

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

Wednesday, June 15, 2022

Time: **6:30 pm**

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

Call to Order Call to Order

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

Roll Call

Board Members Present

Eric Brill
James Decker
Darlene Johnson
Ken Johnson
John Meiners
Scott Reeves
Fred Winchowky

Also Present

Fred Schnook, Village Administrator
Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
Dan Streit, Police Chief
Chris DeMotto, Assistant Police Chief
Jerad Wegner, Village Engineer
Nathan Bayer, Village Attorney
Ron Bittner, Public Works Director
Jeff Stein, Fire Chief
Tim Rutenbeck, Building Inspections Supervisor

Pledge of Allegiance

Comments from the Public

None.

Presentations

2021 Audit Presentation and Approval

The 2021 Audit was presented by Wendy Unger of Baker Tilly.

Decker/K.Johnson motion to accept and approve the 2021 Annual Audit as presented by Baker Tilly. Unanimously carried.

Eagle Scout Presentation from Jake Galinsky to refurbish the old Phantom of the Lake sign at Minor's Park as his Eagle Scout Project

Jake Galinsky presented his idea to refurbish the Phantom of the Lake sign at Minor's Park. He reviewed materials and his plans to finish by early November.

Consent Agenda

6.1 Approval of Minutes of Village Board meeting of May 18, 2022.

6.2 Approve Accounts Payable Vouchers in the amount of \$678,436.98.

6.3 Approve Village Phone System to a cloud based Village phone system for all departments

except the Police Department.

6.4 Approve the application for the Outdoor Performance Stage rental.

6.5 Approve the following Renewal Class "A" combination Fermented Malt Beverage and Intoxicating Liquor License Applications; contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds:

909 Greenwald Enterprises, Inc. d/b/a Mukwonago Amoco, Judith Schwartz Agent, at 909 Greenwald Ct.
1060 Rochester Enterprises, Inc. d/b/a Rochester BP, Judith Schwartz Agent, at 1060 N Rochester St.
B&A Trading LLC d/b/a Andy Liquor Store, Amandeep Singh Agent, at 411 Main Street
Ultra Mart Foods, LLC d/b/a Pick N Save #384, Todd Glaser Agent, at 1010 N Rochester S.
Aldi Inc. (Wisconsin) d/b/a Aldi #46, Justin Olsen Agent, at 111 E Wolf Run
Khasria Two Inc. d/b/a Village Wine & Liquor, Harjinder Khasria Agent, at 712 Main St.
Wal-Mart Stores East LP d/b/a Walmart #1571, Michael Sandelback Agent, at 250 E Wolf Run
Walgreen Co. d/b/a Walgreens #07039, Brian Marinello Agent, at 212 N Rochester St
Kwik Trip Inc d/b/a Kwik Trip #282, Valerie Brezgel Agent, at 1212 N Rochester St.
VM Investments LLC d/b/a Amans Beer+Wine (Retail), Amandip Singh Agent at 110 Chapman Farms Blvd
NHI Real Estate d/b/a Village Mini Mart, Harjinder Khasria Agent, at 201 N Rochester St.

6.6 Approval of the following Renewal Class "A" Fermented Malt Beverage License Applications contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds:

5 Star Stations, Inc d/b/a Mukwonago Express Mart, Robin Hernandez Agent, at 407 S. Rochester St.
122 Arrowhead Enterprises, Inc. d/b/a Arrowhead BP, Judith Schwartz Agent, at 122 Arrowhead Dr.

6.7 Approval on the following Renewal Class "B" combination Fermented Malt Beverage and Intoxicating Liquor License Applications; contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds:

American Legion Community Post 375 d/b/a Community Post 375, Richard Bauer Agent at 627 E. Veterans Way
Perseverance Corp, d/b/a Badger Burger, Mark Weiss, Agent at 200 S Rochester St.
Blue Bay Inc, d/b/a Blue Bay Restaurant, Vlaznim Islami, Agent at 927 Main St.
Take a Big Bite Inc d/b/a Fork In the Road Restaurant, Paul Hennessy, Agent at 215 N Rochester St.
Sandy's Miller Time, LLC d/b/a Sandy's Miller Time, Brian Anspach Agent at 701 Main St.
F.J. Partners LLC d/b/a Sol Do Mexico, Froylan Mauricio Agent at 507 Main St.
Jays Lanes Inc. d/b/a Jays Lanes, Jeffrey Royal Jay Agent at 326 Atkinson St.
The Boneyard Pub & Grille, LLC d/b/a Boneyard Pub & Grille, James Fredric Jones Agent, at 215 Bay View Rd., Suite 200

6.8 Approval of the following Renewal Class "A" Reserve Combination Fermented Malt Beverage and Intoxicating Liquor License Applications; contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds:

El Pueblo Inc d/b/a Antigua Real Restaurant, Marco Alarcon Agent, at 355 Bay View Rd.
DAA Smokehouse LLC d/b/a David Alan Alan's Smokehouse, Tina O'Bryan Agent, at 325 Bay View Rd.
Sarab Investments d/b/a Amans Beer+Wine, Amandip Singh, Agent at 110 Chapman Farms Blvd

6.9 Approve a Temporary Class B Retailer's License for the St. James Festival on August 26-28, 2022.

6.10 Approve **RESOLUTION 2022-43** to approve the allowance of one additional paid day of vacation in the year an employee reaches a milestone anniversary with the Village.

6.11 Discussion and possible recommendation to approve Position Descriptions for:
Community & Economic Development Director **Resolution 2022-40**

- Economic Development Specialist (also serves as the Assistant Director) Resolution 2022-41
 - Lead Building Inspector, I Resolution 2022-39
 - Building Inspector, II Resolution 2022-32
- Administrative Clerk/Building Inspection Support Resolution 2022-42 6.12 Agreement to allow the installation of military banners along E Veterans Way.

6.13 Approve to award the 2022 crack seal project to Fahrner Asphalt Sealers in the amount of \$45,932.

6.14 Approve **Resolution 2022-36** A Resolution to petition for the establishment of a new at-grade pedestrian crossing at Indianhead Park.

6.15 Approve the 2021 (CMAR) Compliance Maintenance Annual Report of the Mukwonago Wastewater Treatment Plant Resolution 2022-36A

6.16 Approve HMO Pilot Study from Water Surplus in the amount of \$8,500.

6.17 Approve an HMO Pilot Study Task Order with Ruekert-Mielke in the amount of \$9,800.

6.18 Approve the acceptance on the resignation of Trustee Daniel Adler.

Decker/D.Johnson motion to approve Consent Agenda items 6.1 to 6.18. Unanimously carried.

Other Items for Approval

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

Motion to approve a Renewal Class "A" combination Fermented Malt Beverage and Intoxicating Liquor License Applications; contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds for : EandS Sweets LLC d/b/a E and S Sweets, Kristen Brill Agent, at 211 N Rochester St., D.

Decker/Meiners motion to approve. Motion carried. Trustee Brill Abstained.

Planning Commission Recommendations

Discussion and possible action on RESOLUTION 2022-37 to establish a church as a conditional use in an existing multi-tenant building. B&B Investment Properties LLC, owner; LifePoint Church, tenant; 400 Bay View Rd; Parcel MUKV 2009-958-001.

Administrator Schnook presented the staff report, plan commission recommended approval.

Meiners/Reeves motion to approve on RESOLUTION 2022-37 to establish a church as a conditional use in an existing multi-tenant building. B&B Investment Properties LLC, owner; LifePoint Church, tenant; 400 Bay View Rd; Parcel MUKV 2009-958-001.

Unanimously carried

Discussion and possible action on RESOLUTION 2022-30 for a monument subdivision sign located in the public right-of-way for Chapman Farms subdivision. Bielinski Homes, Inc. (John Donovan, agent), applicant.

Administrator Schnook presented the resolution and noted it was recommended for approval.

Attorney Bayer noted the permissive use agreement is next meeting.

Meiners/Brill motion to approve RESOLUTION 2022-30 for a monument subdivision sign located in the public right-of-way for Chapman Farms subdivision. Bielinski Homes, Inc. (John Donovan, agent), applicant. Unanimously carried.

Discussion and possible action on RESOLUTION 2022-31 for a conditional use for a drive-through lane for a coffee shop; and notification of a Plan Commission Resolution for site plan and architectural review of a coffee shop for Jentzsch-Barrette Properties (Ulrich Jentzsch, agent), applicant; 827 S Rochester St; Parcel MUKV 2009-978-003.

It was noted this was recommended for approval from the plan commission with contingencies which included review of signage at the drive thru and definition of the utilities which is agreed to. It was recommended for approval with those two coming back to plan commission for review.

Decker/Meiners motion to recommend approval on **RESOLUTION 2022-31** for a conditional use for a drive-through lane for a coffee shop; and notification of a Plan Commission Resolution for site plan and architectural review of a coffee shop for Jentzsch-Barrette Properties (Ulrich Jentzsch, agent), applicant; 827 S Rochester St; Parcel MUKV 2009-978-003, with contingencies which included review of signage at the drive thru and definition of the utilities which is agreed to.

Trustee D. Johnson noted she was at the plan commission meeting and she has concern regarding one area and walking across and people walking over that area.

Trustee K. Johnson, also has reservations and proximity of the two lanes and there is another coffee shop in that geographic area and at that location he has seen near misses there. He believes that other location is actually larger than this location even.

He asked the police to look into accidents.

Chief Streit noted that Starbucks has three reported crashes at the parking lot and drive thru since 2017.

Roll Call: "No" Trustee Brill, D. Johnson, K. Johnson. "Yes" Trustee Decker, Meiners, Reeves, Winchowky. Motion carried 4-3.

Discussion and possible action on RESOLUTION 2022-38 for the Final Development Plan for Phase 1 of Maple Centre PUD.

Administrator Schnook commented this passed the plan commission with one adjustment to add #12 to work with the Fire Dept to provide an emergency turning radius.

Meiners/Brill motion to approve **RESOLUTION 2022-38** for the Final Development Plan for Phase 1 of Maple Centre PUD.

Trustee D Johnson commented this is a large footprint, the roads, the small town feel with large growth and residents have expressed that will be sudden and feel it shouldn't happen and she wants to pass it along.

Trustee Reeves noted he is getting the same calls and knocks on doors since agenda came out.

President Winchowky noted this is a 2019 agreement that was signed. This has been on the books, and in April 2020 it was confirmed, this is the final development plan.

Roll Call: "Yes" Trustee Brill, Decker, Meiners, Reeves, Winchowky. "No" Trustee D. Johnson, and K. Johnson. Motion carried 5-2.

Finance Committee, Trustee Darlene Johnson

Discussion and possible action on Accounts Payable Vouchers in the amount of \$273,975.55

D. Johnson/Meiners motion to approve Accounts Payable Vouchers in the amount of \$273,975.55. Unanimously carried.

Discussion and possible action on Resolution 2022-45 a Resolution amending the Fire/Ambulance Department and the Village Fire/Ambulance Designated Funds to transfer up to \$26,000 from the Village's designated fund to operating fund to cover the Village's Share of the marketing consultant's fee, contingent on the Town of Mukwonago also providing up to \$26,000 in funding to the Fire/Ambulance Department Fund.

Trustee Brill asked to adjust the dollar amount to \$26,035 as the proposal divided by two would be that amount.

Meiners/Reeves motion to approve **Resolution 2022-45** as adjusted. Unanimously carried.

Judicial Committee, Trustee Scott Reeves

Discussion and possible action on a Renewal Combination Class "B" Fermented Malt Beverage and Class C Wine License Application; contingent upon payment of all outstanding liabilities and delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds for: Mario's Natural Roman Pizza 225 Bay View Road, #500, Mukwonago, WI, Charlene Reitman Agent.

Reeves/D. Johnson motion to approve. Unanimously Carried.

Discussion and possible action on a Temporary Class B Retailers Fermented Malt Beverage License Application from the Mukwonago Chamber of Commerce for Family Fest, July 15, 2022

Reeves/Meiners motion to approve a Temporary Class B Retailers Fermented Malt Beverage License Application from the Mukwonago Chamber of Commerce for Family Fest, July 15, 2022. Unanimously carried.

Discussion and possible action on Performance Stage Rental and Special Event Application from the Chamber of Commerce for a July 15, 2022 Family Fest.

Reeves/Meiners on Performance Stage Rental and Special Event Application from the Chamber of Commerce for a July 15, 2022 Family Fest from the Chamber of Commerce. Unanimously carried.

Protective Services, Trustee Decker

Police Report for the Month of May 2022

Report was placed on file.

Village President

Appointment of Mary Patz to the Historic Preservation Commission

KJohsons/Decker motion to approve the Appointment of Mary Patz to the Historic Preservation Commission. Unanimously carried.

Appointment of Sue Graczyk as a voting member and Gail Yerke as a non-voting member of the Downtown Development Committee.

Reeves/DJohnson Motion to approve appointment of Sue Graczyk as a voting member and Gail Yerke as a non-voting member of the Downtown Development Committee. Unanimously carried.

Closed Session

Decker/K 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 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 Maple Centre at 7:17pm.

Roll Call: "Yes" Trustee Brill, Decker, D. Johnson, K. Johnson, Meiners, Reeves, Winchowky. Unanimously carried.

Reconvene into Open Session

Decker/D Johnson 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 8:11pm.

Roll Call: "Yes" Trustee Brill, Decker, D. Johnson, K. Johnson, Meiners, Reeves, Winchowky.
Unanimously carried.

Adjournment

Meeting Adjourned at 8:11pm.

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer