

President Wagner called the Village Board meeting to order on January 6, 2004 at 7:30 p.m. Members present: FICKAU, COATS, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: Library Director McBride, Building Inspector/Zoning Administrator Hankovich, DPW Supv Brandemuehl, Police Lt. LaDue, WWTP Supv Piquett, Water Supv Walenczyk, & Attorney Reilly.

President Wagner announced that the Village would adjourn into closed session at the end of the meeting.

Moved by Fickau, seconded by Fennel, to approve the minutes of the December 16, 2003 meeting as presented. Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE – Moved by Odier, seconded by Fickau, to approve the following vouchers: Village \$112,278.74; Fire/Amb \$1,330.30; TID General \$35,855.70; TID Sewer/Water \$483,370.16; Recycling \$610.00; Library \$3,446.32; 2001 GO \$571.86; Water \$41,339.14; Sewer \$44,309.94; Taxroll \$19,415.28. Motion carried without a negative vote.

PERSONNEL – The Police Patrolman contract will be discussed at the next meeting in closed session. Moved by Debe, seconded by Coats, to approve Resolution 2004-01: **A RESOLUTION RELATING TO VILLAGE OF MUKWONAGO WAGE SCHEDULE FOR PART-TIME EMPLOYEE.** Motion carried without a negative vote. Moved by Debe, seconded by Fennel, to approve the appointment of John Hogan as Assessor Coordinator for the Village. Motion carried without a negative vote. Moved by Debe, seconded by O'Bryan, to approve Resolution 2004-03: **A RESOLUTION FOR INCLUSION UNDER GROUP LIFE INSURANCE.** Motion carried without a negative vote. The Committee is still working on the final draft of the handbook.

JUDICIAL – Moved by O'Bryan, seconded by Coats, to approve the application for temporary Class B Picnic license to St. James School for January 16, 2004. Motion carried without a negative vote.

ATTORNEY: Moved by O'Bryan, seconded by Debe, to approve Resolution 2004-02: **A RESOLUTION TO PROVIDE FOR A RAILROAD TRACK PEDESTRIAN CROSSING.** Motion carried without a negative vote. Moved by Fickau, seconded by Coats, to reduce the Letter of Credit for Two Rivers Subdivision to \$33,000.00. Motion carried without a negative vote.

VILLAGE PRESIDENT: Moved by Wagner, seconded by Debe, to reconsider the motion made at the last meeting regarding the reduction of the impact fees for the Jerry Martens building. Motion carried on a vote of 6 ayes and 1 nay (Fickau voting 'no'). Moved by O'Bryan, seconded by Debe, to not forgive any impact fees for the Jerry Martens building. Motion carried on a vote of 5 ayes and 2 nays (Fickau and Fennel voting 'no'). Moved by Coats, seconded by Debe, to accept the appointment of Keith Munson, National Appraisal Corp., 3359 S. 13th Street, Milwaukee 53215, as the Assessor for the Village of Mukwonago. Motion carried without a negative vote.

CORRESPONDENCE: Referred to the Public Works Committee the disposition of the Adler Property on Division Street. DPW will maintain the building until a decision is made.

NEW BUSINESS: Moved by Fickau, seconded by Fennel, to approve the Time Warner permit for underground utilities on Bay View Road. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve the WE-Energies permits for 617 Stoecker Farm Ave; 715 Stoecker Farm Ave; and 1317 Two Rivers Court. Motion carried without a negative vote.

Moved by Debe, seconded by O'Bryan, to adjourn into closed session at 7:53 p.m. pursuant to State Statute 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. – 2004 Wages and Salaries for employees. Motion carried unanimously upon roll call.

President Wagner called the Village Board to order on January 20, 2004 at 7:30 p.m. Members present: FICKAU, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: Library Director McBride, Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv Piquett, Attorney Reilly, Water Supv Walenczyk, Bldg Insp/Zoning Admin Hankovich, & Engineer Peot. President Wagner announced that the Village would adjourn into closed session at the end of the meeting. December 2003 Treasurer, Mileage, Police, Fire and Library reports were placed on file in the Clerk's Office. Moved by Fickau, seconded by Fennel to approve the minutes of the January 6, 2004 meeting as amended. (Amendment was a correction to the spelling of the Andler property, was spelled incorrectly as 'Adler'.) Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE – Moved by Odier, seconded by Fickau, to approve the following vouchers: Village \$85,730.59; Fire/Amb \$22,182.90; WDF \$2,000.00; TID General \$279,569.18; TID S/W \$669,806.66; Recycling \$30,010.50; Capital Equip \$14,497.71; Library \$10,987.61; 2001 GO \$14,475.00; Water \$14,953.46; Sewer \$10,914.60; Taxroll \$1,896,484.53. Motion carried without a negative vote.

JUDICIAL – Moved by O'Bryan, seconded by Odier, to approve the operator's license for Lori A. Gorzalski. Motion carried without a negative vote. Moved by O'Bryan, seconded by Debe, to approve the Temporary Class B Beer permit for St. James School for January 29, 2004. Motion carried without a negative vote. Train whistle issue will remain on the agenda and we will have a special meeting on February 23rd at 7:00 p.m. to discuss this item.

PERSONNEL – Moved by Debe, seconded by O'Bryan, to accept the recommendation of the Personnel Committee to tentatively approve the Police Patrolman Contract based on the Village President's signature on the draft contract. [Items contract refers to are: 2 year contract; 1st 6 months they would receive 1 ½% wage increase and July 1st they would receive additional 1% and in 2005 they would receive the same wage increase and same formula; they would contribute 5% toward the health insurance; dental insurance would be at their own expense if they choose to keep BC/BS Dental; and they would receive \$720 AFLAC contribution for family and \$360 for single and this would be based on what dental insurance coverage they carried in 2003.] Motion carried on a vote of 5 ayes and 1 nay (Fickau voting 'no'). The draft of the Employee Handbook should be ready in February and a copy will be sent to the Personnel Attorney for review before the Board takes action on it.

HEALTH & RECREATION – Phantom Lake bill and the use of the Fire Station community room will remain on the agenda.

PUBLIC WORKS – The DPW office located in the Village Hall is being moved to the Village Garage. Sidewalk repair proposal and timetable will be ready in February. Committee is reviewing the WE Energies list of streetlights. Moved by Fickau, seconded by O'Bryan, to accept the committee recommendation to advertise the sale of the Andler House at 509 Division Street. Bids would need to be in by the 1st of May and building removed by October 1, 2004. Motion carried without a negative vote. A solution may have been reached regarding the garbage left out on the curb. At no cost to the Village, the vendor will send a truck through the Village to check out garbage left at the curb on non-pick up days. They will then send out letters to the property owners to let them know what they are doing wrong and provide the Village with a copy. Contract was referred back to the Health & Recreation Committee. Residents in Whispering Bay no longer have anything to do with the developer. The Association wants the Clerk's Office to write the developer regarding the Street Lights and copy the Association on the letter. Review of the street light request for the intersection of Bay Street and Spring Street will remain in committee.

UTILITIES – The committee is reviewing the sewer backup at 1101 River Park Circle West. Committee wants the Village Attorney to pursue the proposed well drilling agreement with the Phantom Lake site. Storm Water Utility will remain in committee.

PLAN COMMISSION – Moved by Fennel, seconded by O'Bryan, to accept the Plan Commission recommendation to authorize the Village President and any department head to sign

a support letter for the Birch Rock development. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to accept the Plan Commission recommendation to adopt Ordinance No. 720: **AN ORDINANCE TO APPROVE THE ATTACHMENT OF PROPERTY TO THE VILLAGE OF MUKWONAGO FROM THE TOWN OF MUKWONAGO PURSUANT TO THE MUNICIPAL BOUNDARY AGREEMENT WITH THE TOWN OF MUKWONAGO.** [East Troy Railroad] Motion carried without a negative vote.

VILLAGE PRESIDENT: Moved by O'Bryan, seconded by Fickau, to accept the letter of resignation from Trustee Kevin Coats. Motion carried without a negative vote. Moved by Odier, seconded by Fennel, to accept the Village President's appointment of Roberta Boczkiewicz as Historian to the Historic Preservation Commission. Motion carried without a negative vote.

CORRESPONDENCE: Letter from Roth Law Firm regarding Impact Fees was referred to the Village Attorney to deny.

NEW BUSINESS: Moved by Debe, seconded by Fennel, to authorize the Village President to sign the WE Energies permit for 143 Amanda Ct; 757 Small Farm Road; & 709 Stoecker Farm Ave. Motion carried without a negative vote.

Moved by Fennel, seconded by Debe, to adjourn into closed session at 8:04 p.m. pursuant to State Statute 19.85(1)(e): Deliberating or negotiating the purchasing or public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. – Police Dispatch Contract. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the special meeting of the Village Board to order on January 26, 2004 at 6:43 p.m. Members present: FICKAU, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: Police Chief Winchowky, Police Lt. LaDue, & Attorney Buikema. Moved by Debe, seconded by Fennel to approve the Mukwonago Dispatchers Association Contract for 2004-2005. Basic negotiated changes in the contract items:

1. Employees shall pay five percent (5%) of the Health Insurance premium. After the five percent (5%) paid by the employee, the
2. Wages will be 2.5% in 2004 and 2.5% in 2005.
3. Village shall fund a 125 plan in lieu of Dental Blue plan as follows:
Family - \$720.00/year
Single - \$360.00/year

For the 2005 contract year only, in the event the State does discontinue the dental plan as part of the Humana plan, the Village would then make available a dental plan, and would discontinue paying the \$720.00 (family) or \$360.00 (single) into the 125 plan and instead pay the \$1,020.00 (family) or \$510.00 (single) as the Village contribution toward a dental plan, which is comparable to the Humana plan.

4. Effective January 1, 2004, the Village will also make a contribution equal to two and one-half percent (2.5%) of an employee's wages to a deferred compensation program.
5. Members of the bargaining unit shall reside within a twenty-five (25) mile radius of the Village Square.
6. Life Insurance offered – at the employee's cost – same language as was agreed to with the Police Union.

Moved by Fennel, seconded by O'Bryan and carried to adjourn the meeting at 6:44 p.m.

Bernard W. Kahl, MMC

Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on February 3, 2004 at 7:30 p.m. Members present: ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Member excused: FICKAU. Also present: Library Director McBride, Police Chief Winchowky, Fire Chief Rolfe, DPW Supv Brandemuehl, WWTP Supv Piquett, Attorney Reilly, & Water Supv Walenczyk. Moved by Fennel, seconded by O'Bryan, to approve the minutes of the January 20th and 26th meetings as presented. Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE – Moved by Odier, seconded by Debe, to approve the following vouchers: Village \$71,585.03; Fire/Amb \$12,517.40; TID General \$5,480.82; TID S/W \$36,359.79; Library \$99,977.03; 2001 GO \$1,382.75; Water \$61,126.13; Sewer \$12,872.91; Taxroll \$684.57. Motion carried without a negative vote.

PERSONNEL – Moved by Debe, seconded by O'Bryan, to approve the request of the Library Director to hire a part-time employee. Motion carried without a negative vote. Moved by Debe, seconded by Fennel, to approve Resolution 2004-04: A RESOLUTION RELATING TO VILLAGE OF MUKWONAGO SALARY AND WAGE SCHEDULES FOR NON-REPRESENTED FULL-TIME AND PART-TIME EMPLOYEES. Motion carried without a negative vote. Committee handed out a summary of proposed changes to the employee handbook. Board members are to email the Clerk with any thoughts or changes so they can be passed onto the Committee.

JUDICIAL – Moved by O'Bryan, seconded by Debe, to approve the application for temporary Class B Picnic license to the Knights of Columbus for February 6, 2004. Motion carried without a negative vote.

PROTECTIVE SERVICES – 2005 salaries for the Fire Department, Purchase of Fire Chief Vehicle, MABAS Contract, Contract with City of Waukesha Fire Dept Special Services Team, Able Alarm Systems, and Paramedic Student Contract will remain in committee. Fire Inspection fees, Mutual Aid Box Alarm, and Paramedic Contract with Waukesha Memorial should be removed from the agendas.

VILLAGE ATTORNEY: Attorney was directed to draft a Resolution to be presented at the next Village Board meeting supporting a bill relating to Radium in Well Water. Moved by Odier, seconded by Fennel, to approve the Mukwonago Fire Department Durable Medical Equipment Supplier Agreement. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to authorize the Village Attorney to have the Village Engineer attend the hearing by the Railroad Commission if his testimony is needed on March 10, 2004. The hearing is for placement of a pedestrian path over the railroad tracks in Indian Head Park. Moved by Debe, seconded by Fennel, to approve the Sanitary Sewer and Access Easement for TID #3 – DeBack property. Motion carried without a negative vote.

VILLAGE PRESIDENT: Appointment for HPC can be removed from the agenda.

Moved by Debe, seconded by Fennel and carried to adjourn the meeting at 7:54 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the meeting of the Village Board to order on February 17, 2004 at 7:30 p.m. Members present: O'DIER, O'BRYAN, DEBE, & WAGNER. Members Excused: FICKAU & FENNEL. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv Piquett, Water Supv Walenczyk, Building Inspector/Zoning Administrator Hankovich, Planner Kaniewski, Attorney Reilly, and Engineer Peot.

President Wagner announced that the Village would adjourn into closed session at the end of the meeting pursuant to State Statute 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 – Town of East Troy vs. Village of Mukwonago.

President Wagner opened the Public Hearing for the FINALIZATION OF THE PROPOSED PEARL STREET/GRAND AVENUE HISTORIC DISTRICT at 7:31 p.m. Ruth Townsend, Chairperson of HPC said that the Committee supports adoption of the Historic District. Sue Maslowski, 315 Grand Avenue spoke in favor of the district. No further comments the hearing was closed at 7:34 p.m.

President Wagner opened the Public Hearing for the change of zoning for 225 Plank Road from M-1 to R-3 at 7:34 p.m. No one spoke for or against the rezoning. Public Hearing was closed at 7:35 p.m.

Treasurer, Mileage, Police, Fire and Library reports for January 2004 were placed on file in the Clerk's Office.

Moved by Odier, seconded by O'Bryan, to approve the minutes of the February 3, 2004 meeting as presented. Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE – Moved by Odier, seconded by Debe, to approve the following vouchers: Village \$46,148.48; Fire/Amb \$12,860.48; TID General \$188,293.94; TID S/W \$719,795.82; Recycling \$29,852.67; Capital \$424.11; Library \$4,841.60; 2001 GO \$3,166.29; Water \$695,437.02; Sewer \$279,006.40; Taxroll \$1,338,701.50. Motion carried without a negative vote.

JUDICIAL – Moved by O'Bryan, seconded by Odier, to approve the Temporary Class B Beer permit for St. James School for February 25, 2004. Motion carried without a negative vote.

PERSONNEL – Moved by Debe, seconded by O'Bryan, to approve Resolution 2004-06: **A RESOLUTION CORRECTING THE WAGE OF THE WATER SUPV FROM RESOLUTION 2004-04.** Motion carried without a negative vote. Employee handbook will remain in committee.

PUBLIC WORKS – A draft is being prepared for the sidewalk repair program and will be reviewed by the committee when complete. Record of current streetlights and the request for streetlights at the intersection of Bay Street and Spring Street will remain in committee.

UTILITIES – Committee has reviewed the request of sewer charges for 1104 Mallard Court and 511 Eagle Lake Avenue and informed the property owners that the charges will stand. Moved by O'Bryan, seconded by Debe, to approve Ruekert & Mielke as engineers on the Zess Development and that the Village will bill all charges to the developer. Motion carried without a negative vote. Moved by O'Bryan, seconded by Debe, to approve Resolution 2004-05: **A RESOLUTION IN COMPLIANCE WITH THE COMPLIANCE MAINTENANCE ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES.** Motion carried without a negative vote. Sewer backup for 1101 River Park Circle West can be removed from the agenda as this item has been settled. The proposed well drilling agreement for the Phantom Lake site and the proposed Storm Water Utility will remain in committee.

PLAN COMMISSION – Moved by Debe, seconded by O'Bryan, to accept the Plan Commission recommendation to adopt Ordinance No. 723: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO.** [Rezoning from M-1 to R-3 for 225 Plank Road.] Motion carried without a negative vote. Moved by Debe, seconded by Odier, to accept the Plan Commission recommendation to approve the residential identification sign for Honey Meadows Condominium Development subject to the following conditions:

1. Prior to sign installation, a building permit shall be issued for the subject sign.
2. The construction sign shall be consistent with the submitted plans.

3. Prior to issuance of a building permit, a sign-landscaping plan shall be submitted for the review and approval of the Village Planner.
4. The sign shall be located north of the sidewalk.

Motion carried without a negative vote. Moved by Odier to accept the Plan Commission recommendation to adopt Ordinance No. 721: An ordinance to change zoning from A-1 to R-3 for the northeast corner of Wahl Avenue and Park Place [Charles Dewey Trust]. Motion lost for a lack of a second. The Plan Commission has expressed no interest in the proposed development of the property on Lookout Lane in the Town/Village boundary agreement area. Clerk is to draft a letter to the Town Plan Commission. Moved by Debe, seconded by O'Bryan, to accept the Plan Commission recommendation to adopt Ordinance No. 719 and with the condition that no more than 60% be developed in the residential planned area: **AN ORDINANCE TO AMEND THE COMPREHENSIVE/MASTER PLAN TO REFINE THE LAND USE DESIGNATIONS AND ACCESS POINTS FOR THE STH '83' CORRIDOR.** Motion carried without a negative vote. Engineer for the developer has agreed to extend the time to act on the CSM for Meadow Park Estates-Lot 26, Block 5, until the next Plan Commission meeting of March 15, 2005. Moved by Odier, seconded by Debe, to accept the Plan Commission and the Historic Preservation Commission recommendation that the proposed Pearl Street/Grand Avenue area be designated a Historic District as shown on the plan submitted to the State. Motion carried without a negative vote.

PROTECTIVE SERVICES – Mutual Aid Box Alarm Information and Resolution remains in committee.

VILLAGE ATTORNEY: Moved by Debe, seconded by O'Bryan, to authorize the signing of the EBIX Agreement. Motion carried without a negative vote. Moved by Debe, seconded by O'Bryan, to adopt Resolution 2004-07: **A RESOLUTION IN SUPPORT OF STATE LEGISLATION REGARDING THE TESTING OF RADIUM IN WATER.** Motion carried without a negative vote.

VILLAGE PRESIDENT: Notice of injury involving Elliot Bakst was referred to the Village's Insurance carrier. Moved by Odier, seconded by Debe, to accept the President's appointment of Richard Suminski, 300 Elwin Drive, as an advisory member to the Historic Preservation Commission. Motion carried without a negative vote.

CORRESPONDENCE:

Letter from Virchow Krause regarding audit services was placed on file in the Clerk's Office. Library Board has invited the Village Board members to a presentation of the 'State of the Library' on March 22, 2004 at 6:30 p.m.

NEW BUSINESS:

Moved by O'Bryan, seconded by Debe, to approve the WE Energies permit for overhead utilities on West Side Avenue. Motion carried without a negative vote.

Moved by Debe, seconded by O'Bryan, to adjourn into closed session at 8:03 p.m. pursuant to State Statute 19.85(l)(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 – Town of East Troy vs. Village of Mukwonago. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

Clerk Kahl called the Village Board meeting to order on March 2, 2004 at 7:30 p.m. Members present: ODIER, FENNEL, O'BRYAN, & DEBE. Members excused: FICKAU & WAGNER. Also present: Police Chief Winchowky, Fire Chief Rolfe, WWTP Supv Piquett, Water Supv Walenczyk, & Library Director McBride.

Moved by Fennel, seconded by Debe, to nominate Trustee Odier as Acting President. Motion carried without a negative vote.

OLD BUSINESS:

Moved by O'Bryan, seconded by Fennel, to accept the Plan Commission recommendation to adopt Ordinance 724: AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO [REZONING FROM A-1 TO R-3; NORTHEAST CORNER OF WAHL AVENUE AND PARK PLACE-CHERYL HASKE FOR THE CHARLES DEWEY TRUST]. Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE: Moved by Odier, seconded by Fennel, to approve the following vouchers: Village \$27,658.88; Fire/Amb \$5,494.58; TID General \$510.00; Recycling \$143.74; Capital \$1,051.00; Library \$6,771.68; 2004 GO \$4,000.00; Water \$40,362.10; Sewer \$9,588.61; Taxroll \$783,113.21. Motion carried without a negative vote.

PERSONNEL: Moved by Debe, seconded by O'Bryan, to adopt Resolution 2004-08: A RESOLUTION AMENDING RESOLUTION 2004-03, A RESOLUTION FOR INCLUSION UNDER GROUP LIFE INSURANCE. Motion carried without a negative vote. Employee handbook has been sent to the Attorney and should be ready at the next meeting.

JUDICIAL: Moved by O'Bryan, seconded by Fennel, to approve the applications for operator's licenses for Annette M. Flancher & Amanda M. Zoellick. Motion carried without a negative vote. Moved by O'Bryan, seconded by Fennel, to approve the application for a temporary Class B Picnic license for the Knight of Columbus for March 14, 2004. Motion carried without a negative vote. Moved by O'Bryan, seconded by Debe, to approve the application for a temporary Class B Picnic license for St. James Catholic Parish for March 6, 2004. Motion carried without a negative vote. Committee is reviewing the train whistle issue.

PROTECTIVE SERVICES: Ordinance No. 721 regarding security system alarm signals was referred back to committee to review changes. Paramedic training contracts, Able Alarm System, 2005 salaries, purchase of Fire Chief vehicle, & MABAS contract will remain in committee. Moved by Debe, seconded by Fennel, to approve the contract with the City of Waukesha Fire Department for Special Services team and to amend the current ordinance for back billing charges to contractors. Motion carried without a negative vote. Request was made to place on the next Board agenda the issue of alternating use of the Village & Town Attorneys on Fire & Ambulance issues.

CORRESPONDENCE: Letter from Waukesha County Executive regarding the grand opening of the Waukesha County Communications Center, which will be held on Saturday, May 8, 2004 from 9:00 a.m. to 12:00 p.m. Letter from Dan Dewey requesting recognition of Charles Dewey was referred to the next Village Board meeting.

Moved by Debe, seconded by Fennel and carried to adjourn the meeting at 7:53 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on March 16, 2004 at 7:30 p.m. Members present: FICKAU, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Absent: none. Also present: Library Director McBride, Police Chief Winchowky, Fire Chief Rolfe, PW Supv Brandemuehl, WWTP Supv Piquett, Building Insp/Zoning Admin Hankovich, Planner Kaniewski, Engineer Peot, Attorney Reilly, & Water Supv Walenczyk.

Public hearing for the rezoning petition of Joe Grascch, 510 CTH 'NN' from R-2 to R-10 was opened at 7:32 p.m. No one appeared for or against. Public hearing was closed at 7:33 p.m.

Treasurer, Mileage, Police, Fire and Library reports for February 2004 were placed on file in the Clerk's Office.

Moved by Debe, seconded by Fennel, to approve the minutes of the March 2, 2004 meeting as presented. Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE – Moved by Odier, seconded by Fickau, to approve the following bills: Village \$49,248.23; Fire/Amb \$8,486.35; TIF General \$705.50; TIF S/W \$132.50; Recycling \$29,385.03; Capital \$17,788.20; Library \$4,756.13; 2004 GO \$446.33; Water \$13,579.96; & Sewer \$6,463.53. Motion carried without a negative vote. Moved by Odier, seconded by Fickau, to approve the Fire Dept purchase of computers in the amount of \$2,900.00 from Act 102 funds. Motion carried without a negative vote. Fire Chief lease of a 2003 Ford Escape at \$600.00 per month until year-end was referred back to the Finance Committee for further review.

JUDICIAL – Moved by O'Bryan, seconded by Fennel, to approve the Temporary Class B Beer application for St. James School for March 19, 2004. Motion carried without a negative vote. The train whistle issue and review of Plan Commission meeting night will remain in committee.

PERSONNEL – Employee Handbook revisions will remain in committee.

HEALTH & RECREATION – Committee has agreed that Father Drutowski shall pay the \$50.00 for the use of the community room. Joyce Anderson from the 2004 Fall Fest Committee told the Board that the group will be using Walgreen's parking lot and that the band will use the Mt. Olive area. Changes will need to be made because of the reconstruction of Plank Road project. Moved by Fennel, seconded by Debe, to waive the park fees for the Lion's Club Summerfest and Easter egg hunt. They make a donation instead to the park improvement programs. Motion carried without a negative vote. Moved by Fennel, seconded by Odier, to approve R&M to set up grant applications and master plan updates for Fairwinds Park, Minor Park, and Miniwaukan Park. Ruekert & Mielke fees for the Stewardship Local Assistance program shall not exceed: [1] \$1,250.00 Grant Application fee per park - Fairwinds Subdivision, Minor Park, and Miniwaukan Park, [2] Concept Master Plan fees - \$1,800.00 for Fairwinds Subdivision, and [3] \$2,200.00 each for Minor Park and Miniwaukan Park. The Village would have up to five (5) months to spend the grant money. Motion carried on a vote of 5 ayes and 1 nay [Debe voting 'no']. Garbage & recycling contract and the use of the Fire Station by Community groups will remain in committee. PLMD bill for cutting/harvesting weeds can be removed from the agenda as this has been paid.

PUBLIC WORKS – Moved by Fickau, seconded by O'Bryan, to approve the block party request from Lori Wildeman for Eastern Trail Cul De Sac on June 6, 2004. Public Works department will provide the barricades. Motion carried without a negative vote. Village Engineer will set a date and time for a meeting with the Railroad and DOT regarding the replacement of the railroad bridge on State Highway '83'. WE Energies customer service review of streetlights can be removed from future agendas. Streetlights at intersection of Bay Street and Spring Street will remain in committee.

UTILITIES – Moved by Fickau, seconded by Debe, to deny the request to lower the sewer charges for 301 Lincoln Avenue. Motion carried without a negative vote. Moved by Fickau,

seconded by Debe, to approve Change Order No. 3 for a decrease of \$17,304.95 for the CTH 'ES' sanitary sewer and water main extension. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to approve the Fox River pumping stations soil borings quotes to Midwest Engineering Services for \$1,450.00. Motion carried without a negative vote. Plank Road project schedule should be ready for the April 6, 2004 agenda. Shore Drive utilities project should be ready for bidding next year. Update of the Water Utility communications system will cost about \$16,000.00. Moved by Fickau, seconded by Debe, to accept the committee recommendation to move forward with the Storm Water Utility District. Motion carried without a negative vote.

PLANNING COMMISSION – Moved by Fickau, seconded by Odier, to adopt Ordinance No. 726. Motion and second withdrawn. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to adopt Ordinance No. 725: **AN ORDINANCE TO APPROVE THE ATTACHMENT OF PROPERTY TO THE VILLAGE OF MUKWONAGO FROM THE TOWN OF MUKWONAGO PURSUANT TO THE MUNICIPAL BOUNDARY AGREEMENT WITH THE TOWN OF MUKWONAGO.** Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the extraterritorial CSM for Lester Horlacher-County Road 'L' subject to receiving documentation that is recorded that the easement can be developed as a road. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the CSM for Lot 26, Block 5, Meadow Park Estates, subject to the following conditions: [1] existing utility easements to be shown on the CSM, and [2] a copy provided to the Village Engineer for review before signatures are affixed. Motion carried without a negative vote. Moved by Debe, seconded by Fickau, to approve the CSM as submitted with no conditions for Corso-Lakeview and Lakeside Dr. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Planning Commission recommendation to approve the CSM for Amato Ford subject to the DNR stating that the creek is not navigable. Motion carried without a negative vote.

PROTECTIVE SERVICES – Alternating the use of Village and Town Attorneys on Fire & Ambulance issues will remain in committee.

VILLAGE ENGINEER: Moved by Debe, seconded by Fickau, to approve Change Order No. 2 for TID #3 at a decrease of \$58,932.00. Motion carried without a negative vote.

VILLAGE PRESIDENT: Moved by Fennel, seconded by O'Bryan, to accept the letter of resignation from Julie Feierstein as the 1st alternate of the Board of Building and Zoning Appeals. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the President's appointment of Trustee Thayne Odier to fill the unexpired term of Kevin Coats beginning the third week of April. Motion carried on a vote of 5 ayes and 1 abstention (Odier abstained). Village Attorney was asked to put together a list of projects that he is working on and give a status report each month for the Board. Truck trailer parking at the Wal-Mart store was referred to Judicial Committee. Referred to Protective Services Committee the issue of part-time employees qualifying for the State Retirement program.

CORRESPONDENCE: Letter from Rick Kalscheurer of R&R Insurance regarding Fire Vehicle rides on parade routes was placed on file in the Clerk's Office after the Fire Chief told the Board that he decided not to participate in the program. Letter from WE Energies regarding policies of company owned land and right-of-ways was placed on file in the Clerk's Office. Letter from Dan Dewey requesting recognition of Charles Dewey was referred to the Finance Committee.

NEW BUSINESS: Moved by Fennel, seconded by Fickau, to authorize the Village President to sign the Centurytel Permit to jack & bore underground utilities on Perkins Drive. Motion carried

without a negative vote. Moved by Fennel, seconded by O'Bryan, to authorize the Village President to sign the Centurytel Permit to plow & trench underground utilities on Perkins Drive. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to authorize the Village President to sign the WE Energies permit for 425 Minor Dr. Motion carried without a negative vote.

Moved by Debe, seconded by Fennel and carried to adjourn the meeting at 8:45 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

Clerk Kahl called the Village Board meeting to order on April 6, 2004 at 7:30 p.m. Members present: FICKAU, FENNEL, O'BRYAN, & DEBE. Members excused: ODIER & WAGNER. Also present: Police Chief Winchowky, Fire Chief Rolfe, WWTP Supv Piquett, DPW Supv Brandemuehl, Building Insp/Zoning Admin Hankovich, Library Director McBride, Planner Kaniewski, Attorney Reilly, & Engineer Peot.

Moved by Fennel, seconded by O'Bryan, to nominate Trustee Fickau as Acting Village President. Motion carried without a negative vote.

Acting President Fickau announced that the Village would adjourn into closed session at the end of the meeting pursuant to State Statute 19.85(1)(g).

Moved by Fennel, seconded by Debe, to approve the minutes of the March 16, 2004 meeting as presented. Motion carried without a negative vote. The annual Police and Library reports were placed on file in the Clerk's Office.

COMMENTS FROM THE PUBLIC:

County Supervisor Rodell Singert addressed the Board about issues that the County is addressing and the impact of the Tabor Bill (AJR 55) – to cap spending by local governments as a constitutional amendment.

Al Castro, 304 Plank Road – He would like to credit whoever placed baskets on the Holz Parkway for trash, it looks cleaner now. He also likes to see the extra police patrol of this Parkway. He wanted to know if a streetlight would be placed at the intersection of Small Farm Road and Holz Parkway. He was told that the developer would be installing that. He also asked about using Channel 13 for Village announcements.

COMMITTEE REPORTS:

FINANCE – Moved by Fennel, seconded by Debe, to approve the following vouchers: Village \$91,578.40; Fire/Amb \$13,767.73; WDF \$25.00; TID General \$263,727.40; TID S/W \$291,098.44; Recycling \$29,609.91; Library \$8,844.66; Capital Impvts \$30.00; 2001 GO \$2,926.15; Water \$53,268.64; Sewer \$33,705.41; Taxroll \$117,568.66. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to purchase a new vehicle for the Fire Chief, 4-year lease on one pay plan of \$5,900.00 per year and the \$1.00 buyout at the end of the lease period, contingent upon the Town approving the purchase. Vehicle is a 2005 Ford Escape. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to name the Municipal Court Room the Charles Dewey Municipal Court Room. Police Chief to check into a plaque to be placed above the door. The court will still be operating as Municipal Court of Mukwonago so the stationary does not need to be changed. Motion carried without a negative vote.

PERSONNEL – Resolution 2004-10 and the Employee Handbook will remain in committee.

JUDICIAL – Moved by O'Bryan, seconded by Fennel, to approve the Class B Beer Picnic application for St. James School for April 9, 2004. Motion carried without a negative vote. Moved by O'Bryan, seconded by Fennel, to approve the 6-month license for Class B Beer for Mukwonago Women's Softball League. Motion carried without a negative vote. Moved by O'Bryan, seconded by Fennel, to approve the Class A Beer license for I G Kaur LLC at 122 Arrowhead Drive. Motion carried without a negative vote.

UTILITIES – Plank Road Project - Village Attorney reported that all appraisals are not completed at this time and a report will be given to the Board at a later date. Engineer reported that the project will be bid soon and construction will start this summer.

