

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING

Wednesday, July 6, 2022

Time: **5:30 pm**

Place: **Mukwonago Municipal Building/Board Room, 440 River Crest Court**

Call to Order

President Winchowky called the meeting to order at 5:30pm.

Roll Call

Board Members Present

Eric Brill
James Decker
Darlene Johnson
Ken Johnson
John Meiners
Scott Reeves
Fred Winchowky

Also Present

Fred Schnook, Village Administrator
Diana Dykstra, Village Clerk-Treasurer
Dan Streit, Police Chief
Jerad Wegner, Village Engineer
Nathan Bayer, Village Attorney
Ron Bittner, Public Works Director
Wayne Castle, Utilities Director
Tim Rutenbeck, Building Inspections Supervisor

President Winchowky called for a moment of silence for Andy Fix and what he did for the community. Any passed away a few weeks ago and was the owner of Won-A-Go Biking in Mukwonago.

Comments from the Public

David Boebel, 815 Park Lane, submitted written comments regarding 9.1 on agenda.

"This ordinance is a heavy-handed attempt to control the vote on whether or not the Village should implement "No-Mow May"—I can't believe the Board would subject themselves to such scrutiny as they will get for taking sides on this issue.

There is no way that the sponsors of this ordinance can truthfully say they have an adequately sized poll of public opinion. Village residents are entitled to express their opinions—and the Village has the technology to sample the Village's opinion on the "No-Mow May" issue——create an online survey using the same tool the CORP survey used. Otherwise—put this ordinance on the November ballot as a referendum question. Play fair."

Approval of Minutes

Approve Minutes of Committee of the Whole Meeting of June 1, 2022

Decker/D Johnson motion to approve Minutes of Committee of the Whole Meeting of June 1, 2022. Unanimously carried.

Finance Committee, Trustee Darlene Johnson

Monthly Treasury Report and Revenue/Expenditure Guideline Report For May

This item was for information purposes only, no action required

Discussion and possible recommendation to the Village Board to approve Accounts Payable Vouchers in the amount of \$503,598.60.

D Johnson/Meiners motion to recommend approval of Accounts Payable Vouchers in the amount of \$503,598.60. Unanimously carried.

Discussion and possible recommendation to approve the purchase requisition for GSB 88 to Fahrner Asphalt in the amount \$86,828.10.

DPW Director Bittner noted this preserves the pavement and prevents moisture from breaking up the road. This is the fourth year applying this item, it is an additive will polish off and have seen good success. Systematically working through pavement projects.

D Johnson/K Johnson motion to recommend approval of the purchase requisition for GSB 88 to Fahrner Asphalt in the amount \$86,828.10. Unanimously carried.

Discussion and possible recommendation on the appointment of a Financial Advisor.

Trustee DJohnson noted after consulting with staff she has found the Village needs guidance for long term financing and Board members did get a statement from Finance Director Doherty that she feels comfortable with the change and recommends Baird as the Financial Advisor.

D Johnson/Meiners motion to recommend the Appointment of Baird as the Financial Advisor for the Village.

President Winchowky expressed his concerned and asked if there was any contact with the party we are moving away from.

Trustee D Johnson noted she hasn't called and didn't want to bring additional charges to the Village when it was committee discussion and wasn't sure how the committee would vote.

Trustee K Johnson asked who placed the item on the agenda. It was noted Administrator placed item on the agenda.

Administrator Schnook was asked to speak. He noted that it is the decision of himself and two other department heads this is the recommendation of staff to make this move. They feel comfortable with Baird and their staff have a great deal of skill sets. They are also about half the cost.

Trustee Decker noted current vendor spoke at the last meeting and he knew that the Village was talking to Baird.

Trustee D Johnson noted these are unsettling times and she would like to have someone who has layers of expertise to give her, and she confirmed that Trustee Meiners never had any talks with current vendor during his tenure as Finance Chair.

She enjoyed working with him but feels it isn't the best interest of the village at this time.

Trustee K Johnson commented based on their recommendations along with cost analysis he believes it is well explained and believes they stated their case to move. He respects the relationship with the previous advisor, therefore feels it can be moved on today.

President Winchowky asked if we expect our vendors to monitor our agendas?

Motion carried 6-1; President Winchowky voted No.

Health and Recreation Committee, Trustee John Meiners

Discussion regarding Miniwaukan Park 4-Plex Restrooms

Trustee Meiners noted there were no bids received. They will bid again next year.

Discussion and possible recommendation on a park application for a Beer Garden at Field Park, Pavilion B on August 27, 2022 from 2-8:00 pm from Alan Willhite of Amorphic Beer.

Meiners/Reeves motion to recommend approval on a park application for a Beer Garden at Field Park, Pavilion B on August 27, 2022 from 2-8:00 pm from Alan Willhite of Amorphic Beer. Trustee D.Johnson confirmed this is the first application of this kind. Police Chief Streit noted they will not be having extra police protection. Unanimously carried.

Judicial Committee, Trustee Scott Reeves

Discussion and possible action on a Renewal Class B Fermented Malt Beverage and Class B Intoxicating Liquor Combination Reserve License for Ganske Dining d/b/a Boss Pizza and Chicken, 1015 E Veteran's Way, Mukwonago, Kristopher Ganske Agent contingent upon payment of all outstanding liabilities with the Village of Mukwonago, any outstanding wholesaler invoices, Police Department approval, and clearance of any Department of Revenue holds.

Reeves/Meiners motion to recommend approval. Unanimously carried.

Discussion and possible recommendation to approve Ordinance 1005 An Ordinance to Amend Section 34-103 General Administration of DIVISION 4 Stormwater Management and Erosion Control to add the Public Works Director as a designated enforcer.

DPW Director Bittner noted this lays out enforcements and it makes more efficient.

Reeves/K Johnson motion to recommend approval of Ordinance 1005 An Ordinance to Amend Section 34-103 General Administration of DIVISION 4 Stormwater Management and Erosion Control to add the Public Works Director as a designated enforcer. Unanimously carried.

Discussion and possible recommendation regarding the extension of premise description for the Class B Combination License for the American Legion Community Post #375 to includes outdoor patio, contingent upon Plan Commission Approval.

There was discussion regarding no further information submitted and this item is scheduled for the Plan Commission meeting in July. It was recommended to bring back to the August Committee for review of Premise Description after Plan Commission approval.

Library Board of Trustees, Trustee Brill

Library Director Report for the Month of June.

Trustee Brill presented and discussed the monthly report. No action was required.

Public Works Committee, Trustee Brill

Discussion and possible recommendation to approve Ordinance 1006 an Ordinance to repeal and recreate Section 34-1 of the Mukwonago Municipal Code regarding weed and grass cutting.

Trustee Brill asked Trustee Reeves to take lead on this.

Trustee Reeves noted he had concerns over the way this was written, and grass being cut to 8" and he referred to the Library, and others with prairie grass gardens. He asks Attorney to reword some of this to include this type of grass.

Attorney Nathan Bayer commented about how this came about. There was a Discussion regarding some properties difficult with enforcement and if can we cut those and assess against property as a charge and the answer is yes. They re-wrote the ordinance to reflect that. Then looked at developed and undeveloped land, and they adopted the same language that was already there, but they certainly can adjust any changes requested by the Board. He also noted another way to handle the exemption for "no-mow May" is a resolution that directs village not to enforce for the month of May if you decide.

Trustee D Johnson questioned how he can distinguish what is decorative and weeds.

DPW Bittner commented ornamental and managed wildflowers are managed normally and easy to distinguish.

Trustee D Johnson questioned the lowering to 8" in residential area. Bittner noted that many areas have a developed land height of 8" but the preference is up to the Board.

He explained we are a complaint-based system because we don't have staff time to drive around and manage. He wants a finable offense and then they don't have to mow and the police department can issue citation.

DPW Bittner commented he agrees with Bayer in making a resolution if the Board wants to participate in no mow May.

Trustee Meiners commented he prefers to leave at 8" because he believes this is forward to us due to complaints on properties that are not being mowed. He feels this isn't about one or two homes that are letting grass grow.

Police Chief Streit noted they get complaint, investigate, and there is an appeal and all before lawn is mowed. The Village Board still has the final say.

Trustee Brill would like to see a motion to direct attorney to bring back the ordinance after amended.

Reeves/ K Johnson motion to request attorney to define the grass language and maintain 8" and bring revised ordinance back to the Board. Motion carried 6-1. Trustee Meiners opposed.

Discussion and possible recommendation to award C.W. Purpero Inc the Holz Parkway and Miniwaukan Park Pond Dredging contract in the amount of \$381,230.

Brill/Decker motion to recommend approval to award C.W. Purpero Inc the Holz Parkway and Miniwaukan Park Pond Dredging contract in the amount of \$381,230.

It was noted there were two bids received, and it is within budget. Unanimously carried.

Discussion and possible recommendation to authorize the Village President to execute the permissive use agreement between Bielinski Homes, Inc and the Village of Mukwonago

Brill/Decker motion to recommend approval to authorize the Village President to execute the permissive use agreement between Bielinski Homes, Inc and the Village of Mukwonago

It was noted this is an Agreement regarding who is going to maintain, and once the developer turns over to the HOA and they are still responsible for the sign and the plantings that are to take place. Unanimously carried.

Closed Session

Decker/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 Spectrum 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 regarding Maple Centre Development at 6:34pm.

Roll call: "Yes" Trustee Brill, Decker, DJohnson, KJohnson, Meiners, Reeves, Winhowky. Unanimously carried.

Reconvene into Open Session

Decker/Brill motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 7:04pm. Roll call: "Yes" Trustee Brill, Decker, DJohnson, KJohnson, Meiners, Reeves, Winhowky. Unanimously carried.

K Johnson/Meiners motion to authorize the Village Attorney to initiate a civil lawsuit against Spectrum, seeking refund of improperly assessed charges in relation to hardware leases between these parties.
Unanimously carried.

Adjournment

Meeting adjourns at 7:05pm

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer