

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, January 20, 2021

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., Mukwonago, WI 53149

Roll Call

Board Members Present

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

Also Present

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
Jeff Stien, Fire Chief
John Fellows, Village Planner

Pledge of Allegiance

Comments from the Public

David Boebel, 815 Parkview Lane, referred to his comments submitted regarding the budget ordinance which are listed on the agenda. Additionally he submitted comments regarding Agenda Item #12 Closed Session.

"I find it distressing that the Village Board feels the need to bargain with a long established and highly visible village institution from behind closed doors.

We are dealing with a church, after all, and they have the option to disclose the proceedings of their negotiation with the members of their community. Where is the justification for withholding the details of this negotiation from the public?

As cited: <https://docs.legis.wisconsin.gov/statutes/statutes/19/v/85/1/e>

(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.

This exception is overused and need not be invoked every time the Village enters a negotiation, especially in this case where the counterparty is a public institution.

The price target for this property has already been disclosed in the Capital Plan. The goal of this purchase is obvious. There is nothing in this discussion that is secret or proprietary.

There is no reason to assume that an open negotiation results in a competitive or bargaining disadvantage.

The Village is simply negotiating for purchase of property from a group of residents and their friends. If this cannot be carried out in an open and honest conversation visible to the public, then the reputation of the village government must suffer as a consequence.”

Micah Roberts, 1616 Honeywell Rd., He noted receiving the email updates for the agendas is very helpful. Additionally, he is present to ask the board consider as a community as a whole not to approve another liquor store. He noted there are studies that show alcohol causes disease, abuse, emotional abuse, and depression. He noted there are reasons to limit those licenses. There is plenty of beer and liquor in the community and asks the Board to think before voting and asks they deny for the good for the community.

Rick Delaney, 825 N Rochester St., commented that early in his life he was exposed to alcohol and suffered from those ailments. He noted another distributor will complicate things, and he asked the Board to think before deciding to allow another license.

Communication to the Board

Communication from David Boebel to the Village Board.

The following was submitted to the Village Clerk for correspondence from David Boebel 815 Parkview Lane,

“I would like to see a minimum separation between the release of the Annual Budget as it is Proposed and the Public Hearing for the Proposed Annual Village Budget. A minimum of 10 business days between the budget release and the public hearing is adequate. And I would like to separate the Public Hearing for the Proposed Annual Village Budget from the Action to Approve the Resolution Adopting the Annual Budget. A minimum of 10 business days between the public hearing and the vote to adopt the budget is required. Also, I would like to include the 5-Year Capital Plan in the public hearing and require a separate Resolution to Adopt the Capital Plan. I think the 5-Year Capital Plan is a critical part of the budget process which deserves more visibility and needs a separate vote. Finally, I think there should be a 5-Year Revenue Plan to accompany the 5-Year Capital Plan which will help taxpayers understand how the future expense of the Capital Plan will be paid for. These changes will separate the budget release from the final vote by 20 business days minimum. It will give taxpayers a chance to review the upcoming budget and prepare questions for the public hearing. It will also give the Village Board a chance to review public opinion on capital project expense and revenue before the adoption of the budget. This is a reasonable schedule if the budget is released by October 20 as the current budget ordinance requires.”

Public Hearings

Public Hearing for the Special Assessment of Water, Wastewater, Storm Water, Road and Other improvements and declaring the intent to vote on a Final Assessment Resolution in accordance with Wis Stats Sect. 66.0703(10).

President Winchowky opened the public hearing.

Engineer Wegner noted that this is for infrastructure improvements from ProHealth to Maple Ave. The total cost is about 6.2 million. There is an Engineers report attached and

the assessments are based on lineal foot. It was noted there is one parcel that holds a majority of the footage, and the remaining parcels are owned by the Village.
Hearing no comments from the public, public hearing was adjourned at 6:53pm.

Consent Agenda

Decker/Meiners motion to approve Consent Agenda items 7.1 to 7.7. Unanimously carried.

- 7.1 Motion to approve Village Board Minutes of December 16, 2020.
- 7.2 Motion to approve Vouchers in the amount of \$414,306.63.
- 7.3 Motion to approve **Resolution 2021-01** A Resolution to amend the 2020 Adopted Budgets for General Fund, Fire, Capital Equipment, Library, and Sewer Utility Funds.
- 7.4 Motion to approve a Letter of Credit Reduction #2 for Chapman Villas for infrastructure to a new amount of \$535,384.00
- 7.5 Motion to approve a Letter of Credit Reduction #7 for Orchards of Mukwonago - Addition #2, to a new value of \$35,474.28.
- 7.6 Motion to approve **Task Order No. 2020-14** from Ruekert Mielke, Inc. for the Design, Bidding and Construction Services of the 2021 Street Rehabilitation project in the amount of \$90,180.
- 7.7 Motion to approve an **Ordinance 987** an Ordinance to revise for Chapter 37 and Chapter 38 for the Fire Code.

Other Items for Approval

Discussion and possible action on Resolution 2021-03 A Resolution to adopt the Village of Mukwonago Elected & Appointed Official Guidebook, and action to approve the Village Organizational Chart.

Decker/Johnson motion to approve **Resolution 2021-03** A Resolution to adopt the Village of Mukwonago Elected & Appointed Official Guidebook, and action to approve the Village Organizational Chart, subject to adding the Economic Development Director to the Organizational Chart and review of the language regarding dispatch and the Fire Department in the Emergency Government Section. unanimously carried.

Discussion and possible action on an Original Class A Fermented Malt Beverage and Class A Intoxicating Liquor combination license application for VM Investments, LLC, d/b/a Aman's Beer + Wine, 110 Chapman Blvd, Mukwonago, Amandip Singh, Agent.

Decker/Meiners motion to approve an Original Class A Fermented Malt Beverage and Class A Intoxicating Liquor combination license application for VM Investments, LLC, d/b/a Aman's Beer + Wine, 110 Chapman Blvd, Mukwonago, Amandip Singh, Agent subject to verification of location, compliance with applicable Village approvals and building permits issued within (6) months of the Village Board approval. License shall expire if conditions aren't met within (6) months of Village Board approval.

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

Discussion and possible action on the non -compliance of the Storm Water Management Agreement for The Box Self Storage Development.

Decker/Meiners motion to approve a draw on the letter of credit for the non-compliance of the Storm Water Management Agreement for The Box Self Storage Development on February 1, 2021. Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$701,215.93.

Meiners/Decker motion to approve Accounts Payable Vouchers in the amount of \$701,215.93. Unanimously carried.

Public Works Committee, Trustee Brill

Discussion and possible action to approve Resolution 2021-02 a Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property for Sanitary Sewer Water Main and Lateral Improvements (Sugden and Sommer Property Improvements)

Brill/Decker motion to approve Resolution 2021-02 a Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property for Sanitary Sewer Water Main and Lateral Improvements (Sugden and Sommer Property Improvements)

It was noted the engineers report on Tables 3&4 include a footnote regarding deferment on page 10. There have been constraints placed on the deferment in this resolution and the report will be revised to reflect that modification.

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

Protective Services, Trustee Adler

Monthly Police Report for November 2020

Trustee Adler presented the Police Report for November 2020.

Discussion and possible action on a Policy revision #11 entitled Duty Company Operations.

Chief Stien noted this policy reflects a unanimous recommendation from the PSC. It was noted that (H) should be a #2.

Adler/Meiners motion to approve a Policy revision #11 entitled Duty Company Operations with the slight correction. Unanimously carried.

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, Winchowky. Unanimously carried.

Reconvene into Open Session

Decker/Johnson motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 7:34pm.

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

Adjournment

Meeting was adjourned at 7:34pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer