

The 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, Fire Chief J. Rolfe, Police Chief G. Turner and Clerk K. Wilson.

Absent: Treasurer D. Steinke.

Motion by P. Topczewski, seconded by B. Lawn, to approve the April 16, 2008 Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

Sandy Ariss owns land across the road from S. Towns. S. Ariss asked that the Town Board deny S. Towns' Conditional Use request because it is a commercial use of property and violates the Town Master Plan. She questioned who is responsible to monitor the activity on S. Towns' property.

Cathy Paddock lives directly north of S. Towns. C. Paddock is concerned about the noise, trespassing and fireworks from the S. Towns' property. She said S. Towns is running a business in a residential area and violates the Town Nuisance Ordinance. She questioned who would enforce a Conditional Use.

Nan Bach lives north of S. Towns' colonnade. She is opposed to the Town issuing a Conditional Use to S. Towns because of the noise, trespassing, drinking and foul language. S. Towns' business does not follow the Master Plan and is being done outside of the law.

Ben Ariss owns land across the road from S. Towns and he said the Planning Commission has denied S. Towns' Conditional Use three times.

Mike Machlan, a resident of Squire Lane, complained about the damage done by the snowplows and questioned if there are any assurances it will not happen again.

Sherry Towns read a letter from the Symphony Orchestra stating they would possibly like to have chamber music concerts on her property and CAPAODA would be interested in a possible fundraiser on her property.

BUILDING INSPECTOR – SCOTT JOHNSON

Randy and Brenda Schuett

S. Johnson said the house burn and clean up are completed on the Schuett property.

Robert and Nadine Schauer

S. Johnson reported the ice shanty has been removed so the property is in compliance.

Weske Family Lake Property

S. Johnson said the shed has been removed and all the trailers are gone so the property is in compliance.

Domenic Lalicata

S. Johnson reported he received a complaint about commercial vehicles being parked at a residence. He found a skid loader in the driveway and mailed a non-compliance letter on May 16.

D. Lalicata advised the Building Inspector that he is not running a business out of his residence.

S. Johnson said the complainant says commercial vehicle parking happens every spring.

J. Macy said there is a compliance procedure. The complainant can keep a log and take pictures to show what is happening on the residential property.

Christopher and Denise Waller

S. Johnson said Wallers removed the grass clippings from the Frog Alley Road ditch so the property is in compliance.

Conditional Use Inspection Update

Michael and Cynthia Kutschenreuter

M. Kutschenreuter will remove the structure built by his home to be in compliance with his Conditional Use.

FIRE CHIEF

Address Signs

B. Lawn said the request for new address signs is inappropriate. The Town already has an Address Sign Ordinance in the Code (14-76). It is the individual property owners responsibility to post his signs and technology, such as the GPS locators, can give the location of addresses. He said he is not willing to have an \$85,000 Special Assessment. He wants an economical, less intrusive system.

P. Topczewski said the original ordinance is not being complied with and based on the recommendations of our safety experts, the Town Board was looking at the address signs.

Chief J. Rolfe said the address signs are located perpendicular to the road and are easy to see from both directions. The Fire Department has GPS. It will get you to the general area but it is an electronic device. He would like the address on the property.

Chief G. Turner said the Police Department does not have GPS. The number one goal is to get to the house in an emergency.

P. Topczewski said this is a safety issue.

F. Leppin said the address sign should be the smaller size with just the address and street name without the "Town of Mukwonago".

T. Stefanowski said he went to subdivision annual meetings and they did not have a problem with the signs. Some subdivisions questioned if they could put the address sign on their street light pole.

Motion by F. Leppin, seconded by T. Stefanowski, to approve the Address Sign Ordinance with the modification that the sign will be 6" x 18", green with white lettering with the address and street name on the sign.

Yes: 4. No: B. Lawn. Motion carried.

Notice will be placed in the July Recreation Department mailing stating the address signs will be an automatic special assessment.

Public Works Committee will write the notice and finalize the contract.

POLICE CHIEF

Ralinda Howard

Chief G. Turner said the Humane Officer investigated a complaint regarding the R. Howard property on April 20 and found 15 dogs and 16 horses on the property. According to Town ordinances, only three dogs and six horses would be allowed on her property. R. Howard was issued two citations. On April 28 the Humane Officer found four horses and three dogs on the property so she is in compliance.

Chief G. Turner said another issue is the boarding of horses without a Conditional Use on the R. Howard property.

S. Johnson reported that R. Howard told him all the horses on her property are her horses.

Town Board directed the Police Chief to have the Humane Officer do spot checks and report back to the Town Board for the next year.

TREASURER

Treasurer's Report

Treasurer's Report was placed on file.

PLANNING COMMISSION

Towns Conditional Use

S. Towns said she was willing to modify her Conditional Use request to six events in 2008 with the possibility of 12 events in 2009.

G. Sims, representing S. Towns, said weddings and receptions have to be planned months and years before the wedding day. He said no new events have been contracted. He said 591 Town residents signed a petition supporting a Conditional Use Permit for S. Towns. He said S. Towns' Millennium Gardens is a beautiful, secluded site. Garden upkeep costs \$50,000 per year. He said she feels Mukwonago should be known for something more than the largest Wal-Mart in the state. S. Towns' attorney said her use of the land for weddings/receptions was like a lease of land so she did not know she needed a Conditional Use.

T. Stefanowski said the Fire Department Inspector report said no use of the house would be allowed for the events, yet brides used the house to change their clothes.

F. Leppin said he is not in favor of the Conditional Use. The number of events as presented to the Planning Commission has to be reduced. He is very concerned about the neighbor's issues.

B. Lawn questioned what procedures other property owners would have to go through to have a charity event. He also questioned how Movrich's Conditional Use relates to S. Towns' request.

J. Macy said they are totally different situations. Each request stands on its own on a case by case basis.

D. Dubey said six events might work, but he can not go with it without Planning Commission and public comments.

P. Topczewski is opposed to the Conditional Use request because he does not think it is an appropriate use of the area as zoned. He said the petitioner has never presented a final proposal. The proposal keeps changing.

S. Towns said the proposal changes because she is trying to accommodate the Town Board and the neighbors.

B. Lawn asked S. Towns what dates she has contracted for events.

S. Towns said June 7, July 23 and August 2, 9 and 16.

Motion by T. Stefanowski, seconded by P. Topczewski, to agree with the Planning Commission recommendation to deny the S. Towns Conditional Use request subject to the reasons as stated by the Planning Commission and taking into consideration the revised proposal as presented on May 21, 2008.

J. Macy said there are several key components for the Town Board to consider the revised proposal presented tonight. The Town Board would want Planning Commission input, a Public Hearing and neighbor involvement.

P. Topczewski said this proposal is against the law.

Yes: 4. No: B. Lawn. Motion carried.

New Lots Created

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

TOWN PLANNER

Ruth Vollmer Land Division Update

T. Schwecke said the combination of substandard lots of record owned by the Ruth Vollmer estate and Marni Lynn will be on the June 4 Planning Commission Agenda.

Lambrecht Conditional Use Termination Update

T. Schwecke said the notary needs to complete the document and then it can be recorded at the Register of Deeds Office.

Penalties – SBA, Verizon, AT&T and T-Mobile

Motion by P. Topczewski, seconded by F. Leppin, to table discussion of penalties to the June Town Board Meeting. Motion carried.

Phantom Lakes Development Company – Lakeside Inn Update

B. Schmidt, representing the Phantom Lakes Development Company, said the Company leases the building (Lakeside Inn) to Troy Schoenrock.

He said they have a Conditional Use from 1997. They applied and never completed a Conditional Use in 2002 and now are working on the conditions of the 2007 Conditional Use. He said the Conditional Use conditions are complete except the following two conditions:

- 1) DNR approval of the number of piers
- 2) Plan of Operation has to be signed by the operator (T. Schoenrock)

T. Schoenrock said he signed a three-year lease in 1999 under the 1997 Conditional Use. He built his business around the 2002 Conditional Use and Plan of Operation. He said the 2007 Conditional Use is not in compliance with what he is doing at the restaurant.

Town Planner was directed by the Town Board to inspect the Lakeside Inn and see if it is complying with the 1997 Conditional Use.

B. Schmidt said the Certified Survey Map is being completed. He needs final approval from S. Sullivan for the last time and the Town Board said to take the piers off the Certified Survey Map.

J. Macy said the record shows T. Schoenrock can run his business according to the 1997 Conditional Use.

Motion by P. Topczewski, seconded by T. Stefanowski, to refer to the Planning Commission to commence the process to terminate the Conditional Use for Phantom Lakes Development Company (Lakeside Inn). Motion carried.

Jagdfeld Conditional Use Amendment Update

T. Schwecke said the County has scheduled a Joint Public Hearing for the Planning Commission, Town Board and County on June 4 at 6:30 p.m. for the Jagdfeld request to amend the Lakewoods Farms Preserve Conditional Use.

T. Schwecke questioned if all property owners have to sign the amendment.

D. Dubey said it has been policy in the past for property owners to sign the amendment.

J. Macy said there has to be closure on the Lakewood Farms Preserve request to combine Lots 6 and 7. The request will be on the June 4 Planning Commission Agenda.

TOWN ENGINEER

TOWN CLERK

TOWN ATTORNEY

TOWN CHAIRMAN

Richard Ziebell – Country Bliss Flooding Issues

Richard Ziebell lives on Oak Tree Drive in Country Bliss and is requesting assistance from the Town for both short term and long term solutions to the flooding problem. Sump pump issues began for him in April of 2007. He ran three pumps 24 hours per day, seven days a week until October 2007. Starting in February 2008, he is running four/five pumps 24/7. There are at least 15 homes pumping water. He said driveways are covered with water, culverts are full with water and streets have standing water.

He presented the following possible solutions:

- 1) Town rent a diesel pump and hose to pump water to retention pond in Stonebrook Hollow Addition #1 and special assess to property owners in Country Bliss and Jericho Ridge
- 2) Town to clean ditches and repitch the ditches
- 3) Town check if retention ponds are doing their job
- 4) Town Engineer to work with subdivision, Waukesha County, DNR etc for a long term solution and include this cost with the special assessment.
- 5) Town have requirement that all subdivisions provide evidence every five years that their retention ponds are maintained and functioning

He thinks the groundwater flow was disturbed by the development of Stonebrook Hollow Addition #1.

P. Topczewski said the Town has been evaluating stormwater facilities in the

Town and mapped them. In the future, the Town may form a Stormwater Utility District.

D. Dubey said the Town Engineer has determined the problem in Country Bliss is an elevated groundwater problem and Waukesha County Land Resources Division agrees with his analysis.

T. Stefanowski asked how do we protect the Town roads.

B. Lawn questioned if the Town has the ability to special assess for the pump.

J. Macy said the special assessment would have to be part of a stormwater project in a Stormwater Utility District.

J. Macy said there was a similar flooding in 1993 in Jericho Ridge/Country Bliss. He said there are farmers who can't plant their fields. If they came in and asked for help, are you going to use taxpayers money to fix their problems?

Short term solution would be to have the affected homes rent a pump to transport the water to Stonebrook Hollow Addition #1 retention/infiltration ponds.

Waukesha County Land Resources Division would oversee the project. Long term solution would be for the Town of Mukwonago to investigate Stormwater Utility Districts.

Phantom Lakes Management District Request for Support for Harvesting Grant

Motion by P. Topczewski, seconded by T. Stefanowski, to authorize D. Dubey to write a letter of support for Phantom Lakes Management District for Harvesting Grant. Motion carried.

Commission and Committee Appointments

Motion by B. Lawn, seconded by T. Stefanowski, to approve D. Dubey's appointment of P. Topczewski as the Town Board Representative on the Planning Commission for a 1-year term to 2009. Motion carried.

Motion by P. Topczewski, seconded by T. Stefanowski, to approve D. Dubey's appointment of D. Dubey to the Fire Commission for a 1-year term to 2009. Motion carried.

Special Assessment for Garbage Service

Motion by P. Topczewski, seconded by B. Lawn, to table discussion of special assessing for garbage service to the June Town Board Meeting. Motion carried.

FINANCE

Pay Bills

Motion by P. Topczewski, seconded by T. Stefanowski, to pay the bills. Motion carried.

CORRESPONDENCE

COMMITTEE REPORTS

COMMENTS FROM THE PUBLIC

R. Nicoson said she is against special assessing for garbage service.

Motion by T. Stefanowski, seconded by P. Topczewski, to adjourn at 10:37 p.m.

Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago