

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

Wednesday, January 19, 2022

Time: **6:30 pm**

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

Call to Order

President Winchowky called the meeting to order at 6:30pm.

Roll Call

Board Members Present

Daniel Adler
Eric Brill
Jim Decker
John Meiners
Roger Walsh
Fred Winchowky

Also Present

Fred Schnook, Village Administrator
Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
John Fellows, Village Planner
Dan Streit, Police Chief
Jerad Wegner, Village Engineer
Mark Blum, Village Attorney
Ron Bittner, Public Works Director
Wayne Castle, Utilities Director
Tim Rutenbeck, Building Inspections Supervisor

Excused

Darlene Johnson

Pledge of Allegiance

Comments from the Public

None.

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 the Village Board Meeting of December 15, 2021 and Special Village Board Meeting of January 5, 2022.

5.2 Approve Accounts Payable Vouchers in the amount of \$1,148,259.56

5.3 Approve Original Combination Class B Fermented Malt Beverage and Class B Intoxicating Liquor license application for Sandy's Miller Time, LLC 701 Main Street, Mukwonago, Brian Anspach, Agent. *(This is a current licensed establishment changing to a limited liability company requiring re-approval.)*

5.4 Approve participation in the Waukesha County Adopt-a-Drain program.

Decker/Meiners motion to approve consent agenda items 5.1 to 5.4. 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 banner designs for the downtown area and design template for promotional events.

Adler/Walsh motion to approve banner designs for the downtown area and design template for promotional events.

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

Discussion and possible action to approve the selection of the primary color Green for Village Signage, including wayfinding signs, entry signs, identification signs and similar.

Adler/Meiners motion to approve the selection of the primary color Green for Village Signage, including wayfinding signs, entry signs, identification signs and similar.

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

Public Hearings

Public Hearing to consider Zoning District Boundary Change (a/ka/ Rezoning) from B-2 General Business to B-2 General Business/BMX - Business Mixed Use Overlay.

President Winchowky opened the Public Hearing. No one was present to comment. Public Hearing closed at 6:35pm.

Planning Commission Recommendations

Discussion and possible action to approve RESOLUTION 2022-01 for Outdoor Dinning with food and drink service with a permitted or conditional use for Bee Well Café, (Calaya Nelson), applicant; 100 Main Street, Suite 1, Parcel MUKV 1976-109-001.

Decker/Brill motion to approve RESOLUTION 2022-01 for Outdoor Dinning with food and drink service with a permitted or conditional use for Bee Well Café, (Calaya Nelson), applicant; 100 Main Street, Suite 1, Parcel MUKV 1976-109-001.

Trustee Walsh questioned this includes three tables and few chairs and asked if other tenants extend seating would they go through the same process. It was confirmed by Planner Fellows they would. Unanimously carried.

Discussion and possible action to approve RESOLUTION 2022-02 to approve a Site Plan and Architectural Review (SPAR) for a Outdoor Dinning for Bee Well Café, (Calaya Nelson) applicant; 100 Main Street, Suite 1; Parcel MUKV 1976-109-001.

Decker/Meiners motion to approve RESOLUTION 2022-02 to approve a Site Plan and Architectural Review (SPAR) for a Outdoor Dinning for Bee Well Café, (Calaya Nelson) applicant; 100 Main Street, Suite 1; Parcel MUKV 1976-109-001.

Trustee Decker questioned if this was to be sure the furniture would be heavy enough not to blow around. It was noted the Resolution was amended to include that information. Unanimously carried

Discussion and possible action to approve RESOLUTION 2022- 03 to approve a Site Plan and Architectural Review for solar panels for Marvin Smith, applicant; 410 Shore Drive; Parcel MUKV 1976-034.

Decker/Walsh approve **RESOLUTION 2022- 03** to approve a Site Plan and Architectural Review for solar panels for Marvin Smith, applicant; 410 Shore Drive; Parcel MUKV 1976-034. Trustee Walsh confirmed there has been discussion about updating the code. Planner Fellows confirmed the code is being updated on solar panels which is for plan commission review Unanimously carried.

Discussion and possible action to approve RESOLUTION 2022-04 to approve a Site Plan and Architectural Review for solar panels for Michael J Laufenberg, applicant; 626 Oakland Ave; Parcel MUKV 1970-995

Decker/Brill motion to approve **RESOLUTION 2022-04** to approve a Site Plan and Architectural Review for solar panels for Michael J Laufenberg, applicant; 626 Oakland Ave; Parcel MUKV 1970-995. Unanimously carried.

Discussion and possible action to approve RESOLUTION 2022-05 to approve a Site Plan and Architectural Review for site improvements for Harjinder Khasria/Village Pumper, applicant; 710 and 712 Main Street; Parcel MUKV 1976-208-001.

Decker/Brill motion to approve **RESOLUTION 2022-05** to approve a Site Plan and Architectural Review for site improvements for Harjinder Khasria/Village Pumper, applicant; 710 and 712 Main Street; Parcel MUKV 1976-208-001. Unanimously carried.

Discussion and possible action to approve RESOLUTION 2022-06 to approve a Site Plan and Architectural Review for an out door cooler and dumpster coral modification for Kwik Trip, Inc.; 1220 N Rochester St; Parcel MUKV 1962-993-001

Decker/Meiners motion to approve **RESOLUTION 2022-06** to approve a Site Plan and Architectural Review for an out door cooler and dumpster coral modification for Kwik Trip, Inc.; 1220 N Rochester St; Parcel MUKV 1962-993-001. Unanimously carried

Discussion and possible action on ORDINANCE 998 to approve a Zoning Map Amendment for Vlaznim Islami aka Viktor Islami Sani Islami for 927 S Main Street and Unnamed S Main Street; Parcels MUKV 2009-964-004 and MUKV 2009-964-001.

Decker/Meiners motion to approve **ORDINANCE 998** to approve a Zoning Map Amendment for Vlaznim Islami aka Viktor Islami Sani Islami for 927 S Main Street and Unnamed S Main Street; Parcels MUKV 2009-964-004 and MUKV 2009-964-001. Unanimously carried.

Discussion and possible action on RESOLUTION 2022- 07 to approve Site Plan and Architectural Review for Vlaznim Islami aka Viktor Islami Sani Islami for 927 S Main Street and Unnamed S Main Street; Parcels MUKV 2009-964-004 and MUKV 2009-964-001.

Decker/Meiners motion to approve **RESOLUTION 2022- 07** to approve Site Plan and Architectural Review for Vlaznim Islami aka Viktor Islami Sani Islami for 927 S Main Street and Unnamed S Main Street; Parcels MUKV 2009-964-004 and MUKV 2009-964-001.

Trustee Walsh questioned if this SPAR is this contingent or subject to public financing from the Village. Planner Fellows noted this is purely a land use approval. This has nothing to do with financing and the village board did recommend to staff to work with third party consultant and feasibility study in the TID would be paid for by the property owners and only one property owners have signed it. If this goes through the approval and they decide not to seek funding they can follow through with private funding. They will require additional steps for a general development plan, a CSM, require an easement for fire and sewer access and corresponding easement, and enter into trail agreement, and a SWMA plan. It was also noted street parking will be shared and they have asked for a reduction in the parking spaces on the property.

Planner Fellows noted the reduction is aligned with the development. The plan is to use on street parking to reduce the number of parking spaces on site. Trustee Meiners confirmed all contingencies are included.

Trustee Brill noted the parking is described when they will be used and the times needed due to the hours of the restaurant and he wanted to make sure it is covered. If they open for dinner again, they would need to be sure to review this for additional parking needs.

Planner Fellows would recommend additional language if they feel strongly that current operation consist of breakfast and dinner and anything changing they would need to come back to the Village to review.

Attorney Blum noted if you require this it needs to be part of resolution and plan of operation.

If there is a change to the plan of operation as submitted, they need to return.

Decker/Meiners agree to amend motion that if there is a desire to change the plan of operation such that the hours of operation are changed, the plan of operation would need to be approved by the Village to ensure that it does not adversely impact parking on the site and in the area. Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$513,860.88.

Meiners/Brill motion to approve Accounts Payable Vouchers in the amount of \$513,860.88. Unanimously carried.

Discussion and possible action to approve the Economic Development Cooperation Contract between Waukesha County Center for Growth, Inc and the Village of Mukwonago in the amount of \$6,414.

Meiners/Decker motion to approve the Economic Development Cooperation Contract between Waukesha County Center for Growth, Inc and the Village of Mukwonago in the amount of \$6,414. Unanimously carried.

Discussion and possible action to approve Resolution 2022-08 a Resolution to limit property tax refunds based on the amount of overpayment.

Meiners/Decker motion to approve Resolution 2022-08 a Resolution to limit property tax refunds based on the amount of overpayment. Unanimously carried.

Discussion and possible action to approve a contract Service Agreement with Humane Animal Welfare Society of Waukesha County "HAWS" for 2022-2024 in the amount of \$2,420.

Meiners/Decker motion to approve a contract Service Agreement with Humane Animal Welfare Society of Waukesha County "HAWS" for 2022-2024 in the amount of \$2,420. Unanimously carried

Judicial Committee, Trustee Walsh

Discussion and possible action to approve a Temporary Class B Retailer's License Application from Knights of Columbus Game Night on February 18, 2022.

Walsh/Brill motion to approve a Temporary Class B Retailer's License Application from Knights of Columbus for Game Night on February 18, 2022. Unanimously carried.

Protective Services, Trustee Adler

Monthly Police Report for December 2021. *(For information only, no action required)*

Closed session

Decker/Meiners 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 concerning GFLP v Village of Mukwonago and regarding liquidated damages with JH Hassinger.

Roll Call: "Yes" Trustee Adler, Brill, Decker, 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).

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

Adjournment

Meeting Adjourned at 7:41pm.

Respectfully Submitted,

/s/ Diana Dykstra, MMC
Village Clerk-Treasurer