

PROCEEDINGS OF THE TOWN OF VERNON BOARD OF SUPERVISORS

Thursday, August 7, 2003

7:00 PM

Vernon Town Hall Meeting Room
W249 S8910 Center Drive

1. Call Meeting to Order with the Pledge to the Flag and moment of Silence.
Chairman Alan Kunert called the meeting to order with the pledge to the flag and a moment of silence.
2. Roll Call. Supervisors Brian Paff, Jerry Goff, Ron Gasser, Glenn Fieber and Chairman Alan Kunert. Also present: DPW Director Doug Salentine, Clerk Gina Gresch and Town Engineer Rich Eberhardt.
3. Public Comments. None.
4. Peter Schwabe's request to start construction on Guthrie Road.

Jerry Wagner & JR Reeseman with Jahnke & Jahnke are present for Mr. Schwabe. Chairman Kunert asked why this is before the board. Mr. Wagner stated CTH U needs to be completed before school starts. Town Engineer Rich Eberhardt stated the request is admirable. Attorney Macy stated per the Land Division Control Ordinance, the Town of Vernon may not be able to grant this request. The Waukesha County Department of Public Works has not issued the permit because they are waiting for a Letter of Credit, a Completion Bond, and a letter from all utilities companies regarding possible conflicts. Once these documents are obtained, the County will allow a pre-construction meeting to take place. Engineer Eberhardt stated the Town of Vernon can make a motion to allow this construction to begin contingent upon receipt of county permits for construction, Letters of Credit and Bonds made payable to the County and a Letter of Credit filed with the Town of Vernon in the amount of \$2,000. Engineer Eberhardt stated the Town of Vernon could approve, conditionally approve or deny this issue. Supervisor Goff asked if the county has all of their information. Supervisor Paff stated we can approve this conditionally and Supervisor Goff disagreed. Engineer Eberhardt stated the Developer's Agreement is not completed, which is also the opinion of Attorney Macy. Mr. Wagner stated Mr. Schwabe is taking the chance of starting construction and taking the chance of losing \$47,000 if he does not complete the work. He also stated the only piece of road that is in the Town of Vernon right of way is in the subdivision entrance, which is not part of the Guthrie construction. Mr. Reeseman stated the construction will take about two (2) weeks weather pending. Mr. Wagner stated there could also be some conflicts with the utilities, which would set them back in time. Engineer Eberhardt stated the road will have to be closed and a detour will be set up therefore causing a problem with school buses if this project is not completed in time. Supervisor Gasser asked why the paperwork is not filed with the County. Mr. Wagner stated the paperwork is in. Engineer Eberhardt stated all of the paperwork except the above-mentioned items are filed. The county is ready to issue the permit when they have the letters of credit, bonds and utilities letter.

Chairman Kunert stated if the Town of Vernon approves it, this would have to go to the Waukesha County Department of Public Works. Supervisor Fieber asked if this work would commence without the Town of Vernon approving the Final Plat. Engineer Eberhardt stated yes, only because the road is not part of the subdivision construction. Supervisor Paff asked why the Town of Vernon is discussing this. Engineer Eberhardt stated since this is a development in the Town of Vernon, the Town should have a say. Engineer Eberhardt stated the Town of Vernon should approve this with conditions. If Schwabe does not get all of his information to the County, his permit will not be issued. Supervisor Fieber asked what kinds of glitches might happen causing school buses not to get through. Mr. Wegner stated Mr. Schwabe would have to file a detour route with the County. If the road is not finished, the detour must continue until all work is finished. Mr. Wegner stated he is working with the utilities for some time and are unsure when they receive the plans.

MOTION **Supervisor Paff moved to approve the construction on Guthrie Road with the following conditions:**

1. **Letter of Credit in the amount of \$47,000 be filed with Waukesha County.**
2. **Bond Completion in the amount of \$4,000**
3. **Pre-Construction meeting be scheduled.**
4. **Letter from utilities companies be filed with Waukesha County stating there is no conflict.**
5. **The contractor and developer coordinate the necessary utility relocations so that the road is closed the minimum length of time.**

Seconded by Supervisor Fieber, carried by voice vote with one (1) nay by Supervisor Goff.

5. Approval of General Use Permit for Council 7048 Mukwonago Knights of Columbus.

Jeff Pace from the Mukwonago Knights of Columbus is present. Clerk Gresch explained why there are two different forms. She stated the facilities use form is to apply to use the Town Hall, VAC, park pavilion, parks, etc. The General Use Permit form is filled out to have alcohol in the parks. Supervisor Goff asked if the Fire Chief should be notified of the event. Chairman Kunert stated that is probably a good idea. Clerk Gresch stated she would notify him of the event tomorrow.

MOTION **Supervisor Paff moved to approve the General Use Permit for Council 7048 Mukwonago Knights of Columbus to allow alcohol in the Town of Vernon Park, seconded by Supervisor Fieber, carried by voice vote.**

6. Discussion of letter from Ruekert & Mielke regarding the cost estimate for repairs to MorningStar.

Town Engineer Rich Eberhardt stated the developer of Golf Course asked them to do a repair cost estimated. The staff went through and itemized all of the repairs that do not meet the town's standards. This total cost is \$108,500 plus the additional costs of current invoices. There is about \$4,800 left over which can be used to pay the outstanding invoices. Chairman Kunert asked what the \$108,500 included. Engineer Bernhard stated that number includes residential and golf course. Supervisor Paff asked what the next step is. Engineer Eberhardt stated the next step is the direct Ruekert & Mielke to prepare the bids to repair the development. Engineer Eberhardt stated the estimate is within 10%. Supervisor Gasser stated there needs to be a date of completion on this project. Chairman Kunert asked when the last date asphalt could be laid and it is November 1 (per Engineer Eberhardt). Engineer Eberhardt stated the contractor needs to submit completed bids for the ES & Prairieside Drive reconstruction. Once submitted and signed, those repairs can begin. Supervisor Gasser asked that all contractors be bound by a date of completion of November 1. Penalties should be included in that clause. Engineer Eberhardt stated with the current time line, a deadline of November 1 would only give two (2) weeks to complete the work. A November 15 completion date gives additional time to finish everything correctly. Supervisor Goff asked if November 1 is the last day you could get asphalt out of Payne & Dolan. Engineer Eberhardt stated the cutoff date depends on workload and weather. Chairman Kunert stated any work done after November 1 needs the Department of Public Works Directors approval. Engineer Eberhardt stated he would have the bids opened on September 17.

MOTION Supervisor Paff moved to direct Ruekert & Mielke to advertise for bids for repairs to MorningStar, seconded by Supervisor Fieber, carried by voice vote.

7. ANNOUNCEMENTS & CORRESPONDENCE from Town Board, Clerk & Treasurer.

Chairman Kunert noted for the record that two deputies from the Waukesha County Sheriff's Department are present. Chairman Kunert asked the Sheriff's Department if they would like to say anything. Captain Karen Ruff introduced new Deputy Sheriff Mike Doud. He will be the second shift guard for the Town of Vernon. In addition, the Town of Waukesha signed a contract for 7 days a week and presented a formal request from the Town of Waukesha to use our Fire Station #3.

Supervisor Paff read his letter on record in the Clerk's Office regarding the 2004 Town Hall Budget meeting put on by Waukesha County Executive Dan Finley on Wednesday, July 30. Chairman Kunert stated he has one addition to his request. The Town of Vernon should ask the County Board to support the Town of Vernon and three (3) other communities' effort to opt out of county zoning. Chairman Kunert asked County Board Supervisor Singert to address that issue with his board. Supervisor Goff stated when Mr. Finley was here last year, he stated if push came to shove, he could cut his budget by 10%. Supervisor Gasser stated he supports Supervisor Paff. Supervisor Paff asked if this could be put into a resolution. Clerk Gresch stated she will ask the attorney's help on drafting this. County Board Supervisor Singert asked that all three issues be clean and concise and separate the two issues of reducing the county's budget and to support the Town of Vernon and the other communities opting out of County zoning. Then, he can coordinate that with an amendment he will propose to the Finance Committee. County Board Supervisor Singert also stated that all budgets need to be reduced. Supervisor Singert stated the County Board will not receive the budget until September. The Town Board stated it will be ready by September 4. County Board Supervisor Singert asked if it would be necessary to have the other town's support the resolution. Chairman Kunert stated he will be attending a Town Chair's meeting and will distribute a rough draft of that resolution at his meeting. Supervisor Paff asked if everyone is clear that there will be two (2) resolutions.

Supervisor Goff thanked Supervisor Singert for his motion regarding the County Board's raises. Also commented on the County purchasing land in the Town of Ottawa. Also stated this is another example of the county spending money they don't have to. Also stated he is opposed to the price of the land purchase. Chairman Kunert stated this issue what brought up at the Town's Association meeting and Mr. Finley was told he can save County tax dollars by not purchasing all this property. Chairman Kunert stated the County is taking away Town tax base. Supervisor Singert stated this is reckless spending. Also stated there is an ordinance that talks about the Greenway Committee. Supervisor Goff stated he attended breakfast at the Waukesha County museum. It was more of a fundraiser. The second floor will be a Les Paul exhibit. Also would like to have a Les Paul concert in Miller Park. In the first six months of the year, about 6,000 students went through the museum. Also advises everyone to go through the museum. Chairman Kunert asked if they were looking for anything from the Town of Vernon. Supervisor Goff stated no they are not. Also stated he expected a bigger turnout. Also, brought up the umpire and referee payout through the Town of Vernon's accounts payables. The Town of Vernon is doing the accounting work for four communities and is not being compensated for it. Also commented on expense reports. Would like it brought back to the board so it can be reviewed and implemented. Clerk Gresch stated every year in December she gives out memos and expense reports for everyone to use. Supervisor Goff stated Chairman Kunert's cell phone bill should be turned in on an expense report. Chairman Kunert stated we could talk about this at the next Town Board meeting. Also asked that at either the first budget workshop or next board meeting we talk about a resolution for a tax freeze, which he is in favor of. Chairman Kunert asked why do we need a resolution if it is part of the state budget. The Village of Menomonee Falls adopted a resolution to freeze the local levy. The Town Board asked if it is legal to freeze the levy when the citizens approve the levy.

Supervisor Gasser stated between Supervisor Paff and Goff, they touched on everything he wanted to comment on. Also stated he was a little disappointed on the presentation on the county budget.

Supervisor Fieber concurred with Supervisors Gasser, Goff and Paff. Also welcomed home all of the veterans that came home. Also read into the record the email from a town resident regarding the great Park & Recreation program. Also stated it takes a lot of time and energy to run these programs. Thanks Ms. Woefel for her letter and thanked all the volunteers for their time. Supervisor Goff asked that the email be given to the park & Rec committee. Clerk Gresch stated she gave a copy to Vince Budiak to give to his committee.

Chairman Kunert commend on the Wisconsin Town's Association County Unit meeting held at the Town Hall last week. Also stated that Clerk Gresch put all of the Gypsy moth information and links to the DNR on the Town's website.

Clerk Gresch stated Deputy Clerk Linda Martin will be doing the next Town Board meeting for training purposes. Also in front of the Board members is a memo regarding the October Wisconsin Town's Association convention. In addition, the first Budget workshop on the 18th at 7:00 p.m. Chairman Kunert stated the budget workshop is an open meeting.

8. REPORTS: DPW Committee, Public Health & Safety Committee, SE WI Fox River Commission, Ordinance Committee, Plan Commission and Building Inspection.

Department of Public Works Director Salentine stated the Department of Public Works committee met. Also stated the committee asked that he present the committee's mission statement to the Town Board. Also commented on the roof leakage at Fire Station #2. The Committee wants an approval to get a budget estimate from the Town Board to fix the roof. The committee would like to know if the station can support a new roof. Engineer Eberhardt stated the walls need to be analyzed to see if they can support the load of a different shaped roof. Supervisor Paff asked if a trust gabled roof would work. Engineer Eberhardt stated that is why an engineering study will be needed. Director Salentine also stated the new route truck was here and is now gone to fix some problems caused by Monroe. Also stated Walter Chrisman will not be back this fall due to health problems. Also stated this will be a lot of work for the highway guys to do what he did. Supervisor Goff asked if Dave Guthrie could be asked. Director Salentine stated another person could be brought on board. Supervisor Goff asked if an ad could be placed in the paper and hire a retired person. Director Salentine stated there will be more money spent in training than operating during that short period of time. Also the highway department is still doing ditching projects.

Supervisor Goff stated there was no quorum at the last Public Health & Safety meeting. Also asked if the Department of Public Works Director would like to be on that committee.

Supervisor Gasser stated Southeastern Wisconsin Fox River Commission meets on Thursday, August 14.

Supervisor Fieber stated the Ordinance Committee meet on July 28. Still working on Chapter 14, Licenses and Permits.

Chairman Kunert stated the last Plan Commission was July 28. There was a Site Plan and Plan of Operation amendment for Jamie's Customs. They are holding a special event during Harley Fest. Also had a public hearing for Mark Wesner for connecting Sunset View Drive and Highland Drive, which was tabled until the next meeting. Commented that another Site Plan and Plan of Operation was approved, the CSM was tabled and reviewed another checklist from Waukesha County. Supervisor Gasser asked if the Department of Public Works was informed about the water issues for Mr. Wesner's development. Chairman Kunert asked if he is aware of those problems. Engineer Eberhardt stated he has been doing some investigation and will report on this at the next Plan Commission meeting. Also stated the berm in question was developed before the subdivision. Director Salentine stated he is aware of this issue and is working with Engineer Eberhardt on this.

9. Recommendation from Ordinance Committee to adopt Ordinance #2003-03 to Amend Ordinance No. 49 to Create Section 8.07 Regarding Private Use of Town Facilities and/or Grounds.

Supervisor Fieber stated this was mostly housekeeping. Supervisor Gasser stated when these ordinances appear, he would like clarification on what this is. Clerk Gresch stated the ordinance needs to be created first to establish the fact that fees can be charged. The resolution is to state how much the fees are going to be. Supervisor Goff asked if there will be a fee for the usage. Clerk Gresch stated the non-refundable fee is the usage fee. Supervisor Gasser asked if there was a problem with people making a mess to create the usage fee. Clerk Gresch stated this is more of a revenue generator.

MOTION Supervisor Paff moved to adopt Ordinance #2003-03 to Amend Ordinance No. 49 to Create Section 8.07 Regarding Private Use of Town Facilities and/or Grounds, per the Ordinance Committee's recommendation, seconded by Supervisor Goff, carried by voice vote with one (1) nay by Supervisor Gasser.

10. Recommendation from Ordinance Committee to adopt Resolution #2003-07, "A Resolution to Establish Certain Fees Regarding the Private Use of Town Facilities".

Supervisor Goff asked what the \$25 covered. Also asked if the Historical Society needs to pay the \$25 fee. The Town Board stated they would not because all committees are for public use, therefore they are exempt.

MOTION Supervisor Goff moved to send Resolution 2003-07 back to the Ordinance Committee for review, seconded by Supervisor Paff, carried by voice vote.

CLERK'S NOTE: Town Board adopted Ordinance #2003-03, then decided needed changes to be made. The Ordinance Committee will repeal and re-create the ordinance to reflect the changes.

11. Recommendation from Ordinance Committee to approve the revised Town of Vernon Application for Use of Town of Vernon Facilities.

Clerk Gresch explained again, what the form is used for. Supervisor Goff asked if the name could be generic and only use "Town Clerk". Also addressed the alcohol issue. Also asked if it recognizes the ordinance. Clerk Gresch stated yes it does. Supervisor Gasser asked about the departments' signatures. Clerk Gresch stated the form is a general form that is used for all facilities and that that all four (4) of the signatures are on the form, so that whoever the form is applicable to, they have a spot to sign.

MOTION Supervisor Paff moved to approve the revised Town of Vernon Application for Use of Town of Vernon Facilities, per the Ordinance Committee's recommendation with the suggested changes, seconded by Supervisor Goff, carried by voice vote.

12. Opening of sealed bids for Obsolete Equipment.

MOTION Supervisor Fieber moved to accept the grader bid \$2,051 and award the bid to Don Wingers, seconded by Supervisor Paff, carried by voice vote.

MOTION Supervisor Fieber moved to accept the truck bid for \$2,345.67 and award the bid to Tom Imme, seconded by Supervisor Paff, carried by voice vote.

13. Request from Department of Public Works Director Doug Salentine for a culvert size variance from Ordinance #8, Department of Public Works Ordinance for Lynn M. Nelson on S84 W22775 Martin Street.

Department of Public Works Director Salentine stated the ordinance calls for a culvert with a minimum size of 15". The Nelson's are requesting an 8" culvert so they have enough space above the culvert so they can have cement all the way out to the road. The amount of water that travels through the ditch is almost non-existent. He also stated there are other 8" culverts on that road. Also stated he could not grant the variance because of how the ordinance reads. Supervisor Goff asked who cleans out the culverts. Director Salentine stated the homeowner usually does but sometimes the Town must.

MOTION Supervisor Gasser moved to approve the culvert size variance from Department of Public Works Ordinance, Ordinance #8, for Lynn M. Nelson on S84 W22775 Martin Street, to downsize the culvert from the standard 15" to 8" per the Department of Public Works Director recommendation, seconded by Supervisor Paff, carried by voice vote.

14. Discussion of opting out of County Zoning.

Supervisor Gasser stated the next meeting is on Thursday August 14 at 8:00 p.m. Clerk Gresch asked who is doing the minutes. Clerk Gresch commented on posting the minutes on the website. Chairman Kunert stated Mr. Finley wanted suggestions on how to cut the budgets. Stated he spoke to him after the meeting. Also stated Mr. Finley would send the town a letter as to him supporting the town opting out of county zoning.

15. FINANCES
a. Accounts Payable

MOTION Supervisor Fieber moved to approve the Accounts Payable in the amount of \$859,437.96 seconded by Supervisor Gasser, carried by voice vote.

- b. July Manual Checks

MOTION Supervisor Paff moved to approve the July Manual Checks in the amount of \$620.91, seconded by Supervisor Fieber, carried by voice vote.

16. MINUTES
a. Thursday, July 17, 2003 Town Board.

MOTION Supervisor Paff moved to approve the Thursday, July 17, 2003 Town Board minutes as corrected, seconded by Supervisor Goff, carried by voice vote with one abstention by Supervisor Fieber.

17. Adjourn

MOTION **Supervisor Goff moved to adjourn, seconded by Supervisor Fieber, carried by voice vote.**

Meeting adjourned at 9:07 p.m.

Respectfully submitted:

Gina C. Gresch, CMC
Clerk

APPROVED:
As printed ()
With amendments ()

Alan Kunert, Chairperson

Date: _____

W:\Town Board\Minutes\2003\080703.doc