

TOWN OF MUKWONAGO TOWN BOARD

APRIL 21, 2010

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:30 p.m. with the salute to the flag. Chairman D. Dubey said the meeting was noticed.

D. Dubey announced there would be a Closed Session pursuant to Wisconsin State Statute 19.85(g) at the end of the Town Board Meeting.

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, Building Inspector S. Johnson, Recreation Director T. Monogue and Clerk. K. Wilson.

Absent: Treasurer D. Steinke DPW Foreman R. Peterson.

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

Motion by P. Topczewski, seconded by F. Leppin, to approve the November 18, 2010 Special Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by F. Leppin, to approve the April 7, 2010 Special Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

PLAN COMMISSION

Shallow Wells in Town of Waukesha

D. Dubey read the draft letter written by P. Topczewski to the City of Waukesha stating the Town of Mukwonago's concerns regarding shallow wells being placed in the Town of Waukesha.

T. Stefanowski said the Town of Vernon Chairman would sign the letter also.

T. Stefanowski said the Town of Waukesha has not responded to his calls.

Motion by F. Leppin, seconded by B. Lawn, to authorize the Town Chairman to sign the letter to the City of Waukesha regarding the shallow wells in the Town of Waukesha. Motion carried.

A copy of the letter will be provided to the Town of Vernon.

New Lots Created

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

TOWN PLANNER

Enforcement – AT&T Co-location on SBA Tower on Semrow Property off of STH 83

T. Schwecke's Staff Report stated last summer, AT&T installed an equipment cabinet on a trailer within the lease area of SBA's tower on the Semrow property in violation of its Conditional Use Order. AT&T submitted an application to amend the Conditional Use Order, so no enforcement actions were taken.

The Town Board approved the amendment with a number of conditions, one of which requires SBA, the tower operator, to sign the revised Conditional Use Order authorizing it to establish and maintain a tower with related facilities. SBA has not signed the order, thus, both SBA and AT&T are in violation of the Conditional Use Order.

Mike Bieniek, AT&T representative, said AT&T and the property owner signed the Conditional Use Order, but SBA will not sign the order because of condition B(4). The condition allows the Plan Commission and Town Board to terminate the Conditional Use Order based upon considerations of public health, safety, welfare and compatibility. He said SBA wants the condition stricken from the Conditional Use.

J. Macy said SBA is asking the Town to amend the Town of Mukwonago Municipal Code. He said it is a County ordinance also. He said there is a Federal law that the Town can not treat one carrier different than another carrier.

T. Schwecke said the requirement comes from the Zoning Ordinance.

Motion by F. Leppin, seconded by T. Stefanowski, to deny SBA's request to remove condition B(4) from their Conditional Use Order. Motion carried.

The Town Board directed the Building Inspector to send violation letters to AT&T and SBA and to follow the compliance procedure.

TOWN CLERK

Open Book

D. Dubey said Open Book will be held on Tuesday, May 4, 2010 from 3:00 – 7:00 p.m. by appointment with the Assessor.

Board of Review

D. Dubey said Board of Review will be held on Monday, May 17 at 6:00 p.m..

K. Wilson is the only certified Board of Review member at this time.

Verizon Payment via Internet

D. Dubey explained the Town is getting a \$15 charge for paper invoice charges from Verizon. The Clerk's Office will check to see if they can get the invoice by e-mail and still pay the invoice with a check.

TOWN ENGINEER

STH 83/CTH I Cul-de-Sac Agreement

J. Macy reviewed an e-mail from the DOT. The project will be completed by December 31, 2011 and the Town will be purchasing a right-of-way which has to be clarified. He said the State is selling the property by Quit Claim Deed and he would prefer it be done by Warranty Deed. The property would be deed restricted for public road purposes in perpetuity. Thus, this road can never be vacated. He suggested that the engineer review Exhibit A.

STH 83/CTH I Roundabout Island Planting Maintenance

B. Lawn reported the DOT only wants plantings in the roundabout – not a bear or a sign.

Motion by T. Stefanowski, seconded by F. Leppin, to deny responsibility for maintenance of the STH 83/CTH I Roundabout Island. Motion carried.

Ice Ordinance

Motion by T. Stefanowski, seconded by F. Leppin, to adopt the Ice Ordinance subject to the Village of Mukwonago approval. Motion carried.

TOWN CHAIRMAN

Salt Shed

F. Leppin said the cost of a salt shed that could hold 1100 tons is \$114,000. He said the Town should have their own salt shed, not share with another community. He said a salt shed would fit next to the shed in the Town Park. He said there would be room across the driveway to have a building to house five trucks.

T. Monogue, Recreation Director, questioned the size of the entrance of the Town Park for trucks to get in and out. He also asked if there would be drainage ponds.

F. Leppin said there would be a recapture system.

Town Board directed the DPW Foreman to draw up two alternative plans for the salt shed and supporting buildings needed in the Town Park and on the property off of CTH EE.

Phantom Woods Road Channel Enhancement Project Landscaping

D. Dubey reported plantings will be done the first two weeks in June by volunteers organized by Barb Holtz.

Rotroff Jeanson Engagement Letter for 2010 Monthly Accounting Services

Motion by B. Lawn, seconded by F. Leppin, to accept the Rotroff Jeanson Engagement Letter for 2010 Monthly Accounting Services. Motion carried.

Requests for Quotes for Engineering Solutions for Country Bliss

D. Dubey said he revised the resolution so there could be \$10,000 spent on engineering for a solution. He drafted a letter that will be sent to engineering firms for a request for quote.

Business Advertising on Lauren Park Baseball Outfield Fences

T. Monogue, Recreation Director, proposed having business advertising on Field 1 and 2 baseball outfield fences. He said as Budgets get tighter, this may be a way to generate income. He is proposing the temporary banners (5' x 8') be purchased by businesses and be up from May 1 – November 1. Restrictions such as size, color etc. would be determined by the Town. There are 51 possible locations for the banners.

P. Topczewski said he is not in favor of this proposal. He said there were neighbor concerns when the scoreboards were put up. He thinks the banners would ruin the aesthetics of the park.

F. Leppin said if we do not generate more money, the parks will just sit there.

He said the Town does not have money to do improvements in Lauren Park.

T. Stefanowski suggested trying 10-15 banners staggered on the fence and see what happens.

T. Monogue said the Town would need to amend the Signage Ordinance to allow the banners.

B. Lawn agreed with P. Topczewski.

D. Dubey said the banners would be an obstruction.

Motion by P. Topczewski, seconded by B. Lawn, to deny the request to allow business advertising on Lauren Park baseball outfield fences. Motion carried.

Community Survey Bids

D. Dubey opened bids from Graef and UW-Extension.

P. Topczewski said he thinks the Community Block Grant could cover some of the expense of the survey.

F. Leppin asked if the Town could do the survey in 2011 so it could be in the Budget. He said he does not want to spend money when the Town does not have the money.

The Graef Survey would be an on-line survey.

D. Dubey suggested having a computer set up at the Town Hall for people that do not have access to a computer.

P. Topczewski said elderly people may not be as likely to complete the form, thus, the Town would be eliminating a part of the population.

T. Stefanowski said he'd like to get over 50% return rate on the survey.

D. Dubey said a survey would give the Town Board more justification for what the Town residents want.

B. Lawn said the last survey had community push to participate.

D. Dubey said the Town Board could reject both options and do an in-house survey completed by the Town Planner.

T. Schwecke said he has done several surveys. He said some of the work could be done by volunteers.

P. Topczewski suggested the Referendum Committee might be interested in doing the volunteer work.

The Town Board decided to get confirmation from G. Yerke that the Community Block Grant could be used for this project and to request a revised proposal from Graef, UW-Extension and Civi Tek that includes writing the survey and analysis of the survey.

A Special Town Board Meeting will be held on April 27, 2010 at 6:00 p.m. to review the revised quotes.

Appointed Clerk/Treasurer Position

D. Dubey said the Clerk and Treasurer positions were combined and made appointed at the April 14, 2010 Annual Meeting. He said State Statutes requires the Town to appoint someone to the Clerk/Treasurer position in not less than 30 days nor more than 60 days of the decision. He said the Town Board could appoint someone for a one-day term effective Tuesday, April 12, 2010.

D. Dubey said many decisions need to be made which include a job description, salary, where to advertise, etc.

Clerk/Treasurer/Administrator is the position the Town Board will be creating. Personnel Committee will meet to work on the job description.

FINANCE

Pay Bills

Motion by B. Lawn, seconded by F. Leppin, to pay the bills.

Motion carried.

BUILDING INSPECTOR

Lakeside Inn

S. Johnson reported Lakeside Inn is in compliance and paid double permit fees.

Reggie's Lakeview

S. Johnson said Reggie's Lakeview is in compliance except for the driveway and parking area.

Motion by P. Topczewski, seconded by B. Lawn, to authorize the Building Inspector to send a non-compliance notice if driveway and parking area are not completed by April 30. Motion carried.

Section School

S. Johnson reported Section School has a permit and will pour the slab after school gets out.

Mark and Tracy Poje

S. Johnson said T. Poje called and said they are on schedule to complete their project by the County deadline.

FIRE CHIEF

POLICE DEPARTMENT

Citation Update

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

Lt. T. Czarnecki said **Ralinda Howard** has two violations. She received a citation for too many dogs and a citation for too many horses.

Fines for Dog at Large

T. Czarnecki said the Dogs at Large Ordinance can be used for the dog attacking another dog situation so he does not think another ordinance has to be adopted.

Motion by B. Lawn, seconded by F. Leppin, to keep the Dogs at Large Ordinance as is. Motion carried.

Commercial Motor Vehicle

Motion by P. Topczewski, seconded by T. Stefanowski, to confirm the Plan Commission's interpretation that a panel truck without signage is still a commercial vehicle. Motion carried.

Parking Near DNR Access on Frog Alley Road

F. Leppin reported DNR access parking will be open on the first Saturday in May.

TREASURER

Budget Review Process

D. Dubey discussed the process with D. Steinke and Accountant M. Retroff and is trying to come up with something better than what has been used for the review process.

T. Czarnecki explained the confusion regarding the HSA payments paid by the Town in 2008 and 2009.

CORRESPONDENCE

COMMITTEE REPORTS

Utilities-Recycling-Judicial

Yard waste pick-up is scheduled for Saturday, May 15, 2010.

T. Stefanowski said as of September 1, 2010, no electronic products will be picked up by Johns.

COMMENTS FROM THE PUBLIC

Linda Dykas, N. Oak Tree Court, encouraged the Town Board to get the engineering for Country Bliss Requests for Quotes out as soon as possible.

Pat Crotty, Memory Lane, stated the Town Board needs to get people to the meetings, to be done with specific agenda items that have been on for years and to make some decisions. He does not think many people will fill out the survey.

CONVENE INTO CLOSED SESSION

Motion by T. Stefanowski, seconded by F. Leppin, to convene into Closed Session to confer with legal counsel regarding Town of Mukwonago vs. Sherry Towns. Motion carried unanimously.

Motion by B. Lawn, seconded by F. Leppin, to adjourn at 9:10 p.m.
Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago