

## TOWN OF MUKWONAGO TOWN BOARD

MARCH 17, 2010

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:35 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 Lt. T. Czarnecki, Building Inspector S. Johnson, Department of Public Works Foreman R. Peterson, Treasurer D. Steinke and Clerk K. Wilson.

Absent: Supervisor F. Leppin.

Motion by B. Lawn, seconded by P. Topczewski, to approve the February 17, 2010 Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the March 3, 2010 Special Town Board Minutes as written. Motion carried.

### COMMENTS FROM THE PUBLIC

**Jared Pries**, River Road, is concerned about the shallow wells that will be placed on the Lathers property in the Town of Waukesha adjacent to Town of Mukwonago properties. He said the six wells would be able to take out of the ground six million gallons of water per day and he is concerned about the impact of these wells on his property and his neighbors' properties. He presented a letter from the Town of Waukesha Attorney and a letter from Town of Waukesha Supervisor Everett German that he wanted copies of the letters to be given to the Town Board.

**Gail Yerke**, a member of the Police Commission, said they are meeting on March 18 to review the 62 Lake Patrol applications. They also will begin their Police Chief search.

### PLAN COMMISSION

#### **Town of Mukwonago Official Map**

Motion by P. Topczewski, seconded by B. Lawn, to approve Resolution 2010-R-1 A Resolution Approving an Amendment to the Official Map for the Town of Mukwonago based on the recommendation of the Plan Commission and the Town Planner. Motion carried.

#### **New Lots Created**

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

### TOWN PLANNER

#### **Town-wide Parking Restrictions**

T. Schwecke met with Reggie and Patty from Reggie's Lakeview and with Troy from Lakeside Inn regarding parking restrictions on Phantom Woods Road. He said the only restrictions are on overnight parking from November

through March. There are no restrictions the rest of the year and that is how they want to keep it.

T. Stefanowski said it would be hard to enforce restrictions during fishing season.

#### **TOWN CLERK**

##### **Lakewood Farms Preserve Letter of Credit Extension**

D. Dubey said no action was required because there was a misunderstanding regarding the Letter of Credit.

#### **TOWN ENGINEER**

##### **STH 83/CTH I Roundabout Island Planting Maintenance**

B. Lawn said John Kanzenbach, from the Wisconsin Department of Transportation, is looking for someone or some group to oversee the maintenance of the roundabout island otherwise the State will plant trees and have mulch on the island. B. Lawn said the Chamber of Commerce is interested in working on this project. Update will be on the April Town Board Agenda.

##### **STH 83/CTH I Cul-de-Sac Agreement**

B. Lawn reported the State Real Estate Agent has not gotten back regarding the comments of the Town Attorney on the agreement. Update will be on the April Town Board Agenda.

#### **TREASURER**

##### **Treasurer's Report**

Treasurer's report was placed on file.

##### **Budget Review Process**

D. Dubey said he is trying to create a new format for the forecast so there was nothing ready for tonight's meeting.

D. Dubey said the Preliminary 2009 Financial Report shows the severance packages for Grant Turner and Jerry Linde in 2009.

B. Lawn questioned having those amounts in the 2009 Budget when they are really being paid out in 2010. B. Lawn will review the Resignation Agreement for G. Turner and the Retirement Agreement for J. Linde with the Town Attorney because both documents are contracts. If the Town Accountant disagrees with the interpretation of the Attorney, the Town Board would get a second opinion from another accountant.

B. Lawn questioned the following vouchers:

- 1) Village of Mukwonago – if the bill was for our one-half of the ambulance bill
- 2) Rotroff bill for \$1743 for interim work when the Town should be just paying when the Financial Report is completed

#### **TOWN ATTORNEY**

#### **TOWN CHAIRMAN**

##### **Labor Counsel**

D. Dubey said the Town received letters from Jim Macy of Davis and Kuelthau and Dan Vliet of Buelow Vetter both wanting to be the Town labor counsel. Motion by T. Stefanowski, seconded by B. Lawn, to authorize D. Dubey to sign the transfer of records request from Davis and Kuelthau to Dan Vliet and to investigate other possible labor counsel candidates. Motion carried.

## **Department of Commerce Response to Resolution 2010-R-2**

D. Dubey reported the Department of Commerce rejected the Town proposal to buy homes because it is not a permanent solution and gave the Town until March 31, 2010 to decide upon an acceptable solution.

P. Topczewski said the letter is saying the Town has to pay the shortfall in money if they want to get the grant. He disagreed with the Department of Commerce decision and said the flooding is a part of a cyclical situation. The cost of the project will be much more than estimated because the estimate was done over a year ago.

D. Dubey said the only possible solution would be to authorize an engineering study to evaluate the gravity system.

P. Topczewski said those engineering expenses would not be covered by the grant.

B. Lawn said he was disappointed with the Department of Commerce's response.

T. Stefanowski said he agrees with P. Topczewski, but he does not want to lose the grant.

Motion by T. Stefanowski, seconded by B. Lawn, to authorize Country Bliss Subdivision to apply for the grant funds on behalf of the Town of Mukwonago.

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

Motion failed.

B. Lawn said he would like Caryn Stone, Commerce Department, to address the buying out of homes.

Motion by B. Lawn, seconded by D. Dubey, to put out a Request for Proposal for an engineering study to evaluate a lower priced solution and authorize an expenditure of \$15,000 from the General Fund for the engineering study.

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

Motion failed.

P. Topczewski still feels getting rid of some of the homes would be a practical solution. He does not want to spend any more Town money on this project. He has not heard a willingness of the Country Bliss Homeowners Association to help pay for the project.

D. Dubey said the Town still has an outstanding grant application.

T. Stefanowski does not want to lose the grant money and would consider spending \$10,000 for the engineering study.

Motion by B. Lawn, seconded by T. Stefanowski, to reconsider the previous motion and authorize an expenditure of \$10,000 for an engineering study.

Yes: 3. No: P. Topczewski. Motion carried.

## **Salt Shed**

DPW Foreman R. Peterson said he has been doing preliminary work regarding the cost of a salt shed.

D. Dubey suggested talking to neighboring communities about the possibility of having a joint salt shed.

Salt shed will be on the April Town Board Agenda.

**Police Union Contract**

D. Dubey said the proposed Police Union 3-Year Contract has no salary increase the first two years with a 4% increase in the third year. HAS (Health Savings Account) contributions would be increased by \$500. Comp time flexibility was increased and carryover time was reduced.

Motion by B. Lawn, seconded by P. Topczewski, to approve the Police Union Contract. Motion carried.

**Request from Police Commission for Police Chief Search**

D. Dubey said the Police Union Contract specifies no lay-offs so there really needs to be a Police Chief.

Motion by T. Stefanowski, seconded by B. Lawn, to authorize the Police Commission to begin a Police Chief search and to preferably to do an internal search first. Motion carried.

**Ice Ordinance**

D. Dubey presented a draft ice ordinance from Phantom Lakes Management District which would allow 40 mph for non-licensed vehicles on the ice with allowances for special events. He said DNR recommends 15 mph for all vehicles on lakes the size of Phantom Lake.

J. Macy will review the ordinance for the April Town Board Meeting.

**Phantom Woods Road Channel Enhancement Project Landscaping**

Motion by B. Lawn, seconded by T. Stefanowski, to commence the landscaping plans of the Phantom Woods Road Enhancement Project. Motion carried.

**Town of Mukwonago Annual Meeting**

D. Dubey announced the Town of Mukwonago Annual Meeting will be held Wednesday, April 14, 2010 at 7:00 p.m. at the Mukwonago Town Hall.

**FINANCE**

**Pay Bills**

Motion by B. Lawn, seconded by T. Stefanowski, to pay the bills except the Rotroff Accounting Financial Report bill. Motion carried.

**BUILDING INSPECTOR**

**Lakeside Inn and Reggie's Lakeview**

S. Johnson reported he sent letters to Lakeside Inn and Reggie's Lakeview regarding their Conditional Use violations. They will be on the April Town Board Agenda

**Section School**

S. Johnson received a complaint from the Fire Department regarding a new storage shed at Section School that was built too close to a fire hose connection. He said the shed was moved but it needs a building permit so it should be on the April Town Board Agenda.

**FIRE CHIEF**

**POLICE DEPARTMENT**

**Citation Update**

D. Dubey said there were no citation updates for **Mark Carpender, Sherry Towns, Ralinda Howard** or **Joel Anderson.**

### **Fines for Dog at Large**

Lt. Czarnecki reported the issue of fines for dog at large will be discussed at the Protective Services Committee Meeting.

### **Clarification of Ackmann/Carpender Commercial Motor Vehicle Issue**

D. Dubey said L. Ackmann still has his Snap-On truck and his neighbor wants it removed because it is a commercial vehicle.

Lt. T. Czarnecki said L. Ackmann wants to sell the truck.

J. Macy said the code defines a residential vehicle and Ackmann's truck does not qualify according to the definition.

Motion by P. Topczewski, seconded by T. Stefanowski, the Town Board determined Ackmann's Snap On truck, even without the decals, is a commercial vehicle. Motion carried.

J. Macy suggested this issue of commercial vehicles be taken up by the Plan Commission when reviewing the Town Code.

### **TREASURER**

B. Lawn said there still needs to be a correction to the 2005/2006 Town Financial Statements. He does not think they are accurate.

During that time period, there was a change in accounting practice.

P. Topczewski questioned if having a note with the documents would be sufficient.

B. Lawn said that would be perfect to explain the \$25,000 difference.

### **CORRESPONDENCE**

### **COMMITTEE REPORTS**

### **COMMENTS FROM THE PUBLIC**

**Linda Dykas**, N. Oak Tree Court, said the Groundwater Conference at Ruekert-Mielke presented much worthwhile information that the Town Board would benefit from including sediment sweeping, inventory and recording of existing ponds, adopting best management practices and funding sources.

She questioned why the Town Board wasn't at the conference.

(G. Yerke represented the Town at the conference.)

She encouraged the Town Board to adopt a best management practice ordinance.

**Pat Crotty**, Memory Lane, questioned who does the accountant work for?

He said at the Special Town Board Meeting at Section School, 17 of the 28 people who spoke said the flooding was a Town issue. He would like to know what the Town is equipped to do regarding Country Bliss.

**Vince Misia**, S. Oak Tree Court, said if we can get a gravity feed system, it would be good if other subdivisions could use it.

Motion by T. Stefanowski, seconded by B. Lawn, to adjourn at 8:25 p.m.

Motion carried.

Katherine W. Wilson  
Town of Mukwonago Clerk