

REGULAR VILLAGE BOARD MEETING MINUTES

Wednesday, March 18, 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
 Mark Blum, Village Attorney
 Diana Dykstra, Clerk-Treasurer

Excused Jay Vermeulen

Pledge of Allegiance

Comments from the Public

David Boebel, 815 Parkview Lane wanted to discuss the poor behavior at the committee of the whole. He felt he was censored because he was not called upon to speak and his name was on the sign up sheet. He feels public comments should be included at every meeting. He further discussed the sign issue before the Board and cannot understand why the village wants electronic signs. He explained he has reviewed the budget and the costs. He is disappointed but will continue to keep working to change.

Glenn Dieball, Shady Lane, was present regarding his application for a B/C combination license. He wanted the Board to know if they had any questions he was present to respond to any questions they may have for his license application.

Public Hearings

Public Hearing on the consideration of an amendment to Section 100-30 of the Mukwonago Municipal Code of Ordinances regarding public comment inclusion at Plan Commission meetings.

Hearing no comments, Public Hearing was closed at 6:37pm

Public Hearing on the consideration of creating Sections 79-68, 79-69, 79-70, and 79-71, to amend Chapter 74, and Section 100-452 of the Mukwonago Municipal Code regarding the regulation of Wireless Telecommunication Mobile Service and Right-of-Way Permits.

Hearing no comments, Public Hearing was closed at 6:38pm

Public Hearing on the consideration of an ordinance amendment to Section 100-14 of the Mukwonago Village Code of Ordinances, proposing inclusions to add language providing for forms for building permits to be prepared electronically by accessing them from the Village website.

Hearing no comments, Public Hearing was closed at 6:39pm

Public Hearing to consider exceeding an alcohol license quota pursuant to Section 6-36 of the Municipal Code of the Village of Mukwonago for a combination Original Class B Fermented Malt Beverage and Class C Wine License application of Brew 52, LLC d/b/a Caffeinated Cafe, 1146 N. Rochester St., Mukwonago, WI 53149, Glenn Dieball Agent.

Hearing no comments, the Public Hearing was closed at 6:39pm

Presentations

The following Presentations were postponed until further notice.

Stormwater MS4 permit presentation

Downtown Report for 2019 presented by Makenzee Loft

Consent Agenda

Johnson/Wamser motion to remove from Consent Agenda items 7.3, 7.4, 7.5, 7.6.

Unanimously carried.

Decker/Wamser motion to approve Consent Agenda.

7.1 Approval of Village Board Meeting minutes of February 19, 2020 and Special Village Board Meeting minutes of February 5, 2020 and March 4, 2020.

7.2 Motion to approve Vouchers in the amount of \$2,382,879.31.

7.7 Motion to approve **Task Order No. 2020-02** from Ruekert Mielke, Inc. for construction related services of DeBack Drive Infrastructure.

7.8 Motion to approve a Storm Water Maintenance Agreement with Castle Senior Living, At 210 McDivitt Lane for building addition and other work, contingent upon Attorney and Engineer approval.

7.9 Motion to approve a Purchase Requisition for a valve exerciser and install with Northern Sewer Equipment in the amount of \$31,380.

7.10 Motion to approve TID #5 Public Improvements Close-out Change Order and Final Payment.

7.11 Motion to approve WWTF Chemical Storage Building Bid Award to J.H. Hassinger, Inc. for the sum of \$614,766.00.

7.12 Motion to award Wolf Paving, Inc. the River Park Estates Rehabilitation Phase 2 contract, and to award the 8-foot wide mandatory alternate for the additional paving of Miniwaukan Park Multi-Use Trail.

7.13 Motion to approve **Ordinance 973** an Ordinance to amend Section #34-46, 34-47 (a) and 34-49 (b) & (c) of the Village of Mukwonago Municipal Code regarding abandon or junked motor vehicles.

7.14 Motion to approve a contract for electronic recycling with Refrigeration Depot, LLC pending Village Attorney approval.

Unanimously carried.

Johnson/Decker motion to approve remaining Items 7.3, 7.4, 7.5, 7.6.

7.3 Motion to approve **Resolution 2020-11** to authorize payment and charge back for an Assessor Error in the amount of \$5,795.68 for Tax Key VM 00008

7.4 Motion to approve **Resolution 2020-010** to authorize payment and charge back for an Assessor Error in the amount of \$1,718.73 for Tax Key MUKV2091-011-002

7.5 Motion to approve **Resolution 2020-09** to authorize payment and charge back for an Assessor Error in the amount of \$13,848.37 for Tax Key MUKV1962-996-009

7.6 Motion to approve **Resolution 2020-08** to authorize payment and charge back for an Assessor Error in the amount of \$11,169.18 for Tax Key MUKV1962-996-008

Unanimously carried.

Other Items for Approval

Other items removed from Consent Agenda which were not unanimously approved from the Committee of the Whole.

Motion to approve Resolution 2020-06 establishing a policy regarding the use of messaging on the Village's electronic reader board signs.

Decker/Johnson motion to approve Resolution 2020-06 establishing a policy regarding the use of messaging on the Village's electronic reader board signs.

Roll Call: "Yes" Trustee Brill, Decker, Wamser and Winchowky. "No" Trustee Johnson and Walsh. Motion carried 4-2

Downtown Development Committee, Trustee Walsh

Discussion and possible action to support the Downtown Strategic Plan Recommendation to reroute State Highway 83.

Trustee Walsh noted that this has been discussed for some time. He is looking for a motion for the Board to reroute Hwy. 83. He noted he is looking for a motion as indication of this being a live situation.

Johnson/Wamser motion to approve support of Hwy. 83 reroute.

Trustee Decker noted that \$125,000 was spent with (2) years of meeting with the DOT and it was determined that Holtz Parkway would have to be rebuilt. It impedes (3) subdivisions access to roads, schools, church, and retirement community. Our public works can't even get out of their driveway. He questions who will pay for the new lights. Even if you re-route you will only get a 10% reduction in traffic as noted in the prior meetings.

Trustee Walsh noted the DOT didn't talk money but this was the number one recommendation to reroute Hwy 83. There was further discussion regarding the challenges.

Trustee Decker questioned is it practical and do we have the resources?

Trustee Wamser noted he would like to have more background on the item before.

Administrator Weidl noted the Engineer would have to do exploratory before they had more information.

Trustee Walsh confirmed the Village had a feasibility study completed and would like to know if that information still holds true.

Trustee Johnson noted she is additionally concerned about the cost, and remembers the past discussions and would like more information first.

President Winchowky noted that previously they were presented with a 4-lane plan and confirmed they are looking to see if the numbers are the same or to explore before taking any action on it. Johnson/Wamser withdraw their motion.

Walsh/Brill motion to pass an advisory motion to Village of Mukwonago to renew discussion and study information for alternate route of Hwy 83 in collaboration with Waukesha Co.

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

Downtown Development Committee Summary: 10 Months including:

Trustee Walsh noted with the March 14th Streetscaping & Wayfinding Open House at Mukwonago Community Library they have closed out the public comment period. He noted he attended (2) events which cover the connect communities/WEDC requirements. Additionally noting that FOTH is moving along with the proposed plan.

Finance Committee, Trustee Vermeulen

Motion to approve Resolution 2020-14 a resolution to adopt sewer rates for Septic Tank Waste and Holding Tank Waste.

Decker/Wamser motion to approve Resolution 2020-14 a resolution to adopt sewer rates for Septic Tank Waste and Holding Tank Waste.

Unanimously carried.

Motion to approve Vouchers in the amount of \$437,165.46

Johnson/Decker motion to approve Vouchers in the amount of \$437,165.46.

Unanimously carried.

Judicial Committee, Trustee Walsh

Motion to approve a petition to exceed the Class "C" Wine License quota pursuant to Sec. 6-36 of the Village of Mukwonago Municipal Code filed by Brew 52, LLC, 1146 N Rochester Street, Mukwonago, WI 53149.

Clerk Dykstra described the Village has established locally imposed quotas over and above what the State of Wisconsin requires. This process requires the applicant to pay an additional fee and file a petition with the village to exceed this quota. The Village has done this process for this type of license three times in the last few years.

Trustee Walsh noted that he felt paragraph two in the ordinance was not represented in the operation plan and the applicant hasn't satisfactorily met the criteria. Or the value the business brings to the community pursuant to the Ordinance. Attorney Blum noted that it is the board discussion if he has met the criteria here. It was noted the removal of the quota should be a future discussion.

Johnson/Decker motion to approve the petition to exceed the Class "C" Wine License quota pursuant to Sec. 6-36 of the Village of Mukwonago Municipal Code filed by Brew 52, LLC, 1146 N Rochester Street, Mukwonago, WI 53149.

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

Motion to approve an Original combination Class "B" Fermented Malt Beverage and Class "C" Wine License application from Brew 52, LLC, 1146 Rochester St., Mukwonago, WI 53149, Glen Dieball, Agent.

Johnson/Decker motion to approve an Original combination Class "B" Fermented Malt Beverage and Class "C" Wine License application from Brew 52, LLC, 1146 Rochester St., Mukwonago, WI 53149, Glen Dieball, Agent.

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

Motion to approve Ordinance 974 an Ordinance to create Section 100-30 of the Village of Mukwonago Municipal Code regarding the meetings of the Plan Commission

Walsh/Wamser motion to approve Ordinance 974 an Ordinance to create Section 100-30 of the Village of Mukwonago Municipal Code regarding the meetings of the Plan Commission. Attorney Blum noted this ordinance provides the proper format required for public comment as directed by the Board. Unanimously carried.

Motion to approve Ordinance 975 an Ordinance to amend Section 2-31 of the Village of Mukwonago Municipal Code to create subsection (10) *Public Comment*.

Walsh/Decker motion to approve Ordinance 975 an Ordinance to amend Section 2-31 of the Village of Mukwonago Municipal Code to create subsection (10) *Public Comment*.

This ordinance requires same language to the Village Board meetings. Unanimously carried.

Motion to approve Ordinance 977 an Ordinance amending Section 100-14 regarding accepting of electronic applications in lieu of paper applications.

Walsh/Decker motion to approve Ordinance 977 an Ordinance amending Section 100-14 regarding accepting of electronic applications in lieu of paper applications. Unanimously carried.

Motion to approve Ordinance 976 an Ordinance to amend Chapter 74 and Section 100-452 of the Village of Mukwonago Municipal Code regarding the regulation of wireless telecommunication mobile service and right-of-way permits.

Walsh/Decker motion to approve Ordinance 976 an Ordinance to amend Chapter 74 and Section 100-452 of the Village of Mukwonago Municipal Code regarding the regulation of wireless. It was noted this is required in order to regulate. Unanimously carried.

Planning Commission Recommendations

Motion to approve Resolution 2020-03 of 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/Wamser motion to approve Resolution 2020-03 of 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.

A new drawing was presented and reviewed. Unanimously carried.

Motion to approve Resolution 2020-13 on Certified Survey Map for creation of two roadways, two commercial lots and one lot for multi-family residential development as part of approved Planned Unit Development project known as Maple Centre. (Family Ventures of Mukwonago, LLC, Owner/Applicant); Parcel MUKV 2013-999-008.

Trustee Johnson stepped down at 7:59pm.

Administrator Weidl noted that the CSM matches the DA agreement which was already approved.

Decker/Brill motion to approve Resolution 2020-13 on Certified Survey Map for creation of two roadways, two commercial lots and one lot for multi-family residential development as part

of approved Planned Unit Development project known as Maple Centre. (Family Ventures of Mukwonago, LLC, Owner/Applicant); Parcel MUKV 2013-999-008.

Motion carried; Trustee Johnson abstained.

Motion to approve Resolution 2020-12 on Certified Survey Map for creation of one lot to be utilized as stormwater management detention basin for benefit multi-family residential development and given to adjacent property as part of approved Planned Unit Development project known as Maple Centre. (Village of Mukwonago, Owner/Applicant); Parcel MUKV 2013-995-002.

Decker/Brill motion to approve Resolution 2020-12 on Certified Survey Map for creation of one lot to be utilized as stormwater management detention basin for benefit multi-family residential development and given to adjacent property as part of approved Planned Unit Development project known as Maple Centre. (Village of Mukwonago, Owner/Applicant); Parcel MUKV 2013-995-002. Motion carried; Trustee Johnson abstained.

Trustee Johnson returned at 8:00pm.

Public Works Committee, Trustee Wamser

Discussion and possible action on a Resolution to approve sharing the cost of keeping the Fox River bridge open during construction.

Administrator Weidl noted that Finance Director Doherty found the money which can come from the ProHealth care funds.

Trustee Johnson stepped down at 8:01pm.

Darlene Johnson, Waukesha County Supervisor, presented her comments to the Board. She noted this has been a (4) year dialogue working to complete this project which should have been completed in 2018. There were delays in permits and then there were cost increases which doubled the Bids in 2019. They were provided two costs; one with the Bridge open and one with the Bridge closed. There was a difference of \$66,000 to keep this open and the Village of Mukwonago, Town of Vernon, and Town of Mukwonago met to discuss this on Monday March 6, 2020. There were thirteen participants in the meeting and all three municipalities sought to keep the bridge open. Townships were more restrictive on their funds, so Administrator Weidl suggested \$30,000 between (3) municipalities as a safety issue to keep the bridge open. Weidl offered \$20,000 from the Village, and each respective Town Chair would request \$5,000 each. This would be contingent upon formal commitment by March 31, 2020. It was an urgent approval required to move forward. Brill/Decker motion to approve Resolution 2020-15 a Resolution approving the shared cost of keeping the Fox River Bridge Open during construction.

Motion carried. Trustee Johnson Abstained.

Trustee Johnson returned to her seat at 8:14pm.

Discussion, update, and possible recommendation to the Village Board to approve Well #3 repairs

It was noted they are continuing to work on getting the tool that fell into the well removed. They should be done shortly. No further action was needed.

Protective Services, Trustee Brill

Police Department February Report was placed on file for review.

Village President

Village of Mukwonago emergency preparedness of the 2019 Coronavirus (COVID-19)

A. Declaration of Emergency for the Village of Mukwonago.

Decker/Wamser motion to approve **Resolution 2020-16** A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF MUKWONAGO TO DECLARE A STATE OF EMERGENCY WITHIN THE VILLAGE OF MUKWONAGO REGARDING COVID-19
Unanimously carried.

B. Discussion and possible action on virtual meetings.

Attorney Blum noted that the Governor has restricted mass gatherings of 10 or more people. There are exceptions for government. He noted one way to meet those restrictions if wanted, would be to hold virtual meetings as long as we can provide reasonable access. The Village could continue to meet with a video conferencing product. It should also have a feature to record. He was looking for some direction. It was directed all non-essential meetings would be canceled, and the Village would move forward to providing virtual meetings.

C. Consideration of issuing emergency orders as may be necessary for the health, safety, welfare and good order of the Village pursuant to Section 2-53 (b) of the Village of Mukwonago Code of Ordinances.

It was noted an emergency order statewide was declared and local governments are authorized to enforce the prevention of mass gatherings. The Village should be tracking their expenses and time. There will be notices placed on Village Buildings regarding closures. In-person absentee will continue unless further direction is received from the State of Wisconsin.

Acknowledgement of Correspondence from We Energies reaffirming the policy they do not permit hunting, use of any motorized vehicles such as snowmobiles, ATV's and and motorcycles, or access by non- We Energies or American Transmission Company vehicles on their rights of way and other company property in the Village.
No action was required this was for information purposes only.

Closed Session

No closed session was necessary.

Adjournment

Meeting adjourned at 8:46pm.

Respectfully Submitted

/s/ Diana Dykstra, CMC
Village Clerk-Treasurer