

MINUTES OF THE VILLAGE BOARD MEETING

Wednesday, September 15, 2021

Time: **6:30 pm**

Place: **Mukwonago Municipal Building/ Board Room, 440 River Crest Court,
Mukwonago, WI 53149**

Call To Order

Village Clerk Diana Dykstra 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

Also Present

Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
Dan Streit, Police Chief
Chris DeMotto, Asst 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
Jeff Stein, Fire Chief

Excused: Fred Winchowky

Decker/Meiners motion to appoint Eric Brill Chairperson for the meeting in absence of President Fred Winchowky. Unanimously carried.

Pledge of Allegiance

Comments from the Public

David Boebel submitted the following comments

1.) The salary study that was discussed at the August 4, 2021 COW meeting was dismissed without analysis of the Village's rank in the study. After compiling the cost of Village Boards highlighted by Finance Committee Chairman Meiners, I found that the Village of Mukwonago ranks 6th of 8. I have included a graphic of the table results below.

The salary question needs to be re-opened and given the serious consideration it deserves. Just as the Village has to accept that a competitive salary is critical in recruiting a new Village Administrator, it has to accept that a competitive salary is necessary to recruit future members of the Village Board.

Nobody ran for a seat in the last election, that's unacceptable. "Love, not money" is not good enough. Sweeten the pot, increase salaries by 25%.

2.) \$590,460 of the "Resolution 2021-35 A Resolution Authorizing The Issuance And Sale Of \$5,000,000 General Obligation Promissory Notes, Series 2021B" was earmarked for the construction of a "Trail And Foot Bridge Over the Fox River On CTH ES".

Since this project was canceled, the Board is obliged to provide another project of equal value to benefit the Parks system in the Village. A commitment was made and Taxpayers expect money borrowed in their name to be spent for the purpose that justified the debt incurred.

If the Village Health and Recreation committee doesn't like the idea of extending the multi-use trail to Fox River View subdivision, then come up with a better idea, but don't just dump that money into the General Reserve fund to be spent on other projects.

3.) The \$500,000 for "land purchase for DPW expansion" needs to be pushed back until the DPW Facility Expansion Needs Assessment (\$25,000 in 2024) is completed. It doesn't make sense to spend money without a plan. No plan, no money.

For the same reason, the \$500,000 for the "new Field Park Shelter Building" has to be pushed back until a legitimate needs assessment is completed. No plan, no money.

Taxpayers have the right to share their opinions with Village officials, but it is the obligation of Village officials to seek out those opinions, in this case the needs and of stakeholders of the current park shelter.

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.

5.1 Approve Minutes of Regular Village Board Meeting of August 18, 2021

5.2 Motion to approve Accounts Payable Vouchers in the amount of \$1,886,343.61.

5.3 Motion to approve a Temporary Class "B" Retailer's License application from the Rotary Club of Mukwonago for the Fall Fest on September 25, 2021.

5.4 Motion to approve a Temporary Class "B" Retailer's License application from the Son's of the American Legion for the Fall Fest on September 25, 2021.

5.5 Motion to approve the implementation of a \$50 Saturday, Sunday and Holiday stipend for one DPW and one Utilities hourly employee scheduled to be on-call on those days.

5.6 Motion to approve T-Mobile Lease Amendment for new equipment on North Tower at 626 Veteran's Way.

5.7 Motion to approve a Letter of Credit elimination for Edgewood Village Apartments contingent upon receipt of valid lien waivers.

5.8 Motion to approve a Letter of Credit Reduction #3 for Minors Estates Phase 4 contingent upon receipt of valid lien waivers.

5.9 Motion to approve the streetlighting and authorize the Village President to sign the WE Energies lighting agreement for Minors Estates.

- 5.10 Motion to approve the access and indemnity agreements for connecting private storm sewer in the public system at MUKV1976998001 (320 Plank Rd.) and MUKV 1976998002 (324 Plank Rd.)

Decker/Meiners motion to approve motion to approve Consent Agenda items # 5.1 to 5.10. Unanimously carried.

First Amendment to the Storm Water Management agreement for the Hill Court Partners Site subject to final approval as to form by the Village Attorney and Village Engineer.

Attorney Blum explained why this resolution was necessary. He noted that they also created a resolution to authorize Trustee Brill to execute the amendment, the applicant is in process of a sale on the property, and they are not able to wait for President Winchowky to return. Decker/Meiners motion to approve **Resolution 2021-71** approving the action and authorizing Trustee Brill to sign the resolution and contract
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 an underwriting contract with WFAQ radio for public service messages for the remainder of 2021 in the amount of \$266.20.

Meiners/Decker Motion to approve an underwriting contract with WFAQ radio for public service messages for the remainder of 2021 in the amount of \$266.20

There was an anonymous donation made to the village to cover the cost of this for the remaining 2021

Roll Call: "Yes" Trustee Adler, Brill, Johnson, Meiners, and Walsh. "No" Trustee Decker.
Motion carried 5-1.

Discussion and possible action to approve an underwriting contract with WFAQ radio for public service messages for an annual contract in 2022 in the amount of \$800.

Adler/Decker table to the next board meeting. Unanimously carried.

Motion to Table an underwriting contract with WFAQ radio for public service messages for an annual contract in 2022 in the amount of \$800. Unanimously carried.

Planning Commission Recommendations

Discussion and possible action to approve a building modification to 406 Grand Ave; Parcel MUKV 1973-046, a contributing building within the Pearl and Grand Historic District.

Decker/Adler motion to approve a building modification to 406 Grand Ave; Parcel MUKV 1973-046, a contributing building within the Pearl and Grand Historic District.

This item appeared before the HPC and the Plan Commission.
Unanimously carried.

Discussion and possible action to approve RESOLUTION 2021 -68 for Site and Architectural Approval for the addition of a Silo for Aptar Group, applicant; 711 Fox Street; MUKV 1970-989.

Decker/Johnson motion to approve RESOLUTION 2021 -68 for Site and Architectural Approval for the addition of a Silo for Aptar Group, applicant; 711 Fox Street; MUKV 1970-989.

Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$168,728.14

Meiners/Johnson motion to approve Accounts Payable Vouchers in the amount of \$168,728.14. Unanimously carried.

Discussion and consideration of American Rescue Plan Act (ARPA) funding and uses.

Attorney Blum explained the restricted expenditures for the ARPA funding. Finance Director Doherty asked for any information from Trustees who might have other ideas for funding. It is her recommendation it be used for Utility expenses and the first reporting period is coming soon. She is asking for any Trustees who have ideas to reach out to her sooner rather than later so she can be prepared for the first filing and budget workshop.

Judicial Committee, Trustee Walsh

Discussion and possible action to approve a Temporary Class "B" / "Class B" Retailer's License for Mukwonago Area School District Education Foundation Dinner and Auction event to be held on October 9, 2021; at Touch Pad located at 101 W Boxhorn Dr.

Walsh/Meiners motion to approve a Temporary Class "B" / "Class B" Retailer's License for Mukwonago Area School District Education Foundation Dinner and Auction event to be held on October 9, 2021; at Touch Pad located at 101 W Boxhorn Dr.

Unanimously carried.

Public Works Committee, Trustee Brill

Discussion and possible recommendation to approve a template agreement for future agricultural partners for use in upcoming project negotiations pending Village Attorney review.

Brill/Decker Motion to approve a template agreement for future agricultural partners for use in upcoming project negotiations pending Village Attorney review with a limit of \$75,000.

It was noted this is a contract between farmers and the Village to manage erosion control and avoid run off.

Trustee Decker asked if expenditures start to increase the board has to approve.

Seems to be reasonable amount

Trustee Johnson questioned if these are legislative rules going on their land, and wants to confirm it is fair to the farmers.

Engineer Michalski noted that this is nothing abnormal it protects the village's interest, asks a farmer to coordinate inspect best management practice and ensure measures in place are in place as agreed to. It is a completely voluntary program.

Unanimously carried.

Review and discussion regarding Industrial User Notice for upcoming changes to the Sewer Use Ordinance and Industrial Survey.

No action was required

Utility Director Brown noted they are reconstructing sanitary ordinances and one company coming into the village, they found the waste was a problem. They want to work with industrial

users and want to make it clear. There are about 45 notices will go out and they respond to the survey.

Discussion and possible action to approve Resolution 2021- 69 a Resolution for Declaration of Public Necessity and Relocation Order.

Brill/Decker motion to approve Resolution 2021- 69 a Resolution for Declaration of Public Necessity and Relocation Order.

Attorney Blum noted this is a relocation order to acquire additional ROW related to the HWY 83 project. Recently advised by the state they would be required to take additional right of way by May 1 of 2022 so caused it to be urgent matter for us. This is the area between Dewey and Boxhorn

Trustee Walsh noted this is a State Highway and feels the state should be in charge of the acquisition. He has concerns with the Eminent Domain and special assessment issues. He feels we should be negotiating with the property owners rather than going straight to eminent domain.

Attorney Blum noted negotiation is a step in the eminent domain process.

Roll Call "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners. "No" Trustee Walsh. Motion carried 5-1.

Discussion and possible action to approve the Access Agreement for soil transfer for the DeBack Drive Project.

Brill/Meiners motion to approve the Access Agreement for soil transfer for the DeBack Drive Project.

Trustee Walsh commented he has concerns with agreements while project is still in litigation.

Roll Call: "Yes" Trustee Brill, Decker, Meiners. "No" Trustee Adler, Johnson, Walsh. Motion fails on tie vote 3-3.

Attorney Blum responded to questions regarding the effects of this tie vote.

Johnson/Decker motion to reconsider vote on the Access Agreement for soil transfer for the DeBack Drive Project. Unanimously carried.

Brill/Meiners motion to approve the Access Agreement for soil transfer for the DeBack Drive Project.

Roll Call: "Yes" Trustee Brill, Decker, Johnson, Meiners. "No" Trustee Adler, and Walsh. Motion carried 4-2.

Protective Services, Trustee Adler

Police Report for the month of August 2021.

For information only, no action required

Discussion and possible action on annual revision of department policies for the Fire Department including Policy #1, Organizational; Policy #2 Rules of Conduct, Policy #15 Dispatch Procedures, Policy #21 PPE, Policy #20 Personal Appearance and Dress Code, Policy #27 Use of Station Areas, Policy #32 Drug Free Workplace.

Adler/Decker motion to approve stated policies as amended.

Chief Stien noted the Police #1 will delete the Battalion Chief, Admin assist, and Fire Marshall, may see them again in the future. Unanimously carried.

Discussion and possible action on authorize the signing of a 2022 Capital Intent Letter for Ambulance due to a 12-13 month production time from date of order price increase of 5% by 10/1/2021 equating \$13,500 increase in pricing.

Adler/Decker motion to authorize the signing of a 2022 Capital Intent Letter for Ambulance due to a 12-13 month production time from date of order price increase of 5% by 10/1/2021 equating \$13,500 increase in pricing
Chief Stein noted this has been in the 5-year plan and there is final pricing now available. They were able to secure these numbers in the current capital budget
We have done this previously to place the order and get the manufacturing done in the year they were budgeted. 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 negotiation with 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 Building Inspector and Village Administrator.
Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, and Walsh. 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
Roll Call: "Yes" Trustee Adler, Brill, Decker, Johnson, Meiners, and Walsh. Unanimously carried.

Item 5.11 Clarification

Attorney Blum noted that item 5.11 has agreement 1st amendment and the agenda listed Exhibit E&F which were technically separate agreement to be recorded for the two "as built" documents approved by engineer and that agreement should have been included but is part of the agreement you did approve. He just wanted to clarify this issue.
No further action was required.

Adjournment

Meeting adjourned at 8:25pm

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer