

TOWN OF MUKWONAGO TOWN BOARD

MARCH 18, 2009

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, T. Stefanowski, P. Topczewski and Chairman D. Dubey.

Others Present: Attorney J. Macy, Planner T. Schwecke, Police Chief G. Turner, Treasurer D. Steinke and Clerk K. Wilson.

Absent: Supervisor F. Leppin.

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the February 18, 2009 Town Board Minutes as written. Motion carried.

Motion by T. Stefanowski, seconded by B. Lawn, to approve the February 25, 2009 Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Curt Napierala, Thorncrest Court, said Thorncrest Court is in terrible shape and he demonstrated this by showing the Town Board pictures and pieces of the road. He said three years ago he was told his court would be done the next year but it has not been done yet. The road has just been patched.

D. Dubey said the Town roads are rated through the PASER program to determine which roads need to be done.

T. Stefanowski said he would contact the Town Engineer and get the PASER list for C. Napierala.

Nan Bach, CTH NN, said in April 2008 the Town Board told her to be patient regarding the Towns property but it is one year later and not a thing has changed. She said D. Greenwald and S. Towns have managed to delay all actions regarding their property and colonnade. She listed a timeline with events since last August. She said they have been harassed by D. Greenwald's agent so much that they have changed their phone number.

She requested that Towns request to amend Section 82-4 of the Town of Mukwonago Zoning Code to allow colonnades within offset areas be denied.

John Scott, Spring Lake Drive, said he is a new Town resident and is against having restrictions on the three hour per day wake time. He said he has lived on other lakes his whole life and would like to see the wake time increased, not decreased.

Alexandra Ramsey, Spring Lake Property Owners Association of Waukesha County President, said the current wake ordinance on Spring Lake was introduced in 1982. She said today we know more about lake species and eco systems. Spring Lake has been identified by the DNR to be an "outstanding water resource". She said a minority of the lake owners support the wake ordinance while a majority of lake owners support a no-wake ordinance and they are looking to the Town Board to arbitrate the issue.

Jim McNelly, Willow Springs Drive, said he lives downstream of Spring Lake on Willow Springs Lake. He said 28 years ago restrictions were developed for Willow Springs Lake. He supports a no-wake ordinance on Spring Lake because it would improve habitat for wildlife, minimize shoreline erosion and minimize sedimentation. He suggested the Town adopt this more restrictive ordinance on the basis of public safety, environmental concerns and public welfare.

Dick Ruscher, Spring Lake Road, said the lake should be used. He would like the ordinance to be changed to be like Upper Phantom Lake which allows water skiing from 10:00 a.m. to 7:00 p.m. If Spring Lake has a no-wake ordinance, you couldn't run a sailboat or sailboard. He said a study done by SEWRPC showed there were very few boats on the lake. He said Spring Lake is a 105 acre lake and should be enjoyed by everyone. There is only carry-in access.

Patrick Jones, speaking for a Spring Lake Drive resident, supports a slow no-wake. He said sailboats could be maintained according to a slow no-wake ordinance. He explained State Statute 30.77(3)(cm) which defines the Town Board responsibilities regarding bodies of water.

D. Dubey read the letters from the following into the record:

Marcia and Tim Davies, CTH I, are against a no-wake ordinance.

John Lammers, Schnitzler Road, supports a no-wake ordinance.

Dick and Judy Wagner, Arbor Drive, support a no-wake ordinance.

D. Ruscher said the definition of slow no-wake says operate boat at slowest speed and still maintain steerage. He said in a sailboat that is not what you are trying to do. He said Spring Lake is an outstanding resource, however, it is almost identical in size to Upper Phantom Lake. Spring Lake has fewer property owners and less boat traffic but it has more restrictions.

Karen McNelly, Willow Springs Drive, said she has been sailing for many years. She said slow no-wake regulations at the State level does not include sailboats. She said there has been a change in the water quality in Spring Lake that justifies a no-wake ordinance.

Daniel Schiedemeyer, Spring Lake Drive, said he is a 40 year resident of Spring Lake. He wants to continue the three hours per day wake time.

A. Ramsey said 6 of the 22 respondents to the Association Survey want to allow three hours of wake per day. The other 16 have the priority of protecting the natural resource.

Kirk Davies, Spring Lake Drive, said he has safety concerns and is in favor of a slow no-wake ordinance.

J. Scott said he does not want the Town Board to limit the use of Spring Lake. He understands there is very little traffic on the lake. He said any lake in Wisconsin larger than 50 acres can have a motorboat.

D. Ruscher said he did not respond to the survey. He said most of the people who responded are not residents.

A. Ramsey said her family has been coming to the lake for over 100 years. She said Spring Lake is an incredibly quiet lake. She would like to take the opportunity to set priorities of preserving the lake now.

TREASURER

Treasurer's Report

Treasurer's Report was placed on file.

Budget Review Process

B. Lawn said he met with the Treasurer to go over the procedures to evaluate and forecast the revenues and expenditures of the Town of Mukwonago because there is a severe drain on the General Fund. He said the Town could have a deficit in late June/early July. He said the snowplowing costs are already \$335,000 for 2009. He suggested that the Finance Chairman, Treasurer and Town Chairman be authorized to investigate securing loans or bonds.

P. Topczewski said the Town started 2009 with an insufficient surplus in the Budget and revenues come in at different times of the year. The Town will be forced to borrow money to cover the expenses of the Town.

D. Steinke suggested that the Finance Committee request the settlement money from the Village of Mukwonago be paid to the Town of Mukwonago more than once per year. She also asked if the Road Program Contract could include payment to the contractor after the Town gets their Transportation Aids from the State of Wisconsin on November 20.

J. Macy said short term borrowing to meet cash flow needs does not require an elector vote. He said the Town has to decide if they are borrowing for cash flow needs or replacement of the surplus or for both.

Motion by B. Lawn, seconded by P. Topczewski, to direct the Finance Chairman to work with other elected Town officials and the Treasurer to investigate options for short term borrowing. Motion carried.

BUILDING INSPECTOR – SCOTT JOHNSON

Sherry Towns Update

Motion by P. Topczewski, seconded by T. Stefanowski, to direct the Police Chief to write citations for S. Towns starting the citations from the original letter to S. Towns on July 18, 2008. Motion carried.

J. Macy said there would be three separate tickets which are for offset, drainage and slope.

T. Schwecke said S. Towns is proposing a Grading and Drainage Plan for the Plan Commission Meeting.

Forfeiture of Expired Occupancy Bonds

S. Johnson suggested that expired bonds be forfeited to the general account.

He said some people take out a permit, do the work but never get a final inspection. He has expired bonds as old as from 1998. He asked at what point does the money for these bonds get forfeited.

J. Macy will draft an ordinance to address the forfeiture of expired occupancy bonds for the April Town Board Meeting.

FIRE CHIEF

Ambulance Rates with the Village of North Prairie

Village of North Prairie President J. Whitmore said they have a new billing company for the Fire Department. The Village was told by the company that the Village could not charge four different rates for ambulance calls. This issue has been resolved and they will be charging four different rates. Clerk will send

to the Village of North Prairie the resolution fixing ambulance fees for the Joint Town and Village of Mukwonago Fire Department.

J. Whitmore said the Village of North Prairie Comprehensive Plan Public Hearing is scheduled for April 23, 2009.

POLICE CHIEF

Citation Updates

Ralinda Howard – Chief G. Turner reported the Humane Officer inspected the property on March 12 and found nine horses. A citation was issued because she is only allowed seven horses. On March 17 she was in compliance with seven horses.

Mark Carpender – T. Stefanowski will inspect the property to see if the manure pile has been removed.

Bond Schedule and Municipal Bond Amounts

Motion by T. Stefanowski, seconded by B. Lawn, to increase the Bond Schedule from \$20.00 to \$28.00 for the Town of Mukwonago and authorize the Town Chairman to sign the resolution for the increase. Motion carried.

J. Macy said the Town of Ottawa has a similar resolution. Police Department will write the resolution.

Motion by T. Stefanowski, seconded by B. Lawn, to authorize the Town Chairman to sign a Resolution of the Bond Amounts. Motion carried. Police Department will write the resolution.

Trunked Radio

D. Dubey said five years ago the Town joined the County trunked radio which is an analog system and they are required to go to digital by 2013 which will be an added expense.

PLANNING COMMISSION

Lynn/Young/Vollmer Rezone from R-2 to R-3

Motion by B. Lawn, seconded by T. Stefanowski, to approve the rezoning of the Marni Lynn and Rebecca Young and the Estate of Ruth Vollmer property on Phantom Woods Road from R-2 to R-3.

Motion carried.

Lynn/Young/Vollmer Certified Survey Map

Motion by B. Lawn, seconded by T. Stefanowski, to reduce the right-of-way on Circle Drive adjacent to the Lynn/Young/Vollmer property from 60' to 30'. Motion carried.

Motion by T. Stefanowski, seconded by P. Topczewski, to approve the Lynn/Young/Vollmer Certified Survey Map subject to the conditions of the Plan Commission. Motion carried.

Waukesha County Park and Planning Commission will consider the right-of-way reduction at their meeting on March 19, 2009 at 1:00 p.m.

Resolution Establishing a Process and Related Requirements for Amending the Town of Mukwonago's Comprehensive Plan

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the Resolution Establishing a Process and Related Requirements for Amending the Town of Mukwonago's Comprehensive Plan based on the Plan Commission recommendation. Motion carried.

Town of Mukwonago Land Division and Development Control Ordinance
Motion by B. Lawn, seconded by T. Stefanowski, to set the Public Hearing for Amending the Town of Mukwonago Land Division and Development Control Ordinance for Wednesday, April 15 at 6:30 p.m. Motion carried.

New Lots Created

C. Dubey said the Maney Certified Survey Map combining multiple lots was recorded.

TOWN PLANNER

Sherry Towns request to Amend Section 82-4 of the Zoning Code regarding Colonnades

D. Dubey said S. Towns is requesting to amend Section 82-4 of the Zoning Code to include colonnade as a non-regulated structure.

P. Topczewski said he is not willing to change this ordinance to accommodate one person in the Town of Mukwonago. T. Stefanowski agreed with P. Topczewski.

D. Dubey said the patio regulations of the Code are not consistent.

J. Macy said the verbiage of the Code needs to be cleaned up. Structures, buildings and patios need to be clarified.

Motion by P. Topczewski, seconded by T. Stefanowski, to deny S. Towns request to amend Section 82-4 of the Zoning Code regarding colonnades.

Yes: T. Stefanowski and P. Topczewski. No: D. Dubey and B. Lawn.

Motion died.

Motion by D. Dubey, seconded by B. Lawn, to send to the Plan Commission the request to amend 82-4 of the Zoning Code regarding colonnades.

Yes: D. Dubey and B. Lawn. No: T. Stefanowski and P. Topczewski.

Motion died.

Harbold Rezone Update

T. Schwecke said the Harbold Rezone has to go to the LUPE Committee and then to the County Board for approval.

TOWN CLERK

TOWN ENGINEER

STH 83 Jurisdictional Transfer for Cul-de-Sac north of Village of Mukwonago

D. Dubey said he told S. Sullivan of the Town Board's concerns. S. Sullivan will meet with the Department of Transportation regarding the transfer or ownership of the property.

Community Development Block Grant – Emergency Assistance Program

D. Dubey said an application was sent to the Community Development Block Grant - Emergency Assistance Program for a road repair project and a storm sewer project in Country Bliss.

Phantom Woods Road Channel Enhancement Project Update

D. Dubey said the Fox River Commission approved the Phantom Woods Road Channel Enhancement Project, but there is a conflict in the road layout. The Plan Commission will have to determine which is the best road layout.

S. Sullivan will write a memo to T. Schwecke for consideration of the Plan Commission.

TOWN ATTORNEY

Ordinance to Designate No Parking Areas in Lauren Park Update

Chief G. Turner will check with T. Monogue if he has discussed the parking issue with County Supervisor G. Yerke.

Katherine E. Chase Stipulation and Order

The dog owned by Katherine E. Chase that bit a boy will be removed from the Town of Mukwonago and will be relocated at a rehabilitation kennel.

Motion by P. Topczewski, seconded by B. Lawn, to proceed with the Stipulation and Order for Permanent Injunction against Katherine E. Chase. Motion carried.

ATV Ordinance Policy Decision

By consensus the Town Board decided the ATV Ordinance should be in Chapter 70 entitled "Traffic and Vehicles" and needs to be readopted at the April Town Board Meeting.

TOWN CHAIRMAN

Town of Mukwonago Annual Meeting

The Town of Mukwonago Annual Meeting will be held on Thursday, April 16 at 7:00 p.m. at the Mukwonago Town Hall.

Town Planner Contract

T. Schwecke said he can't get insurance as the Planner Contract is written regarding indemnification. He said the change as suggested in J. Macy's February 25, 3009 letter is acceptable.

Motion by P. Topczewski, seconded by B. Lawn, to authorize the Town Chairman to sign the Town Planner Contract with the change regarding indemnification. Motion carried.

Update on Snowplowing Budget

D. Dubey said the Town has spent \$335,000 on the snowplowing budget for 2009.

State Salt Contract

T. Stefanowski said to be in the State pool for salt the Town has to tell the State by March 20 how much salt the Town will use in the next snow season. He said the State average in the pool for one ton of salt last year was \$47. He said the Town is paying \$175 per ton. If the Town signs the agreement, the Town is committed to pay for the entire tonnage. He said Wolf Paving has space to store the early fill.

Motion by T. Stefanowski, seconded by B. Lawn, to authorize the Town Chairman to sign the Municipal Agreement to Purchase Sodium Chloride on WisDot Bid with the request for 500 tons Guaranteed Early Fill and 1600 tons Guaranteed Seasonal Fill. Motion carried.

Stimulus Fund

T. Stefanowski said letters were sent to Russ Feingold and Paul Ryan requesting Stimulus Funds for specific projects.

Mukwonago River Watershed Protection Plan Informational Meeting

An Informational Meeting regarding the Mukwonago River Watershed Protection Plan will be held on April 9, 2009 at 6:30 p.m. at the Mukwonago Town Hall.

Spring Lake Request for “No Wake”

D. Dubey said the request for “No Wake” needs to be put into ordinance form with “where as” statements explaining why it is in the interest of all to have the “No Wake”.

J. Macy said a draft ordinance would have to be sent to the Department of Natural Resources for their comments.

K. McNelly said the ordinance should be sent to Heidi Bunk from the DNR.

P. Topczewski said the Town should move forward with the ordinance.

He said the Town has a recommendation from the Southeastern Wisconsin Regional Planning Commission.

B. Lawn said he wants to have more information regarding the proposal.

T. Stefanowski questioned how this proposal would affect people in subdivisions that have covenants that say they have lake access.

D. Dubey will work with A. Ramsey to draft the ordinance.

Ordinance will be discussed at the April Town Board Meeting and the Town Board will set the date for the Ordinance Public Hearing (if required) for May.

FINANCE

Pay Bills

Motion by P. Topczewski, seconded by T. Stefanowski, to pay the bills.

Motion carried.

CORRESPONDENCE

The Town Board wants to continue receiving the minutes from the Village of Mukwonago and Village of North Prairie Village Board and Plan Commission Meetings.

COMMITTEE REPORTS

COMMENTS FROM THE PUBLIC

Motion by P. Topczewski, seconded by B. Lawn, to adjourn at 9:48 p.m.

Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago

