

## **MINUTES OF THE VILLAGE BOARD MEETING**

**Wednesday, April 21, 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 (arrived at 6:35pm)  
Eric Brill  
Jim Decker  
Darlene Johnson  
John Meiners  
Roger Walsh  
Fred Winchowky

Also Present

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**

### **Swearing in of newly Elected Officials**

Clerk Dykstra gave the Oath of Office to recently Elected Trustees Darlene Johnson and Eric Brill.

### **Comments from the Public**

David Boebel, 815 Park View Lane, commented regarding the assessment of Sommers TID Property. He felt police powers were excessive to make them pay because these people were not asked. He additionally noted he is not sure where the benefit comes in. He also noted he has a concern for the conditional use for Indian Head Park and feels the Village bends its own rules, there is not enough parking and any other applicant would be required to produce enough spots. He suggested a better job be done on providing parking and costs of the project.

Jim Paar and Jeff Semrow from VFW Post 7221 made a presentation to the Village Board to award Kevin Schmidt as "Officer of the Year".

### **Public Hearings**

**Public Hearing to consider an amendment to the land use portion of the Comprehensive Plan 2035 adopted by the Village Board on October 9, 2009, amended in 2016 and from time to time, pursuant to Section 66.1001 of Wisconsin Statutes for**

**Lot 1 of CSM 10415 Small Farm Rd from Open Space Recreational and primary Environmental Corridor to Medium Lot single Family Land Use Classification and Primary Environmental Corridor. The Primary Environmental Corridor alignment will be based upon the delineation of CSM 10415. Tax Key/Location - MUKV1971139001; Lot 1 of CSM 10415 Small Farm Rd (Applicant: Abdulaziz S F Sanqur and Habitat For Humanity of Waukesha County)**

Hearing no public comments, the public hearing was closed at 6:44pm.

**Public Hearing on the consideration of a Zoning District Boundary Change (a/k/a Rezoning) from M-1 Limited Industrial District to R- 1 Single Family Village Residential District for MUKV1971139001; Lot 1 of CSM 10415 Small Farm Rd, Applicant Abdulaziz S F Sanqur and Habitat For Humanity of Waukesha County.**

Hearing no public comments, the public hearing was closed at 6:45pm.

**Public Hearing on Special Assessment for Water and Wastewater improvements for the property MUKV2016997005 and notice that the Village Board of the Village of Mukwonago has declared its intention to vote on a Final Assessment Resolution in accordance with Wisconsin Statute Section 66.0703(10) for the assessment against the property Tax Key No MUKV2016997005.**

Hearing no public comments, the public hearing was closed at 6:46pm.

### **Presentations**

#### **25th District County Supervisor Report to the Village of Mukwonago.**

The following Comments were submitted:

Hi, my name is Darlene M Johnson, and I am your 25<sup>th</sup> District Waukesha County Supervisor. In April of 2020, I won re-election for my third term for this District, which includes the Village of Mukwonago, Wards 1 to 8 of the Town of Mukwonago, and Wards 2, 4 and 5, of the Village of Vernon.

My County Committee assignments are Public Works, and Judicial Law Enforcement committees, I also attend subcommittees of Traffic Safety Commission (TSC), Children and Families Services Advisory Committee (CAFSAC), and Phantom Lakes Management District (PLMD) committee.

During the March of 2021 County Public Works Committee, we had two ordinances requested by the Village of Mukwonago Police Department. The first was Approval of New Parking Regulations for CTH ES in the Village along both sides of Main Street between its intersections with Bay View Road and Front Street in the Village of Mukwonago with signage stating "Snow Route, No Parking, 2AM-6AM, November 1<sup>st</sup> to March 31<sup>st</sup>". The map was provided to the Village Clerk to share with the Village Board.

The second ordinance was Approval of New Parking regulations for CTH ES along the south side of Fox Street from Plank Road intersection to Maple Street intersection in the Village of Mukwonago with signage stating "No Parking Between Signs". Both ordinances were passed at the Public Works Committee and were unanimously approved by the Waukesha County Board.

As Everybody is aware by now, the CTH ES Bridge over the Fox River re-decking project was finally completed in late November of 2020. Waukesha County Public Works Director and engineers worked with the Village of Mukwonago, Town of Mukwonago, and Village of Vernon, to keep the bridge partially open during the project, using temporary traffic signals on each side of the bridge. There were delays and congestion but majority of constituents were pleased with the outcome. I am so grateful for the cooperative efforts and monetary contributions of your municipality, as well as the other two neighboring municipalities. During recent Village meetings, there were questions as to why Waukesha County did not accept Federal Funding, which would have included a pedestrian/bicycle path on the bridge. Waukesha County originally planned to accept Federal funds, but due to the proximity of both the Village underground utilities and the remaining foundations of the old County ES Bridge, the amount of time and effort to expand the bridge would cause extensive financial overruns.

At March's Waukesha County Public Works Committee meeting, a new ordinance was brought to our attention regarding the CTH ES BRIDGE PROJECT. We were informed that the condition of the bridge at the time of the 2020 construction project required "unanticipated repairs" totaling an additional \$35,000 more. This meant besides the contingency fund totally used up, the County had to put additional monies toward close out of that bridge project. At the March 23<sup>rd</sup> Waukesha County Board meeting, it was unanimously passed to pay the final close out funds to meet the financial obligations of that bridge project.

If you recall, when I first started as your Waukesha County Supervisor in April of 2016, this bridge was my first project when I met with engineers, and the expected cost of this bridge project was \$714,000. Now with this final ordinance, the cost jumped from \$714,000 to \$943,000, and that was even with the elimination of netting under the bridge for migrating birds. It took over four years of engineer planning, many meetings, and now this bridge matter is finally resolved.

Please do not hesitate to contact me by phone or email with your Waukesha County concern. Thank you so much!

Darlene M Johnson

25<sup>th</sup> District Waukesha County Supervisor"

## **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.*

- 8.1 Approve Village Board meeting minutes of March 17, 2021 and Special Village Board meeting of March 26, 2021
- 8.2 Approve Accounts Payable Vouchers in the amount of \$569,199.81.
- 8.3 Approve **Resolution 2021-16** a resolution to support a strong state and local partnership in shared revenue funds for critical services.
- 8.4 Approve the Special Event Application from the American Legion Post #375 for the 2021 Mukwonago Maxwell Street Days to be held at Field Park on June 12-13, July 17-18, August 21 -22, and September 11-12, along with a temporary Class "B" retailer's License from the American Legion Post #375.
- 8.5 Approve a Park and Special Event permit application from Mukwonago Lions Club for Summerfeste on June 17-20, 2021 at Field Park, along with a temporary Class "B"/"Class B" Retailer's License application, subject to submission of a Covid Plan.
- 8.6 Approve **Task Order No. 2021-02** from Ruekert Mielke, Inc. for the Survey, Design, and Bidding of the Indianhead Park Outdoor Performance Stage project in the amount of \$23,460.
- 8.7 Approve an **Ordinance 990** an Ordinance to amend Section 74-8 of the Mukwonago Municipal Code dealing with the removal of snow and ice by property owners around hydrants.
- 8.8 Approve **Resolution 2021- 28** a Resolution to approve a Restated Developer's Agreement for Subdivision Improvements with Minors Estates Phase 4.
- 8.9 Approve **Resolution 2021-29** a Resolution to approve Vacating and Releasing Drainage Easements and Landscape Easement set forth on the Plat of Minor's Estates Recorded December 23, 2015.
- 8.10 Approve REBID Pick 'N Save Pond Retrofit Close-out Change Order and Final Payment request from Mudtech, LLC. in the amount of \$254,643.75.
- 8.11 Approve **Task Order 2021-01** with Ruekert -Mielke for a Risk and Resilience Assessment Emergency Response Plan in the amount of \$10,978.
- 8.12 Approve the Installation of Emergency Vehicle Pre -Emption Devices on traffic standards at STH 83 & CTH LO/Pearl Avenue and authorize the Village President to sign the agreement with the DOT.

- 8.13 Approve a Proclamation honoring National Public Safety Telecommunicators Week for April 11 to April 17, 2021.

Decker/Johnson motion to approve consent agenda items #8.1 to 8.13. 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 the Intergovernmental Agreement (IGA) between Waukesha County and the Village of Mukwonago related to Adaptive Management Program Assistance and Implementation.**

Decker/Walsh motion to approve the Intergovernmental Agreement (IGA) between Waukesha County and the Village of Mukwonago related to Adaptive Management Program Assistance and Implementation.

Trustee Decker questioned the amount and for how long. It was noted this is over 5 years and it is planned to comply with the entire project which is paid by Utility Rates. Unanimously carried.

### **Denial of an appeal for the Operator's License for Cameron Schroeder, as recommended by the Judicial Committee.**

Walsh/Decker motion to deny an appeal for the Operator's License for Cameron Schroeder, as recommended by the Judicial Committee.

Trustee Walsh noted that he supports the Chief's recommendation and thanks Mr. Schroeder for speaking and suggests he reapply after the issue is resolved in (6) months.

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

### **Planning Commission Recommendations**

### **Discussion and possible action on 402 Grand Avenue, Tax Key Number MUKV1973-047 Regina L Kellner, Request for a certificate of Design Approval for new construction and site improvements (garage, deck, and driveway) in the Grand and Pearl Historic District, as recommended by the Historic Preservation Commission, and the Plan Commission.**

Decker/Meiners motion to approve 402 Grand Avenue, Tax Key Number MUKV1973-047 Regina L Kellner, Request for a certificate of Design Approval for new construction and site improvements (garage, deck, and driveway) in the Grand and Pearl Historic District, as recommended by the Historic Preservation Commission, and the Plan Commission. Unanimously carried.

### **Discussion and possible action on RESOLUTION 2021-09 a Resolution to approve Conditional Use for a request for a banquet facility for Aman's Beer and Wine (VM Investments), applicant; 110 Chapman Farms Blvd; Parcel MUKV 1962-996-005.**

Planner Fellows noted that this is the last lot in the commercial lot to be developed. This is a retail store on the first floor and the second floor will be a banquet facility. The building is designed to have two separate businesses.

Decker/Meiners motion to approve **RESOLUTION 2021-09** a Resolution to approve Conditional Use for a request for a banquet facility for Aman's Beer and Wine (VM Investments), applicant; 110 Chapman Farms Blvd; Parcel MUKV 1962-996-005.  
Unanimously carried.

**Discussion and possible action on RESOLUTION 2021-12 a Resolution to Amend the Comprehensive Plan for the Village of Mukwonago for property located at Lot 1 CSM #10415/Lot 26 blk 5 Meadow Park Estates Addition No 3, Parcel MUKV 1971-139-001, as recommended by the Village Plan Commission.**

Decker/Meiners motion to approve **RESOLUTION 2021-12** a Resolution to Amend the Comprehensive Plan for the Village of Mukwonago for property located at Lot 1 CSM #10415/Lot 26 blk 5 Meadow Park Estates Addition No 3, Parcel MUKV 1971-139-001, as recommended by the Village Plan Commission.  
Unanimously carried.

**Discussion and possible action on Ordinance 991 to Amend the District Zoning Map of the Village of Mukwonago on behalf of Abdulaziz F Sanqur, applicant; for property at Lot 1 CSM #10415/Lot 26 blk 5 Meadow Part Estates Addition #3; Parcel MUKV 1971-139-001.**  
Planner Fellows noted this is from the earlier public hearing for a rezone request to change from Industrial zoning to Residential.

Decker/Meiners motion to approve **Ordinance 991** to Amend the District Zoning Map of the Village of Mukwonago on behalf of Abdulaziz F Sanqur, applicant; for property at Lot 1 CSM #10415/Lot 26 blk 5 Meadow Part Estates Addition #3; Parcel MUKV 1971-139-001.

**Discussion and possible action on RESOLUTION 2021-19 to consider a Conditional Use request for park structures for the Village of Mukwonago, applicant; 820 Main St; MUKV 2009-959 and MUKV 2009-977, as recommended by the Plan Commission.**

Planner Fellows noted this is for the two new park structures in Indianhead Park, a performance stage and concession stand.

Trustee Johnson asked if there would be tickets sold. Director Bittner noted that would yet be determined.

Trustee Walsh noted that he feels concerts are a great idea, but feels the costs and location do not match with no offsite parking plan. He feels something smaller would fit better and the Village should not be in the event planning business.

Decker/Meiners motion to approve **RESOLUTION 2021-19** to consider a Conditional Use request for park structures for the Village of Mukwonago, applicant; 820 Main St; MUKV 2009-959 and MUKV 2009-977, as recommended by the Plan Commission.

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

**Discussion and possible action on RESOLUTION 2021-20 to approve Site Plan and Architectural Review for structures within a public park for Village of Mukwonago, applicant; 820 Main St; MUKV 2009-959 and MUKV 2009-977, as recommended by the Plan Commission.**

Decker/Meiners motion to approve **RESOLUTION 2021-20** to approve Site Plan and Architectural Review for structures within a public park for Village of Mukwonago, applicant; 820 Main St; MUKV 2009-959 and MUKV 2009-977, as recommended by the Plan Commission.

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

**Discussion and possible action on RESOLUTION 2021-21 to consider a Conditional use for a medical office for Life's Connection Mukwonago Center Inc., applicant; 801 N Rochester St, MUKV 1974-904.**

Decker/Johnson motion to approve RESOLUTION 2021-21 to consider a Conditional use for a medical office for Life's Connection Mukwonago Center Inc., applicant; 801 N Rochester St, MUKV 1974-904. Unanimously carried.

**Discussion and possible action on RESOLUTION 2021-22 to consider a Conditional Use application for a secondhand store Goodwill Industries of SE WI and NE II, applicant; located at the Southwest corner of S Rochester St and Arrowhead Dr; MUKV 2015-997-010, as recommended by the Plan Commission.**

Johnson/ Walsh motion to table the conditional use and site plan and architectural approval to allow staff and the applicant to investigate traffic concerns, MOUs, and other agreements with regard to the State of Wisconsin DOT and the Village related to Arrowhead Drive/83 intersection and potential future closure of the intersection and if needed to have appropriate analysis or traffic studies conducted. Information to be provided specifically related to how the closure of the intersection will function for the gas station and Goodwill if the intersection is closed.

It was noted in the past it was suggested that if there were (5) accidents they would have to close down that intersection.

Attorney Blum noted the State law does prescribe there needs to be sufficient reason.

Fellows this concern was brought up to him prior to the meeting and he was able to find several items in relation to this. He is unable to find a fully executed MOU at this time.

Chief Schmidt noted there have been a few accidents but not too many. Trustee Meiners asked if additional signage would be possible.

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

Decker/Meiners motion to approve RESOLUTION 2021-22 to consider a Conditional Use application for a secondhand store Goodwill Industries of SE WI and NE II, applicant; located at the Southwest corner of S Rochester St and Arrowhead Dr; MUKV 2015-997-010, as recommended by the Plan Commission.

Trustee Walsh asked if it was taken into consideration the approval of new downtown thrift shops that have just opened. Planner Fellows noted it was taken into consideration but it is not a reason to deny.

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

**Discussion and possible action on RESOLUTION 2021-23 to approve Site Plan and Architectural Review for Goodwill Industries of SE WI and NE IL, applicant; Lot 2 Certified Survey 9620 at Arrowhead Drive; MUKV 2015-997-010, as recommended by the Plan Commission.**

Decker/Meiners motion to approve RESOLUTION 2021-23 to approve Site Plan and Architectural Review for Goodwill Industries of SE WI and NE IL, applicant; Lot 2 Certified Survey 9620 at Arrowhead Drive; MUKV 2015-997-010, as recommended by the Plan Commission.

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

**Discussion and possible action on RESOLUTION 2021-24 to Amend the Comprehensive Plan for Bielinski Homes, Inc., applicant; Outlot 1 CSM #11755; MUKV 1957-997-001, as recommended by the Plan Commission.**

Decker/Meiners motion to approve RESOLUTION 2021-24 to Amend the Comprehensive Plan for Bielinski Homes, Inc., applicant; Outlot 1 CSM #11755; MUKV 1957-997-001, as recommended by the Plan Commission.

Planner Fellows noted this is the area north of Chapman Farms Boulevard. The Comprehensive Plan did not have any conservation development and this would be created with 40 units. He noted it is about the same number of lots, however they could be smaller to protect certain environments.

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

**Finance Committee, Trustee Meiners**

**Discussion and possible action to approve Resolution 2021-27 a Resolution Authorizing the Redemption of general obligation refunding bonds, dated November 20, 2013.**

Meiners/Decker motion to approve Resolution 2021-27 a Resolution Authorizing the Redemption of general obligation refunding bonds, dated November 20, 2013.

Finance Director Doherty noted this is an opportunity to pay off a bond one year early and save \$20,000 in interest.

Unanimously carried.

**Annual Room Tax Report for 2020**

Clerk Dykstra reported the Room Tax Reports have been filed for 2020. The Village has receipted \$31,427.45 and has sent to the Chamber \$21,998.73 of those funds. No action is required, this is for information only.

**Discussion and possible action to approve a purchase requisition to Porter Corporation in the amount of \$153,647 for the Concession Stand at Indian Head Park.**

Decker/Meiners motion to approve a purchase requisition to Porter Corporation in the amount of \$153,647 for the Concession Stand at Indian Head Park.

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

**Discussion and possible action to approve a purchase requisition for Porter Corporation in the amount of \$162,596 for the Outdoor Performance Stage.**

Decker/Meiners motion to approve a purchase requisition for Porter Corporation in the amount of \$162,596 for the Outdoor Performance Stage.

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

**Discussion and possible action to approve accounts payable Vouchers in the amount of \$149,091.92.**

Meiners/Decker motion to approve accounts payable Vouchers in the amount of \$149,091.92. Unanimously carried.

**Personnel Committee, Trustee Johnson**

**Discussion and possible action on Resolution 2021-025 a resolution to correct an error in the Village of Mukwonago Employee Handbook dated November 18, 2020.**

Johnson/Decker motion to approve Resolution 2021-025 a resolution to correct an error in the Village of Mukwonago Employee Handbook dated November 18, 2020.

Finance Director Doherty noted that when she updated the employee handbook they eliminated the maximum payment of sick payout at 120 days, and they need to put this back into the handbook. Unanimously carried.

**Public Works Committee, Trustee Brill**

**Discussion and possible action to approve Resolution 2021-26 a new Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property for Sanitary Sewer Water Main and Lateral Improvements (Sommer Property Improvements).**

Decker/Meiners motion to approve Resolution 2021-26 a new Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property for Sanitary Sewer Water Main and Lateral Improvements (Sommer Property Improvements).

Trustee Walsh feels this is a property rights issue and feels the owner was not correctly notified, which is why he asked for reconsideration. He noted the map was redrawn, no one has appeared so he is unable to answer why. He commented the property is currently assessed at \$52,000 and the Village is now adding \$933,000 to vacant land. He noted that Waukesha County has a different address and he doesn't understand how this one property can be responsible for improvements that benefit the TID.

Trustee Johnson noted she shares those concerns.

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

**Protective Services, Trustee Adler**

**Mukwonago Fire Department Annual Report for 2020, and Monthly Report for March 2021.**

The Fire Department Report was placed on file.

**Police Department Report for the month of March 2021.**

Police Department Report was placed on file.

**Discussion and possible action on Joint Village and Town Board regarding Joint Fire Agreement Revisions.**

President Winchowky questioned if this item should be referred to the Committee of the Whole as it was just received to provide time for Board members to review. Trustee Adler noted they approved this version at the Protective Services Meeting and they are minor changing giving structure.

Adler/Johnson motion to approve amendment to the Joint Village and Town Board Joint Fire Agreement.

Unanimously carried.

**Discussion and possible action on the Fire Department release of ERF billing due to hardship for Majot Phul.**

No action was required this will be forwarded to the next meeting.

**Village President**

**Proclamation in honor of our 2021 Arbor Day in the Village of Mukwonago on April 30, 2021.**

Decker/Adler motion to approve. Unanimously carried.

**Proclamation honoring efforts of Public Works professionals providing safe and reliable infrastructure to communities with Public Works Week May 16 - 23, 2021 in the Village of Mukwonago.**

Decker/Johnson motion to approve. Unanimously carried.

**Proclamation for 2021 National Police Week May 9th - 15th, and National Police Officer Memorial Day on May 15, 2021.**

Johnson/Decker motion to approve. Unanimously carried.

**Proclamation honoring the 52nd Annual Professional Municipal Clerks Week from May 2-8, 2021.**

Decker/Meiners motion to approve. Unanimously carried.

**Appointments to Committees, Commissions, and Boards for 2021.**

President Winchowky noted he has no appointments to make at this time.

**Announcement regarding Trustee Roger Walsh withdrawal of resignation.**

President Winchowky wanted to announce that Trustee Walsh has withdrawn his resignation and he will complete his term.

**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 negotiation with HMH Homes LLC, and consideration of a grievance from the Mukwonago Professional Police Association dated March 4, 2021, and a T-Mobile Cellular lease agreement at 8:20pm.

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) at 8:48pm.

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

**Adjournment**

Meeting was adjourned at 8:49pm.

Respectfully Submitted,

Diana Dykstra, MMC  
Village Clerk-Treasurer