

TOWN OF MUKWONAGO TOWN BOARD

FEBRUARY 18, 2009

PUBLIC HEARING

A Public Hearing held by the Town of Mukwonago Town Board at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI was called to order at 6:55 p.m. by Chairman D. Dubey.

Present: Supervisors B. Lawn, T. Stefanowski, P. Topczewski and Chairman D. Dubey.

Others Present: Attorney J. Macy, Planner T. Schwecke and Clerk K. Wilson.

Absent: Supervisor F. Leppin.

ORDINANCE CREATING SECTION 78-9(C)(3), "HIGH WATER" FOR LOWER PHANTOM LAKE OF CHAPTER 78, "WATERWAYS" OF THE MUNICIPAL CODE OF THE TOWN OF MUKWONAGO

Chairman D. Dubey read the notice stating the Town of Mukwonago Town Board would consider an ordinance creating Section 78-9(c)(3), "High Water" for Lower Phantom Lake of Chapter 78, "Waterways" of the Municipal Code of the Town of Mukwonago. He said the purpose of the ordinance is for no person to operate a boat in excess of slow-no-wake when the lake level is higher than 4" as indicated on the gauge at the dam on the Mukwonago River which impounds and creates the Lower Phantom Lake.

J. Macy said the Department of Natural Resources recommended that this ordinance be created so there would not be a need for an emergency resolution in the future.

D. Dubey said the DNR and the Phantom Lakes Management District agree with the ordinance.

Public Hearing closed at 6:59 p.m.

TOWN OF MUKWONAGO TOWN BOARD

The Town of Mukwonago Town Board Meeting was called to order at the Mukwonago Town Hall, W320 S8315 Beulah Road, Mukwonago, WI at 6:59 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, Police Officer C. Heckman and Clerk K. Wilson.

Absent: Supervisor F. Leppin and Treasurer D. Steinke.

Motion by P. Topczewski, seconded by T. Stefanowski, to approve the January 21, 2009 Town Board Minutes as written. Motion carried.

Motion by P. Topczewski, seconded by B. Lawn, to approve the February 4, 2009 Special Town Board Minutes as written. Motion carried.

COMMENTS FROM THE PUBLIC

BUILDING INSPECTOR – SCOTT JOHNSON

Sherry Towns

D. Dubey said the Board of Adjustment Meeting regarding the Building Inspector's interpretation of the code has been scheduled to be continued on February 25, 2009 at 5:00 p.m. for the Planner and Building Inspector to research some questions brought up at the Public Hearing.

FIRE CHIEF

Resolution to Set Ambulance Fees

Motion by P. Topczewski, seconded by B. Lawn, to approve Resolution 2009-R-5 A Resolution to Fix Ambulance Fees. Motion carried.

2009 Budget Amendment to Include North Prairie Fire Services

Motion by B. Lawn, seconded by P. Topczewski, to amend the 2009 Budget to add \$4842 to the Fire Department Budget for the North Prairie Fire/Ambulance Contract which extends the 2008 Contract. Motion carried unanimously.

Ambulance Rates with the Village of North Prairie

D. Dubey said he has not received any more information regarding the ambulance charges from the Village of North Prairie. There is a question whether the Village of North Prairie can charge different rates for the services they provide to different communities.

POLICE CHIEF

Ralinda Howard

D. Dubey said there is no update. J. Macy said there needs to be a closed meeting regarding the request of R. Howard's attorney to settle the case.

Cynthia Thornton

D. Dubey said trial date has been set.

Robert Kuss

D. Dubey said trial date has been set.

Mark Carpender

D. Dubey said there was no update.

The Town Board discussed having the citation list on the Town Board Agenda.

P. Topczewski said it is informative to know the resolution of the trials.

In the future, they may all be under a listing of Citation Updates.

J. Macy said there is an issue that can be considered at a Special Town Board Meeting. There was a dog attack this past weekend and the dog is on Police hold until it is determined what to do with the dog.

Self Defense Class

Recreation Director T. Monogue said the Recreation Department and Police Department are proposing a Self Defense and Awareness Class designed for women over 18 years old to be taught by Officer C. Heckman. The class would

be a special assignment for the officer and he would be paid overtime with the cost being paid for by user fees. The class would be held for five hours (split between two days) and have a minimum of six participants.

Motion by B. Lawn, seconded by T. Stefanowski, to authorize the Self Defense and Awareness Class as proposed and for the Recreation Dept/Police Dept to file a report with the Town Board after the class is completed. Motion carried.

TREASURER

Treasurer's Report

Treasurer's Report was placed on file.

B. Lawn would like to begin the process of budget forecasting regarding the receipts and expenditures of the Town. He would like the Treasurer to do some of this work. B. Lawn will talk to D. Steinke about his request.

PLANNING COMMISSION

TOWN PLANNER

Ruth Vollmer Estate/Marni Lynn Land Division Update

T. Schwecke said a Joint Public Hearing with the County has been scheduled for the rezone of the property on March 4 at 6:30 p.m. The Certified Survey Map for the property is on the Planning Commission Agenda on March 4.

Update on Rural Density Language in County Development Plan

T. Schwecke reviewed the memo from Dale Shaver, Director of the Waukesha County Department of Parks and Land Use, regarding the wording of the County Development Plan. The language states that the Town of Mukwonago achieves the five-acre density by using their local PUD provisions.

Ordinance Amendment for Chapter 30 Establishing a Fee for a Fireworks Permit

Motion by P. Topczewski, seconded by B. Lawn, to adopt An Ordinance to Amend Chapter 30 of the Town of Mukwonago Municipal Code Relating to the Establishment of a Fee for a Fireworks Permit subject to the following being incorporated into the ordinance:

- 1) Permits to be issued to "a group of resident or non-resident individuals"
- 2) Add subsection "(7) An agriculture producer for the protection of the crops from predatory birds or animals"

Motion carried.

J. Macy said Fire Chief J. Rolfe suggested a \$25 fee for a Fireworks Permit, whereas, the Fee Schedule indicates \$100.

The Town Board said the fee of \$100 was justified because of the possible professional fees involved with a permit fee approval.

Ordinance Amendment for Chapter 18 Establishing a Fee for False Alarms

Motion by P. Topczewski, seconded by B. Lawn, to adopt An Ordinance to Amend Chapter 18 of the Town of Mukwonago Municipal Code Relating to the Establishment of Fees for False Alarms. Motion carried.

Resolution 2009-R-3 A Resolution Revising the Fee Schedule for the Town of Mukwonago to include Fireworks Permit Fee and False Alarm Fee

Motion by T. Stefanowski, seconded by B. Lawn, to adopt Resolution 2009-R-3 A Resolution Revising the Fee Schedule for the Town of Mukwonago to include Fireworks Permit Fee and False Alarm Fee. Motion carried.

Harbold Rezone Update

T. Schwecke reported the Harbold Rezone is scheduled for the Park and Planning Commission Agenda on February 19, 2009.

TOWN CLERK

TOWN ENGINEER

STH 83 Jurisdictional Transfer for Cul-de-sac north of Village of Mukwonago

J. Macy said there is a series of private driveways north of the Village of Mukwonago on STH 83 and the State wants to combine the driveways and build a public cul-de-sac. The State would build the cul-de-sac and they are asking that the Town take over the maintenance of the cul-de-sac.

The Town Board had some questions regarding the transfer.

D. Dubey questioned if repairs to the cul-de-sac would have to be done to State standards or Town standards.

J. Macy questioned if the Town would receive State Aids if they do not own the land on which the cul-de-sac is located.

T. Schwecke said he and S. Sullivan met with the Department of Transportation and they are waiting to receive drawings from the DOT showing that no lot is made illegal by the cul-de-sac. He said the agreement should indicate the possibility that the cul-de-sac would eventually be in the Village of Mukwonago.

Road Program as it relates to Stimulus Funds

D. Dubey said he authorized S. Sullivan to draft a request for Stimulus Funds for the completion of road work on Beulah Road.

P. Topczewski questioned if the Town should apply for Community Block Funds for damaged roads.

Motion by P. Topczewski, seconded by B. Lawn, to direct Engineer S. Sullivan to apply for Community Block Funds – Emergency Assistance Program for the Town of Mukwonago. Motion carried.

TOWN ATTORNEY

Ordinance Creating Section 78-9(c)(3) “No Wake” Ordinance

A Special Town Board Meeting will be held on March 25, 2009 at 6:25 p.m. to adopt the Ordinance Creating Section 78-9(c)(3) “No Wake” Ordinance.

Motion carried.

Ordinance to Designate No Parking Areas in Lauren Park Update

No update

TOWN CHAIRMAN

Update on Snowplowing Budget

D. Dubey said the Town will be credited with two truckloads of salt because too much salt was put down over the weekend.

T. Stefanowski said the Town is now on the State fund for salt list. He said the Town has to estimate how much salt they will use in a snow season. If the Town signs a contract with the State, the Town would be obligated to purchase what was ordered.

D. Dubey said the Town has spent \$157,000 of the \$400,000 snowplowing budget for 2009.

Budget Review Process

D. Dubey drafted a memo regarding the Budget review process to the department heads. If the Town Board has any revisions to the memo, it can be discussed at a Special Town Board Meeting on February 25, 2009 at 6:20 p.m.

Stimulus Funds

T. Stefanowski requested that department heads submit their "wish list". He said roads, the Town Hall and a salt shed are ideas for the stimulus fund.

Town Planner Contract

T. Schwecke questioned the indemnification language of his contract. He said it is overly broad and he would be legally liable for his own defense.

J. Macy will look at other indemnification language and finalize the contract with T. Schwecke. Town Planner Contract will be on the March 18 Town Board Agenda.

Lower Phantom Lake Dam Repair Cost Share with the Village of Mukwonago

D. Dubey said the Village of Mukwonago is assuming the Town of Mukwonago is responsible for 50% of the cost of repairing and modifying the dam based on an ancient agreement between the Town and Village. The total cost is estimated to be \$383,500. The Village of Mukwonago is asking the Fox River Commission to fund some of this cost.

J. Macy suggested that the Town of Mukwonago review the Planning Commission and Village Board Minutes for the Village of Mukwonago and Village of North Prairie and place it under Committee Reports.

A Closed Session Town Board Meeting will be held on Monday, March 2, 2009 at 6:30 p.m. to review the Police Department Audit and to possibly commence litigation against R. Howard.

A Special Town Board Meeting was scheduled for Wednesday, February 25 at 6:20 p.m. to review the Budget Review Process and to deal with the dog bite issue in the Town of Mukwonago.

B. Lawn suggested that Town Meetings, including meetings held at the Village Hall or other location, be listed on the Town calendar.

FINANCE

Pay Bills

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

Motion carried.

CORRESPONDENCE

COMMITTEE REPORTS

COMMENTS FROM THE PUBLIC

Motion by P. Topczewski, seconded by T. Stefanowski, to adjourn at 8:35 p.m.

Motion carried.

Katherine W. Wilson
Town Clerk
Town of Mukwonago