

TOWN OF MUKWONAGO TOWN BOARD

JUNE 17, 2009

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:37 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, Building Inspector S. Johnson, Fire Chief J. Rolfe, Police Chief G. Turner, Treasurer D. Steinke and Clerk K. Wilson.

Motion by B. Lawn, seconded by P. Topczewski, to approve the May 20, 2009 Town Board Minutes as written. Motion carried.

Motion by B. Lawn, seconded by P. Topczewski, to approve the May 7, 2009 Special Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Vicki Rahn owns a duplex on Section Road and would like to build a detached garage. The Building Inspector informed her that a duplex is a non-conforming use so no further development (garage) is allowed on the property. She asked the Town Board to review the ordinance to allow a garage to be built on her property. She does not feel a garage would adversely affect the community. If a Conditional Use were allowed, she would apply for one.

J. Macy said the Town Board is not the body to grant a Conditional Use.

T. Schwecke said V. Rahn met with him. He said there are probably nine duplexes on Section Road in the S-E and R-1 zoning districts. The Town Zoning Code does not allow duplexes in S-E or R-1. The first step to building the garage would be to amend the code.

V. Rahn presented pictures that show other duplexes on Section Road have detached garages.

David Hendrickson, Police Union Representative, said the Police Department did make some significant budget cuts. The Police Officer Union has an offer on the table to forgo the 2% wage increase. The pension numbers need to be reviewed. He encouraged the Town to investigate retaining officers through Grant programs. He said projections for the future are usually five – ten year forecasts not just two year forecasts.

Nan Bach, CTH NN, said nothing has happened with the colonnade. The colonnade is still on the Towns property. She said she thinks a function will be happening because there is trailer with two huge swans on it.

Joanna Ackmann, Schnitzler Road, said she wanted the Town Board to know that M. Carpender is burning the manure which is not the agreed upon method of manure removal. She notified the Police Department and the Town Planner.

Dawn Wesolowski, Wingate Court, said the drainage easement is not working correctly between Wingate Court and Sugden Road. She said the culverts and ditches need to be cleaned out.

F. Leppin said he spent \$3,000 last year to clean the ditches and culverts.

BUILDING INSPECTOR - SCOTT JOHNSON

Sharon Gamble

S. Johnson said the S. Gamble property is in compliance as far as the Town is concerned. She is still dealing with the County regarding an issue.

Dwight and Tracee Neumann

S. Johnson reported the Neumann property was in compliance on June 11, 2009.

AT&T

S. Johnson said a non-compliance letter was sent to AT&T on June 16, 2009 regarding the installation of temporary equipment within tower site in violation of their Conditional Use Order.

Richard and Louise Lambrecht

S. Johnson reported a non-compliance letter was sent to R. and L. Lambrecht on June 3, 2009 regarding their junk vehicles and accumulation of junk and debris.

S. Johnson questioned the policy of the Town of Mukwonago regarding complaints by non-residents.

J. Macy said the compliance procedure which was adopted on November 20, 2006 requires a written complaint by a citizen. He said the Town should give a broad interpretation of citizen since the Town has many summer residents who own land in the Town but do not live here year around.

The Town Board agreed that S. Johnson should follow through on complaints by non-residents.

Timothy A. Eggleston

S. Johnson reported he received a complaint regarding an illegal business in residential zoning. The complaint was for a construction business and an auto repair shop. He said at the time of his site visit, there was no evidence of a business. Town Board directed S. Johnson to write a letter to T. Eggleston stating the Town received a complaint of an illegal business and S. Johnson investigated the complaint and did not find a violation but will follow up if he receives any more complaints.

Robert P. Schmidt

S. Johnson said he received a complaint regarding illegal businesses in residential zoning. The complaint was for a snowplowing business and a photography business. S. Johnson said there was no evidence of a photography business. There were four pick up trucks with attached snowplows on the property. There is no advertising on the trucks. All the trucks are licensed and operable. The Town Board directed the Building Inspector to write a letter to R. Schmidt stating a complaint has been filed about illegal businesses on his property and if the Building Inspector receives another complaint, he will follow through next fall/winter.

Christopher C. Holmstrom

S. Johnson said he received a complaint about yard waste in the ditch. The Town Board decided the littering ordinance would apply to this situation. Building Inspector will notify C. Holmstrom to clean up the litter in the Town right-of-way.

Special Use Request by Timothy Kolstad at W306 S8313 Chestnut Drive

T. Schwecke said the Joint Planning Session will be drafting standards for outdoor wood furnaces. T. Kolstad is requesting a Special Use Permit for an outdoor wood furnace.

Motion by T. Stefanowski, seconded by F. Leppin, to table the Special Use request of T. Kolstad for an outdoor wood furnace until the Special Use Supplementary Guide is completed. Motion carried.

FIRE CHIEF

Waukesha County Mutual Aid Agreement

Motion by T. Stefanowski, seconded by F. Leppin, to approve the Waukesha County Mutual Aid Agreement. Motion carried.

Uniform Fire Suppression Agreement

Motion by B. Lawn, seconded by P. Topczewski, to approve the Uniform Fire Suppression Agreement subject to it being consistent with other Town Ordinances and Fee Schedules. Fire Chief will notify the Town if the Agreement is in compliance. Motion carried.

Purchase of Rescue Tools by MFD with donated funds

Motion by P. Topczewski, seconded by T. Stefanowski, to purchase rescue tools for two Fire Department vehicles with \$31,019 of donated funds contingent on Village of Mukwonago Village Board approval of the purchase. Motion carried. The old equipment will be sold and the income will be split between the Town and the Village.

Trunked Radio Update

D. Dubey said the Town was billed \$4,138 for digital infrastructure. The Town joined the Waukesha County Communication Center two years late and paid \$5,106 to WCCC this year. R. Tuma said we can postpone payment plus interest for the trunked radio.

Motion by B. Lawn, seconded by P. Topczewski, to postpone payment of the digital infrastructure for the trunked radio. Motion carried.

POLICE CHIEF

Citation Updates

Mark Carpender

Police Chief G. Turner said the attorney for Carpender pled not guilty in court. G. Turner gave Carpender a warning for burning without a permit. The Manure Management Plan will be on the July 1 Plan Commission Agenda.

Sherry Towns

J. Macy said the Town received a letter from D. Greenwald stating he understands that the Town Board is revising the ordinance to allow for a colonnade. The Town Board directed the Town Planner to respond to the letter stating the

Town Board is not considering an amendment to allow the colonnade and any resolution to the fines and forfeiture does not happen until the property is in compliance.

Town of Eagle Agreement for Clerical Services

Motion by F. Leppin, seconded by B. Lawn, to approve the Town of Eagle Agreement for Clerical Services Joint Municipal Court. Motion carried.

TREASURER

Treasurer's Report

Treasurer's Report was placed on file.

Budget Review Process

Budget Review Process discussion is at the end of the Town Board Meeting.

PLAN COMMISSION

New Lots Created

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

TOWN PLANNER

Vacation of Part of Circle Drive Update

F. Leppin said the Public Works Committee recommends to vacate part of Circle Drive.

T. Schwecke wrote a letter to Waukesha County Department of Parks and Land Use acknowledging their recommendation to vacate part of Circle Drive and stated that if the opportunity arises, the Town would consider a vacation.

TOWN CLERK

Liquor License Renewals

Chief G. Turner said he had no issues with renewing all the Liquor Licenses.

Motion by F. Leppin, seconded by T. Stefanowski, to approve Liquor Licenses for the following:

Patti A. Engelke-Oitzinger	d/b/a Reggie's Lakeview
Jay H. Ross	d/b/a J.R.'s Resort
Robert S. Silldorf – Agent	d/b/a Rainbow Springs Golf Club
Tracy R. Hewett	d/b/a Lakeside Inn
Dawn K. Hughes	d/b/a Trolley Pub

Motion carried.

The Building Inspector was directed to send a non-compliance letter to Trolley Pub regarding the chimney repair that is necessary.

J. Macy said when Rainbow Springs Golf Club is no longer in possession of the premise, the Liquor License will have to be returned to the Town of Mukwonago.

Cigarette License Renewals

Chief G. Turner said the cigarette machines are properly placed so they are in view of the bartender.

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

Jay H. Ross	d/b/a J.R.'s Resort
Robert Silldorf – Agent	d/b/a Rainbow Springs Golf Club
Dawn K. Hughes	d/b/a Trolley Pub

Motion carried.

Operator's License Renewals

Chief G. Turner said there were no issues with the renewal applications.

Motion by F. Leppin, seconded by T. Stefanowski, to approve the Operator's License Renewal for Reginald L. Oitzinger at Reggie's Lakeview.

Motion carried.

Motion by F. Leppin, seconded by P. Topczewski, to approve the Operator's License Renewals for Constance L. Nedved, Fabian Babiash, Laura E. Uttke and Colleen Huebsch at J.R.'s Resort. Motion carried.

Motion by F. Leppin, seconded by B. Lawn, to approve the Operator's License Renewals for Robert S. Silldorf, Janette M. Swenson and Amanda L. Dudley at Rainbow Springs Golf Club. Motion carried.

Motion by P. Topczewski, seconded by B. Lawn, to approve the Operator's License Renewals for Robert D. Kopatich, Joan M. Varick and Erica Maines at Lakeside Inn. Motion carried.

Motion by F. Leppin, seconded by P. Topczewski, to approve the Operator's License Renewals for Susan J. Venski, Scott J. Mosser, Lynaia M. Gibson and Jennifer E. Fero at Trolley Pub. Motion carried.

New Operator's License

Chief G. Turner said there were no problems with background checks.

Motion by T. Stefanowski, seconded by F. Leppin, to approve the Operator's License for Jinnesa M. Krusick at Rainbow Springs Golf Club.

Motion carried.

Motion by P. Topczewski, seconded by B. Lawn, to approve the Operator's License for Patrick R. Vandenberg at Lakeside Inn. Motion carried.

Reggie's Lakeview

Clerk K. Wilson reported P. Engelke called in to say she was withdrawing her request to have the Town Board review her billbacks.

TOWN ENGINEER

2009 Road Program Bid Approval

Motion by F. Leppin, seconded by P. Topczewski, to authorize the Town Chairman to sign the Notice of Award for the 2009 Road Program to Wolf Paving Co. Inc. for \$151,917.79. Motion carried.

Update on Proposal for Water Drainage in Country Bliss, Stone Brook Hollow and Jericho Ridge

Community Development Block Grant – Emergency Assistance Program Update

S. Sullivan said the Community Development Block Grant-Emergency Assistance Program has awarded the Town of Mukwonago a \$506,000 grant through Waukesha County for the Country Bliss Subdivision Project. The Town will have to determine if they want to accept the award. He said within 30 days the Wisconsin Department of Commerce will prepare a contract with Waukesha County for the grant award. Waukesha County will then prepare a contract with the Town of Mukwonago for the grant. The contract will list in detail the scope of the award, however, this is a reimbursement program. S. Sullivan said the Town will receive a packet from the County that will have all the restrictions on

the money and what it can and can't be used for. He said we will have to wait for the details.

P. Topczewski questioned if the Town is going to assume the responsibility of the contract or is the Town going to sub-contract.

D. Dubey said one option may be the proposal by Country Bliss at a cost of \$300,000 which is dependant on an agreement with Stone Brook Hollow 1st Addition.

George Brown, a member of the Country Bliss Water Committee, said they had a good meeting with Stone Brook Hollow Homeowners Association.

He said they agreed to look at the proposal but have some concerns.

D. Dubey read the following concerns of Stone Brook Hollow Homeowners Association into the record:

- 1) The proposed solution must not cause any damage to current properties or future homes to be built in the subdivision
- 2) Maintenance agreement so that Stone Brook Hollow residents are compensated for the maintenance of the ponds
- 3) Association members do not think they should have to bear any further costs for the storm water management system
- 4) Details of the grant are unclear
- 5) What alternative solutions have been explored?

D. Dubey asked if the Town Board wants to authorize the Town Engineer to spend time on these concerns.

P. Topczewski said the Town does not have money to do this. He said he is very hesitant for the Town to take the lead and be responsible for this project.

He thinks the Country Bliss Homeowners Association should take the lead.

J. Macy said the five groups that could do this project are:

- 1) Town Board
- 2) Utility District of the Subdivision
- 3) Town-wide Utility District
- 4) Homeowners Association
- 5) Basin Utility District

After the Town receives the grant details and contract, there will be a Public Informational Meeting.

F. Leppin said the Town Board as the lead and the Town-wide Utility District will never work.

D. Dubey said a Country Bliss Utility District makes the most sense.

Motion by B. Lawn, seconded by P. Topczewski, to allow Public Comments.

Motion carried.

Chris Cooper, a resident of Stone Brook Hollow 1st Addition, said the only agreement his homeowners group did was to ask questions of Country Bliss.

Pat Crotty, Memory Lane, asked when you apply for a grant, aren't you the one responsible for it? J. Macy said the Town Board could create a Utility District that would pay the costs.

Vince Misia, S Oak Tree Court, suggested the \$300,000 plan be used, then with the remainder of the grant set up a trust fund to maintain the retention ponds.

J. Macy said he would recommend that the Town Board be the District Commissioners.

D. Dubey said a link would be set up on the Town Website with the grant information.

Phantom Woods Road Channel Enhancement Project Update

S. Sullivan reported he sent a letter to Reggie's regarding their septic in the Town right-of-way and he has not heard back from them. He said the project is on hold until the Town hears from Reggie's.

F. Leppin said the Town does not want to put a road over the septic system. The Town Board directed S. Sullivan to get an estimate of the cost of determining the location of the septic field.

Lakewood Farms Final Lift Update

S. Sullivan reported a lot of binder has to be replaced in Lakewood Farms and Harmony Homes wants to put the surface on this year.

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

D. Dubey said the Village of Mukwonago was concerned if the cul-de-sac met all their setbacks. They need more information to determine if they want the Village or State to own the cul-de-sac.

TOWN ATTORNEY

2009 WI Act 12, Wisconsin's Smoking Ban

J. Macy said the smoking ban will go into effect in one year.

TOWN CHAIRMAN

Stimulus Fund Update

D. Dubey said there is no further information regarding the Stimulus Fund request regarding Beulah Road.

Drainage Problem on Wingate Court and Sugden Road

D. Dubey said the Town Planner determined that the drainage easement between Lots 70 and 71 is not Town property, so therefore, drainage maintenance is not a Town problem.

F. Leppin said he cut down a tree and cleaned out the culverts on Sugden Road last year following complaints about a drainage problem.

H. Thompson said his neighbor across the street filled in an unbuildable lot.

J. Macy said the filling of the lot may be a violation.

Dawn Wesolowski said the culverts and ditches need to be cleaned out.

F. Leppin will check the situation on Sugden Road.

FINANCE

Pay Bills

D. Dubey said there is a question regarding the HSA payment for Jerry Linde because he is now on Medicare. The Police Union Contract provides for health insurance with a yearly HSA payment paid by the Town in January and July. He said our insurance agent said the HSA payment could be paid in June but not in July because Medicare Part B would be in effect.

Motion by F. Leppin, seconded by P. Topczewski, to pay the bills including the HSA payment for Jerry Linde which will be paid prior to June 30, 2009.

Yes: 3. No: T. Stefanowski. Abstain: B. Lawn. Motion carried.

B. Lawn questioned if any of the expenditures are in excess of the Budget. Deputy Clerk R. Bagley said the bills did not exceed the Budget.

REVIEW OF RECENT CORRESPONDENCE

J. Macy inquired about some Town issues. The Town has not received a letter from the DNR about the Spring Lake No-Wake Ordinance. The Harbold rezone is completed. The vacation of Circle Drive could be considered in 2010.

COMMITTEE REPORTS

Recreation Department

P. Topczewski said T. Monogue asked if there is interest in have advertising banners on the fences to raise money in spring and summer.

J. Macy said the Town could sell advertising space, but the Town needs a policy. He said the scoreboard policy may be sufficient.

This topic will be put on the next Town Board Agenda.

BUDGET REVIEW PROCESS

(Continuation of Special Town Board Meeting – June 17, 2009)

D. Dubey said the new forecast with the changes thus far is a +\$7,000 which does not include the employee cuts.

G. Turner said the Police Department applied for three grants for new officers and retaining officers.

G. Turner thought the elimination of the Humane Officer was a temporary situation, not a permanent change.

T. Stefanowski said reduced hours for the clerks should be for all four clerks. He asked why do we always look at the Police Department for cuts. Why not lay off some DPW workers or charge for garbage service?

D. Dubey said by statute, the Town has to provide fire and rescue services.

B. Lawn questioned if we need paramedics.

J. Rolfe said Fire Department employees are laid off by who was hired last. If services are reduced, that will affect revenues.

D. Dubey said non-mandated services such as garbage service, Police and DPW may have to be looked at more carefully.

P. Topczewski said the goal this year is to have a positive surplus. The Town will never get to the \$213,000 surplus to cover liabilities. If we do not want to cut fire or police, we will have to have fees.

The Town Board did changes to the forecast according to the Department Heads proposals.

B. Lawn said if the Town charged a one time fee of \$77 for garbage service for 2800 homes, we would have \$215,000 for the General Fund. A special meeting will be scheduled to discuss this possible option.

There is \$19,500 less liability because of forfeited occupancy bonds.

G. Turner changed his proposed cuts so that one clerk would have four days and the other clerk would have one day.

Ruth Ann Nicoson suggested having a referendum regarding the garbage fees.

Motion by P. Topczewski, seconded by B. Lawn, to approve monetary cuts as presented by the Police Department, Recreation Department, Department of Public Works and Clerk's Office including the wage concessions of the Police Union. Motion carried.

Motion by B. Lawn, seconded by T. Stefanowski, to adjourn at 10:30 p.m.
Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago