

TOWN OF MUKWONAGO TOWN BOARD

JUNE 16, 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, F. Leppin, T. Stefanowski, P. Topczewski and Chairman D. Dubey.

Others Present: Attorney E. Larson, Planner T. Schwecke, Fire Chief J. Rolfe, Building Inspector S. Johnson, DPW Foreman R. Peterson and Clerk K. Wilson.

Absent: Treasurer D. Steinke.

Motion by P. Topczewski, seconded by F. Leppin, to approve the April 27, 2010 Special Town Board Minutes as written. Motion carried.

Motion by F. Leppin, seconded by T. Stefanowski, to approve the May 19, 2010 Town Board Minutes as corrected regarding the Administrator/Clerk/Treasurer position.

Motion carried.

Motion by P. Topczewski, seconded by F. Leppin, to approve the June 8, 2010 Special Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Patti Engelke-Oitzinger, Phantom Woods Road, said she has been the owner/operator of Reggie's Lakeview for 17 years. She said she found the Staff Report of the Town Planner to be insulting and she was offended by the tone of the report. She referred to paragraphs 4, 7 and 8. She said they have researched many surface options for the parking area and found them to cost more than \$5,000. She questioned the option to rent parking spaces from the Town of Mukwonago. She was never notified by the Town about the Phantom Woods Road Enhancement Project. She read about it in the newspaper. She said the Town took down their mailbox without notifying them. She said for 10 years they have been having problems with Lakeside Inn. She said they originally got a Conditional Use because they were told if the business burned down, they would not be able to rebuild unless they had a Conditional Use. They were advised by another tavern owner not to get a CU and just be a legal non-conforming use. She said if they burned down, she would not rebuild in the Town of Mukwonago because of the way the Town Board has treated Reggie's Lakeview.

Glenda Crotty, Memory Lane, on behalf of the Country Bliss Homeowners Association Board, would like the Town Board to condemn the Ziebell property.

PLAN COMMISSION

Mathew In-Law Unit Conditional Use

Karen Mathew said they were concerned about some of the verbiage in the Conditional Use and some comments made at the Plan Commission Meeting. If the Town Board approves the Conditional Use as written, they will agree to the Conditional Use until such time as the clause in question is found unconstitutional. She said their goal is to build the in-law unit. Her counsel

questions the Town Attorney's comment that the Town can determine which members of the family can live in the in-law unit. She said her counsel thinks Condition 18 is unconstitutional and would like the inspection condition taken out of the document.

P. Topczewski said a Conditional Use allows a use not allowed by right. He said the Town needs a periodic mechanism to check for compliance of the Conditional Use which would be the inspections by the Building Inspector or Town Planner.

E. Larson said he is very concerned about the representation of K. Mathew and he would like to hear more from their legal counsel and the basis for the allegations. He said this is a Conditional Use and the Town does not have to allow the in-law unit if the Mathews are not willing to abide by the Town's conditions.

P. Topczewski said K. Mathew asked for in-laws in the unit. He said if other family members are being requested, another Public Hearing would need to be held.

E. Larson said it is not uncommon to restrict to a particular person allowed in an in-law unit.

K. Mathew said they would accept the Conditional Use as written.

Motion by F. Leppin, seconded by T. Stefanowski, to approve the Mathew In-Law Unit Conditional Use subject to the approval/revisions of the Town Attorney. Motion carried.

New Lots Created

According to the Assessor's Report, there were no new lots created in the Town of Mukwonago in May 2010.

TOWN PLANNER

DeLano Detachment from the Town of Mukwonago and Attachment to the Village of North Prairie

Wendy DeLano would like to divide her property. She lives on Road X in the Boundary Agreement area with North Prairie, thus, she has to detach from the Town and attach to the Village of North Prairie.

Motion by F. Leppin, seconded by B. Lawn, to adopt Ordinance 2010-3 which allows the DeLano property on Road X to detach from the Town of Mukwonago and attach to the Village of North Prairie. Motion carried.

TOWN CLERK

Liquor License Renewals

Motion by F. Leppin, seconded by T. Stefanowski, to approve the Liquor License for J.H. Ross d/b/a J.R.'s Resort. Motion carried.

Motion by B. Lawn, seconded by F. Leppin, to approve the Liquor License for Robert S. Silldorf – Agent d/b/a Rainbow Springs Golf Club until such time as they are no longer on site. Motion carried.

Motion by F. Leppin, seconded by B. Lawn, to approve the Liquor License for Dawn K. Hughes d/b/a Trolley Pub. Motion carried.

Motion by F. Leppin, seconded by T. Stefanowski, to approve the Liquor License for Tracy R. Hewett d/b/a Lakeside Inn. Motion carried.

Motion by B. Lawn, seconded by T. Stefanowski, to approve the Liquor License for Patti A. Engelke-Oitzinger d/b/a Reggie's Lakeview. Motion carried.

Cigarette License Renewals

Motion by B. Lawn, seconded by F. Leppin, to deny the cigarette license renewal for Dawn K. Hughes d/b/a Trolley Pub because she withdrew the request for a cigarette license. Motion carried.

Operator's License

Motion by F. Leppin, seconded by T. Stefanowski, to approve Operator's Licenses for Constance Nedved and Fabian Baiash at J.R.'s Resort. Motion carried.

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

Motion by F. Leppin, seconded by B. Lawn, to approve Operator's Licenses for Jennifer Fero, Susan Venski, Lynaia Gibson, Colleen Huebsch and Laura Uttke at Trolley Pub. Motion carried.

Motion by B. Lawn, seconded by F. Leppin, to approve Operator's Licenses for Robert Kopatich, Joan Varick, Pat Vandenberg and Erica Mains at Lakeside Inn. Motion carried.

Motion by B. Lawn, seconded by T. Stefanowski, to approve an Operator's License for Reginald Oitzinger at Reggie's Lakeview. Motion carried.

New Operator's Licenses

Motion by F. Leppin, seconded by T. Stefanowski, to approve Operator's Licenses for Brenda Allen at J.R.'s Resort and Kevin Delap at Rainbow Springs Golf Club. Motion carried.

ENGINEER

STH 83 Cul-de-Sac Agreement

B. Lawn has not received a response from State regarding the Cul-de-Sac Agreement.

TOWN ATTORNEY

Representation in Cyrus v. Town of Mukwonago

Motion by T. Stefanowski, seconded by F. Leppin, to authorize D. Dubey to sign the Stipulation and Order for Substitution of Counsel so Attorney Samuel C. Hall, Jr. can represent the Town of Mukwonago and Thomas Czarnecki.

Motion carried.

TOWN CHAIRMAN

Salt Shed

D. Dubey said he asked DPW Foreman R. Peterson to put together all the costs to build a salt shed so work can begin in the spring of 2011.

R. Peterson asked if the Town Board could think of any other engineering costs other than those he listed.

Administrator/Clerk/Treasurer Job Description

B. Lawn said there will be a Personnel/Finance Committee Meeting on June 23 to review the job description so a recommendation can be made to the Town Board at the July meeting.

DNR Plans for Rainbow Springs

D. Dubey reported the DNR does not have plans for Rainbow Springs. They are busy with statewide issues. They are still planning to close the golf course at the end of the season.

Country Bliss Resolution and Solution

D. Dubey said he assumes an engineering study is underway paid by Country Bliss. An engineering report will be submitted to the Town and the Town would send it to the State for their comments.

B. Lawn questioned the status of the other grant money applied for.

D. Dubey said he has not heard anything more.

Update on Community Survey

D. Dubey reported T. Schwecke did \$1,400 of work on the Community Study. He said that cost could be applied to the Community Development Block Grant request for 2011.

FINANCE

Pay Bills

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

Motion carried.

B. Lawn said this is the second month the forecast has not been completed.

He would like to discuss the forecast process at the Finance/Personnel Committee Meeting on June 23.

BUILDING INSPECTOR

Reggie's Lakeview – Conditional Use Violation

D. Dubey said the Town Planner was trying to help out by suggesting alternative parking surfaces. The options included concrete, gravel or asphalt, pervious concrete, pervious asphalt, interlocking concrete pavers and plastic cell frames.

P. Engelke-Oitzinger said they are using a parking attendant. She said the alternative parking surfaces are out of their price range.

T. Schwecke said another alternative could be renting space from the Town. It would be a payment in lieu of providing parking on your property as required by the Conditional Use.

T. Stefanowski suggested roping off parking spaces.

F. Leppin was concerned about the mud that would come on the road in the spring.

T. Schwecke said the geo cells would grow grass and could support the weight of a car. He said the property does not have a functional parking area at this time.

E. Larson suggested amending the Conditional Use requirement to have 12 on-site parking spaces with a different parking solution or else comply with the Conditional Use.

Motion by F. Leppin, seconded by T. Stefanowski, to direct the Building Inspector to send out a 30-day notice violation letter to Reggie's Lakeview requiring them to bring in a parking plan which will be evaluated for compliance by the Town Board. Motion carried.

SBA and AT&T Conditional Uses

K. Wilson reported the SBA Conditional Use and the AT&T Conditional Use were filed on June 4, 2010. T. Schwecke said the Conditional Use Permits for both SBA and AT&T have to be completed.

Paul Michalek

S. Johnson reported the property was in compliance on May 24, 2010.

Larry Ackmann

S. Johnson reported the manure pile by the road has been removed.

Richard Ziebell

S. Johnson will send a violation letter regarding the property maintenance of the Ziebell property to the bank.

Larry Ackmann

S. Johnson said he sent out a notice on June 10, 2010 for the commercial truck parking violation. The Town Board agreed with S. Johnson that the other complaints on the Complaint Form were not violations.

Don and Kathy Gray and

Eric and Donna Towell

The Town Board concurred with S. Johnson that the completed Complaint Forms for Grays and Towells were requesting information regarding the handling of manure at the two properties.

Motion by T. Stefanowski, seconded by P. Topczewski, to concur with S. Johnson's conclusion regarding the Gray and Towell complaints.

Motion carried.

In the future, if S. Johnson receives complaints such as these, he should not put them on the agenda, but should copy the Town Board.

John and Mary Leverance

S. Johnson said there are about 23 unlicensed vehicles on the Leverance property and he sent out a violation letter on June 14, 2010

J. Leverance said he would like 90-120 days to get rid of the vehicles.

J. Leverance will work with the Building Inspector to create a plan.

Motion by P. Topczewski, seconded by F. Leppin, to delay enforcement proceedings regarding the Leverance complaint until the July Town Board Meeting. Motion carried.

F. Leppin said the Town is treating the Building Inspector unfairly because he does not get any compensation for all the time he has to deal with the violations.

S. Johnson will remember that for contract time.

FIRE CHIEF

Amended Intercept Agreement with North Prairie

Motion by F. Leppin, seconded by P. Topczewski, to approve the Amended Intercept Agreement with North Prairie subject to:

- 1) "North Prairie Response Plan" referenced in the Agreement
- 2) Town Attorney review

Motion carried.

POLICE CHIEF

Citation Update - Sherry Towns citations have been resolved.

Citation Update – Mark Carpender, Ralinda Howard and Joel Anderson citations are in process.

TREASURER

Budget Review Process

B. Lawn said the Town Board needs the forecasts.

CORRESPONDENCE

COMMITTEE REPORTS

Recycling

T. Stefanowski said he went to a County Recycling Meeting and he thanked the community for doing an excellent job of recycling. He said the Town needs to create a Complaint Form for Recycling.

Health

T. Stefanowski said SHOW is a legitimate group and they will be doing a random health question survey in the Town of Mukwonago.

CDBG

P. Topczewski said he submitted the Community Development Block Grant Application for the Town of Mukwonago.

COMMENTS FROM THE PUBLIC

Motion by T. Stefanowski, seconded by P. Topczewski, to adjourn at 8:08 p.m.
Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago