

The Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:32 p.m. with the salute to the flag. Chairman D. Dubey said the meeting was noticed.

Present: Supervisors B. Lawn, F. Leppin, T. Stefanowski, P. Topczewski and Chairman D. Dubey.

Others Present: Engineer S. Sullivan, Attorney J. Macy, Planner T. Schwecke, Fire Chief J. Rolfe and Clerk K. Wilson.

Absent: Treasurer D. Steinke.

Motion by T. Stefanowski, seconded by B. Lawn, to approve the June 18, 2008 Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Nan Bach, CTH NN, said she is in agreement with the increased fine of \$2,000 per occurrence. She said Sherry Towns is in violation of Chapter 30 and Chapter 216 of the State Code and she also needed a local permit for erosion control.

George Brown, Paradise Lane, said there has been significant progress in the last three days regarding the Country Bliss flooding. He said a special thank you to Supervisor F. Leppin and asked that the Town Board continue pumping.

He questioned what the plan is going forward so they do not have to face a flooding issue next year.

TOWN ENGINEER

Country Bliss Flooding and FEMA Update

D. Dubey said there are three pumps running in Country Bliss which supply water to the big pump in Stone Brook Hollow 1st Addition. He said the quote for the pumping goes through August 4 at a cost of \$125,000. He said the Town Board should consider \$50,000 more be put in the line item for pumping to get to the next Town Board Meeting.

F. Leppin said at the rate we are pumping, the roads should be emptied within seven to ten days.

D. Dubey said we will have to go longer than that because as soon as we stop pumping the level will come back again.

S. Sullivan said the Town will be installing some monitoring wells in Country Bliss which will give us an idea of what is happening underground.

F. Leppin said FEMA will pay 90% of the fuel, labor, pumping, etc costs and the State will pay 12% of the remaining 10%.

D. Dubey estimated the Town cost would be about \$18,000.

S. Sullivan said FEMA does not pay for the reconstruction of the roadway so the barricades will remain after the water is gone to give the roadbase a chance to dry out.

Motion by B. Lawn, seconded by F. Leppin, to increase the maximum expenditure for pumping by \$50,000 to \$175,000. Motion carried.

S. Sullivan said two long term solutions to the flooding are:

- 1) Relief for the existing detention ponds by having a storm sewer system
- 2) Storm sewer pumping station

B. Lawn questioned about moving the water north.

S. Sullivan said the logistics are pretty impossible because of all the properties and roads it would have to cross. He said when the Town gets data from the monitoring wells, those numbers will guide them as to what approach should be used for the long term solution and the possible cost of the solution. He said there are hundreds of drainage basins in the Town of Mukwonago.

J. Macy explained the procedure to acquire property for storm sewers by the condemnation process. He said if a Storm Water Utility District is done by a special assessment, there would need to be a public hearing.

Wisconsin Department of Transportation – Multi-Use Trail Crossing Two Town Properties

S. Sullivan said when the DOT is doing the STH 83 expansion, the Village of Mukwonago has a multi-use trail going north and south which crosses two Town properties and the DOT would like for the Town to pay for the asphalt trail on the two Town properties. He did not have any plans nor costs from the DOT.

STH 83 Expansion

S. Sullivan does not have any further information about the expansion plans other than the plans the Town has.

BUILDING INSPECTOR – SCOTT JOHNSON

Domenic Lalicata

S. Johnson said there have not been any further complaints about the Lalicata property so it can be removed from the next agenda.

Mark Carpender

M. Carpender said he plans on having a 30 yard dumpster remove the manure pile and in the future to remove the manure once per year.

D. Dubey said a written plan needs to be given to the Town Planner prior to the Planning Commission Meeting on August 6.

M. Carpender said the vehicle is licensed.

Timothy Riley and Elizabeth McGovern

S. Johnson said he received a complaint that the yard has not been mowed and there is a backhoe parked on the property. His certified mail and regular mail notices were returned. He had the same complaint on the property two years ago and contacted the property owner's sister who said by the end of the month they would be selling the property.

Motion by F. Leppin, seconded by P. Topczewski, to table discussion to the August 20 Town Board Meeting. Motion carried.

D. Dubey will ask the Police Department to watch the property and see if any activity is happening.

Sherry Towns

S. Johnson said he received a complaint regarding the berm and colonnade on the Sherry Towns property. He inspected the property and said it appears that the berm is damming water on the adjoining property and the colonnade is too close

to the lot line. He referred his letter to legal counsel and he will be mailing it out soon.

Conditional Use Inspection Update

Michael and Cynthia Kutschenreuter

S. Johnson reported the building has been removed so M. Kutschenreuter is in compliance.

FIRE CHIEF

Ambulance Billing Ordinance

Motion by P. Topczewski, seconded by F. Leppin, to adopt Ordinance 2008-5 An Ordinance Creating Section 30-3 “Fees for Services” of Chapter 30, “Fire Prevention and Protection” which is an ambulance billing ordinance with a charity care policy. Motion carried.

Motion by P. Topczewski, seconded by B. Lawn, to table the resolution establishing fees for ambulance, fire and rescue services to the August 20

Town Board Meeting so fees can be put in the resolution. Motion carried.

When questioned by J. Macy, Chief J. Rolfe said the intercept fees are reciprocal.

POLICE CHIEF

Ralinda Howard – Update from Humane Officer

D. Dubey said there still is a problem with the number of dogs and horses on the property.

TREASURER

Treasurer’s Report

Treasurer’s Report was placed on file.

PLANNING COMMISSION

Zaruba In-Law Unit Conditional Use (application 2008-19)

Motion by P. Topczewski, seconded by F. Leppin, to approve the Amendment to Town of Mukwonago Order Granting a Conditional Use and Prescribing Conditions for Otto Zaruba for an In-Law Unit.

Yes: 4. Abstain: T. Stefanowski. Motion carried.

Ordinance 2008-4 Forfeitures for Violations

Motion by P. Topczewski, seconded by T. Stefanowski, to approve Ordinance 2008-4 An Ordinance to Amend Section 82-269 of the Zoning Ordinance for the Town of Mukwonago which increases the forfeitures for violations based on the Planning Commission recommendation. Motion carried.

Updates regarding County approval of Ordinance 2008-4 will be on Town Board Correspondence.

Ruth Vollmer/Marni Lynn – Lots 26, 27, 28, 30 and 31 Phantom Lake Woods (application 2008-16)

Motion by P. Topczewski, seconded by B. Lawn, to approve the merger of the Ruth Vollmer/Marni Lynn substandard lots of record based on the recommendation of the Planning Commission. Motion carried.

New Lots Created

According to the Assessor’s Report, there were no new lots created in the Town of Mukwonago in June.

TOWN PLANNER

Penalties

T. Schwecke reported the Police Department sent a citation to AT&T.

Phantom Lakes Development Company – Lakeside Inn – Certified Survey Map Update

T. Schwecke said the Town received a letter from Ruckert-Mielke approving the Certified Survey Map so the CSM is ready to be signed.

Mair Conditional Use Update

T. Schwecke reported the Mair Conditional Use has been recorded and the Plan of Operation for the four businesses on the Mair property are being reviewed by the Fire Chief, Police Chief and Building Inspector.

TOWN CLERK

Stephanie and Allan James Amplifier Permit Request

A. James said he is requesting an Amplifier Permit for August 16, 2008 from 5:00 – 10:00 p.m. for a Fundraiser for the Mukwonago Wrestling Club to be held at his home on Arbor Drive.

J. Macy said asking for a donation at the fundraiser would be considered selling alcohol so a liquor license would be required for this event.

A. James needs to meet with the Deputy Clerk to see if he is eligible to apply for a liquor license.

Motion by P. Topczewski, seconded by B. Lawn, to approve an Amplifier Permit for Stephanie and Allan James at S75 W31625 Arbor Drive, Mukwonago on Saturday, August 16, 2008 from 5:00 – 10:00 p.m. Motion carried.

TOWN ATTORNEY

TOWN CHAIRMAN

Johns Contract

T. Stefanowski reported the Town has insurance through Wausau Insurance which covers the pollution exclusion issue.

D. Dubey said with the insurance issue resolved, the contract can be signed.

No Wake Ordinance for High Water Condition on Phantom Lake

D. Dubey said the proposed ordinance says if the water level is four inches on the gauge by the dam, a “slow no wake” would be instituted.

Ordinance was tabled to the August 20 Town Board Meeting because the Town Board just received the ordinance.

Flooding Progress Communication to the Town Board

D. Dubey said that T. Stefanowski wanted to know how the Town Board can communicate without violating the open meetings law.

J. Macy said memos can be sent out but responses or conversation back and forth can not be done. He recommended that the memos come from the Clerk’s Office whether by e-mail or in the Town Board boxes. Memo should be a one-way transmission.

T. Stefanowski questioned when there isn’t enough information to make a decision.

J. Macy said in many communities the board committees are the starting point for some topics that can be researched.

FINANCE

Pay Bills

Motion by B. Lawn, seconded by T. Stefanowski, to table to the Protective Services Committee the \$150.00 bill for Town Hall Floor Plans from the Fire Department and pay all the other bills. Motion carried.

CORRESPONDENCE

COMMITTEE REPORTS

Town Hall

T. Stefanowski reported an Energy Audit was done regarding the Town Hall and he gave the report to F. Leppin. T. Stefanowski said the report shows that the Town Hall uses the most electricity in January, February and March.

COMMENTS FROM THE PUBLIC

Kathy Sadler, Memory Lane, question if they were being reimbursed for the gasoline used in Country Bliss.

Karen Seigworth, Stone Brook Pass, said the Town of Mukwonago has a great website and suggested that a water progress report be put on the website. She questioned when the termination of the pumping would be. She said when the pumps are down, the pond in Stone Brook Hollow 1st Addition would need to be inspected. She also was concerned if the pond in Stone Brook Hollow 1st Addition was going to be used in the Stormwater Plan for the area.

Dale Petretti, Frosty Meadow Lane, said they are concerned if Stone Brook Hollow 1st Addition ponds are used in the Stormwater Plan for the area. He questioned if the Town asked permission from their homeowners association to continue pumping beyond July 16. D. Dubey said the Town has not because there have not been any significant problems with the water. D. Dubey said if the Stone Brook Hollow 1st Addition Homeowners Association says “no” to the pumping, the Town would stop pumping. D. Petretti questioned if the Town could condemn outlots.

J. Macy said it would be condemning an easement to move water different than what the natural state of the water would be.

J. Macy said a question that needs to be answered by the Town Engineer is if Stone Brook Hollow 1st Addition was designed to handle water from Country Bliss.

Linda Dykas, N. Oak Tree Court, thanked Stone Brook Hollow 1st Addition for allowing the pumping. She said water has drained from Country Bliss to the farm field that is now Stone Brook Hollow 1st Addition. She said the topography of the farm field was changed when the subdivision was developed.

Tom Jurasinski, Granite Trail, said their homeowners association was supposed to vote today regarding the pumping.

D. Dubey said the homeowners association has given the Town permission to run the pumps for 30 days from today.

A Special Town Board Meeting was scheduled for July 30 prior to the Planning Session Meeting to determine the termination date of the pumping.

D. Dubey said the water will be tested every three days and the results will be posted on the website. Water is being tested for beach standards which is e. coli has to be below 235.

Brian Rudy, Palmyra, supports a high quality Mukwonago River and he is concerned about the pumping into the river. He would like the Town of Mukwonago to protect the watershed.

Ruth Ann Nicoson, Road X, requested that the agendas be more specific, especially ordinances.

Motion by T. Stefanowski, seconded by P. Topczewski, to adjourn at 8:15 p.m.
Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago