

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING Wednesday, February 7, 2024

Time: **5:30 pm**

Place: **Mukwonago Municipal Building/Board Room, 440 River Crest Court,
Mukwonago, WI 53149**

Call to Order

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

Roll Call

Board Members Present

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

Also Present

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
Tim Ruttenbeck, Building Inspector
Nathan Bayer, Attorney
Aaron Menden, Fire Lt.

Comments from the Public

Joanne Tlachac-Hehn, 435 Lake Street was present to comment on several issues. 7.7 Joe Rice request and believes PLMD has jurisdiction of this matter and urges the Village to take no action. She asked the Board to consider the items listed in the Deed, the deed specifically said they have the common right of way for the Mukwonago shores. She further noted the PLMD was created to care for the lake on behalf of the property in the lake. Owners may choose not to use the access. She asks no action on petition. She noted regarding 9.1 Parking restrictions on Gibson, she often walks down those streets and restricting to one side is necessary is for making it safe for pedestrians since there is no sidewalks. Also regarding 10.3 PLMD she would like to hold her comments until that items comes up.

John Kronschnabel Jr., 318 Gibson St., wished to comment on item 9.1 and does find it frustrating that no literature that a funeral home was going in across the street. He hopes the Village knows what could go into the air for that type of business. It will be congested there and having parking regulations might ease the situation, but there is a funeral service there, he wonders what will the traffic be.

Joe Rice, speaking on behalf of his concerns for PLMD. He submitted a petition; he has no benefit being a part of this district and he noted residents on the other side of the street are not included in the district. He has no deeded access at community park. His original request was

not accepted to PLMD and continued his request for detachment. This was done before 1929 and hasn't been able to locate the minutes. He has further documents if anyone is interested.

Joe Graczyk, Current Chair of PLMD speaking on 7.7, 10.3 on the agenda when needed.

Presentation

Presentation from Mukwonago School District regarding the upcoming April Referendum.

Superintendent Joe Koch and Business Administrator Tom Karthhauser were present to discuss the upcoming referendum.

Approval of Minutes

Approval of the January 3, 2024 Committee of the Whole minutes.

Meiners/D Johnson motion to approve. Unanimously carried.

Library Board of Trustees, Trustee Eric Brill

Library Directors Report for the month of January. *(For information only, no action required.)*

Abby Armour was present to discuss the monthly reports.

Wants to invite everyone into the Library for the updates created at the Library.

She further discussed the Library Legislative Day where she was able to go and discuss stories from Mukwonago

Update on the Grutzmacher Collection and NAGPRA

Abby Armour was present to discuss NAGPRA and update the Board on the latest happenings. The Collection is roughly 12,400 Native American Items and ½ are on loan at the Mukwonago Historical Museum for display at the Red Brick Museum. Due to the flooring covering project they need to remove those artifacts and contracted with a professional to pack 6,500 items and store in preparation for the project.

Some of their items are known funerary items and potentially will be repatriated to the tribe.

There are special regulations that were enacted on January 12th that would require some additional regulations for duty of care.

Finance Committee, Trustee Darlene Johnson

Monthly Treasury Report and PRELIMINARY Revenue/Expenditure Guideline Report For December 2023

(For information purposes only, no action required)

Discussion and possible recommendation to the Village Board to approve Accounts Payable Vouchers in the amount of \$6,059,389.72.

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

Discussion and possible recommendation to the Village Board of Trustees to approve Resolution 2024- 07 a resolution revising the Village of Mukwonago's previously adopted Budget Policy.

D Johnson/K Johnson motion to recommend approval.

Finance Director Doherty noted this was recently adopted but the major change is the timing on when items will be presented. She moved most from June to September.

Unanimously carried.

Discussion and possible recommendation to the Village Board to approve Resolution 2024-08 a resolution adopting a Village of Mukwonago Revenue Policy.

Finance Director Doherty noted this is a new policy, high level sources of revenue and explains how they are to be used.

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

Discussion and possible recommendation to the Village Board to approve a Purchase Requisition for repair and coating of blower building floors with Wisconsin Concrete Coatings in the amount of \$19,870.00.

D Johnson/Brill motion to recommend approval.

Utilities Director Castle noted this is a purchase requisition for a new flooring coating. This is budgeted item. Unanimously carried.

Discussion and possible recommendation to approve the Disallowance of Claim for Sherry Buelow as recommended by Statewide Services, Inc. for a sidewalk fall on April 12, 2023

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

Discussion and review of a request from Joe Rice regarding his concerns relating to his property in relation to Phantom Lakes Management District.

Diana Doherty noted that this tax season there were many concerns besides the property subdivision access. The Point Apartments were added to the Tax Increment, and it caused a large increase and she was trying to work with the Wisconsin Dept of Revenue regarding calculations because it shouldn't have affected them. She noted that in 2022 the equalized values were adjusted Village/Town (proportionate value) this is what Phantom Lakes does for their levy certification. The apportionment should happen on a TID OUT Basis. That didn't happen. That meant the % between put to the Village and Town shifted and the Village residents paid about 9,000 more of the levy than they should have. This was the Department of Revenue error for not including the pointe apartments prior. Their error of not doing it for 2021 and 2022 they added that value to the tif worksheet so the increment that was calculated was about three times higher than what it should have been because they were trying to make up for the two years that they missed. The problem with that is. The way the tax bills calculate, it's only on one year's worth of value of assessed value for the point departments. So the difference got spread out among everybody, so it made-up for where they got the break the prior year. But it was still higher than what it should have been. Because of 2021.

When we asked the DOR about it, and I asked if they can provide me a breakdown of exactly what the impact of each year's correction was? And when they responded, they said, Oh well, thanks for asking that question. We realized we did it on an assessed value basis -Not an equalized value basis. They will need to do another adjustment next year for to add another \$4 million to this compilation, which means next year's levy to the residence is probably going to be a little bit higher than it was supposed to be if everything had just been handled properly from the beginning. That's essentially why tax levy for Phantom Lakes, went up 49% on most residences, over the prior year. It's complicated as it was. She noted if everything had been handled properly from day one, the residents would not have noticed any impact

Trustee D. Johnson thanked Finance Director Doherty for her review of the topic and Mr. Rice for bringing the topic up for us at least share with the board and with everyone about this situation, understanding that doesn't resolve your issue right now.

President Winchowky noted it is not the Village of Mukwonago's operation, and wants to be sure the board understands that.

Health and Recreation Committee, Trustee John Meiners

Discussion and possible recommendation to the Village Board of Trustees to approve a Special Event Application for Field Park from the Mukwonago Lions Foundation on March 23, 2024 (snow day March 30th) for the annual Easter Egg Hunt.

Meiners/ Porter motion to recommend approval. Unanimously carried.

Discussion and possible recommendation to the Village Board of Trustees to approve a Special Event application for Field Park from the Mukwonago Lions Foundation for Summerfeste June 13, 14, 15, 16, 2024.

Meiners/Reeves motion to recommend approval. Unanimously carried.

Discussion and recommendation to the Village Board of Trustees to approve a Special Application for Field Park Usage from Amorphic Beer for a Pop Up Beer Garden using Pavilion B on May 18, June 22, July 6, August 24, and September 21, 2024. *(This vendor holds a special State Brewery License which does not require a local alcohol license.)*

Meiners/Reeves motion to recommend approval. Unanimously carried.

Discussion and possible recommendation to the Village Board to approve a Special Event permit application for the annual Mukwonago YMCA Family Mud Run on June 29, 2024 at the Mukwonago High School from 7 am - 1 pm, held at the Mukwonago High School.

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

Discussion and possible recommendation to the Village Board to approve a Special Event application for the 2024 Concert Series at Phantom Junction Stage May 23, June 1,13,27, July 3,11,25, August 2,8,22, and September 7 and 28.

Meiners/Reeves motion to recommend approval. It was noted soon the flyer will be distributed, they are finalizing dates and major events. July 3rd and end with Fireworks. Bittner noted that right now the committee has raised about $\frac{3}{4}$ of the funds necessary for the year. Unanimously carried.

Judicial Committee, Trustee Dale Porter

Discussion and possible recommendation to the Village Board to approve a Resolution to update the Parking Restrictions on Gibson and West Side Avenue.

Porter/Brill motion to recommend approval.

Trustee Porter noted he has some concerns and spoke with the Chief and discussed the Fire Truck access for safety issue.

Trustee Reeves noted this is restricting one side of the street residential side.

Chief noted the Planner noted there was parking concerns at the PC meeting last month and this is a result of that. Unanimously carried.

Discussion and possible recommendation to the Village Board of Trustees to approve a Temporary Class "B"/"Class B" Retailer's License for Summerfeste from the Mukwonago Lions Foundation on June 13, 2024 to June 16, 2024.

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

Discussion and possible recommendation on an Ordinance approving the attachment of territory from the Village of Vernon to the Village of Mukwonago.

Porter/Meiners motion to recommend approval.

Trustee Brill noted he still stands by and feels this is premature. Motion carried 6-1 Brill voted no.

Public Works Committee, Trustee Eric Brill

Discussion and possible recommendation regarding downtown utilities project and timeline.

Trustee Brill noted this is a topic that has been around for 20 years. There was a recent sewer collapse on STH 83 and we have been discussing this, and now wants to know how the board wishes to move forward.

Utilities Director Castle noted there was a sewer collapse conversation on the utilities portion of this project which was introduced 5 years ago waiting for the road to be done, and they want to do in conjunction with the project from Lincoln St. to Police Department. This isn't just downtown. So, since October there has been more discussion, and they believe there are some items they can do can they explore a few options to get a cost and pros and cons to move forward.

Trustee Brill noted with the most recent information with the State there is a DOT number on this project now, and the date is about in about 6 years out as an overlay project. They followed up and in the past they have required a full patch of the road which is why they waited. Recently the State would allow different options that would not require a repave of the entire road. There is significant savings to consider this project. There is no official timeline but they are looking at about 2030.

President Winchowky noted he would like to see what our options are to determine if this would be a short term fix or permanent.

Trustee Porter would like to see some numbers on this.

Utilities Director Castle noted he potentially could look at five different options, and is asking board if he can look at these options with pros and cons of each for future items for review.

Engineer Wegner noted the 60 % plans are already put together so alternatives will not be too difficult.

The Village Board requested Clerk Dykstra continue to draft a letter to the DOR to get this project moving and work with Trustee Brill to get their response to our utility options in preparation for this project.

Discussion and possible recommendation to the Village Board of Trustees to approve the bid award for the Two Rivers Phase 1 Rehabilitation project to Stark Pavement Corporation in the amount of \$761,761.00

Brill/Meiners motion to recommend approval. Unanimously carried.

Discussion, review, and authorization to draft a resolution to approve location and placement of Harvester for PLMD at the end of Wahl Avenue.

Trustee Darlene Johnson stepped down at 7:30pm

Darlene Johnson, County Supervisor read a letter into the record.

She thanked the Board so much for your consideration and summarizing the two emails from Phantom Management District Commissioners Jake Jagman and Adam Miller. They were unable to attend tonight's meeting.

The Seaweed Lake harvester unloads tons of weeds during the harvest wheat harvesting season from May to early October. Harvesting is typically more performed Monday through Friday by two operators. They start from 7:00 AM and go through till 3:00 PM. The location of the harvester is critical to this operations efficiency because the harvester equipment has a

maximum water speed of roughly 3 mph. Traveling a mile or large distance to unload weeds can quickly increase labor and fuel costs.

The current location of the harvesting at the end of Wahl Ave., is an important desirable location to park the harvester and has been utilized for many years. The previous site was located at the end of Blood Street but couldn't continue there due to street curb improvement changes. In 2022, to better improve harvesting operation, the PLMD purchased a new 7 foot harvesting machine as a second harvester to assist mounting costs to run that aging 10 foot harvester.

At last year's September annual Lake District Meeting, constituents overwhelmingly supported Phantom Lakes purchase of a new 10 foot harvester, which is due to be delivered in a few months, as well as to pursuing actual lease on the Wahl Street property with the Town.

This lease of Wahl Ave. property is on February Town Board Meeting agenda and the town wanted assurance by the Village that there will be no village zoning concerns. Phantom Lakes Management District requests allowance of the conducting harvest, conducting harvesting and unloading operations at Wahl Ave. property, including the operation and storage of the equipment.

To more to have more control over the property and to budget monies and maintain the area, and for years the property has been used by people as dumping grounds. People have been tying their boats to the harvester as well as having been seen fishing off the harvester PLMD board wants to get a better handle on this the weed harvester. The weeds harvested at Wahl Ave. are more easily conveyed from the harvester to trucks which remove the loads to local farms to be used in their fields.

The harvester equipment are not significantly different in appearance than various boatlifts and peers that are also stored by residents near the vicinity. During late October until April, the harvester equipment is stored off site at the YMCA camp in a building center, they appreciate your consideration on this topic and thank you all for doing what you do for our community.

Joe Ratchet, the chair for PLMD, was present to comment. The summary was right and was pretty thorough. We like to maintain it currently and just make sure they are not infringing on any policies the Village has. We would just like to have better control of the property and make sure that our operations run smoothly. The addition of also a Porta Potty would be considered for our staff as well that would be putting on that property. That's all I have.

Joanne Telchac distributed pictures of what the area looks like now. She noted it is mostly difficult topography. You should utilize this property in this manner, it helps everyone along phantom lakes. They harvest the lake to assist people in using the lake. Blood Street would be more open to vandalism and it is a residential area. She encourages this approval for this lot at Wahl Ave.

Brill/Porter motion to authorize to draft a resolution for placement of the harvester at the end of Wahl Avenue.

President Winchowky asked if they wanted a time limit.

He noted review every 5 years. Clerk Dykstra was asked to draft a resolution for the board meeting. Unanimously carried.

Closed Session

Meiners/K Johnson motion to go into Closed Session 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 St. James Property and the Mukwonago Historical Society Lease, and pursuant to Wis. Stats. § 19.85(1)(c) (Compensation and Evaluation. Considering employment, promotion, compensation or performance evaluation data of any public employee subject to the jurisdiction or authority of governing body.) for consideration and evaluation of the appointment for Interim Administrator at 7:31pm.
Roll Call to go into closed session: “Yes” Trustee Brill, D Johnson, K Johnson, Meiners, Porter, Reeves, Winchowky. Unanimously carried.

Present in Closed Session: Trustee Brill, D Johnson, K Johnson, Meiners, Porter, Reeves, Winchowky, Diana Dykstra, Tim Rutenbeck, Ron Bittner, Nathan Bayer.
At 7:55pm Staff was excused from Closed Session.

Reconvene into Open Session

Meiners/Reeves Motion to reconvene into open session pursuant to Wis. Stats. § 19.85(2) at 8:04pm. “Yes” Trustee Brill, D Johnson, K Johnson, Meiners, Porter, Reeves, Winchowky. Unanimously carried.

Adjournment

Meeting adjourned at 8:04pm.

Respectfully submitted,

Diana Dykstra, MMC
Village Clerk-Treasurer