

COMMITTEE OF THE WHOLE MEETING MINUTES

Wednesday, September 2, 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

Present

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

Also Present

John Weidl, Village Administrator
Diana Doherty, Finance Director
Diana Dykstra, Clerk-Treasurer
Kevin Schmidt, Police Chief
Ron Bittner, DPW Director
Dave Brown, Utilities Director
Mark Blum, Village Attorney
Jerad Wegner, Village Engineer

Approval of Minutes

Approval of Minutes of August 5, 2020 Committee of the Whole.

Decker/Johnson motion to approve Minutes of August 5, 2020 Committee of the Whole.
Unanimously carried.

Downtown Development Committee, Trustee Walsh

Update of August 27, 2020 DDC Zoom Meeting

Trustee Walsh provided an update on the August 27, 2020 DDC Meeting. He was selected as the Chair. A review of the Downtown Mukwonago Vision Survey and various funding mechanisms such as BID & TID. He reported on the August 24, 2020 Walking Tour and estimated costs of short term items like planters and benches, and asked for comments. They reviewed the branding color results as well. No action was necessary.

Finance Committee, Trustee Meiners

Monthly Treasurer Report and Revenue/Expenditure Guideline Report For July

Trustee Meiners reviewed the report, no action was required.

Discussion and possible recommendation to approve Vouchers in the amount of \$2,928,310.73.

Meiners/Decker motion to recommend approval of Vouchers in the amount of \$2,928,310.73. Meiners noted the additional funds are for the tax settlements.
Unanimously carried.

Discussion and possible recommendation to approve reallocating funds within the Police Capital Budget to defer the impound garage project and use the funds to replace the dispatch center's roof-top HVAC unit.

Meiners/Johnson motion to recommend approval to reallocate funds within the Police Capital Budget to defer the impound garage project and use the funds to replace the dispatch center's roof-top HVAC unit. Unanimously carried.

Discussion and possible recommendation to approve moving forward with the purchase of a Laserfiche Cloud Document Management System with General Code at a cost not to exceed \$10,000, and seek reimbursement under the Roads to Recovery Grant.

Clerk Dykstra noted this was established as a priority upon hire and they have met with multiple agencies that provide this program. There is a special promotion due to the pandemic and need for virtual records and access, which has made this program more affordable for small municipalities.

Meiners/Decker motion to recommend approval to move forward with the purchase of a Laserfiche Cloud Document Management System with General Code at a cost not to exceed \$10,000, and seek reimbursement under the Roads to Recovery Grant. Unanimously carried.

Discussion and possible recommendation to approve the remaining contract amount for Zoning Code and Sign Code Re Write to Civitek Consulting, Inc. for \$52,200

Meiners/Decker motion to recommend approval of the remaining contract amount for Zoning Code and Sign Code Re Write to Civitek Consulting, Inc. for \$52,200. Administrator Weidl noted this was postponed previously due to uncertainty of the financial position and we now are comfortable our revenues are coming in. Unanimously carried.

Discussion and possible recommendation whether to pursue reimbursement under the Roads to Recovery Grant on audio and visual upgrades to the Board Room for video streaming of meetings, or to include as a project in the 2021 Annual Budget.

Meiners/Decker motion to recommend the purchase of the Granicus video streaming immediately and seek reimbursement under the Roads to Recovery Grant.

Trustee Walsh expressed his support and the reimbursement.

Finance Director Doherty noted expenditure has to be paid prior to November 1 to be considered for the grant and reserve funds would need to be used to pay for this expense.

Clerk Dykstra noted reserve funds would need to be used to pay for this expense.

Trustee Johnson noted this would have been nice during her surgery to have that opportunity and she believes the public will appreciate this.

President Winchowky notes this will also require a \$4,400 fee paid each year after the three year initial term.

Trustee Brill commented there may need to be additional microphones and camera for IT to look into.

Unanimously carried.

Discussion and possible recommendation to approve Resolution 2020-42 a Resolution that exempts the Library from the County Library Levy.

It was noted this is the annual resolution passed to guarantee the Village funds the library at a certain level to prevent county from levying the tax.

Meiners/Decker motion to recommend approval of **Resolution 2020-42** a Resolution that exempts the Library from the County Library Levy. Unanimously carried.

Downtown TIF Redevelopment Presentation

Administrator Weidl noted that one of the Boards goals is to put together a policy regarding TIF Districts. He noted he wanted to get a sense of where the Board is at and if they are interested in the use of this in the Downtown Redevelopment. He reviewed a presentation regarding TIF districts and policies in general.

Trustee Meiners noted he is interested.

Trustee Johnson questioned the "But For" clause and is nervous of another TID district so she has her reservations.

Trustee Decker commented he is curious if they are going to start tearing down buildings and would like to know what options are available or what is the best one.

Trustee Walsh noted they are looking at all opportunities for properties. He questioned if the Village wants a TID downtown and what would it be used for. He noted he has many questions.

Trustee Brill stated he was interested, it is a tool worth looking into.

Trustee Adler noted he echoes Trustee Walsh, feels it could be potentially useful, but needs more direction.

Administrator Weidl questioned the Board if they would provide a few months to come back with an idea or best practice for this implementation. The Consensus vote was 4 in favor and 2 against.

Health and Recreation Committee, Trustee Decker

Discussion and possible recommendation to approve the Art Fair at the Square event application for Saturday, September 19, 2020 from 10:00AM to 4:00PM.

Decker/Meiners motion to recommend approval of the Art Fair at the Square event application for Saturday, September 19, 2020 from 10:00AM to 4:00PM, contingent upon staff approval regarding being named additional insured on the insurance policy.

Unanimously carried.

Discussion and possible recommendation to approve the annual Fall Fest Special Event Application from the Chamber of Commerce for September 26, 2020.

Decker/Brill motion to recommend approval the annual Fall Fest Special Event Application from the Chamber of Commerce for September 26, 2020.

Unanimously carried.

Judicial Committee, Trustee Walsh

Discussion and possible recommendation on an Ordinance to allow for backyard Chickens.

Trustee Walsh noted this item came previously to the Committee and the ordinance has been revised to address concerns.

Trustee Adler reviewed specific changes that were made to the ordinance. They removed the conditional use requirement and the free range option. They took away the necessity for cleaning twice a week and added a certain level of cleanliness required. He reviewed a license requirement and sample form as well. He noted it was the overall goal to address the process before any chickens were purchased and get neighbors to talk. He also noted that John's Disposal confirmed the ability to take disposal.

Administrator Weidl noted he would have R&M create a layer in GIS so at any given point in time the staff could see which homes have chickens.

Trustee Johnson commented that she appreciated the work that Trustee Adler completed, however when she moved here 16 years ago, she didn't come here for the chickens, but the school system and community. The Village has newer areas and some that do not want chickens, and she doesn't see where there is a mention of the number of acres required. She noted the County is 1-3 acres to have chickens. She appreciates this but constituents she spoke to don't want this.

Trustee Adler noted that neighbors would be required to sign off on the approval and this would be an allowance for only 4 chickens.

Trustee Brill sees the new trend in chickens and has seen the new use of setbacks instead of acreage.

Trustee Decker confirmed they would be submitting construction plans with the coop design, it be an annual fee, and if they cease to operate after (6) months they would be expected to take down the coop. It was also confirmed the Zoning and Planner would be the oversight of these permits and be the one who approves the permits or verifies complaints.

Walsh/Adler motion to recommend moving forward with an Ordinance to allow for backyard Chickens subject to the changes discussed.

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

Discussion and possible recommendation on an application for Temporary Class "B" Retailers License from the Son's of the American Legion Post #375 at the Mukwonago Chamber of Commerce Fall Fest on September 26, 2020.

Walsh/Decker motion to recommend approval of an application for Temporary Class "B" Retailers License from the Son's of the American Legion Post #375 at the Mukwonago Chamber of Commerce Fall Fest on September 26, 2020.

Unanimously carried.

Discussion and possible recommendation on Ordinance 982 prohibiting signage from being hung on village property or fencing.

Walsh/Meiners motion to recommend approval.

Village Administrator noted the Village would be exempt.

Trustee Decker questioned the Chamber signage on the property and the Lions Club signage and how that will be affected.

There was further discussion regarding how charitable events would be able to position a sign, and Attorney Blum confirmed it would have to be a blanket prohibition which would then apply to all use of the park.

Walsh/Meiners withdraw their original motion to approve.

Trustee Decker motioned to recommend approval. Motion failed for lack of second.

It was determined they would look into the use agreement and restrict the operator of an event for the next COW.

Discussion and possible recommendation to approve public comment periods at all publicly noticed commission and committee meetings including the Committee of the Whole and Historic Preservation Commission (HPC).

Walsh/Adler motion to recommend the same language as the Village Board Public Comment be applied to all publicly noticed commission and committee meetings.

President Winchowky noted he felt this was redundant and feels it politicizes each item more than necessary.

Roll Call: "Yes" Trustee Adler, Brill, Walsh. "No" Trustee Decker, Johnson, Meiners, and Winchowky. Motion fails 3-4.

Personnel Committee, Trustee Johnson

Discussion and possible action to recommend approval of a complaint procedure and form for the Village of Mukwonago, concerning conduct of Village Officials, Officers and Employees.

Trustee Johnson presented the document noting it has been amended and will be included in the employee handbook.

President Winchowky questioned if there should be an appeal process.

Attorney Susan Love noted the law allows for a grievance procedure but no appeal process is required.

President Winchowky asked if this was an open record. Attorney Love noted this is an open record unless it falls under the exceptions under the law.

Trustee Johnson noted they have been working on this item for over a year and feels this is a way for someone to have their issues addressed.

Trustee Walsh stated this began back in April of 2019 and as a result he did ask for this procedure to be developed.

Johnson/Walsh motion to recommend approval of a complaint procedure and form for the Village of Mukwonago, concerning conduct of Village Officials, Officers and Employees.

Unanimously carried.

Public Works Committee, Trustee Brill

Discussion and possible recommendation on additional Well #3 Capacity Test with SUEZ in the amount of \$45,000.

Brill/Decker motion to recommend approval on additional Well #3 Capacity Test with SUEZ in the amount of \$45,000. Unanimously carried.

Discussion and possible recommendation to approve a Letter of Credit Reduction for Orchards of Mukwonago Addition #2 to a new value of \$51,944.28 contingent upon completing required punch list repairs identified by Staff.

Brill/Decker motion to recommend approval of a Letter of Credit Reduction for Orchards of Mukwonago Addition #2 to a new value of \$51,944.28 contingent upon completing required punch list repairs identified by Staff. Unanimously carried.

Discussion and possible authorization to request Village Attorney to prepare necessary documents to accept the public storm sewer and roadway infrastructure, contingent upon completion of all punch list items.

Brill/Decker motion to recommend approval and authorization to request Village Attorney to prepare necessary documents to accept the public storm sewer and roadway infrastructure, contingent upon completion of all punch list items. Unanimously carried.

Discussion and possible recommendation to release the Letter of Credit with Super Products, LLC.

Brill/Decker motion to recommend approval to release the Letter of Credit with Super Products, LLC. Unanimously carried.

Discussion and possible recommendation to approve Task Order # 2020-09 Atkinson Pump Station Design, Bidding and Construction Services.

Engineer Dave Arnodt was present to note this is the largest lift station in the Village and doesn't have enough room. Peak flows were identified and evaluated with tributary flows and capacity in the needs study.

Finance Director Doherty noted this is eligible for sewer impact fees.

Brill/Walsh motion to recommend to approve Task Order # 2020-09 Atkinson Pump Station Design, Bidding and Construction Services. Unanimously carried.

Discussion and possible recommendation to approve a declaration of emergency per Wis Stats Sect 62.15(1b) thus eliminating the public bidding requirements and approving the contracts to hire Staab Construction Corporation in the amount of \$46,750 to replace the north dam gate, along with Task Order 2020- 11 with R & M to support engineering in the amount of \$6,500 for the project. The overall project budget also includes \$2,500 for We Energies to temporally remove the overhead electrical line over the top of the dam.

DPW Director Bittner noted he had discussed this issue in August with the Board. This is a time sensitive issue and the gate is currently closed. The Town Board is having a special meeting on September 3, 2020 to discuss as well.

Attorney Blum noted the northgate is not functioning is a life and safety issue and therefore the need for this emergency resolution.

President Winchowy questioned if in 2012 this was reviewed was this a design flaw? DPW Director noted the gate was not replaced at that time because it was functioning. There is a document from 1969 which requires the Town and Village 50% cost sharing.

Trustee Johnson thanked DPW Director Bittner for reaching out to the Phantom Lake District.

Brill/Adler motion to recommend approval of a declaration of emergency per Wis Stats Sect 62.15(1b) thus eliminating the public bidding requirements and approving the contracts to hire Staab Construction Corporation in the amount of \$46,750 to replace the north dam gate, along with Task Order 2020- 11 with R & M to support engineering in the amount of \$6,500 for the project. The overall project budget also includes \$2,500 for We Energies to temporally remove the overhead electrical line over the top of the dam.

Unanimously carried.

Adjournment

Meeting was adjourned at 7:39pm.

Respectfully Submitted,

Diana Dykstra, CMC
Village Clerk-Treasurer