

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

Wednesday, June 21, 2023

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

Eric Brill
Dale Porter
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
Mike Michalski, Village Engineer
Ron Bittner, Public Works Director
Wayne Castle, Utilities Director
Erin Scharf, Planner
Nathan Bayer, Attorney

Comments from the Public

Henry Hecker, W298 S10655 Phantom Woods Rd., President of Historical Society. Speaking on behalf of the Society to vote on the loan agreement. This is a three-party agreement with library, society, and the village. It is one sided in their opinion. They understand this is a formal agreement to memorialize the long standing relationship. There is a meeting at the Library Thursday. He feels there is another loan agreement that could be extended. They would like to work out an agreement. He asking it be put aside at this time.

Sue Batten, 1415 Orchard View Lane, wanted to say Thank you. You listened and they would like to say Thank you for listening.

David Amyx, 1410 Applewood, would like to thank for the delay in the TID decision. Concerned with the Taxes on Walworth County side and not understanding the tax implications on that. He would like to appeal the Board to find a resolution. He provided a hand out to describe the challenges for the assessments on their properties and would like to find solution.

Marty Johnson, owner Kays Dance Academy, was present to speak on item 11.2 the crosswalk. Kay is his wife and this crosswalk would affect their customers' ability to park. He would like to let them know he is against. There is a large child drop off area adjacent to the entry so there is one way traffic through the lot. They could lose 4 spots in total if this crosswalk gets installed.

Bradley Zjork, owner of The Block, rewarding owning a business in Mukwonago. He has a passion for helping others and has learned the complexities and challenges of a new business. The Block is the biggest investment he has made. This is his investment in the community. It will be a family friendly place and help entrepreneurs in the community and provide an opportunity zone for them. They have met all the recommendations and asks for approval.

Chris Hill, Kiwanis Club, 440 Ahrens Drive, and the President of Kiwanis Foundation. He is present to discuss the rezone of the property. There have always been a few issues that cause disagreement with community. In the 1970's there was sidewalk issues, which caused a recall. Washington Avenue, before the Library was an empty school, and now we have a state of the art library. There are a few people who like to just complain about anything. We have these developments here because we have growth. This property has not generated tax revenue for years. The Kiwanis will be able to give \$175,000 back into the community. This money will go back into the community with scholarships. They only have about 10 people left at an older age in their organization. It isn't sustainable for them to maintain this property. We can't keep things the way they are.

Colleen Farmer, 1445 Applewood Cir., wanted to thank the Trustees for listening to the residents of Orchards. It isn't often the board gets thanked and they appreciate they were listening. They truly appreciate it. They look forward to working with the Village and staff in the future to educate and looks forward to her meeting with the President.

Wendy Schreiber, 1427 Orchard View, wanted to thank the Trustees who voted no on TID 7 and appreciates they listened to the community.

Aaron Wesolowsky, 1317 Macintosh Way, wanted to thank you for the decision but the willingness to listen and act on behalf of constituents. Appreciates they listened and understood. They feel represented. Looks forward to future development.

Chance Biller, 1328 Orchard View, moved from Milwaukee 20 years ago, loves Mukwonago, thank you for keeping Mukwonago.

Brian Wojtarowski, 1322 Orchard View, wanted to echo what most of his neighbors have said and schools, low crime, wasn't for industrial park. Thank you.

Magdelina Hsrn, 1426 Applewood, Thank you for voting.

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 Approval of Village Board minutes of May 17, 2023.

6.2 Approval of the following Class "A" Fermented Malt Beverage License Applications contingent upon payment of any outstanding liabilities or 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, 407 S Rochester St., Robin Hernandez Agent; 122 Arrowhead Enterprises, d/b/a Arrowhead BP, 122 Arrowhead Dr., Judith Schwartz; Agent

