

TOWN OF MUKWONAGO TOWN BOARD

DECEMBER 17, 2008

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:30 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: Attorney J. Macy, Planner T. Schwecke, and Clerk K. Wilson.

Absent: Treasurer D. Steinke.

Motion by P. Topczewski, seconded by F. Leppin, to approve the November 19, 2008 Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by F. Leppin, to approve the November 12, 2008 Smart Growth Comprehensive Plan Public Hearing Minutes as written. Motion carried.

Motion by F. Leppin, seconded by T. Stefanowski, to approve the December 3, 2008 Special Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Sue Rockteacher, CTH E, wants the Town Board to maintain the contract with the North Prairie Fire Department in Section 4, 5 and 6 of the Town of Mukwonago. She said time is of the essence in emergency situations and North Prairie is much closer and they can get patients to the hospital faster.

BUILDING INSPECTOR – SCOTT JOHNSON

Sherry Towns

D. Dubey said the Board of Adjustment denied the request of D. Greenwald and the mailing of the decision has been completed. According to a previous Town Board decision, 30 days after the final decision of the Board of Adjustment was mailed, the colonnade has to be removed.

Steven Sharpe, architect for S. Towns, said he has determined a way to relocate the colonnade the required 30' from the north property line, but not without extensive damage to the colonnade. He methodically reviewed the Town Zoning Ordinance and feels the Board of Adjustment decision could be rescinded or D. Greenwald could seek an appeal in circuit court based on the following information:

- 1) according to the Zoning Code, a permit was not required for the construction of the colonnade and patio
- 2) the agricultural zoning of her property does not have regulations regarding placement of structures, only buildings
- 3) there is no definition of a colonnade in the code
- 4) patio is defined as not a structure
- 5) the only section in the code regarding offsets relates to buildings
- 6) definition of building does not fit the colonnade

He said berm construction requires Town Board approval. He does not think the berm blocks the natural flow of the water. He presented topography maps from pre (2002) and post (2008) development of the Towns property. He said grading issues can be corrected and still preserve the colonnade. He explained how the column would have to be cut for removal of the colonnade. He questioned if the Town wants to ruin a work of art that will not solve anything other than the 30' offset issue. He said he does not believe the colonnade is a structure.

J. Macy said the Town Board has no jurisdiction over the request for a variance. He explained, procedurally, that the Building Inspector is the zoning administrator and he interprets the code and he can get assistance from the Planning Commission. The only group that can override the determination of the Building Inspector is the Board of Adjustment. He said the Town Board only has authority to decide what to do about the violation or to initiate a change in the code.

P. Topczewski said this has been going on for months. If you give them more time, action will not happen until spring.

S. Sharpe explained his plan to dismantle the colonnade and move it to a different location.

J. Macy said the new information researched by S. Sharpe could be presented to the Building Inspector for his decision, appeal to the Board of Adjustment and possibly to Circuit Court. He said the Town informs neighbors when there is a dispute about the Mediation Center.

T. Stefanowski said this request for 30 more days is a delaying tactic. He is very frustrated with what is happening.

B. Lawn said he thinks the interpretation of S. Sharpe needs to be evaluated.

Motion by F. Leppin, seconded by B. Lawn, to delay the removal of the colonnade until 30 days after the Building Inspector's decision.

Yes: 4. No: T. Stefanowski. Motion carried.

Sharon Gamble

S. Johnson reported the shed has been removed from the property, but S. Gamble is requesting an extension from Waukesha County for the removal of the deck.

Ralph A. Mozach, Jr.

According to a letter from County, Mozach is to cut the pipe at grade and fill it with cement. S. Johnson will follow up with County to see that the project is completed.

Building Inspectors' Office Hours

S. Johnson said they only issued three building permits last month. He requested having office hours three days per week rather than daily.

The Town Board approved the concept of three days per week but they wanted to check the contract to see if there is a conflict.

Motion by F. Leppin, seconded by T. Stefanowski, to direct that the Building Inspectors' Contract be reviewed by Supervisors F. Leppin and T. Stefanowski and they prepare with the Building Inspector a revision to the contract authorizing three days per week office hours until further direction from the Town Board.

Motion carried.

FIRE CHIEF

Village of North Prairie Contract for Fire, Ambulance and Rescue Service

J. Macy stepped down from the Town Board.

D. Dubey said there is a 90-day notice requirement in the North Prairie Contract.

F. Leppin said the Town should honor the contract for 2009.

Motion by B. Lawn, seconded by T. Stefanowski, to reduce the Highway Budget by \$5,000 and put that amount in the Budget for contacted fire services subject to the ambulance fees be the same as the Village/Town of Mukwonago fees and to reconsider the contract in spring. Motion carried.

North Prairie Village President J. Whitmore asked if this motion would continue the existing contract or the proposed contract. D. Dubey said it would continue the existing contract.

J. Macy returned to the Town Board.

Countywide Mutual Aid Agreement

D. Dubey said J. Macy reviewed the agreement for five towns in Waukesha County and he is waiting for another draft to review.

POLICE CHIEF

Ralinda Howard

D. Dubey said there was no update on the horse and dog situation on the R. Howard property.

Sherry Towns

D. Dubey said S. Towns has not been issued any more citations.

Cynthia Thornton

D. Dubey said C. Thornton is scheduled for court.

Ordinance to designate no parking areas in Lauren Park and Town Park

Motion by P. Topczewski, seconded by T. Stefanowski, to authorize Supervisor F. Leppin to sign a letter requesting Waukesha County to create an ordinance so the Town can issue tickets for parking on CTH EE. Motion carried.

Robert Kuss

D. Dubey said R. Kuss is scheduled for court.

Mark Carpender

D. Dubey said M. Carpender is scheduled for court.

Joint Powers Agreement County 9-1-1 Emergency System for 2009

Motion by P. Topczewski, seconded by F. Leppin, to authorize the Town Chairman to sign the Joint Powers Agreement County 9-1-1 Emergency System for 2009. Motion carried.

TREASURER

Treasurer's Report

Treasurer's Report was placed on file.

PLANNING COMMISSION

Pine View Preliminary Plat (Hoyt)

Motion by F. Leppin, seconded by B. Lawn, to approve the Preliminary Plat for Pine View subject to the conditions of the Town Planner Memo dated December 11. Motion carried.

New Lots Created

D. Dubey said no new lots were created in November and the Planner will give a report at the January Planning Commission Meeting regarding the lots that were created in October by the Register of Deeds Office.

TOWN PLANNER

Drainage easement in Lakecrest Subdivision

T. Schwecke reported nothing in public records shows who owns the drainage easement. He reviewed his Staff Report stating what sources he reviewed.

The land that the drainage easement is on is owned by the lot owner.

Ruth Vollmer Estate/Marni Lynn Land Division Update

T. Schwecke said there was nothing to report.

Rogich Developer's Agreement

Motion by B. Lawn, seconded by T. Stefanowski, to approve the Rogich Developer's Agreement. Motion carried.

TOWN CLERK

TOWN ENGINEER

TOWN ATTORNEY

Correspondence

J. Macy said he wrote a letter to his municipalities regarding e-mail as a public record for their review.

Ordinance to preauthorize payment of certain specified bills and vouchers

Motion by P. Topczewski, seconded by F. Leppin, to adopt Ordinance 2008-7 An Ordinance to Repeal and Recreate Ordinance Section 2-203, "Limited Claims", of the Town of Mukwonago Code of Ordinances Pre-authorizing Payment of Certain Specified Bills and Vouchers. Motion carried.

TOWN CHAIRMAN

No Wake Ordinance for High Water Conditions on Phantom Lake

Motion by B. Lawn, seconded by P. Topczewski, to set the Public Hearing for the No Wake Ordinance for High Water Conditions on Lower Phantom Lake for 6:30 p.m. on February 18, 2009 at the Town Board Meeting. Motion carried.

Clerk will write notice and send to the Department of Natural Resources, the Village of Mukwonago and the Phantom Lakes Management District so they receive notice 30 days prior to the Public Hearing.

Contract for Snow and Ice Control Certificate of Insurance

D. Dubey said he will send a letter to Wolf Paving requesting them to complete the standard Town of Mukwonago Certificate of Insurance Form rather than the Accord form.

Update on computer information

Representatives from A-Team Computer Services were present to answer questions regarding their services.

D. Dubey questioned how they protect the confidentiality of the information on the Police computers.

The representatives said anyone working on security information would sign a Confidentiality Statement.

P. Topczewski asked what type of agreement does A-Team have with other Police Departments?

A-Team said they do not have any agreements with Police Departments.

The Town Board is requiring that anyone from A-Team working on Town of Mukwonago computers needs to have a background check.

FINANCE

Pay Bills

Motion by F. Leppin, seconded by B. Lawn, to pay the bills. Motion carried.

COMMITTEE REPORTS

D. Dubey said regarding the stop sign request for CTH I and CTH LO, the County Board will be interested in any comments regarding that intersection from the Police Chief.

T. Stefanowski reported Johns will do the door-to-door brush pick up at no charge to the Town of Mukwonago in 2009.

COMMENTS FROM THE PUBLIC

Village of North Prairie President J. Whitmore said the ambulance fees for North Prairie have to mirror the Village/Town of Mukwonago ambulance fees.

Motion by F. Leppin, seconded by B. Lawn, to adjourn at 8:03 p.m. Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago