

**TOWN OF MUKWONAGO TOWN BOARD**

**AUGUST 20, 2008**

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, Police Chief G. Turner and Clerical Assistant C. Makovec.

Absent: Treasurer D. Steinke.

Motion by B. Lawn, seconded by P. Topczewski, to approve the July 16, 2008 Town Board Minutes as written. Motion carried.

**COMMENTS FROM THE PUBLIC**

**Pat Crotty**, Memory Lane, questioned where the Town is regarding buying and demolishing homes.

**Linda Dykas**, North Oak Tree Court, said the pumps were removed on August 15 and the ditches have increased by 11.25 inches. The ditches have gotten wider. She is now using two pumps in her home since the Town pumps were removed. She suggested buying some land in Stone Brook to create an additional holding pond or two ponds. She questioned how the soil boring locations in Country Bliss were determined. She said it is critical for the Town to complete the Pre-application Hazardous Mitigation Form.

**Richard Ziebell**, South Oak Tree Drive, said he is pumping 260,000 gallons of water from his basement in a 24-hour period of time. When the Town pumps were running, he was finally getting to dry up his basement. After the pumps were removed, he has had to start pumping again.

**Cathy Sadler**, Memory Lane, questioned if the Town of Mukwonago participates in the National Flood Insurance program.

**Tom Day**, representing Eagle Spring Lake Management District, presented the “Mukwonago River Watershed Nutrient Study August 2004 – October 2007 and Baseline/Runoff Sampling April 2008”. He said this data can be used in future years as a baseline as the watershed may change. Copies were distributed to the Planner, Engineer, Clerk and D. Dubey representing the Phantom Lakes Management District.

**Ron Gasser**, owner of Superior Landscape and Supply, requested that the Snow Plow Contract be tabled. He said there is a limited supply of road salt in this area so the price has spiked for contractors like himself. He suggested that the Town get into the State pool system to be able to purchase salt directly at a significant discount. He did the following comparisons regarding materials put on the roads ( sand, salt, sand/salt):

Town of Vernon	73 miles	23.3 tons material/mile/season
Waukesha County	400 miles	21 tons material/mile/season
Town of Mukwonago	75 miles	92.6 tons material/mile/season

He said the State pool application deadline was May 1.

**Kate Holzum**, Jericho Road, said they bought their lot in 2000 and they built a home with a half court basketball court in their basement so it is extra deep. In March 2007 she started pumping. They had seven feet of water in their basement in June 2008 and now it is five and one-half feet.

## **TOWN ENGINEER**

### **Country Bliss Flooding and FEMA Update**

D. Dubey responded to the request of Country Bliss to have the Town keep pumping the ditches. He said the Town has no authority to pump the water anywhere without landowner permission.

Motion by P. Topczewski, seconded by B. Lawn, to deny the request of Country Bliss to continue pumping. Motion carried.

S. Sullivan presented two options for the Town to consider. He said the first step was to analyze the data from the monitoring wells. The pumps were removed last Friday and the groundwater has been rising since then.

He said the solution is to transport the water from Country Bliss to Jericho Creek. He said one alternative is an all gravity system and the other alternative is a force main system. He encouraged the “pumpers” to send their data to the Town.

Both options involve getting easements, redoing roadways and ditches in Country Bliss. The gravity system would start with a 918 elevation and would require 7,900 feet of storm sewer pipe and would be considered a groundwater discharge system. A force main system would require a pump. He said the goal would be for the ditches to be dry when the system chosen is operational.

He said the Town needs to continue the monitoring wells. He wants to meet with the County and the DNR to discuss the options.

### **Formation of Utility District**

Christi Cramer, Senior Economic Consultant from Ruckert-Mielke, reviewed the options available to the Town to fund the \$1.3 million Utility District. She said the four funding sources would be the following: grants, tax levy on all Town residents, special assessments and utility district. The project could be financed for 20 or 40 years.

The Town Board would like to meet to get public input possibly on August 27, 2008 at 6:30 p.m.

Town Engineer met with the homeowners in the hall to discuss the maps and their comments and returned to the Town Board Meeting.

## **BUILDING INSPECTOR – SCOTT JOHNSON**

### **Mark Carpender**

M. Carpender said he has an appointment with Waukesha County Conservation Specialist K. Doyle on August 21 to work on his manure plan.

### **Timothy Riley and Elizabeth McGovern**

S. Johnson said the property is in compliance.

### **Sherry Towns**

S. Johnson said he sent the 15-day notice to S. Towns on August 20.

S. Towns will be requesting an extension of time to resolve the complaint regarding the colonnade.

Motion by F. Leppin, seconded by B. Lawn, to table the discussion of S. Towns violation and direct the Police Chief not to issue a ticket. Motion carried.

### **Weske Family Lake Property**

S. Johnson said the Weske family removed three campers from their vacant lot in April. He received a complaint on July 18 that Weskes were camping on the property. He suggested the Town consider a special use procedure at a Planning Session. The Town Board decided to send the suggestion to Planning Session. The Town Board said the camping was a different violation than the parked campers and they took no action at this time.