6.3 Approval of the following Class "A"/"Class A" Combination Fermented Malt Beverage and Intoxicating Liquor Licenses contingent upon payment of any outstanding liabilities or 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, 909 Greenwald Ct., Judith Schwartz Agent; 1060 Rochester Enterprises, Inc., d/b/a Rochester BP, 1060 N Rochester St., Judith Schwartz Agent; B&A Trading LLC, d/b/a Andy Liquor Store, 411 Main Street, Amandeep Singh Agent; Ultra Mart Foods, LLC, Pick N Save #384, 1010 N Rochester St., Todd Glaser Agent; Aldo, Inc (Wisconsin), d/b/a Aldi #46, 111 E Wolf Run, Tami Wright Agent; Khasria Two Inc, d/b/a Village Wine & Liquor, 712 Main Street, Harjinder Khasria Agent; Wal-Mart Stores East LP, d/b/a Walmart #1571, 250 E Wolf Run, Michael Sandelback; Agent; Walgreen Co., d/b/a Walgreens #07039, 212 N Rochester St., Brian Marinello Agent; Kwik Trip Inc., d/b/a Kwik Trip #282, 1212 N Rochester St., Susan Michaelson Agent; VM Investments, LLC, d/b/a Amans Beer+Wine, 110 Chapman Farms Blvd., Amandip Singh Agent; Elegant Farmer Inc, d/b/a Elegant Cork, 1541 Main Street, Keith Schmidt Agent

6.4 Approval of the following Class "B" Fermented Malt Beverage and "Class C" Wine License Combination Applications contingent upon payment of any outstanding liabilities or delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds; Babe's Chicken & Pizza, 225 Bay View Rd. #500, Besa Islami, Agent

6.5 Approval of the following Class "B"/"Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Applications contingent upon payment of any outstanding liabilities or 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, 627 E Veteran's Way, Richard Bauer Agent; Perseverance Corp, d/b/a Badger Burger, 200 S Rochester St., Mark Weiss Agent; Blue Bay Inc, Blue Bay Restaurant, 927 Main Street, Vlaznim Islami Agent; Take a Big Bite, Inc., d/b/a Fork in the Road Restaurant, 215 N Rochester St., Therese Hennessy Agent; Sandy's Miller Time, LLC, d/b/a Sandy's Miller Time, 701 Main Street, Brian Anspach; Agent; F.J. Partners LLC, d/b/a Sol De Mexico, 507 Main St., Jose Jaimes Agent; Jays Lanes, Inc., d/b/a Jays Lanes, 326 Atkinson St., Jeffrey Royal Jay Agent; The Boneyard Pub & Grille, LLC, d/b/a Boneyard Pub & Grille, 215 Bay View Rd. #200, James Fredric Jones, Agent

6.6 Approval of the following Reserve Class "B"/"Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Applications contingent upon payment of any outstanding liabilities or 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, 355 Bay View Rd., Marco Alarcon Agent; DAA Smokehouse LLC, d/b/a David Alan Alan's Smokehouse, 325 Bay View Rd., Tina O'Bryan Agent; Sarab Investments, d/b/a The Terraces at Aman's, 110 Chapman Farms Blvd, Amandip; Singh Agent; Ganske Dining LLC, d/b/a Boss Pizza and Chicken, 1015 E Veteran's Way, Kris Ganske, Agent

6.7 Approve Accounts Payable Vouchers in the amount of \$478,866.41.

6.8 Approve the amendment to the Village's Investment Policy.

6.9 Approve the purchase order for CJ & Associates for flooring at the Police Department.

6.10 Approve the 2023 Micro Surfacing project purchase requisition in the amount of \$136,069.00 to Fahrner Asphalt Sealers LLC.

6.11 Approve the 2023 Mill and Fill Purchase requisition for \$31,377.00 to PLM Paving and Concrete.

6.13 Approve **Resolution 2023-21** A Letter of Credit Reduction for Hill Court Reload LLC

6.14 Approve **Resolution 2023-22** A Resolution to approve a reduction in the letter of credit for Chapman Villas

6.15 Approve relocating the Fox Street primary entrance sign.

6.16 Approve **RESOLUTION 2023-24** to approve the Compliance Annual Maintenance Report (CMAR).

6.17 Approve Applied Technologies, Inc. evaluation of the capacity potential of Well #7, explore needed upgrades, and provide a cost estimate to potentially increase capacity there.

6.18 Approve 2023 Sewer Televising and Cleaning Purchase Requisition with The Expeditors Inc, in the amount of \$28,907.

Brill/D. Johnson motion to exclude item 6.12. Unanimously carried.

D. Johnson/K Johnson motion to approve Consent Agenda Items 6.1 to 6.18 with exception of item 6.12. Unanimously carried.

6.12 Approve a loan agreement with the Mukwonago Community Library for the part of the Grutzmacher collection housed at the Red Brick Museum.

Brill/Reeves motion to table until the Committee of the Whole in July. Unanimously carried.

Fire Chief requested to move Items 13.1 and 13.2 forward so he can attend the Town of Mukwonago Meeting.

Joint Village & Town Protective Services Committee Recommendations, Trustee Scott Reeves

Fire Department Reports
(For Information Only, No Action Required)

Discussion and possible action on a request for EMS Equipment using ACT 102 and ARPA Funding (contingent upon recommendation from JPS of 6-19-23)

Reeves/Meiners motion to approve. Unanimously carried.

Other Items for Approval

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

Approval of Class "A"/"Class A" Fermented Malt Beverage and Intoxicating Liquor License application for E and S Sweets, LLC, d/b/a E and S Sweets, 211 N.

Rochester St., Unit D, Kirsten Bell, Agent, contingent upon payment of any outstanding liabilities with the Village, any outstanding wholesaler invoices, police department approval, and clearance of any Department of Revenue holds.

D. Johnson/Meiners motion to approve. Motion carried. Trustee Brill abstained.

Motion to approve Resolution 2023-23 A Resolution Authorizing the Issuance and Establishing Parameters For the Sale of Not to Exceed \$4,635,000 General Obligation Promissory Notes. (This item requires a Roll Call vote of the Village Board)

Meiners/K Johnson motion to approve.

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

Planning Commission Recommendations

Discussion and possible action to approve ORDINANCE 1016 for the Comprehensive Plan Amendment for Kiwanis Park, Mikko Erkamaa, applicant; W Veterans Way and State Road 83; Parcel MUKV 1963-996-005 and MUKV 1963-996-006, as recommended by the Plan Commission.

Meiners/Brill motion to approve.

Trustee D. Johnson noted she has received phone calls from residents with concerns with traffic at that intersection.

Planner Scharf noted this is to rezone from park open space to business commercial. If anyone comes forward, they would have to come forward with planned use development as mixed use. This is just for the zoning.

Trustee K. Johnson commented he has concerns with the traffic flow from HWY 83 and wondered how many driveways or impacted, or is this the State of Wisconsin?

Planner Scharf noted this is the DOT jurisdiction to determine how many openings there will be.

Trustee Porter noted as a confirmation this is no opportunity for apartments or condos.

Trustee Reeves noted he received the same emails and was educated on the rezone process by staff. He feels his questions have been answered.

Trustee K. Johnson commented he continues to have concerns about not having a say in items that go to plan commission. If an item goes to plan commission will they have an opportunity to review it again.

Planner Scharf confirmed it would still have to come before the Board those items were only for site plan architectural review and signs.

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

Discussion and possible action to approve ORDINANCE 1017 for Rezoning of Kiwanis Park, Mikko Erkamaa, applicant; W Veterans Way and State Road 83; Parcel MUKV 1963-996-005 and MUKV 1963-996-006, as recommended by the Plan Commission.

Planner Scharf noted this goes with the same prior item. The Comprehensive Plan needs to be amended first and then changes the zoning.

Meiners/Brill motion to approve.

Trustee Reeves noted he appreciates the Kiwanis here and have been here since the 80's and his largest concern was about what is going in there and after meeting and learning how the zoning works, and his concern is about the apartment that could go on that site, his main concern is the barn. The barn is over 100 years old. Judge Field lived there and this structure was lived in at one time. He wanted to know if we could get Kiwanis to agree to move that structure to an area that would be deemed appropriate such as a soccer house at Miniwaukan. He would hate to see it gone.

Roll Call: "Yes" Brill, Meiners, Winchowky. "No" Trustees D. Johnson, K. Johnson, Porter, and Reeves. Motion Failed 4-3

Discussion and possible action to approve RESOLUTION 2023-26 for the Final Development Plan for a Pop=up Vendor Venue as a Planned Unit Development for The Block, Bradley Zajork, applicant; 944 Main St and 950 Main St; Parcel MUKV 2009-989 and MUKV 2009-990, as recommended by the Plan Commission.

Meiners/Brill motion to approve.

Trustee Porter noted two business owners reached out to him about conveying comments. He noted one was about the village giving them a hard time about floors, ceilings, and allow shipping containers. Another was about the village going around taking pictures about improvements and yet allow shipping containers.

Roll Call: "Yes" Trustee Brill, D. Johnson, K. Johnson, Meiners, Reeves, and Winchowky. "No" Trustee Porter. Motion carried 6-1.

Discussion and possible action to approve RESOLUTION 2023-25 for the Certified Survey Map for The Block, Bradley Zajork, applicant; 944 Main St and 950 Main St; Parcel MUKV 2009-989 and MUKV 2009-990, as recommended by the Plan Commission.

K Johnson/Brill motion to approve.

Trustee Porter commented he had business owners he spoke to love the business plan some have stated they have concerns about the containers. He noted he personally loves the business plan himself.

Roll Call: "Yes" Trustee Brill, D. Johnson, K. Johnson, Meiners, Reeves, and Winchowky.
"No" Trustee Porter. Motion carried 6-1.

Finance Committee, Trustee Darlene Johnson

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$169,114.17.

D Johnson/Meiners motion to approve. Unanimously carried.

Discussion and possible approval of the purchase requisition for picnic tables and team benches from Pilot Rock in the amount of \$15,184.60.

D Johnson/Meiners motion to approve.

DPW Bittner noted the aesthetic benches will go into field park. They recycle them each year and this is the last group that is being switched out. Unanimously carried.

Health and Recreation Committee, Trustee John Meiners

Discussion and possible action to approve the Mukwonago Area Chamber of Commerce Performance Stage Rental application and Special Event application for Family Fun Fest on July 14, 2023

Meiners/Reeves motion to approve. Unanimously carried.

Public Works Committee, Trustee Eric Brill

Discussion and possible approval of the GSB 88 purchase requisition with Fahrner Asphalt Sealers LLC in the amount of \$19,010.

Brill/Porter motion to approve.

D Johnson questioned how notice will be provided to the residents.

DPW Bittner noted the day or two before they will be noticed on their door and a letter to the HOA will be sent. Unanimously carried.

Discussion and review on Crosswalk installation by Waukesha County (Cty ES/Front Street).

Darlene Johnson, Waukesha County Supervisor discussed the County Ordinance passed that they had received a call from Kays Dance Academy about the "No Parking Zone" ordinance and how it would affect their business. They discussed how to proceed. It was determined they would amend the language to place the action on the village to determine if the village wants to proceed. She spoke with the Vintage Vault arcade who noted students walk across the street to get snacks. The neighbor business does allow Kays overflow parking to utilize. There is an apparent lack of support and would like to know so she can advise the county of the direction.

It was questioned if action can be taken given the agenda wording.

Attorney Bayer stated he felt there was legal support to allow for action to be taken on the agenda. As long as the public has been notified of the subject matter.

Reeves/Porter motion to table the discussion.

Porter/K Johnson motion to amend the table motion to add for one year.

Trustee Porter noted it is to keep it from moving forward at this time and allow review.

On the Amendment: Unanimously carried.

On the Main Motion as Amended for tabling for one year. Motion carried 5-1 . Trustee Meiners opposed. Trustee D. Johnson Abstained.

Protective Services, Trustee Scott Reeves

Police Report for the Month of May 2023

(For Information Only, No Action Required)

Downtown Development Committee, Trustee Scott Reeves

Special acknowledgement to the donors for the downtown beautification project, the plantings, the containers, the watering, and the plaques.

Trustee Reeves wanted to thank those who participated and donated in the planter program. Planter Donors; Educators Credit Union, Linden Grove, Scott Murphy of the Kiwanis Club, Susan Graczyk, Ken Miller of the Kiwanis Foundation, Sheri Watkins, Therese Hennessy, and Fred & Mary Winchowky.

Donors to the Beautification Fund; Elouise Benner, John Hughes, Steve Bartle, Annie Breitung, Joyce & William Luebke, Tina Chitwood, Brenda Martens, Jan Metrusias, Henry & Diane Hecker, Jeff & Caroline VanEvenhoven, Russ & Janine Coley, and Penny Honetor. Thomas Greenhouse for the generous donation of plants and flowers.

Dynamic Awards for donating all the nameplates.

Citizens Bank, David Stockwell, and Roger Walsh for watering the planters in front of their businesses.

Time donations from Chris Slauson, Jackie Schuenke, and Jan Metrusias.

Public Works Ron Bittner and his crew for making the plaque holders and moving the planters each season.

Closed Session

Porter/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.

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

Reconvene into Open Session

Meiners/Johnson motion to reconvene into open session pursuant to Wis. Stats. §19.85(2)

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

Adjournment

Meeting adjourned at

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer