

TOWN OF MUKWONAGO TOWN BOARD

JULY 15, 2009

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:33 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: Engineer S. Sullivan, Attorney J. Macy, Planner T. Schwecke, Building Inspector S. Johnson, Police Lt. T. Czarnecki, Treasurer D. Steinke and Clerk K. Wilson.

Motion by P. Topczewski, seconded by F. Leppin, to approve the May 20, 2009 Special Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by F. Leppin, to approve the June 17, 2009 Town Board Minutes as written. Motion carried.

D. Dubey said during the discussion under Utility District, the Town Board will not be taking a vote to create a district but may be directing the Town Attorney to draft an ordinance to create a utility district. He said everyone that wants to speak should speak during Public Comment, not when the Town Board discusses the agenda item.

COMMENTS FROM THE PUBLIC

Sharon Knapp, Oak Knoll Drive, asked many questions regarding the “Final Report of the Mukwonago Police Department – Organization, Staffing and Management”. D. Dubey will respond to the questions.

Brian Falk, N. Oak Tree Court, said he supports a one time Municipal Bond, Construction Loan or Loan from the WI State Trust Fund to help finance construction and engineering costs, if needed, for a solution to the Country Bliss high water problem. He thinks the cost should be assessed on a town-wide basis. He justified a town-wide assessment by the example of taxes being paid for schools, fire, police, etc. but not everyone uses the services. He said an alternative to the town-wide assessment could be a combination of the drainage basin plus a provision to include future development areas that potentially could have similar problems and/or directly impact the Country Bliss basin area.

Diana Wood, Paul Lane, thinks the whole Town should be taxed to solve the water problem in Country Bliss.

George Brown, Paradise Lane, encouraged the Town Board to study the water problem. He said water comes from a bigger area than Country Bliss and the basin area. He said the water issue will not go away.

Linda Dykas, N. Oak Tree Court, said the utility district should be a Town wide district. She presented pictures that show Stone Brook Hollow surface water and said that water is coming to Country Bliss from Stone Brook Hollow, Jericho Ridge, Pine Field Farms and the Swan farm. She asked the Town Board to do borings in Stone Brook Hollow to determine if the infiltration ponds are sending water to Country Bliss. She said in 1950 water from the Country Bliss

naturally flowed to Jericho and Short Drive. She showed a chart of the rainfall levels from 1995 to 2009 and said not until recently did she have to pump. She said the problem is both a groundwater and surface water problem. She suggested having Madeline Gotkowitz from University Extension give a presentation on groundwater, surface water and high water levels to the Town Board.

Ginny Brown, Paradise Lane, gave the Town Board a copy of the SEWRPC document entitled "Groundwater Recharge in Southeastern Wisconsin Estimated by a GIS-Based Water-Balance Model".

Kristen Murphy, Mark Lane, questioned the timeline and why a force main system was chosen. She agrees that something needs to be done and feels it should be a Town-wide solution.

D. Dubey said the grant application was completed in a short amount of time with the Ruckert-Mielke solution that had been recommended last fall.

K. Murphy said when Stone Brook Hollow went in, then the flooding started. She said the Town Board should be looking at Stone Brook Hollow and drainage issues.

Dennis Tomasik, Mark Circle, said he has never seen water like this. He saw 3 - 5 1/2' of stagnant water in ditches. He recommended to drain the water to the south. He said the water has to be moved but he does not want to pump it. He said he does not agree with the utility district.

Patty Confer, Jericho Road, said the Town and developer for Stone Brook Hollow have said the developer has followed all the requirements. M. Gotkowitz said that does not mean that Stone Brook Hollow isn't contributing to the water problem.

Michael Rector, Cherry Lane, is concerned that pumping groundwater may be a problem for his well. He thinks the utility district should be Town-wide. He said he takes issue with Ruckert-Mielke doing the work when S. Sullivan is the Town Engineer.

Eric Boman, N. Oak Tree Court, said Country Bliss is not the lowest area in the Town of Mukwonago. He said Country Bliss does not have an outlet for the water. He wants everyone that is contributing to the problem to pay for the solution. He said surface water is coming from Stone Brook Hollow.

Pat Crotty, Memory Lane, said to keep the cost of a district in mind. What would be the cost of one district and what would the cost of five districts be? He said Country Bliss is not the only place in the Town with water problems. He said this is a Town-wide issue.

Pat Kelly, N. Oak Tree Court, said this is a Town-wide issue. The water issue will affect property values. The solution is an entire Town solution.

Earl Goll, Memory Lane, said he lives next to the pond and it is very disgusting. He said it is time to get the water off the roads in Country Bliss again. He questioned why Stone Brook Hollow has to be asked to dump their water back into their ponds.

Matt Murphy, S. Oak Tree Court, said the waterflow rates he calculated last year show that the 175 home utility district does not equal the volume of water in the basin. He said Swan's property is a wetland.

Arnette Malchow, S. Oak Tree Drive, lives next to Stone Brook Hollow. She said the land changed when Stone Brook Hollow was developed. She said Stone Brook Hollow is part of the problem. She said a Town-wide utility district would be a good idea.

Ryan Heckman, Mark Lane, said the Town Board approves all developments in the Town of Mukwonago, so why isn't the Town Board responsible for the water problems.

Mike Holzum, Jericho Road, said his basketball court in the basement has been filled in and they are no longer pumping. He said people around them are pumping and algae is growing in ponds in the subdivision. He said it is time for the Town Board to make a decision. He questioned if there will be a resolution to the problem this year. He said this is a Town issue, not just a Country Bliss issue.

Steve Kowske, Maggi Lane, questioned what has been done by the Town Board to contact Senator Kedzie and Representative Newcomer regarding State funding for this issue.

James Hammes, representing George and Ginny Brown on Paradise Lane, said the Country Bliss problem is a Town-wide problem and the drainage issue is a Town problem.

Public Comments closed at 7:35 p.m.

TOWN ENGINEER

Update on Proposal of Country Bliss Water Committee

D. Dubey said last month Stone Brook Hollow presented a list of questions which Country Bliss has responded to. Once Stone Brook Hollow reviews the answers, he expects Country Bliss and Stone Brook Hollow will have a meeting to see if the proposal is viable.

Community Development Block Grant – Emergency Assistance Program Update

D. Dubey said Waukesha County has not worked out an agreement with the State regarding the money for the Block Grant. He said the County intends to have a meeting with the five municipalities in Waukesha County that were awarded the grants as soon as they have the details regarding the grants.

Storm Water Utility District for Country Bliss

D. Dubey referred to a letter from Attorney J. Macy dated August 28, 2008 which states the steps to set up a utility district. He said the next step would be for the Town Board to direct the Town Engineer and Town Attorney to draft an ordinance setting up a utility district based upon an engineering study.

J. Macy said if the utility district is town-wide, the description of the duties and responsibilities of the district would be more general than if it was a specific subdivision such as Country Bliss. He said if the utility district is town-wide, every time there is a water problem the project can be added to the utility district and be paid for by the Town residents.

D. Dubey referred to C. Cramer's letter stating the pros and cons of a Town-wide utility district. Advantages include less effort to create a single district as compared to multiple districts, fewer utility district funds to account for, uniform charges across the entire Town and costs would be shared by all developed properties in the Town. Disadvantages include property owners in areas not affected by flooding problems may object to being included in the district, may be more difficult to demonstrate/prove that the entire Town benefited by the district and some areas of the Town may have much more expensive storm water management facilities than others but would pay the same rate. C. Cramer's letter stated the advantages of a basin-specific utility district are properties pay for the specific facilities directly serving the drainage basin in which they are located and property owners see the connection between charges and benefits. Disadvantages of a basin-wide utility district are more effort to create multiple districts, more utility district funds to account for, different storm water charges across the Town and fewer projects and properties over which to spread the costs. D. Dubey said the developer of Stone Brook Hollow built multiple ponds for stormwater management and that cost was divided by those purchasing lots in the subdivision. He said subdivisions pay for their own stormwater management facilities.

P. Topczewski added that the subdivisions pay for the maintenance of the stormwater management facilities and if they do not maintain the facilities, the Town can billback the subdivision.

D. Dubey said he thinks the district should be a local subdivision district because that is the way all our other subdivisions function.

P. Topczewski said he agreed because the subdivision is responsible for the stormwater management facilities and they retain the obligation to maintain the facilities. He said a problem is the competing interests of the older developments vs. the new developments. He said it is obvious there are two conditions present - a groundwater issue and surface water problems with no place to go.

D. Dubey said state law allows developments to send water to other properties as was done prior to development. He said landowners have a right to develop.

P. Topczewski said new developments are required to have stormwater development plans.

B. Lawn asked if the Country Bliss Water Committee solution was workable.

S. Sullivan said the proposal is a viable solution but there are many conditions to allow the water to go to Stone Brook Hollow. His biggest concern is the volume of water and what happens if it overflows the pond.

D. Dubey said the big question regarding the \$506,000 grant is if it could be used for an alternative plan.

S. Sullivan said a 1965 topographical map shows the area of Country Bliss having no outlet, two low areas (pond and the intersection) and a hump on the south side of the property.

P. Topczewski said he would prefer smaller rather than larger. He sees the district as a combination of Country Bliss and Jericho Ridge.

F. Leppin said he is not convinced that the utility district should be a subdivision district.

D. Dubey said if the Town creates a Town-wide district, the Town would receive applications for more utility projects and it would be hard to deny any project.

B. Lawn said the basin should be considered. He said they are part of the solution.

T. Stefanowski said the basin should include north of Sugden Road.

S. Sullivan said the basin map would have to be field verified.

J. Macy said when he started working at the Town of Mukwonago in the early '80s, he was amazed that the Town of Mukwonago was one of the only communities they worked with that had stormwater facilities.

B. Lawn said he thinks the Town is ready to start the process of an ordinance. He would consider a basin utility district, not a Town-wide district.

T. Stefanowski said he is not in favor of a Town-wide district, but would support a basin district to start the process for a utility district.

P. Topczewski said he would consider Country Bliss and Jericho Ridge for the utility district.

F. Leppin said he would favor a basin district, not a Town-wide district.

The Town Board directed the Town Attorney and Town Engineer to draft an ordinance for a basin utility district with a clarifying boundary map prior to the Public Hearing.

J. Macy summarized:

The Town Board determined that something needs to be done regarding the Country Bliss flooding.

The Town Board, through a utility district, will assume the responsibility to do the project.

Cost of the project will be paid by the utility district whose final boundary will be determined.

D. Dubey said the proposed ordinance and boundaries of the basin will be on the August Town Board agenda with the Public Hearing at the September Town Board meeting.

P. Topczewski said he wants to see the documents creating the subdivisions that would be in the basin and if there were any flow studies done on the subdivisions.

P. Topczewski said we still do not know if we can amend the grant proposal.

Stimulus Fund Update

D. Dubey said Stimulus Funds were applied for a Beulah Road project and the the Town has not received any further information about the request.

Phantom Woods Road Channel Enhancement Project Update

S. Sullivan reported he has not heard from the landowner about the septic under the road. S. Sullivan will research the cost of a septic determination and check with B. Holtz if the Fox River Commission would include that cost as a reimbursable expense.

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

D. Dubey said the Village is confused as to what the Town is asking them regarding the future ownership of the cul-de-sac. D. Dubey will talk to the Village again.

S. Sullivan said the State said ownership could be either by the State or the municipality. He said the Town has to name the cul-de-sac.

Fred Leppin Land Division – Letter of Credit

S. Sullivan said a review was done of the cul-de-sac and all their previous concerns were addressed.

Motion by P. Topczewski, seconded by B. Lawn, to authorize the Town Chairman to sign the resolution accepting the road and the ordinance setting the speed limit of the road and to eliminate the Letter of Credit for the Fred Leppin, Jr. Crossgate Drive Extension Public Road Improvement Project.

Yes: 4. Abstain: F. Leppin. Motion carried.

Drainage Problem on Wingate Court and Sugden Road Update

F. Leppin reported the water is flowing through the culverts under Sugden Road and reaches the same level on both sides of the road.

BUILDING INSPECTOR – SCOTT JOHNSON

AT&T

S. Johnson said he sent out a violation of Conditional Use notice to AT&T and the 30-day notice is up on July 17.

Mike Bieniek, of Goodman Networks representing AT&T, said the signed Conditional Use does not match what equipment is on the site.

T. Schwecke said AT&T needs to submit a Conditional Use application. He said the Site Plan and Plan of Operation needs to be amended also.

J. Macy said past practice of the Town Board is once the property is in compliance, the Town Board will decide if fines would be set.

Motion by P. Topczewski, seconded by B. Lawn, to table issuance of a citation. If an application for a Conditional Use is received by the Town prior to the August Town Board Meeting, no citation will be issued at that time. Motion carried.

Richard and Louise Lambrecht

S. Johnson reported the Lambrecht property was in compliance on July 6, 2009.

Christopher C. Holmstrom

S. Johnson reported the Holmstrom property was in compliance on July 6, 2009.

Nancy Kind

S. Johnson sent a notice to N. Kind about the erosion sediment issues on Mitchell Drive on June 25, 2009. He said she should put up some silt fence.

Trolley Pub

S. Johnson said he sent a notice regarding the building code violations on June 25, 2009.

FIRE CHIEF

Uniform Fire Suppression Agreement

D. Dubey said the general penalties in the agreement need to be revised before the agreement is signed.

Paramedic Vehicle (Unit 3488)

D. Dubey said the Village proposed an even swap of the Building Inspector's vehicle for the Paramedic vehicle.

Motion by F. Leppin, seconded by B. Lawn, to authorize the transfer of the Paramedic Vehicle (Unit 3488) to the Village of Mukwonago Building Inspection Department. Motion carried.

Dorm Room Policy

D. Dubey said the Fire Chief wants to have a dorm room area in the upstairs of the fire station for non-resident paid on call personnel. The Town Board would like to see a floor plan of how he wants to set up the dorm room.

The Town Board was OK with the verbiage of the policy, but D. Dubey said the word "required" should be used rather than "expected".

Motion by P. Topczewski, seconded by B. Lawn, to table discussion of the dorm room and dorm room policy. Motion carried.

POLICE CHIEF

Citation Updates

Mark Carpender

J. Macy said no offer to settle has been made because the court is not convinced that everything is in compliance yet.

Sherry Towns

J. Macy said compliance is required before the Town Board would adjust any fines.

TREASURER

Treasurer's Report

Treasurer's Report was placed on file.

Budget Review Process

D. Dubey said he talked to the Town Accountant and it would cost \$500 to have him do a verification of the spreadsheet.

D. Dubey and B. Lawn disagreed about the definition of an audit.

D. Dubey said a typical audit would cost \$10,000 – \$15,000.

F. Leppin said we do not have the money.

J. Macy checked the Statutes regarding the questions about an audit.

PLAN COMMISSION

Movrich Affidavit of Correction

Motion by P. Topczewski, seconded by F. Leppin, to approve the Revised Affidavit of Correction. Motion carried.

New Lots Created

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

TOWN CLERK

Operator's License Renewal

Motion by F. Leppin, seconded by P. Topczewski, to approve an Operator's License for Sheryl A. Schwall. Motion carried.

TOWN ATTORNEY

Correspondence

There were no questions regarding J. Macy's letters entitled Federal Trade Commission "Red Flag Rules" Compliance and Open Carry of Firearms.

TOWN CHAIRMAN

Special Town Board Meeting

D. Dubey said a Special Town Board Meeting is scheduled for Thursday, July 16, 2009 at 6:30 p.m. at the Town Hall to discuss possible fees and special charges.

J. Macy referred to State Statutes 66.0627 Special charges for current services which gives examples of services that can be charged for. Procedure for payment could be to send a bill to property owners then give reasonable time to pay before putting the charge on the tax bill.

Advertising Banners in Lauren Park

P. Topczewski said the ball diamonds look nice. He said many times banners look junky. He questioned the amount of revenue the Town would receive vs. the appearance of the ball field.

Spring Lake No-Wake Ordinance and Condition Report Update

K. Wilson reported the Spring Lake No-Wake Ordinance was sent to the DNR on July 2, 2009. D. Dubey will send the Condition Report to the DNR.

FINANCE

Pay Bills

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

CORRESPONDENCE

COMMITTEE REPORTS

COMMENTS FROM THE PUBLIC

Eric Boman, N. Oak Tree Court, said there is great fear about pumping the groundwater down. He said mapping of the local water table would give us more information. He said he would agree to an increased tax rather than a special charge.

Karen Seigworth, Stone Brook Pass, is concerned about the detention ponds and all the water coming from Country Bliss.

D. Dubey said the Utility District Agreement would be with Stone Brook Hollow. J. Macy said development can not change the water course where the water enters and where it leaves and the water can not leave property faster than when it came to the property

Motion by F. Leppin, seconded by P. Topczewski, to adjourn at 10:05 p.m.
Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago