

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, December 16, 2020

Time: **6:30 pm**

Place: **Mukwonago Municipal Building/ Board Room, 440 River Crest Court,
Mukwonago, WI 53149**

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 Dykstra, Village Clerk-Treasurer
Kevin Schmidt, Police Chief
Dave Brown, Utilities Director
Ron Bittner, Public Works Director
Mark Blum, Village Attorney
Jerad Wegner, Village Engineer

Pledge of Allegiance

Comments from the Public

Rhon Roberts, 1616 Honeywell Rd., commented regarding the three items on the agenda concerning the distribution of alcohol. He recited passages and noted that this is clearly a serious subject since it requires special licenses. He is concerned for a new establishment to come into town, and suggests if the demand for alcohol is that high it would not be a good sign.

Philip Rains, N9466 Stone School Rd., commented he was born and raised in Mukwonago and he is concerned about what takes place. He appreciates and values the community and questions if another liquor store is necessary. He noted that he counted 21 places that sell alcohol, and feels it should be reduced. Alcohol promotes violence and abuse. He asks the Board to make the right decision and he is voicing his disapproval.

Stephen Rains, N9464 Stone School Rd., commented he grew up in this community as well. He does not approve another liquor store. Studies show alcohol hinders abilities, increases crime, drunk driving, and he hears from families that suffer from addiction and wanted to voice his concern here.

Wyatt Jeka, 1103 Western Trail, commented he was born and raised in Mukwonago and doesn't feel there needs to be another location to sell alcohol. He has memories of his parents and the struggles they had with alcoholism until Jesus saved their lives. He is against anymore alcohol coming into town.

David Boebel, 815 Parkview Lane, commented he continues to have concerns with the MOPS and doesn't believe it has public support. He noted that the Village is at 70% of allowable debt and in eight years it has not been reduced and feels the Village can't afford to continue to borrow money. He also doesn't understand why the south side plan is being presented tonight, he feels it is the wrong time. He noted the Town is about the same size and only has about 9% in debt. He would like to see a bigger commitment to change and restrain from spending.

Micah Roberts, 1616 Honeywell Rd., commented he does have concerns regarding the sewer project to the south and understands the need to grow. However, in theory it should level out taxes and unfortunately residents continue to see tax increases. He noted with apartment complexes the Village should not have to pay to help them develop. Additionally, he has concerns with the Alcohol issues on the agenda and urges the Board to vote no. Alcohol does harm to families and is very saddening and is one of the top three leading causes of death in America according to the NIAA web site. He requests it not be brought to Mukwonago.

Timothy Peplinski, 613 Franklin St., commented regarding the size of the Village in comparison to the population of the City of Waukesha and the density of the liquor stores. He noted as a nursing student he sees how alcohol affects families. He noted he lost his father seven years ago due to alcoholism.

Heather Swinson, River Park Circle, noted she was present to comment regarding the liquor license. We are so careful with Covid, we should do the same with Alcohol. Why are we not concerned with alcohol? She noted mental health crisis in this time of Covid causes people to float toward alcohol and this is a poor idea.

Presentations

Presentation and Discussion Regarding Community Concert Series for 2021.

Administrator Weidl presented a plan for the concert series, along with donations to date. The Village Board agreed they would like to see this planning continue and see an update at the next Health and Recreation Meeting.

Presentation from Ruekert & Mielke on Sewer and Water improvements needed to accommodate growth in the southern portion of the Village.

Administrator Weidl clarified for the record this is not a village funded project, he noted this is a series of improvements triggered by particular development at some point.

Wegner presented the costs of the Water and Sewer improvements, and the process used. Trustee Decker asked if the entire project costs would be 10 Million. Administrator Weidl noted they are not asking for money from the Village, this is something a developer would have to pay.

Trustee Walsh questioned if any of this area was included in the TID District. It was clarified no property is situated in the TID district except the location where the Elevated Tank would sit on Hill Court.

No action was necessary.

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.

- 6.1 Approve Minutes of the Regular Village Board meeting of November 18, 2020, and the Special Village Board meeting of November 18, 2020.
- 6.2 Approve Vouchers in the amount of \$352,416.56.
- 6.3 Approve **Resolution 2020-70** A resolution relating to the Salary and Wage Schedules for Non-Represented Full-Time and Part-Time Employees.
- 6.4 Approve **Resolution 2020-71** A resolution relating to salary exemption schedule for Village Administrator/Economic Development Director Position.
- 6.5 Approve **Resolution 2020-72** A resolution authorizing annual stipends for the Assistant Fire Chief and Deputy Fire Chief.
- 6.6 Approve **Resolution 2020- 074** A Resolution adopting the Annual Tax Increment District Budgets for TID #3, TID #4, and TID #5.
- 6.7 Approve **Resolution 2020-73** A resolution related to the annual increase in Impact Fees and Sewer Connection Fees as allowed by Village code.
- 6.10 Approve an application for temporary Class "B" license to sell fermented malt beverages from the Mukwonago Rotary Club for a Drive Thru Beer Garden Fundraiser to be held on February 6, 2021, subject to permission from the school.
(Amended on 12/07/20 to Americana Flower Station at 500 Main Street.)
- 6.11 Approve **Resolution 2020-75** A Resolution amending the Accountant position description to remove reference to it being a part-time shared position.
- 6.12 Approve **Resolution 2020-76** A Resolution adopting the Assistant Chief position description in proper format.
- 6.13 Approve **Resolution 2020-77** A Resolution amending the Police Lieutenant position description for changes made when the department was reorganized in 2020.
- 6.16 Approve Task Order 2020-13 to implement VUEWorks Software.
- 6.17 Approve Letter of Credit Reduction #1 for Edgewood Village to \$40,841.20.
- 6.18 Approve **Resolution 2020-78** a Resolution approving the Final Plat of Chapman Farms/Bielinski Homes Subdivision to re-approve the Final Plat for Chapman Farms Villas originally approved January 19, 2019.

Johnson/Walsh motion to remove items 6.8, 6.9, 6.14 and 6.15. Unanimously carried.

Decker/Johnson motion to approve all remaining consent agenda items. Unanimously carried.

6.8 Approval of an Village of Mukwonago Elected & Appointed Official Guidebook.

Trustee Walsh noted this was subject to the addition of the Organizational Chart. Administrator Weidl noted this is being updated and Makenzie will have it prepared for January COW. No action was taken.

6.9 Approve an Original Reserve Class B Intoxicating Liquor and Fermented Malt Beverage license application from Sarab Investments, LLC d/b/a Aman's Beer + Wine to be located at 110 Chapman Farm Boulevard, Mukwonago, subject to terms and conditions set forth in Exhibit A within (6) months of the date of Village Board's approval of the license.

Decker/Brill motion to approve an Original Reserve Class B Intoxicating Liquor and Fermented Malt Beverage license application from Sarab Investments, LLC d/b/a Aman's Beer + Wine to be located at 110 Chapman Farm Boulevard, Mukwonago, subject to terms and conditions set forth in Exhibit A within (6) months of the date of Village Board's approval of the license.

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

6.14 Approve River Park Estates Rehabilitation Phase 2 Close-out Change Order and Final Payment request from Wolf Paving Inc in the amount of \$1,376,724.54.

This item was corrected to reflect the current payment not the entire contract cost. The payment is in the amount of \$35,205.28.

Decker/Brill motion to approve River Park Estates Rehabilitation Phase 2 Close-out Change Order and Final Payment request from Wolf Paving Inc in the amount of \$35,205.28.

Unanimously carried.

6.15 Approve CTH LO Sanitary Sewer Rehabilitation Close-out Change Order and Final Payment to Globe Contractors Inc, in the amount of \$156,878.99.

This item was corrected to reflect the current payment not the contract cost. The payment is in the amount of \$4,016.65.

Decker/Meiners motion to approve CTH LO Sanitary Sewer Rehabilitation Close-out Change Order and Final Payment to Globe Contractors Inc, in the amount of \$156,878.99. 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 and authorize the Village Attorney to create an Ordinance which authorizes the sale of intoxicating liquor to be consumed by the glass on the premises where sold, and also authorizing the sale of intoxicating liquor in the original package or container, in any quantity to be consumed off the premises where sold.

Trustee Decker questioned if Bars would then be able to sell alcohol "to go" he feels there should be a separation.

Clerk Dykstra noted the hours restriction was recommended at the last committee and will appear on the next committee agenda.

Trustee Walsh noted he understands and did bring up the changing of the hours. He feels this creates a new Class B license in effect they are able to become a liquor store and sell by a glass along with packaged goods to go by passing this ordinance.

Attorney Blum noted this isn't creating a new license, but establishing additional privileges to all Class B license holders.

Trustee Johnson confirmed if all other establishments then have this as well.

Trustee Decker felt it was not what he thought was voted on at the last meeting and does not want to allow that.

Trustee Johnson noted she has concerns for all other Class B holders to have that ability to sell.

Brill/Meiners motion to authorize the Village Attorney to create an Ordinance which authorizes the sale of intoxicating liquor to be consumed by the glass on the premises where sold, and also authorizing the sale of intoxicating liquor in the original package or container, in any quantity to be consumed off the premises where sold

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

Attorney Blum noted that the applicant has just been approved a Reserve Class B License and as he presented his plan he will be unable to move forward without the addition of a Class A license for the retail portion of the plan. He clarified with the Board if they would like to make a change to the current ordinance to allow packaged goods sales, as the state law permits, this ordinance is required. He noted this is a policy decision of the Board if the Board wishes to allow a change to allow packaged goods to go from a Bar subject to State Statutes. President Winchowky commented that this is not creating a new license, it is expanding. He knows that Bars are already able to sell a six pack of beer before midnight.

Trustee Walsh clarified Class A & B have different operating hours and creating this change in the ordinance will allow the sale by the glass and packaged goods in unlimited quantities.

No further motions were made, no further action was taken.

Downtown Development Committee, Trustee Walsh

DDC Informational Update on Tier1 and Tier 2 recommendations of the Downtown Strategic Plan.

Trustee Walsh provided an update on the Tier 1 and Tier 2 recommendations ranked as presented in the Downtown Strategic Plan dated June of 2018.

No action was required.

Discussion and possible action for Village Administrator to proceed drafting Request For Proposals (RFP) for next level Streetscaping and Wayfinding Implementation.

Walsh/Brill motion to approve the Village Administrator to proceed drafting Request For Proposals (RFP) for next level Streetscaping and Wayfinding Implementation.

Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action in a Letter of Credit Reduction #1 for Pointe Apartments Development to the new amount of \$46,763.

Meiners/Decker motion to approve a Letter of Credit Reduction #1 for Pointe Apartments Development to the new amount of \$46,763. Unanimously carried.

Discussion and possible action to approve Vouchers in the amount of \$697,999.11.

Meiners/Decker motion to approve Vouchers in the amount of \$697,999.11. Unanimously carried.

Public Works Committee, Trustee Brill

Discussion and possible action on Change Order #5, and final pay request for the WWTF Chemical Storage Building and Final Pay Request

Brill/Decker motion to approve Change Order #5, and Pay Request # 4, 5, 6, 7, 8 for the WWTF Chemical Storage Building. Unanimously carried.

Protective Services, Trustee Adler

Discussion and possible action to approve updated policies as recommended by the Protective Services Committee on December 7, 2020.

Adler/Meiners motion to approve updated policies for Organizational, Bloodborne Pathogens, Tobacco Usage, Corrective Action, Vehicle Operations, and Cellular Telephone Usage. Unanimously carried.

Discussion and possible action to approve Employee Assistance Program, as recommended by the Protective Services Committee on December 7, 2020.

Adler/Walsh motion to approve an Employee Assistance Program with Empathia, offered to employees village wide and subject to Town approval for the Fire Department. Unanimously carried.

Update on revisions for Chapter 37 and Chapter 38 for the Fire Code are being handled by the Village Attorney.

Chief Stien noted he just sent to the Village Attorney some revisions to these chapters and they are working on adjustments to be included in the Committee meeting for January.

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 the St. James Property, 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 evaluation of Village Administrator.

Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, Walsh, and Winchowky. Unanimously carried at 8:12pm.

Reconvene into Open Session

Decker/Johnson motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 9:46pm.

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

Adjournment

Meeting was adjourned at 9:47pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer