffin with cremains on top, so a married couple can be in one plot, and exceptions can be made for minor children; so if you lost a baby you can put a baby with Mom and Dad. It's not one, it's two per plot, with exceptions made for children.

J. Burt repeated that the 2021 Bylaws are illegal because they weren't published and nobody knew they were in existence, so we had no knowledge of it being there. He said he gets the newspaper every week. He doesn't have a cell phone and he doesn't want to drive down to the town hall to look on the board. It has to be where everyone can know.

Chairman Burt said the board will look at it at the May meeting.

R. Cain said he likes green burials and doesn't want to see them taken away. Notwithstanding who can dig the grave, but it shouldn't be somebody from Cornell.

E. Klein stated that she agrees with R. Cain and green burials are not going to be taken away. The 2012 town board/cemetery board never codified the green burials into a resolution or law; the citizens making that vote at a meeting doesn't make it the rules. Some green burials were done without the law in place. Dave Zett looked into it and did a good job working on the cemetery. We had to do this to get the veteran's benefit that pays for the veteran's graves and they wouldn't do it until we fixed these Bylaws. The 2011 Bylaws were out of compliance with state law. We made green burials codified into our law now, so they are legal. Nobody's taking them away. Insurance and the state law won't allow you to dig your own graves.

J. Burt stated that do it yourself was voted in, to do it yourself. Ed Peters took the vote so it had to be legal. E. Klein explained that the annual cemetery meeting is for informational citizen recommendations to the board, and then the town board has to vote to make the rules. Ed Peters said there was a mix up in the discussions at the time between burying on a farm or in the municipal cemetery that has all the rules. J. Burt was the sexton and maybe that's why he remembers digging the graves himself. J. Burt stated that Jeff and Bill dug Dave Heath's just a short time ago.

E. Klein stated the town advertised on and off for three years in the Gazette for a sexton and got no response. J. Burt said he wrote a letter to the town board that Larry Cook from Ojibwa would dig our graves for \$400. E. Klein said he wasn't hired by any boards. J. Burt said nobody gave him opportunity.

E. Klein stated that the disadvantaged community statement came from Steve Beining's grant application. S. Cain stated that it was lying to get a grant using us as a scapegoat to get a grant but yet we can't afford all this other stuff and you guys admit it. E. Klein explained that the designation is based on federal mapping, because of our proximity to the LCO reservation; it has nothing to do with deceiving anybody, it's a fact of the federal grant applications.

J. Burt stated they have been digging their own graves for a hundred years, until E. Klein came in and made new Bylaws and now everything has changed. E. Klein stated there were five members of the cemetery board who adopted them and only Dee objected to the changes at one board meeting- the 2021 cemetery board was Dave Zett, Bill Heath, Dee Dobilas, Judy Sobraliski, and E. Klein. Dee Dobilas stated she was never told of any cemetery board meetings. E. Klein stated there were no cemetery board meetings, it was discussed during the town board meetings. J. Burt stated if it was in the newspaper the citizens would have told us what they used to do but nobody gave them an opportunity. E. Klein stated there were two noticed town board meetings with citizens present and the minutes were published, and then the annual meeting, and the sign in sheet is provided here- all sixteen people voted unanimously to adopt the 2021 Bylaws. They were signed and voted and registered and published by posting.

W. Cain asked Attorney Kohls if a sexton or the town board had to be present to open the graves- Attorney Kohls stated the family could be present but only the person from the town can open the graves. J. Burt stated in the past the Chairman would find somebody to dig the grave and the Chairman would mark it and come back to check on the digging, it wasn't a sexton, and no machines were allowed until the 90s. Our cemetery was different than a city cemetery- they're not all run by the statutes. Chairman Burt said times have changed, laws have changed.

E. Klein asked Chairman Burt to remind the citizens they can ask for \$500 in the 2025 budget for cemetery improvements. There was a discussion about a sign, or other improvements that could be made.

J. Burt asked how the town was allowed to move the cemetery CD into the regular fund. Attorney Kohls stated it is allowed by law for the town to do that.

A motion to authorize the town board to allocate \$500 in the 2025 budget for cemetery improvement was made by W. Cain, second W. Momberg; all in favor, motion carried.

The cemetery meeting adjourned at 8:08 p.m. on a motion by C. Miller, second R. Cain; meeting adjourned.

Respectfully submitted,

Elizabeth Klein
Clerk, Town of Draper