COMMITTEE OF THE WHOLE MEETING MINUTES
Wednesday, July 1, 2020

Time: **5:30 pm**
Place: **Mukwonago Municipal Building/Board Room, 440 River Crest Ct.**

Call to Order
Meeting was called to order by President Winchowky at 5:30pm at Mukwonago Municipal Building/Board Room, 440 River Crest Court

Roll Call
Board Members Present:

Daniel Adler
Eric Brill
James Decker
Darlene Johnson
John Meiners
Roger Walsh
Fred Winchowky

Also Present:
John Weidl, Village Administrator
Diana Dykstra, Clerk/Treasurer
Ron Bittner, DPW Director
David Brown, Utility Director
Kevin Schmidt, Police Chief
Mark Blum, Village Attorney
Jerad Wegner, Village Engineer
Ben Kohout, Village Planner

Approval of Minutes
Motion to approve minutes of June 3, 2020 Committee of the Whole meeting.
Decker/Johnson motion to approve. Unanimously carried.

Village Administrator
Discussion and possible action to approve the Village Branding as presented by Karl Robe of Karl James & Associates, and to prepare the identity guide for a presentation to the July 15, 2020 Village Board.
Trustee Johnson noted she suggested language at the last meeting to insert on page 23 and that language wasn't inserted yet. She provided the information to the Clerk to submit.
President Winchowky prefers to have the 1905 presented on the inside of the logo and would like to see that adjusted.
Administrator Weidl noted the updated version will be completed and presented at the July 15, 2020 Village Board meeting.

Downtown Development Committee, Trustee Walsh
Presentation of Streetscape and Wayfinding Signage Preliminary Plans by FOTH and possible recommendation of support to the Village Board. Review and Recommend action by recommending support of the plans presented to the Village Board, through which engineered plans may be generated at a later time when the Board and Staff agree upon.

Garrett Perry presented Streetscape and Wayfinding Signage plans from FOTH.
There were discussions regarding the various plans. It was noted Plan A was presented as if Hwy. 83 remains, and Plan B was if there was a jurisdictional transfer completed with the DOT.
Trustee Walsh noted this was forwarded to the Board for support of the plan. It was noted these costs would need to be included into the Capital Budget for future years.
Planner Kohout stated there would need to be a survey of the Downtown District next, then create an RFP for specs and itemized costs.
Trustee Walsh commented he was looking at items they could do to implement a few of them now.
Trustee Brill asked if there was any list of model numbers for benches or material listing that might assist in defining the cost of some of these items. It was noted FOTH can work on obtaining that information.
Walsh/Brill motion to recommend support of the Streetscape and Wayfinding plans presented to the Village Board. Motion carried. Trustee Decker abstained.

Redevelopment Resources, LLC

a. **Redevelopment Intro e-mail**
b. **Redevelopment Resources Contract**
c. **Funding Mechanisms including BID & TID**
d. **Ben Kohout informational explanation with TID Oconomowoc examples**

Trustee Walsh noted there was a contract signed in February with Redevelopment Resources, LLC and it appeared on the DDC agenda along with samples from other communities this last month. This item is simply for information only and will involve the downtown area. Trustee Johnson questioned if this was a bid. Trustee Walsh noted it was brought to them and they will discuss at the next meeting.

Update on DDC Member resignation & selection of DDC Chair/Co-Chair
Report of DDC recommendations if applicable.
Trustee Walsh noted Doug Yaeger has resigned. He also noted the committee nominated Ben Kohout to be Chair, which will change because it wasn't clear staff should not be chair. They will be meeting the 4th Thursday in July.

<u>**Finance Committee, Trustee Meiners**</u>
Monthly Treasurer Report and Revenue/Expenditure Guideline Report For May
No action was required. Reports are on file.

Motion to recommend to the Village Board to approve Vouchers in the amount of $603,091.99
Meiners/Johnson motion to recommend approval of Vouchers in the amount of $603,091.99. Unanimously carried.

Presentation by Village Administrator regarding COVID effect on the current budget by department.
Administrator Weidl noted there is a power point presentation in the packet and each Department has a concept for how they can handle loss of revenues or expenditure adjustments. It was noted all departments are able to handle those items except the Police Department loss of the Student Resource Officer (SRO).

Discussion and possible recommendation on a Small Business Grant program
Administrator Weidl noted this program started with $50,000 and Finance Director Doherty was charged with finding the funding. Citizens Bank has offered $25,000 matching funds for small business grant program. Finance Directory Doherty presented information on the unreserved fund balance and the yearly trends. She noted currently the Village has $400,000 above their required balance.
Trustee Johnson commented she would be willing to move forward with this program if the gas station was off the table.
Trustee Walsh commented the program in the packet doesn't meet the Citizens Bank program. It was clarified the Administrator has the updated version.
Administrator Weidl noted he is looking for approval of the $25,000 matching funds.
Trustee Walsh clarified if the business is required to be in the downtown overlay district, and if the Village is willing to commit the $25,000 the application says it comes from grant reserves rather than unreserved funds.
Trustee Johnson asked if this is a total of $50,000 and if everyone gets $5,000 then only 10 businesses are awarded the funds and she has concerns about who gets those funds.
Trustee Meiners noted he would like to see the breakdown.
Decker/Walsh motion to recommend approval of a $25,000 match grant with Citizen Bank partner, pending final program approval. It was noted Finance Director Doherty plans to charge the Professional Services Budget of 2021. Unanimously carried.

Discussion and possible recommendation on Rebound contract for network provider services related to Worker's Compensation claims, and authorization for the Village President to sign Master Services Agreement and Proposal/Statement of Work document with Rebound.
Finance Director Doherty explained this is a health care referral program for work comp. The League of Wisconsin Municipalities supports this program and will pay the fee for participation.
Trustee Johnson asked where this fee will come from. Doherty explained this would come from the expenditure account. This helps reduce the multiplier which reduces our rates.
Meiners/Decker motion to recommend approval of a Rebound contract for network provider services related to Worker's Compensation claims, and authorization for the Village President to sign Master Services Agreement and Proposal/Statement of Work document with Rebound. Unanimously carried.

Discussion and possible recommendation to approve a reduction of the Guarantee Performance Letter of Credit for the Point Apartments, LLC to $500,000.
Meiners/Decker motion to recommend approval of a reduction of the Guarantee Performance Letter of Credit for the Point Apartments, LLC to $500,000. Unanimously carried.

Health and Recreation Committee, Trustee Decker
Discussion and possible recommendation to approve Boat Launch Improvements Close-Out Change Order and Final Payment.
Decker/Johnson motion to recommend approval of Boat Launch Improvements Close-Out Change Order and Final Payment. Engineer Wegner noted the project was completed about 12 months ago and the close out and final paperwork is in order.
Unanimously carried.

Discussion and possible recommendation to the Village Board to enter into a contract with Anderson Ashton Design/ Build for the Indian Head Beach House remodel project.
DPW Director Bittner noted the beach house was on the Capital Project Plan and the CORP plan. He is presenting a design build and a construction contract.

Decker/Meiners motion to recommend the Village Board to enter into a contract with Anderson Ashton Design/ Build for the Indian Head Beach House remodel project. It was noted both contracts include Construction Manager and Architect and are included. Unanimously carried.

Judicial Committee, Trustee Walsh

Discussion and possible recommendation on an Ordinance regarding how an Elected Official can place items on an agenda.

Trustee Walsh asked Clerk Dykstra to discuss the origination request. Clerk Dykstra provided a timeline of the attachments; the Development Agenda May 13, Memo from Mark May 12, and response with her suggestions on June 2.

Dykstra noted she was essential to the participation in the creation of the ordinance. She recommended the item be an ordinance due to formality of a policy. There currently is no policy on how an item gets on an agenda and there becomes a problem when the request is verbal and one change of word, can change the intent of the item that is being requested on the agenda. She wanted to ensure the item is in writing, it is received timely, and there is no question on what is being requested.

Trustee Johnson noted since she has been here they have always just sent an email to the Clerk and list what the item they want on the agenda. She heard about an Elected Official Handbook, and wondered if this was a possible place for this policy. She is opposed to an ordinance, and doesn't feel they need to fill out an agenda item request form. She feels an Elected Official Handbook would be the best location to incorporate this type of information.

Trustee Walsh noted he found a copy of the Handbook and sent a copy to the Village Clerk. He feels he is not treated the same of other board members when asked to place items on the agenda. He is not objecting to two trustees but believes interpretation has brought confrontation between the Clerk and Administrator. He believes it should be submitted in writing

Administrator Weidl stated he will issue a memo on how items will appear on the agenda if no decision by the Board is made.

Trustee Brill commented this seems to simplify the process to make the it straight forward. He asked Attorney Blum if this is normal in other communities. Attorney Blum stated every other community he works for does have a policy on this, and most appear in the Code of Ordinances.

Dykstra clarified agendas are currently going out 6 days in advance, and if someone has an urgent item it can always be amended. She noted she has begun an updated handbook for Elected Officials and is open to the location in which Trustees wish to display this policy. She noted there is nothing urgent about this subject and feels it is good conversation, just requests that they consider a requirement it be made in writing when they finally decide.

Trustee Walsh agrees it should be in writing, submitted to the clerk in writing by Thursday and seems the Elected Officials Handbook would be the appropriate place. He noted he would like to see how other Chairs feel about this, and he welcomes opportunity to collaborate on this.

Administrator Weidl read the ordinance suggested language, and feels staff should be put in this position to make a decision. He stated the Board needs to control their own committees and stop putting employees in that position. Staff should not be telling one trustee if their item can go on another committee they don't chair.

Trustee Johnson confirmed she doesn't agree with this ordinance why can't this be part of the Elected Officials Handbook, and asked if the handbook was ever adopted. It was noted it has not been officially adopted.

Trustee Walsh noted he is asking senior Board members to consider providing some comment and see this come back to the August Committee of the Whole, and consult with Village Attorney and Clerk regarding this item.

Discussion and possible recommendation on the creation of an Ordinance regarding the keeping of Chickens.
Meiners/Adler motion to table to the August Meeting. Trustee Adler explained after speaking to Attorney Blum he felt he would like to table this item until the next COW.
Unanimously carried.

Discussion and possible recommendation on an Ordinance creating Section 86-78 and 86 -177 of the Mukwonago Municipal Code regarding extension of Water and Sewer Main.
Walsh/Decker motion to recommend approval an Ordinance creating Section 86-78 and 86 -177 of the Mukwonago Municipal Code regarding extension of Water and Sewer Main. Attorney Blum noted this has been an issue in how it is handled. The village needs to put this ordinance in place for developer requests to define what will be private and what will be public.
Unanimously carried.

Personnel Committee, Trustee Johnson
Discussion and possible recommendation on a complaint procedure and form for the Village of Mukwonago, concerning conduct of Village Elected Officials, Officers and Employees.
Trustee Johnson noted this was taken to Legal Counsel after the last meeting to discuss some of the items that were brought up to her, and introduced Attorney Susan Love to discuss the policy.
Attorney Love noted prior to this policy there was a complaint of discrimination or harassment. No formal complaint process otherwise exists. A grievance is an approved mechanism procedure for discipline or termination or safety. This revised policy is developed that defines the grievance process and deletes references to Elected Officials.
Trustee Johnson noted other municipalities weren't able to be found that have something like this.
Trustee Walsh noted he was surprised to see the reference to Elected Officials removed.
Attorney Love commented it is up to the Board, they did conduct a survey and not many have a formal complaint procedure for their Board.
Trustee Walsh stated he was elected in April of 2019 and he felt if there is something that can't be worked out, we need to have a procedure. There was confusion with the May and June version review. He does feel the Elected Officials should be included to be fair.
After further discussion, it was noted this item will be brought back to the August Committee of the Whole with a new form as well.

Public Works Committee, Trustee Brill

Motion to recommend to the Village Board to approve River Park Estates Rehabilitation Phase 2 Change Order No. 3.

It was noted a catch basin was found in the project and needed to remove for this Change Order #3 in the amount of $14,328
Brill/Meiners motion to recommend approval of River Park Estates Rehabilitation Phase 2 Change Order No. 3.
Unanimously carried.

Discussion and possible recommendation on Well 3 Rehab project and approve Suez test pump proposal for 72 hour pump test with electrical upgrades

Utility Director Brown noted there was nothing new to report, but there will be at the next COW.

Discussion and possible recommendation to award Globe Contractors, Inc. the CTH LO Sanitary Sewer Rehabilitation Base Bid Contract in the amount of $160,665.89.

Brill/Meiners motion to recommend approval to award Globe Contractors, Inc. the CTH LO Sanitary Sewer Rehabilitation Base Bid Contract in the amount of $160,665.89.
Unanimously carried.

Discussion and possible action to recommend approval of Task Order No. 2020-07 from Ruekert Mielke, Inc. for the construction related services of CTH LO Sanitary Sewer Rehabilitation.

Brill/Meiners motion to recommend approval of Task Order No. 2020-07 from Ruekert Mielke, Inc. for the construction related services of CTH LO Sanitary Sewer Rehabilitation.
Unanimously carried.

Discussion and possible recommendation to approve Resolution 2020-28 a Resolution to approve the Compliance Maintenance Annual Report (CMAR)

Brill/Decker motion to recommend approval of approve **Resolution 2020-28** a Resolution to approve the Compliance Maintenance Annual Report (CMAR)
Unanimously carried.

Discussion and possible recommendation to approve authorizing the Village President to sign the WE Energies lighting agreement for street lights on Van Buren Dr.

Brill/Decker motion to recommend approval to authorize the Village President to sign the WE Energies lighting agreement for street lights on Van Buren Dr.
Unanimously carried.

Discussion and possible recommendation to approve Resolution 2020-29 a resolution to accept dedication of public water main improvements, contingent upon receiving proper lien waivers from the Developer.

Brill/Johnson motion to recommend approval of **Resolution 2020-29** a resolution to accept dedication of public water main improvements, contingent upon receiving proper lien waivers from the Developer.
Unanimously carried.

Discussion and possible recommendation on reimbursement of $14,460 for public sanitary sewer up-sizing cost sustained for future development beyond the site for the Phantom Lakes Preserve Development.

Brill Decker motion to recommend approval on reimbursement of $14,460 for public sanitary sewer up-sizing cost sustained for future development beyond the site for the Phantom Lakes Preserve Development.

Roll Call: “Yes” Trustee Adler, Brill, Decker, Meiners, and Winchowky. “No” Trustee Johnson, and Walsh. Motion carried 5-2.

Discussion and possible recommendation to approve Resolution 2020-30 a Resolution to accept the public water and sanitary sewer main infrastructure for Phantom Lakes Preserve Development.

Brill/Decker motion to recommend approval on **Resolution 2020-30** a Resolution to accept the public water and sanitary sewer main infrastructure for Phantom Lakes Preserve Development.

Roll Call: “Yes” Trustee Adler, Brill, Decker, Meiners, Walsh, and Winchowky. “No” Trustee Johnson. Motion carried 6-1.

Adjournment

Meeting adjourned at 8:11pm

Respectfully Submitted,

Diana Dykstra, CMC
Village Clerk/Treasurer