

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, July 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
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
Tim Rutenbeck, Supervisor of Inspections

Pledge of Allegiance

Comments from the Public

Colleen Farmer, commented the Village Board knows how she feels about the Project Plan vote, but she feels it is irresponsible to exceed the 12% cap in place. She doesn't understand why TID 3 is spread out passed cash flow, feels we need to take a pause and doesn't know the outcome of the equalized values of Walworth County yet. She would like the Village to take a pause on the Walworth County side. She has tried to bring taxing jurisdictions together and doesn't feel she got the answers or do members of the Board have those answers. She noted if we pause this for time and research, that would be better. She feels no one seems to know what is going on, each jurisdiction only knows what their section is. She would be in favor of the project plan amendment, however, hopes they vote no for the boundary expansion.

David Boebel, 815 Parkview Lane, commented regarding the Web Site development and the confusion about funding for this. He feels there is excess in the general fund and would like to see this used for the web site. Additionally, he commented about Phase 3 of TID 5. He reviewed the old project plan which promised 68.7 million in development. He stated we are at 21.8 million below that target. He refers to recent transactions and feels the village will not meet that target. He feels we need to review these worksheets in the future. He questioned reports provided and tax rates differing from the State of Wisconsin reports. He feels this

research shouldn't have to be done by the Village Residents. He feels they need to vote this down it is not in the best interest of Village.

David Amyx, resident, commented on TID 5. He noted he lives in the Orchards subdivision in Walworth County. He took a quick look at the PDF file and what he sees is unsure how this is going to work out. He feels these businesses were solicited and most of the district is in Walworth County and he is affected by this. His taxes went up by 9% previous. They are in East Troy School district and they have funding issues as well. He has worked for the government for 35 years and doesn't feel it is fair the portion of the village in Walworth county are unfairly burdened with tax

Public Hearings

Public Hearing to consider rezoning for VM00018 and VM00017A within the Village of Mukwonago from A-1 Agricultural District to M-4 Medium/Heavy Industrial District. (Endell and Daniel Schultz Property)

Marilyn McCarthy, S108 W27690 Maple Ave, feels this area causes problems for neighbors. There has been an issue to their adjoined property and it has destroyed some crops. They have an impact on us.

Hearing no further comments the hearing was closed at 6:50pm

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.

Decker/Johnson motion to approve Consent Agenda items # 6.1 to 6.22.
Unanimously carried.

6.1 Approve Village Board Meeting minutes of June 16, 2021

6.2 Approve **Ordinance 995** to allow for the Village Committee of the Whole, Village Board, and other Boards/Commissions to conduct meetings via electronic means and video conferencing, as recommended by the Judicial Committee on June 2, 2021.

6.3 Approve the Hydro Corp 2021 Industrial Commercial Cross Connection Contract in the amount of \$19,980

6.4 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.

6.5 Motion to approve the purchase requisition for Ravel Seal asphalt sealer to Gee Asphalt Systems Inc. in the amount of \$22,706.00.

6.6 Motion to approve the purchase requisition for Friction Seal asphalt sealer to Fahrner Asphalt Sealers LLC in the amount of \$80,661.00.

6.7 Motion to approve a Fire Department Roof Top Unit Replacement Purchase Requisition for four Carrier RTU to AUER STEEL in the amount \$25,755.00.

6.8 Motion to approve the purchase requisition for installation services and required hardware to install station 1 RTUs to AC Services INC. in the amount of \$17,995.00.

- 6.9 Motion to approve a request from the Downtown Development Committee to authorize expenditures from the pedestrian and signage funds to secure the services of KMA Design Group, of Carnegie, PA for design drawings and construction drawings for Village signage identification and wayfinding program for the Village in the amount of \$37,635.00
- 6.10 Motion to approve Accounts Payable Vouchers in the amount of \$670,783.09.
- 6.11 Motion to approve a Schedule of Agent change for Kwik Trip 282 to Susan J. Foster.
- 6.12 Motion to approve change of status for the new Supervisor of Inspections, Tim Rutenbeck.
- 6.13 Motion to approve Front Street Reconstruction Close -out Change Order and Final Payment request from Advance Construction, Inc. in the amount of \$9,689.53. (Final Contract amount is \$352,668.15)
- 6.14 Motion to approve Grand Avenue Infrastructure Rehabilitation Close- out Change Order and Final Payment request from Advance Construction, Inc. in the amount of \$20,127.39. (Final Contract amount is \$852,250.30)
- 6.15 Motion to approve **Task Order No. 2021-08** from Ruekert Mielke, Inc. for the construction related services of Indianhead Park Outdoor Performance Stage project in the amount of \$29,610.
- 6.16 Motion to award the 2021 Street Crack Seal project to Fahrner Asphalt Sealers LLC in the amount of \$28,624.00.
- 6.17 Motion to approve **Resolution 2021- 60** approving a Developer's Agreement for Subdivision Improvements within the Chapman Farms Subdivision Phase 2.
- 6.18 Motion to approve a Letter of Credit Elimination for Phantom Lakes Preserve (Infinity Development), as recommended by the Village Engineers.
- 6.19 Motion to approve a Letter of Credit Elimination for the Hittman Property project on Arrowhead and STH83, as recommended by the Village Engineers.
- 6.20 Motion to approve a Letter of Credit Elimination for Pointe Apartments Development, as recommended by the Village Engineers.
- 6.21 Motion to approve a Letter of Credit Reduction for Minor's Estates Phase 4 development to \$1,505,647.84.
- 6.22 Motion to approve Chapman Farm phase 2 street lights and authorize the Village President to sign the WE Energies lighting agreement.

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 on web site redesign proposal from CivicCMS in the amount of \$9,800 and \$2,000 for annual maintenance and authorize Village President to execute contract.

Decker/Adler motion to approve web site redesign proposal from CivicCMS in the amount of \$9,800 and \$2,000 for annual maintenance, and authorize Village President to execute contract.

Trustee Johnson questioned if the Department Heads were confident this is what they were satisfied with and felt they could make those updates. It was confirmed they had participated in the review and had offered to contribute to the funding.

Trustee Walsh noted this saves money over the current provider and feels this is a good use of funds.

Unanimously carried.

Motion to approve a Permanent Easement and Access Agreement dedicating a portion of 301 Main Street for the purposes of public parking stalls.

This item will be continued to the next Village Board meeting in August.

Planning Commission Recommendations

Discussion and possible action on RESOLUTION 2021-59 to approve a Site Plan and Architectural Review for a garage addition; American Legion, applicant; 627 E Veterans Way; Parcel MUKV 1964-991-001.

Decker/Walsh motion to approve RESOLUTION 2021-59 to approve a Site Plan and Architectural Review for a garage addition; American Legion, applicant; 627 E Veterans Way; Parcel MUKV 1964-991-001.

Unanimously carried.

Discussion and possible action on RESOLUTION 2021- 58 to approve a 2- Lot Certified Survey Map drafted on 6-11-2021 by Kevin A. Slottke subject to documentation of Town Board approval. Scott and Courtney Babinat, applicant; Parcel MUKT 2005-102-001, MUKT 2005-143-003, and MUKT 2005-143-002.

Decker/Brill motion to approve RESOLUTION 2021- 58 to approve a 2- Lot Certified Survey Map drafted on 6-11-2021 by Kevin A. Slottke subject to documentation of Town Board approval. Scott and Courtney Babinat, applicant; Parcel MUKT 2005-102-001, MUKT 2005-143-003, and MUKT 2005-143-002.

Unanimously carried.

Discussion and possible action to approve Ordinance 996 to Amend the District Zoning Map of the Village of Mukwonago on behalf of the Village of Mukwonago, applicant; for property owned by Wendell Shultz and Daniel Schultz Parcel Number: #VM 00018 and #VM 00017A.

Decker/Brill motion to approve Ordinance 996 to Amend the District Zoning Map of the Village of Mukwonago on behalf of the Village of Mukwonago, applicant; for property owned by Wendell Shultz and Daniel Schultz Parcel Number: #VM 00018 and #VM 00017A.

Planner Fellows noted this is a request by the Village to rezone property. The request is in conjunction with the expansion of the TID district. The law requires the land to be 50% industrial, and it would be short at the current boundary, so they reached out to the property owner to see if he would be in favor of this.

Trustee Walsh confirmed when this came up a few weeks ago we reached out to Schultz and they have listed this property for years. As a private citizen the public feels they have no voice and feels the zoning should stay the same until the village has someone to buy the property. He understands why the village wants to do this but feels this is rushed. He served on the comprehensive plan committee and understands the history here.

Trustee Meiners questioned if they increase boundaries does this require us to change this zoning? Planner Fellows noted that it does. If we did not move forward, we would have less

than 50% zoned industrial and we would not be compliant with the state statutes. He consulted Ehlers and if we had that imbalance the project plan would not be compliant. The Comprehensive Plan does call for that area to be industrial as well, and If they rezone the property and do not pass plan he can still farm the land and still be assessed agricultural as long as it is used for that purpose. That would then provide that step for him for development in the future.

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

Consideration and possible action on a Resolution 2021-64 Approving an Amendment to the Project Plan and Boundaries of the Tax Incremental District No. 5, Village of Mukwonago, Wisconsin.

Jonathan Schaatz, Ehlers was present to discuss the changes. He noted the largest changes after plan commission were some additional details, maps, and projects for the ½ mile radius. There were caps on expenditures, and the total cap for TID 5 including debt issuance, 29 million and 42 million for the original plus amended area. This project plan is not a guarantee or promise. It doesn't obligate to spend money. It is not a budget, and all projects still need to be approved by the Village Board. This does not commit to anything but allows for the development to take place. Not approving this plan, just hinders the Village from using TID to assist with those projects. He further noted that they used an anticipated 90million figure as an increase in the value price not a market price.

He additionally noted he issued a memo in 202 regarding the Walworth County Tax issues. He stated the TID has no impact on how property taxes are calculated. He included an updated model.

Trustee Walsh questioned why are existing MOU's affected.

Planner Fellows noted they had to create a project plan and it lists projects after original plan was adopted by the Village. The process began and DOT began to approach the Village and number of items go within that ½ mile radius. Those items were never amended into the project plan, and then there were more amendments to the DOT agreement and those were not in the project plan. Essentially those items would have to come from the capital budget otherwise.

Decker/Meiners motion to approve a **Resolution 2021-64** Approving an Amendment to the Project Plan and Boundaries of the Tax Incremental District No. 5, Village of Mukwonago, Wisconsin.

Trustee Walsh commented he doesn't understand what the "But For" is on this property and feels there is no blight, no rationalization, and cost benefit, doesn't see hardship, just sell land to developers. He feels we can focus on other things

President Winchowky commented there was a Comp Plan amended in 2016. Nothing can happen unless we can purchase the land. TIF districts help develop the land and comes from the property that is an investment in the Village of Mukwonago. This is a plan at this point.

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

Trustee Brill questioned if he could entertain another motion to amend the project plan and not approve the boundary expansion.

Attorney Blum noted that was acceptable and he could direct staff to bring back a revised resolution to have the amendments to the project plan expenses that relate to the removal of any expansion of the boundaries and costs at a special meeting, or they could approve those amendments here tonight.

Johnathan Schaatz, Ehlers noted any further delay would require us to go back to the beginning of the process.

Brill/Decker motion to approve the Project Plan Resolution alone without the Boundary expansion, and removing all cost items as part of the boundary expansion.
Unanimously carried.

Finance Committee, Trustee Meiners -

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$294,816.48.

Meiners/Decker motion to approve Accounts Payable Vouchers in the amount of \$294,816.48. Unanimously carried.

Protective Services, Trustee Adler

Police Report for the month of June 2021

Report was placed on file. No action was required.

Closed Session

Decker/Brill 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 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 Catholic Parish, and employee request regarding COVID Federal sick allowance at 7:40pm.

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 at 8:14p
Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, Walsh, and Winchowky.
Unanimously carried.

Decker/Brill motion to approve to extend federal COVID sick leave until July 30, 2021, applicable to all village employees.
Unanimously carried.

Adjournment

Meeting Adjourned at 8:14pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk/Treasurer