

Town of Mukwonago
Joint Plan Commission and Town Board
Meeting Minutes
Wednesday, May 7, 2014

Chairman Dubey called the meeting to order at 6:30 p.m.

ROLL CALL

Plan Commission: Chairman Dubey; Supervisor Topczewski; Commissioners Clabault, Holtz and McNelly. Commissioner Yerke arrived at 6:33 p.m. Commissioner Schuett was absent. Also present: Kathy Karalewitz, Administrator/Clerk-Treasurer; Tim Schwecke, Planner; John Macy, Attorney; Scott Johnson, Building Inspector.

Town Board: Chairman Dubey; Supervisors Hintz, Nicoson, Stefanowski and Topczewski. Also present: Kathy Karalewitz, Administrator/Clerk-Treasurer; Tim Schwecke, Planner; John Macy, Attorney; Scott Johnson, Building Inspector.

MINUTES

Supervisor Nicoson made the following corrections to the April 2, 2014 minutes;

Page 1, second last paragraph, second last line - change 'as state in ordinance' to 'as stated in ordinance'

Page 2, third paragraph, first line - change 'second by Supervisor Hintz based recommendation of the plan' to 'second by Supervisor Hintz based on recommendation of the plan'

Page 3, third page, second paragraph, change 'table this matter to May 16, 2014.' to 'table this matter to April 16, 2014.'

Plan Commission Action: Motion by Commissioner Clabault, second by Commissioner McNelly to approve the minutes with corrections as stated. All ayes; motion carried.

Town Board Action: Motion by Supervisor Nicoson, second by Supervisor Hintz to approve the minutes with corrections as stated. All ayes; motion carried.

HOBBY KENNEL FOR PROPERTY AT S66W27875 RIVER ROAD; DANIEL KRUEGER, APPLICANT

JOINT PUBLIC HEARING

6:33 P.M. - Chairman Dubey opened the public hearing and stated the reason for the public hearing is that the property owner would like a hobby kennel, up to 8 dogs, at his residence S66W27875 River Road, and asked if the property owner was present. Chairman Dubey asked if he had any comments. Daniel Krueger spoke and talked about the dogs he currently has and what his plan is for the hobby kennel.

Chairman Dubey asked if anyone else wished to speak. The following people spoke:

- Claudia Ulrich, resides in Milwaukee but is from the Door County Sled Dogs and spoke regarding the nature of this breed.
- Jerod Priest, S66W27853 River Road, spoke regarding the number of dogs to the number of acres. Concerned of yard waste, howling at night, barking. Chairman Dubey asked Mr. Priest if he would be in favor of any extra dogs and he stated he would be in favor 3 dogs.
- Scott Held, S65W27771 River Road, likes the wildlife but feels the dog activity would cut back on the wildlife activity he currently has. Concerned of yard waste, excessive noise, effect of the land value for nearby homes; disturbance with existing neighborhood pets and odor.
- Gerald Barthol, S66W27885 River Road stated he could not put a garage in, how can this property owner have dogs.

- Daniel Krueger, property owner stated he would modify his request from 8 dogs to 4 dogs. Also stated he would control the noise, odor and keep a handle on the dogs within the property.
- Jerod Priest - concerned that this many dogs could be a magnet for other dogs and bring other unwanted animals to the area
- Scott Held - questioned how many dogs are allowed with kennel.

Chairman Dubey read comments sent to Town from residents who could not be present:

- Nancy and Albert Pippke, S67W27995 River Road, stated they are against this request. Concerned if this is a business run out of the home, will dogs be taken in the home at night; could affect the property value.
- Gary and Theresa Owens, S65W27783 River Road stated they are opposed. Concerned of noise, odor, safety of grandchildren and negative impact it presents to the wildlife living in the marsh.
- James Residel, S65W27784 River Road, stated he does not want to open the door for any more zoning changes. Keep current ordinances intact.
- Dennis and Cheryl Barborich, S65W27753 River Road stated they do not dispute this request as long as the property owners are registered with the property authorities to be monitored.
- Dan Fendryk, S64W27656 River Road, does not want to allow the kennels as he is in the process of purchasing this home from his parents.

Chairman Dubey asked petitioner, Daniel Krueger if he had other questions. Mr. Krueger stated he would be okay with 4 dogs and asked if he could modify the amount later. He stated he is aware that the license can be revoked from the Town if this becomes a nuisance.

- Richard Ulrich of the Door County Sled Dogs spoke of the breed of dog. Stated they are not interested in coyotes, they do not howl, not a threat to children and they are trained to be with people. These sled dogs can provide great activity for the town.
- Jerod Priest spoke citing state regulations of dogs and dog kennels.

Attorney Macy stated the statute quoted by Mr. Priest is a section from another community and taken off the internet. The sections are not from Wis. Statutes.

- Gerald Barthol questioned the number of dogs allowed in the town based on acreage

Chairman Dubey asked if anyone else wished to be heard. No other persons wished to be heard and the Chairman declared the hearing closed at 7:27 p.m.

Discussion continued from the Plan Commission members. Chairman Dubey asked the Commissioners and Supervisor Topczewski if they had comments.

Plan Commission Action: Motion by Commissioner McNelly, second by Supervisor Topczewski to authorize Daniel Krueger to establish a hobby kennel with no more than 4 dogs on his property located at S66W27875 River Road, subject to all requirements in the Town of Mukwonago Zoning Regulations as may be amended, based on the finding that the hobby kennel will not adversely affect the use of adjacent lands and is compatible with surrounding and nearby land uses, as well as a one year review of the use, all dogs to be spayed and neutered. Commissioner Yerke voted "no". The rest, five (5) in all voted "aye". The motion carried.

REVIEW OF PVIOUS CONCRETE REPORT FOR PROPERTY AT S97W33095 WHISPERING OAKS LANE; AARON AND CHRISTINE JAGDFELD, APPLICANTS

Town Board Action: Motion by Supervisor Topczewski second by Supervisor Nicoson to table this matter to the June 4 meeting. All ayes; motion carried.

INITIATION OF ENFORCEMENT PROCEEDINGS BY WAUKESHA COUNTY RELATED TO PROPERTY LOCATED AT W303S10490 SANDY BEACH ROAD

Plan Commission Action: Motion by Commissioner McNelly, second by Commissioner Clabault to recommend to the Town Board that Waukesha County initiate enforcement proceedings against the building generally referred to as Unit #6 located at W303S10490 Sandy Beach Road as authorized by the Waukesha County Shoreland and Floodland Protection Ordinance based on a determination that the specified building is unfit for human habitation and that the building may endanger the health, safety and welfare of the public. All ayes; motion carried.

Town Board Action: Motion by Supervisor Topczewski, second by Supervisor Stefanowski to request that Waukesha County initiate enforcement proceedings against the building generally referred to as Unit #6 located at W303S10490 Sandy Beach Road as authorized by the Waukesha County Shoreland and Floodland Protection Ordinance based on a determination that the specified building is unfit for human habitation and that the building may endanger the health, safety and welfare of the public. All ayes; motion carried.

POTENTIAL TERMINATION OF ALL TOWN APPROVALS RELATED TO PINE VIEW ESTATES SUBDIVISION (MUKT1956999015) LOCATED IN THE SE ¼ OF SECTION 21, T5N, R18E, TOWN OF MUKWONAGO, APPLICANT

JOINT PUBLIC HEARING

7:43 p.m. - Chairman Dubey opened the joint public hearing and stated the reason for the public hearing of Pine View Estates Subdivision is that it was never been completed. The subject property is currently owned by Thuemling Properties LLC and located in the SE ¼ of Section 21, T5N, R18E, Town of Mukwonago.

Chairman Dubey asked if anyone wished to be heard. No persons wished to be heard and Chairman Dubey declared the hearing closed at 7:47 p.m.

TERMINATION OF CONDITIONAL USE FOR PINE VIEW ESTATES

Plan Commission Action: Motion by Commissioner Clabault, second by Commissioner Holtz to recommend to the Town Board that the conditional use approval granted by the Town in 2007 be terminated along with all related approvals, including but not limited to the allocation of residential permits granted in 2008 and the preliminary plat approval granted in 2008, consistent with the expressed consent of Thuemling Properties LLC. All ayes; motion carried.

Town Board Action: Motion by Supervisor Nicoson, second by Supervisor Topczewski to terminate the conditional use approval granted by the Town in 2007 along with all related approvals, including but not limited to the allocation of residential permits granted in 2008 and the preliminary plat approval granted in 2008, consistent with the expressed consent of Thuemling Properties, LLC. All ayes; motion carried.

POTENTIAL TERMINATION OF ALL TOWN APPROVALS RELATED TO GREY HAWK MEADOWS SUBDIVISION (MUKT1946999) LOCATED IN THE NW ¼ OF SECTION 19, T5N, R18E, TOWN OF MUKWONAGO, APPLICANT

JOINT PUBLIC HEARING

7:50 p.m. - Chairman Dubey opened the joint public hearing and stated the reason for the public hearing of Grey Hawk Meadows Subdivision is that it has never been completed. The subject property is currently owned by CONN Mukwonago Properties LLC and is located in the NW ¼ of Section 19, T5N, R18E, Town of Mukwonago.

Chairman Dubey asked if anyone wished to be heard. The following person spoke:

- Deon Conn, S40W22690 Sommers Hill Dr., Waukesha the owner of the property stated he bought the property as an investment and asked that it not be terminated due to the fact he does not want to start over at some point when he develops it. Chairman Dubey stated that the time to file the plat has run out and therefore the plat can no longer be filed.

Chairman Dubey asked if anyone else wished to be heard. No one else wished to be heard and he declared the hearing closed at 8:01 p.m.

Plan Commission Action: Motion by Commissioner McNelly, second by Commissioner Clabault to recommend to the Town Board that the conditional use approval granted by the Town in 2006 be terminated along with all related approvals, including but not limited to (1) the allocation of residential permits granted in 2007, (2) preliminary plat approval, and (3) the final plat approval granted in 2008. All ayes; motion carried.

TOWN BOARD ACTION: Motion by Supervisor Stefanowski, second by Supervisor Topczewski to terminate the conditional use approval granted by the Town in 2006 along with all related approvals, including but not limited to (1) the allocation of residential permits granted in 2007, (2) preliminary plat approval, and (3) the final plat approval granted in 2008. All ayes; motion carried.

AMENDMENT OF THE TOWN'S ZONING CODE TO CREATE A SEPARATE CONDITIONAL USE FOR PARKING OF A SCHOOL BUS

Discussion by Plan Commission and Town Board was held.

Plan Commission Action: Motion by Commissioner Yerke, second by Commissioner Holtz to recommend to the Town Board to set a public hearing. Supervisor Topczewski and Commissioner Clabault voted "no". The rest, four (4) in all voted "aye". The motion carried.

Town Board Action: Motion by Supervisor Hintz, second by Supervisor Nicoson to set a public hearing for June 4, regarding Amendment of the Town's Zoning Code to create a Separate Conditional Use for Parking a School Bus. Supervisors Topczewski and Stefanowski voted "no". The rest, three (3) in all voted "aye". The motion carried.

BUILDING INSPECTOR AND TOWN PLANNER REPORT OF PROJECTS IN WAUKESHA COUNTY'S SHORELAND ZONING JURISDICTION

Building Inspector stated he has issued zoning permit on Short Drive and that is the only one.

FORMAT OF MEETING AGENDA

Keep doing the agenda format as it is for now.

RECOMMENDATIONS FOR FUTURE AGENDAS

There were no comments.

Chairman Dubey announced that the Plan Commission and Town Board will convene into closed session pursuant to Wis. Stats., s. 19.85(1)(g) to confer with legal counsel who will be 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 relating to the Don Swan Farms LLC property on Beulah Road (MUKT 1940.998), and pursuant to Wis. Stats., s. 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically to discuss the Town-owned property located in the Village of Mukwonago (MUKV 2012994), and that the building inspector be present at the public hearing.

8:40 p.m. CLOSED SESSION

Plan Commission Action: Motion by Supervisor Topczewski, second by Commissioner Yerke to convene into closed session pursuant to Wis. Stats., s. 19.85(1)(g) to confer with legal counsel who will be 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 relating to the Don Swan Farms LLC property on Beulah Road (MUKT 1940.998), and pursuant to Wis. Stats., s. 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically to discuss the Town-owned property located in the Village of Mukwonago (MUKV 2012994), and that the building inspector be present at the public hearing. All ayes; motion carried by roll call vote.

Town Board Action: Motion by Supervisor Stefanowski, second by Supervisor Topczewski to convene into closed session pursuant to Wis. Stats., s. 19.85(1)(g) to confer with legal counsel who will be 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 relating to the Don Swan Farms LLC property on Beulah Road (MUKT 1940.998), and pursuant to Wis. Stats., s. 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session specifically to discuss the Town-owned property located in the Village of Mukwonago (MUKV 2012994), and that the building inspector be present at the public hearing. All ayes; motion carried by roll call vote.

The Plan Commission and Town Board adjourned in closed session.

Respectfully submitted,

Kathy Karalewitz
Administrator/Clerk-Treasurer

Approved 6-4-14