

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING Wednesday, November 20, 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
Dale Porter
Fred Winchowky

Also Present

Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
Dan Streit, Police Chief
Chris DeMotto, Asst. Police Chief
Mike Michalski, Ruekert-Mielke
Wayne Castle, Utilities Director
Ron Bittner, Public Works Director
Andy Wegner, Assistant Fire Chief
Nathan Bayer, Attorney

Excused: John Meiners
Scott Reeves

Comments from the Public

Steve Thompson, 520 Augusta Dr., commented he is a law enforcement officer and SRO. He teaches at a local college and he heard about this issue. He feels this is an unethical decision. There is no state law that precludes cell phone use and feels there needs to be a separation between law enforcement and school.

Jackie Winter, McCarthy Dr., commented she is a parent and supports a school policy but does not support this ordinance. The Village should not be adopting this ordinance. Is classroom or student behavior a village issue?

Jason Wamser, 604 Prairie Hill, asked the Board consider pulling this from Consent agenda and reconsider this item. There has not been enough time to make a decision. Having a cell phone is not a crime and this is not something the Village should engage in.

Andrea Kokott, commented that cell phone use in schools should be dealt with by the schools. This is not a public ordinance and they should not set a precedent.

Ken Sallen, 119 Amanda Ct., discussed his children in the school and how his daughter was groomed by a teacher. He does not approve of this policy and expressed concerns for the safety of children. He felt it was an overreach.

Alex Blahak, Oakview Dr., noted she has two children in the district. Requests they pull this item from the agenda and these situations should be dealt with on a case by case basis.

Jackie Gerloski, Miles Way, commented she has children in the district. She is appalled this on the agenda and feels this destroys the relationship in the community. She noted we are all addicted to our cell phones and asked board members to consider the amount of times they look at their phone each day. She also noted the parents are the ones who are hurt having to pay a citation.

K Johnson/D. Johnson motion to remove item 7.14 concerning the PCD devices on school grounds from the Consent Agenda. Unanimously carried.

7.14 Approve Ordinance 1032 prohibiting students use of personal communication devices (PCD's) on school grounds.

Trustee K. Johnson noted he reviewed this item and previously there was no public input. Since it was first presented he was approached by residents asking for it to be removed from consent and have discussion. He would like to hear from Police Chief or School Superintendent.

Superintendent Joe Koch presented the school concerns with cell phone use. They did look at other policies. In June the school board made a recommendation that passed and they communicated this change to parents and applied to the handbook. In October they were looking to clarify regarding citation to further assist.

Trustee Porter questioned when will an SRO issue a ticket?

Superintendent Koch noted at the request of the school administration. This is a tool when all other options have been exhausted. This would only be used in the extreme cases. It was further clarified this is a step below the court system as it is a municipal citation not a criminal offense.

President Winchowky questioned if there were exemptions for medical reasons or emergencies.

Superintendent Koch explained they do have exceptions for medical or emergencies.

Trustee K. Johnson questioned if this was enforced today how many students would this affect.

Superintendent Koch noted it would apply to one.

Trustee D. Johnson asked if this was necessary. She has seen where some students enter their phones into a basket and are able to use during lunch hour.

It was clarified there is no phone use during the school day.

Trustee Porter motion to approve.

Hearing no second, motion fails.

Winchowky/Brill motion to return this item to the Committee of the Whole meeting of December 4, 2024 for review. Roll Call: "Yes" Trustee K. Johnson, Porter, and Winchowky. "No" Trustee Brill, and D. Johnson. Motion carried 3-2.

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 Minutes of October 2, 2024 Special Village Board Meeting, October 9, 2024 Special Village Board Meeting, and Regular Village Board meeting of October 16, 2024, and Special Joint Village and Town Board meeting of October 21, 2024.

7.2 Approve Accounts Payable Vouchers in the amount of \$554,175.02.

7.3 Approve a Purchase Requisition for a Loadrite L3180 Smart Loader Scale System from Brooks Tractor in the amount of \$13,250.

7.4 Approve a purchase requisition for Fire Hydrants from Core & Main in the amount of \$26,348.

7.5 Approve **Resolution 2024-54** a Resolution authorizing a reduction of the speed limit on Edgewood Avenue to 35 Miles Per Hour.

7.6 Approve a Temporary Class "B"/"Class B" Retailer's License Applications for St. James Catholic Parish, 830 Veteran's Way for the Annual Fish Fry dates include: November 1, 2024, December 6, 2024, January 3, 2025, February 2, 2025, March 7, 2025, April 4, 2025, May 2, 2025.

7.7 Approve the installation of RFB at the St. James/Linden Grove pedestrian crosswalk on Veterans Way East.

7.8 Approve **Resolution 2024-55** a resolution to approve a Letter of Credit Reduction #2 for Meadowland Townhomes

7.9 Approve **Resolution 2024-56** a resolution to approve a Storm Water Management Agreement (SWMA) with Cardinal Ridge Subdivision Phase 1.

7.10 Approve **Resolution 2024-57** a Resolution to approve a Letter of Credit Reduction for Minor's Estates 4 Phase 2.

7.11 Approve **Resolution 2024-58** a Resolution to approve a Letter of Credit Reduction #7 for Minor's Estates 4 Phase 1.

7.12 Approve **Resolution 2024-59** a Resolution to accept road ways and storm sewers for Minor's Estates 4 Phase 1, contingent upon final submission of video.

7.13 Approve **Resolution 2024- 60** a Resolution to accept roadway and storm sewer for Minor's Estates 4 Phase 2, contingent upon final submission of video.

7.15 Approve moving January Committee of the Whole to January 8, 2025 due to the Holiday Schedule.

D. Johnson/Porter Motion to approve 7.1-7.15 less 7.14. Unanimously carried.

Presentations

Presentation from Barrientos Design and consulting Facilities Assessment and Expansion for our Utilities Department.

2025 Annual Budget Presentation from the Finance Director.

[*2025 Budget Related Documents Available Here*](#)

Finance Director Doherty presented the 2025 Budget and reviewed presentation materials and statistics. She noted the Village Tax Levy for 2024 collectible in 2025 due to the revaluation for Walworth County portion is \$5.53 and for Waukesha County is \$5.72.

Public Hearings

Public Hearing on the 2025 Annual Budget

Hearing no comments Public Hearing Closed at 8:02pm

Joint Village & Town Protective Services Committee Recommendations

Status of Full Time hiring and Monthly Incident Reports

(For Information only, No Action Required)

Discussion and possible action on quote for 33 portable radios and accessories for the 2023 AFG Grant Award. *(JPS was canceled for November, however due to the cost savings it is requested this item be acted on by both Town and Village Boards)*

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

Planning Commission Recommendations

Discussion and possible action to approve Resolution 2024-61 an extraterritorial review for a certified survey map for property located at W303S10521 Sandy Beach Road in the Town of Mukwonago (MUKT 2005-963), Waukesha County

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

Discussion and possible action to approve Resolution 2024-62. A Resolution to approve the Final Plat for Phase 1 of Cardinal Ridge Subdivision, Neumann Developments, Inc., Applicant

Brill/Porter motion to approve. Unanimously carried.

Finance Committee, Trustee Darlene Johnson

Discussion and possible action to approve Accounts Payable Vouchers in the amount of \$212,559.97.

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

Discussion and possible action to approve Resolution 2024-63 a Resolution to Adopt the 2025 Annual Budget and establish the 2024 Property Tax Levy collectible in 2025.

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

Discussion and possible action to approve Resolution 2024-64 adopting the 2025 Stormwater Utility #1 Annual Budget.

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

Discussion and possible action to approve Resolution 2024-65 a Resolution to adopt the 2025 Capital Improvement Plan. Detailed capital plan can be found here:

<https://www.villageofmukwonago.gov/budget>

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

Health and Recreation Committee, Trustee John Meiners

Discussion and possible action to approve a Special Event Permit application from Mukwonago Area Chamber of Commerce & Tourism for Midnight Magic on December 7, 2024.

Winchowky/Porter motion to approve. Unanimously carried.

Judicial Committee, Trustee Dale Porter

Discussion and possible action to approve an Original Combination Class A Fermented Malt Beverage and Intoxicating Liquor license application for Navojot 159 LLC d/b/a Town Liquor & Food at 411 Main St, Mukwonago, Sukhpreet Randhawa Agent. *(This is a change of ownership currently Andy Liquor Store. Tabled 10-16-2024)*

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

Discussion and possible action to approve Ordinance 1033 to changes to Ordinance Section 54-51 and 54 -52 amending the regulation of discharge of rifles, machine guns, cannons, muzzle loaders, shotguns, and like weapons within the boundaries of the Village.

Porter/Brill motion to approve. Unanimously carried.

Public Works Committee, Trustee Eric Brill

Discussion and possible approval to allow Oak Knoll Cemetery to use the Village GIS platform Asset Ally for plating purposes.

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

Discussion and possible action to approve the request to have the Veterans Way East railroad crossing repaired.

Brill/Porter motion to approve the request letter from DPW Director Bittner which starts the process.

Protective Services, Trustee Scott Reeves

Monthly Police Department Report (*for information only, no action required*)

Village President

Request for Joint Village & Town Board meeting from the Fire Department.

Due to a conflict, it was the consensus to have the meeting before the December Board meeting at 5:00pm.

Closed Session

D. Johnson/Brill 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 Briohn Builders at 8:22pm.

On motion: Unanimously carried.

Roll Call: "Yes" Trustee Brill, D. Johnson, K. Johnson, Porter, and Winchowky. Also present: Dykstra, Doherty, Bittner, Striet, DeMotto, Michalski, and Attorney Bayer.

Reconvene into Open Session

Porter/Brill motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 9:08pm. Unanimously carried.

Roll Call: "Yes" Roll Call: "Yes" Trustee Brill, D. Johnson, K. Johnson, Porter, and Winchowky.

D. Johnson/K. Johnson motion to approve the extension offer from Briohn Builders for 30 days. Unanimously carried.

Adjournment

Meeting adjourned at 9:14pm.

Respectfully Submitted,
Diana Dykstra, MMC
Village Clerk Treasurer