### **FIRE CHIEF**

#### **POLICE CHIEF**

##### **Ralinda Howard**

Chief G. Turner said R. Howard had nine dogs and she was issued a citation for \$101/day until she is in compliance.

##### **Sherry Towns**

Chief G. Turner said S. Towns had a wedding on August 9 so a citation for \$200 was issued. D. Dubey said the increase in citation has not been adopted by Waukesha County. S. Towns has been issued two citations this summer. P. Topczewski said the Town may have to consider a Long Form Summons and Complaint and Injunction if she continues to advertise and have weddings.

### **TREASURER**

#### **Treasurer's Report**

Treasurer's Report was placed on file.

### **PLANNING COMMISSION**

#### **Aaron and Christy Jagdfeld – Pervious Concrete Waiver and Deed Restriction**

Motion by B. Lawn, seconded by T. Stefanowski, to grant the waiver for pervious concrete to Aaron and Christy Jagdfeld subject to the conditions of the Planning Commission and Town Planner. Yes: 4. No: P. Topczewski. Motion carried. Motion by T. Stefanowski, seconded by B. Lawn, to approve the Draft Deed Restrictions for Aaron and Christy Jagdfeld subject to the approval of the Town Attorney and Town Planner. Motion carried.

#### **Andy Maney Certified Survey Map**

Motion by T. Stefanowski, seconded by P. Topczewski, to approve the Maney Certified Survey Map subject to the conditions 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 July.

### **TOWN PLANNER**

#### **Ruth Vollmer Estate/Marni Lynn Land Division**

T. Schwecke said a rezoning of the property is required. T. Schwecke will contact Shawn Reilly regarding the rezone and the Certified Survey Map.

#### **Smart Growth Updates**

The Town Board reviewed Map P which shows the correct location of the Fire Station and Police Station for the Town of Mukwonago. They also reviewed the

Soils Map which shows prime agricultural areas and two hydric soils maps.

D. Dubey said the County Development Plan Map for the Town of Mukwonago was reviewed by Commissioner R. Schuett. R. Schuett said the County Plan matches the Town Plan with the comment that the County Plan shows a 5-acre density on all properties in the Town; whereas, K. Moore's understanding from County was the Town would have a 3.5-acre overall density because of the conservation developments, etc.

Motion by B. Lawn, seconded by P. Topczewski, the Town Board is in concurrence with the County Development Plan Map for the Town of Mukwonago subject to the white areas (5-acre) being 3.5-acre overall density and 3.2-acre density in developments and the text accompanying the map be in a form satisfactory to the Town Planner. Motion carried.

Motion by P. Topczewski, seconded by B. Lawn, to have the Agricultural Preservation Lands be an overlay for the Land Use Plan Map.

Motion carried.

D. Dubey said all the bills for the Smart Growth Grant need to be sent in.

The Town has used most of the grant money available.

#### **TOWN CLERK**

##### **Budget Workshops and Budget Hearing**

Motion by P. Topczewski, seconded by F. Leppin, to approve the dates for the Budget Workshops and Budget Hearing as follows:

##### Budget Workshops

Monday, October 6, 2008 at 6:30 p.m.

Monday, October 13, 2008 at 6:30 p.m.

Monday, October 20, 2008 at 6:30 p.m.

##### Budget Hearing

Thursday, November 20, 2008 at 7:00 p.m.

Motion carried.

##### **Operator's License Approval**

Motion by F. Leppin, seconded by P. Topczewski, to approve Operator's Licenses for the following:

Fabian P. Babiash at J.R.'s Resort

Robin M. Inman at Reggie's Lakeview

Motion carried.

#### **TOWN ATTORNEY**

##### **AT&T Penalties Update**

Motion by P. Topczewski, seconded by B. Lawn, to authorize the prosecutor to settle with AT&T regarding their penalty payment. Motion carried.

#### **TOWN CHAIRMAN**

##### **No Wake Ordinance for High Water Conditions on Phantom Lake**

D. Dubey will send the proposed ordinance to the Village of Mukwonago and to the DNR.

##### **Snow Plow Contract**

Four bid forms were taken out, but only two bids were received by the Town of Mukwonago. Superior Landscape and Supply's bid was just for salt.

Motion by T. Stefanowski, seconded by P. Topczewski, to authorize the Town Chairman to sign the contract with Wolf Paving once the same is approved by Supervisor F. Leppin. Motion carried.

**Michael Kutschenreuter – Hearing regarding Professional Fees**

M. Kutschenreuter said he got a \$585 bill for having to take a building down on his property. He said the Building Inspector had to talk to the Town Planner who had to talk to the Town Attorney to see if my building was legal. He felt there should not have been so much research done regarding his building; the Town should have known that the building had to go down.

J. Macy said violations are not charged back, but Kutschenreuter's property was being looked at because it was a Conditional Use Review.

Motion by B. Lawn, to split the expense. Motion died for lack of a second.

Motion by P. Topczewski, seconded by F. Leppin, to reduce the bill by \$100.00.

Yes: 4. No: B. Lawn. Motion carried.

S. Sullivan and Town residents returned to the Town Board Meeting.

**COMMENTS FROM THE PUBLIC**

**S. Sullivan** said he learned a lot from talking to residents in the hall.

He said a questionnaire would be sent out by either e-mail or mail regarding the pumping to give data to Ruckert-Mielke to model the system.

Water has already gone up in the five days since the pumping was stopped.

He said questions were asked regarding the timing of the project and what would happen in winter with the freezing.

**Pat Crotty**, Memory Lane, wants the Town Board to have a contingency plan for when the water goes over the road again.

**Linda Dykas**, North Oak Tree Court, suggested that the Town should investigate how other communities funded their Utility Districts.

**John Schreiber**, CTH E, requested that the Town Board hold another Public Hearing regarding the flooding solutions.

His pond is at the end of the pipe. He said the Town needs input from the Friends of the Mukwonago River and residents along Jericho Creek. The Town Board can't move one water problem from one area in the Town to another area in the Town. He said they agreed to allow the Town to dump water in their pond on a temporary basis. He did not agree to allow the dumping in his pond as a permanent solution to the flooding problem. He suggested to include a larger area to dissipate the water.

**Lynn Schreiber**, CTH E, said she was very upset with the whole idea and wants the Town Engineer to look at other solutions than pumping the water in their pond.

**Duane Thornton**, CTH E, suggested the Town Board should look at the topography of Grey Hawk Meadows. He questioned if there are field tiles in Grey Hawk Meadows and if there were tiles in Stone Brook Hollow 1<sup>st</sup> Addition.

**Kate Holzum**, Jericho Road, suggested that monitoring wells be put in Stone Brook Hollow 1<sup>st</sup> Addition to see where the groundwater levels are. She does not think a gravity system would work quick enough in a storm. She said buying four homes doesn't correct the problem.

**D. Dubey** said there is a low spot in the subdivision and the 20 homes in that area could be bought so there would be a lake there seasonally.

**Linda Dykas**, North Oak Tree Court, said she was never told that the water table was three feet below her home. She said the Town is responsible for the decision to allow Country Bliss to be built. She wants the Town to solve the problem.

**J. Macy** said Ralph Martens, developer of Country Bliss, was a conscientious developer who met all the laws at the time. The Town Board took a great risk to do what they did. The Town Board does not have the easements. They did the dumping on a handshake from your neighbor.

**D. Dubey** said the only option now is to pump onto Stone Brook Hollow 1<sup>st</sup> Addition and have them sue us. We do not have their permission anymore.

**T. Stefanowski** said the Town Board and your neighbors are trying to help you. We can't solve one problem and create another problem.

The Town Board wants to have a Special Town Board Meeting to discuss the Country Bliss flooding and solutions.

S. Sullivan will look into more monitoring wells, get feedback from the County and DNR regarding the proposed plan and pumping the water to Jericho Creek closer to the bridge and work on a contingency plan if the water gets up to the road.

D. Dubey requested J. Macy to outline for the Town Board the legal requirements involved in creating a utility district for the next meeting.

#### **TOWN ENGINEER**

##### **Multi-Use Trail**

S. Sullivan said he has not received any more information from the Wisconsin Department of Transportation regarding the multi-use trail crossing two Town properties.

##### **STH 83 Expansion**

S. Sullivan said he has not received any more information from the Wisconsin Department of Transportation regarding the STH 83 expansion.

#### **TOWN CHAIRMAN**

##### **Village of Mukwonago Street Improvement Assessment**

S. Sullivan said the Village of Mukwonago waived the street improvement assessment because of an existing easement agreement.

##### **Trick or Treat Hours**

Motion by P. Topczewski, seconded by F. Leppin, to set the Trick or Treat hours for the Town of Mukwonago for Friday, October 31, 2008 from 4:00 – 7:00 p.m. Motion carried.

**Amplifier Permit for Gina Mayer on Lakecrest Court**

Motion by F. Leppin, seconded by T. Stefanowski, to approve the Amplifier Permit for Gina Mayer, W315 S7463 Lakecrest Court, on Saturday, August 24 from 11:00 a.m. – 3:00 p.m. Motion carried.

**FINANCE**

**Pay Bills**

Motion by P. Topczewski, seconded by B. Lawn, to pay the bills.  
Motion carried.

**COMMITTEE REPORTS**

**Protective Services-** T. Stefanowski questioned when the Town Board would discuss the address signs.

D. Dubey said at the last Protective Services meeting the Fire Chief and Police Chief were asked to write formal recommendations for the address signs with reasons for the signs.

Motion by T. Stefanowski, seconded by P. Topczewski, to adjourn at 10:32 p.m.  
Motion carried.

Katherine W. Wilson  
Town Clerk  
Town of Mukwonago