

## MINUTES OF THE REGULAR VILLAGE BOARD MEETING Wednesday, June 20, 2018

### Call to Order

Clerk/Treasure Judith Taubert called the meeting to order at 6:31 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  
Jay Vermeulen  
Jason Wamser  
Mark Penzkover

Board Members excused: Fred Winchowky, Village President

Also present: Ron Bittner, Public Works Director  
Mark Blum, Village Attorney  
Judith Taubert, Clerk-Treasurer  
Diana Doherty, Finance Director  
Dave Brown, Utilities Director  
Robert Harley, Supervisor of Inspections  
Bruce Kaniewski, Planner/Zoning Administrator  
Kevin Schmidt, Police Chief  
Jeff Stien, Fire Chief  
John Weidl, Administrator/Economic Development Director

### Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

The Clerk asked for nominations for an acting Chairperson. Decker/Johnson nominated Penzkover to be the acting Chair upon a unanimous vote nomination carried.

### Announcement of closed sessions

Announcement of closed sessions 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 discussion and possible action related to First Right of Refusal on a property and letters of intent for businesses wanting to build in the new industrial park.

### Public Hearing

To Consider an Application to Amend the Zoning Ordinance to allow a Specialty School as a Permitted Use in Manufacturing Zoning requested by the Mukwonago Area School District. Opened at 6:32 p.m.

Thomas Karthausser, 385 E. Veterans Way, described the classes that would be held at the Specialty School at the location of 475 McKenzie Road. He listed the changes that needed to be made for school to open on September 4, 2018

Public Hearing closed at 6:38 p.m.

## **Comments from the Public**

Randy Timms – Described the Viper Ride event that is being held September 30<sup>th</sup> to give Veterans who are visually impaired a 40 to 60 miles ride on a motorcycle

## **Consent Agenda**

- A. Approval of minutes of the May 16, 2018 regular meeting and June 6, 2018 Special Village Board Meeting
  
- B. Finance Committee
  - 1) Vouchers payable batches
    - a. Payments batch M-4-2018-1 \$164,679.05
    - b. Payments batch MC-4-2018-2 \$18,532.61
    - c. Payments batch LIBAP-5-2018 \$14,772.44
    - d. Payments batch TAXSET-5-2018 \$548,873.86
    - e. Payments batch AP-6-2018-1 \$515,624.91
    - f. Payments batch M-5-2018-1 \$223,033.49
  - 2) Purchase requisition
    - a. Public Works Department –Recommendation to the Village Board approval of bleachers and a baseball infield tarp for Field Park with donated funds from the Mukwonago Lions Organization in the amount of \$17,050.00
  - 3) Recommendation to the Village Board, authorizing the Village President to sign the Chapman Farm Blvd. non-standard street lighting agreement with WE Energies
  - 4) Recommendation to the Village Board to approve the installation of street lights in Fairwinds 5 and authorize the Village President to sign the lighting agreement with WE Energies for the monthly charges
  - 5) April 2018 Monthly Treasury Report, Expenditure Guideline and Revenue Guideline
  
- C. Public Works Committee
  - 1) Recommendation to the Village Board to approve the installation of two non-standard LED street lights at the municipal lot located at 103 Main Street (Museum)
  - 2) Recommendation to the Village Board to approve the installation of a street light at 606 Main Street
  - 3) Ordinance #946 to Amend Section 45-149 and 45-151
  - 4) Recommendation to the Village Board to award the bid for the Tower Painting to: The Osseo Construction Co. LLC for the sum of \$300,900 contingent upon DNR approval

Motion by Decker/Johnson to approve the items on the Consent Agenda carried.

## **New Business**

### **Finance Committee**

#### **A. Vouchers payable batches**

Payments batch AP-6-2018-2 \$432,243.18

Motion by Vermeulen/Decker to approve the Payment batch AP-6-2018-2 carried.

#### **B. Granting of the following 2018-19 Renewal Class A Fermented Malt Beverage licenses:**

- 1) 5 Star Stations, Inc. (Victoria Smith – Agent), 301 Main Street, d/b/a Clark-Mukwonago
- 2) 5 Star Stations, Inc. (Denise H. Schick – Agent), 407 S. Rochester Street, d/b/a Mukwonago Express Mart

- 3) 5 Star Stations, Inc. (Kori M. Grabowski – Agent), 122 Arrowhead Drive, d/b/a 5 Star BP
- 4) Genesis Gas, Inc. (Manoj Gupta – Agent), 201 N. Rochester Street, d/b/a Village Mini Mart

Motion by Wamser/Decker to grant the 2018-19 renewal of Class A Fermented Malt Beverage licenses carried.

**C. Granting of the following 2018-19 Renewal Class A Fermented Malt Beverage and Liquors:**

- 1) 5 Star Stations, Inc. (Denise M. Jones – Agent), 909 Greenwald Court, d/b/a 5 Star Citgo
- 2) 5 Star Stations, Inc. (Danielle M. Jones – Agent), 1060 N. Rochester Street, d/b/a North Star Shell
- 3) Khasria Two Inc., (Harjinder S. Khasria – Agent), 712-718 Main Street, d/b/a Village Wine and Liquor
- 4) Kwik Trip Inc. (Patrick M. Rice – Agent), 1212 N. Rochester Street, d/b/a Kwik Trip #282
- 5) Ultra Mart Foods, LLC (Patrick T. Groves – Agent), 1010 N. Rochester Street, d/b/a Pick'n'Save #6384
- 6) Wal-Mart Stores East LP (Michael R. Sandelback – Agent), 250 E. Wolf Run, d/b/a Wal-Mart #1571
- 7) Walgreen Co. (Brian Marinello – Agent), 212 N. Rochester St., d/b/a Walgreens #07039

Motion by Decker/Johnson to grant the 2018-19 Renewal of Class A Fermented Malt Beverage and Liquors carried.

- 8) Aldi Inc. (Wisconsin) (Ricky Lee Minor – Agent), 111 E. Wolf Run, d/b/a Aldi #46
- 9) Gerald M. Anich, 411 Main Street, d/b/a Anich's Liquor & Beer Store

Motion by Decker/Johnson to grant the renewal of Class A Fermented Malt Beverage and Liquors license contingent upon the Fire Dept inspection approval carried

**D. Granting of the following 2018-19 Renewal Class B Fermented Malt Beverage and Class C Wine license:**

- 10) Wild Flower Café LLC (Lourdes Gonzalez – Agent), 1015 E. Veterans Way, d/b/a Wild Flower Café

Motion by Decker/Johnson to grant the 2018-19 Renewal Class B Fermented Malt Beverage and Class C Wine contingent upon the Fire Dept inspection approval carried.

- 11) Mario's Natural Roman Pizza (Charlene A. Edwards-Reitman – Agent), 225 Bay View Rd #500, d/b/a Mario's Natural Roman Pizza

Motion by Decker/Johnson to grant the 2018-19 renewal of Class B Fermented Malt Beverage and Class C Wine license carried.

**E. Granting of the following 2018-19 Renewal Class B Fermented Malt Beverage and Reserve Intoxicating Liquors licenses:**

- 12) Boneyard Pub and Grille, LLC (James F. Jones – Agent), 215 Bay View Road Suite D, d/b/a The Boneyard Pub and Grille
- 13) DAA Smokehouse LLC (Tina M. O'Bryan – Agent), 325 Bay View Road, Suites D/E, d/b/a David Alan Alan's Smokehouse & Saloon

Motion by Decker/Johnson to grant the 2018-19 Renewal Class B Fermented Malt Beverage and Reserve Intoxication Liquors license carried.

- 14) El Pueblo Inc. (Marco Alarcon – Agent), 355 Bay View Road, d/b/a Antigua Real

Motion by Decker/Johnson to grant the 2018-19 renewal of Class B Fermented Malt Beverage and Reserve Intoxicating Liquors licenses contingent upon the Fire Dept inspection approval carried.

