

MINUTES OF THE REGULAR VILLAGE BOARD MEETING Tuesday, January 16, 2018

Call to Order

Village President Fred Winchowky called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Board Members present: Jim Decker
Darlene Johnson
Karl Kettner
Kelly Klemme
Mark Penzkover
Jay Vermeulen
Fred Winchowky, Village President

Also present: Ron Bittner, Public Works Director
Steven Braatz, Clerk-Treasurer
Dave Brown, Utilities Director
Bruce Kaniewski, Planner/Zoning Administrator
Dan Streit, Police Lieutenant
John Weidl, Administrator/Economic Development Director

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of closed sessions

President Winchowky announced the Board will convene into closed sessions later in the meeting pursuant to Wis. Stat. **§19.85(1)(e)** for negotiating the terms of the listing agreement for 915 Main St. and for negotiating the terms of the listing agreement for the Sugden Property.

Public Hearing

Public hearing for the consideration of adoption of an ordinance to amend Chapter 44 of the Municipal Code pertaining to impact fees opened at 6:31 p.m.

No one spoke for or against.

Public hearing closed at 6:32 p.m.

Comments from the Public

None.

Consent Agenda

- A. Approval of minutes of the December 19, 2017 regular meeting and the September 18, 2017, January 2, 2018 and January 9, 2018 special meetings
- B. Approval of Vouchers payable batches:
 - 1) Payments batch AP-12-2017-3 \$156,874.50
 - 2) Manuals batch M-11-2017-2 \$14,497.22
 - 3) Manuals batch M-12-2017-1 \$194,011.52
 - 4) Payments batch LIBAP12-2017 \$5,737.03

- 5) Prop Tax OVPY12171 \$6,901.16
- 6) Prop Tax OVPY12172 \$9,776.43
- 7) Payments batch AP-1-2018-1 \$92,785.13
- 8) Payments batch AP-12-2017-4 \$493,294.09
- 9) Prop Tax OVPY01181 \$32,224.87
- 10) Prop Tax OVPY01182 \$17,960.14
- 11) Payments batch M-12-2017-2 \$23,301.42
- 12) Tax Settlements TAXSET2018-1 \$4,250,034.61

C. Approval of Change Order #2 for the Chapman Farms Blvd Project for an increase of \$11,351.21

D. Adoption of **Resolution 2018-001**: Resolution Approving the Addendum to Agreement for Subdivision Improvements in Accordance with the Subdivision Ordinance of the Village of Mukwonago, Wisconsin, for the Fairwinds Subdivision

Motion by Johnson/Klemme to approve the consent agenda carried.

Committee/Commission Business

Downtown Strategic Planning Steering Committee

Nothing to report at this time. The last meeting was postponed due to weather.

Health and Recreation Committee

Motion by Decker/Klemme to accept the Health and Recreation Committee recommendation and adopt **Resolution 2018-002**: *Resolution Accepting and Acknowledging Donated Funds for the Play Structure in Rosewood Park* carried.

Plan Commission

Motion by Penzkover/Decker to accept the Plan Commission recommendation and grant an exception, as allowed by Section 45-22 of the Land Division Ordinance, to delay construction of the street. Staff is directed to prepare a Developer's Agreement to require construction of the street and compliance with Village storm water and erosion control regulations before any further land division or land development occurs within Lots 1 and 2 of this CSM. This approval is based on the following findings:

1. Exceptional Circumstances. As the applicant, the Village of Mukwonago is not in the position to construct the extended street; however, the property owner understands their responsibility to follow through with constructing the extended street in accordance with Village specifications.
2. Preservation of Property Rights. Delaying construction of the extended street follows the same process which delayed construction of the initial length of Chapman Farms Boulevard and its intersection with STH 83 until land development was imminent on the lots within the Certified Survey Map that dedicated the right-of-way or that completion of the street is needed for another purpose.
3. Absence of Detriment. The exception will not be detrimental to adjacent property given the fact the subject property owner owns the property to the west which will eventually benefit from the extended street.

Motion by Penzkover/Decker to accept the Plan Commission recommendation and approve certified survey map requested by Village of Mukwonago for the property located south and west of Chapman Farms Blvd., known as MUKV1962996002, subject to the following conditions carried:

1. Prior to recording of the CSM, any technical corrections to the CSM shall be accepted by Village staff.
2. Prior to recording of the CSM, a Developer's Agreement shall be approved by the Village Board and signed by the representative of the property owner and Village officials. The Developer's Agreement shall include, but not be limited to, the following provisions:
 - a. Prior to any further land division of the subject CSM or any type of land disturbance or development (other than current tilling of the site for farming purposes) within any of the divided lots, the extension of Chapman Farms Boulevard shall be constructed by the property owner or assigns in accordance with Village of Mukwonago specifications.
 - b. Construction of the extension of Chapman Farms Boulevard or any type of land disturbance or development (other than current tilling of the site for farming purposes) within any of the divided lots shall be subject to the Village Storm Water and Erosion Control regulations.

Public Works Committee

Motion by Penzkover/Decker to accept the Public Works Committee recommendation and adopt Ordinance No. 944: *An Ordinance to Amend Sec. 44-5 of the Village of Mukwonago Municipal Code Pertaining to Impact Fees* carried (Johnson voted no).

New Business

Village Administrator/Economic Development Director

Relocation order and declaration of public necessity for acquisition of south STH 83 sewer and water utility main extension easements will remain on the agenda.

Motion by Penzkover/Decker to approve the contract with Single Source Inc. to provide appraisal and negotiation services for the south STH 83 sewer and water utility easement acquisitions, subject to the Village Attorney's review, carried.

Village President

Motion by Decker/Johnson to accept the Village President's recommendation and appoint Adrienne D. Flaherty and Ethan Wooster as Election Inspectors for the 2018-2019 term carried.

Motion by Penzkover/Decker to accept the letter of resignation from the Mukwonago Community Library Board from Deb Calvey carried.

Appointment to Mukwonago Community Library Board will remain on the agenda.

Motion by Decker/Johnson to accept the Village President's recommendation and appoint Ken Werner to the Village of Mukwonago Police Commission carried.

Motion by Johnson/Decker to move the February Village Board meeting to February 28, 2018 carried.

Motion by Johnson/Decker to convene into closed sessions at 6:47 p.m. pursuant to Wis. Stat. **§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 negotiating the terms of the listing agreement for 915 Main St. and for negotiating the terms of the listing agreement for the Sugden Property carried

unanimously upon roll call vote. Discussion held in closed session.

Motion by Decker/Johnson to adjourn closed session and reconvene into open session at 7:03 p.m. pursuant to Wis. Stats. **§19.85(2)** for possible additional discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda carried unanimously upon roll call vote.

Motion by Penzkover/Klemme to approve the amendment to the listing agreement for the 915 Main St., which includes a commission of a flat fee of \$66,000 paid at closing carried (Decker voted no).

Adjournment

Meeting adjourned at 7:04 p.m.

Respectfully Submitted,

Steven Braatz, Jr.
Clerk-Treasurer

DRAFT