

## **MINUTES OF THE COMMITTEE OF THE WHOLE MEETING**

### **Wednesday, June 7, 2023**

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  
Darlene Johnson  
Ken Johnson  
John Meiners  
Scott Reeves  
Dale Porter  
Fred Winchowky

Also Present

Fred Schnook, Village Administrator  
Diana Dykstra, Village Clerk-Treasurer  
Diana Doherty, Finance Director  
Dan Streit, Police Chief  
Ron Bittner, Public Works Director  
Mike Michalski, Village Engineer  
Briana Meyer, Village Attorney  
Wayne Castle, Utilities Director  
Tim Rutenbeck, Building Inspection Supervisor

#### **Comments from the Public**

Colleen Farmer, 1445 Applewood Dr., commented she wanted to thank the board members asks them to vote no. They don't believe it will have a positive impact. Staff did a great deal of work and doesn't believe that was all inclusive. She has asked legislators to do some work on this issue. She feels it doesn't give the entire picture at this time. She noted the Village is almost at the 12% cap and on the Walworth side alone it is at 67%. She presented an article noting the net effect on TID use has on average been negligible. In her opinion use of TID has become corporate welfare. She is asking for help in the future to continue to research and mitigate the tax burden they have on their side. She feels her taxes would be less if she was in the Town of East Troy. She understands TID is not their only problem as well. She asks the Board to vote no.

David Amyx, 1410 Applewood Dr., asked to make a correction to the minutes, since he moved here 19 years ago he moved one mile into Walworth County. He has effort placed into trying to figure out the issues. He expressed concerns for the rise in Walworth County taxes. He would like to get a clear answer to see how it would impact them.

Wendy Schrieber, 1427 Orchard View, asked the Board to vote no on this district.

Ann Harris, 1220 Berry Patch Lane, noted she agrees with the items that Colleen stated and wishes the Board vote no.

Sue Batten, 1415 Orchard View Rd, wanted to thank everyone for listening and Colleen for the work she has done and she appreciates that. She discusses with her neighbors about how much their taxes are and if they can afford to remain. This is her last home.

Matt Presendofer, 1446 Applewood Cir, commented he feels the same, moved in 2005 was the second house in the neighborhood. His taxes have gone up greatly. His family votes yes on growth and referendums. This particular issue is going to impact them not the community as a whole. He asks them to vote no.

Tim Ackerman, 1353 Orchard View, commented he appreciates the position everyone is in. It isn't an easy decision. He manages a company for over 30 years, data can be skewed and the board needs to sift through the data and find the true information. There is quite a bit of contrary information and look through the data. He is against this item.

Chance Biller, 1328 Orchard View, noted he is a retired military veteran and bought their first brand new house here. They were told their house is cut between the counties. It is getting impossible to stay. He expressed his concerns for the increase in taxes.

Andrew Cleveland, 106 Cider Cir, asked the board to please vote no on TID 7

Brian Witenowsky, asked the board to vote no on TID 7

Public Comments were closed at 5:56pm.

### **Approval of Minutes**

#### **Minutes of May 3, 2023 Committee of the Whole**

D Johnson/K Johnson motion to approve pending clarification made to minutes regarding Citizen comments as discussed. Unanimously carried.

### **Finance Committee, Trustee Darlene Johnson**

#### **Monthly Treasury Report and Revenue/Expenditure Guideline Report for April**

*(For information purposes only, no action required)*

#### **Discussion and possible recommendation to the Village Board to approve Accounts Payable Vouchers in the amount of \$478,866.41.**

D Johnson/Meiners motion to recommend approval. Unanimously carried.

#### **Discussion and possible recommendation on the Village's Investment Policy.**

Meiners/Reeves motion to adopt the policy to maintain at 30% to citizens bank and adopt the new investment policy language.

Administrator Schnook noted that Citizens Bank was to be here to discuss the safety of the local bank.

Finance Director Doherty noted this was prompted due to Citizens approaching the Village to deposit additional funds. She noted the current policy allows up to 30% to be there, and we are not maxed out at 30%. We could invest up to 7.7 million, and we currently have about 6.3 million. Unanimously carried.

**Presentation and review from Finance Director of the Annual Tax Increment Finance Reports filed with the Department of Revenue.**

Finance Director Doherty discussed the annual reports for TID 3, 4, and 5 which were filed with the Department of Revenue. No action was required.

**Discussion and possible recommendation on Schultz Farm regarding the creation of a Tax Increment Finance District #7**

Administrator Schnook noted a year ago he was tasked with laying out the Schultz farm. He presented Baird handouts with examples on the potential cash flow projections at various rates of inflation. There is a need for more industrial property in the village. Net new construction is important and the state legislature has made it so that you can only increase taxes to your level of growth. For those reasons we are proposing this TID. He noted they are not committing the money today, it will be phased. You are putting in the district boundaries and any expenditures will have development agreement with every developer etc. This is just designating the area.

Trustee D. Johnson/Reeves motion to postpone indefinitely.

Trustee Meiners stated he disagrees whole heartedly. There is no proof whatsoever that TID causes residential properties to increase.

Trustee Porter commented that it has been discussed population growth doubled in last 40 years. No one has ever heard someone say they are moving here for new construction. They move due to the schools, and the safety. The whole village is looking for slower growth, more single-family homes.

Trustee Ken Johnson noted he moved to the village 19 years ago not to live in a manufacturing environment. Manufacturing should be in cities. Those structures are in place not looking for additional industrial development and feels this is rushing. He cannot support this item.

President Winchowky commented he supports this program the land was attached some years ago approximately 2 square miles and it was going to be an Industrial Park. The area to the south would be more multifamily and residential. The industrial side would be developed first and they haven't been able to get water and sewer to the additional residential area.

120 acres with two lots currently spoken for, there is interest of Village to create TID #7

Trustee Ken Johnson asks for the motion to be withdrawn and reissue a motion for a yes or no vote.

Johnson/Reeves motion to withdraw original motion.

Trustee D Johnson motion to deny the Schultz farm TID #7. Trustee Reeves second.

Roll Call: "Yes" Brill, D. Johnson, K. Johnson, Porter, and Reeves. "No" Trustee Meiners, and Winchowky. Motion carried. 5-2

**Discussion and possible recommendation to approve Resolution 2023-23 A Resolution Authorizing the Issuance and Establishing Parameters For the Sale of Not to Exceed \$4,635,000 General Obligation Promissory Notes.**

Justin Fischer present to discuss the debt issuance. The borrowing will include CIP and TIF projects. D Johnson/Meiners motion to recommend approval. Unanimously carried.

**Discussion and possible recommendation to approve the purchase order for CJ & Associates for flooring at the Police Department.** In the amount of \$22,895.50

Chief noted this is within budget. It is replacing 20-year-old equipment and completes their project.

D Johnson/K Johnson motion to recommend approval of the purchase order. Unanimously carried.

**Discussion and possible recommendation to approve the 2023 Micro Surfacing project purchase requisition in the amount of \$136,069.00 to Fahrner Asphalt Sealers LLC.**

DPW Bitner noted micro surfacing is used to extend the life of a road when you can't replace it. Technically they have seen an extension of 8-10 years. First two phases of project are Fairwynds and Orchards Subdivision.

D Johnson/Reeves motion to recommend approval. Unanimously carried.

**Discussion and possible recommendation to approve the 2023 Mill and Fill Purchase requisition for \$31,377.00 to PLM Paving and Concrete.**

DPW Bittner noted that mill and fill is used in short term repair for sections that need to be replaced or patches required. It extends a roads life without doing the entire road.

D Johnson/Meiners motion to recommend approval. Unanimously carried.

**Judicial Committee, Trustee Dale Porter**

**Discussion and possible recommendation on the following Class "A" Fermented Malt Beverage License Applications contingent upon payment of any outstanding liabilities or delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds;**

5 Star Stations, Inc. d/b/a Mukwonago Express Mart, 407 S Rochester St., Robin Hernandez Agent; 122 Arrowhead Enterprises, d/b/a Arrowhead BP, 122 Arrowhead Dr., Judith Schwartz Agent Porter/Meiners motion to recommend approval. Unanimously carried.

**Discussion and possible recommendation on the following Class "A"/"Class A" Combination Fermented Malt Beverage and Intoxicating Liquor Licenses contingent upon payment of any outstanding liabilities or delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds;** 909 Greenwald Enterprises, Inc., d/b/a Mukwonago Amoco, 909 Greenwald Ct., Judith Schwartz Agent; 1060 Rochester Enterprises, Inc., d/b/a Rochester BP, 1060 N Rochester St., Judith Schwartz Agent; B&A Trading LLC, d/b/a Andy Liquor Store, 411 Main Street, Amandeep Singh Agent; Ultra Mart Foods, LLC, Pick N Save #384, 1010 N Rochester St., Todd Glaser Agent; Aldo, Inc (Wisconsin), d/b/a Aldi #46, 111 E Wolf Run, Tami Wright Agent; Khasria Two Inc, d/b/a Village Wine & Liquor, 712 Main Street, Harjinder Khasria Agent; Wal-Mart Stores East LP, d/b/a Walmart #1571, 250 E Wolf Run, Michael Sandelback Agent; Walgreen Co., d/b/a Walgreens #07039, 212 N Rochester St., Brian Marinello Agent; Kwik Trip Inc., d/b/a Kwik Trip #282, 1212 N Rochester St., Susan Michaelson Agent; VM Investments, LLC, d/b/a Amans Beer+Wine, 110 Chapman Farms Blvd., Amandip Singh Agent; Elegant Farmer Inc, d/b/a Elegant Cork, 1541 Main Street, Keith Schmidt Agent

Porter/ K Johnson motion to recommend approval of all with exception of E & S Sweets to be voted on separately. Unanimously carried.

Porter/ D Johnson motion to recommend approval of the following Class "A"/"Class A" Combination Fermented Malt Beverage and Intoxicating Liquor Licenses contingent upon payment of any outstanding liabilities or delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds;. E and S Sweets, LLC, d/b/a E and S Sweets, 211 N Rochester St Unit D, Kirsten Bell Agent.

Motion carried. Trustee Brill Abstained.

**Discussion and possible recommendation on the following Class "B" Fermented Malt Beverage and "Class C" Wine License Combination Applications contingent upon payment of any outstanding liabilities or delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds; Babe's Chicken & Pizza, 225 Bay View Rd. #500, Besa Islami, Agent**

Porter/D Johnson motion to recommend approval. Unanimously carried.

**Discussion and possible recommendation on the Class "B"/"Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Applications contingent upon payment of any outstanding liabilities or delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds; American Legion Community Post #375, 627 E Veteran's Way, Richard Bauer Agent; Perseverance Corp, d/b/a Badger Burger, 200 S Rochester St., Mark Weiss Agent; Blue Bay Inc, Blue Bay Restaurant, 927 Main Street, Vlaznim Islami Agent Take a Big Bite, Inc., d/b/a Fork in the Road Restaurant, 215 N Rochester St., Therese Hennessy Agent; Sandy's Miller Time, LLC, d/b/a Sandy's Miller Time, 701 Main Street, Brian Anspach Agent; F.J. Partners LLC, d/b/a Sol De Mexico, 507 Main St., Jose Jaimes Agent; Jays Lanes, Inc., d/b/a Jays Lanes, 326 Atkinson St., Jeffrey Royal Jay Agent; The Boneyard Pub & Grille, LLC, d/b/a Boneyard Pub & Grille, 215 Bay View Rd. #200, James Fredric Jones, Agent;**

Porter/K Johnson motion to recommend approval. Unanimously carried.

**Discussion and possible recommendation on the following Reserve Class "B"/"Class B" Combination Fermented Malt Beverage and Intoxicating Liquor License Applications contingent upon payment of any outstanding liabilities or delinquencies with the Village of Mukwonago, outstanding wholesaler invoices, Police Department approval and clearance of any Department of Revenue holds;**

El Pueblo Inc, d/b/a Antigua Real Restaurant, 355 Bay View Rd., Marco Alarcon Agent; DAA Smokehouse LLC, d/b/a David Alan Alan's Smokehouse, 325 Bay View Rd., Tina O'Bryan Agent; Sarab Investments, d/b/a The Terraces at Aman's, 110 Chapman Farms Blvd, Amandip Singh Agent; Ganske Dining LLC, d/b/a Boss Pizza and Chicken, 1015 E Veteran's Way, Kris Ganske, Agent

Porter/Meiners motion to recommend approval. Unanimously carried.

#### **Library Board of Trustees, Trustee Eric Brill**

Library Director Report for the month of May  
(no action required, for information only)

**Discussion and possible recommendation on loan agreement with the Mukwonago Community Library for the part of the Grutzmacher collection housed at the Red Brick Museum, contingent upon Historical Society and Mukwonago Community Library approval.**

Brill/ D Johnson motion to recommend approval.

It was noted these items belong to Library but continue to be displayed at the Museum. There will be no changes. Unanimously carried.

#### **FAQs document on the Grutzmacher Collection**

*(for information only)*

**Public Works Committee, Trustee Eric Brill**

**Update on the status of Fiber Infrastructure project between all village facilities, and scheduled presentation for July Committee meeting.**

It was noted this will appear at the next Committee meeting.

**Update on Crosswalk installation by Waukesha County (Cty ES/Front Street).**

County Supervisor Johnson giving an update on Cty ES/Front Street. Main Street and Front Street. She mentioned she witnessed a group of children trying to cross the street and appeared to be difficult. She brought it to DPW Bittners attention and the County worked together. They believe they can make this project fit into fall of 2023.

President Winchowky asked Chief Streit if any accidents had been reported in this area. The response is no. He asked if there were any parking issues. The answer is yes there were seven citations issued.

No action was taken.

**Discussion and possible recommendation to approve Resolution 2023-21 A Letter of Credit Reduction for Hill Court Reload LLC**

Brill/K Johnson motion to recommend approval. Unanimously carried.

**Discussion and possible recommendation on Resolution 2023-22 A Resolution to to approve a reduction in the letter of credit for Chapman Villas**

Brill/Reeves motion to recommend approval. Unanimously carried.

**Discussion and possible recommendation to approve relocating the Fox Street primary entrance sign.**

Brill/K Johnson motion to recommend approval. Unanimously carried.

**Discussion and approval of RESOLUTION 2023-24 to approve the Compliance Annual Maintenance Report (CMAR).**

Brill/K Johnson motion to recommend approval.

Utilities Director Castle noted every year we are required to pass a resolution saying you saw this and agree grades the loading and effluent quality the financials and collections. This is a grading system.

Trustee D Johnson complimented Director Castle on the report. He noted this is due to great staff.

Trustee Porter asked about fluoride added to the water. Director Castle noted it can be discussed under another agenda.

**Discussion and possible recommendation to approve Applied Technologies, Inc. evaluation of the capacity potential of Well #7, explore needed upgrades, and provide a cost estimate to potentially increase capacity there.**

Brill/Meiners motion to recommend approval.

Director Castle would like to explore what additional capacity we could have for this well. He is looking to provide more capacity doesn't commit us to anything but provides us with another opportunity if it is there. Unanimously carried.

**Discussion and possible recommendation on 2023 Sewer Televising and Cleaning.**

Brill/K Johnson motion to recommend approval. It was noted this is approximately in the area of small farm. Unanimously carried.

**Public Works staff resignation announcement.**

DPW Bittner noted he had a staff member resign so they worked with number 2 position previously interviewed and he has accepted.

**Protective Services, Trustee Scott Reeves**

**Discussion and possible recommendation on an amendment to the Memorandum of Understanding for the mutual aid agreement for Suburban Critical Incident Team (SCIT) with the Police Department.**

No action required. Chief explained it is a better option to not make a change to the MOU at this time. Several attorneys suggested change and this document may come back with some changes.

**Adjournment**

Meeting adjourned at 7:31pm

Respectfully submitted.

Diana Dykstra, MMC  
Village Clerk-Treasurer