

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, October 21, 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

Board Members 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
Daniel Streit, Asst. Police Chief
Dave Brown, Utilities Director
Mark Blum, Village Attorney (via conf call)
Jerad Wegner, Village Engineer
Tim Schwecke, Village Planner

Pledge of Allegiance

Comments from the Public

David Boebel, 815 Parkview Lane, commented last week there were three meetings and he feels the Board is abusing the ability to hold special meetings and should be more respectful of a residents' time. He also noted that after reviewing the presentation for Blue Bay he would have thought they would reduce the number of units as previously requested. He feels TID4 could be going in the wrong direction. Additionally, he noted he has concerns for the field park sign as he has expressed previously.

Presentations

Proclamation presented to Citizens Bank for their participation in the Small Business Grant Program in the Village of Mukwonago.

President Winchowky, Trustee Adler, and Trustee Meiners presented a proclamation to Citizens Bank of Mukwonago for their participation in the Small Business Grant program.

Presentation from Jay Campbell with Campbell Construction for proposed use of TIF assistance for redevelopment of 927 Main Street (Blue Bay)

Jay Campbell of Campbell Construction presented a proposal to the Board for a development at 927 Main Street. He noted in order to make this project feasible, the family would need to utilize TIF funds to incentivize the project.

Public Hearings

Public Hearing on Ordinance 985 An Ordinance to amend various sections in Chapter 100 of the Village of Mukwonago Municipal Code regarding Conditional Uses.

Public Hearing was opened, hearing no comments the public hearing was closed at 7:37pm.

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 a purchase requisition for the Utility Department for an enclosed cargo trailer from Bob Clapper Automotive in the amount of \$16,300.

7.2 Approve **Ordinance 986** Amending Ordinance Section 54-54 regarding Bow Hunting in the Village.

7.3 Approve **Resolution 2020-52** adopting revisions to the Community Planner / Zoning Administrator Position Description

7.4 Approve an agent change for the Pick N Save #384 to Todd Glasser.

7.5 Approve a Letter of Credit reduction for Phantom Lakes Preserve to \$68,396.40.

7.6 Approve a Letter of Credit Reduction for Box Self Storage Development to \$105,735

7.7 Approve a Letter of Credit Reduction for Chapman Villas to \$1, 218,930.

7.8 Approve a Letter of Credit reduction for Hittman Property on Arrowhead Drive and STH83 to \$8,838.

Decker/Johnson motion to approve Consent Agenda items 7.1 to 7.8. 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 on establishing new Trick or Treat Hours for the Village of Mukwonago to October 31, 2020 from 4PM - 6PM, as recommended by the Health and Recreation Committee.

Decker/Johnson motion to approve establishing new Trick or Treat Hours for the Village of Mukwonago to October 31, 2020 from 4PM - 6PM, as recommended by the Health and Recreation Committee. Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, and Walsh. "No" Winchowky. Motion carried 6-1

Planning Commission Recommendations

Discussion and possible action to approve RESOLUTION 2020-54 A Resolution to approve signage at Field Park; located at 933 N Rochester St; Parcel MUKV 1963-995. Planner Schwecke noted that Plan Commission unanimously recommended approval. Decker/Brill motion to approve Resolution 2020-54.

Trustee Johnson noted she has heard comments from her neighbors concerned about the ability to see messages without it scrolling and possibly being a distraction.

Administrator Weidl noted that he believes it is single sided and they worked with the firm in the space provided and feels staff considered those items.

Trustee Walsh commented this has been discussed since October 2019 and feels it is an overall improvement over the original design. He feels it is saturated with signs and limited visibility and sees this as a distraction.

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

Discussion and possible action to approve RESOLUTION 2020-55 a Resolution to approve Site Plan and Architectural Review for Malcolm Drilling, Applicant; 120 Hill Ct; Parcel #A486800002

Planner Schwecke reviewed the request, noted it complies with the code and was unanimously approved by the Plan Commission.

Decker/Brill motion to approve Resolution 2020-55.

Unanimously carried.

Discussion and possible action to approve RESOLUTION 2020-56 a Resolution to approve site plan and Architectural Review for Grey Fox Holdings, Applicant; 704 Cardinal Ln Unit 1; Parcel MUKV 2091-989-098; 704 Cardinal Ln Unit 2; Parcel MUKV 2091 -98- 099; 704 Cardinal Ln Unit 3; Parcel MUKV 2091-989-100; 704 Cardinal Ln Unit 4; Parcel MUKV 2091-989-101.

Decker/Brill motion to approve Resolution 2020-56.

Planner Schwecke noted that if the developer wanted to change something from the Plan Commission recommendation it would require it to return to the Plan Commission. At this time, staff recommending approval as approved by the Plan Commission.

Unanimously carried.

Discussion and possible action to approve RESOLUTION 2020-57 a Resolution to approve Amended Plat for Grey Fox Holdings, Applicant; 704 Cardinal Ln Unit 1; Parcel MUKV 2091-989-098; 704 Cardinal Ln Unit 2; Parcel MUKV 2091-98-099; Cardinal Ln Unit 3; Parcel MUKV 2091-989-100; 704 Cardinal Ln Unit 4; Parcel MUKV 2091-989-101.

Decker/Brill motion to approve Resolution 2020-57.

Planner Schwecke noted this was approved as a condo plat and the footprint changed slightly requiring an amendment, and Plan Commission recommended approval.

Unanimously carried.

Discussion and possible action to approve RESOLUTION 2020-58 a Resolution to amend site plan for Kay's Studio of Dance, Kay Johnson, Applicant; 715 Main St; Parcel MUKV 1976-205.

Decker/Brill motion to approve Resolution 2020-58.

Motion carried 6-1, Trustee Adler Abstained.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Vouchers in the amount of \$637,782.91.

Meiners/Decker motion to approve Vouchers in the amount of \$637,782.91. Unanimously carried.

Discussion and possible action to approve additional Vouchers in the amount of \$266,656.36.

Meiners/Johnson motion to approve additional Vouchers in the amount of \$266,656.36. Unanimously carried.

Review and update on the 2021 Operating and Capital proposed budget and setting the public hearing for November 18, 2020 at 6:00pm.

Finance Director Doherty noted she did not have any additional update without having the Expenditure Restraint figures yet or the certified tax levies. The Village will move forward to publish the budget notice for a public hearing on November 18th, 2020 at 6:00PM.

Johnson/Decker motion to approve holding the public hearing on November 18th, 2020 at 6:00PM. Unanimously carried.

Judicial Committee, Trustee Walsh

Discussion and possible action on Ordinance 985 an Ordinance to amend various sections in Chapter 100 of the Village of Mukwonago Municipal Code regarding conditional uses.

Walsh/Adler motion to approve Ordinance 985 an Ordinance to amend various sections in Chapter 100 of the Village of Mukwonago Municipal Code regarding conditional uses.

Trustee Walsh noted that due to a change with the statute there was a shift in the language and this was a review of various changes.

Attorney Blum noted this is a result of Act 67 passed in 2017 and the Village had previously made some adjustments however this addresses some additional issues in that code. Unanimously carried.

Public Works Committee, Trustee Brill

Update from Attorney Blum on recommended action concerning allowing services within the 10' of a driveway requiring homeowner to sign a waiver releasing the Village from damages to driveway and being responsible for all driveway repairs and record against the property.

Brill/Walsh motion to approve the modified agreement moving forward. Unanimously carried.

Village President

Update from the Clerk's Office on the November 3, 2020 Elections, In-Person Voting Information, and Statistics to date.

Clerk Dykstra reported there are now 5,340 registered voters in the Village. This is an increase of 483. The number of Absentee Ballots issued by October 21 were 2,201. More statistics will be provided as soon as they are available.

Review of the Wisconsin Open Meetings law as it relates to contacts made directly with Trustees.

Attorney Blum noted he draft a letter to the Board regarding having a conversation with a developer who might be lobbying for action. The law prohibits a quorum present, but the

issue is when one Trustee speaks to the next Trustee or information is used between conversations that it becomes a walking quorum to obtain a consensus outside a public meeting. It can also result in a negative quorum which is a number sufficient in blocking action. He suggests the Board avoid having those types of conversations or meetings.

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 discussion regarding negotiation strategy for potential sale of property on Hill Court, and to develop negotiation strategy regarding potential land transfer with Ulrich M and Karen A Jentzsch Revocable Trust, 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 WPPA Agreement and HRA contributions and Public Works Crew Supervisor.

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 8:48pm.

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

Decker/Meiners motion to approve the Hill Court Partners Option to Purchase subject to approval of final form by the Village Staff. Unanimously carried.

Adjournment

Meeting was adjourned at 8:49pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk/Treasurer