

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

Wednesday, December 20, 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
Chris DeMotto, Assistant Police Chief
Jerad Wegner, Village Engineer
Ron Bittner, Public Works Director
Wayne Castle, Utilities Director
Nathan Bayer, Attorney

Pledge of Allegiance

Comments from the Public

Written comments were submitted by David Boebel, Roger Walsh, and Ray Gooden and placed on file.

Chris Hill, 440 Aherns drive, commented he is a life long resident. He wanted to discuss comments made about the Kiwanis Park. He feels there is false information being spread. He noted this is not a true park. The Signs are coming down, this is a private piece of property, it is not a park. Right now it is a not for profit and they do not pay any property taxes. If the board does pass this proposal that is over \$400,000 a year to put back in to the community. The personal attacks on the village president are disgusting. Chris noted his father was village president and he doesn't deserve this. He has served this village for over 50 years and he wants to defend him. Kiwanis members are being attacked and it is crazy. His grandfather was a charter member of the Kiwanis and American Legion Post. He is called an outsider, his family has been here for 100 years.

Chris Slawson, 302 Lake Street, concerned about the comments on Facebook who said no they want green space.

Mike Slawson, 302 Lake Street, did see drawings and his main concern is traffic and he hopes they will be able to review. Hopes a traffic study will be completed.

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 Minutes from the Village Board meeting of November 15, 2023
- 5.2 Approve Accounts Payable Vouchers in the amount of \$970,004.73.
- 5.3 Approve **Resolution 2023-72** A Resolution to adopt the 2024 Annual Tax Increment Finance District (TID) Budgets.
- 5.4 Approve a Class "B"/"Class B" combination fermented malt beverage and reserve intoxicating liquor license for Crush Wine Bar and Craft Lounge application at 110 Main Street, Paul Kwiecien, Agent
- 5.5 Approve **RESOLUTION 2023-65** adopting Video Surveillance Policy.
- 5.6 Approve **Resolution 2023-64** a Resolution to Appoint Election Inspectors for the 24-25 Term.
- 5.7 Approve the following Position Description Resolutions;
 - **Resolution 2023-69** Deputy Clerk-Treasurer Position Description
 - **Resolution 2023- 70** Deputy Treasurer/Admin Payables Clerk Position Description
 - **Resolution 2023- 71** Deputy Clerk/Community & Economic Development Position Description
- 5.8 Approve **Resolution 2023-67**, a resolution adopting the 2024 salary and wage schedules for non-represented employees.
- 5.9 Approve **Resolution 2023-68**, A Resolution authorizing annual stipends for the Assistant Fire Chief and Deputy Fire Chief.
- 5.10 Approve a service agreement with COM2 for e-Waste disposal contingent upon Attorney review.
- 5.11 Approve a three year Maintenance Contract Renewal with Bassett Mechanical.
- 5.12 Approve **Resolution 2023-66** a Resolution to eliminate the Letter of Credit for Hill Court Reload as recommended by the Village Engineer.
- 5.13 Approve a contract renewal with Hydro Corp for non-residential cross connection survey program for 24 months in the amount of \$33,912
- 5.14 Approve the purchase of water meters for 2024 in the amount of \$77,300
- 5.15 Approve a Purchase Requisition for Community Room HVAC upgrades in the amount of \$16,750.
- 5.16 Approve a proposal from Watson Consoles in the amount of \$59,015 for the dispatch remodel, as budgeted in the Capital Improvement Program.

Meiners/Reeves motion to approve consent agenda items 5.1 to 5.16.
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 to approve the Disallowance of Claim for sewer back up on September 29, 2023 at 221 N Rochester Street and 215 N Rochester Street as recommended by Statewide Services, Inc.

Administrator Schnook noted this is standard recommendation from the COW and Insurance Company.

Trustee Ken Johnson asked for clarification on what this claim cost.

It was noted this is claim had several claimants and was around \$2,000. This disallowance is a process when the insurance company is refusing the claim and it doesn't preclude this from any other decision the Village Board could make.

Attorney Bayer noted this doesn't necessarily set any precedent but can be relative to the same situation in the past or future, obviously dependent upon circumstances. It reflects the insurance company decision they will not pay for this claim.

Meiners/Brill motion to approve disallowance of claim as presented as recommended by Statewide Services.

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

Planning Commission Recommendations

Discussion and action to approve ORDINANCE 1017 to rezone Kiwanis Park Parcels from P-1 - Public and Semi Public to B-2 – General Business, located at the Northwest Corner of N Rochester St (Hwy 83) and W Veterans Way (Hwy NN) (MUKV 1963-996-005 and MUKV 1963-996-006), by applicant (Mikko Erkamaa); as recommended by the Planning Commission.

Meiners/Brill to approve.

Trustee Darlene Johnson noted she does feel there should be a traffic study.

Trustee Porter asked if you can add a traffic study. He noted there is a great deal of misinformation, and agrees he would like to table for one month.

Trustee Ken Johnson commented the speakers indicated misinformation. He feels this is virtually 50-50 that want this rezoned, and knows traffic is a concern for some.

President Winchowky commented that Kiwanis purchased 30 years ago parking cars and it was purchased to park cars to make money for the charitable programs.

He noted in the past Hwy NN to ES was a two lane, and we didn't need a full time fire department it was volunteer, these are examples of how we have grown in 30 years. The community needs are different. Yes we need parkland, and we can develop usable park space. The ability to do that would be generated by the impact fees. We want more family restaurants, this is a small location 4-6 lots at most there will be no apartment buildings. There are still several more steps before any shovel would get in the ground. That would include traffic studies and would eventually come before the board. This is a positive project for the village. This just changes the zoning.

Every project we have traffic, business needs traffic, and we all have to deal with it.

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

Trustee Porter noted that his point of order was not honored.

Discussion and action to approve the Conditional Use RESOLUTION 2023-73 for an application to operate a Funeral Home and Cremation Services (Human and Pet), located at 225 Eagle Lake Ave (MUKV 1974-009), by applicant/future owner (John Rozga); as recommended by the Planning Commission

D. Johnson/K. Johnson motion to approve. Unanimously carried.

For Information Only, No Action Required:

Plan Commission approved PC-RESOLUTION 2023-12 for Site Plan and Architectural Review for a Funeral Home and Cremation Services (Human and Pet); located at 225 Eagle Lake Ave Parcel MUKV 1974-009; by John Rozga, applicant/future owner.

Finance Committee, Trustee Darlene Johnson

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$682,425.28.

D Johnson/Reeves motion to approve. Unanimously carried.

Judicial Committee, Trustee Dale Porter

Discussion and possible action to approve a Class A Combination Fermented Malt Beverage and Intoxicating Liquor License application for Elevated Minds of IL, Inc d/b/a Elevated Minds, 411 Main Street, Mukwonago, Shabana Ali Agent.

Porter/Meiners motion to approve. Motion carried 6-1 Trustee D Johnson opposed.

Public Works Committee, Trustee Eric Brill

Discussion and possible action to approve the close out Change Order #2 and final payment for the Aeration Basin Project in the amount of \$22,216.50

Brill/Meiners motion to approve. Unanimously carried.

Protective Services, Trustee Scott Reeves

Police Department Annual Report *(For Information Only, No Action Required)*

Police Report for the Month of November 2023 *(For information Only, no action required.)*

Downtown Development Committee, Trustee Scott Reeves

Status Report from the DDC.

Trustee Reeves noted everyone was provided a copy. Some spots are hard to read and would like that corrected. He would like to send to plan commission to make their recommendation to go to the Board. Would like them to discuss at the COW.

President Fred noted many of these items have been reviewed and taken place. It is a very nice report.

Village President

Notice of intent to circulate petition for detachment *(For Information Only, no action required)*

Attorney Bayer noted this is a legal process where there is one geographic owner who asking for this detachment and the same will take place in the Town of Vernon where they will attach and detach.

Administrator Schnook noted this is what the process is about.

President Winchowky noted he didn't want what happened in the orchards to happen here and end up with the same situation. Administrator confirmed this was not going to happen.

Trustee Brill questioned if this was the proposed plan and noted they haven't approved a plat of survey yet. He has concerns how can this go through without that.

Administrator Schnook stated there is a legal description. The board approved this.

Attorney Bayer stated the property owner signed and asked to detach.

Trustee Brill asked if we approve this land swap, and the development agreement doesn't get approved and we have already swapped land, how is this handled. He expressed he has concerns at this time.

This item was for information only, not required for action. It was noted next month there will be an ordinance for the next step.

**Election Open House for the Village of Mukwonago Saturday, January 13, 2024
11:30AM to 1:30PM**

Closed Session

Meiners/ D 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 the Historical Society and the Mukwonago Professional Police Association at 7:29pm.

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

Reconvene into Open Session

Meiners/D Johnson motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 8:26pm

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

Adjournment

Meeting adjourned at 8:27pm

Respectfully submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer