

MINUTES OF THE REGULAR VILLAGE BOARD MEETING Wednesday, February 20, 2019

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
Mark Penzkover
Jason Wamser
Fred Winchowky, Village President

Board Member excused: Jay Vermeulen

Also present: Ron Bittner, Public Works Director
Mark Blum, Village Attorney
Becca Alonge, Village Engineer
Judith Taubert, Clerk-Treasurer
Diana Doherty, Finance Director
Dave Brown, Utilities Director
Bruce Kaniewski, Planner/Zoning Administrator
Kevin Schmidt, Police Chief
Bob Harley, Supervisor of Inspections
Andy Wegner, Deputy Fire Chief
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)** (*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 consideration of ACG Development's Offer to Purchase in the Tri County Business Park, Addendum to Counter Offer from Malcolm to purchase land in the Tri-County Business Park, Potential 915 Main St. sale, discussion regarding TID #5 Liquidated Damages and Potential lease agreement for the Miniwaukan Park Building

Public Hearings

Public hearing for consideration of adoption of **Ordinance 956** to amend Chapter 100 of the Municipal Code regarding Historic Preservation Commission Standards opened at 6:34 p.m.

Public Comments

Sue Perkins, 300 Pearl Ave., read a statement regarding the importance of the Historic Preservation District

Roger Walsh, 142 Oakland Ave., read a statement regarding the Historic District.

Public hearing closed at 6:39 p.m.

Comments from the Public

No public comments

Consent Agenda

Approval of minutes of the January 16, 2019 regular meeting and the February 6, 2019 special meeting

Finance Committee

- 1) Vouchers payable batches
 - a. Payments batch AP 12-2018-5 - \$25,643.40
 - b. Payments batch AP-2-2019-1 - \$111,346.31
 - c. Payments batch WE-012-2019 - \$43,720.47
 - d. Payments batch M- 01-2019 - \$155,174.29
 - e. Payments batch USBANK -1-2019 - \$6,415.09
 - f. Payments batch USBANK – 12-2018 - \$9,650.52
 - g. Payments batch LIB Batch 2 - \$1,621.04
 - h. Payments batch LIB 02-07-2019 - \$10,853.05
 - i. Payments batch JAN SETTLEMENT - \$4,418,170.96
- 2) Recommendation to approve & sign updating the S.M.A.R.T. agreement.
- 3) Recommendation to authorize the Village President to sign the Waukesha County Electronics Collection Event Agreement
- 4) Recommendation to approve an extension of Ruckert & Mielke's Engineering Services Agreement with the Village from 2020-2022
- 5) Recommendation to approve the 2017 Street Project Final Change Order to Close out the project and make payment No. 4 to Stark Pavement Corp.
- 6) Recommendation to award the 2018 Crack Seal Contract to Thunder Road LLC.
- 7) Recommendation to approve the Letter of Credit reduction request from Sarah Hillenbrand of PRE/3 LLC, Premiere Woods to \$0.

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

Committee/Commission Business

Finance Committee

Approval of Vouchers payable batches:

- 1) Payments batch 1-22-19TXOP2 – \$16,362.31
- 2) Payments batch AP 2-2019-2 - \$625,602.62

Motion by Decker/Kettner to approve the Vouchers Payable batches totaling \$641,964.93 carried

Recommendation to adopt the Village's Purchasing Policy Revision with the approved changes

Motion by Kettner/Penzkover to adopt the Village's Purchasing Policy Revision with the approved changes carried.

New Business

Protective Services

Recommendation to use funding from the sale of the LUCAS 2 equipment for the 4G modem upgrades

Motion by Decker/Wamser for the Village to allow using funding from the sale of the

LUCAS 2 equipment for the 4G modem upgrades pending approval by the Town of Mukwonago carried

Approval of ProHealth Care MOU

Motion by Decker/Kettner to approve the ProHealth Care MOU pending approval by The Town of Mukwonago carried

Public Works

Approve Ruekert & Mielke, Inc. Task Order Amendment 2018-03A-1 Deback Drive Infrastructure Design

Motion by Penzkover/Kettner to approve the Task Order Amendment 2018-03A-1 Deback Drive Infrastructure Design carried. Winchowky voted no.

Approve WE Energies Distribution Easement Underground document, subject to Village Attorney approval

Motion by Penzkover/Wamser to approve WE Energies Distribution Easement Underground document subject to Village Attorney approval carried

Approve WE Energies Electric Facility Backbone extension documents, sign Proposal letter, Line Extension Agreement, Grade Verification Form and Sketch return with payment of \$87,050.50.

Motion by Decker/Kettner to approve WE Energies Electric Facility Backbone extension documents, sign proposal letter, Line Extension Agreement, Grade Verification Form and Sketch and return with payment of \$87,050.50 subject to Village Attorney approval carried.

Authorization to move forward with the 915 Main St. land revitalizing project

Motion by Penzkover/Decker to award the Environmental and Asbestos Abatement to Terracon for \$16,700 subject to Village Attorney's approval of reviewing of contract carried.

Motion by Penzkover/Decker to award the Demolition & Site restoration to Gunderson for the amount of \$64,250.00 lump sum and plus unit rate of \$53.00 per ton for soil loading and hauling subject to Village Attorney's approval of reviewing of contract carried.

Motion by Penzkover/Decker to approve Ruekert & Mielke to prepare NOY and Erosion Control plan for site not to exceed \$10,000 carried

Planning

Resolution 2019-009

Motion by Penzkover/Decker to adopt **Resolution 2019-009** a resolution for a Conditional Use Permit to approve a general development plan amending and allowing modifications as a planned unit development for construction of 34 residential condominium units within 17 buildings, Edgewood Meadow Condominiums, Bryce P. Styza, Harmony Homes, applicant, with an edit and addition of the wording verify consent after the updated Homeowners Association Documents in condition #4 carried.

Ordinance 956

Motion by Penzkover/Kettner to adopt **Ordinance 956** an ordinance to amend sections 100-303, 100-305 and 100-306 of the Village of Mukwonago Municipal Code regarding the Historic Preservation Commission carried.

Convene into Closed Session

Motion by Decker/Johnson to convene into closed sessions at 7:15 p.m. pursuant to Wis. Stat. **9.85(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 consideration of ACG Development's Offer to Purchase in the Tri County Business Park, Addendum to Counter Offer from Malcolm to purchase land in the Tri-County Business Park, Potential 915 Main St. sale, discussion regarding TID #5 Liquidated Damages and Potential lease agreement for the Miniwaukan Park Building

Motion by Decker/Johnson to adjourn closed session and reconvene into open session at 8:01 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/Decker to approve the addendum to counter offer from Malcolm to purchase land in the Tri-County Business Park with Conditional Use language for outdoor storage carried.

Motion by Penzkover/Decker to approve the offer from Michael Erkamaa for the purchase of the property at 915 Main Street as presented with the condition that the offer be revised to provide that the letter of credit will be released as follows:

1. 50% at the time that the building inspector has approved the footings and foundation for the first building and that said building is roughed in; and the remaining
2. 50% at the time that occupancy of the first building is obtained.

Motion carried.

Staff to follow directions as discussed in closed session.

Adjournment

Meeting adjourned at 8:03 p.m.

Respectfully Submitted,

Judith A. Taubert
Clerk-Treasurer