

## **TOWN OF MUKWONAGO TOWN BOARD**

**SEPTEMBER 17, 2008**

The Town of Mukwonago Town Board Meeting was called to order at Rolling Hills Elementary School, W322 S9230 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: Engineer S. Sullivan, Attorney J. Macy, Planner T. Schwecke, Police Officer D. Stern and Clerk K. Wilson

Absent: Treasurer D. Steinke.

Motion by B. Lawn, seconded by T. Stefanowski, to approve the August 20, 2008 Town Board Minutes as written. Motion carried.

Motion by T. Stefanowski, seconded by F. Leppin, to approve the July 3, 2008 Special Town Board Minutes as written. Motion carried.

Motion by F. Leppin, seconded by B. Lawn, to approve the July 9, 2008 Special Town Board Minutes as written. Motion carried.

Motion by F. Leppin, seconded by B. Lawn, to approve the June 25, 2008 Special Town Board Minutes as written. Motion carried.

Motion by T. Stefanowski, seconded by F. Leppin, to approve the June 20, 2008 Special Town Board Minutes as written. Motion carried.

### **TOWN ENGINEER**

Town Engineer S. Sullivan introduced the other speakers from Ruckert-Mielke that would be presenting the document, "Country Bliss Ground Water Mitigation Analysis". John Jansen spoke about the hydrogeology of the Country Bliss area. He said this is a water problem that has both ground water and surface water qualities. He explained the water cycle. By way of maps, he showed a ground water table contour map, a map showing the ground water basin of Country Bliss, a map showing the ground water and surface water basin of Country Bliss and a map showing the local shallow flow system based on monitoring well and pond elevation data. He also explained the charts regarding the monitoring wells and pond elevation data. The contour map shows Country Bliss to be at the 910' elevation contour and that water flows from north to south. The ground water basin of Country Bliss is a large area around the subdivision. The surface water basin is much smaller and has no outlet. He said water table levels are high in relation to the elevations of the homes and basins in the area.

Sean Sullivan and Mike Campbell discussed the five options being presented to solve the Country Bliss water problem. S. Sullivan presented a map showing the Country Bliss storm water drainage basin which shows the storm water overland flow path and encompasses about 176 homes. A map of the monitoring well and hydrogeology results and a map showing the questionnaire response were discussed.

Mike Campbell presented the following five options as possible solutions to the water problem in Country Bliss:

- Option 1: Raise road elevation  
Estimated cost: \$500,000  
Does not solve high water problems, may shift water problems to neighbors
- Option 2: Pursue funding options for purchasing homes in the low lying areas  
Estimated cost: \$3,950,000  
Assumes 10 homes, but a more accurate number may be 23- 54 homes  
Funding likely not available – Waukesha County does not have an approved All Hazard Mitigation Plan in place  
Diminished tax base and water stays in the watershed and more homes may be affected
- Option 3: Purchase property for an infiltration pond in Stone Brook Hollow  
Estimated cost: \$975,000  
May not be able to infiltrate fast enough to prevent over-flow to properties to the south or west, infiltration may lead to increased pumping in neighboring homes  
Waukesha County and DNR do not consider this a viable option
- Option 4: Construct storm sewer to Stone Brook Hollow  
Estimated cost: \$325,000 + outlot easement/purchase cost  
Probable issues with Stone Brook Hollow property owners experiencing additional water, Stone Brook Hollow ponds may not have sufficient capacity for volume of water resulting in possible overflow to farms to west, maintenance costs to keep ponds vegetated, preliminary discussions with County and DNR not favorable
- Option 5: Construct force main to Jericho Creek  
Estimated cost: \$1,200,000 + easement cost  
Possible Jericho Creek water quality and temperature concerns, temperature concern may be alleviated by underground pipe for entire distance, force main route has been rerouted to minimize impacts with discharge after the pond, one easement required from property owner

M. Campbell said Ruekert-Mielke feels that Option 5 is the most viable.

J. Cameron presented the following financing options for the recommended Option 5:

- 1) Fund entire project through tax levy
- 2) Creation of a Town-wide storm water utility
- 3) Creation of an area specific storm water utility district
- 4) Special assessment
- 5) Combination method

He said Ruekert-Mielke recommends the combination method which includes a tax levy, utility district and special assessment. He presented the following financial breakout:

Tax Levy	\$500,000
Utility District	\$485,227
Special Assessment	\$214,773

## COMMENTS FROM THE PUBLIC

**Tim Baker**, Jericho Ridge, said he has been a Town resident for 30 years. He suggested the retention ponds should be made larger and more retention ponds should be built in Country Bliss and possibly in Pinefield Farms and Stone Brook Hollow. He is not convinced that Option 5 is the best plan. Can the Town guarantee that Option 5 will work? Will it cause more problems like drying up wells? He is not convinced that the drainage basin is accurate. He said the Town Board and the residents need more information regarding the options before a decision is made.

**Richard Ziebell**, S. Oak Tree Drive, said the flooding issue is not just in 2008. He was flooded in 2006 and 2007 and in 2008. He said if residents don't like the options presented, the subdivisions should have an independent study done. He encouraged the Town Board to solve the problem.

**Michael Rector**, Cherry Lane, said his home is included in the 176 homes in the basin. He said the Town needs to take responsibility for allowing Country Bliss to be developed. The proposal has residents not even in the same watershed as Country Bliss absorbing the cost. He said there needs to be more discussion and the topic should be tabled.

**Bob Korslin**, developer of Stone Brook Hollow, said 30 acres of runoff comes from Country Bliss onto his development. He said the force main solution is the best of some not good alternatives.

**Todd Schwingle**, speaking for Paul Lane resident, questioned how much Mayflower Hills is contributing to the water problem in Country Bliss. He said there are many sub-watersheds that make up the watersheds. The groundwater level is high.

**Kathy Ebli**, Pine Field Farm, questioned how the water on Claire Drive creates water problems in Country Bliss.

**John Schreiber**, CTH E, thanked the Town Board for working on the flooding issue. If Option 5 is considered, he suggested the Town go further south to CTH NN and west to the Jericho Creek Bridge.

**Gary Hooten**, Country Lane South, questioned why his house is in the basin.

**Paul Sadler**, Memory Lane, is concerned about the safety issues involved with the flooding. He said the Town should check into funding with other communities and County, State and Federal agencies.

**Matt Murphy**, Mark Lane, presented his Water Analysis and Watershed Discharge Analysis which concluded that the flooding was caused by the increased level of groundwater. He said a stormwater utility district would not solve the problem of groundwater. He said even before the rains of June, people were pumping groundwater and recirculating the groundwater.

**Diana Wood**, Paul Lane, said the whole Town should pay for this district, not just the 176 homes. She said our homes would not be as saleable as other homes because of the taxes for the utility district.

**Larry Trunek**, Claire Drive, said he does not think people should be spending \$1.2 million for a facility for a rare occurrence. The flooding is not a yearly occurrence. He said if the utility district is done, it should be a Town wide expense. He said there are two watersheds that service the area. They are the Fox

River Watershed and the Mukwonago River Watershed. He said the 1962 topographical map showed the Country Bliss area as a wetland. He suggested there may be a conflict of interest for Ruckert-Mielke to do the study and also be the Town Engineer. He said an independent engineering firm should be doing the engineering study. He recommended that the Town table this issue until more research can be done.

**Arnette Malchow**, Oak Tree Drive, has lived in the Town of Mukwonago for 23 years. In 1985, we had water in the ditches. She questioned the groundwater flow direction since Stone Brook Hollow was developed. She said she never had to pump until April 2008.

**Kristen Murphy**, Mark Lane, questioned how the watershed basin was created and what maps were used. If this is a groundwater issue and is a regional issue, why isn't everyone in the Town of Mukwonago paying for the utility district? A utility district will have maintenance costs which will increase the financial liability for the 176 homes in the district. If this flooding was caused by a 500 year flood, why were people pumping in 2007? She said if you pump out groundwater, it will fill in with more groundwater. We have to help out our neighbors and get this fixed.

**John Lammers**, Schnitzler Road, said all the solutions except Option 1 are temporary. He said homes should not have been built in Country Bliss. He questioned what the timetable would be for a solution and what are ERUs? He also asked that Wegner's e-mail be read into the record.

**Paul Mayer**, Country Bliss, asked what is the potential damage to septic systems with this groundwater problem.

**Laura Frisch**, Jericho Court, said the financing of this project should be paid by the entire Town of Mukwonago just as the school tax is paid by everyone.

**Eric Boman**, N. Oak Tree Court, is an electrical engineer and he said groundwater flows from high head to low head. If the pond is the high head area, what is the ground water level in Stone Brook Hollow. The water seems to stop in Country Bliss and not go to Stone Brook Hollow.

**Pat Garske**, Prairie Lane, said she wants the solution to the flooding to maintain the property values.

**Ryan Heckman**, Mark Lane, said there has to be more than just five options. He said there is a letter from Jahnke and Jahnke saying the subdivision should never have been built. The Town benefits from the taxes when a subdivision is built, but when there are problems you are now singling out 176 homes. How can you be certain it is 176 homes? He feels there is a conflict of interest with the Town Engineer and Ruckert-Mielke.

**Bob Maus**, Cherry Lane, thinks the flooding solution should be paid by the entire Town of Mukwonago.

**John Lammers, Schnitzler Road**, said we have to be careful about pointing fingers. The Town Board is working hard for a solution.

**Letter from Richard and Judy Wagner**

They do not support a utility district and do not want the water rerouted to Jericho Creek.

A **Jericho Ridge resident** asked where does the DNR stand on all of this.

**Sean Sullivan**, Town Engineer, addressed the concerns stated at Public Comments. The 176 homes were derived from the Waukesha County two foot contour maps which will have to be field verified. They had more than five options, but they were eliminated for various reasons. He said building more detention ponds will not solve the situation. He said they used the drainage basin aerials which indicated 202 lots but eliminated some lots that had just a corner of the lot in the basin. Regarding a conflict of interest, he said his job is to find a solution to the flooding for the Town of Mukwonago

**John Jansen** said the aquifer gets some shallow compaction when using heavy equipment. The pond is a discharge area for groundwater. The goal is to get water out of the basin.

**Mike Campbell** said preliminary engineering has not started on this project.

**Sean Sullivan** said the DNR and County are concerned that the water problem is not shifted to other property owners.

**Dave Dubey** said the ERU is the equivalent run-off unit. He said there was a letter from Jahnke and Jahnke to the Town Board in the mid '70s.

It recommended that the Town should consider the drainage conditions in this area and, at that time, the Town Board required a drainage pond.

The Town Board will discuss the options and financing methods.

## **TOWN ENGINEER**

### **Country Bliss Flooding – Plan of How Paying Bills from Ruckert-Mielke, J. Macy, etc.**

D. Dubey said the Town of Mukwonago is exceeding the Budget for the flooding costs investigation. J. Macy said the Town has three options of how to handle the expenses. Options are to borrow the money, take the money out of contingency surplus funds or transfer from other Budget item. He recommended to have an agenda item on the October Town Board Agenda to take monies from the contingency fund to pay for these expenses.

### **Legal Requirements in Creating Utility District**

D. Dubey said J. Macy's letter to the Town Board outlined the requirements.

### **Engineering Plan for Utility District**

D. Dubey questioned if the Town Board wanted to consider any of the five designs presented.

P. Topczewski said there are two potential phenomena occurring. There is a high groundwater cycle and an excessive snowfall and spring rains that contribute to create the situation that exists. He represents all Town residents and wants a solution that impacts the least number of residents. One of the goals of the Town Master Plan is to protect the groundwater. He has a problem with dewatering an area of the Town. He said Option #5 is contrary to everything the Town is trying to do. Does the Town want to create this type of infrastructure in this rural community? He said he can not dewater groundwater. He thinks that some houses should be removed and a facility put in their place. He would like to see some other options.

T. Stefanowski said he called Madison and spoke to a professor that said if you pump groundwater, which is a natural resource, you will be drying up some wells.

The professor also said closing up the basements and/or destroying the houses may be a better solution. T. Stefanowski said he has a problem with Option #5. B. Lawn questioned how many homes would be affected.

S. Sullivan said 24 homes reported water in their basements and monitoring well data indicated 54 homes were affected by the water. The Town could consider looking at the homes with the lowest basements.

D. Dubey said the levy limits on the Budget would only allow an increase of \$32,000 in the total Budget. He said he agrees with P. Topczewski regarding dewatering the groundwater.

P. Topczewski said he wants more information before making a decision. He would like to see the elevations of the homes most affected by the flooding and to look at an option of removing some homes and creating a detention pond. Motion by F. Leppin, seconded by B. Lawn, to table discussion of the Detailed Design of the Storm Water System. Motion carried.

The Town Board plans on having a Special Town Board Meeting for the Country Bliss flooding and the Town Engineer will do further research regarding the following:

- 1) First floor basement elevations of the homes that are pumping
- 2) Ground water modeling
- 3) Monitoring well data
- 4) Stone Brook Hollow 1<sup>st</sup> Addition soil borings for each lot
- 5) Effect of Option #5 on Jericho Creek

Financing of the project will be discussed with the Town Accountant at the Budget Workshops.

#### **Multi-Use Trail**

S. Sullivan said he has been playing phone tag with the State Department of Transportation representative.

#### **STH 83 Expansion**

S. Sullivan reported there have been no new updates to the STH 83 expansion plans.

#### **Stone Brook Hollow 1<sup>st</sup> Addition Pond Repair**

B. Korslin presented a bill to reseed the pond that was used for the flood control in Country Bliss. S. Sullivan will review the bill with Waukesha County Land Resources Department to make a recommendation at a future Special Town Board Meeting.

### **BUILDING INSPECTOR – SCOTT JOHNSON**

#### **Mark Carpenter**

D. Dubey said the Town Board would consider issuing tickets.

T. Schwecke said he received the Carpenter Manure Plan today. The plan says the current pile will be removed by November 15.

J. Macy said the June 25 letter to Carpenter from the Building Inspector does not say he is violating the nuisance ordinance.

Motion by F. Leppin, seconded by T. Stefanowski, to refer the issue of the manure pile to the Police Department for determination if a violation of the nuisance ordinance has occurred. Motion carried.

S. Johnson to explain motion to the Police Department.

**Sherry Towns**

D. Dubey said S. Towns's attorney is asking for a 120 day extension regarding the land disturbance and structure too close to the lot line complaints.

S. Johnson said the final notice was sent to S. Towns on August 20.

J. Macy said the attorney's solution was to negotiate with the neighbor, but the neighbor has already told him and the Town Board "no". Thus, the attorney has to come up with a new solution.

Motion by F. Leppin, seconded by B. Lawn, to have the Building Inspector notify S. Towns that in 30 days she must be in compliance or give notice as to what plan would get the property in compliance. Plan must be submitted by October 10 or property to be in compliance by October 15. Motion carried.

**Weske Family Lake Property**

S. Johnson sent a notice to the Weske family saying camping on their property is a violation. He also told them Planning Session will be discussing their situation as a possible special event.

J. Macy said the County was very concerned about situations like this because of Harleyfest. The Town will need to find out if the County would be supportive of weekend camping.

**Joe Johnson and Yevonn Priest**

S. Johnson referred the weed complaint to the Weed Commissioner.

He sent out a first notice on September 8 regarding the unlicensed vehicles and junk in the front yard.

**Lakeside Inn**

S. Johnson sent a first notice on September 16 to Lakeside Inn regarding the complaint about paper and trash in the parking lot.

**Kenneth and Lora Broberg**

S. Johnson said he received a complaint about a 12' x 20' polystructure in the backyard of the Brobergs' property. He sent the first notice on September 11.

**H. Beckman**

S. Johnson said we are about where we were two years ago regarding this property. He received a complaint about unlicensed vehicles and junk on the Beckman property and sent out a first notice on September 16.

**FIRE CHIEF****Discount/Waive Ambulance**

Motion by B. Lawn, seconded by T. Stefanowski, to discount/waive ambulance bills in accordance with the Charity Care Ordinance for Richard Semrow, William Biondi, Christine Behl, Constance Bdilly, Roger Blakely, Ann Creach and Kate Nowicki upon the final adoption of the ordinance and fee schedule by the Town of Mukwonago and the Village of Mukwonago. Motion carried.

**POLICE CHIEF****Ralinda Howard**

Police Officer D. Stern reported R. Howard is in compliance.

**Sherry Towns**

D. Dubey said S. Towns was issued a ticket for the wedding on August 9 which was very noisy.

**Ordinance to Designate No Parking Areas in Lauren Park and Town Park**  
F. Leppin would like an ordinance that would not allow double parking on CTH EE.

J. Macy said there needs to be research regarding the right of way width on CTH EE and what the County rules are regarding parking in the right-of-way.

D. Dubey will talk to the County Transportation Department.

#### **TREASURER**

##### **Treasurer's Report**

Treasurer's Report was placed on file.

#### **PLANNING COMMISSION**

##### **Stone Brook Hollow 1<sup>st</sup> Addition Conditional Use Amendment Regarding Pervious Concrete**

Motion by F. Leppin, seconded by B. Lawn, to approve the Conditional Use Amendment for Stone Brook Hollow 1<sup>st</sup> Addition regarding pervious concrete with the requirement of an annual inspection by the Town Building Inspector.

Yes: 3. No: T. Stefanowski and P. Topczewski. Motion carried.

##### **Smart Growth Update**

T. Schwecke said written comments regarding the Smart Growth Plan will be reviewed at the Planning Session Meeting on September 24.

##### **New Lots Created**

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

#### **TOWN PLANNER**

##### **Ruth Vollmer Estate/Marni Lynn Land Division Update**

T. Schwecke reported a rezone application has been submitted and they are working on the Certified Survey Map addressing the comments made by K. Moore in her December 2007 letter.

##### **Lakeside Inn Conditional Use Update**

T. Schwecke said S. Johnson and he did an inspection of Lakeside Inn and determined that they are not in compliance with the Conditional Use Order.

T. Schwecke will write the complaint letter and S. Johnson will write the non-compliance notice to Lakeside Inn and copy the notice to the County.

##### **US Cellular Conditional Use Permit Issued**

T. Schwecke reported the US Cellular Conditional Use Permit was issued.

##### **SBA Conditional Use**

J. Macy said the attorney for SBA has about 60 comments regarding the Conditional Use Order.

#### **TOWN CLERK**

##### **Review of Clerical Assistant Position with Clerk's Office and Police Department**

Police Officer D. Stern said the arrangement of sharing the Clerical Assistant with the Clerk's Office is working well with the Police Department and they will be asking to expand her hours.

K. Wilson said the arrangement is working well for the Clerk's Office but the Clerical Assistant is almost at the maximum number of hours the Town will allow.

**Time Warner Contract**

D. Dubey will speak with the Time Warner representative regarding the length of the contract. Contract will be on the Special Town Board Agenda on September 24.

**TOWN ATTORNEY**

**AT&T Citation**

J. Macy said a ticket was issued to AT&T and an agreement was negotiated. He gave the Town a check for \$5,120 from AT&T.

**Project Administrator for Flooding Issue**

J. Macy suggested that the Town of Mukwonago hire a project administrator for the flooding issues to be the public relations person and coordinator.

B. Lawn said he liked the idea, but how much would it cost.

J. Macy suggested a set fee with a beginning and ending date of four to six months.

D. Dubey will check with possible project administrators and get prices for the October Town Board Meeting.

**TOWN CHAIRMAN**

**No Wake Ordinance for High Water Conditions on Phantom Lake**

D. Dubey said he made the changes as recommended by J. Macy in the ordinance. The Clerk's Office will distribute the ordinance by certified mail to the Department of Natural Resources, Village of Mukwonago and Phantom Lake Management District.

**FINANCE**

**Pay Bills**

Motion by F. Leppin, seconded by P. Topczewski, to pay the bills.

Motion carried.

**COMMITTEE REPORTS**

**Recreation Committee**

P. Topczewski reported that the committee will be looking at increasing the non-resident fees and discussed financial assistance for needy families. They also discussed computer problems in the Recreation Department.

**Utilities-Recycling**

T. Stefanowski said the Recycling Grant was sent in.

**COMMENTS FROM THE PUBLIC**

**Tama Lekorski** thanked the Town Board for giving Sherry Towns 30 more days to solve her violation.

**Linda Dykas**, S. Oak Tree, encouraged the Town Board to consider a contingency plan such as a temporary holding pond where the tennis courts are located. She thinks the formation of the utility district is the best and most economical solution and should be paid by all residents of the Town of Mukwonago. The utility district would take away surface water to Jericho Creek.

**Ginny Brown**, Paradise Lane, said the road repair should be paid by all Town residents.

**Kathy Sadler** said the tennis courts are owned by all the residents in Country Bliss and questioned how that property could be condemned and if that cost is built into the \$1.2 million expense.

Motion by T. Stefanowski, seconded by F. Leppin, to adjourn at 10:42 p.m.  
Motion carried.

Katherine W. Wilson  
Town Clerk  
Town of Mukwonago