

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING Wednesday, December 6, 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
Dale Porter
Scott Reeves
Fred Winchowky

Also Present

Fred Schnook, Village Administrator
Diana Dykstra, Village Clerk-Treasurer
Diana Doherty, Finance Director
Dan Streit, Police Chief
Chris DeMotto, Assistant Police Chief
Jerad Wegner, Village Engineer
Ron Bittner, Public Works Director
Wayne Castle, Utilities Director
Jeff Stien, Fire Chief
Nathan Bayer, Attorney

Comments from the Public

Roger Walsh, 142 Oakland Avenue was present to discuss the disallowance of claim on the agenda. He noted he spoke to insurance adjuster, contractor, and look into solutions. He commented years ago the lateral pitch was not installed correctly. DOT reconstruction on Hwy 83 does allow us to get to the infrastructure sooner. Village insurance company didn't consider the time frame this has been on the books to get fixed. It was caused by failure. Village responded quickly and it was fixed with little disruption. It is gravity two buildings and feels this has been a well-known issue for decades and failing infrastructure on that stretch of N. Rochester. The lateral is flat, and if that pitch could be changed when the village replaces the infrastructure soon. It would be a waste for him to replace at this time if the village plans to replace this shortly. He would like to see some collaboration with the DOT. Water main and line failure collapse is a system failure and its always a band aid until fixed fully, without a project number they are in stand still. He would like to see a project number and commitment on this.

Paul Kwiecien, Waukesha noted that he is present due to his application for the Crush Wine Bar Agenda Item 6.1 and hopefully will be moving his Muskego operation to Mukwonago. Just here to introduce themselves and let the Board know if they have any questions he is available.

Judy Rosynek, Mukwonago was also present as a partner to the Crush Wine Bar and is looking forward to opening the business.

Approval of Minutes

Minutes from Committee of the Whole Meeting of November 1, 2023
Meiners/Reeves Motion to approve. Unanimously carried.

Finance Committee, Trustee Darlene Johnson

Monthly Treasury Report and Revenue/Expenditure Guideline Report For October

(For information purposes only, no action required)

Discussion and possible recommendation to the Village Board to approve Accounts Payable Vouchers in the amount of \$970,004.73.

D Johnson/Meiners motion to approve.
Unanimously carried.

Discussion and possible recommendation on the Disallowance of Claim for sewer back up on September 29, 2023 at 221 N Rochester Street and 215 N Rochester Street as recommended by Statewide Services, Inc.

Trustee Reeves noted when he took a tour someone told him that section is the oldest in Waukesha County.

Utility Director Castle stated he can't confirm that, however it is probably one of the original in the village.

Trustee Reeves questioned if there was collapse and there was back up, why won't insurance cover?

Director Castle noted because the Village didn't intentionally cause it.

Attorney Nathan Bayer stated there may be some confusion on first party claim. If something happened on municipal property we turn to carrier for our own property claim. This is a third party claim suggesting the village is liable. We have insurance to defend the village. They are saying only when the village is found liable.

It doesn't necessarily mean the claim is over they just won't pay for it.

Trustee Brill noted there is more to this conversation than this before us. This is a claim and the insurance company is denying the claim. The village in the future can agree to bring this back and pay these claims at another date. There are conversations about pipes in the road in the future as well, but it is not on the agenda tonight.

President Winchowky asked Utility Director if there is anything additionally the village can do to help prevent this from happening again?

Director Castle commented he can't predict, but we acknowledge. We have 60% plans for the downtown area. There have been talks behind the scenes for 2030 project number from the DOT to get the infrastructure replaced. This is isolated to this area. If there is an issue with the main everyone would have an issue.

Trustee Porter asked how long have we known this was a flat lateral.

Utility Director Castle noted it was before his time. It was discussed then and the lateral pitch needed to be addressed.

Trustee Porter stated he feels more discussion is necessary.

Trustee Brill commented the line is flatter where the laterals come into the line. There is the option to pitch further down when that replacement takes place in the future to help prevent future back ups.

D Johnson/Meiners motion to recommend disallowance of claim.

Roll Call "Yes" Trustee Brill, D Johnson, K Johnson, Meiners, Porter, and Winchowky. "No" Trustee Reeves. Motion carried 6-1.

Discussion and possible recommendation on Resolution 2023-72 A Resolution to approve the 2024 Annual Tax Increment Finance District (TID) Budgets.

Finance Director Doherty noted she touched on at the public hearing and there were some changes on the TIF District. Phantom Lakes Management was added to TID 4 as a jurisdiction, which added increment generated.

In Walworth County TID 5 the TID Out Equalized Value calculated by the Department of Revenue was negative for Mukwonago School District so they set the Levy for 0. This means approximately \$309,000 of increment was lost. She doesn't totally understand what happened, it is something we have contacted the State about and they are responsible for equalizing values. This year we have reserves to make it up, and we would not be prepared for another year if this happens again.

In TID 3 nothing has changed.

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

Judicial Committee, Trustee Dale Porter

Discussion and possible recommendation on a Class "B"/"Class B" combination fermented malt beverage and reserve intoxicating liquor license for Crush Wine Bar and Craft Lounge application at 110 Main Street, Paul Kwiecien, Agent

Porter/Reeves motion to recommend approval. They noted they have February 1st estimated time of opening. Unanimously carried.

Discussion and possible recommendation on a Class "A" / "Class A" combination fermented malt beverage and intoxicating liquor license application for Quick On 83, at 201 Rochester Street, Naresh Gulati, Agent.

This item was removed from the agenda. The applicant sent an email saying they are withdrawing their application.

Discussion and possible recommendation on RESOLUTION 2023-65 adopting Video Surveillance Policy.

Porter/Brill motion to recommend approval.

DPW Director Bittner noted there are cameras at various locations, parks village wide buildings, and put in place for monitoring on an as needed basis. They are stationary. Unanimously carried.

Discussion and possible recommendation on Resolution 2023-64 a Resolution to Appoint Election Inspectors for the 24-25 Term.

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

Library Board of Trustees, Trustee Eric Brill

Library Director Report for the Month of November 2023. (For Information Only, No Action Required.)

Personnel Committee, Trustee Ken Johnson

Presentation of Village Hall Time Study by Clerk-Treasurer Dykstra.

Clerk Dykstra presented a Time Study conducted in Village Hall Offices. The presentation, as attached to the agenda, explained how it was conducted and the results showcasing a need for reorganization. The re-organization was discussed previously with Chair Ken Johnson and Administrator Schnook and several job descriptions were adjusted to reflect those duties and changes to the organizational chart. No action was required.

Discussion and possible recommendation on the following Position Description Resolutions;

Resolution 2023-69 Deputy Clerk-Treasurer Position Description

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

Resolution 2023- 70 Deputy Treasurer/Admin Payables Clerk Position Description

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

Resolution 2023- 71 Deputy Clerk/Community & Economic Development Position Description

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

Discussion and possible recommendation to the Village Board to approve Resolution 2023-67, a resolution adopting the 2024 salary and wage schedules for non-represented employees.

K Johnson/Meiners Motion to recommend approval.

Trustee Meiners clarified the employees are only getting 3% raise this year, but the inflation rate is 6% and the policy does reflect the range will adjust by the rate of inflation.

Finance Director Doherty confirmed our annual resolution is established for each position and the individuals fall in that range, and that is correct there is a 3% increase this year for employees. Unanimously carried.

Discussion and possible recommendation to the Village Board to approve Resolution 2023- 68, A Resolution authorizing annual stipends for the Assistant Fire Chief and Deputy Fire Chief.

K Johnson/D Johnson motion to recommend approval.

Chief Stien noted this is stipend for several years provided basically when they operate in his absence. Unanimously carried.

Public Works Committee, Trustee Eric Brill

Discussion and possible recommendation to approve a service agreement with COM2 for e-Waste disposal contingent upon Attorney review.

Brill/Meiners motion to recommend approval.

Public Works Director Bittner noted he had been approached by a company willing to work at no charge, just time to manage program and assist. COM2 came offering statewide, all they do is recycle, they have bins they drop off and they pick them up. They are certified by the state to handle hazard waste and recycling. This would extend the ability for the village to structure events or additional services.

D Johnson questioned liability insurance requirements. It was noted they have their own insurance, and the village holds their own insurance. Unanimously carried.

Discussion and possible recommendation on a three year Maintenance Contract Renewal with Bassett Mechanical.

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

Discussion and possible recommendation to approve Resolution 2023-66 a Resolution to eliminate the Letter of Credit for Hill Court Reload as recommended by the Village Engineer.

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

Discussion and possible recommendation to approve a contract renewal with Hydro Corp for non-residential cross connection survey program for 24 months in the amount of \$33,912.

Brill/Meiners motion to recommend approval. Unanimously carried.

Discussion and possible recommendation to approve the purchase of water meters for 2024 in the amount of \$77,300.

Brill/Porter motion to recommend approval. Unanimously carried.

Discussion and possible recommendation to approve a Purchase Requisition for Community Room HVAC upgrades in the amount of \$16,750.

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

Protective Services, Trustee Scott Reeves

Discussion and possible recommendation on proposal from Watson Consoles in the amount of \$59,015 for the dispatch remodel, as budgeted in the Capital Improvement Program.

Trustee Reeves noted he was able to tour the system currently.

Chief Streit noted the reason this is here signed to obtain the lowest cost price. Asst. Chief DeMotto noted they will not be billed until the equipment comes in January or February and they will have over \$5,000 savings by placing the order now.

Reeves/Meiners motion to recommend approval. Unanimously carried.

Closed Session

Meiners/Reeves 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 GLFP v. Village of Mukwonago

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 with the Historical Society, and St. James Property at 6:44pm.

Roll Call: "Yes" Trustee Brill, D Johnson, K Johnson, Meiners, Porter, Reeves, Winchowky.
Unanimously carried.

Reconvene into Open Session

D Johnson/S Reeves motion to reconvene into open session pursuant to Wis. Stats. §19.85(2) at 7:12pm.

Roll Call: "Yes" Trustee Brill, D Johnson, K Johnson, Meiners, Porter, Reeves, Winchowky.
Unanimously carried.

Adjournment

Meeting was Adjourned at 7:12pm

Respectfully Submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer