

REGULAR VILLAGE BOARD MEETING

Wednesday, September 16, 2020

Time: **6:30 pm**

Place: **Mukwonago Municipal Building/ Board Room, 440 River Crest Court**

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

Present

Daniel Adler
Eric Brill
Jim Decker
Darlene Johnson
John Meiners
Roger Walsh
Fred Winchowky

Also Present

John Weidl, Village Administrator
Diana Doherty, Finance Director
Diana Dykstra, Village Clerk-Treasurer
Kevin Schmidt, Police Chief
Ron Bittner, DPW Director
Dave Brown, Utilities Director
Mark Blum, Village Attorney
Jerad Wegner, Village Engineer

Pledge of Allegiance

Presentations

President Winchowky presented retired Municipal Judge Daniel Smart with a plaque in honor of his service to the Village of Mukwonago.

Public Hearings

Public Hearing before the Village of Mukwonago Village Board to consider an application requesting changes to the text of the Zoning Code with regard to senior care facilities and related matters as requested by The Box Self Storage, LLC.

Matt Mehring, from Anderson-Ashton Engineering was present to discuss an overview of the project at National Avenue/Vanburen Drive. It is a two floor memory care facility and they are excited to move forward with this.

David Boebel, 815 Parkview Lane, made the following comments: *(Written Comments Provided)*

This ordinance is unnecessarily complicated and has no place in a forward looking zoning code. It needs to be rewritten in a larger context to accurately define the land uses required by a changing health care industry. It is arbitrary and out of character with the rest of the municipal code.

Terms and definitions: **Senior care facility** A residential care facility that includes at least two of the following types of residential care and is operated as a fully integrated facility by a single operating entity: This is defines a business model more than a land use. This is like saying a gas station has to have a fast food drive-thru, needless and irrelevant complication. There is no precedent in the municipal code for definitions of business operations.

If the health care industry needs new strategies for success in our community, we should be working to support that need, not hinder it with overly restrictive zoning. There is no reason to believe that combining two different types of health care facility is any more favorable with regard to the decision criteria set forth in Section 100-354. Consider the single use facilities that are missing from the current conditional use table:

A single use facility

1. is not detrimental to public health, safety, or welfare
2. does not impair or diminish uses, values or enjoyment of property in the surrounding neighborhood
3. does not impede the normal and ordinary development and improvement of surrounding property
4. is subject to the same site improvement requirements
5. manages ingress and egress in the same manner as a multi-use facility

Adding a minimum size requirement is arbitrary and has no bearing on the criteria above and is a possible hindrance to development of future health care facilities that the village needs. Remember that Linden Grove had only 40 assisted living beds when built. If that was the only facility to be built, I'm sure the village would have found a way to accommodate the project.

Note: there is no definition of memory care. Does that mean memory care does not qualify for the above conditional use?

Long and short, this is a failure of a conditional use definition and should be rejected until a more comprehensive update to the conditional use definitions can be made.

Comments from the Public

Micah Roberts, introduced himself and thanked everyone for their hard work. He was present to speak regarding 200 Grand Avenue. He appreciates the small town feel and knows that money is the largest driver of development. There are six units proposed on that lot and feels it is a very small space. He would like to see business in the downtown area and notes that if you need apartments consider business on the lower level and apartments on the top floor. He feels this is too much for the small town feel and encourages the vote of no on this project.

David Boebel, 815 Parkview Drive, noted he questions how some items appear on the agenda. It is an advisors job to tell the board of all possible solutions and not make decisions for them. He has concerns about the signage ordinance and public comments not be included on all meetings. This is the primary method of communication, in person.

Consent Agenda

All items listed are considered routine and/or have been unanimously recommended by the Committee of the Whole and will be enacted by one motion. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent agenda and be considered on the regular agenda.

7.1 Approve Minutes of the Regular Village Board Meeting of August 19, 2020 and Special Village Board Meeting of September 2, 2020.

7.2 Approve Vouchers in the amount of \$2,928,310.73.

7.3 Approve reallocating funds within the Police Capital Budget to defer the impound garage project and use the funds to replace the dispatch center's roof-top HVAC unit.

7.4 Approve moving forward with the purchase of a Laserfiche Cloud Document Management System with General Code at a cost not to exceed \$10,000, and seek reimbursement under the Roads to Recovery Grant.

- 7.5 Approve the remaining contract amount for Zoning Code and Sign Code Re Write to Civitek Consulting, Inc. for \$52,200.
- 7.6 Approve Granicus video streaming along with audio and visual upgrades to the Board Room for Board Meeting and to pursue reimbursement under the Roads to Recovery Grant.
- 7.7 Approve Resolution 2020-42 a Resolution that exempts the Library from the County Library Levy.
- 7.8 Approve the Art Fair at the Square special event application for Saturday, September 19, 2020 from 10:00AM to 4:00PM, with the Village named as additional insured on the certificate of insurance.
- 7.9 Approve the annual Fall Fest Special Event Application from the Chamber of Commerce for September 26, 2020.
- 7.10 Approve an application for Temporary Class "B" Retailers License from the Son's of the American Legion Post #375 at the Mukwonago Chamber of Commerce Fall Fest on September 26, 2020.
- 7.11 Approval of complaint procedure and form for the Village of Mukwonago, concerning conduct of Village Officials, officers, and employees.
- 7.12 Approve additional Well #3 Capacity Test with SUEZ in the amount of \$45,000.
- 7.13 Approve a Letter of Credit Reduction for Orchards of Mukwonago Addition #2 to a new value of \$51,944.28 contingent upon completing required punch list repairs identified by Staff.
- 7.14 Approve Resolution 2020- 47 a Resolution to accept the public storm sewer and roadway infrastructure for the Orchards of Mukwonago Addition No.2, contingent upon completion of all punch list items.
- 7.15 Approve release the Letter of Credit with Super Products, LLC.
- 7.16 Approve Task Order # 2020-09 Atkinson Pump Station Design, Bidding and Construction Services.
- 7.17 Approve Resolution 2020-48 a Resolution declaring an emergency and awarding the contract for the repair of the Mukwonago River Dam North Gate per Wis Stats Sect 62.15(1b) with a contract to hire Staab Construction Corporation in the amount of \$46,770, and approve Task Order 2020-11 with R & M to support engineering in the amount of \$6,500 for the project.

Decker/Johnson motion to approve consent agenda items 7.1 to 7.17 as listed. Unanimously carried..

Other Items for Approval

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

Discussion and possible action to approve Ordinance 983 an Ordinance regarding the keeping of domesticated Chickens.

Trustee Adler noted there were a few changes made to the application to include survey, fee, and building plans also noting there was a change to after (6) months of no longer using it would be taken down. The few minor changes he felt brought this ordinance to be well rounded.

Decker/Adler motion to approve Ordinance 983 an Ordinance regarding the keeping of domesticated Chickens.

Trustee Johnson commented as she has been opposed to this and appreciates the changes but still has been asked to oppose and feels she is the voice of those residents.

Roll Call: "Yes" Trustee Adler, Brill, Decker, Meiners, Walsh, and Winchowky. "No" Trustee Johnson. Motion carried 6-1

Planning Commission Recommendations

Discussion and possible action to approve RESOLUTION 2020 -38 on the Site Plan and Architectural Review Request for a Multi-family Residential Project at 200 Grand Ave (Ulrich M & Karen A Jentzsch Revocable Trust, Owner; Ulrich Jentzsch, Applicant); Parcel MUKV 1976-085-001

Administrator Weidl noted this was recommended by Plan Commission, and the only change was 20 feet for the driveway to allow for more greenspace.

President Winchowky noted this increase in density is part of the downtown plan and this will look like Townhomes.

Trustee Walsh commented he is opposed on a number of grounds. He felt this was one of the most visible sites in the Village and felt it was a lost opportunity to make a site transition to downtown and preserve the business and residential area.

Trustee Johnson also opposes this item and feels the business multi use would be better. She has heard residents are not in favor of this.

Trustee Adler noted he is opposed to this also and feels that the number one issue he hears is there are too many apartments and does not feel this is a good location. He feels traffic is an issue and there are only (5) guest parking spots. He feels it should be business with apartments above.

Trustee Brill noted the applicant made this site work with what officials require and they shouldn't be dictating what they do there.

Attorney Blum noted this is specifically site plan architectural review application and if anyone is opposed they would need to indicate what about the site plan they do not like.

Decker/Meiners motion to approve RESOLUTION 2020 -38 on the Site Plan and Architectural Review Request for a Multi-family Residential Project at 200 Grand Ave (Ulrich M & Karen A Jentzsch Revocable Trust, Owner; Ulrich Jentzsch, Applicant); Parcel MUKV 1976-085-001

Roll Call: "Yes" Trustee Brill, Decker, Meiners, Winchowky. "No" Trustee Adler, Johnson, and Walsh. Motion carried 4-3.

Discussion and possible action on the proposed text amendment Ordinance 984 of the Village's zoning code regarding senior care facilities and related matters; The Box Self Storage LLC, applicant; Robert Chandler, agent

Decker/Meiners motion to approve proposed text amendment Ordinance 984 of the Village's zoning code regarding senior care facilities and related matters; The Box Self Storage LLC, applicant; Robert Chandler, agent.

Trustee Johnson noted she has passed this area and has some concerns about not being able to get out into traffic.

Trustee Decker commented there is a need for senior care facilities in the Village.

Roll Call: "Yes" Trustee Adler, Brill, Decker, Meiners, Walsh, and Winchowky. "No" Trustee Johnson. Motion carried 6-1.

Discussion and possible action to approve RESOLUTION 2020-46 for Conditional Use for a senior care facility at 1654 Van Buren Dr, Parcel MUKV 2091-988-002; The Box Self Storage LLC, Applicant; Robert Chandler, Agent (Avenues)

Decker/Meiners motion to approve RESOLUTION 2020-46 for Conditional Use for a senior care facility at 1654 Van Buren Dr, Parcel MUKV 2091-988-002; The Box Self Storage LLC, Applicant; Robert Chandler, Agent (Avenues) with approved lighting plan.

President Winchowky noted he would like to see the lighting be approved.

Roll Call: "Yes" Trustee Adler, Brill, Decker, Meiners, Walsh, Winchowky. "No" Trustee Johnson. Motion carried 6-1.

Discussion and possible action to approve RESOLUTION 2020-43 for Site Plan and Architectural Review for The Avenues; The Box Self Storage LLC, Applicant; 1654 Van Buren Dr; Parcel MUKV 2091-988-002

Decker/Meiners motion to approve RESOLUTION 2020-43 for Site Plan and Architectural Review for The Avenues; The Box Self Storage LLC, Applicant; 1654 Van Buren Dr; Parcel MUKV 2091-988-002, with the condition of an approved lighting plan.

Roll Call: "Yes" Trustee Adler, Brill, Decker, Meiners, Walsh, and Winchowky. "No" Trustee Johnson. Motion carried 6-1.

Discussion and possible action to approve RESOLUTION 2020-45 for a wall sign for Malcolm Drilling located at 102 Hill Ct; Brady Frederick, Applicant; Parcel #A486800002

Decker/Meiners motion to approve RESOLUTION 2020-45 for a wall sign for Malcolm Drilling located at 102 Hill Ct; Brady Frederick, Applicant; Parcel #A486800002

Unanimously carried.

Discussion and possible action to approve RESOLUTION 2020-44 for Site Plan and Architectural Review for the Multi-Tenant Building; Hill Court Partners LLC, Applicant; Parcel #A477300002.

Administrator Weidl noted they are building a 150,000 sqft building and additional 50,000 to lease out to others. Plan Commission approved this item.

Decker/Meiners motion to approve RESOLUTION 2020-44 for Site Plan and Architectural Review for the Multi-Tenant Building; Hill Court Partners LLC, Applicant; Parcel #A477300002, contingent upon approval of the execution of a developer agreement and approved offer to purchase.

Trustee Johnson asked if during closed session is where the discussion on the offer will take place. She further asked if this was a new business. Administrator Weidl noted this is Banker Wire and they are bringing in new companies. Attorney Blum noted this is Village land that needs to be sold to them in order for this to happen.

Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Vouchers in the amount of \$318,689.97.

Meiners/Decker motion to approve Vouchers in the amount of \$318,689.97. Unanimously carried.

Recommendation and possible action on payroll tax holiday allowed by the IRS on employee portion of social security withholding.

Trustee Meiners noted this is only a deferral of taxes not an exemption and the plan would not be to do this because you would have to pay this back.

Meiners/Decker motion to opt out of the Payroll Tax Holiday allowed by the IRS.

Unanimously carried.

Health and Recreation Committee, Trustee Decker

Discussion and possible action to approve Indian Head Park Beach House Remodel Bids in the following divisions;

1. Demolition, Commonwealth Construction Corp in the amount of \$14,190
2. Concrete, Paun Construction in the amount of \$5,280
3. Masonry, TVJ Masonry, Inc in the amount of \$11,300
4. Carpentry, John Beres Builders in the amount of \$23,044
5. Roofing, Scott Davis Enterprises, Inc in the amount of \$6,670
6. Plumbing, Joe Debelak Plumbing and Heating in the amount of \$50,722
7. Electric, Lemberg Electric in the amount of \$16,018

Declined Bids

1. Steel Doors, Level Up Construction in the amount of \$16,140
2. HVAC, Joe Debelak Plumbing and Heating in the amount of \$5,429

DPW Director Bittner noted the beachhouse is in a floodway which limits the amount of improvements. They decided to bid out each area and some areas which received no bids will be completed by Village Staff. The Steel Doors and HVAC came in so high they decided to handle in house to meet the threshold.

Trustee Johnson asked where the money was coming from to meet this. Bittner noted it is in the capital project fund, and additionally because we are converting showers to bathrooms they can use some of the parkland site fee funds.

Decker/Brill motion to approve the lowest responsible bidders items # 1-7 as listed not to exceed \$142,824. Unanimously carried.

Judicial Committee, Trustee Walsh

Discussion and possible action on an Application for Temporary Class "B" Retailers License to sell Fermented Malt Beverages from the Rotary Club of Mukwonago for concession stand at the Americana Flower Station parking lot as a charitable fundraising event in conjunction with Fall Fest on September 26, 2020.

Walsh/Johnson motion to approve an Application for Temporary Class "B" Retailers License to sell Fermented Malt Beverages from the Rotary Club of Mukwonago for concession stand at the Americana Flower Station parking lot as a charitable fundraising event in conjunction with Fall Fest on September 26, 2020. Chief Schmidt noted the alcohol must be consumed on that property. Unanimously carried.

Protective Services, Trustee Adler

Discussion and possible action on Updated Suburban Critical Incident Team (SCIT) Mutual Aid Agreement and By – Laws

Chief Schmidt noted that every few years the bylaws and agreements are reviewed.

Attorney Blum has reviewed the agreement.

Adler/Johnson motion to approve the Updated Suburban Critical Incident Team (SCIT)

Mutual Aid Agreement and By – Laws. Unanimously carried.

Village President

Announcement that Trick or Treat Hours for the Village of Mukwonago will be on October 25, 2020 from 4pm - 6pm.

Decker/Johnson motion to approve Trick or Treat Hours for the Village of Mukwonago for October 25, 2020 from 4pm to 6pm. Unanimously carried.

Discussion and possible action to choose final coloring option (out of the top four) for the village branding project logo, and authorize Karl James and Associates to move forward with the final use guidelines.

Meiners/Decker motion to approve Option #1 as the logo final coloring option and authorize Karl James and Associates to move forward with the final use guidelines.

Roll Call: “Yes” Trustee Adler, Brill, Decker, Johnson, Meiners, Winchowky. Trustee Walsh abstained. Motion carried 6-1

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 Greenwald Family Limited Partnership vs. 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 Bloom Companies, LLC regarding Highway 83 Improvements, an Offer to Purchase from Hill Court Partners, LLC, and Village Attorney Compensation at 7:40pm.

Roll Call: “Yes” Trustee Adler, Brill, Decker, Johnson, Meiners, Walsh, and Winchowky. Unanimously carried.

Reconvene into Open Session

Decker/Johnson 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 8:30pm.

Roll Call: “Yes” Trustee Adler, Brill, Decker, Johnson, Meiners, Walsh, and Winchowky. Unanimously carried.

Decker/Johnson motion to approve the negotiated contract with Bloom Companies, LLC regarding Hwy 83 improvements. Unanimously carried.

Decker/Brill motion to approve offer to purchase from Hill Court Partners, LLC.

Roll Call: “Yes” Trustee Brill, Decker, Meiners, Winchowky. “No” Trustee Adler, Johnson, and Walsh. Motion carried 4-3.

Decker/Adler motion to approve the increase in the fees for Village Attorney effective January 1, 2021. Unanimously carried.

Adjournment

Meeting was adjourned at 8:36pm.

Respectfully Submitted,

Diana Dykstra, CMC
Village Clerk-Treasurer