

TOWN OF MUKWONAGO TOWN BOARD

FEBRUARY 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 6:32 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, Fire Chief J. Rolfe, Police Lt. T. Czarnecki, Building Inspector S. Johnson, Treasurer D. Steinke and Clerk K. Wilson.

Absent: Supervisor F. Leppin.

Motion by B. Lawn, seconded by P. Topczewski, to approve the January 20, 2010 Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by B. Lawn, to approve the January 26, 2010 Special Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the January 27, 2010 Special Town Board Minutes as written. Motion carried.

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

FIRE CHIEF

2009 Assistance to Firefighters Grant

Fire Chief J. Rolfe said the Fire Department applied for an Assistance to Firefighters Grant and received funding for their 800 mgh radios and breathing apparatus. The original grant has been reduced by \$44,000. The Fire Department sold the old defibrillator units for \$22,000 and he is requesting to take out \$6,000 from the ambulance fund to make up the difference.

Motion by B. Lawn, seconded by T. Stefanowski, to approve the expenditure of \$6,000 from the ambulance fund and to accept the grant. Motion carried.

PLAN COMMISSION

New Lots Created

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

TOWN PLANNER

Conditional Use Review of Reggie's Lakeview

T. Schwecke reported the Town received a written complaint from the operator of Lakeside Inn in regards to the Conditional Use for Reggie's Lakeview. He said the following four issues were in the complaint letter:

- 1) The approved Parking Plan is not being followed
- 2) Operator of Reggie's is storing a boat and trailer on the property
- 3) Path to Phantom Lake
- 4) On site signage

T. Schwecke said he spoke to previous Planner K. Moore about Reggie's Conditional Use and Parking Plan.

T. Schwecke said the approved Parking Plan shows 12 on site parking spaces. He said the area indicated is not paved or maintained for parking. K. Moore had told him that a parking space can be unpaved but it has to be marked. T. Schwecke said the Conditional Use does not address a boat and trailer on the property nor does it refer to a path to the lake. T. Schwecke said the large sign is in violation of the Signage Plan and the small signs by the right-of-way were not approved by the Plan Commission. T. Schwecke recommended that a 30-day violation letter be sent to Reggie's Lakeview regarding the noncompliance to the Parking Plan and the Signage Plan. Motion by B. Lawn, seconded by T. Stefanowski, to direct the Town Building Inspector to send a violation letter to Reggie's Lakeview regarding the Signage Plan and Parking Plan. Motion carried.

Phantom Woods Road Parking

D. Dubey said he talked to F. Leppin and S. Sullivan regarding the Phantom Woods Road Channel Enhancement Project. He said they are both of the opinion that the parking is in the road right-of-way. S. Sullivan said the road stripping is all in the road right-of-way.

J. Macy questioned what was the goal of the parking spaces. The Town Board agreed the goal was for public parking.

Motion by P. Topczewski, seconded by D. Dubey, to suspend the rules so Troy Schoenrock can speak on this topic. Motion carried.

T. Schoenrock said Reggie's Lakeview posts Town right-of-way as their parking and kick his customers out. T. Schoenrock has a parking lot that he maintains to be safe for his customers.

J. Macy suggested that the Town Planner meet with both businesses (Reggie's Lakeview and Lakeside Inn) and resolve by next month the signage issue and what a reasonable parking time limit would be. He said the parking on Phantom Woods Road was not meant for the staff of the businesses.

Motion by B. Lawn, seconded by T. Stefanowski, to direct the Building Inspector to send a letter to Lakeside Inn stating all parking spaces on Phantom Woods Road are in the road right-of-way. Motion carried.

TOWN CLERK

A-Team Proposal for Skadoit Online Backup Solution

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the Skadoit Online Backup Solution proposal. Motion carried.

TOWN ENGINEER

STH 83 Cul-de-Sac Agreement

J. Macy said there are some things in the agreement that could be clarified. B. Lawn, representing the Public Works Committee, will contact the WI Department of Transportation to see if the agreement can be modified.

STH 83/CTH I Roundabout Island Planting Maintenance

D. Dubey said S. Sullivan is going to send to him what other communities have done with roundabout islands.

B. Lawn questioned if the State has an allowance to take care of the island.

TOWN ATTORNEY

Ordinance to Create Section 2-5 Entitled Delinquent Taxes, Assessment and Fees

J. Macy said when the ordinances were codified, this ordinance was not put in the general section to apply to everything. It was just put in with alcohol beverage licensing.

Motion by B. Lawn, seconded by T. Stefanowski, to adopt Ordinance 2010-1 An Ordinance to Create Section 2-5 of the Municipal Code of the Town of Mukwonago Entitled Delinquent Taxes, Assessment and Fees.

Motion carried.

TOWN CHAIRMAN

Survey Consultant

D. Dubey reported Carroll University was having a hard time finding a person willing to do the survey. He recontacted J. Braatz at UW-Extension. J. Braatz suggested having the survey be a summer term project. D. Dubey said the Town could also ask for bids.

P. Topczewski said the Town has to be very proactive regarding the information the Town Board expects to get from the survey. The survey will have to be specific regarding services, levy limits and fees.

D. Dubey will continue to work with Carroll University and UW-Extension and to develop a RFP (Request for Proposal) regarding the survey.

Survey Timeline

P. Topczewski presented the timeline prepared by F. Oakland from the Smart Growth Survey. The RFP for the Town Survey was advertised in January 2002 and the results of the Survey were completed on November 6, 2002.

Survey Committee

Discussion of survey committee was tabled to March Town Board Meeting.

Labor Counsel

D. Dubey said the Town Labor Attorney Dan Vliet is leaving Davis and Kuelthau along with some other attorneys to start their own practice. D. Dubey asked D. Vliet for quotes for the new firm.

B. Lawn recommended staying with Vliet since the Police Union negotiations are being discussed.

Further discussion regarding Labor Counsel will occur after the Town receives an official announcement from Davis and Kuelthau and Vliet.

Fines for Dogs at Large

Steven Ikeler would like the fines for dog at large to be increased to:
1st offense - \$150, 2nd offense - \$250, 3rd offense - \$350 and 4th offense being removal of the dog from the Town of Mukwonago.

J. Macy questioned being able to remove the dog from the Town.

Lt. T. Czarnecki said the Town does not have an ordinance which covers a dog attacking another dog.

J. Macy suggested consulting State Statutes 174 regarding dog at large.

Town Board directed Lt. T. Czarnecki to check with other communities about their ordinances regarding dogs at large and the fines charged for the next Protective Services Committee Meeting or Town Board Meeting.

Department of Commerce Response to Resolution 2010-R-2

D. Dubey reported the Town has not received a response from the Department of Commerce.

Request to Close Dam between Country Bliss and Jericho Ridge

D. Dubey said the dam is on private property so the Town can not change the dam without a court order. To get a court order, there would have to be proof that the Stormwater Management Plan that was approved when the subdivision was created is not being followed.

L. Dykas asked if the water could be diverted from the Jericho Ridge pond under CTH EE rather than going toward Country Bliss.

J. Macy said Jericho Ridge was only required to design a Stormwater Management Plan to meet the law on the day they developed the subdivision.

D. Dubey said the Town would not investigate this, it would be up to Country Bliss to prove that the Stormwater Management Plan was not followed.

Rector Conditional Use Billback

Mike Rector said when he applied for a Conditional Use he knew he would be billed beyond the \$300 application fee. He thought that would be a couple hundred dollars, not the \$753 that was billed. He did not expect to write a blank check to the Town of Mukwonago. He checked with other communities in the County for their costs which are less costly than the Town of Mukwonago.

D. Dubey said the application fee covers some of the costs of the time spent at meetings by the professionals, Plan Commissioners and Town Board.

P. Topczewski said dog rescue operations are occurring in subdivisions so the Conditional Use is required. He questioned the \$300 application fee and what it covers.

Motion by P. Topczewski, seconded by T. Stefanowski, to reduce the billback by \$250. Yes: 3. No: B. Lawn. Motion carried.

J. Macy said this was the first dog rescue that T. Schwecke did as a Conditional Use and the "boiler plate" format had to be changed. This Conditional Use came in as a violation and objections were voiced at the Public Hearing.

Public Works Department Part-Time Wages

D. Dubey said the Personnel Committee met with the Public Works Foreman to discuss wages for the summer temporary employees and the year round part time employees. They are recommending the wage for the summer temporary employees to be \$9.50/hour and the year round part time employees to be \$14.00 – 18.00/ hour depending on skills and experience.

T. Monogue questioned if there are any restrictions on employees under 18 operating vehicles. P. Topczewski suggested contacting the Town liability insurance agent.

Motion by B. Lawn, seconded by P. Topczewski, to approve the wage rates as discussed with the final job description to the Personnel Committee.

Motion carried.

Town of Mukwonago Salt Contract

The Town Board discussed the cost of storing salt.

P. Topczewski said a salt shed would alleviate the problem of paying rent.

D. Dubey said there are extra costs to a salt shed such as a loader tractor and employees to do the loading.

FINANCE

Pay Bills

Motion by P. Topczewski, seconded by B. Lawn, to pay the bills. Motion carried.

BUILDING INSPECTOR

POLICE DEPARTMENT

Citation Updates

J. Macy said there were no updates for **Mark Carpender, Sherry Towns, Ralinda Howard** and **Joel Anderson**.

Lt. T. Czarnecki said J. Anderson did not appear at his pretrial.

Municipal Court Monies

D. Dubey reported there was a court committee meeting on January 15 and there is a meeting scheduled for May at which time it will be decided how to disperse the monies. The Town has about \$8,000 in the account that pays out for court costs.

Credit Card – Gov Pay

D. Dubey said the court is going to use Gov Pay to allow people to pay their fines with credit cards. The Police Department and Recreation Department would like to use this service also. There is a \$3.50 charge under \$100 expenses and a 3.5% charge for over \$100 expenses. There is no charge to the Town.

T. Monogue and Lt. T. Czarnecki explained the system. The process is completed on the internet.

Motion by T. Stefanowski, seconded by B. Lawn, to approve the use of Gov Pay by the Town of Mukwonago Police Department and the Recreation Department.

Motion carried.

TREASURER

Budget Review Process

The department heads will continue with the monthly forecast.

D. Dubey will confirm, in writing from the Town Accountant, the accounting clarification of Budget years 2005 and 2006.

CORRESPONDENCE

COMMITTEE REPORTS

Phantom Lakes Management District

D. Dubey said the Phantom Lakes Management District recommended for adoption by the Town of Mukwonago an ordinance limiting the speed on ice bound waters to 40 miles per hour.

P. Topczewski questioned if there were exceptions in the ordinance such as the special events on the lake.

Lt. T. Czarnecki said the Department of Natural Resources recommends 10 miles per hour

Recreation Committee

D. Dubey said the approval of Gov-Pay allows the Treasurer to set up an account for the Police and Recreation Departments.

COMMENTS FROM THE PUBLIC

Charles Mulligan, Century Drive, informed the Town Board of water and culvert problems on his property and his neighbors property.

D. Dubey will check out the situation with the Building Inspector.

Ginny Brown said the monitoring wells need to be monitored weekly.

Pat Crotty questioned if the Town has received any answers from the State.

D. Dubey said the resolution was sent to the State and the Town has not received a response.

Linda Dykas suggested doing the survey on the website.

Motion by B. Lawn, seconded by P. Topczewski, to adjourn at 9:20 p.m.

Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago