

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, June 16, 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
Diana Doherty, Finance Director
Dan Streit, Police 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 Lane commented on the Fire Department sign and item 7.1, he noted there is no information in the sign proposal regarding placement of the sign. He has concerns regarding ordinance requirements. Additionally, he is concerned with the Police Department sign and the messaging. Fire Department reader board is a want in the capital plan. It doesn't demonstrate the value they need. He further commented on the TID 5 expansion noting that 12% is enough. He feels we are cheating the state guidelines. He feels the village debt is out of control, and this report doesn't address the risk. He doesn't want to invest any further in TID projects and feels its time for a moratorium. He feels there should be a debt repayment plan and goal set for pay off.

Presentations

Presentation and motion to accept the 2020 Audit for the Village of Mukwonago as presented from Wendi Unger of Baker Tilly.

Wendy Unger of Baker Tilly was present to discuss the audit.

She noted it is a clean unmodified opinion which means it meets all disclosures and generally accepted accounting principles.

Reports and Insights were created and disseminated for review. No material adjustments during the audit process and no material weaknesses.

She noted they continue to remind we have cash collection sites like Library and Police Dept that are not under the same rules/review. The Village added \$281,820 in fund balance, and revenues were over budget and expenditures were very close to budget.

Trustee Johnson questioned about the missing key controls item which was discussed. She noted there are certain controls not taking place which lead to significant transaction cycles and there is a recommendation to strengthening controls. Finance Director Doherty Accounting system is set up Doherty sets up the journal entries and she gives them to Lissa to enter and if she sets up a control level in the software then she has to approve under each entry and she prefers to approve a larger batch. If they have to come up with a different way to take care of it they can. Johnson further asked about the Termination of access comments to verify when someone leaves, we are taking away those rights. Doherty noted there really was nothing in place when staff leaves and there should be a process.

Trustee Walsh asked for a short answer to how we can be improving our rating. Unger noted that the Village should continue to maintain general fund balance at a level above our policy.

Decker/Meiners motion to accept the 2020 Audit for the Village of Mukwonago as presented from Wendi Unger of Baker Tilly. Unanimously carried.

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 May 19, 2021 and Special Village Board Meeting Minutes of June 2, 2021
- 6.2 Approve a request from the Mukwonago Rotary Club regarding their contribution towards temporary stage, and authorize the transfer from reserves \$5,400 to plant trees in the name of the Rotary Club, and further authorize the Finance Director to draft appropriate budget resolution.
- 6.3 Approve the Purchase Order for the annual Street Maintenance Program, Mill and Fill Patching with Johnson and Sons Paving in the amount of \$23,775.48.
- 6.4 Approve Accounts Payable Vouchers in the amount of \$295,246.89.
- 6.5 Approve purchase requisition for five (5) Pedestrian Crossing Lights for certain pedestrian crosswalks.
- 6.6 Approve the Special Event Application for St James Catholic Parish Festival, August 27, 28, 29, 2021, along with a temporary Class "B" retailer's License St James Catholic Church located on the St. James grounds at 830 E Veterans Way.
- 6.7 Approve waiving the park fee for Phantom Lakes Management District for the Phantom Lakes Fireworks Display on July 3, 2021.
- 6.8 Approve **ORDINANCE 994** to amend Section 74-5 and 74-6 regarding Street and Sidewalk Excavations, of the Mukwonago Municipal Code to assign a municipal citation for failing to obtain a permit prior to performing the work.
- 6.9 Approve **Ordinance 993** an Ordinance to amend Section 2-148 of the Village of Mukwonago Municipal Code regarding Appointments; Terms; Vacancies with the Downtown Development Committee.

6.10 Approve a Temporary Class "B" Fermented Malt Beverage License application from the Rotary Club of Mukwonago for Balloons over Mukwonago July 16-18, 2021.

6.11 Approve a wage increase for Brennen McCuen due to his appointment as the new DPW Crew Supervisor.

6.12 Approve the Renewal Class "A" Fermented Malt Beverage License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds:

- 1.) 5 Star Stations, Inc, d/b/a Mukwonago Express Mart, 407 S. Rochester St., Robin Hernandez, Agent.
- 2.) 122 Arrowhead Enterprises, Inc., d/b/a Arrowhead BP, 122 Arrowhead Dr., Judith Schwartz, Agent.
- 3.) Genesis Gas, Inc., d/b/a Village Mini Mart, 201 N Rochester St., Manoj Gupta, Agent

6.13 Approve the Renewal of Combination Class "A" Fermented Malt Beverage Licenses and "Class A" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds:

- 1.) Aldi Inc. (Wisconsin), d/b/a Aldi #46, 111 East Wolf Run, Amanda Fait, Agent
- 2.) Main Street Liquor LLC, d/b/a Main Street Liquor LLC, 411 Main Street, Martin Johnson, Agent.
- 3.) Kwik Trip Inc., d/b/a Kwik Trip #282, 1212 North Rochester Street, Valerie Brezgel, Agent
- 4.) Ultra Mart Foods, LLC, d/b/a Pick'n'Save #384, 1010 North Rochester Street, Todd Glaser, Agent
- 5.) Walgreen Co., d/b/a Walgreens #07039, 212 N. Rochester St., Brian M. Marinello, Agent
- 6.) Wal-Mart Stores East LP, d/b/a Wal-Mart Supercenter #1571, 250 East Wolf Run, Michael R. Sandelback, Agent
- 7.) 1060 Rochester Enterprises Inc., d/b/a Rochester BP, 1060 N Rochester St, Judith Schwartz, Agent
- 8.) 909 Greenwald Enterprises Inc., d/b/a Mukwonago Amoco, 909 Greenwald Ct., Judith Schwartz, Agent
- 9.) VM Investments, LLC d/b/a Aman's Beer & Wine, 110 Chapman Blvd., Amandip Singh, Agent.

6.14 Approve the Renewal of Combination Class "B" Fermented Malt Beverage Licenses and "Class B" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds:

- 1.) American Legion Community Post No. 375, d/b/a American Legion Community Post #375, 627 E.Veterans Way, Harold Casper, Agent
- 2.) Blue Bay Inc., d/b/a Blue Bay Restaurant, 927 Main Street, Vlaznim Islami, Agent
- 3.) FJ Partners LLC, d/b/a Sol de Mexico, 507 Main Street, Froylan J. Mauricio, Agent
- 4.) Jay's Lanes, Inc., d/b/a Jay's Lanes, 326 Atkinson Street, Jeffrey R. Jay, Agent
- 5.) Perseverance Corp., d/b/a The Badger Burger Co., 200 S Rochester St, Mark Weiss, Agent
- 6.) Sandra M. Miller, 701 Main Street, d/b/a Sandy's Miller Time, Sandra Miller, Agent
- 7.) Boneyard Pub and Grille, LLC, d/b/a The Boneyard Pub and Grille, 215 Bay View Road Suite D, James F. Jones, Agent

6.15 Approve the Renewal of Reserve Combination Class "B" Fermented Malt Beverage Licenses and "Class B" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds:

- 1.) El Pueblo, Inc., d/b/a Antigua Real Restaurant, 325 Bay View Rd., Marco Alarcon, Agent
- 2.) DAA Smokehouse LLC, d/b/a David Alan Alan's Smokehouse, 325 Bay View Rd., Tina O'Bryan, Agent.
- 3.) Sarab Investments, LLC, d/b/a Aman's Beer+Wine, 110 Chapman Blvd, Amandip Singh, Agent.

- 6.16 Approve the Renewal of Combination Class "B" Fermented Malt Beverage License and Class C Wine License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds for Mario's Natural Roman Pizza, 225 Bay View Rd. #500, Charlene Reitman, Agent.

Decker/Meiners motion to approve consent agenda items 6.1 to 6.16.

Unanimously carried.

Other Items for Approval

Other items removed from Consent Agenda which were not unanimously approved from the Committee of the Whole.

7.1 Discussion and possible action to approve a proposal from Ehler's to amend the TID #5 Project Plan to increase the boundary for future industrial park development.

Jonathan Schatz was present and noted this would be the same presentation that was at the Committee, there is no change and he is present to respond to any questions they may have. This is a proposal to expand the boundary and update estimated costs. There is no confirmation that anything will actually happen and no expenditure of any funds. This doesn't commit to any projects.

Meiners/Decker motion to approve a proposal from Ehler's to amend the TID #5 Project Plan to increase the boundary for future industrial park development.

Trustee Walsh commented the expansion to TID 5 is a reaction to purchase village property and wasn't in the comprehensive plan adopted by the Village. There is some village land to sell and would like to see this done before we buy more. There are projects that need to be completed before creating new debt.

Trustee Johnson commented in the past and knows we are close to the 12% and does have heartburn over this item.

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

Discussion and possible action to approve a renewal of Combination Class "A" Fermented Malt Beverage Licenses and "Class A" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds for Khasria Two Inc., d/b/a Village Wine & Liquor, 712 Main Street, Harjinder S Khasria, Agent.

Decker/Meiners motion to approve a renewal of Combination Class "A" Fermented Malt Beverage Licenses and "Class A" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds for Khasria Two Inc., d/b/a Village Wine & Liquor, 712 Main Street, Harjinder S Khasria, Agent. Unanimously carried.

Discussion and possible action to approve a renewal of Combination Class "A" Fermented Malt Beverage Licenses and "Class A" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any

Department of Revenue holds for E and S Sweets, LLC, d/b/a E and S Sweets, 211 N Rochester St., D, Kristine Brill, Agent

Decker/Johnson motion to approve a renewal of Combination Class "A" Fermented Malt Beverage Licenses and "Class A" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds for E and S Sweets, LLC, d/b/a E and S Sweets, 211 N Rochester St., D, Kristine Brill, Agent
Roll Call: "Yes" Trustee Adler, Decker, Johnson, Meiners, and Winchowky. Trustee Brill and Walsh Abstain. Motion carried.

Discussion and possible action to approve a renewal of Combination Class "B" Fermented Malt Beverage Licenses and "Class B" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds for Take a Big Bite, d/b/a Fork in the Road, 215 North Rochester St., Paul J Hennessy, Agent.

Decker/Meiners motion to approve a renewal of Combination Class "B" Fermented Malt Beverage Licenses and "Class B" Intoxicating Liquor License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, and clearance of any Department of Revenue holds for Take a Big Bite, d/b/a Fork in the Road, 215 North Rochester St., Paul J Hennessy, Agent
Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, and Winchowky. Trustee Walsh Abstain. Motion carried.

Planning Commission Recommendations

Discussion and possible action on RESOLUTION 2021- 53 to approve a Conditional Use for 809 S Rochester Street, for Carl Goede / Rivers Edge Car Wash; Parcel MUKV 2009-978-004, as recommended by the Plan Commission.

Planner Fellows noted this is a Conditional Use for additional vacuum areas to allow customers due to an increase of customers wanting to work on their own vehicles.

Decker/Brill motion to approve RESOLUTION 2021- 53 to approve a Conditional Use for 809 S Rochester Street, for Carl Goede / Rivers Edge Car Wash; Parcel MUKV 2009-978-004, as recommended by the Plan Commission. Unanimously carried.

Discussion and possible action on RESOLUTION 2021-54 to approve a Site Plan and Architectural Review for Car Wash; Carl Goede/Rivers Edge Care Wash, applicant; 809 S Rochester St; Parcel MUKV 2009-978-004, as recommended by the Plan Commission.

Decker/Johnson motion to approve RESOLUTION 2021-54 to approve a Site Plan and Architectural Review for Car Wash; Carl Goede/Rivers Edge Care Wash, applicant; 809 S Rochester St; Parcel MUKV 2009-978-004, as recommended by the Plan Commission
Unanimously carried

Discussion and possible action on RESOLUTION 2021- 48 to approve a Site Plan and Architectural Review for Village of Mukwonago, applicant; 1111 Fox Street; Parcel MUKV 1969-989, as recommended by the Plan Commission

Planner Fellows noted this is the sign for fire station on Fox Street, which is identical to the police station sign.

Decker/Brill motion to approve RESOLUTION 2021- 48 to approve a Site Plan and Architectural Review for Village of Mukwonago, applicant; 1111 Fox Street; Parcel MUKV 1969-989, as recommended by the Plan Commission

Trustee Johnson asked about the resident concern and what information can we provide. DPW Bittner noted the size of pixel will be regulated and will be the same size as the PD Unanimously carried.

Discussion and possible action on RESOLUTION 2021- 47 to approve a land division for a two lot Certified Survey Map (CSM), 322 Plank Road, for Ryan Jansen Ryan's Buying; Parcel MUKV 1976-998, as recommended by the Plan Commission.

Planner Fellows noted this is a large lot on Plank Road which is being split in half and they comply with the zoning code.

Decker/Meiners motion to approve RESOLUTION 2021- 47 to approve a land division for a two lot Certified Survey Map (CSM), 322 Plank Road, for Ryan Jansen Ryan's Buying; Parcel MUKV 1976-998, as recommended by the Plan Commission.

Unanimously carried.

Discussion and possible action on RESOLUTION 2021- 51 to approve a Site Plan and Architectural Review, 301 Main Street, for David A. and Tracy A. Stockwell / Espresso Love Coffee; Parcel MUKV 1976-128, as recommended by the Plan Commission.

Planner Fellows commented this is the update to the CUP and review last month which required they receive approval from county

Decker/Johnson motion to approve RESOLUTION 2021- 51 to approve a Site Plan and Architectural Review, 301 Main Street, for David A. and Tracy A. Stockwell / Espresso Love Coffee; Parcel MUKV 1976-128, as recommended by the Plan Commission.

Unanimously carried.

Discussion and possible action on RESOLUTION 2021- 52 to approve a Site Plan and Architectural Review, 309 and 315 Gibson Road, for IMPACT MUKWONAGO LLC; Parcel MUKV 1976-128, as recommended by the Plan Commission.

Planner Fellows commented they are under new ownership and renovation. There is a dumpster in north west corner needed to be upgraded and shielded. They also are requesting a second dumpster with additional landscaping.

Decker/Brill motion to approve RESOLUTION 2021- 52 to approve a Site Plan and Architectural Review, 309 and 315 Gibson Road, for IMPACT MUKWONAGO LLC; Parcel MUKV 1976-128, as recommended by the Plan Commission.

Roll call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, and Walsh. "No" Winchowky. Motion carried.

Discussion and possible action on RESOLUTION 2021- 49 to approve a Site Plan and Architectural Review (Lighting), LOT 2 CERT SURV 9620 at Arrowhead Drive, for Goodwill Industries; Parcel MUKV2015-997-010, as recommended by the Plan Commission.

Planner Fellows commented last month they received approval and part of that was to require lighting to match property from south. They have requested additional lighting scheme with new proposed light which is described in the materials.

Decker/Brill **RESOLUTION 2021- 49** to approve a Site Plan and Architectural Review (Lighting), **LOT 2 CERT SURV 9620 at Arrowhead Drive**, for Goodwill Industries; Parcel MUKV2015-997-010, as recommended by the Plan Commission.
Unanimously carried.

Downtown Development Committee, Trustee Adler

Discussion and possible action on a request from the Downtown Development Committee to Authorize expenditures from the Downtown Development Committee operating fund for Historic District Identification Signage within the Pearl and Grand Historic District in the amount of \$1,250.00

Planner Fellows explained they discussed historic signage and their original funding was a donation from a local family. The Historical Society needed to secure the signage, and their total expense was \$14,000. The downtown development committee has an operating fund of \$3,500.

Adler/Walsh motion to approve a request from the Downtown Development Committee to Authorize expenditures from the Downtown Development Committee operating fund for Historic District Identification Signage within the Pearl and Grand Historic District in the amount of \$1,250.00

President Winchowky asked if any other organizations have been contacted.

Trustee Walsh noted they have raised money in the past and will continue to search for donations. It fits goals of the DDC and friends of the Library and Historical Society is planning a future historic walking tour. Unanimously carried.

Discussion and possible action to approve a request to allow the Downtown Development Committee to meet virtually from June 2021 through November 2021, to allow for more more participating from the business community during the meetings.

Planner Fellows noted that they discussed how to get more people involved and they thought to find other resources from programs with the State every other month, that might be able to help draw attendees.

Attorney Blum noted he did not see the Ordinance on the agenda. Clerk Dykstra noted this was an error and will place this item on the next available agenda. It was noted since no ordinance is in place they may continue with a virtual meeting. We will put this back on the agenda next month.

Update, discussion, and possible action regarding streetscape improvements for Rochester Street including preparation of a survey of the area to allow staff to continue to move discussion with WIDOT and design improvements forward.

Planner Fellows noted they are moving forward with streetscapes on the downtown area and the first task is a survey. They need a survey in order to follow through with the program. This is a contract with R&M survey and design temporary bump outs that would allow them to evaluate how they are working and learn with feedback to moving forward with more permanent designs.

Adler/Walsh motion to approve Task Order with R& M for preparation of a survey of the area to allow staff to continue to move discussion with WIDOT and design improvements forward.
Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve a Purchase Requisition for the message center at Mukwonago Fire Dept. station #1 from Look Creative in the amount of \$24,311.00.

Meiners/Decker motion to approve a Purchase Requisition for the message center at Mukwonago Fire Dept. station #1 from Look Creative in the amount of \$24,311.00.
Unanimously carried.

Motion to authorize the Finance Director to sign the contract for UKG, a new payroll vendor replacing the Village's current vendor, B2E Solutions.

Meiners/Decker motion to authorize the Finance Director to sign the contract for UKG, a new payroll vendor replacing the Village's current vendor, B2E Solutions.

Doherty noted this is a new company which allows us to access some additional functionality with an online punch clock, more accurate time keeping, no more manual entry, department heads can monitor more help with scheduling for police dept. It will assist with calculating overtime and she would like to switch. They need to convert current data and switch around November 1.

Unanimously carried.

Discussion and possible action to approve Resolution 2021-55 to establish the new Police Chief's initial salary, including increases through the calendar year 2022.

Doherty noted an email was sent saying what the recommendations from the police commission was for his salary, and this resolution is a formality.

Trustee Decker asked if the Police Commission will comment and provide feed back.

Attorney Blum noted the Police Commission doesn't report to the Board, so they can evaluate themselves but the decision rests solely through them.

Meiners/Decker motion to approve Resolution 2021-55 to establish the new Police Chief's initial salary, including increases through the calendar year 2022.

Unanimously carried.

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$694,878.38.

Meiners/Decker motion to approve Accounts Payable Vouchers in the amount of \$694,878.38. Unanimously carried.

Discussion and selection of date for the Village's Budget Planning workshop.

Finance Director Doherty noted the new adopted policy says they will meet in June. She would like to set up a first discussion on the capital plan at the July 7th after the C.O.W. for a special meeting. Board members agreed to a special meeting to review following the C.O.W.

Health and Recreation Committee, Trustee Decker

Discussion and possible action to reschedule the 2021 Mt. Olive Concert in the Mukwonago Outdoor Performance Stage, and consider funding for 2022.

Trustee Decker noted he is looking for the board to agree to reschedule.

Miners/Brill motion to reschedule for June 4th. Unanimously carried.

Personnel Committee, Trustee Johnson

Discussion and possible action on Village Administrator search process.

Interim Administrator/Clerk Dykstra noted she was requested to put together a job advertisement and bring back for review. She provided a copy of the advertisement and the position description.

Trustee Johnson noted she had requested department heads provide comments regarding the advertisement and she saw there were a few comments. The only comment she received directly was from the retired Police Chief.

Trustee Decker questioned why the Board can not have a round table discussion regarding this information to talk more freely about the position.

He further noted he thought he sent in comments and felt they were not included. Clerk Dykstra commented she hadn't received those comments and Diana Doherty noted they were sent to her instead.

Trustee Decker requested a special meeting after the Committee Meeting on July 7th to discuss this issue. Board members agreed to include this discussion on the Special Board meeting after the C.O.W.

Protective Services, Trustee Adler **Monthly Police Report for May 2021**

Report was placed on file, no action was required

Closed Session

Decker/Johnson motion to go into 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 Greenwald Family LP V Village of Mukwonago; 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 Supervisor of Inspections, Interim Administrator, and Interim Economic Development Director. Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, Walsh, and Winchowky. Unanimously carried.

Reconvene into Open Session

Decker/Meiners 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. Unanimously carried.

Johnson/Decker Resolution approve **Resolution 2021-56** to approve an appointment of John Fellows as Interim Economic Development Director with a \$500 monthly stipend and include a submission of monthly report to the Personnel Chair and Village President. Unanimously carried.

Johnson/Walsh motion to approve **Resolution 2021-57** to approve a stipend for the Interim Administrator Diana Dykstra at \$800 per month with a submission of monthly report of activities to the Personnel Chair and Village President. Unanimously carried.

Adjournment

Meeting was Adjourned at 9:10pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer