

TOWN OF MUKWONAGO TOWN BOARD

SEPTEMBER 16, 2009

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:30 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, Fire Chief J. Rolfe, Police Chief G. Turner, Treasurer D. Steinke and Clerk K. Wilson.

Absent: Building Inspector S. Johnson.

Motion by B. Lawn, seconded by P. Topczewski, to approve the August 19, 2009 Town Board Minutes as written. Motion carried.

Motion by F. Leppin, seconded by P. Topczewski, to approve the September 2, 2009 Special Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Alexandra Ramsey, Spring Lake Association President, spoke in favor of the No-Wake Ordinance on Spring Lake. She said Spring Lake is 57 acres. Lake Lulu is 76 acres and is a no-wake lake. She said Spring Lake is a rare resource and needs to be protected. People can recreate on another lake.

John Lammers, Schnitzler Road, spoke in favor of the No-Wake Ordinance on Spring Lake. He said there are two sections of the Department of Natural Resources that deal with water issues. One is the Law Enforcement and Recreational Safety Wardens and the other section is the Lake Specialists. He said the Lake Specialists are the water resource specialists. He said SEWRPC and Dr. Jeff Thornton support the ordinance. He said rights stop when they infringe on others' rights.

Patrick Jones, Spring Lake summer resident, spoke for the No-Wake Ordinance on Spring Lake. He said the Condition Report from the Town of Mukwonago followed the format and content that is required by the DNR. He said the Advisory Review of the DNR did not address the content of the Condition Report.

Al Queenen, Spring Lake Association Vice-President, spoke for the No-Wake Ordinance. He said Spring Lake pollution has been increasing with problems of people, buildings, fish and plants. He thinks the ordinance will help the future of Spring Lake.

Richard Wagner, Arbor Drive, spoke for the No-Wake Ordinance on Spring Lake. He said the lake has changed over 60 years. The boatable area is about 1/3 of what it was in the past.

Karen McNelly, Willow Springs Drive, said Waukesha County is in process of correcting the Floodplain/Shoreland maps and they will be completed by early 2010. She wants the Town of Mukwonago to continue with their contract with the Village of North Prairie for fire services in Sections 4, 5 and 6. She said North Prairie supplies a cost effective service to the Town of Mukwonago.

She also spoke in favor of the No-Wake Ordinance for Spring Lake.

Elmer Richardson, Schnitzler Road, showed pictures of the erosion on his property on Spring Lake in the last two years. He asked the Town to stop the degradation of the lake by approving the No-Wake Ordinance.

Kristen Murphy, Mark Lane, referred to two statements in Dale Shaver's September 4 letter regarding a meeting held at Waukesha County. One statement was "we believe the flooding issues experienced over the past two years are primarily due to high water table and not surface water runoff". The second statement was "Legal and administrative issues may be encountered when creating a district to address a groundwater problem". She said these are two important points of the letter and should be considered when drafting an ordinance.

Kirk Davies, Spring Lake Drive, is in favor of the No-Wake Ordinance on Spring Lake.

John Lammers said the fire protection by North Prairie is excellent.

Imogene Schley, Arbor Drive Extension, encouraged the Town Board to vote for the lake by voting for the No-Wake Ordinance.

PLAN COMMISSION

Vicki Rahn Conditional Use Request

Motion by P. Topczewski, seconded by F. Leppin, to approve the Rahn Conditional Use based on the Plan Commission recommendation subject to Town Attorney review and payment of all fees. Motion carried.

Rezone Ordinance for Lakecrest Court and Thorncrest Court Properties and Set for Public Hearing

Motion by P. Topczewski, seconded by B. Lawn, to initiate the petition to rezone the properties as recommended by the Plan Commission and set for Public Hearing on October 7, 2009 at 6:30 p.m. Motion carried.

Resolution 2009-R-11 A Resolution to Adopt a Supplementary Guide for Special Use Systems

F. Leppin said he thinks all outdoor furnace systems should be Phase 2.

Motion by B. Lawn, seconded by T. Stefanowski, to adopt Resolution 2009-R-11 A Resolution to Adopt a Supplementary Guide for Special Use Systems Pursuant to Section 82-25(f)(8)(b) of the Town of Mukwonago Municipal Code. Yes: 4. No: F. Leppin. Motion carried.

New Lots Created

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

TOWN PLANNER

TOWN CLERK

Budget Workshops and Budget Hearing

D. Dubey said the Budget Workshops will be held on Monday, October 5, 12, 19 and 26 at 6:30 p.m. The Budget Hearing will be held on Thursday, November 19 at 7:00 p.m.

Purchase of Insight Voting Machines

Motion by B. Lawn, seconded by T. Stefanowski, to purchase one used Insight Voting Machine at a cost of \$3,700 funded by the Clerk's Budget.

Motion carried.

TOWN ENGINEER

Stimulus Funds Update

D. Dubey said there was no update on the Stimulus Fund Grant.

Phantom Woods Road Channel Enhancement Project Update

D. Dubey reported S. Sullivan will be meeting with Wolf.

F. Leppin said the project will be done in two stages. The blacktopping and engineering will be done this year and the landscaping done in 2010.

D. Dubey said increasing the Highway Budget for 2009 to cover the cost of this project will be on the Special Town Meeting Agenda in November.

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

Motion by T. Stefanowski, seconded by B. Lawn, to name the cul-de-sac off of STH 83 "Leppin Court" in honor of F. Leppin's 29 years of service to the Town. Yes: 4. Abstain: F. Leppin. Motion carried.

Clerk will send minutes to the Wisconsin Department of Transportation.

TOWN ATTORNEY

Correspondence

J. Macy said municipalities wishing to assess unpaid costs for ambulance services to property owners should enact an ordinance. Reimbursement for Ambulance Fees will be put on the next Protective Services Committee Agenda.

J. Rolfe said Ebix does do soft collection then the bill goes to County.

TOWN CHAIRMAN

Final Adoption of Spring Lake No-Wake Ordinance

D. Dubey said there has to be a balance between the recreational use of Spring Lake and the protection of the lake.

P. Topczewski said the Town is not taking away all recreation, only power boat recreation. He said we have an obligation to protect Spring Lake for future generations.

T. Stefanowski said he had a problem with how this issue was presented. The Association was having a problem with a personal watercraft so they came to the Town Board to solve the problem. He questioned if the Town is taking away someone's rights by preserving the lake.

Jim McNelly, DNR Regional Water Leader, said it is a tough issue to balance the outdoor recreation and environmental protection issues. He is personally affected by what happens on Spring Lake because he is a downstream resident. The Town of Mukwonago regulates the lake through ordinances. The DNR does not enforce the Town ordinances. The Sheriff's Department and Lake Patrol are the enforcers.

Motion by F. Leppin, seconded by P. Topczewski, to adopt Ordinance 2009-8 An Ordinance Repealing and Recreating Section 78-11(A) and (B) for Spring Lake of Chapter 78 of the Municipal Code of the Town of Mukwonago.

Motion carried.

Signed ordinance will be sent to the DNR by the Clerk.

Johns Disposal Service Contract

Brian Jongetjes, President of Johns Disposal Service, Inc., is requesting an increase of \$.60 per month per unit to cover the tipping fee for the new landfill tax. He said fuel prices have been down which enabled them to cover the tipping fee in 2009. He said the value of recycling has tanked. He said the residents in the Town of Mukwonago like their service and he is proud to see the way the Town looks with the carts.

He suggested the following ways to cut costs:

- 1) Change garbage service to every other week
- 2) Change bulk collection to every other month

J. Macy said Johns has a 4-year contract with the Town of Mukwonago from 2008 through 2011. The contract allows for a cost of living increase. Otherwise, there is no right for an increase according to the contract. According to the contract, tipping fees are Johns responsibility and it can not be passed on to the Town residents. Johns has the right to come to the Town Board prior to October 1 asking for an increase which according to the contract allows the contract to be renegotiated.

B. Jongetjes said any other contractor would be asking for a fuel surcharge and a 5-year contract. He said they are again doing the yard waste two times per year at no charge (\$7,000 value). He said some communities in Jefferson County are trying the every other week garbage service, but they have burning barrels and chickens to get rid of the garbage.

FINANCE

Payment for Collecting Dog License Fee Issue

B. Lawn researched the payment of \$.25 to the treasurer/processor for every dog license processed. According to State Statutes 174.07(3)(c) the \$.25 would be paid to the treasurer as long as she is part-time. According to the Towns Association, that statute is relevant but is superseded by 60.305(b) which says Clerk and Treasurer are considered full time employees and could not receive the payment. He recommended to eliminate this practice in the Town of Mukwonago because it is not authorized by State Statute. B. Lawn also asked the Town Attorney to review the information and he agreed with the Towns Association position.

D. Steinke said she was disappointed in how this issue was handled. She said with money being so tight in the Town of Mukwonago, \$315 was spent on attorney fees when we could have talked this over. She said the previous Treasurer was paid the \$.25 per dog license and Treasurers in the Town of Vernon, Genesee and Lisbon are being paid the \$.25. She said if she is considered full-time, she should be entitled to health insurance.

B. Lawn said this issue is a policy and procedure issue, not a discussion issue. Motion by B. Lawn, seconded by T. Stefanowski, to discontinue payment of \$.25 for each dog license fee because it is not compliant with the law. Motion carried.

Review Bills over Budget to Approve or Deny

D. Dubey said line items can be over budget but the category that shows on the published budget notice can not be exceeded.

Regarding the bills for Country Bliss, the Town Board concluded they need to be more specific in their requests for information and to request an estimate on how much time and money will be required for the request.

D. Dubey said he would provide support services for computer problems rather than calling in professional services.

F. Leppin said R. Peterson went to school so he can do the Paser program rather than Ruckert-Mielke.

Pay Bills

Motion by B. Lawn, seconded by T. Stefanowski, to pay the bills including the previously held Ruckert-Mielke bill. Motion carried.

BUILDING INSPECTOR

AT&T

J. Macy said the Building Inspector is not proceeding with the violation because AT&T has applied for a Conditional Use.

Joel T. Anderson

Police Chief G. Turner reported a citation has been issued.

FIRE CHIEF

Trunked Radio System Contract Addendum

D. Dubey said the Town has a choice of paying \$4,138 per year for five years starting this year or a lump sum of \$21,586 in 2013 for the Trunked Radio System followed by annual payments. He said the Town does not have the annual amount in the Budget. He said the Town could create a line item in future Budgets for \$6,000 for the payment of the lump sum.

Motion by B. Lawn, seconded by T. Stefanowski, to authorize the Town Chairman to sign the Trunked Radio System Contract Addendum and indicate the Town of Mukwonago will pay the lump sum of \$21,586 in 2013.

Motion carried.

North Prairie Fire Department Contract

J. Macy stepped down because he represents both the Town of Mukwonago and the Village of North Prairie.

Fire Chief J. Rolfe said coverage of Sections 4, 5 and 6 is an emotional topic. He gave the Town Board 2008 statistics regarding coverage of the area by North Prairie and information about the Mukwonago Fire Department and cost per square mile. He said the contract with North Prairie has a different rate than the Town resolution fixing ambulance fees. If the Town wants to change the contract, it would have to be done shortly. He said the level of service of the two departments is different. The Town has three full time paramedics with twelve paid on call, whereas, North Prairie does not have a paramedic service.

D. Dubey said North Prairie contracts with Delafield for a paramedic who lives in North Prairie.

B. Lawn said he was not prepared to discontinue North Prairie's service.

P. Topczewski said it would be difficult to convince people in Sections 4, 5 and 6 that Mukwonago could give them better service. Also, he is concerned about the

STH 83 reconstruction and the ability of the Mukwonago Fire Department to get to the sections.

The Town Board directed the Town of Mukwonago Protective Services Committee to meet with the Village of North Prairie Safety Committee and the Fire Chiefs to work out a new contract with the fees in line with the Town of Mukwonago charges.

J. Macy returned to the Town Board table.

Dorm Room Policy

J. Rolfe is proposing to divide off the office at Station 2 with a temporary divider to allow for a sleeping area. His long range plan would include remodeling the balcony to allow for no more than two people sleeping overnight at Station 2.

Motion by F. Leppin, seconded by B. Lawn, to table discussion of dorm room policy. Motion carried.

POLICE CHIEF

Citation Updates

Mark Carpender

J. Macy said there has been no offer by the defendant to settle.

Sherry Towns

D. Dubey said S. Towns property is not in compliance yet.

Ralinda Howard

G. Turner reported Ralinda Howard is getting daily citations for too many horses on her property.

Humane Animal Welfare Society Service Agreement

G. Turner will report on the agreement next month

Joint Court Meeting on September 15, 2009

G. Turner reported that representatives from the Joint Court approved a new computer system. He said the \$28 fee approved by the Town of Mukwonago has to be approved by all municipalities in the Joint Court before the fee can be implemented. He presented the 2010 Budget for the Joint Court which was discussed at the Joint Court Meeting.

TREASURER

Treasurer's Report

Treasurer's Report was placed on file.

Budget Review Process

D. Dubey said the \$85,000 difference has been corrected.

He said if there is a light snowfall, we should be OK financially.

CORRESPONDENCE

Country Bliss Issue –Waukesha County Department of Parks and Land Use Director Dale Shaver Letter

D. Dubey said he is working with G. Brown to set up a community meeting to figure out the best solution and its cost. He said County prefers the gravity system to Jericho Creek.

COMMITTEE REPORTS

COMMENTS FROM THE PUBLIC

Ruth Ann Nicoson, Road X, requested per the open meetings law to have all meetings, open and closed, with agenda be posted on the website.

Brian Falk, N. Oak Tree Court, said in Dale Shaver's letter he said all professionals actively involved in analyzing the Country Bliss issues attended the meeting. B. Falk said the Country Bliss professionals were not invited. According to the letter, the professionals are pointing to a gravity flow drainage system as a solution. Will the Town Board include engineering to find the problem?

Linda Dykas, N. Oak Tree Court, recommended that the Town consider B T Squared, an engineering firm with a hydrogeologist on staff, for the project. A group from Country Bliss dug a trench from the easement to the tennis court and it brought down the water level 30 inches in two weeks.

She requested the following:

- 1) More ditching allowed in easements along Memory Lane
- 2) Temporary increase in the size of the weir between Jericho Ridge and Country Bliss ponds
- 3) Monitoring wells in right-of-ways on Isabelle
- 4) Elevations of the top of the monitoring wells be noted on the website

She questioned when the plan of choice changed from to the Stone Brook pond to Jericho Creek. She also questioned how a forced main system can be put in place without a pump in the pump station.

Ginny Brown, Paradise Lane, said at the next planning meeting she wants to have state experts that will bring in new information.

Ryan Heckman, Mark Lane, said the people who are going to pay for the solution have to be identified. He questioned when will the vote be for the solution and who will be responsible for the cost.

Linda Dykas said D. Shaver called together the experts, but no hydrogeologist was present.

Motion by T. Stefanowski, seconded by P. Topczewski, to adjourn at 9:50 p.m.

Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago