

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING Wednesday, September 4, 2019

Call to Order

The Village President Winchowky called the meeting to order at 6:05p.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
Roger Walsh
Jason Wamser
Fred Winchowky, Village President
Excused Jay Vermeulen

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
Kevin Schmidt, Police Chief
Jerad Wegner, Village Engineer

Early exploration request from 915 Main Street with The Pointe Apartments, LLC

Wamser/Brill motion to suspend the rules and allow Jay Campbell to speak. Unanimously carried. Jay Campbell explained winter is coming and they hope to get atleast two foundations completed. Their request is to install construction fence, spot the office trailer, and allow a surveyor on the property to stake out building locations. He noted they wouldn't break ground until official closing date, they just felt two weeks would assist in this process.

Attorney Blum noted this was not a normal request. He advised of potential issues with damage to property, restoration, injuries or liabilities. If the Board was inclined to approve he would suggest a hold harmless agreement, post a bond for \$5,000, insurance naming the Village as additional insured, and waive all developer contingencies. He noted he would rather have contingencies waived and schedule a closing tomorrow.

Wamser/Johnson motion to deny the early exploration request from 915 Main Street with The Pointe Apartments, LLC. Unanimously carried.

Closed Session

Decker/Johnson motion to convene into closed sessions pursuant to **Wis. Stats. § 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 negotiation with the Professional Firefighters Local 4585, and regarding Willkomm Excavating & Grading Inc. offer to settle liquidated damages and project close out for TID#5, and pursuant to **Wis. Stats § 19.85 (1) (g)** (*Conferring with legal counsel who either orally or in writing will advise governmental body on strategy to be adopted with respect to current or likely litigation*) concerning the status of the Greenwald Family Limited Partnership vs. Village of Mukwonago litigation. Roll Call: "Yes" Trustee Brill, Decker, Johnson, Walsh, Wamser, and President Winchowky. Motion Carried.

Decker/Johnson motion to reconvene into open session pursuant to Wis. Stats. **§19.85(2)** for possible discussion and/or action concerning any matter discussed in closed session.
Roll Call: "Yes" Trustee Brill, Decker, Johnson, Walsh, Wamser, and President Winchowky.
Motion Carried.

Brill/Decker motion to approve a resolution of closure with liquidated damages with Willkomm Excavating & Grading, Inc. Unanimously carried.

Adjournment

Meeting adjourned at 7:26pm.

Respectfully Submitted,

Diana A. Dykstra, CMC
Clerk-Treasurer