

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING

Wednesday, May 15, 2024

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
Darlene Johnson
Ken Johnson
John Meiners
Dale Porter
Fred Winchowky

Also Present

Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
Dan Streit, Police Chief
Chris DeMotto, Assistant Police Chief
Jerad Wegner, Village Engineer
Wayne Castle, Utilities Director
Ron Bittner, Public Works Director (arrived at 7:00pm)
Nathan Bayer, Attorney
Tim Rutenbeck, Building Inspector
Zach Cuomo, Fire Department

Excused

Scott Reeves

Pledge of Allegiance

Comments from the Public

Matt Lyons, Azura Memory Care Facility commented that he is proposing a family owned private company. They provide education and training programs in memory care with 14 locations. They are looking forward to the approval in Mukwonago.

Doug Burke, Quarles and Brady, commented there is a property owner with access concerns and he understands those rights were sold to the DOT back in 2000 and 2003. He reminded the body of several legal cases where conditional use permits were not approved and they met all the conditions under the code. He is requesting approval.

Darwin Greenwald, commented on the Azura CUP Application. He felt he hadn't received notification and felt this property would impact him. He sent a request to the Planner and read the report with the agenda but hasn't had much time to review. He is asking for more time to review the information and the approved access. It was noted that access was verbally granted by the DOT on STH83 and verbally by the DPW on Chapman Farms Boulevard. He looks forward to obtaining formal letters on those approvals.

Presentations

Presentation from The Mukwonago Historical Society

Henry Hecker presented the annual report from the Historical Society. He also noted June 9th will be the soft opening of the Native American Room.

Introduction of Mason Stebnitz, Management Analyst/Intern

Mason Stebnitz introduced himself to the governing body.

Proclamations

A Proclamation in honor of Emergency Medical Services Personnel Week May 19 - 25, 2024 in the Village of Mukwonago.

A Proclamation honoring National Public Works Week May 19-25, 2024 in the Village of Mukwonago.

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.

7.1 Approve Accounts Payable Vouchers in the amount of \$916,317.22.

7.2 Approve **Resolution 2024-26** A Resolution designating Public Depositories

7.3 Approve **Resolution 2024-27** a Resolution designating the official posting and notice publications.

7.4 Approve a special event permit for Memorial Day Parade May 27 2024 from Mukwonago Community American Legion Post #375, applicant.

7.5 Approve a Special Event Permit for Mukwonago Community Library, June 8, 2024 at Washington Avenue Park. Library will be hosting its Summer Library Program Kick-Off from 10:00am to 1:00pm.

7.7 Approve a Temporary Class "B"/ "Class B" Retailers License for Rotary Club of Mukwonago to serve Beer and Wine at Phantom Junction Stage events June 1, July 3, August 2, and September 28, 2024.

7.8 Approve **Resolution 2024-28** an Interim Financing Comfort Resolution for Wells 3 &

4 for HMO Treatment System and Supply System Water Main Revisions.

7.9 Approve a Suburban Critical Incident Team Mutual Aid Agreement (SCIT) for the purpose of providing mutual aid for police Tactical Incidents between various communities.

Meiners/D. Johnson motion to approve 7.1 to 7.9 with the exception of 7.6.

Unanimously carried.

7.6 Approve Temporary Class "B"/"Class B" Retailer's License for Mukwonago Food Pantry, applicant serving Wine and Beer at Phantom Junction Stage Concerts on June 27, August 8th, August 22, and 24. *(prior application was approved on 4-17-24 for Beer, applicant is adding wine sales and additional dates to application)*

Porter/K. Johnson Motion to approve 7.6 adding both Beer & Wine and adding June 13, 2024 to the dates. Unanimously carried.

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

Fire Department Monthly Reports

Information only. No action was required.

Discussion and possible action on approval of Policy #38 Non-Hazardous Duty and Lactation after Return to Active Duty.

Captain Cuomo explained there were still items to review and asked the Board to take no action.

Discussion and possible action on request on EMS transport Bill

It was noted that Joint Protective Services recommended denial.

Meiners/Brill motion to deny request.

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

Planning Commission Recommendations

Discussion and possible recommendation to the Village Board to approve Resolution 2024 -30 a Conditional Use Resolution and Prescribing Conditions for a new Senior Care Facility on Parcel MUKV1962996009, from Azura Living, LLC (applicant)

It was noted the CUP was recommended by Plan Commission unanimously. It was noted staff did review access and worked to satisfy the requests.

Trustee D. Johnson was glad to hear it was not land locked.

Trustee K. Johnson noted he has concerns with much of this information in the alst24 hours. He might consider this next month.

Porter/K.Johnson motion to table for 1 month to work out the details.

Matt Lyons noted it could cause issues. They do have a closing date and would not want to renegotiate extensions.

Trustee Porter noted he would like to get some input.

Attorney Bayer noted that the Conditional Use meets all the conditions and he cautions the board from denial without substantial evidence, which could be subject to a challenge.

Trustee D. Johnson suggested a special meeting after the COW.

Porter/K Johnson motion to table to the COW in June with a Special Meeting following.

Trustee Meiners noted the Attorney gave his opinion.

Trustee K. Johnson asked if we could obtain written confirmation from the DOT by this time.

Trustee Brill noted that the landowner did receive an email from the DOT just not on their official letterhead.

Roll Call: "Yes" Trustee D.Johnson, K.Johnson, Meiners, Porter, and Winchowky. "No" Brill. Motion carried 5-1.

For Information Only *(No Action Required)*

1. Site Plan Architectural Review (SPAR) for Azura Senior Living LLC
2. Site Plan Architectural Review (SPAR) for 823 Swan Drive Performance Water Products, Inc.
3. Concept Review for an expansion at 909 Perkins Drive L'Bri

Finance Committee, Trustee Darlene Johnson

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$291,957.88.

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

Discussion and possible action to approve the Strategic Planning proposal for **CP2 Consulting.**

D. Johnson/Meiners motion to approve.

Clerk Dykstra noted this was a budgeted item and this firm stood out as it includes community leaders, committees, employees, elected officials and business owners as various stakeholder groups. It provides multiple methods of obtaining data and a measurement tool for us to utilize. Roll Call: "Yes" Trustee Brill, D. Johnson, K. Johnson, Meiners, Winchowky. "No" Trustee Porter. Motion carried 5-1.

Public Works Committee, Trustee Eric Brill

Discussion and possible action to approve Resolution 2024-31 approving the Storm Water Management Agreement (SWMA) for GS Global, d/b/a 929 Properties LLC.

Brill/Porter motion to approve. It was noted this was for an addition with construction in June. Unanimously carried.

Discussion and possible action on changing the color of the Bear on the primary and secondary gateway entrance signs.

DPW Bittner noted after hearing discussion, he asked the manufacturer about painting the bear. It was at a cost of \$5,500 in order not to void the warranty. Trustee Brill noted he is open to donations but can't see spending that at this time. Bittner asked if they wanted to change the additional sign that is in production. He will bring color swatches to the next meeting for review. It was noted this will go back to the June Committee of the Whole.

Personnel Committee, Trustee Ken Johnson

Discussion and possible action to approve Resolution 2024-29 a Resolution to establish a wage range for the Economic Development Internship Position.

K Johnson/D Johnson motion to approve.

Protective Services, Trustee Scott Reeves

Monthly Police Report

For Information Only. No Action Required.

Village President

Discussion and action to approve the following appointments:

Brock Anderson to the Downtown Development Committee
Meiners/K. Johnson motion to approve. Unanimously carried.

Penny Grant to the Joint Fire Commission (*replacing Shane Herbig who has resigned.*)

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

Rescheduling a meeting date for a Joint Village/Town meeting for Fire Department Issues. (*Town requested a changed Joint Meeting date to June 19, 2024 at 5:30pm*)

Announcement of the Phantom Junction Stage Concert Series Schedule for the summer of 2024.

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 vs. Village of Mukwonago at 7:58pm.

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

Present: Brill, D. Johnson, K. Johnson, Meiners, Porter, and Winchowky.

Also Present: Doherty, Dykstra, Streit, DeMotto, Castle, Bittner, Wegner, Attorney Bayer.

Reconvene into Open Session

D. Johnson/Meiners motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 8:45pm.

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

DPW Bittner noted the Dam Project was approved by the Town tonight.

Trustee Darlene Johnson noted she appreciated the representation from Clerk Dykstra at the Trust in Elections Forum for Waukesha County.

Adjournment

Meeting adjourned at 8:42pm

Respectfully submitted

Diana Dykstra, MMC
Village Clerk-Treasurer