

TOWN OF MUKWONAGO
TOWN BOARD MINUTES
WEDNESDAY, JUNE 20, 2012 – 6:30 P.M.

Chairman Dubey called the meeting to order at 6:30 p.m. The Pledge of Allegiance was recited and Chairman Dubey stated the meeting had been noticed.

Present: Chairman Dubey; Supervisors Boucher, Nicoson, Stefanowski and Topczewski. Also present: Kathy Karalewitz, Administrator/Clerk-Treasurer; J. Macy, Town Attorney; T. Czarnecki, Police Chief; R. Peterson, Public Works Supervisor. T. Schwecke, Town Planner and S. Johnson, Building Inspector.

Chairman Dubey announced the Board may go into Closed Session pursuant to Section 19.85(1)(g), Wis. Stats., when conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved specifically with regards to the Town of Mukwonago v. Ralinda Howard, et. al.

PUBLIC COMMENTS

Tony Kuczynski, S82W31390 Section Rd. spoke regarding barking dogs at the residence of Ralinda Howard.

Delores Conway, S82W31370 Section Road, also spoke regarding barking dogs at the residence of Ralinda Howard.

Brian Wanta asked to be on the next Town Board agenda.

MINUTES

Motion by Supervisor Nicoson, second by Supervisor Boucher to approve the minutes of May 16, 2012. All ayes; motion carried.

LIQUOR LICENSE RENEWAL

Motion by Supervisor Boucher, second by Supervisor Stefanowski to approve the Liquor License application for J. H. Ross, d/b/a J.R.'s Resort, subject to completion of application and clarification of questions 7 and 11. All ayes; motion carried.

Motion by Supervisor Boucher, second by Supervisor Stefanowski to approve the Liquor License for Dawn K. Hughes, d/b/a Trolley Pub and Tracy R. Hewett, d/b/a Lakeside Inn Restaurant & Lounge. All ayes; motion carried.

LICENSE RENEWAL FOR PIEPER PORCH WINERY

Motion by Supervisor Stefanowski, second by Supervisor Boucher to approve a "Class B" License for Todd and Kathy Pieper, d/b/a Pieper Porch Winery, subject to completion of Section B on the application. All ayes; motion carried.

OPERATOR LICENSE RENEWALS

Motion by Supervisor Stefanowski, second by Supervisor Nicoson to approve the Operator Licenses as listed in Section 8(c) on the board agenda. All ayes; motion carried

OPERATOR LICENSES

Motion by Supervisor Nicoson, second by Supervisor Boucher to approve the Operator Licenses as listed in Section 8(d) on the board agenda. All ayes; motion carried.

WAUKESHA COUNTY DATA PROCESSING SERVICES PROPERTY TAX ASSESSMENT AND BILLING

Motion by Supervisor Topczewski, second by Supervisor Stefanowski to authorize the Town Chairman to sign the Waukesha County Data Processing Services Property Tax Assessment and Billing Agreement. All ayes; motion carried.

TOWN OF EAGLE AGREEMENT

Motion by Supervisor Nicoson, second by Supervisor Stefanowski to approve the Town of Eagle Agreement for Clerical Services for Joint Municipal Court. All ayes; motion carried.

BUILDING INSPECTOR

J.R.'S RESORT

Motion by Supervisor Boucher, second by Supervisor Nicoson to direct Building Inspector to notify owner that all the proper permits must be pulled to correct the problem or the Town will commence enforcement. All ayes; motion carried.

BANK OF AMERICA, MUNICIPAL VIOALTION S97W33125 WHISPERING OAKS, TAX KEY NO. MUKT1992016

Building Inspector stated the siding issue has been resolved. However, noxious weeds are now growing. Rick Peterson, Public Works Supervisor, sent email to property maintenance individual but has not heard back from them. Building Inspector to notify property owner that if this property goes out of compliance, then fines with automatically be implemented.

PLAN COMMISSION

RURAL STRUCTURES FOR PROPERTY AT W312S6510 WILLOW SPRINGS DRIVE; JAMES AND KAREN MCNELLY, APPLICANT

Motion by Supervisor Nicoson, second by Supervisor Boucher to approve the designation of the barn and silo on the McNelly's property as rural accessory structures pursuant to Sec 82-25(a)(2)(b) and Sec 82-25(c) of the Town of Mukwonago Zoning Code, based on

the findings as listed in each of the subsections, and provided the property owner records a declaration of restrictions in the office of the Register of Deeds of Waukesha County consistent with the draft declaration of restrictions dated June 15, 2012 and as approved by the Town Planner. All ayes; motion carried.

DETERMINATION OF SUBSTANDARD LOTS FOR PROPERTY AT W299S10560 PHANTOM WOODS ROAD PURSUANT TO S. 6.4(A) OF THE LAND DIVISION REGULATIONS; WILLIAM AND CHRISTINE BRUSS, APPLICANT

Motion by Supervisor Nicoson, second by Supervisor Boucher to merge the four lots provided those portions of the resulting parcel that are currently zoned R-2 be rezoned to R-3 consistent with the procedures and requirements in the Town's Zoning Code. All ayes; motion carried.

CONVERSION OF NON-CONFORMING USE AT W299S10560 PHANTOM WOODS ROAD PURSUANT TO S. 82-32(B)(3)(b) OF THE ZONING CODE; WILLIAM AND CHRISTINE BRUSS, APPLICANT

Motion by Supervisor Nicoson, second by Supervisor Stefanowski to approve the conversion of the existing nonconforming uses at W299S10560 Phantom Woods Road to other nonconforming uses as described in the decision order dated June 13, 2012, as approve by the Town Attorney. All ayes; motion carried.

TERMINATION OF CONDITIONAL USE APPROVAL FOR PROPERTY AT W299S10560 PHANTOM WOODS ROAD PURSUANT TO S. 82-21(C)(1) OF THE ZONING CODE; WILLIAM AND CHRISTINE BRUSS, APPLICANT

Motion by Supervisor Nicoson, second by Supervisor Boucher to approve the termination of the 2001 conditional use approval provided the petitioner signs the termination order as approved by the Town Attorney. All ayes; motion carried.

ZONING MAP AMENDMENT FOR PROPERTY AT W299S10560 PHANTOM WOODS ROAD; WILLIAM AND CHRISTINE BRUSS, APPLICANT

Motion by Supervisor Nicoson, second by Supervisor Stefanowski to adopt an Ordinance to Rezone a Portion of Certain Parcels in the NE ¼ and NW ¼ of Section 35, T5N, R18E, in the Town of Mukwonago and to Amend the Zoning Map of the Town of Mukwonago Pursuant to Section 82-51 of the Zoning Ordinance for the Town of Mukwonago, subject to review and approval by town planner and town attorney. All ayes; motion carried.

CERTIFIED SURVEY MAP FOR PROPERTY AT W299S10560 PHANTOM WOODS ROAD, WILLIAM AND CHRISTINE BRUSS, APPLICANT

Motion by Supervisor Nicoson, second by Supervisor Topczewski to approve the Certified Survey Map for Property located at W299S10560 Phantom Woods Road, William and Christine Bruss, applicants; subject to staff report dated June 15, 2012 and removal of the pier from the CSM. All ayes; motion carried.

OFFICIAL MAP AMENDMENT FOR VARIOUS PROPERTIES IN SECTION 10,
T5N, R18E, ROBERT AND CAROL LOEFER, APPLICANT

No action at this time.

PROTECTIVE SERVICES

JOINT FIRE DEPARTMENT CONTRACT

Supervisor Boucher stated the Joint Fire Department Contract is ready for joint meeting with Village Board after review by Attorney Buikema. Board would like to have Agreement more than one week in advance.

REQUEST TO WAIVE AMBULANCE BILL FOR JENNIFER WESTHOLDER

Motion by Supervisor Stefanowski, second by Supervisor Nicoson to deny the request by Jennifer Westholder to waive the ambulance bill due to a lack of response regarding the Charity Care Policy. All ayes; motion carried.

2012 BUDGET IMPACT FROM APPOINTING FIRE DEPARTMENT
LIEUTENANTS

Motion by Supervisor Boucher, second by Supervisor Topczewski to authorize the Fire Chief to create a list of possible promotions for four (4) fire department lieutenants beginning in August, 2012 based on recommendation of Protective Services Committee, with a 0 net affect on the 2012 budget. All ayes; motion carried.

PUBLIC WORKS REPORT

Rick Peterson, Department of Public Works Supervisor reported the following:

- ✓ Landscaping around salt shed is complete
- ✓ 2012 Road Maintenance Program is set to begin Monday, June 25
- ✓ Award of 2012/2013 State Salt Contract
- ✓ First round of roadside mowing
- ✓ Wood chip addition to walking path between Town Hall and Town Park
- ✓ Thanked the Village of Mukwonago Department of Public Works Department for their continued efforts moving Fire Department equipment while utilizing Station #2 during elections

PARKS AND RECREATION REPORT

There were no questions.

FINANCE COMMITTEE

MONTHLY BILLS

Motion by Supervisor Nicoson, second by Supervisor Topczewski to approve payment of the monthly bills. All ayes; motion carried.

MINUTES FROM VILLAGES OF NORTH PRAIRIE AND MUKWONAGO

There was no discussion.

CLOSED SESSION

7:54 p.m. Motion by Supervisor Nicoson, second by Supervisor Topczewski to convene into closed session pursuant to Wis. Stats. 19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved specifically with regards to Town of Mukwonago v. Ralinda L. Howard, et. al. All ayes; motion carried.

The Board reconvened into open session for the purpose of discussion and/or possible action on any items discussed in closed session or remaining on the agenda.

TOWN OF MUKWONAGO V. RALINDA HOWARD, ET AL

Motion by Supervisor Nicoson, second by Supervisor Topczewski to authorize the Town Attorney to enter into settlement agreement in the Town of Mukwonago v. Ralinda L. Howard, et. al. litigation matter. All ayes; motion carried.

ADJOURNMENT

Motion by Supervisor Boucher, second by Supervisor Stefanowski to adjourn at 8:40 p.m. All ayes; motion carried.

Respectfully submitted,

Kathy Karalewitz
Administrator/Clerk-Treasurer

Approved: 7-18-12