

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

Wednesday, February 16, 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
Darlene Johnson
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
Mike Michalski, Village Engineer
Mark Blum, Village Attorney
Ron Bittner, Public Works Director
Wayne Castle, Utilities Director
Tim Rutenbeck, Building Inspections Supervisor

Pledge of Allegiance

Comments from the Public

None

Public Hearings

Public Hearing for consideration of zoning text changes to repeal and recreate Division 7 Floodplain District and Standards as required by the Wisconsin Department of Natural Resources and Federal Insurance and Mitigation Administration to allow the Village of Mukwonago to continue eligibility in the National Flood Insurance Program.
Hearing no comments, public hearing closed at 6:32pm.

Public Hearing for consideration of zoning text changes for modification of standards and approval process for solar panels within the Village of Mukwonago.
Hearing no comments, public hearing closed at 6:33pm

Consent Agenda

- 6.1 Approve minutes of the Village Board Meeting of January 19, 2022.
- 6.2 Approve the wayfinding signage rankings and list of public facilities to be identified.
- 6.3 Approve Accounts Payable Vouchers in the Amount of \$4,553,202.92
- 6.4 Approve a First Amendment to Assignment of Offer to Purchase for 301 W. Main Street and E Love Coffee, LLC to extend the deadline for construction improvements.
- 6.5 Approve the service agreement with MSA for the Village of Mukwonago (CORP) Comprehensive Outdoor Recreation Plan update in the amount of \$13,000, pending Village Attorney Review.
- 6.6 Approve **Ordinance 1003** An Ordinance to amend **Section 45-118 Easements** to create section (c) regarding village owned easements.
- 6.7 Approve **Resolution 2022-15** a resolution to approve a Letter of Credit Reduction for Box Self Storage Development to \$79,998, as recommended by Ruekert-Mielke.
- 6.8 Approval to award Water Well Solutions Wisconsin, LLC the 2022 Well No. 6 Improvements Project contract in the amount of \$38,050.00.
- 6.9 Approve **Task Order No. 2022-01** from Ruekert Mielke, Inc. for the engineering related services of Rochester Street Sanitary Sewer and Water Main Relay – 60% Plans project in the amount of \$30,215.
- 6.11 Approve a purchase requisition for Annual Sanitary Sewer Televising with The Expeditors, Inc., in the amount of \$14,560
- 6.12 Approve a purchase requisition for a 2022 Water Utility Truck Purchase in the amount of \$68,808

Decker/Meiners motion to approve Consent Agenda items 6.1 to 6.12 and remove item 6.10 to vote discuss separately. Unanimously carried.

6.10 Approve Task Order No. 2022-03 from Ruekert Mielke, Inc. for the engineering related services of Holz Parkway & Miniwaukan Park Pond Dredging project in the amount of \$35,475.

Trustee Meiners noted he wanted to look into this and review. He expressed concerns for the amount of time it would take to engineer this for one pond. Engineer Michalski noted that there are 4 ponds this includes two on Holtz Parkway and two in Miniwaukan Park.

Decker/Johnson motion to approve **Task Order No. 2022-03** from Ruekert Mielke, Inc. for the engineering related services of Holz Parkway & Miniwaukan Park Pond Dredging project in the amount of \$35,475. Unanimously carried.

Other Items for Approval

Discussion and possible action to approve an amendment to Ordinance 1004 Section 86 Sewer Utilities to provide various updates to the Sewer Utilities Chapter in the Municipal Code.

Decker/Brill motion to approve Discussion and possible action to approve an amendment to **Ordinance 1004 Section 86 Sewer Utilities** to provide various updates to the Sewer Utilities Chapter in the Municipal Code. Unanimously carried.

Discussion and possible action to approve the purchase and installation of temporary bump outs on N. Rochester St., at Lake St. and 215 N. Rochester.

Meiners/Brill motion to approve Discussion and possible action to approve the purchase and installation of temporary bump outs on N. Rochester St., at Lake St. and 215 N. Rochester. DPW Bittner noted he met with WDOT today and they are agreeable with the temporary bump out before they move forward with streetscaping plan. Roll Call: "Yes" Trustee Adler, Brill, Johnson, Meiners, Walsh, and Winchowky. "No" Trustee Decker. Motion carried 6-1.

Discussion and possible action to approve the purchase and payment for the Atkinson Lift Station - Sewer Utility Easement at 210 Shore Drive in the amount of \$8,250.

Decker/Walsh motion to approve the purchase and payment for the Atkinson Lift Station - Sewer Utility Easement at 210 Shore Drive in the amount of \$8,250
Unanimously carried.

Planning Commission Recommendations

Discussion and possible action to approve RESOLUTION 2022-12 to approve a Site Plan and Architectural Review for solar panels for Alexandria Lescher, applicant, 1248 Riverton Dr; MUKV 1965-040-001, as recommended by the Plan Commission.

Decker/Walsh motion to approve RESOLUTION 2022-12 to approve a Site Plan and Architectural Review for solar panels for Alexandria Lescher, applicant, 1248 Riverton Dr; MUKV 1965-040-001. Unanimously carried.

Discussion and possible action to approve RESOLUTION 2022-11 to approve a Site Plan and Architectural Review for solar panels for James L Wagnitz applicant, 1222 Riverton Dr; MUKV 1965-052, as recommended by the Plan Commission.

Decker/Walsh motion to approve RESOLUTION 2022-11 to approve a Site Plan and Architectural Review for solar panels for James L Wagnitz applicant, 1222 Riverton Dr; MUKV 1965-052. Unanimously carried.

Discussion and possible action to approve RESOLUTION 2022-10 for a Site Plan and Architectural Review for solar panels for Jeremy Stengel applicant, 637 August Drive, MUKV 1978-052, as recommended by the Plan Commission.

Decker/Walsh motion to approve RESOLUTION 2022-10 for a Site Plan and Architectural Review for solar panels for Jeremy Stengel applicant, 637 August Drive, MUKV 1978-052. Unanimously carried.

Discussion and possible action to approve RESOLUTION 2022-09 for a Site Plan and Architectural Review for solar panels for David S Schultz applicant, 512 West Lawn, MUKV 1960-105, as recommended by the Plan Commission.

Decker/Walsh motion to approve RESOLUTION 2022-09 for a Site Plan and Architectural Review for solar panels for David S Schultz applicant, 512 West Lawn, MUKV 1960-105. Unanimously carried

Discussion and possible action to approve RESOLUTION 2022-13 for an extraterritorial 2 lot Certified Survey Map drafted on January 7, 2022 by Jeffery A. Nipple subject to documentation of the Town Board approval, TM Highview LLC, applicant; Parcel Number MUKT 1952-998, as recommended by the Plan Commission.

Decker/Brill motion to approve RESOLUTION 2022-13 for an extraterritorial 2 lot Certified Survey Map drafted on January 7, 2022 by Jeffery A. Nipple subject to documentation of the Town Board approval, TM Highview LLC, applicant; Parcel Number MUKT 1952-998. Unanimously carried.

Discussion and possible action to approve ORDINANCE 999 to amend the Zoning Map of the Village of Mukwonago for multiple properties and addresses to provide consistency between the use and the zoning map, as recommended by the Plan Commission.

Decker/Brill motion to approve to approve ORDINANCE 999 to amend the Zoning Map of the Village of Mukwonago for multiple properties and addresses to provide consistency between the use and the zoning map. Unanimously carried.

Discussion and possible action to approve ORDINANCE 1000 to amend the Zoning Code related to solar panels in multiple zoning districts within the Village of Mukwonago, as recommended by the Plan Commission.

Decker/Walsh motion to approve ORDINANCE 1000 to amend the Zoning Code related to solar panels in multiple zoning districts within the Village of Mukwonago.

Planner Fellows noted that currently solar panels is an accessory use with approval of plan commission and looking to make it a permitted use and statutes dictate that they can't regulate solar panels. Unanimously carried

Discussion and possible action to approve ORDINANCE 1001 to Amend the Comprehensive Plan (Minor) for Parcels #VM00029 and MUKV 2011985, as recommended by the Plan Commission.

Decker/Walsh motion to approve ORDINANCE 1001 to Amend the Comprehensive Plan (Minor) for Parcels #VM00029 and MUKV 2011985. Unanimously carried.

Discussion and possible action to approve ORDINANCE 1002 to repeal and recreate Chapter 100, Division 7, Floodplain District and Standards (Sections 100-271 through 100-281) of Municipal Code village of Mukwonago, as recommended by the Plan Commission.

Decker/Brill motion to approve ORDINANCE 1002 to repeal and recreate Chapter 100, Division 7, Floodplain District and Standards (Sections 100-271 through 100-281) of Municipal Code Village of Mukwonago. Unanimously carried.

Finance Committee, Trustee Meiners

Discussion and possible action to approve the Purchase Requisition from Ewald Motors for (3) police squads in the amount of \$119,796.

Meiners/Decker motion to approve the Purchase Requisition from Ewald Motors for (3) police squads in the amount of \$119,796 and correct the Requisition form total to this amount. Unanimously carried.

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$263,863.81.

Meiners/Johnson motion to approve Accounts Payable Vouchers in the amount of \$263,863.81. Unanimously carried

Public Works Committee, Trustee Brill

Discussion and possible action to approve Resolution 2022-14 A Resolution Regarding Utilizing of Village Lands for STH83 Corridor Improvements.

Brill/ Decker motion to approve Resolution 2022-14 A Resolution Regarding Utilizing of Village Lands for STH83 Corridor Improvements.

Trustee Johnson asked if this is the item in closed session later on the agenda. Attorney Blum noted it is related to them, but this is the authorization to use village lands for the HWY 83 projects. The closed session items are the 5 additional parcels related to the project.

Trustee Johnson asked further why the state is not doing this. Trustee Meiners noted this is our land.

Trustee Walsh commented the cover report and resolution refer to exhibit A and there was no exhibit. He noted there are lands not currently owned by village there is an acquisition that needs to take place and feels this is STH 83 and should not be handled at the local level.

Attorney Blum handed out Exhibit F that depicts the area that the village would be acknowledging to be usable and noted he agrees with Trustee Walsh. Typically, State responsibility but they have taken the position the village is responsible.

Trustee Walsh questioned if the State would pay for this right of way.

Attorney Blum noted the State is requiring we acquire. He noted there are village improvements being made, and that we have entered into an agreement we would participate in and at the village expense, so we are already responsible.

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

Protective Services, Trustee Adler

Police Report for the month of January 2022 *(for information only, no action required)*

Village President

Appointment of Legal Counsel for the Village of Mukwonago

President Winchowky noted there was a review with several firms and an RFP.

Administrator Schnook noted there were several firms interviewed following response to a request for proposals. There was a series of questions provided and a firm was picked. They were impressed with the team. Crivello Carlson has a satellite office in Mukwonago and Nathan Beyer of Crivello Carlson was present.

Attorney Beyer spoke and thanked them for this opportunity.

Decker/Meiners motion to appoint Crivello Carlson as Village Legal Counsel effective March 1st Trustee Johnson just wanted to disclose 8 years ago her mother-in-law used this firm.

Unanimously carried.

Discussion and possible action to authorize the Village Administrator to enter into a contract for Community Planning Services for the Village of Mukwonago.

Administrator Schnook noted he would like to make a short term appointment to replace John Fellows. He noted that Bruce Kaniewski is unable to provide services at this time. He contacted SEWRPAC and they were unable to assist, and R&M does not have a planner on staff. He noted he has spoke to Tim Schwecke who has worked in the Village previously. He is familiar with the village and is working on the zoning code currently. He is looking to make this appointment effective next week.

Decker/Johnson motion to approve the appointment of Tim Schwecke for village planning services.

Trustee Walsh noted that he sees this is at an average of 15-17 hours a week. He wanted to confirm they will be looking for a full-time person,
Administrator Schnook noted that this is when they will be looking at position to analyze and provide that opportunity for a dialogue on how to move forward with the planning department rather than fill right away and look at the functional areas and what is needed.
Trustee Johnson noted she wanted to thank John Fellows for his service.
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 GFLP v Village of Mukwonago, and possible liquidated damages with J.H. Hassinger, 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 for STH83 Right of Way land acquisition at 7:24pm.

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) at 8:26pm.

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

Discussion and possible action to approve Offering Price Reports regarding STH83 land acquisition.

Decker/Meiners motion to approve the offering price reports for:

Parcel 1 owned by Judith Sommer and Jaqueline Pitt in the amount of \$153,400

Parcel 2 owned by Kevin McCarthy Irrevocable Trust in the amount of \$3,000

Parcel 3 owned by Judith Sommer and Jaqueline Pitt in the amount of \$107,800

Parcel 4 owned by Greenwald Family Limited Partnership in the amount of 77,400

Parcel 5 owned by Greenwald Family Limited Partnership in the amount of \$18,900

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

Adjournment

Meeting adjourned at 8:27pm

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer