

REGULAR VILLAGE BOARD MEETING MINUTES

Wednesday, April 15, 2020

Call to Order

The Village President Winchowky called the Zoom Virtual meeting to order at 6:30p.m., hosted in the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Board Members present: Eric Brill
 Jim Decker
 Darlene Johnson
 Jay Vermuelen
 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
 Diana Doherty, Finance Director
 Ben Kohout, Village Planner
 Kevin Schmidt, Police Chief
 Jerad Wegner, Village Engineer
 Bob Harley, Supervisor of Inspections
 John Meiners, Trustee Elect
 Daniel Adler, Trustee Elect

Pledge of Allegiance

Comments from the Public

President Winchowky introduced the Public Comment Section. Hearing no comments, public comments were closed.

Consent Agenda

Johnson/Walsh motion to remove item #5.2. *(5.2 Motion to approve and to award a contract for Zoning Code and Sign Code Re Write to Civitek Consulting, Inc. for \$68,800.)*

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

Johnson/Walsh motion to approve remaining consent agenda items listed:

- 5.1 Motion to approve Vouchers in the amount of \$447,056.21.
- 5.3 Motion to approve **Ordinance 978** an Ordinance to amend Section 78-1 of the Village of Mukwonago Municipal Code regarding the composition, duties, and power of the Board of Review.
- 5.4 Motion to approve the request for educational pay incentive from Officer Taylor Zajichuk.
- 5.5 Motion to approve **Resolution 2020-17** a Resolution of the Village of Mukwonago Regarding Essential Governmental Functions/Employees, and general approval to utilize other village employees to supplement the Election Inspector shortage if necessary.

5.6 Motion to approve a Storm Water Maintenance Agreement with Bielinski Homes, Inc., for Chapman Farms Subdivision, a 64.51 acre development. (*Villas & Single Family Development*)

5.7 Motion to approve I-43 Elevated Tank Painting Final Payment Request in the amount of \$32,487.

5.8 Motion to approve **Task Order 2020-04** for Mulcahy Shaw to install, collect data, maintain, and remove the flow meters and Ruekert & Mielke, Inc. to evaluate analyze, and recommend improvements associated with the Atkinson Pump Station Capacity.

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

5.2 Motion to approve and to award a contract for Zoning Code and Sign Code Re Write to Civitek Consulting, Inc. for \$68,800

Trustee Walsh noted he had submitted information to the Board to take under advice. He is not concerned with the Contract, just looking to defer the awarding. He has concerns with business during the pandemic. He noted it would not be just this item but flattening the economic curve for all.

Planner Kohout noted the sign code is not in compliance and needs to be up to date and that cost would be \$14,500.

Walsh/Decker motion to defer approval of the Zoning Code Rewrite contract for 90 days, and approve the sign code rewrite estimated at \$14,500.

President Winchowky commented the contract should be honored.

Contractor agreed to a 90 day delay and would carve out the sign code to provide for an immediate review in the amount of \$14,500.

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

Finance Committee, Trustee Vermeulen

Motion to approve Vouchers in the amount of \$223,198.62.

Vermuelen/Johnson motion to approve Vouchers in the amount of \$223,198.62.

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

Discussion and possible action on temporary waiver of electronic payment processing fees for payment of 1st quarter utility bills.

Trustee Decker questioned if the Utilities could absorb this loss of revenue. Finance Director Doherty noted PSC has waived the interest and penalties already. Trustee Johnson noted she questioned this item at the last meeting because she noticed other communities were publicizing they were absorbing credit card fees.

Decker/Wamser motion to not waive credit card processing fees.

Roll Call: "Yes" Trustee Brill, Decker, Vermuelen, Walsh, and Wamser. "No" Trustee Johnson, and President Winchowky. Motion carried 5-2.

Public Works Committee, Trustee Wamser

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

Utility Director Brown noted they had been able to reach the tool, however it was unable to be retrieved. It will be capped off at that location. Trustee Johnson thanked Dave and his crew for their hard work on this. President Winchowky provided a special thanks to Trustee Wamser for his service to the Public Works Committee. No action was required.

Protective Services, Trustee Brill

Police Report for the month of March 2020. Report was placed on file. No action was required.

Village Administrator

Discussion and possible action as relates directing staff to prepare a report regarding essential expenditures for the remainder of FY (Fiscal Year) 2020 and FY2021.

Administrator Weidl introduced his memo and asked Attorney Blum if there is a reason they should be looking at expenditures. Blum noted it is certainly within the Administrator's authority to request staff to look at the 2020 budget and determine what is essential and not essential in preparation.

Johnson/Decker motion to direct staff to review budgets prepare a report for fiscal expenditures and categorize needs.

Doherty want to be sure that budget moving forward the Village is in a good situation.

Administrator Weidl noted this would be reviewed during Committee of the Whole in June or July.

Roll Call: "Yes" Trustee Brill, Decker, Johnson, Vermuelen, Walsh, Wamser, and Winchowky.

Unanimously carried.

Village President

Proclamation for National Public Safety Telecommunications Week April 12th – 18th, 2020

Johnson/Brill motion to accept a Proclamation for National Public Safety Telecommunications Week April 12th – 18th, 2020.

Roll Call: "Yes" Trustee Brill, Decker, Johnson, Vermuelen, Walsh, Wamser, and Winchowky.

Unanimously carried.

National Public Works Week Proclamation to designate May 17 - 23, 2020 as National Public Works Week in the Village of Mukwonago.

Wamser/Decker motion to accept National Public Works Week Proclamation to designate May 17 - 23, 2020 as National Public Works Week in the Village of Mukwonago.

Roll Call: "Yes" Trustee Brill, Decker, Johnson, Vermuelen, Walsh, Wamser, and Winchowky.

Unanimously carried.

Closed session

Decker/Johnson motion to go into Closed session pursuant to Wis. Stats § 19.85 (1) (g) (Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation) concerning Wal-Mart Real Estate Business Trust v. Village of Mukwonago, and GFLP/Darwin Greenwald V Village of Mukwonago and 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 the Developer's Agreement with Family Ventures of Mukwonago, Contract with Musson Brothers, and Contract with Douglass DeBack.

Roll Call: "Yes" Trustee Brill, Decker, Vermuelen, Walsh, Wamser, and Winchowky. Motion carried.

Trustee Johnson was excused from meeting.

Reconvene into Open Session

Decker/Walsh motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 8:25pm.

Roll Call: "Yes" Trustee Brill, Decker, Vermuelen, Walsh, Wamser, and Winchowky. Unanimously carried.

Trustee Johnson returned to the virtual meeting at 8:25pm.

Decker/Vermuelen motion to move forward with construction on DeBack Drive and execute the notice to proceed with Musson Brothers subject to Mortgage assigned with Family Ventures of Mukwonago and Amended Development Agreement.

Roll Call: "Yes" Trustee Brill, Decker, Vermuelen, Walsh, Wamser, and Winchowky. Trustee Johnson abstained. Motion carried.

Decker/Vermuelen motion to approve to amend Developers Agreement with Family Ventures of Mukwonago and accept a mortgage to be allowed as a form of surety on the property subject to final approval to form of the Developers Agreement subject to village staff and village attorney approval.

Roll Call: "Yes" Trustee Brill, Decker, Vermuelen, Walsh, Wamser, and Winchowky. Trustee Johnson abstained. Motion carried.

Decker/Vermuelen motion to accept a mortgage from Family Ventures of Mukwonago to follow through on their alternative surety and subject to terms acceptable to village staff and village attorney.

Roll Call: "Yes" Trustee Brill, Decker, Vermuelen, Walsh, Wamser, and Winchowky. Trustee Johnson abstained. Motion carried.

Adjournment

Meeting was adjourned at 8:29pm.

Respectfully Submitted,

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