

Monthly Town Board Meeting – July 16, 2007 – 6:00 p.m.

Mukwa Town Hall, E8514 Weyauwega Rd., Northport 12 in attendance 2 non-residents
Chairman Heise called the meeting to order at 6:00 p.m. Notification of this meeting was given to the Press on

July 6, 2007 and the final agenda was posted in the three designated places on July 11, 2007.

The Pledge of Allegiance was recited.

Roll call of Officers: Walter Heise, Chairman – here; Michael Wundrock, Supervisor 1 – here; Neil Freeman, Supervisor 2 – here; Brenda Grove, Treasurer – here; Jeannette Zielinski, Clerk – here.

The June 18, 2007 Monthly Town Board Meeting minutes were approved by Sup. Wundrock. Motion was seconded by Supervisor Freeman. Motion carried.

Treasurer's Report: (a) Motion was made by Sup. Freeman/Sup. Wundrock to approve the June 30, 2007 Treasurer's Report as read. Motion carried.

Budget/Vouchers: Motion was made by Sup. Wundrock/Sup. Freeman to approve payment of Vouchers 21024 through 21051, dated June 19, 2007 through July 16, 2007, and Direct withdrawal of Social Security, Medicare, and Federal Taxes of \$1,334.42 for a total of \$20,217.17. Motion carried.

Public Forum - Town of Mukwa Residents: Alice Behnke-Larry Rd: Mrs. Behnke wanted to thank Chairman Heise and the Board for addressing concerns and issues quickly regarding traffic/milk truck concerns on Larry Road. Since the Class B weight limit signs and ordinance have been put in place, most concerns have been improved, would like to wait-and-see if any further steps need to be taken. Deanne Hanson-Deer Haven Dr: Mrs. Hanson wasn't aware of the need to come to the Town for a permit before shooting off fireworks, she was wondering if there would be some other way of having permits issued other than at a town meeting. Since permits must be issued and approved by the Town Board, currently there is no other way to handle such requests.

County Supervisor: County Supervisor Fleese reported that the proposed plan for improving the intersection near Saputo Cheese was not going to be done this year.

Building Inspector Report: Joseph Swedesky-Cut-Off Rd: Detached garage; David Lemke-Market St: Detached garage; Kenneth Fields-Cty Trk X: Woodshop; Lawrence Beyer-Rocky Mountain Dr: New Home; Scott & Michelle Timm-Fox Trail: New home. Monthly Total - \$349,600.00. Year-to-date total - \$1,725,866.26
Motion was made by Sup. Freeman/Sup. Wundrock to approve the Building Inspectors Report as Read. Motion carried.

Animal Control Officer: (a) Animal Report Forms: Motion was made by Sup. Wundrock/Sup. Freeman to accept the Animal Control Officer report as read. Motion carried. (b) Citation Letter/s: None issued.

Plan Commission-Lee Shaw, Chairman: Chairman Report on Status of Land

Division/Subdivision Ordinance: Lee Shaw reminded that the Public Hearing on the Land Division/Subdivision Ordinance will be held on Thursday, July 19th at 6:00 p.m. in the Mukwa Town Hall. The next regular Plan Commission meeting will be held on Wednesday, August 8th at 6:00 p.m. in the Mukwa Town Hall with Jeff Sanders from Omni Associates presenting the first, rough draft of the Non-Metallic Mining Ordinance and work time for any final questions on said Land Division/Subdivision Ordinance.

Roads: (a)Monthly Report: Mowing has been completed. Patching of holes is on-going. Chairman Heise met with a resident on Huntley Road regarding ditch issues on their property. Chairman Heise asked if Sup. Freeman & Sup. Wundrock would individually stop and take a look as well. (b)Bean City Road/Laib Road Construction Project Update: Tom Handschke has already received dirt for his ditch, but it only covered 25 ft. – more will be needed to complete. Advise that Tom should contact Doug Casey that more will be needed to complete his ditchline. Bean City work has been completed, but final billing from Northeast Asphalt has not been received. Laib will be completed when the County Highway Commission completes work on County Trunk X. (c)LRIP/TRIP – Klatt Road: Chairman Heise advised that Carol Radtke (New London) is fully supportive of this project, three plans have been put together to submit it to the LRIP Committee to see if we can get some funding. Will be added to next month's agenda. (d)Larry Rd: Discussion on Possible Change to 6-Ton Weight Limit: Due to improvements from adding the Class "B" signs, this situation will continue to be monitored, but no additional changes at this time. (e)Access to Ona Pine's Subdivision: Agreement with Royalton: The Mukwa Town Board met jointly with the Royalton Town Board and the developers of the Ona Pine's Subdivision, Ron and Glen Miller (as a Town of Royalton Special Meeting at the Town of Royalton Town Hall). The Town Chair of Royalton felt that since Mukwa was going to eventually receive increased tax revenue due to the new subdivision, but since all the construction equipment would be entering said subdivision through Town of Royalton roads, Mukwa should share the cost of road repairs. Supervisor Wundrock checked with the Wisconsin Towns Association legal department before the meeting to explain the situation and to find out if the Town truly had any legal obligations in this matter – the legal department advised that the Town of Mukwa was in no way monetarily responsible for any Town of Royalton roads, no matter the situation. The Miller's had taken the step of taking many digital pictures of the road/s in question to keep track of any damages. The three groups present caucused and it was decided, in the spirit of being "good neighbors" and with the provision that the Town of Royalton obtain at least two bids for repairs then the cost would be split between the three groups, if any further road work would need to be done, further meetings would need to be called.

Variances: Scott Edminster-Shaw Road: Mr. Edminster brought a copy of his proposed plan to put up a garage, the Board advised him of the proper steps to get the variance needed. The Board advised Mr. Edminster that communication with the neighbors on his proposed plan is an important first step, preferably a letter in writing from the County as to what is necessary and neighbor signatures that they are accepting of this project. Mr. Edminster was advised that it is necessary to set up a hearing with Waupaca County Zoning.

Vicki Engel-Possible Town Property Purchase-Train Dogs for the Disabled: Ms. Engel was interested in purchasing a home on Ostrander Road to train dogs for the disabled, with a maximum of ten dogs being housed at one time. Dogs are breeder certified and are picked for the condition of the people they are going to. Ms. Engel is currently running this type of operation from her home in the Town of Menasha, this is a non-profit organization under the Association of Pet Dog Trainers and she has an application pending with the Assistance Dogs International. Motion was made by Sup. Wundrock/ Sup. Freeman that the Town of Mukwa Board will go on record as encouraging Mrs. Engel to purchase property to train dogs for the disabled. Motion carried.

Waupaca County Zoning/Other Meetings (Attended/Upcoming): Attended: (1)Towns Fire Association Meeting Regarding 2008 Budget: Chairman Heise attended the Towns Fire Associating Meeting Regarding the 2008 budget with the Towns of Caledonia, Maple Creek, Lebanon and Liberty. The Rural Fire Department went on record as approving the change of 72% City and 28% Towns (previously was 70/30). The group also went on record as to not put money into the NLFD budget for the replacement of trucks, or to turn the rural tanker over to the NLFD, and to use the assessed valuation of the Towns for splitting the percentages. These issues

will be discussed completely at the July 17th New London Rural Fire Department Meeting- findings of this meeting will be addressed at the August 20th Monthly Board Meeting. (2)Public Informational Meeting Regarding the Cth D & Beckert Road Intersection: Chairman Heise and Supervisor Wundrock and Supervisor Freeman attended this meeting, which was held at St. Joseph Residence on July 16th - Waupaca County Highway Commissioner, Dean Steingraber wanted to address the concerns regarding this intersection. Several options were provided, \$150,000 for traffic lights, paint lanes for left-hand turns from the south and north, or stop signs from the south and north-this seemed to be the most accepted option. Each Town was given a comment sheet to complete and return to the New London Public Works/ Waupaca County Highway Commission. Motion was made by Sup. Wundrock/ Sup. Freeman to complete and return the comment sheet that the Mukwa Town Board is in favor of the 4-way stop option on the corner of Beckert and County Trunk D. Motion carried.

First Reading of Amended Ordinance 2-06 – Speed Limit Ordinance on Bean City Road: Motion was made by Sup. Wundrock/Sup. Freeman to postpone this reading and go with the recommendation of Waupaca County Supervisor Bob Fleese to have a Waupaca County Sheriff do a speed study with radar to see what the average speed is and to have Officer Jim Binder clarify his original letter to the Town. Motion carried.

Firework Permit – Todd & Deanne Hanson: Motion was made by Sup. Wundrock/Chairman Heise to deny this permit due to fire concerns. Motion carried.

National Incident Management Systems (NIMS) Training: Motion was made by Chairman Heise/Sup. Freeman to authorize Sup. Wundrock follow-up on NIMS Training. Motion carried.

Operator License Approval – Royaltown Station Convenience Center – Tina Dumbleton: Motion was made by Sup. Freeman/Sup. Wundrock to approve the issuance of an operator's license to Tina Dumbleton for the Royaltown Station Convenience Center. Motion carried.

Correspondence: Correspondence was reviewed.

Motion to adjourn was made by Chairman Heise. Seconded by Supervisor Freeman. Motion carried.

Respectfully Submitted,

Jeannette Zielinski, Clerk

Public Hearing – Proposed Land Division/Subdivision Ordinance Hearing

July 16, 2007 – 6:00 p.m.

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July 6, 2007 and the final agenda was posted in the three designated places on July 11, 2007.

Roll call of Officers: Walter Heise, Chairman – here; Michael Wundrock, Supervisor 1 – here; Neil Freeman, Supervisor 2 – here; Brenda Grove, Treasurer – here; Jeannette Zielinski, Clerk – here.

Robert's Rules of Order apply to all Town of Mukwa Meetings.

Introduction of Plan Commission Members: Chairman-Lee Shaw; Vice-Chairman-Lyle Cherney; Recording Secretary-Katherine Hoffman; Neil Freeman; Matt Manske; Catherine Stern; John Love and an Ex-Oficio Member-Paul Hanlon. Plan Commission Chairman, Lee Shaw also acknowledged Jim Curns, who resigned May 21st (and was replaced by Matt Manske) and put a lot of work into the proposed Land Division/Subdivision Ordinance. Thanks again Jim.

After introductions were made, Chairman Heise turned the Public Hearing to Jeff Sanders from Omni Associates who briefly explained the work leading up to this point. This proposed ordinance resulted from the Town's Comprehensive Plan (Smart Growth) process, during the development of the Plan and looking at potential development pressures, currently and down the road, the community through the Comprehensive Planning Committee-Land Use Committee, decided that development of a subdivision ordinance would be appropriate. The ordinance itself, as required by law differs from the County's ordinance, state statute requires that when a local government (ie. Town/Village) adopts its own land division or subdivision ordinance, it must be more stringent than the county ordinance. What qualifies as more stringent – essentially, the primary way that Mukwa's proposed ordinance is more stringent than Waupaca County's is through the development specification and actuation of conservation subdivisions. During the comprehensive planning process, surveys were sent to residents and feedback was received at meetings and the public hearing regarding whether conservation subdivisions should be allowed, encouraged or required. The decision after reviewing all information was that said subdivisions should be encouraged, conventional subdivisions are still allowed, however, if a land owner or developer would choose to do a conservation subdivision, they would earn a density bonus. A density bonus essentially allows for a greater number of lots and homes than would be allowed in a conventional subdivision, our plan allows for a 20% density bonus. For example, if a developer were allowed to build 50 homes in a conventional subdivision, but if they chose to develop as a conservation subdivision, they would be able to build 60 in a conservation subdivision. Basically, the processes and functions of the proposed Land Division/Subdivision Ordinance are the same or similar to Waupaca County's Ordinances. The main difference is the definition and implementation of the conservation subdivisions, and in conservation subdivisions, the requirement is 40% set-aside, minimum lot sizes are smaller than would be allowed in a conventional subdivision, secondary conservation areas are identified and should be protected when development occurs. The changes created by this ordinance are not significant when compared to the Waupaca County plan.

Jeff then explained the rules for the Public Hearing, with Comment Cards being provided, for written comments to be submitted to the Town Board and oral comments with a five-minute time limit were acceptable as well. Time-permitting, additional comments would be provided at the end of the hearing.

Wayne Poppy asked if a public road is mandatory for lot access or if they could be on private roads. Jeff Sanders, Omni Associates explained that there was nothing in the proposed ordinance that either requires use of a public road, nor prohibits private - would be determined on a case-by-case basis. The developer would need to present their proposed plan to the Plan Commission and it would be determined at that time. Mr. Sanders reminded all present that once the proposed land division/subdivision ordinance is passed and adopted, land owners/developers will no longer will requests for certified surveys (minor land divisions) go to Waupaca County Zoning, they will be addressed by the Town of Mukwa Plan Commission and Town Board will assume that administrative responsibility for the split of minor/major land divisions in the Town.

Al Hoffman made a motion to open the Public Hearing on the Proposed Land Division/Subdivision Ordinance. A second to said motion was made by Jim Curns. Aye – All Present - Motion carried.

Oral Comments:

Sup. Mike Wundrock – Dawn Drive: Supervisor Wundrock wanted clarification on page 2, XX.04 (10)(11) and (14) regarding the vagueness of the items. Mr. Sanders explained much of the language was “conveniently ambiguous” and some of the language is standard due to statutory requirements and are present in all such ordinances. Plan Commission member, Katherine Hoffman further explained that as there are so many unique situations, and to be able to

handle them individually, it was determined to purposely leave some verbage “open” so as to deal with conditions on a case-by-case basis. Sup. Wundrock further requested clarification on page 8, (3) – whether this provision dealt solely with conservation subdivisions. Mr. Sanders, Omni Associates explained that this provision was left somewhat vague in case the minimum lot size for conventional or conservation subdivisions would change in the future.

Sup. Neil Freeman – Bean City Road: Supervisor Freeman had a question on page 28, XX.56 regarding Building Setback Lines & Siting Suggestions – Supervisor Freeman agreed that the provisions in XX.56 were adequate for a subdivision, but he had concerns about new homes built on other town roads, or if any of the lots in a subdivision would front an existing town road, and the possibility of road repairs/widening in the future. It was explained that this particular concern really is not addressed in this particular ordinance, as this was solely about subdivisions. Mr. Sanders explained again that the openness of the ordinance will leave this topic open again for review on a case-by-case basis, if the need would arise to address this issue. Again, it was stressed that the requirements in XX.56 are minimums, they can be adjusted situationally as a condition of plat approval.

Town of Mukwa Attorney, Bob Sorenson wanted to clarify for all present item XX.06 on page 2. Attorney Sorenson wanted to ensure that it was completely understood – if the Town currently has ordinances that are contrary to the proposed land division/subdivision ordinance, they will need to be expressly revoked at a monthly town board meeting.

Larry Schlueter – County Trunk D: Mr. Schlueter asked Jeff Sanders, Omni Associates to possibly give examples of other municipalities which may have minimum road width requirements – currently the Town of Mukwa per Ordinance 1-90, Section 1(d) states: “The minimum width for any lot in the Town of Mukwa, that fronts a public highway shall be 180 feet.” Mr. Sanders did not know of any other municipality with such a requirement. Mr. Schlueter and others present felt, that this requirement is obsolete and should no longer be required. Mr. Sanders advised that the Waupaca County Zoning Ordinance has already established lot widths for the various zoning classifications, for example, R20-single-family dwelling is 100 feet minimum width, and unless this ordinance establishes “numbers” differing from the Waupaca County Zoning Ordinance, that would be the minimum requirement for the Town of Mukwa.

Motion to adjourn the Public Hearing on the Proposed Land Division/Subdivision Ordinance was made by Larry Schlueter. A second to the motion was made by Jack Thyssen. Aye - All Present. Motion carried.

Respectfully Submitted,

Jeannette Zielinski, Clerk