**F. Granting of the following 2018-19 Renewal Class B Fermented Malt Beverage and Intoxicating Liquors licenses:**

- 15) Blue Bay Inc. (Vlaznim Islami – Agent), 927 Main Street, d/b/a Blue Bay Family Restaurant
- 16) Community Post No. 375 of the American Legion (Ronald A. Amero – Agent), 627 E. Veterans Way, d/b/a American Legion Community Post #375
- 17) Jay’s Lanes, Inc. (Jeffrey R. Jay – Agent), 326 Atkinson Street, d/b/a Jay’s Lanes
- 18) Sandra M. Miller, 701 Main Street, d/b/a Sandy’s Miller Time
- 19) Pam’s Fine Wines, LLC (Pamela L. Turner – Agent), 100 Main Street Suite 1, d/b/a Pam’s Fine Wines
- 20) Take a Big Bite (Paul J. Hennessy – Agent), 215 N. Rochester Street, d/b/a Fork in the Road

Motion by Decker/Johnson to grant the 2018-19 Renewal of Class B Fermented Beverage and Intoxicating Liquors Licenses carried

- 21) FJ Partners, LLC (Froylan J. Mauricio – Agent), 507 Main Street, d/b/a Sol de Mexico
- 22) Perseverance Corp. (Mark A. Weiss – Agent), 200 S. Rochester St., d/b/a The Badger Burger Co.,

Motion by Decker/Johnson to grant the 2018-19 Renewal of Class B Fermented Malt Beverage and Intoxicating Liquors licenses contingent upon the Fire Dept inspection approval carried.

**Clerk’s Office**

**Resolution 2018-034**

Motion by Decker/Wamser to adopt **Resolution 2018-34** a resolution to establish Municipal Ward 12 in the Village of Mukwonago carried

**Public Works**

**Resolution 2018 – 33**

Motion by Decker/Kettner to adopt **Resolution 2018-33** a resolution to approve the 2017 Compliance Maintenance Annual Report carried.

**Downtown Strategic Planning Committee**

**Final Plan Presentation for the Downtown Strategic Planning Committee**

Tina Chitwood and Jason Wamser with some of the members of the Downtown Strategic Planning Committee gave a presentation of the Final Downtown Strategic Plan that the Committee put together and wants to have a workshop in the fall. No Action was taken.

**Planning Commission**

**To Consider an Application to Amend the Zoning Ordinance to allow a Specialty School as a Permitted Use in Manufacturing Zoning**

Motion by Johnson/Kettner to hold to the Planning Commission’s recommendation of a Specialty School being a Conditional Use and directing staff to implement the Planning Commissions recommendation by reposting and holding a second Public Hearing on July 18<sup>th</sup> at a Special Planning Commission meeting carried.

**Resolution 2018-035**

Motion by Decker/Johnson to adopt **Resolution 2018-035** a resolution to approve a general development plan allowing modifications as a Planned Unit Development for construction of 48 residential condominium units within 24 buildings by Bielinski Homes subject to the following conditions carried:

1. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to the submitted plans on file in the office of the Village Zoning Administrator, except enhanced landscaping and building design plans shall be submitted for Plan Commission approval prior to the Final Development Plan review.
2. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to the requested modifications as listed above and as shown on the Sheet C.1, entitled "Condominium Site Plan" on file in the office of the Zoning Administrator.
3. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to all applicable conditions of approval of the Chapman Farms Preliminary Plat of Subdivision, approved via Resolution No. 2018-024 by the Village Board on April 18, 2018.
4. Approval of this Planned Unit Development General Development Plan for 48 condominium units within 24 buildings shall be subject to the entire Final Development Plan submittal conformance to all applicable Village development ordinances, standards and policies, including but not limited to: a Storm Water Management Plan, a Storm Water Maintenance Agreement and Homeowners Association Documents.

**Resolution 2018-036**

Motion by Decker/Johnson to adopt **Resolution 2018-036** a resolution for a Conditional Use Permit to allow for an addition and alterations to Fluery's Auto Body located at 1006 Main Street subject to the following conditions carried:

1. The on-going operation of auto body shop shall be consistent with the written information and plans submitted by the applicant along with statements made at the public hearing by the applicant or by others on behalf of the applicant.
2. Any future expansion or changes to the plan of operation as presented shall gain a new or amended Conditional Use approval.
3. The property shall be always maintained in a clean and presentable condition. No debris shall accumulate on the site. Prior to the issuance of a building permit for the presented new building and addition, applicant shall designate one area on the site plan for the storage of scrap metal and used auto parts, as approved by the Zoning Administrator. All scrap metal and auto parts shall be stored only within the designated area and shall be periodically removed from the site.
4. This Conditional Use approval shall not be transferred within the subject property to another Conditional Use category without submittal and approval for a new Conditional Use.
5. If this Conditional Use remains in good standing, this Conditional Use may be transferred ownership without gaining a new Conditional Use.
6. Prior to issuance of the first building permit for the use, applicant shall pay all required charges and fees to the Village. In addition, any other charges and fees accrued during construction shall be paid before to issuance of an occupancy permit.

7. Applicant and/or property owner shall be responsible for enforcement of all requirements of this Conditional Use approval. If not enforced by property owner, the property owner will be responsible for compliance and financial penalties as allowed by municipal code.

**Resolution 2018-037**

Motion by Decker/Wamser to adopt **Resolution 2018-037** a resolution approving architectural review for exterior alterations at 727 East Veterans Way (CTH NN) requested by Mallory Mukwonago TC, LLC carried.

**Resolution 2018-038**

Motion by Decker/Johnson to adopt **Resolution 2018-038** a resolution approving site plan and architectural review to allow for an addition and alterations to Fluery's Auto Body located at 1006 Main Street subject to the following conditions carried:

1. Site Plan and Architectural Review approval for the expansion of Fleury Auto Body shall be subject to all plans and information submitted for the application by the applicant, Raposa Design and Endpoint Solutions, with all plans and information on file in the office of the Zoning Administrator. The plans may be further modified to conform to other conditions of approval; the building and floor plans may be modified with the approval of the Zoning Administrator and Supervisor of Inspections to conform to Building and Fire Safety Codes and all plans may be further modified to conform to Village design standards. However, the basic layout and design of the site shall remain unchanged.
2. Prior to the start of any site construction or issuance of a building permit, whichever occurs first, the following shall occur:
  - a. All final site development plans shall be consistent with the plans noted in Condition No. 1 or as modified.
  - b. Approval of the site construction and building plans by the Fire Chief, which may include, but are not limited to, Knox Box and notification requirements, internal fire suppression, external fire department connection location and hydrant locations.
  - c. Approval of the site construction plans by the Utilities Director to protect existing utilities on and around the site.
  - d. Approval of building plans by the Building Inspector after receipt of approval of building plans by the State of Wisconsin.
  - e. The Supervisor of Inspection, the Utilities Director and the Public Works Director shall approve all site engineering and utility plans and documents, including a complete Erosion Control Plan.
  - f. Approval of building plans shall include appropriate locations of the external mechanical equipment to be placed hidden from view from neighboring properties, as approved by the Zoning Administrator.
3. Prior to temporary occupancy issuance, and if needed prior to final occupancy permit, the following shall occur:
  - a. Completion of all site grading in accordance with submitted and approved plans.
  - b. Completion of the building in accordance with approved plans and all applicable codes.
  - c. Completion of paving of driveways and parking lots, including parking space pavement markings and all other pavement markings.
4. Prior to final occupancy permit, which shall be issued no later than 120 days after any temporary occupancy permit, the following shall occur:

- a. Completion of all items required in Condition No. 3.
- b. Installation of all site landscaping as shown on approved plans.

**Convene into Closed Session**

Motion by Johnson/Decker to convene into closed sessions 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 discussion and possible action related to First Right of Refusal on a property and letters of intent for businesses wanting to build in the new industrial park upon a roll call vote at 8:37 p.m.

Reconvene into open session 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 upon a roll call vote at 8:38 p.m.

Motion by Decker/Johnson to approve the First Right of Refusal and authorize the Village President to execute the agreement carried.

Other items have been directed to staff and Village Attorney as proposed in closed session.

**Adjournment**

Meeting adjourned at 8:39 p.m.

Respectfully Submitted,

Judith A. Taubert  
Clerk-Treasurer