

REGULAR VILLAGE BOARD MEETING MINUTES

Wednesday, February 19, 2020

Call to Order

The Village President Winchowky called the meeting to order at 6:30p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Board Members present: Eric Brill
 Jim Decker
 Darlene Johnson
 Roger Walsh
 Jason Wamser
 Fred Winchowky, Village President

Also present: John Weidl, Village Administrator
 Ron Bittner, Public Works Director
 Mark Blum, Village Attorney
 Dave Brown, Utilities Director
 Diana Dykstra, Clerk-Treasurer
 Kevin Schmidt, Police Chief
 Jerad Wegner, Village Engineer
 Ben Kohout, Village Planner
 Jeff Stein, Fire Chief
 Diana Doherty, Finance Director (arriving approximately 7:15pm)

Excused Jay Vermeulen

Pledge of Allegiance

Comments from the Public

Colleen Farmer & Tasha Ventimiglia, 1327 Orchard Lane, as residents in Walworth County they are asking that any decisions made on issues that affect them to please consider discussing it with them. They noted the recent creation of TID #5 hurt them financially due to the TID only being applied across Walworth County residents. She suggested they possible consider annexation or transfer into Waukesha county, build more homes in the Walworth portion, or seek advice of the Dept. of Revenue. She additionally expressed concerns for property being given away to Banker Wire.

David Amyx, 1410 Applewood Cir., noted he is a Walworth resident as well and feels the Village should work to reduce the tax or burden on their property for this TID. Consider annexing him to Waukesha County.

Walsh/Wamser motion to move item 13.1 forward on the agenda. Unanimously carried.

Update on legislation surrounding the Tax Increment District financing as it relates to multi-county municipalities.

Administrator Weidl noted they have contracted with Ehlers and Associates and they plan to utilize the League as well as local Legislators to help correct this issue. They hopefully will be able to craft legislation for 2021 legislative session. No adjustments are able to be made at this point.

Attorney Blum noted annexation can't apply in this situation because they would need detachment support from the County level.
Further information is coming on the subject.

Presentations

Presentation from Karl James & Company LLC on Brand Positioning for the Village of Mukwonago.

Karl Robe was present to provide a presentation on the brand positioning for the Village. He noted what was being presented is what has been developed at this moment. Several Trustees felt the Bear was very important to incorporate into the logo to maintain historical integrity. They would like to see it in other colors, remove the highway or river, and insertion of the Bear. Since this was a draft, they asked for Trustees to send Karl and John their comments before they mock up any additional variations.

Consent Agenda

- 6.1 Motion to approve minutes of the Village Board meeting of January 15, 2020.
- 6.2 Motion to approve Vouchers in the amount of \$5,410,518.67
- 6.3 Motion to approve purchase requisition for a 2020 Chevrolet 2500HD Service Truck for the Utilities Department.
- 6.4 Motion to approve the Purchase Order for park equipment from Keeper Goals in the amount of \$11,760.
- 6.5 Motion to approve of 2019 Paving Rehabilitation Close-out Change Order and Final Payment.
- 6.6 Motion to approve the Purchase requisition for one new squad 2020 Dodge Durango in the amount of \$32,019 from Lynch Chrysler Dodge Jeep.
- 6.7 Motion to approve TID #5 Phase 2 Public Improvements Close-out Change Order and Final Payment.
- 6.8 Motion to approve 2019 Street Rehabilitation Close-out Change Order and Final Payment.
- 6.9 Motion to approve purchase requisition for pedestrian crossing lights at STH 83 & Lincoln Avenue.
- 6.10 Motion to approve special event application for Summerfeste 2020 sponsored by the Mukwonago Lions Foundation, held at Field Park June 18, 19, 20, 21, 2020.
- 6.11 Motion to approve special event application for the Annual Easter Egg Hunt sponsored by the Mukwonago Lions Foundation, located at Field Park April 4, 2020 (rain date April 11, 2020).
- 6.12 Motion to approve special event request for ProHealth Park Walk for Cancer at Field Park on May 1 (preparation for event) and May 2 (event).
- 6.13 Motion to approve the Temporary Class "B" / "Class B" Retailers License for Mukwonago Lions Foundation for Summerfeste 2020, June 17, 18, 19, 20, 21.
- 6.14 Motion to approve Letter of Credit Reduction No. 1 for Box Self Storage Development to \$191,089.50.

Decker/Johnson motion to approve the Consent Agenda. Unanimously carried.

Report from Library Director, Angela Zimmermann

Library Director Angela Zimmermann provided an update on the 3D renderings of the Library addition, along with the most recent statistics.

Downtown Development Committee, Trustee Walsh

Summary of conversation with DOT regarding Downtown Hwy 83 and Feb 27th Open House Announcement.

Trustee Walsh noted he spoke with the DOT regarding the reroute of 83 which he found was not on their radar. They did agree to open communication with them for the Wayfind Signage and Streetscape program. He presented the flyer for the Open House on February 27, 2020 from 6pm to 8pm where residents can come look at plans.

Finance Committee, Trustee Vermeulen

Motion to approve Vouchers in the amount of \$393,155.45.

Johnson/Decker motion to approve. Unanimously carried.

Deback Drive Mandatory Alternate Proposal Analysis

Finance Director Doherty reviewed her analysis based on the assumptions provided. The additional alternative best case would include a recovery period of 18 years. The worst case would be 78 years to recover those costs. Administrator Weidl explained the TID is under performing, however there is 13 acres for Teronomy to Develop and they have (5) years to perform or the Village has the option to purchase. They could also consider extending the TID by (3) years. Another option would be for TID#5 which has about 1.2 Million set aside for Hwy 83 construction costs. They could move soils later and TID can pay for it and build commercial lot across the street. No action was necessary, as this item is set for action later on the agenda

Planning Commission Recommendations

RESOLUTION 2020-04 to approve a Site Plan Amendment for Pro Health Care Hospital and new Propane Tank Located on East side of facility at 240 Maple Ave. (Waukesha Memorial Hospital Inc, Owner/Applicant); Parcel MUKV 2016-993-002.

Trustee Brill recused himself from the room at 8:01pm.

Decker/Johnson motion to approve a Site Plan Amendment for Pro Health Care Hospital and new Propane Tank Located on East side of facility at 240 Maple Ave. (Waukesha Memorial Hospital Inc, Owner/Applicant); Parcel MUKV 2016-993-002

Motion carried, Trustee Brill abstained.

Trustee Brill returned to his seat at 8:02pm.

Resolution 2020-03 to approve a Planned Unit Development (PUD) Request and associated Site Plan and Architectural Review as a Conditional Use for a proposed 20 unit Residential Care Assisted Living Facility at 210 McDivitt Ln (Birchrock Properties LLC, Owner/Applicant); Parcel MUKV 2012-215-002.

Decker/Walsh motion to approve a Planned Unit Development (PUD) Request and associated Site Plan and Architectural Review as a Conditional Use for a proposed 20 unit Residential Care Assisted Living Facility at 210 McDivitt Ln (Birchrock Properties LLC, Owner/Applicant); Parcel MUKV 2012-215-002.

Trustee Wamser questioned the entryway matching brick, and asked about the late arriving plans wondering if the Plan Commission should be reviewing this again. He noted that there are multiple changes and they it wouldn't be appropriate to just rely on staff to approve. It doesn't put the Board in a good position.

Trustee Walsh removed his second. Motion failed for lack of second.

Decker motion to table. Motion failed for lack of second.

Wamser/Johnson motion to refer to Plan Commission for review and recommendation back to the Board.

Roll Call: "Yes" Trustee Brill, Johnson, Walsh, Wamser, Winchowky. "No" Trustee Decker.
Motion carried 5-1.

Public Works Committee, Trustee Wamser

Update on the Well #3 well pump improvements and repairs.

Director Brown noted they were able to drill down past the tool. The DNR explained the tool has to be pressed. Water Well is concerned if they block off, that section of the well is best producing portion for water production. They are continuing to work with DNR and are asking for another 85 hours to the next Board meeting.

Wamser/Johnson motion to extend proposal by \$30,000. Unanimously carried.

Motion to approve waste hauler refunds due to rate increase, as presented contingent upon offsetting any outstanding liabilities owed to the Village.

Director Brown noted the Village Attorney calculated refunds and there will be a new ordinance to handle the charges moving forward.

Wamser/Brill motion to approve waste hauler refunds due to rate increase, as presented contingent upon offsetting any outstanding liabilities owed to the Village
Unanimously carried.

Protective Services, Trustee Brill

Discussion and action on the 2019 Fire Department Settlement and authorization for the Finance Director to create a 2019 Budget Amendment.

Trustee Brill reviewed they were advised of an \$18,000 over budget, so they had a meeting to review. Doherty stated each town and village together has an account to set aside money which is retained in their operating budget. The Fire Dept is holding these funds which will be reduced by the overage.

Brill/Johnson motion to approve the reduction of that account by the Village portion of \$9,407.37 and subject to Town approval. Unanimously carried.

Fire Department Study Update

Chief Stein noted the project team should have a final draft next week, and they will schedule a joint presentation.

Discussion and action to approve the sale of used equipment and apparatus including a Utility Vehicle 3481, Engine 3461, Mako Air Compressor, SCOTT SCBA Harnesses, and LUCAS 2.

Brill/Johnson motion to approve the sale. Doherty noted they will transfer funds to capital and use against purchase of new capital.

Unanimously Carried.

Discussion and action on the purchase of Ballistic Gear

It was noted this is split with the Township, and it has already been approved and budgeted for. No action was required. It was for information only.

Discussion and action on the purchase of a 2020 Chevrolet Silverado 3500HD

Decker/Johnson motion to approve the purchase of a 2020 Chevrolet Silverado 3500HD. It was noted it is required to be ordered by March 1 and it is budgeted item. Unanimously carried.

Intercept Agreement with Elkhorn FD

Chief Stein noted this is a new agreement. They only have about 3-6 calls a year, the Village Attorney has a few provisions to include from his review.

Brill/Decker motion to approve the Intercept Agreement with Elkhorn Fire Department and allow the Village President to sign upon Attorney review and approval, subject to Town approval. Unanimously carried.

Damage to 3488 \$3,200

Trustee Brill noted this was an accident to the Intercept Vehicle Tahoe during the snow storm on E/EE. All other damage was repaired and it was under their \$5,000 deductible.

New MSA G1 packs in service 02-01-2020

Chief Stein noted these are the new breathing packs and suggested everyone stop by to see what's going on.

Fire & Ambulance Reports for 2020 *(for information only, no action required)*

Reports are on file.

Monthly Police Department Report *(for information purposes only)*

The January Police Department Report was placed on file.

Village Administrator

Review of comments on proposed Cooperative Boundary Agreement between the Town of Vernon and the Town of Waukesha.

Trustee Johnson recused herself at 8:41pm.

Attorney Blum introduced the proposed comment letter and consensus was to submit. No action was required.

Trustee Johnson returned to her seat at 8:42pm.

Discussion and possible action on a Memorandum of Understanding between the Village of Mukwonago and the Wisconsin Department of Transportation for access to WIS 83 between the Village of Mukwonago and the Wisconsin Department of Transportation for the Mukwonago TID #5 (Banker Wire) development site located on lands on the northeast side of WIS 83 opposite of Boxhorn Drive.

Johnson/Decker motion to approve. It was noted changes were reviewed and approved by the Attorney. Unanimously carried.

Discussion and possible action on Economic Development Cooperation Contract between Waukesha County Center for Growth, Inc. and the Village of Mukwonago in the amount of \$6,108.56.

Administrator Weidl noted this is the same contract as last year and is for (1) year which can be canceled at any time.

Decker/Brill motion to allow the Village President to sign and approve the Economic Development Cooperation Contract between Waukesha County Center for Growth, Inc. and the Village of Mukwonago in the amount of \$6,108.56.

Unanimously carried.

Village President

Acknowledgement of letter from Dr. Chris Hibner, Superintendent of the East Troy Community School District regarding the April 7, 2020 Referendum.

Appointments to Historic Preservation Committee:

Ben Kohout, Village Planner, for a term expiring 2021
Jeff Vanevenhoven, Historian, for a term expiring 2023
Ray Gooden, Real Estate Broker, for a term expiring 2023
Jim Decker, Village Trustee, for a term expiring 2021
Mary Patz, Citizen Member, for a term expiring 2022
Jeane Coley, Citizen Member, for a term expiring 2023
Scott Reeves, Citizen Member, for a term expiring 2022

Johnson/Decker motion to approve appointments listed to the Historic Preservation Committee. It was noted they will meet the 1st Thursday of the Month if necessary at 6pm. Trustee Walsh noted he would prefer to see a residential realtor appointment rather than a commercial realtor appointed. Unanimously carried.

Appointment of Mark Penzkover to the Plan Commission for a term expiring in 2020. Decker/Johnson motion to approve. Unanimously carried.

Appointment of Joseph McAdams to the Police Commission for a term expiring in 2021. Decker/Brill motion to approve. Unanimously carried.

Appointment of Shane Herbig to the Joint Fire Commission to a term expiring in 2020. Johnson/Decker motion to approve. Unanimously carried.

Closed Session

Decker/Johnson motion to go into Closed session pursuant to **Wis. Stats. § 19.85(1)(e)** (*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*) for negotiation with 301 Main Street, 830 E Veteran's Way, Ground Lease with US Cellular, and contract with Musson Brothers regarding the DeBack Drive infrastructure contract; and pursuant to **Wis. Stats. § 19.85(1)(c)** (*Compensation and Evaluation. Considering employment, promotion, compensation or performance evaluation data of any public employee subject to the jurisdiction or authority of governing body.*) concerning Police Chief, and the evaluation of the Village Administrator at 8:54pm.

Roll Call "Yes" Trustee Brill, Decker, Johnson, Walsh, Wamser, Winchowky. Unanimously carried.

Reconvene into Open Session

Johnson/Decker motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) for possible discussion and/or action concerning any matter discussed in closed session at 10:35pm.

Roll Call "Yes" Trustee Brill, Decker, Johnson, Walsh, Wamser, Winchowky. Unanimously carried.

Award of Contract to Musson Brothers, Inc. the DeBack Drive Infrastructure with the mandatory alternate, subject to approval of form by the Village Attorney.

Decker/Wamser motion to approve the Base Bid with no alternate to Musson Brothers, Inc. the DeBack Drive Infrastructure. Motion carried 4-2, President Winchowky, and Trustee Johnson voted no.

Discussion and possible action on Counter Offer for 301 Main Street

Wamser/Decker motion to approve counter offer for 301 Main Street. Unanimously carried.

Discussion and possible action on possible land purchase at 830 E. Veteran's Way.

It was suggested the Village call and discuss being able to provide 30 days.

Discussion and possible action on a Ground Lease Agreement between The Village of Mukwonago and United States US Cellular Operating Company LLC.

Wamser/Brill motion to approve a Ground Lease Agreement between The Village of Mukwonago and United States US Cellular Operating Company LLC. Unanimously carried.

Adjournment

Meeting adjourned at 10:38pm.

Respectfully Submitted,

/s/ Diana A. Dykstra, CMC
Clerk-Treasurer