

COMMITTEE OF THE WHOLE MEETING MINUTES

Wednesday, August 5, 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
John Meiners
Roger Walsh
Fred Winchowky

Excused: Darlene Johnson

Also Present:

Diana Dykstra, Clerk/Treasurer
Ron Bittner, DPW Director
David Brown, Utility Director
Kevin Schmidt, Police Chief
Mark Blum, Village Attorney
Jerad Wegner, Village Engineer
Diana Doherty, Finance Director (arrived at 5:36pm)

Approval of Minutes

Motion to approve Committee of the Whole Minutes of July 1, 2020

Decker/Brill motion to approve Committee of the Whole Minutes of July 1, 2020

Downtown Development Committee, Trustee Walsh

Downtown Streetscaping and Wayfinding Walgreens Property Owner Feedback

Trustee Walsh noted he was asked to reach out to Walgreens, and he has reached out and set up a meeting for August 12, 2020.

Wisconsin Department of Transportation Streetscaping/Wayfinding Conference Call with Village of Mukwonago Representatives

Trustee Walsh noted he had a telephone conference with the Department of Transportation. They needed clarification on a few items and Engineers will draw up dimensions and get back to them.

Discussion and possible recommendation to the Village Board to appoint Village Administrator John Weidl to the Downtown Development Committee as a non-voting member for a term limit to be determined by the Village President.

Trustee Walsh noted the committee was planning to meet at the end of August. The ordinance calls for the Village Planner or the Village Administrator as a non-voting member. They would request the Village President appoint the Village Administrator.

Walsh/Brill motion to request the Village President appoint John Weidl to the Downtown Development Committee as a non-voting member. It was noted the term limit is to be determined by the Village President. Unanimously carried.

Finance Committee, Trustee Meiners

Monthly Treasurer Report and Revenue/Expenditure Guideline Report for June.

Reports were placed on file. No action was necessary.

Discussion and possible recommendation to the Village Board to approve Vouchers in the amount of \$674,027.58.

Meiners/Decker motion to recommend approval of Vouchers in the amount of \$674,027.58. Unanimously carried.

Discussion and possible recommendation to the Village Board to approve the purchase requisition of Liquid Road asphalt sealer with Tracy Sealcoating Service in the amount of \$24,999.00.

Meiners/Decker motion to recommend approval of the purchase requisition of Liquid Road asphalt sealer with Tracy Sealcoating Service in the amount of \$24,999.00.

DPW Director Bittner noted this is liquid road product that was used last year and he would like to continue to use.

Unanimously carried.

Discussion and possible recommendation to authorize the 2nd of 3 payments of the total developer grant amount in accordance with the performance of Developers Agreement with The Pointe Apartments LLC.

Meiners/Decker motion to recommend approval of the 2nd of 3 payments of the total developer grant amount in accordance with the performance of Developers Agreement with The Pointe Apartments LLC in the amount of \$383,333.33.

Unanimously carried.

Discussion and possible recommendation on the Flex Patch purchase requisition for Fahrner Asphalt Sealers in the amount of \$22,050.00.

Meiners/Decker motion to recommend approval on the Flex Patch purchase requisition for Fahrner Asphalt Sealers in the amount of \$22,050.00. DPW Director Bittner noted the Flex Patch is another tool used to patch alligator areas where the road is still sound but the alligator cracks are allowing moisture in.

Unanimously carried.

Discussion and possible recommendation for the Police Department LED information display sign purchase requisition to the Village Board pending Plan Commission approval for Look Creative in the amount of \$24,311.00.

Meiners/Decker motion to recommend approval for the Police Department LED information display sign purchase requisition to the Village Board pending Plan Commission approval for Look Creative in the amount of \$24,311.00. Chief Schmidt

noted there were three bids and this was best option which allows for keeping the current design and adding an LED board.
Unanimously carried.

Discussion and possible recommendation to the Village Board to approve a residential refund of private fire protection services incorrectly billed in the amount of \$9,982.25

Meiners/Decker motion to recommend approval of a residential refund of private fire protection services incorrectly billed in the amount of \$9,982.25. Unanimously carried.

Health and Recreation Committee, Trustee Decker

Discussion and possible recommendation on review of the placement of flags, banners, or signs on the Village fencing at Field Park.

Trustee Decker noted this issue has been raised before. There has been no action to create a policy.

Attorney Blum reviewed the issue and how to regulate signage in general while maintaining compliance with first amendment rights. They Board could restrict no signs at the park in general, which might conflict with the village placing their own signs. They could restrict fabric placement which will include all flags. However, the easiest way to manage would be to restrict any signage at field park.

After further discussion it was determined a policy is necessary.

Decker/Brill motion to recommend the Police Chief and Attorney review the issue, draft an ordinance to remove signs at any park and bring to the September Committee Meeting. Unanimously carried.

Judicial Committee, Trustee Walsh

Discussion and possible recommendation to the Village Board on the adoption of a policy regarding how an Elected Official can place items on an agenda.

Trustee Walsh noted he had reviewed the ordinance language and materials. Trustee Decker asked if it can be added to provide notice to the chairperson of the committee.

The following language was requested

The Village President may have any item placed on the agenda. Chairperson for each committee can place items on their respective committee agenda (7) days in advance of said meeting. Other items may be added to the agenda by the filing of a written request by at least two trustees with the Village Clerk, a minimum of (7) days in advance of the meeting, with notice to the committee chair.

Agenda requests may only be made with less notice than as provided for above, if good cause is shown for the need to action the matter by the date of the requested agenda placement. Said determination shall be made by the Village President.

In the event there is a desire for a matter to be placed on the agenda in Closed Session, one Trustee shall be required to request such action and he or she shall consult with the Village Attorney and Village Clerk as to whether statutory basis exists for the Closed Session for the subject desired.

Walsh/Adler motion to recommend approval of the adoption of a policy regarding how an Elected Official can place items on an agenda with the adjusted stated language, and placed in the Elected Officials Handbook. Unanimously carried.

Discussion and possible recommendation to the Village Board to approve Resolution 2020-35 A resolution amending our listing of certain highways and streets where parking, stopping or certain standing is prohibited, Section 82-178 of the Village of Mukwonago Municipal Code.

It was noted this adds Chapman Boulevard and Boxhorn.

Walsh/Decker motion to recommend approval of Resolution 2020-35 A resolution amending our listing of certain highways and streets where parking, stopping or certain standing is prohibited, Section 82-178 of the Village of Mukwonago Municipal Code. Unanimously carried.

Discussion and possible recommendation on providing direction to the Village Attorney to create an ordinance regarding electronic participation for Elected Officials.

Attorney Blum noted that there isn't a current policy that addresses this subject. There are certain conditions that should be considered such as if there is a certain number required to be physically present, or a cap on the number who can be virtual, what notification requirements need to be met, and if the Village has the technology to allow for the participation to not violate the open meetings law. He noted it is at the discretion of the Village Board to allow this.

Clerk Dykstra noted there was a test of the Zoom platform using the Board Room TV monitors and the video worked well, but did not show the audience, and there were sound issues from the participants.

Trustee Adler questioned if it is possible to use Zoom video and conference calling.

Attorney Blum also noted a policy would be required.

Trustee Walsh asked for further direction of the Board.

Trustee Brill felt it was worth exploring, and possibly budgeting for the equipment.

Trustee Meiners commented if the money isn't available, they would have to drop the idea for now.

Trustee Walsh noted he would like to find out more information on the technology aspect and have the Village IT personnel look into it.

It was determined to bring this item back to the October Committee of the Whole for review of the technology and the fiscal impact, along with a sample of what a policy would look like from the Attorney.

No further action was required.

Discussion and possible recommendation on the creation of an Ordinance regarding the keeping of Chickens.

Trustee Adler presented information and research on backyard chickens, noting there were quite a few residents hoping to have 2-4 chickens. He presented an ordinance mirroring Pewaukee that provides in depth safe and happy environment to raise chickens. He noted they are not free range, and provided sample coop photos. He reviewed the requirement to trace this livestock with the Department of Agriculture by registering them. He noted there is some information from Trustee Johnson about hygiene and addressed the cleanliness issues. He implored the Board not to hold any preconceived notions regarding chickens and allow 2-4 backyard chickens. He provided a list of signatures, along with another 150 signatures from an online petition. He noted that chickens are already in almost every neighborhood in the Village at this time, and by creating consistency to the rules will assist in keeping a safe environment.

Walsh/Adler motion to recommend the Village Attorney create an ordinance regarding the keeping of chickens. Trustee Decker questioned the sample ordinance provided allows for running free and would like to see #12 removed. President Winchowky asked who would be checking on them. Trustee Adler noted they would be handled on a complaint basis. Chief

Schmidt noted if there was an issue regarding the animal, they would call HAWS. Trustee Brill noted that there was a minimum lot size in some sample ordinances however this ordinance allows for any lot size.

Attorney Blum noted that Pewaukee has since altered there ordinance to remove some of their restrictions such as Conditional Use.

President Winchowky asked if the coops would require a building permit, a license fee similar to a dog license, and how would it be monitored.

Trustee Meiners commented he appreciated the work on it however he will not be convinced this is a good idea.

Roll Call: "Yes" Trustee Adler, Brill, Walsh. "No" Trustee Decker, Meiners, and Winchowky. Tie Vote. Motion fails.

Personnel Committee, Trustee Johnson

Announcement the complaint procedure and form for the Village of Mukwonago, concerning conduct of Village Officials, Officers and Employees will be presented to the September Committee of the Whole.

Public Works Committee, Trustee Brill

Discussion and possible recommendation to the Village Board to approve the 2020 crack sealing contract with Thunder Road LLC in the amount \$62,386.00.

Brill/Decker motion to recommend approval of the 2020 crack sealing contract with Thunder Road LLC in the amount \$62,386.00. Unanimously carried.

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

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

Discussion and possible recommendation to the Village Board to authorize the Village President to sign the WE Energies lighting agreement #4373983 and #4373985 for street lights in and around the Chapman Villas Project.

Brill/Decker motion to recommend approval to authorize the Village President to sign the WE Energies lighting agreement #4373983 and #4373985 for street lights in and around the Chapman Villas Project. Unanimously carried.

Discussion and possible recommendation to the Village Board to approve Task Order Amendment No. 2019-18A1 from Ruekert Mielke, Inc. for the additional construction related services for the construction of River Park Estates Rehabilitation Phase 2 in the amount of \$28,790.

Brill/Decker motion to recommend approval of **Task Order Amendment No. 2019-18A1** from Ruekert Mielke, Inc. for the additional construction related services for the construction of River Park Estates Rehabilitation Phase 2 in the amount of \$28,790. Unanimously carried.

Village President

Discussion and possible recommendation on a request from Resident Colleen Farmer regarding an appeal under Wis. Stats. 70.57 (1b) to ask the Department of Revenue to make a correction to its determination of equalized value prior to publishing its final report. Attorney Blum noted there are several statutes that allow the Village to raise an issue of an error. Everyone received the letter from Mrs. Farmer who has raised an objection to the increase in values as inconsistent. An appeal would show cause or reason to believe there is an error, which he doesn't believe the Village has at this point. Finance Director Doherty noted that at 5:50pm the Village received an email from the Department of Revenue that they went ahead and reviewed those values based on her letter and did not find any errors. No further action is required by the Village.

Select date for additional strategic planning sessions with Board and Department Heads. President Winchowky asked to hold this item over for September Committee discussion and ask the Village Administrator why these additional sessions would be necessary.

Adjournment

Meeting was adjourned at 7:25pm.

Respectfully Submitted,

Diana Dykstra, CMC
Village Clerk/Treasurer