

TOWN OF MUKWONAGO TOWN BOARD

OCTOBER 20, 2010

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:31 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, Police Chief T. Czarnecki, Building Inspector S. Johnson, DPW Foreman R. Peterson, Treasurer D. Steinke and Clerk K. Wilson.

Motion by F. Leppin, seconded by B. Lawn, to approve the September 15, 2010 Town Board Minutes with the correction of adding "unanimous" to the "Motion carried" regarding the Police Budget Amendment. Motion carried.

Motion by T. Stefanowski, seconded by F. Leppin, to approve the October 4, 2010 Special Town Board Minutes as written. Motion carried.

Motion by F. Leppin, seconded by B. Lawn, to approve the October 5, 2010 Special Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by F. Leppin, to approve the October 6, 2010 Special Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Greg Fritz, Woodland Drive, questioned the ordinance against chickens in residential neighborhoods. He would like to raise hens for pets and to produce eggs as allowed in cities such as Madison, Chicago and Green Bay.

D. Dubey said this issue will be added to the Planning Session Agenda.

PLAN COMMISSION

New Lots Created

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

TOWN PLANNER

Jagdfeld Pervious Concrete Report

D. Dubey said Engineer S. Sullivan agreed with Jagdfeld's report stating the pervious driveway appears to be functioning as designed. S. Sullivan felt semi-annual cleaning should be continued but suggested a 4 or 5 year rotation for the testing and reporting rather than the every two years agreed upon.

A. Jagdfeld requested once per year cleaning with testing every five years.

P. Topczewski said he had a problem with the request. He said Jagdfeld agreed to the semi-annual cleaning and testing every two years and now he wants it changed.

A. Jagdfeld said pervious concrete was not a known item in northern climates when allowed by the Town. The testing indicates it is doing a very good job. He said they would continue the semi-annual cleaning.

T. Stefanowski suggested gradually increasing the interval for the testing and reporting to the Town.

J. Macy said the Conditional Use says cleaning is required two times per year.

P. Topczewski said this was a “test case” and there should be a longer track record.

Motion by T. Stefanowski, seconded by F. Leppin, to extend the inspection and reporting interval to 2013. Yes: 4. No: P. Topczewski. Motion carried.

TOWN CLERK

Budget Hearing

D. Dubey said the Budget Hearing is scheduled for Thursday, November 18, 2010 at 7:00 p.m.

Special Charges on Tax Bill

Motion by F. Leppin, seconded by B. Lawn, to authorize the Clerk to place as a special charge the billback amounts on the tax bills of the four listed property owners who have not paid their billback charges. Motion carried.

Rainbow Springs Liquor License

Bob Silldorf, agent for Rainbow Springs, understands the last day of operation will be October 31, 2010. The Town of Mukwonago expects him to surrender their Liquor License on November 1, 2010

Election Inspector Approvals

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the following as Election Inspectors subject to completing training: Dorothy Boxhorn, Rosemary Paprocki and Mary Jo Loomans. Motion carried.

TOWN ENGINEER

STH 83 Cul-de-Sac Agreement

B. Lawn reported he has heard nothing more from the State.

TOWN ATTORNEY

TOWN CHAIRMAN

Reggie’s Lakeview Special Events

Motion by F. Leppin, seconded by T. Stefanowski, to approve the Food Pantry Fishing Jamboree on Saturday, January 15, 2011 and the Snowmobile – ATV Radar Run at Reggie’s Lakeview on Saturday, January 22, 2011 with a raindate of Saturday, February 12, 2011 subject to the following conditions:

- 1) The petitioner shall conduct the activities consistent with the description provided in the application submitted to the Town
- 2) The petitioner has the obligation to meet with the Mukwonago Fire Chief and Town of Mukwonago Police Chief and address any concerns they may have to their satisfaction. The Fire Chief and Police Chief should take into account issues related to public safety and potential impacts on nearby properties.

Motion carried.

Salt Shed

D. Dubey reported the Town Board, at their October 19, 2010 Special Meeting, authorized Ellena Engineering Consultants, LLC, to do a preliminary design for the salt shed.

Grant Money for Country Bliss Solution

D. Dubey said the response from County indicates they concur with the Yaggy Colby report but County does have some concerns that need to be addressed.

He said preliminary engineering and soil borings would need to be done.

F. Leppin suggested getting an estimate of the costs to satisfy the County.

D. Dubey said the Town would need at least three estimates.

D. Dubey will solicit three bids for the preliminary engineering and soil borings.

Johns Disposal Service, Inc. Contract

Motion by F. Leppin, seconded by T. Stefanowski, to approve Johns Disposal Service, Inc. Contract subject to having the staff check to see that the contract completed all the comments suggested by J. Macy's review letter.

Motion carried.

T. Stefanowski volunteered to review the contract.

We Energies Pole Placement and Fee for STH 83 Expansion

T. Stefanowski reported he spoke to We Energies and they will place the pole at no charge.

Farmland Preservation Plan

Motion by P. Topczewski, seconded by T. Stefanowski, the Town of Mukwonago agrees with the County Farmland Preservation Plan and will participate to the extent the County feels necessary and the Town is not asking for special consideration or exception. Motion carried.

Police Department Grievance Regarding Health Insurance

D. Dubey said the Town Labor Counsel and the Union representative are working on an agreement.

2009 Joint Fire Department Budget Settlement Issue

D. Dubey said the Village of Mukwonago Administrator and Fire Chief have assured him there will be no overages in the Fire Department Budget in 2010.

D. Dubey said the Town received a letter from the Village of Mukwonago Administrator explaining the \$47,638.34 over Budget in 2009.

B. Lawn said the Village of Mukwonago did not have the authority to take out the amount as an expense in the end of year settlement for the Joint Fire Department. He feels the \$47,638.34 is due back to the Town because it was not authorized.

D. Dubey said based on the letter from the Village, they do not agree.

The Village Administrator stated the Town Board in effect authorized the Budget to be exceeded when it approved, along with the Village Board, the 2008-2010 Contract with the Fire Department's full-time firefighter/paramedics.

P. Topczewski said there is a procedure in place to make an amendment to the Budget and the procedure was not followed.

F. Leppin said, according to the Village letter, the Town knew there was a monetary problem.

P. Topczewski said he can understand the justification for exceeding the Budget but would like the 2009 Budget to be amended to reflect the increase.

D. Dubey will draft a Budget Amendment Resolution for the November 17, 2010 Town Board Meeting.

Park and Recreation Amendment to the 2010 Budget

Motion by B. Lawn, seconded by F. Leppin, to transfer the Park Impact Fee Fund to Park and Recreation "Contracted Services" for purchase of playground equipment and to increase the Park and Recreation Expenditure Budget by \$2,045.23. Motion carried unanimously.

FINANCE

Pay Bills

Motion by F. Leppin, seconded by T. Stefanowski, to pay the bills.

Motion carried.

BUILDING INSPECTOR

Reggie's Lakeview

T. Schwecke said a parking lot, as constructed, is not a permitted use.

P. Oitzinger questioned why the Town required a permanent parking area.

She said County questioned this also.

D. Dubey said the Conditional Use requires a parking area.

J. Macy said the Town received two violations letter from the County regarding Reggie's Lakeview parking lot dated September 3, 2010 and September 13, 2010.

P. Oitzinger said the Parking Plan was submitted in 1997 and it was OK and now it is not. What changed?

J. Macy said the Town followed up on a complaint and the Town research found Reggie's was not in compliance with their Conditional Use.

D. Dubey said the Conditional Use requires on-site parking.

P. Oitzinger said the Town should be concerned about the Marzion property next door that brought in 42 truckloads of fill with no berm nor swale between our properties.

T. Schwecke summarized the situation. He said the Town received a complaint and followed up on it and found there was no implementation of the Parking Plan. The Town asked P. Oitzinger to submit a Parking Plan to get the property in compliance. T. Schwecke had suggested various options. P. Oitzinger submitted a plan using recycled asphalt and put it in a few days later without permits or the approval of the Town of Mukwonago. Now it is a problem.

P. Oitzinger said the County is waiting for the Town Board Minutes.

J. Macy said if P. Oitzinger has problems with the Marzion property, she should file a written complaint with the Building Inspector.

D. Dubey said the Town will have to meet with the County regarding this violation.

Marzion and Eggleston Properties

D. Dubey said Tim Eggleston contends that he has the right to use the public access right-of-way along the Marzion property. D. Dubey said if T. Eggleston wants to use as an access the public right-of-way, he would have to have an agreement with the Town of Mukwonago.

J. Macy said if T. Eggleston comes in and asks the Town Board for permission to use the dedicated but unimproved right-of-way, like M. Marzion did, the Town required Marzion to have a Hold Harmless Agreement, a Grading Plan and Certificate of Insurance. He said the Town can not keep people off of a public right-of-way but the Town can keep people from putting a driveway off of it without signing an agreement.

Richard Ziebell

S. Johnson said, according to the tax lister, Richard Ziebell is the owner of record of the property on South Oak Tree Drive and all correspondence should be sent to him.

John and Mary Leverance

S. Johnson said most of the issues from the road are OK other than there are still four cars on the property.

M. Leverance said they work every weekend on the property maintenance. She said the four cars need to be put into storage.

Motion by F. Leppin, seconded by T. Stefanowski, to authorize the Police to issue citations to Leverance if they are not in compliance regarding the vehicles by November 4. Motion carried.

Motion by F. Leppin, seconded by P. Topczewski, to grant an extension to the November 17, 2010 Town Board Meeting to complete painting the trim.

Motion carried.

Patti Jenna

S. Johnson received a letter from County stating the Jenna property is in compliance.

George Shields and Ron LaRue

S. Johnson said County is sending out a second notice.

Jeff and Sheryl Eickhoff

S. Johnson said the clean-up is partially completed. County will reinspect on November 4, 2010.

Lakeside Inn Conditional Use

S. Johnson reported he sent out a notice on October 7, 2010.

T. Schwecke said B. Schmidt took down the speakers and he submitted a revised Site Plan that will be on the November Plan Commission Agenda.

Mark and Tracy Poje

S. Johnson reported County will be doing a final inspection on November 1, 2010.

J.R.'s Resort

S. Johnson said he received a complaint regarding J.R.'s Resort. The footings of the building are leaning into the lake, but is not an immediate hazard.

He said J. Ross is in Arizona and when he gets back, he will do what he has to do.

J. Macy reviewed some of the history of previous complaints. In 1993, three of the units were closed down and in 1997 the DNR was involved with reviewing the property and buildings. S. Johnson was directed to do an inspection of the property to validate the complaint and send out a 30-day notice, if necessary. J. Macy said K. Moore did a summary memo dated September 20, 2006 to the Town Board regarding all of J. Ross's tax key numbers and her investigation.

FIRE CHIEF

POLICE CHIEF

Citation Update

M. Carpender – J. Macy said the Court date is November 3 and he needs a summary of the professional fees. He said Carpender is moving out of the Town.

R. Howard – J. Macy said R. Howard has a second violation. He said the sentencing on the original violation will be in February with the trial of the new violation.

J. Anderson – J. Macy said the Anderson case was resolved on August 4 with a payment of \$303.

TREASURER

Budget Review Process

No comments.

CORRESPONDENCE

COMMITTEE REPORTS

Public Works

F. Leppin reported the Lions Club will furnish and install a shelter at Oak Ridge Park. The Town will invest \$2,000 to pour the concrete slab. He said there is money in the Budget to cover this expense.

COMMENTS FROM THE PUBLIC

Pat Crotty, Memory Lane, suggested having a Public Comment section on the agenda for the next Special Town Board Meeting regarding Country Bliss.

Linda Dykas, N. Oak Tree Court, requested a copy of the County letter regarding Country Bliss.

Vince Misia, S. Oak Tree, emphasized the Country Bliss solution will not cost the Town any money.

D. Dubey said if the engineering supports the solution and the Town agrees to doing the project, the engineering should be covered by the grant money.

Ruth Ann Nicoson, Road X, questioned the memo T. Schwecke will be writing regarding the Farmland Preservation Plan.

P. Topczewski clarified the question stating the Town of Mukwonago will not be changing its Smart Growth Plan.

Fred Leppin announced he will be retiring at the end of his term in April 2011.

Motion by T. Stefanowski, seconded by P. Topczewski, to adjourn at 8:29 p.m.

Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago