

**TOWN OF MUKWONAGO TOWN BOARD**

**APRIL 15, 2009**

**PUBLIC HEARING**

A Public Hearing held by the Town of Mukwonago Town Board at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI was called to order at 6:30 p.m. by Chairman D. Dubey.

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.

**AMENDMENTS TO CHAPTER 34 OF THE TOWN OF MUKWONAGO MUNICIPAL CODE ENTITLED "LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE"**

Chairman D. Dubey read the notice stating the Town of Mukwonago Town Board would obtain public comments at a Public Hearing held on April 15, 2009 at 6:30 p.m. regarding the proposed amendments to Chapter 34 of the Town of Mukwonago Municipal Code, entitled, "Land Division and Development Control Ordinance for the Town of Mukwonago, Waukesha County, Wisconsin," as recommended by the Town of Mukwonago Plan Commission.

Planner T. Schwecke summarized the changes to Chapter 34.

**Citizen Comments**

No comments

Public Hearing closed at 6:33 p.m.

**TOWN OF MUKWONAGO TOWN BOARD**

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:33 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, Police Lt. T. Czarnecki, Fire Chief J. Rolfe, Accountant M. Rotroff, Treasurer D. Steinke and Clerk K. Wilson.

Motion by P. Topczewski, seconded by F. Leppin, to approve the March 18, 2009 Town Board Minutes as corrected regarding the Budget Review Process. Motion carried.

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the March 25, 2009 Special Town Board Minutes as written. Motion carried.

**COMMENTS FROM THE PUBLIC**

D. Dubey said a recount was done for the Chairman position and the numbers came out as on Election Day.

D. Dubey said for those present for the Spring Lake issue, the Town Board will be setting the date of the Public Hearing for May 20 later in the agenda.

**J. Lammers**, Schnitzler Road, asked that the Town Board formally invite Jeff Thornton, SEWRPC, to the Public Hearing for the Spring Lake No Wake Ordinance.

## **BUILDING INSPECTOR – SCOTT JOHNSON**

### **Brian and Teresa Cowen**

S. Johnson reported he received a commercial vehicle parking complaint.

Upon investigation of the property, he found a S-10 pick-up truck with company lettering on the sides. In his opinion, this is not a violation of the code.

B. Cowen said he drives the truck to and from work. He parks the truck beside his garage.

S. Johnson will notify the complainant that the Town Board agreed that this is not a violation of the code.

### **Steve and Valerie Haensgen**

S. Johnson said he sent the owner of the property a notice on March 25 stating the parking of a camper in excess of 26' is a violation of the Town code.

The camper is 31' long.

S. Haensgen, Woodland Drive, presented pictures and information regarding his 2004 29' travel trailer. He spoke about the intent of the ordinance and the deficiencies of the ordinance. He explained the neighborhood spat that initiated this complaint. He said the travel trailer has been on his property for five years. He said the trailer is not an eyesore. He wanted to build a garage to enclose the trailer, but he couldn't build it big enough on his acreage. He said the intent of the ordinance is to stabilize the economic values of the community and to promote general attractiveness of the community. As shown by his pictures, the trailer is parked 120' off the road located in the rear yard beside the garage.

He questioned if the ordinance is contemporary. He asked if the ordinance has been changed with the larger lots and garages. He said there are very few 26' campers available. He contacted other towns and found various requirements.

He suggested that the Town of Mukwonago change the code to grandfather existing 26' trailers and to allow under 10 year old, less than 35' trailers stored in the back yard.

D. Dubey said S. Haensgen can petition to have a code change.

P. Topczewski said he wants some background information and the history of the ordinance.

D. Dubey said S. Haensgen should meet with the Town Planner to outline his proposed code change.

J. Macy stated there is a daily forfeiture for a violation if a citation is issued.

J. Macy warned S. Haensgen that he is proceeding at his own risk by remaining in violation while the code change is being considered.

A neighbor questioned if the Town was keeping up with the times regarding camper size.

### **Kenneth Broberg**

S. Johnson said he received a complaint in September 2008 regarding a polystructure on the Broberg property. In December 2008, there was a junk complaint on the Broberg property. Now, there is a complaint about lawn furniture and snow fence on the lot line. According to the code, the lawn furniture can't be within 20' of the lot line.

T. Stefanowski said the neighbors should go to mediation.

S. Johnson sent the non-compliance notice on April 2, 2009.

The Town Board agreed with the Building Inspector that the snow fence and lawn furniture should be removed.

### **Forfeiture of Expired Occupancy Bonds**

Motion by P. Topczewski, seconded by B. Lawn, to adopt Ordinance 2009-7 An Ordinance to Repeal and Recreate Section 14-37, "Building and Occupancy Permits; Deposit Required" of the Town Code of Ordinances for the Town of Mukwonago and to Repeal and Recreate Section 14-42, "Occupancy Bond Required" of the Town Code of Ordinances for the Town of Mukwonago. Motion carried.

## **FIRE CHIEF**

### **Purchase of Drug Drawer Locks – Act 102 Funds**

Motion by F. Leppin, seconded by B. Lawn, to approve the purchase of drug drawer locks with Act 102 Funds for the Fire Department subject to the approval of the Village of Mukwonago Board. Motion carried.

### **Purchase of Drug Refrigerators – Act 102 Funds**

Motion by F. Leppin, seconded by T. Stefanowski, to approve the purchase of drug refrigerators with Act 102 Funds for the Fire Department subject to the approval of the Village of Mukwonago Board. Motion carried.

### **Purchase of Panasonic CF52 Computers for Ambulances – Donated Funds**

Motion by F. Leppin, seconded by T. Stefanowski, to approve the purchase of Panasonic CF52 Computers for Fire Department Ambulances from donated funds subject to the approval of the Village of Mukwonago Board. Motion carried.

## **POLICE CHIEF**

### **Citation Updates**

Lt. T. Czarnecki said the **Ralinda Howard, Cynthia Thornton** and **Robert Kuss** cases have been rectified. **Mark Carpender** and **Sherry Towns** are outstanding violations.

D. Dubey said the Town received a letter from D. Greenwald stating they were not going to pursue a Public Hearing for the colonnade.

The Town Planner was directed to write a letter to D. Greenwald stating the Town understands that he is withdrawing his request for an amendment to the Town Code.

## **TREASURER**

### **Treasurer's Report**

Treasurer's Report was placed on file.

### **Late Dog Licenses**

D. Steinke said the dog license application goes out with the tax bill in December. The application states the dog license late fee is \$5.00, but a resolution was passed

by the Town Board in January 2009 that says the dog license late fee is \$10.00. She asked what the Town Board wants the fee to be.

Motion by F. Leppin, seconded by P. Topczewski, to amend Resolution 2009-R-2 changing the effective date to January 1, 2010 for the dog license late fee of \$10.00. Motion carried.

### **Budget Review Process**

Accountant M. Rotroff distributed a cash flow forecast draft. He said the draft has the following key assumptions:

- 1) Payment by the Village of Mukwonago to the Town of Mukwonago of 50% of the Ambulance Fees for 2009 in August 2009
- 2) He suggested to state in the bid documents for the Road Program that payment would be in November

He said July will be a critical month. The forecast shows a negative number in December. He listed the following options to get the Town through the year:

- 1) Not do a 2009 Road Program
- 2) Borrow to do the Road Program
- 3) Cut back in some areas of service
- 4) Referendum to raise the taxes to offset the costs

He said the proposed State Budget shows a 3% levy limit in 2010.

P. Topczewski said he is not looking for a “band-aid fix”. The Town needs to have a balanced budget. The priority for the Town is to resolve the projected shortfall.

B. Lawn said the cash flow and the budget are different.

D. Dubey said the Finance Committee will be meeting with the department heads to work on the forecast.

The Town Board directed the department heads to e-mail to the Town Treasurer the updated forecast by the 10<sup>th</sup> of each month for the Town Board to receive the composite updated forecast at the Town Board Meeting.

Chief J. Rolfe suggested that the Town have regular monthly meetings of the department heads like the Village has.

## **PLAN COMMISSION**

### **Markowski Certified Survey Map**

Motion by T. Stefanowski, seconded by P. Topczewski, to approve the request of Tim and Lori Markowski to merge substandard lots as recommended by the Plan Commission. Motion carried

Motion by T. Stefanowski, seconded by P. Topczewski, to approve the Markowski Certified Survey Map dated November 6, 2008 as recommended by the Plan Commission. Motion carried.

### **Town of Genesee Smart Growth Plan**

### **Village of North Prairie Smart Growth Plan**

D. Dubey said the Town Planner submitted a summary of the plans at the Plan Commission Meeting.

**Ordinance 2009-3 An Ordinance Revising Chapter 34 of the Town of Mukwonago Municipal Code, entitled “Land Division and Development Control Ordinance for the Town of Mukwonago**

Motion by P. Topczewski, seconded by T. Stefanowski, to approve Ordinance 2009-3 An Ordinance Revising Chapter 34 of the Town of Mukwonago Municipal Code, entitled “The Land Division and Development Control Ordinance for the Town of Mukwonago, Waukesha County, Wisconsin” by the Repeal or the Repeal and Recreation of Specified Sections and Subsections based on Plan Commission recommendation. Motion carried.

**Resolution 2009-R-7 A Resolution Repealing and Recreating the Land Division Review Checklist**

Motion by P. Topczewski, seconded by T. Stefanowski, to approve Resolution 2009-R-7 A Resolution Repealing and Recreating the Land Division Review Checklist for the Review of Land Divisions in the Town of Mukwonago based on Plan Commission recommendation. Motion carried.

**New Lots Created**

D. Dubey said the Rogich Certified Survey Map creates three new lots in the Town of Mukwonago according to the Assessor’s report.

**TOWN PLANNER**

**TOWN CLERK**

**Resolution 2009-R-9 A Resolution Regarding Full Support and Participation in the 2010 Census**

J. Macy said the 2010 Census may be accomplished through a committee or a liaison official. A committee would require open meetings notifications.

Motion by P. Topczewski, seconded by F. Leppin, to change the resolution to designate a liaison for the 2010 Census. Motion carried.

Revised Resolution 2009-R-9 will be on the May Town Board Agenda.

**TOWN ENGINEER**

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

D. Dubey said there are still issues regarding ownership of the cul-de-sac.

J. Macy reviewed his letter of February 20, 2009 which summarized the issues regarding the jurisdictional transfer.

D. Dubey said there needs to be more research on the transfer.

The Town and Village of Mukwonago Public Works Committees need to meet regarding the cul-de-sac.

**TOWN ATTORNEY**

**Ordinance to Prohibit Motorized Vehicles from Traveling on Town Owned Property**

Motion by F. Leppin, seconded by P. Topczewski, to approve Ordinance 2009-6 An Ordinance to Repeal Ordinance No. 2006-4, An Ordinance to Prohibit Motorized Vehicles from Traveling on Town-Owned Property in the Town of Mukwonago and Create Section 70-35 of the Town Code of Ordinances for the Town of Mukwonago Prohibiting Motorized Vehicles from Traveling on Town-Owned Property in the Town of Mukwonago. Motion carried.

### **Vacation of Part of Circle Drive**

J. Macy said in the March 23, 2009 letter from County approving the reduction of the road right-of-way width for a portion of Circle Drive for the Lynn/Young Vollmer CSM, the County suggested that the Town look into vacating part of Circle Drive.

Public Works Committee will research the vacation.

### **Ordinance to Designate No Parking Areas in Lauren Park Update**

J. Macy said the County does not like “No Parking” signs on CTH EE.

Parking is not allowed over the white line and is not allowed on Town Property.

People park between the white line and the Town property in the right-of-way and back into traffic.

“No Parking” signs will be placed on the Town property.

### **Stipulation and Order for the Town of Mukwonago vs. Katherine E. Chase (Dog Bite Case) Update**

J. Macy said the stipulation and order have been signed and approved by the court.

## **TOWN CHAIRMAN**

### **Town of Mukwonago Annual Meeting**

Town of Mukwonago Annual Meeting will be held on Thursday, April 16, 2009 at 7:00 p.m. at the Mukwonago Town Hall.

### **Update on Snowplowing Budget**

T. Stefanowski said \$374,000 has been spent on the snowplowing budget.

### **“No Wake” Ordinance on Spring Lake**

Motion by P. Topczewski, seconded by B. Lawn, to set for Public Hearing

the “No Wake” Ordinance on Spring Lake for Wednesday, May 20, 2009

at 6:30 p.m. at the Mukwonago Town Hall with an invitation sent to

Dr. Jeff Thornton from SEWRPC and John Plenke and Heidi Bunk from the

DNR. Motion carried.

### **Stimulus Fund Update**

D. Dubey said that the Town Engineer said most of the Stimulus Fund money is going to State road projects so it is not very promising for the Beulah Road application submitted by the Town.

### **Community Development Block Grant – Emergency Assistance Program Update**

D. Dubey said the Town will not know for one or two months the status of the Country Bliss stormwater facilities application.

### **Commission and Committee Appointments**

D. Dubey will have the Commission and Committee Appointments for the May 20 Town Board Meeting.

### **Open Book with the Assessor**

D. Dubey said Open Book with the Assessor will be held on Wednesday, April 29, 2009 from 4:00 – 7:00 p.m. Appointments can be made by calling the Assessor.

### **Board of Review**

D. Dubey said Board of Review will be held on Monday, May 18, 2009 from 6:00 – 8:00 p.m. at the Mukwonago Town Hall.

**FINANCE**

**Pay Bills**

Motion by P. Topczewski, seconded by F. Leppin, to pay the bills.

Motion carried.

**CORRESPONDENCE**

**COMMITTEE REPORTS**

**Utilities-Recycling**

T. Stefanowski said if the State Budget passes as it is, the recycling tipping fee for the Town of Mukwonago will increase by \$13,200.

**COMMENTS FROM THE PUBLIC**

Al Forrest, CTH EE, requested a copy of Chapter 34.

Motion by F. Leppin, seconded by T. Stefanowski, to adjourn at 8:40 p.m.

Motion carried.

Katherine W. Wilson  
Town Clerk  
Town of Mukwonago