

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, March 17, 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

John Weidl, Village Administrator
Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
Dan Streit, Assistant Chief
Dave Brown, Utilities Director
Ron Bittner, Public Works Director
Mark Blum, Village Attorney
Jerad Wegner, Village Engineer
John Fellows, Village Planner

Pledge of Allegiance

Comments from the Public

David Boebel, 815 Parkview Ln, expressed concerns for Ordinance 988 appearing on the Consent Agenda, and the public hearing for the budget is still proposed to be an hour before the vote and he feels it should be two distinctly different events. He additionally noted that 2021-01 is approving the Fox River Pedestrian Bridge and feels it should be returned for review and be rejected.

Reconsideration

Reconsideration of the 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), which was approved at the February 17, 2021 Village Board meeting.

Attorney Mark Blum commented this is a reconsideration motion that was made at the last meeting from Trustee Walsh. It is before the Board for an actual reconsideration. This Resolution was adopted and it is back in original form for the Board to either vote up or down or amend. He met with Trustee Walsh and noted he was correct there had been some errors in the last resolution. The Property Owners were listed as the Village and in fact those properties had transferred to users. A majority of that work was in the TID and therefore the TID would

finance those improvements in that area. The Sommer property is outside of the TID district and therefore expenses related to the area outside are assessed to that property owner. In light of this information, staff is asking they reject **Resolution 2021-02** and later tonight they discuss the preliminary resolution, bring this back for a public hearing, and a new final assessment resolution.

It was clarified the new boundary is shown in Resolution 2021-15 with only the Sommers property and assess expenses related to that.

Trustee Johnson questioned if this was always under the TID. Attorney Blum confirmed the Sommers property is not under the TID. The other businesses in the TID have developed their properties and met their assessed values pursuant to their agreements.

The reconsideration of the Original Motion to approve **Resolution 2021-02** is on the floor. It was noted the Board may choose to vote this up or down.
Motion unanimously failed.

Village Board members agree to move item 11.1 forward for action.

Consideration of Resolution 2021-15 a Preliminary Resolution declaring intent to levy special assessments under the Village of Mukwonago's police power acting pursuant to Wis. Stats. Sect. 66.0703 (MUKV2016997005)

Decker/Meiners motion to adopt Resolution 2021-15 a Preliminary Resolution declaring intent to levy special assessments under the Village of Mukwonago's police power acting pursuant to Wis. Stats. Sect. 66.0703 (MUKV2016997005). It is noted there is a new engineer report and this is the only parcel to be specially assessed.

Trustee Walsh noted he is against this and feels it is an abuse of power. He noted the improvements were primarily in TID5 and the Sommers property is not in TID5. It is assessed at 52,400 and is currently used as agriculture. He was concerned if anyone had contacted the property owner and feels the real benefit is on the TID side. He feels we are putting the burden on the property to carry forward.

Trustee Meiners asked if the property owner asked for their property to be developed.

Administrator Weidl stated no, but asked Finance Director to discuss

Finance Director Doherty noted that the TID plan discussed the improvements, however someone has to pay for it. Any increment generated stays in the TID to pay for the debt.

Trustee Walsh questioned if there is anything in the development agreements for those businesses in the TID that says the Village can't charge them.

Attorney Blum states no, but there is nothing saying we can either. He notes that the line runs through the Sommers property and that would mean the Sommers property is now developable and a value is then created. He noted the line has to be run in order to service the TID.

Trustee Walsh stated he felt the Village benefits here.

Trustee Johnson expressed her concern for the businesses that were sold for \$1 and questioned if they can assist in paying more toward this.

Attorney Blum noted there is nothing in the agreement to allow for this, they have met their guaranteed value assessed in the district.

Trustee Brill asked if this has been done before.

Attorney Blum noted that the requirement for assessments is the property must benefit, and in this instance there is a benefit and it is applied no differently.

Trustee Walsh noted the assessment has changed from the last resolution, it is now reduced.

Engineer Wegner noted that they saw a reduced amount due to a change in the location of the line.

Trustee Brill questioned when the lines were drawn if the property owner was made aware of this.

Attorney Blum noted he had negotiated with the property owner's attorney regarding the placement of the line and resulted in this location.

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

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 Village Board Meeting Minutes of February 17, 2021 and Special Village Board Meeting of March 3, 2021.
- 6.2 Approve Vouchers in the amount of \$3,779,619.98.
- 6.3 Approve **Resolution 2021-08** a Resolution for the adoption of a Budget Policy.
- 6.4 Approve **Ordinance 988** an Ordinance amending **Section 2-172** preparation of the annual budget.
- 6.5 Approve **Ordinance 989** an Ordinance to allow for a public comment period at the Committee of the Whole meetings.
- 6.6 Approve to award Wolf Paving Co., Inc. the 2021 Street Rehabilitation contract with Mandatory Alternates A, B, C, D and E in the amount of \$613,792.45.
- 6.7 Approval of **Resolution 2021-14** A Resolution to adopt Snow & Ice Control Policy.

Decker/Meiners motion to approve consent agenda items 6.1 to 6.7. 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 Task Order No. 2021-01 from Ruekert Mielke, Inc. for the Survey, Design, and Bidding of the Fox River Pedestrian Bridge project in the amount of \$59,615.00.

Decker/Meiners motion to approve Task Order No. 2021-01 from Ruekert Mielke, Inc. for the Survey, Design, and Bidding of the Fox River Pedestrian Bridge project in the amount of \$59,615.00.

Engineer Wegner noted that there were three options put together for the Village to choose from. At the Committee meeting it was determined to move forward with a 10 foot wide pedestrian bridge. Trustee Johnson questioned the discussion from a resident on weight restrictions. Engineer Wegner noted H5 will hold a vehicle and is rated for pedestrian loading. Trustee Walsh confirmed this is necessary for pedestrian safety.

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

Planning Commission Recommendations

Discussion and possible action on RESOLUTION 2021-11 a Resolution to approve a Conditional Use for a request for a thrift store (secondhand store) Josh and Tonia Property Management, LLC, tenant; and Red Corner Investments LLC, owner,

applicant; 201 S Rochester St; Parcel MUKV 1976-121, as recommended by the Planning Commission.

Brill/Decker motion to approve RESOLUTION 2021-11 a Resolution to approve a Conditional Use for a request for a thrift store (secondhand store) Josh and Tonia Property Management, LLC, tenant; and Red Corner Investments LLC, owner, applicant; 201 S Rochester St; Parcel MUKV 1976-121, as recommended by the Planning Commission. Unanimously carried.

Discussion and possible action on RESOLUTION 2021-13 a Resolution adopting a public participation plan for the zoning code and sign code update, as recommended by the Planning Commission

Decker/Meiners motion to approve Discussion and possible action on RESOLUTION 2021-13 a Resolution adopting a public participation plan for the zoning code and sign code update, as recommended by the Planning Commission.

Planner Fellows noted this is for the code rewrite and outlines the public participation process that we will be engaging in.

Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Vouchers in the amount of \$1,211,839.10.

Meiners/Johnson motion to approve Vouchers in the amount of \$1,211,839.10.

Unanimously carried.

Discussion and possible action to approve Resolution 2021-17 a Resolution to approve a stipend for the interim Public Works Crew Supervisor.

Meiners/Decker motion to approve Resolution 2021-17 a Resolution to approve a stipend for the interim Public Works Crew Supervisor.

Unanimously carried.

Notification of disbursement of two grant payments to developer in accordance with the performance of Developers Agreement with Hill Court Partners LLC for the completion of the footings and foundation for the project and the closing-in of the structure. The disbursement amount is \$163,333.33. *(This item is for information purposes only. No board action required.)*

Discussion and possible action on Resolution 2021-18 A Resolution to amend the get for Sewer Utilities.

Meiners/Decker motion to approve on Resolution 2021-18 A Resolution to amend the get for Sewer Utilities.

Finance Director Doherty noted this year end depreciation and is a simple entry to balance the budget. Unanimously carried.

Health and Recreation, Trustee Decker

Discussion and possible action on Park and Special Event Permit Application for Mukwonago Chamber of Commerce Farmers Market every Wednesday from May 19 to October 13, 2021, and set the application fee.

Decker/Meiners motion to approve the Park and Special event application and charge a flat \$450 for 2021. Unanimously carried.

Public Works Committee, Trustee Brill

Discussion and possible action to approve an amendment to the License Agreement dated July 20, 1993 for Right of Way known as Locust Street. (Sperstad Property)

Decker/Meiners motion to approve an amendment to the License Agreement dated July 20, 1993 for Right of Way known as Locust Street. (Sperstad Property)

Attorney Blum noted this is an issue with access and it resulted in the original agreement.

Since then the property owner has divided the land and needs to provide access to the other lot which necessitates the need for this amendment.

Unanimously carried.

Protective Services, Trustee Adler

Discussion and possible action on the Joint Village and Town Board Fire Department Agreement Revisions, as recommended by the Joint Protective Services Committee.

Trustee Adler noted this will go back to the Joint Protective Services Committee for their April meeting to review. No action was required.

Police Report for the month of February 2021

Report was placed on file.

Village President

Acceptance of Letter of Resignation from Trustee Roger Walsh effective April 21, 2021.

President Winchowky noted he received an email from Trustee Walsh and will hold off on this item at this time.

Closed Session

Decker/Johnson motion to go 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 GFLP 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 St. James Church and an Offer to Purchase and Single Party Listing Agreement for 14ac Village-owned property with Judson and Associates;

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 the Village Administrator at 7:25pm.

Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, Walsh, and Winchowky. Also present; Administrator Weidl, Clerk Dykstra, Finance Director Doherty and Attorney Blum.

Reconvene into Open Session

Brill/Meiners motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 9:58opm.

Adjournment

Meeting was adjourned at 9:58pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer