

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

Wednesday, December 15, 2021

Time: 6:30 pm

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

Call to Order

Meeting was called to order by President Winchowky 6:30pm.

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
John Fellows, Village Planner
Chris DeMotto, Asst Police Chief
Mike Michalski, Village Engineer
Mark Blum, Village Attorney
Ron Bittner, Public Works Director
Dave Brown, Utilities Director
Wayne Castle, Utilities Director
Tim Rutenbeck, Building Inspections Supervisor

Pledge of Allegiance

Comments from the Public

David Boebel, 815 Parkview Ln, submitted the following comments:

"8. Planning Commission Recommendations

8.4 Discussion and action on a special exception for additional square footage for wall signs for ProHealth/Waukesha Memorial Hospital Inc, applicant; 240 Maple Ave; Parcel MUKV 2016-993-002.

No matter how the signs in the staff report are described, these two signs are SINGLE SIGNS — WHITE SPACE IS PART OF THE DESIGN!

There are no "secondary signs" - the individual pieces cannot be moved relative to each other. The "secondary signs" - "Hospital Mukwonago", "Memorial Hospital", and "Mukwonago" make no sense standing alone — THEY ARE ALL PART OF THE PARENT SIGN! Any changes to overall size affects all signs equally — there is no separation between individual pieces of the parent sign.

The area calculation done by the Community Planner gives the ProHealth Care sign proposal extraordinary advantage over typical single-piece sign construction. These calculations should be rejected on the basis of a lack of universality needed for typical variations in sign construction.

A simple and fair calculation across corners of a sign (or group) is fairest. Location #7 (primary) is actually 286 sf measured across corners and Location #10 (secondary) is actually 209 sf for a total of 495 sf, a 65% increase over the 300 sf specified in the sign code.

The ProHealth Care building is closer to the street than either Home Depot or Walmart — which makes the 300 sq ft sign package more prominent than standard signs at Home Depot and Walmart. Consistent sizing is the fairest for all TID#3 merchants.

There is no hardship or other reason for ProHealth Care to need larger signs. If the Village accepts the argument that larger buildings deserve larger signs, then the sign code needs to be rewritten.

These signs are billboards, not signs. There is no good reason to extend ProHealth Care an exception to the standard sign code allowance."

Micah Roberts, Resident, expressed concerns regarding fee schedules and the amount of fees that have jumped. He noted there are new fees for several permits for building and zoning fees, Zoning Map fees, concept reviews, and feels it is a great deal of money. Further he noted there is an agricultural building accessory structure proposed .7cents per sq ft. He would challenge the body not to approve the increases.

Presentations

Presentation from Executive Director of Economic Development for Waukesha County Center for Growth Judie Taylor.

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 Minutes of Special Village Board meeting of November 3, 2021, Joint Village Board Meeting of November 15, 2021, and Regular Village Board meeting of November 17, 2021.

6.2 Motion to approve the Sign and Wayfinding Program formal design as Option #2 with a final color choice yet to be determined

6.3 Motion to approve Accounts Payable Vouchers in the amount of \$383,280.15

6.4 Motion to approve Resolution 2021-102 A Resolution to adopt the 2022 Fee Schedule for the Village of Mukwonago.

6.5 Motion to approve a contract agreement for Assessment Services with Associated Appraisal Consultants, Inc. for 2022-2023

6.6 Motion to approve authorizing the Village President to sign a 3-year engagement letter with Baker Tilly for the 2021-2023 annual audits.

6.7 Motion to approve Resolution 2021 -99 A resolution related to the annual increase in Impact Fees and Sewer Connection Fees as allowed by Village code.

6.8 Motion to approve a Class A combination Liquor and Fermented Malt Beverage License application for the NHI Real Estate Holding LLC d/b/a Village Mini Mart, Harjinder Khasria agent.

6.9 Motion to approve a Temporary Class "B" Retailers License to sell fermented malt beverages for the Rotary Club of Mukwonago for the Drive thru Beer Garden Fundraiser on January 8, 2022.

6.10 Motion to approve Resolution 2021-101 A Resolution to appoint Election Inspectors for the Village of Mukwonago.

6.11 Motion to approve Resolution 2021-96 A Resolution approving the 2022 Salary and Wage Schedules for Non-Represented Full-Time and Part-Time Employees.

6.12 Motion to approve Resolution 2021-97 A Resolution relating to a wage exception for the Utilities Lead Operator position.

6.13 Motion to approve Resolution 2021-98 A Resolution authorizing annual stipends for the Assistant Fire Chief and Deputy Fire Chief

6.14 Motion to approve Change Order No. 4 for DeBack Drive Infrastructure in the amount of \$72,200.00

6.15 Motion to approve Resolution 2021-100 A Resolution adopting the Annual Tax Increment District Budgets for TID #3, TID #4, and TID #5.

Decker/Meiners motion to approve Consent Agenda items 6.1 to 6.15 (Less 6.4)

Trustee Johnson asked exclude item 6.4 Fee Schedule.

Unanimously carried

6.4 Motion to approve Resolution 2021-102 A Resolution to adopt the 2022 Fee Schedule for the Village of Mukwonago.

Trustee Johnson questioned the Fireworks permit review.

Planner Fellows discussed additional fees he requested the board to implement.

President Winchowky questioned the \$1000 major comprehensive review fee.

Fellows noted it requires public meetings and hearings and multiple month process and a lot of effort.

Clerk Dykstra noted the line does list "Plus Chargebacks" so it should be clarified if this is a flat fee or if it includes billable expenses.

Trustee Meiners noted he helped create the comprehensive plan, this is a long-term plan and this is our defense as we have created our vision for the community and doesn't feel it should be changed easily. The Plan Review a builder would specifically ask for and he feels is a small amount of money in a builder's world. Doesn't feel these fees are excessive.

Trustee Walsh agrees with Trustee Meiners, and feels we should carefully consider major amendment.

Trustee Johnson noted that citizens see fees as a tax and feels even with incremental increases feels it is a lot extra increase.

Decker/Adler motion to approve Resolution 2021-102 a Resolution to adopt the 2022 Fee Schedule for the Village, with adjustment for flat fee on the master plan amendment.

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

Other Items for Approval

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

Motion to approve the donation of \$2,500 budgeted in the Celebrations account, to the Phantom Lakes Fireworks display for July 3, 2022.

Decker/Meiners motion to approve the donation of \$2,500 budgeted in the Celebrations account, to the Phantom Lakes Fireworks display for July 3, 2022.

President Winchowky noted this is the first time we have ever done this and is concerned we are setting a precedent.

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

Planning Commission Recommendations

Discussion and possible action to rescind Resolution 2018-024 for a Preliminary Plat for Chapman Farms Subdivision (Phase 1,2, and 3) and adoption of a RESOLUTION 2021-84 for a Preliminary Plat for Chapman Farms Subdivision (Phase 1, 2, 3, and 4) for Bielinski Homes, LLC, Parcel Numbers MUKV 1957-001-010, MUKV 195-7001-001, MUKV 1957-007, MUKV 1957-006, MUKV 1957-004, MUKV 1957-005, MUKV 1957-011, MUKV 1957-010, MUKV 1957-997-001.

Decker/Brill motion to rescind Resolution 2018-024 for a Preliminary Plat for Chapman Farms Subdivision (Phase 1,2, and 3) and adoption of a RESOLUTION 2021-84 for a Preliminary Plat for Chapman Farms Subdivision (Phase 1, 2, 3, and 4) for Bielinski Homes, LLC, Parcel Numbers MUKV 1957-001-010, MUKV 195-7001-001, MUKV 1957-007, MUKV 1957-006, MUKV 1957-004, MUKV 1957-005, MUKV 1957-011, MUKV 1957-010, MUKV 1957-997-001. Unanimously carried.

Discussion and possible action regarding an amendment to development agreement for subdivision improvements for Chapman Farms Subdivision (First Phase) and adopt a new Resolution 2021-085; and consideration and discussion regarding an amendment to development agreement for subdivision improvements for Chapman Farms Subdivision (Second Phase) and adopt a new Resolution 2021-086

Decker/Brill motion to approve an amendment to development agreement for subdivision improvements for Chapman Farms Subdivision (First Phase) and adopt a new Resolution 2021-085; and consideration and discussion regarding an amendment to development agreement for subdivision improvements for Chapman Farms Subdivision (Second Phase) and adopt a new Resolution 2021-086

Unanimously carried.

Discussion and possible action regarding approval of a revised Stormwater Maintenance Agreement (SWMA) of December 2, 2021 for Chapman Farms Subdivision; and discussion and consideration regarding approval of a revised Preliminary Stormwater Maintenance Plan (SWMP) of November 18, 2021 for Chapman Farms.

Decker/Meiners motion to approve a revised Stormwater Maintenance Agreement (SWMA) of December 2, 2021 for Chapman Farms Subdivision; and discussion and consideration regarding approval of a revised Preliminary Stormwater Maintenance Plan (SWMP) of November 18, 2021 for Chapman Farms.

Unanimously carried.

Discussion and action on a special exception for additional square footage for wall signs for ProHealth/Waukesha Memorial Hospital Inc, applicant; 240 Maple Ave; Parcel MUKV 2016-993-002.

Decker/Meiners motion to approve a special exception for additional square footage for wall signs for ProHealth/Waukesha Memorial Hospital Inc, applicant; 240 Maple Ave; Parcel MUKV 2016-993-002.

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

Discussion and possible action to approve RESOLUTION 2021-103 for a conditional use for Lynch Ventures, LLC, 280 E Wolf Run, Parcel Number MUKV Lynch Ventures, LLC, 280 E Wolf Run, Parcel Number MUKV 2013-994-004.

Decker/Meiners motion to approve RESOLUTION 2021-103 for a conditional use for Lynch Ventures, LLC, 280 E Wolf Run, Parcel Number MUKV Lynch Ventures, LLC, 280 E Wolf Run, Parcel Number MUKV 2013-994-004.

Unanimously carried.

Discussion and possible action to approve RESOLUTION 2021-104 for a site plan and architectural review for Lynch Ventures, LLC, 280 E Wolf Run, Parcel Number MUKV 2013-994-004

Decker/Meiners motion to approve RESOLUTION 2021-104 for a site plan and architectural review for Lynch Ventures, LLC, 280 E Wolf Run, Parcel Number MUKV 2013-994-004. Unanimously carried.

Discussion and possible action on a recommendation from the Planning Commission for site plan and architectural review for a swimming pool and associated amenities for Suzanne Perkins, applicant; 406 Grand Ave; MUKV 1973-046.

Decker/Brill motion to approve Resolution 2021-105 a site plan and architectural review for a swimming pool and associated amenities for Suzanne Perkins, applicant; 406 Grand Ave; MUKV 1973-046. Unanimously carried.

Discussion and possible action to approve RESOLUTION 2021-106 for Site Plan and Architectural Review for Car Wash; Carl Goede/Rivers Edge Care Wash, applicant; 809 S Rochester St; Parcel MUKV 2009-978-004.

Decker/Johnson motion to approve RESOLUTION 2021-106 for Site Plan and Architectural Review for Car Wash; Carl Goede/Rivers Edge Care Wash, applicant; 809 S Rochester St; Parcel MUKV 2009-978-004. Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$346,108.59.

Meiners/Decker motion to approve Accounts Payable Vouchers in the amount of \$346,108.59. Unanimously carried.

Discussion and possible action to approve We Energies' electric facilities relocation for DeBack Drive Infrastructure in the amount of \$16,802.18.

Meiners/Decker motion to approve We Energies' electric facilities relocation for DeBack Drive Infrastructure in the amount of \$16,802.18 subject to further staff review in regard to litigation. Unanimously carried.

Discussion and possible action to approve a purchase requisition for a John Deere 324L Four Wheel Drive Loader 2.1 Cy Bucket, Snowplow, Angle Broom in the amount of \$120,400

Meiners/Decker motion to approve a purchase requisition for a John Deere 324L Four Wheel Drive Loader 2.1 Cy Bucket, Snowplow, Angle Broom in the amount of \$120,400. Unanimously carried.

Public Works Committee, Trustee Brill

Discussion and possible action to approve the reimbursement of \$2,346.92 to Jan and Marsha Grutzmacher of 723 Division Street, Mukwonago for sewer lateral cleaning due to faulty village sewer repair.

Brill/Walsh motion to approve the reimbursement of \$2,346.92 to Jan and Marsha Grutzmacher of 723 Division Street, Mukwonago for sewer lateral cleaning due to faulty village sewer repair. Unanimously carried.

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 Liquidated Damages for the Indian Head Outdoor Performance Stage 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 the Hill Court Partners.

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

Also Present Clerk Dykstra and Village Administrator Fred Schnook

Reconvene into Open Session

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

Meiners/ Decker motion to Approve an Offer to Purchase from Hill Court Partners as presented by the Village Attorney.

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

Adjournment

Meeting adjourned at 7:54pm.

Respectfully Submitted,

/s/ Diana Dykstra, MMC
Village Clerk-Treasurer