

MINUTES OF THE REGULAR VILLAGE BOARD MEETING Wednesday, October 17, 2018

1. Call to Order

Village President Winchowky called the meeting to order at 6:32 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

2. Roll Call

Board Members present: Fred Winchowky, Village President
Jim Decker
Darlene Johnson
Karl Kettner
Mark Penzkover
Jason Wamser

Board Members excused: Jay Vermeulen

Also present: Ron Bittner, Public Works Director
Mark Blum, Village Attorney
Dave Brown, Utilities Director
Diana Doherty, Finance Director
Bruce Kaniewski, Planner/Zoning Administrator
John Weidl, Administrator/Economic Development Director
Dan Streit, Police Lieutenant
Andy Wegner, Assistant Fire Chief
Cynthia Howard, Recording Secretary

3. Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

4. Announcement of Closed Sessions

Announcement of closed sessions pursuant to Wis. Stat. **§19.85(1)(c)** (*Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility*) Discussion of Services Agreement with Braatz and Howard for Clerk's Office; 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*) Discussion and possible action regarding waste haul agreement with John's Disposal. Wis. Stat. **§19.85(1)(g)** (*conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*) Potential claim against Realty Income Corporation and Sherwin Williams for enforcement of the Village's storm water maintenance requirements.

5. Comments from the Public

Marilyn McCarthy, S108W27690 Maple Ave, Mukwonago, WI addressed the Board. President Winchowky closed public comment at 6:37 p.m.

6. Consent Agenda

- A. Approval of minutes of the September 19, 2018 regular Village Board Meeting and October 3, 2018 Special Village Board Meeting
 - B. Finance Committee
 - 1. Vouchers payable batches
 - a) Payments batch LIBAP - \$19,931.95
 - b) Payments batch AP-10-2018-1 - \$891,622.43
 - 2. Approval of Village of Mukwonago/Super Products LLC Conflict Waiver Inquiry
 - 3. Review and Approve Changes to the Proposed 2019 Capital Budget
 - C. Economic Development
 - 1. Approve **RESOLUTION 2018-061** to Support the Connect Communities Program of Mukwonago
 - D. Health and Recreation Committee
 - 1. ~~Authorize the Village President to Sign the Easement and Permission Page for the Electric Transmission Line Easement and Tower Replacement Project~~
 - E. Judicial Committee
 - 1. Approve Original Class A Beer and Liquor Combo
 - a) Martin M Johnson, 411 Main Street, d/b/a Main Street Liquor
 - b) Grant 'Change of Agent' to Mark E Clark for Kwik Trip #282
 - F. Public Works Committee
 - 1. ~~Approve Task Order for TID #5 Phase 2 for \$105,300~~
 - 2. Approve Release of the 20-foot Easement on the Moseler Property and Approve Replacement 20-foot Storm Water Access Easement
 - G. Village Attorney
 - 1. ~~Approval of a Preliminary Special Assessment Resolution~~
 - 2. Approve **RESOLUTION 2018-062** a Preliminary Resolution Declaring Intent to Levy Special Assessments
- Motion** by Penzkover/Decker to approve the Consent Agenda Items A-G, excluding items D1, F1, G1&2, carried.

- D.1 Authorize the Village President to Sign the Easement and Permission Page for the Electric Transmission Line Easement and Tower Replacement Project
Discussion ensued regarding the proposed herbicide application and the Village indemnification.

Motion by Decker/Penzkover to approve Consent Agenda Item D1, carried.

- F.1 Approve Task Order for TID #5 Phase 2 for \$105,300
Motion by Penzkover/Decker to forward Consent Agenda Item F1 to the Committee of the Whole Meeting to be held on November 7, 2018, carried.

- G.1&2 Approve **RESOLUTION 2018-062** a Preliminary Resolution Declaring Intent to Levy Special Assessments
Discussion ensued; the Village Engineer confirmed that the McCarthy property is excluded from these assessments.

Motion by Decker/Penzkover to approve the combined Consent Agenda Items G1&2, **RESOLUTION 2018-062** a Preliminary Resolution Declaring Intent to Levy Special Assessments, carried.

7. New Business

A. Finance Director

1. Vouchers payable batches
 - a. Payments batch M-9-2018 - \$130,671.42
 - b. Payments batch US-9-2018 - \$18,284.68
 - c. Payments batch WE-9-2018 - \$34,838.66
 - d. Payments batch AP-10-2018-2 - \$989,764.42
- ~~2. (e) Approve RESOLUTION 2018-063 AMENDING THE 2018 Adopted Budgets for the Village Designated, Fire Designated and Capital Equipment Funds~~
3. (f) Set date and time for Second Budget Workshop the week of October 22
4. (g) Set date and time for Budget Hearing the week of November 12
5. (h) Consider changing the date for the November Village Board Meeting

Motion by Wamser/Johnson to approve the Vouchers Payable Batches 1(a-d), 3(f) Set date and time for Second Budget Workshop the week of October 22, specifically Monday, October 22, 2018 at 5:00 p.m., 4(g) Set date and time for Budget Hearing the week of November 12, specifically Thursday, November 15, 2018 at 5:00 p.m., and 5(h) Change the date of the November Village Board Meeting to Thursday, November 15, 2018 at 5:00 p.m., immediately following the Budget Hearing, carried.

2. (e) Approve RESOLUTION 2018-063 AMENDING THE 2018 Adopted Budgets for the Village Designated, Fire Designated and Capital Equipment Funds
Discussion ensued; the Finance Director confirmed that the Fire Dept. remodel project was initially costing \$434,000 and amended to \$575,000 per the Board's discussion last February. The funding sources are the Pro-health donation and Fire Capital Funds, which will be replenished with new impact fees.

Motion by Decker/Penzkover to Adopt **RESOLUTION 2018-063** AMENDING THE 2018 Adopted Budgets for the Village Designated, Fire Designated and Capital Equipment Funds, Roll Call Vote (6 ayes, 0 nays, 1 absent), carried.

B. Planning Commission

1. Correction of RESOLUTION 2018-041 to RESOLUTION 2018-060 – Incorrect Number used, previously approved at September 19, 2018 meeting.

Motion by Decker/Penzkover to Renumber **RESOLUTION 2018-041** to **RESOLUTION 2018-060**, previously adopted on September 19, 2018, carried.

C. Protective Service Committee

1. Promotion of Deputy Chief – POC Promotion – Information Only
Trustee Johnson reported that Captain Dave Unti was being promoted.

D. Public Works Committee

1. Approve TID #5 Change Order 4 for \$95,754.08
Discussion ensued; the Village Engineer reported that Division of transportation required extras during the permitting process.
Motion by Wamser/Decker to Approve TID #5 Change Order 4 for \$95,754.08, carried.
2. Approve TID #5 Change Order 6 for \$42,475.00
Discussion ensued; the Village Engineer reported that the changes reflected a catch basin being moved and additional traffic control during construction.
Motion by Wamser/Decker to Approve TID #5 Change Order 6 for \$42,475.00, carried.
3. Approve the TID #5 Phase 2 Public Improvement to Rams Contracting, LTD for \$1,195,692.85
Motion by Penzkover/Decker to Approve the TID #5 Phase 2 Public Improvement to Rams Contracting, LTD for \$1,195,692.85, contingent upon an approved developer's agreement. Discussion ensued regarding status of the developer's agreement. Motion withdrawn by maker and second.
Motion by Penzkover/Decker to Approve the TID #5 Phase 2 Public Improvement to Rams Contracting, LTD for \$1,195,692.85, contingent upon Village Attorney review, carried.
4. Approve Ordinance Changes Amending Secs. 42-5(d) and 86-187(b)(1) of the Municipal Code (Installment Option)
Discussion ensued. The Supervisor of Inspections reported that the current ordinances have differing interest rates and the proposal is to change the interest rates to the cost of borrowing plus a 1% administrative fee.
Motion by Wamser/Johnson to Approve **ORDINANCE 952**, an Ordinance Amending Secs. 42-5(d) and 86-187(b)(1) of the Municipal Code (Installment Option), carried.

8. Closed Session

Motion by Penzkover/Decker to move into closed sessions pursuant to Wis. Stat. **§19.85(1)(c)** (*Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility*) Discussion of Services Agreement with Braatz and Howard for Clerk's Office; 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*) Discussion and possible action regarding waste haul agreement with John's Disposal. Wis. Stat. **§19.85(1)(g)** (*conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*) Potential claim against Realty Income Corporation and Sherwin Williams for enforcement of the Village's storm water maintenance requirements, carried upon Roll Call Vote (6 ayes, 0 nays, 1 absent) at 7:12 p.m.

9. Reconvene in Open Session

Motion by Decker/Johnson to 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 carried upon Roll Call Vote (6 ayes, 0 nays, 1 absent) at 7:40 p.m.

1. **Motion** by Penzkover/Decker to Approve Services Agreement with Braatz for Clerk's Office, carried.
2. **Motion** by Penzkover/Decker to Approve Services Agreement with Howard for Clerk's Office, carried.
3. **Motion** by Penzkover/Decker to Authorize the Village Attorney to take enforcement action against Realty Income Corporation and Sherwin Williams if the Village's storm water maintenance requirements are not met by November 2, 2018, carried.

10. Adjournment

Motion by Decker/Penzkover to adjourn the meeting at 7:42 p.m., carried.

Respectfully Submitted,

Cynthia L. Howard
Recording Secretary

Linda Gourdoux
Deputy Clerk-Treasurer