

MINUTES OF THE REGULAR VILLAGE BOARD MEETING Wednesday, August 21, 2019

Call to Order

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

Roll Call

Board Members present: Eric Brill
Jim Decker
Darlene Johnson
Jay Vermeulen
Roger Walsh
Jason Wamser
Fred Winchowky, Village President

Also present: John Weidl, Village Administrator
Ron Bittner, Public Works Director
Mark Blum, Village Attorney
Dave Brown, Utilities Director
Diana Dykstra, Clerk-Treasurer
Diana Doherty, Finance Director
Ben Kohout, Village Planner
Kevin Schmidt, Police Chief
Jerad Wegner, Village Engineer

Pledge of Allegiance

Closed Session

President Winchowky announced there will be a closed session 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 concerning establishing negotiation strategy for the possible sale of land at the southwest corner of W. Boxhorn & Hill Court in the Village of Mukwonago Industrial Park, and for discussion concerning establishing negotiation strategy for the proposed Judson listing contract for the 14.356 acre parcel known as Walworth County Tax Key # A477300004, and pursuant to **Wis. Stats. §19.85 (1)(g)** (*Conferring with legal counsel*) concerning the status of the Greenwald Family Limited Partnership vs. Village of Mukwonago litigation.

Public Hearings

Item 1 - A Public Hearing to consider an application for zoning district boundary change (Petrauski-Phantom Lakes- CTH LO) from A-1 Agricultural District with existing Floodplain Overlay, to R-5 Low Density Multi-Family Residential District with existing Floodplain Overlay for MUKV1979992 and MUKV1979991 vacant property on the south side of County Highway LO, approximately 700 feet east of County Highway I.

President Winchowky opened the public hearing. No one was present to speak, and hearing no public comment, the Public Hearing was closed at 6:32pm.

Item 2 - A Public Hearing to amend Sections 100-352 and 100-354 of the Village of Mukwonago Municipal Zoning Ordinance regarding Conditional Uses.

President Winchowky opened the public hearing. No one was present to speak, and hearing no public comment, the Public Hearing was closed at 6:33pm.

Item 3- A Public Hearing to amend a Final Assessment Resolution in accordance with Wisconsin Statute Section 66.0703(10) to correct an error in the assessment that was made by the Board on or about October 24, 2009 for the assessment against the property at 318 Gibson Street Tax Key Nos. MUKV1974.003 and MUKV1974.005.

President Winchowky opened the public hearing. No one was present to speak, and hearing no public comment, the Public Hearing was closed at 6:35pm.

Comments from the Public

None.

Consent Agenda

Johnson/Vermeulen motion to remove the following items from the Consent Agenda:

Approve the Mukwonago Meadowland Townhomes Development Agreement

Approve the Mukwonago Meadowland Townhomes Stormwater Management Agreement

Unanimously carried.

Decker/Johnson motion to approve the following Consent Agenda items with the exception of the Mukwonago Meadowland Townhomes Development Agreement, and the Storm Water Management Agreement. Unanimously carried.

A. Approval of the minutes for July 17, 2019 regular Village Board meeting and August 7, 2019 Special Village Board meeting.

B. Finance Committee

1. Approval of Voucher payable batches

Payments batch – AP 08-2019-1	\$426,393.40
Payments batch – M 07-2019	\$142,808.27
Payments batch – LIBAP 7-2019	\$18,687.63
Payments batch – US 7-2019	\$12,022.00
Payments batch – WE 7-2019	\$36,526.38
Payments batch – CABLE 7-2019	\$5,926.44

C. Health and Recreation Committee

1) Approve conducting an Impact Fee Study for Parks.

D. Public Works Committee

1) Approval of the Adaptive Management Plan and authorize the Village President to execute same.

2) Approve the amended **Preliminary Special Assessment Resolution 2019-036** for infrastructure improvements for the Chapman Farm Development. *(note public hearing will be held on September 18, 2019)*

E. Protective Services Committee

1) Approval for the Police Department to work with SCIT to raise funds and purchase an armored vehicle, with the Village of Mukwonago portion not to exceed \$35,000.

2) Approval to authorize the WI DOT to install the Emergency Vehicle Pre-emption device on the traffic standards at the intersection of STH83 & CTH NN, and authorize the Village President to execute the EVP agreement.

Approve the Mukwonago Meadowland Townhomes Development Agreement

Decker/Brill motion to approve the Mukwonago Meadowland Townhomes Development Agreement. Roll Call: "Yes" Trustee Brill, Decker, Walsh, Wamser, and President Winchowky. "NO" Trustee Johnson, and Vermeulen. Motion carried.

Approve the Mukwonago Meadowland Townhomes Stormwater Management Agreement

Decker/Brill motion to approve the Mukwonago Meadowland Townhomes Stormwater Management Agreement. Roll Call: "Yes" Trustee Brill, Decker, Vermeulen, Walsh, Wamser, and President Winchowky. "No" Trustee Johnson. Motion carried.

Committee/Commission Business

Public Works Committee

Purchase Requisition for Fahrner Asphalt for flex patch installation in the amount of \$24,921.

Wamser/Brill motion to approve the purchase requisition for Fahrner Asphalt for flex patch installation in the amount of \$24,921. Unanimously carried.

Purchase Requisition for Lynch Chevrolet Mukwonago for a 2020 Chevrolet Silverado with Plow in the amount of \$38,188.88.

Wamser/Decker motion to approve a purchase requisition for Lynch Chevrolet Mukwonago for a 2020 Chevrolet Silverado with Plow in the amount of \$38,188.88. Unanimously carried.

New Business

Finance Committee

Vouchers payable batches

Vermeulen/Johnson motion to approve Voucher Payable Batch Payments AP08-2019-2 - \$372,304.46 and Tax Settlement \$1,210,409.22. Unanimously carried.

Planning Commission

Resolution 2019-038 a resolution to approve a General Development Plan allowing Business Mixed Use Development and modifications as a Planned Unit Development for Tax Key MUKV2013995007 from Infinity Development, LLC (*Great Life*)

Decker/Wamser motion to approve Resolution 2019-038 a resolution to approve a General Development Plan allowing Business Mixed Use Development and modifications as a Planned Unit Development for Tax Key MUKV2013995007 from Infinity Development, LLC (*Great Life*).

Unanimously carried.

Ordinance 2019-966 An Ordinance to amend the Zoning District Map of the Village of Mukwonago on behalf of Infinity Development, LLC for Tax Key MUKV1979992 and MUKV1979991 to rezone from A-1 Agricultural District with existing flood plain overlay, to R-5 Low Density Multi-Family Residential District with existing flood plain overlay.

It was noted Plan Commission tabled this recommendation on August 13, 2019. Attorney Blum noted the Village Board should have a recommendation either way from Plan Commission before taking action. Walsh/Decker motion to table Ordinance 2019-966 An Ordinance to amend the Zoning District Map of the Village of Mukwonago on behalf of Infinity Development, LLC for Tax Key MUKV1979992 and MUKV1979991 to rezone from A-1 Agricultural District with existing flood plain overlay, to R-5 Low Density Multi-Family Residential District with existing flood plain overlay.

Unanimously carried.

Resolution 2019-039 A Resolution to approve signage for CI Banker Wire & Iron Works, Inc. at 123 W. Boxhorn Drive.

Wamser/Decker motion to approve Resolution 2019-039 a resolution to approve signage for CI Banker Wire & Iron Works, Inc. at 123 W. Boxhorn Drive. Unanimously carried.

Resolution 2019-040 A Resolution to approve a two-lot Certified Survey Map (CSM) for MUKV1978999002 (*Helminiak*)

Wamser/Walsh motion to approve **Resolution 2019-040** a resolution to approve a two-lot Certified Survey Map (CSM) for MUKV1978999002 (*Helminiak*). Unanimously carried.

Resolution 2019-041 A Resolution to approve a 4-Lot Certified Survey Map dated August 1, 2019 prepared by B.W. Surveying, Inc., subject to documentation of Town Board approval. (*S and S Frost Holdings LLC*).

Wamser/Decker motion to approve **Resolution 2019-041** A Resolution to approve a 4-Lot Certified Survey Map dated August 1, 2019 prepared by B.W. Surveying, Inc., subject to documentation of Town Board approval. (*S and S Frost Holdings LLC*). Unanimously carried.

Ordinance 2019 – 967 An Ordinance to amend sections 100-352 and 100-354 of the Village of Mukwonago Municipal Code regarding conditional uses.

Wamser/Decker motion to approve **Ordinance 2019 – 967** An Ordinance to amend sections 100-352 and 100-354 of the Village of Mukwonago Municipal Code regarding conditional uses. It was noted this change is pursuant to Act 67 mandates for a certified list of standards for conditional use permits. Unanimously carried.

Approve Letter of Credit No. HACH5480440S elimination for Arby's/BP Expansion Development, DC Properties, LLP

Johnson/Decker motion to approve Letter of Credit No. HACH5480440S elimination for Arby's/BP Expansion Development, DC Properties, LLP. Unanimously carried.

Approve Resolution 2019- 037 An Amended Final Special Assessment Resolution for the property at 318 Gibson Street Tax Key Nos. MUKV1974.003 and MUKV1974.005, to reduce the 6" water main assessment for parcel MUKV1974.005 to coincide with the actual amount of water main installed, which was 40 feet less than what was originally assessed in 2009, and remove the sanitary sewer main assessment for parcel MUKV1974.003.

Decker/Walsh motion to approve **Resolution 2019- 037** An Amended Final Special Assessment Resolution for the property at 318 Gibson Street Tax Key Nos. MUKV1974.003 and MUKV1974.005, to reduce the 6" water main assessment for parcel MUKV1974.005 to coincide with the actual amount of water main installed, which was 40 feet less than what was originally assessed in 2009, and remove the sanitary sewer main assessment for parcel MUKV1974.003. Unanimously carried.

Village Administrator

Village Administrator Weidl reviewed the Economic Development Summit materials and overall event details of the well-attended event.

Village President

Update on East Troy Bike Trail

President Winchowky noted he met with the Town of East Troy Chairman and wanted to provide an update on the bike trail. They are still working on it. They were having railroad issues and hoping to get the County involved.

Proclamations

Proclamation from President Winchowky proclaiming September 22 - 28, 2019 as National Rail Safety Week.

Johnson/Decker motion to approve a Proclamation from President Winchowky proclaiming September 22 - 28, 2019 as National Rail Safety Week. Unanimously carried.

Correspondence

President Winchowky presented a letter from Mukwonago Lions Foundation, Inc, thanking the Village

Board of Trustees for their continued support.

President Winchowky reviewed a Notice from Town of Vernon regarding adoption of their Comprehensive Master Plan.

Closed Session

Decker/Johnson motion 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 concerning establishing negotiation strategy for the possible sale of land at the southwest corner of W. Boxhorn & Hill Court in the Village of Mukwonago Industrial Park, and for discussion concerning establishing negotiation strategy for the proposed Judson listing contract for the 14.356 acre parcel known as Walworth County Tax Key # A477300004, and pursuant to **Wis. Stats. §19.85 (1)(g)** (*Conferring with legal counsel*) concerning the status of the Greenwald Family Limited Partnership vs. Village of Mukwonago litigation.

Roll Call: "Yes" Trustee Brill, Decker, Johnson, Vermeulen, Walsh, Wamser, and President Winchowky. Unanimously carried.

Open Session

Decker/Johnson motion 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 at 8:18pm.

Roll Call: "Yes" Trustee Brill, Decker, Johnson, Vermeulen, Walsh, Wamser, and President Winchowky. Unanimously carried.

Adjournment

Meeting adjourned at 8:19pm.

Diana A. Dykstra, CMC
Clerk-Treasurer