PROTECTIVE SERVICES – Moved by Fennel, seconded by O'Bryan, to adopt Ordinance No. 721: **AN ORDINANCE TO CREATE SECTION 46-31 TO AUTHORIZE THE POLICE CHIEF TO RECEIVE AND MONITOR SECURITY SYSTEM ALARM SIGNALS AT THE VILLAGE OF MUKWONAGO DISPATCH CENTER.** Motion carried without a negative vote. The following items will remain in committee: Alternating the use of Village & Town Attorneys on Fire and Ambulance issues; 2005 salaries; & MABAS contract. Remove from the agenda: Part-time employees in WRF; Able Alarm Systems; & Paramedic Student Contract.

PLAN COMMISSION – Moved by Debe, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the Developer's Agreement for Hawks Ridge East contingent upon: Conditions stated in the Engineers letter dated April 6, 2004 are satisfied; Village Attorney & Village Engineer approval of easements and sewer & water mains and approval of the storm water maintenance agreement. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to accept the Plan Commission recommendation to approve the change of zoning for 510 CTH NN from R-2 to R-10. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to accept the Plan Commission recommendation to approve the CSM and Site Plan for Hawks Ridge East contingent upon conditions being satisfied as stated in the letter from R&M dated April 6, 2004. Motion carried without a negative vote. Moved by Fennel, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the Preliminary Plat of Fox River View subject to conditions as shown by the County, not included is the approval for street names, easements for Outlot 2 & 4, correct the multi use trail as discussed before, and the plat is to show Outlot 5 dedicated to the Village. Motion carried without a negative vote. Moved by Debe, seconded by Fennel, to accept the Plan Commission recommendation to approve the CSM and Architectural Reviews for Amato Ford contingent upon the navigability of the creek on the property. Motion carried without a negative vote.

VILLAGE CLERK: The 2004 Officials Workshop and the 2004 Regional Dinner meeting will remain on the agenda.

VILLAGE ENGINEER: The bids for the 2004 Road Program will be on the next agenda. Moved by Fennel, seconded by Debe, to approve Resolution 2004-09: **A RESOLUTION TO AUTHORIZE APPLYING FOR OUTDOOR RECREATION AIDS.** Motion carried without a negative vote.

VILLAGE ATTORNEY: Meadow Park Estates letter of credit reduction will remain on the agenda. Application for a permit from the DOT for Maple Avenue will be held. Moved by Debe, seconded by O'Bryan, to approve agreement for well-drilling at YMCA Camp with stipulations that are listed and subject to Village Attorney and Engineers review and approval. The Village will pay the YMCA \$3,600.00 to go onto the property for this test. Motion carried without a negative vote.

VILLAGE PRESIDENT: Appointments will remain on the agenda.

CORRESPONDENCE: Letter from Joe Grash, Hawks Ridge East, requesting payment of the water impact fee on a per-building basis. The Village Board decided to let the Ordinance stand as it is written and no change will be made.

NEW BUSINESS: Moved by Fennel, seconded by O'Bryan, to authorize the signing of the WE Energies permit for 650 Stoecker Farm Avenue. Motion carried without a negative vote. Trustee O'Bryan asked that all Board members be provided with a copy of schedule of bills total of all funds page.

Moved by Debe, seconded by Fennel, to adjourn into closed session pursuant to State Statute 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 – Town of East Troy vs. Village of Mukwonago. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on April 20, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: Library Director McBride, DPW Supv Brandemuehl, Police Chief Winchowky, WWTP Supv Piquett, Fire Chief Rolfe, Engineer Peot, Planner Kaniewski, Water Supv Walenczyk, & Attorney Reilly.

President Wagner announced that the Village would adjourn into closed session at the end of the meeting.

PUBLIC HEARING-CHANGE OF ZONING FROM R-2 TO B-2 FOR BAY VIEW ROAD/MUKWONAGO DRIVE-CHERYL BERG:

Public hearing was opened at 7:31 p.m. Citizens speaking were: Dan Houk, 103 Apollo Ct; Henry MacKenzie, 110 Apollo Ct; Janine Fay, 114 Apollo Ct; Dian Pete, 108 Apollo Ct; Gordon Wells, 118 Apollo Ct; Ron Amero, 109 Carpenter Ct; Steve Rutt, 112 Apollo Ct; Marianne Domino, 104 Apollo Ct; Chris O'Connor, 107 Gordon Ct; Tom Kay, 1008 Mukwonago Ct; Keith Kubesch, 103 Cernan Ct; & Jane Kuchta, 109 Lovell Ct.. Most spoke in opposition or had concerns to the change of zoning [9]; some spoke in favor [1] and others had questions [2]. Public hearing closed at 7:43 p.m.

The Treasurer, Mileage, Police, Fire, and Library reports for March 2004 were placed on file in the Clerk's Office.

Moved by Fennel, seconded by Fickau, to approve the minutes of the April 6, 2004 meeting as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC:

Marilyn McCarthy, S108 W27690 Maple Avenue – requested information about the special assessment resolution for the gateway district.

16 people, Racine County residents, spoke against the annexations on lands in Racine County. Two of the property owners, Beverly Lancaster & Nancy Pugh, spoke in favor of the annexation stating that they inherited the farm from their parents, they paid taxes on the land and now they would like to make plans to do something before their children have to assume this task. *We have tried working with the Town of Waterford and now we feel we are being held hostage by the Town of Waterford.*

COMMITTEE REPORTS:

FINANCE – Moved by Odier, seconded by Fickau, to approve the vouchers as follows: Village \$59,001.50; Fire/Amb \$11,924.14; TIF General \$159,894.64; TID S/W \$241,951.33; Recycling \$6,972.83; Capital \$22,864.86; Library \$15,493.84; Capital Impvts. \$90.00; 2004 G.O \$89.18; Water \$12,943.59; Sewer \$14,002.30. Motion carried without a negative vote. Credit card late fee has been resolved, and the policy that the board adopted will be followed.

JUDICIAL – Moved by O'Bryan, seconded by Odier, to approve the electrical permit fee increase as submitted. Motion carried without a negative vote. Train whistle and Plan Commission meeting night will remain in committee.

PERSONNEL – Moved by Debe, seconded by O'Bryan, to approve Resolution 2004-10: **A RESOLUTION RELATING TO VILLAGE OF MUKWONAGO WAGE SCHEDULES FOR PART-TIME EMPLOYEE.** The cost is \$15,000 for two part-time employees, which includes w/c insurance and social security. Motion carried without a negative vote. A draft copy of the employee handbook was distributed to other Board members to review and will be on the next agenda.

HEALTH & RECREATION – Request from Charles Conrad to set up a tent in Minor Park is not being recommended by the Committee. Item is to be removed from the agenda. Moved by Fennel, seconded by Odier, to approve Resolution 2004-12: **A RESOLUTION BY THE VILLAGE BOARD TO ADOPT THE VILLAGE OF MUKWONAGO COMPREHENSIVE OUTDOOR RECREATION PLAN.** Motion carried without a negative vote. Garbage & recycling contract between Johns Disposal and the Village Of Mukwonago will remain in committee. The committee does not recommend use of Fire Station #1 by community groups.

PUBLIC WORKS – Committee recommends not to remove the sidewalk at 309 Roberts Drive as requested by the owner. Moved by O'Bryan, seconded by Fennel, to accept the committee recommendation that the sidewalk not to be removed at 309 Roberts Drive. Motion carried without a negative vote [Fickau abstained]. Public Works Supervisor will obtain quotes for bridge inspections as required by the State. Review of proposed building construction at 1111 Fox Street-Mukwonago Fire & Rescue, removal of streetlights, and lights at the intersection of Bay Street and Spring Street, will remain in committee. Moved by Fickau, seconded by O'Bryan, to let PLMD place gravel on the end of Blood Street, subject to PLMD obtaining the necessary permits, for loading & unloading the weed harvester. Motion carried without a negative vote. Public Works Supervisor is to get quotes for the construction of a cold storage building and funds to come from his building account. Motion carried without a negative vote.

UTILITIES – Moved by Fickau, seconded by Debe, to waive the late fee on the water/sewer bill in the amount of \$5.03. Motion carried without a negative vote. New well drilling at the YMCA Camp may take place next week. Work is still being done on the stormwater ordinance. Moved by Debe to instruct the Clerk's Office to send out bill for hydrant rental for the first quarter. Motion died for a lack of a second.

PLAN COMMISSION – Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the extraterritorial CSM of Donald Kolbe on Beach Road. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to adopt Ordinance No. 727: **AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE VILLAGE OF MUKWONAGO** [Darwin & Donna Greenwald, Town of Waterford, Racine County]. Motion carried on a vote of 4 ayes and 3 nays [Fickau, Pires, Fennel, & Wagner voting 'aye']. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to adopt Ordinance No. 728 **AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE VILLAGE OF MUKWONAGO** [James & Ilamay Fredericks, Town of East Troy, Walworth County]. Motion carried on a vote of 4 ayes and 3 nays [Fickau, Pires, Fennel, & Wagner voting 'aye']. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to adopt Ordinance No. 729: **AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE VILLAGE OF MUKWONAGO** [Marilyn Neumann, Beverly Lancaster, Dolores Berube, and Nancy Pugh, Town of Waterford, Racine County]. Motion carried on a vote of 4 ayes and 3 nays [Fickau, Pires, Fennel, & Wagner voting 'aye']. Moved by Fennel, seconded by Odier, to accept the Plan Commission recommendation to approve the site plan and architectural review of the Cheryl Haske property subject to the following conditions: 1] Plan Commission approval is conditional upon the subsequent approval of the Conditional Use by the Board of Zoning and Building Appeals. 2] Plan Commission approval is conditional upon Village approval of condominium documents. 3] Prior to site development, the Village Engineer shall approve all site-engineering plans. 4] Prior to site development, the Zoning Administrator shall approve the final landscaping plan.

Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the site plan and architectural review for the BP Station at 122 Arrowhead Drive subject to the following conditions: 1) a recommendation to the Board of Building and Zoning Appeals regarding the hours of operation and landscaping plan, 2) approval is conditioned upon the subsequent approval of the Conditional Use by the Board of Building and Zoning Appeals, 3) Plan Commission approval is conditional upon receipt of a copy of the letter from the Department of Transportation regarding their approval of the car wash as it relates to I-43 right-of-way setbacks, 4) Prior to site development, the Village Engineer shall approve all site engineering plans, 5) Prior to site development, the Village Planner shall approve the final landscaping plan. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the draft ordinance for residential zoning district amendments. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to approve the extraterritorial review of CSM for Thomas & Carol Haynes conditioned that the legal description

is corrected. Motion carried without a negative vote. HPC reported that the Historic District was taken to Madison and has received approval of the Pearl Street and Grand Avenue area. The plan will now be forwarded to the Federal level.

VILLAGE CLERK: Moved by Odier, seconded by Fickau, to approve the Canvass report of the April 6, 2004 Spring Election. Motion carried without a negative vote. Board members were asked to let the Clerk know who will be attending the 2004 New Municipal Officials Workshop being offered by the League of Wisconsin Municipalities and those that will be attending the 2004 Regional Dinner Meeting on May 20th in Milwaukee.

VILLAGE ENGINEER: Moved by Fickau, seconded by Debe, to accept the Engineers recommendation to award the bid for the 2004 Road Program to Wolf Paving in the amount of \$217,900.70. Motion carried without a negative vote. Construction repairs to start in a couple of weeks. Moved by Fickau, seconded by Debe, to approve the construction drawing for Minor Estates Phase II for sewer & water utilities subject to the following conditions: 1] In the event that groundwater is encountered during utility construction, the representatives of Minor's Estates, LLC will document the elevation of ground water prior to the start of dewatering operations and prepare a detailed plan showing which lots have proposed building pad elevations within 10-feet of the groundwater level and what will be done to prevent seepage into the affected basements. 2] The Minor's Estates, LLC will set footing elevations for each of the proposed homes to ensure a minimum of 1.5-feet between the top of the footing and the estimated water table elevation. This may limit the height of some basements while meeting the proposed yard grades of the grading plan. 3] Minor's Estates, LLC shall submit copies of all permit approvals (Waukesha County Access, Waukesha County Utility, WDNR Chapter 30 and Notice of Intent, etc.). 4] Any changes to any drawings will require submittal and approval of the Village Engineer. Motion carried without a negative vote.

VILLAGE ATTORNEY: Moved by O'Bryan, seconded by Debe, to adopt Ordinance 731: **AN ORDINANCE TO AMEND CHAPTER 86 OF THE VILLAGE CODE [Water Utility Rates]**. Motion carried without a negative vote. Moved by Debe, seconded by Fickau, to approve Resolution 2004-11: **PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENT FOR IMPROVEMENTS TO MUKWONAGO SHORES PURSUANT TO S66.0703, STATS.** Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve Resolution 2004-13: **PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENT FOR IMPROVEMENTS TO PLANK ROAD PURSUANT TO S66.0703, STATS.** Motion carried without a negative vote. Moved by O'Bryan, seconded by Fennel, to approve Resolution 2004-14: **PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENT FOR IMPROVEMENTS TO COUNTY TRUNK HIGHWAY 'ES' PURSUANT TO S66.0703, STATS.** Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to approve Resolution 2004-15: **PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENT FOR IMPROVEMENTS TO TID #3 PURSUANT TO S66.0703, STATS.** Motion carried without a negative vote. Meadow Park Estates letter of credit reduction and the DOT permit should be on the next agenda.

VILLAGE PRESIDENT: Moved by Fickau, seconded by Odier, to accept the Village President's appointment to the Economic Development Committee of Wade Balson, business member; William Warnke, citizen member; and Joe Hankovich, Plan Commission member, terms ending in 2007. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to accept the Village President's appointment of Jane Sockrider to the Library Board, term ending in 2007. Motion carried without a negative vote. Moved by Odier, seconded by Fickau, to accept the Village President's appointment of William Kasch, & Marge Stobber to the Tourism Commission, terms ending in 2005. Motion carried without a negative vote. Moved by Fennel, seconded by O'Bryan, to accept the Village President's appointment of Thomas Stobber & James Naybert to the Police Commission, terms ending in 2007. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Village President's

appointment of Wayne Craig as Weed Commissioner, term ending in 2006. Motion carried without a negative vote. Moved by Odier, seconded by Fickau, to accept the Village President's appointment of Thomas Brandemuehl as Village Forester, term ending in 2006. Motion carried without a negative vote. Moved by Fennel, seconded by O'Bryan, to accept the Village President's appointment of Shawn Reilly as Village Attorney, term ending in 2006. Motion carried without a negative vote. Moved by Odier, seconded by Fennel, to accept the Village President's appointment of Barbara Beier & Susan Maslowski as citizen members with terms ending in 2007, and Mary Pires as Board member, term ending in 2005. Motion carried without a negative vote. Moved by Odier, seconded by Fickau, to accept the Village President's appointment of Dennis Behling, Terry Kelly, & Michael Hamilton as regular members [terms ending in 2007], Dan Klappa, 1st Alternate [term ending in 2005] and Paul Binder, 2nd Alternate, [term ending in 2005] to the Board of Building and Zoning Appeals. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the Village President's Board appointments as follows:

Finance – Pires, Chairperson; Odier & Fickau as members

Public Works/Utilities – Fickau, Chairperson; O'Bryan & Fennel as members

Judicial – Debe, Chairperson; Odier as member

Health & Recreation – Fennel, Chairperson; Debe as member

Protective Services – O'Bryan, Chairperson; Fennel & Debe as members

Personnel – Odier, Chairperson; O'Bryan & Pires as members

Motion carried on a vote of 5 ayes and 1 nay [Debe voting 'no']. The Board will have the annual workshop on April 26, 2004 at 7:00 p.m. Board members should let the Clerk know if they have items to add to the agenda.

CORRESPONDENCE: Waukesha County Executive Dan Finley has issued an invite to the Board to attend the Waukesha County Communications Center dedication & open house on Saturday, May 8, 2004 from 9:00 a.m. to 12:00 p.m.

NEW BUSINESS: WE Energies permit for underground utilities for Fox River View is referred to the next meeting. DPW Supervisor needs to inspect it first. Department heads will get an updated map that will show the newly annexed areas. Semi-parking in the Village will be on the Judicial agenda.

Moved by Fennel, seconded by O'Bryan, to adjourn into closed session at 9:41 p.m. pursuant to State Statutes pursuant to 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 – Town of East Troy vs. Village Of Mukwonago; and pursuant to 19.85(1)(b) and 19.85(1)(f): To discuss whether the Village Board should investigate whether a public employee violated a directive of the Board and to discuss whether a complaint should be filed with the Fire Commission. During the closed meeting, no evidence will be presented or gathered and the Board will take no final action. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Village Clerk-Treasurer

Clerk Kahl called the Village Board meeting to order on May 4, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, & DEBE. Member excused: WAGNER. Also present: Police Chief Winchowky, Fire Chief Rolfe, WWTP Supv Piquett, DPW Supv Brandemuehl, Building Insp/Zoning Admin Hankovich, Library Director McBride, & Attorney Reilly.

Moved by Fennel, seconded by O'Bryan, to nominate Trustee Odier as Acting Village President. Motion carried without a negative vote.

Moved by Fickau, seconded by Fennel, to approve the minutes of the April 20, 2004 meeting as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC:

Mike Hamilton, 505 Baron Road – Apologized to Trustee Fickau for telephone usage and congratulated Mary Pires on her election to the Board. He was back before the Board about the road in Miniwaukan Park and the driving of the soccer parents. We still need to slow the drivers down. Item referred to the Health & Recreation Committee.

COMMITTEE REPORTS:

FINANCE – Moved by Odier, seconded by Fickau, to approve the following vouchers: Village \$70,726.83; Fire/Amb \$10,918.08; WDF \$137.83; TID General \$14,259.55; TID S/W \$5,614.61; Recycling \$25.00; Capital \$11,427.87; Library \$9,415.48; Capt Impvts \$5249.37; 2001 GO \$2,224.05; 2004 GO \$3,002.38; Water \$40,379.88; Sewer \$181,957.82; Taxroll \$9,471.33. Motion carried without a negative vote. Moved by Odier, seconded by Fickau, to approve Resolution 2004-16: **A RESOLUTION DESIGNATING PUBLIC DEPOSITORY AND AUTHORIZING WITHDRAWAL OF THE VILLAGE OF MUKWONAGO MONIES.** Motion carried without a negative vote.

JUDICIAL – Moved by Fickau, seconded by Debe, to approve the temporary Class B Picnic License for St. James School for May 14, 2004. Motion carried without a negative vote. Moved by O'Bryan, seconded by Fennel, to approve the application for renewal 6-month Class B Beer License for Mukwonago Lakers Baseball Club for Field Park. Motion carried without a negative vote.

PROTECTIVE SERVICES – Fire Department Footwear Policy will be on the next Village Board agenda as Policy No. 20. All other items will be on the next Village Board agenda.

VILLAGE ATTORNEY: Ordinance No. 733; Meadow Park Estates letter of credit reduction, and DOT permit for Maple Avenue will be on the next Village Board agenda. Moved by Fickau, seconded by Fennel, to adopt Ordinance No. 736: **A ORDINANCE TO COMBINE THE PUBLIC WORKS AND UTILITIES COMMITTEES.** Motion carried without a negative vote.

VILLAGE PRESIDENT: Moved by Odier, seconded by Fennel to designate the Mukwonago Chief as the Official Paper. Motion carried without a negative vote.

CORRESPONDENCE: Waukesha County will hold the Special Household Hazardous Waste Collection on May 15th in Mukwonago from 8:00 a.m. to noon at the Public Works Garage on C.T.H. 'NN'. Proof of residency is required.

NEW BUSINESS: Moved by Fickau, seconded by Fennel, to authorize the signing of the WE Energies permits for 424 Fritz Way, 503 Minors Drive, 521 Stoecker Farm Avenue, & 240 Maple Avenue. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to authorize the signing of the Waukesha County Transportation Permit for 12" PVC Water Main installation on CTH 'NN' & 'I'. Motion carried without a negative vote.

Moved by Fickau, seconded by Fennel and carried to adjourn the meeting at 8:04 p.m.

Bernard W. Kahl, MMC
Village Clerk-Treasurer

President Wagner called the Village Board meeting to order on May 18, 2004 at 7:32 pm. Members present: FICKAU, PIRES, ODIER, O'BRYAN, DEBE, & WAGNER. Member excused: FENNEL. Also present: Library Director McBride, Police Chief Winchowky, Fire Chief Rolfe, DPW Supv Brandemuehl, WWTP Supv Piquett, Attorney Reilly, Water Supv Walenczyk, Supv of Inspections/Zoning Admin Hankovich, Engineer Peot & Planner Kaniewski.

President Wagner announced that the Village Board would adjourn into closed session at the end of the meeting.

PUBLIC HEARING – REZONING FROM B-4 TO B-4 PUD – PART OF TID #3 – WAL-MART STORES, INC.

Hearing opened at 7:33 pm. No one appeared for or against. Hearing closed at 7:34 pm.

The Treasurer, Mileage, Police, Fire, and Library reports for April 2004 and the Mukwonago Fire Department 2003 Annual Report were placed on file in the Clerk's Office.

Moved by Fickau, seconded by O'Bryan, to approve the minutes of the May 4, 2004 meeting as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC

Jeff Romskog, 109 Apollo Ct. – He is concerned with the development of the property on Bay View Rd. and Mukwonago Dr. behind his lot by Cheryl Berg. Concerns include property value of his home, peaceful lifestyle and safety of children and pets. He would like to be more informed about and involved with the project.

Henry McKenzie, 110 Apollo Ct. – He has similar concerns and opposes the rezoning. If the project goes through, he would like more landscaping in the back of the lot than just a berm.

COMMITTEE REPORTS

FINANCE – Moved by Pires, seconded by Fickau, to approve the vouchers as follows: Village \$25,510.41; Fire/Amb \$5,973.56; TIF General \$187,997.77; TID S/W \$124,900.32; Recycling \$35,430.40; Library \$4,347.41; Capital Impvts. \$72.28; Water \$15,066.40; Sewer \$15,593.89; Taxroll \$343,087.52. Motion carried without a negative vote.

JUDICIAL – Moved by Debe, seconded by Odier, to approve the application for 2004 Temporary Operator's License for Jeffrey M. Adler. Motion carried without a negative vote. The Village was approached by Dick Greenwald for information regarding liquor and beer licensing for a possible restaurant he would like to open. The Police Department provided information regarding compliance checks for the CARD program with the County regarding sale of alcohol to minors. There were some violations but have since been corrected. The Committee agreed to deny the application for 2004-05 Operator's License to Gina Michalski and would like to invite her to the next Judicial Committee meeting to discuss the issue. Clerk's Office will send a letter to her. The Committee is continuing to work with the Adhoc Committee on the train whistle matter. The Attorney stated that he was contacted by an individual who deals with these issues and will follow up on it. This issue, semi-parking in the Village and Review of Plan Commission meeting night will remain in committee.

PERSONNEL – The handbook was reviewed by the Committee and Department heads. A few discrepancies were found and is now in the hands of the Attorney. It will be ready for approval in about a month or so.

HEALTH AND RECREATION – Moved by Debe, seconded by O'Bryan, to recommend the installation of four more sets of speed bumps on the service road in Miniwaukan Park. All interested parties will work in cooperation on the matter. Motion carried without a negative

vote. Garbage and Recycling Contract and use of Fire Station #1 by community groups will stay in committee.

PUBLIC WORKS – Moved by Fickau, seconded by Odier, to change the starting working hour for the Minor's Homestead subdivision development to 6:30 am, Monday through Saturday. Motion carried without a negative vote. There were no bids received for the sale of 509 Division St. Moved by Fickau, seconded by Odier, to have the Clerk's Office send a letter to Andler giving permission to enter the house to remove any items they wish to have, and that they have 30 days to do so. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to select Option B of the Non-Standard Street Lighting for TID #3. This includes 84 black, high pressure sodium, 150 watt coach lights on 64 15 foot, black, fiberglass poles. The payment includes a full payment of installation charges up front in the amount of \$242,263.23, a monthly facilities charge of \$1,211.31 and a monthly energy charge of \$378.00. Motion carried without a negative vote. Sewer Plant generator was informational only. The turbine is working fine now, but the Village is looking for someone to service it. The private fire hydrant in Honey Meadows is located only four feet from the wall of one of the buildings, and the Village feels it is too close. The Village will ask the Developer to relocate the hydrant. The low bidder for the Plank Road Area Utility and Street Reconstruction was Payne and Dolan, Inc. in the amount of \$1,006,035.75. The Engineer recommended holding off on approval. The amount of the first quarter of public hydrant rental fees is \$67,800, and the Village has a surplus in the Hydrant fund. Debe would like to know where the surplus came from. Moved by Fickau, seconded by Odier, to forgive the first quarter of the hydrant rental charge to be billed out on the utility bill and pay the \$67,800 from the normal hydrant rental fund. Motion carried on a vote of 5 ayes and 1 nay (Debe voting nay). The Committee determined that damaged sidewalks in the Village should be repaired in a timely manner or it will be contracted out. They also determined that the removal of the street lights at the intersection of Honeywell Rd./Highway ES and Bay View Rd./Highway ES should be the responsibility of the County under the CTH ES Reconstruction contract. The streetlight at Cedar St. and Fox St. should also be removed. Moved by Fickau, seconded by O'Bryan, to install a full cut off mounted streetlight mounted on a 15 foot pole with a 6 to 8 foot arm and not to exceed 100 watts. Motion carried without a negative vote. The Engineer will make up drawings and plans for the Mukwonago Shores Road Project and present them to the Committee and the Board after which a public information meeting will be set up. Peot gave an update on the TID #3 project. Grant for street signing & markings and review of proposed building construction at 1111 Fox St. will remain in committee.

PLAN COMMISSION – Moved by Fickau, seconded by Debe, to accept the Plan Commission recommendation to approve the Final Plat for Fox River View Subdivision with the following conditions: 1) Approval of the Final Plat shall be based upon the last revised date of May 6, 2004, with revisions as required by conditions of this approval, 2) The Final Plan shall not be recorded until such time as the Village Board has approved a Developer's Agreement for the subdivision, to include matters related to the Schuster Mound Group as noted in the letter from the Village Planner dated May 13, 2004, 3) Prior to recording of the Final Plat the developer shall take all necessary steps to catalog the Schuster Mound Group site under the Burial Sites Preservation Law, ss. 157.70, 4) A twenty-five foot buffer shall be established around the perimeter of the site, defined by a rectangle, the corners of which shall be permanently marked. The location of this area shall be so indicated on the final plat, and no disturbance of the area shall be permitted, 5) Prior to recording of the Final Plat, any corrections to the plat or issues raised by the Waukesha County Department of Parks and Land Use shall be rectified and 6) The Final Plan shall not be recorded until the Village Engineer has reviewed the plat and confirmed that all technical revisions, including those required by Waukesha County and those noted in this letter, have been made. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to accept the Plan Commission recommendation to approve the Developer's Agreement for Fox River View Subdivision subject to the changes discussed and agreed to at the Plan Commission meeting on May 17, 2004 and approvals of the following: 1) Construction

Documents, 2) Stormwater Maintenance Plan Agreement, 3) Transfer of title for the lift station to the Village, 4) Agreement to the cost sharing for the lift station, 5) Letter of credit in an amount approved by the Village Board, 6) Inclusion of language regarding the Indian mounds and 7) Revisions to the easement for the Hibbert property. Motion carried without a negative vote. Moved by Fickau, seconded by Pires, to allow grading work for Fox River View subdivision to begin prior to the approval of the Letter of Credit by the Village Board. Motion carried without a negative vote. Moved by Fickau, seconded by Pires, to accept the Plan Commission recommendation to approve the annexation request from Richard J. Lukas. The letter from George Hall, Wisconsin Department of Administration, was taken into consideration. Motion carried on a vote of 4 ayes and 2 nays (Debe and Odier voting nay). Moved by Debe, seconded by Fickau, to accept the Plan Commission recommendation to approve **ORDINANCE NO. 730: AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO (BAY VIEW RD. AND MUKWONAGO DR. – CHERYL BERG)**. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the site plan of the cold storage building at 461 River Crest Court with a full-front masonry and a roof color to match the front building on the lot. This was a special case in which the only the front of the building will be viewed by the public. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the Developer's Agreement for Northtown Shopping Center subject to the changes discussed and agreed to at the Plan Commission meeting on May 17, 2004 and approvals of the following: 1) Stormwater Maintenance Plan by the Village Attorney and Engineer and 2) Inclusion of wording regarding the stormwater pipe going through the Pick'n'Save property. Motion carried without a negative vote.

PROTECTIVE SERVICES – Moved by O'Bryan, seconded by Debe, to approve the new footwear policy, known as Policy #20. Motion carried without a negative vote. Moved by O'Bryan, seconded by Debe, to approve the Technical Rescue Services Agreement with the City of Waukesha. Motion carried without a negative vote. Moved by O'Bryan, seconded by Debe, to approve the MABAS Contract. Motion carried without a negative vote. Alternating the use of Village and Town Attorneys on Fire and Ambulance issues and 2005 Salaries will remain in committee.

VILLAGE ENGINEER

Moved by Fickau, seconded by O'Bryan, to accept the bid for the Holz Parkway Wetland Mitigation from Berg Construction in the amount of \$143,631.50. Motion carried without a negative vote. The Engineer gave an update on the driveway accesses for the Herriges property. There will one off of Wolf Run that will allow only right turns and will be used only for truck access. The main driveway will come off of Maple Avenue.

VILLAGE ATTORNEY

The application for a permit from the DOT for Maple Avenue will go to Public Works Committee. Meadow Park Estates Letter of Credit reduction and Ordinance No. 733 will remain on the agenda.

VILLAGE PRESIDENT

Moved by Odier, seconded by Fickau, to accept the letter of resignation from Arthur Chadek. The Village will send a letter of appreciation for the time served. Motion carried without a negative vote.

NEW BUSINESS

Moved by O'Bryan, seconded by Fickau, to authorize the signing of the WE Energies permits for 440 Ahrens Dr., 430 Fritz Way, 535 Minors Dr. and 717 Small Farm Rd. Motion carried without a negative vote. Moved by Debe, seconded by Fickau, to authorize the Village President to sign

the Time Warner Permit for underground utilities on Greenwald Ct. Motion carried without a negative vote. Unless there are important issues to be handled, there will not be a meeting on June 1. Pires expressed concerns for the storing of a conveyor at the boat access at the end of Blood St. by the Phantom Lakes Management Association. A letter will be sent to the Management Association and the DNR will be contacted. Item was referred to the Health and Recreation Committee. County Supv Singert asked about wetland mitigation and talked about a meeting concerning the tax freeze. Wagner asked for Singert's help in trying to get stop-and-go lights at the intersection of Highways NN and ES.

Moved by Debe, seconded by O'Bryan, to adjourn into closed session at 9:01 p.m. pursuant to State Statutes pursuant to State Statute 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: Plank Road Project. Motion carried unanimously upon roll call.

Steven A. Braatz, Jr.
Deputy Clerk

President Wagner called the Village Board meeting to order on June 15, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: WWTP Supv Piquett, DPW Supv Brandemuehl, Ass't Fire Chief Purdy, Police Chief Winchowky, Engineer Peot, Library Director McBride, Planner Kaniewski, Bldg Insp/Zoning Admin Hankovich, & Attorney Reilly.

President Wagner announced that the Village Board would adjourn into closed session at the end of the meeting pursuant to State Statute 19.85(l)(g).

The Treasurer, Mileage, Police, Fire and Library reports for May 2004 were placed on file in the Clerk's Office.

Moved by Fickau, seconded by Fennel, to approve the minutes of the May 18, 2004 meeting as presented. Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE – Moved by Pires, seconded by Fickau, to approve the following vouchers: Village \$105,420.17, Fire/Amb \$86,897.16, TID #3 \$18,157.27, TID #3 S/W \$27,826.46, Recycling \$29,860.75, Library \$6,591.60, 2002 GO \$60.00, Capital Projects \$60,998.35, 2004 GO \$21,448.78, Water \$33,953.88, Sewer \$19,357.86, & Taxroll \$3,007.89. Motion carried without a negative vote. Moved by Pires, seconded by Odier, to approve the dissipation of accounts receivable non-zero balance in the amount of \$709.21. Motion carried without a negative vote.

JUDICIAL – Moved by Debe, seconded by Odier, to waive the \$30.00 expedition fee for a building permit issue to Bobby Desai. Motion carried without a negative vote. Moved by Debe, seconded by Odier, to approve the 2004-05 renewal applications for Beer/Liquor licenses. Motion carried without a negative vote. Moved by Debe, seconded by Odier, to approve the renewal of the 2004-05 operators license applications, with the exception of Lucas Hein. Motion carried without a negative vote. Traffic issues on Elmwood Alley, review of Liquor/Beer license quotas, and Train Whistle issues will remain in committee. Semi-Parking in the Village and Plan Commission meeting night issues can be removed from the agenda. Trustee O'Bryan will be the Village Board representative on the Ad Hoc committee for the Train Whistle issues.

HEALTH & RECREATION – Flood damage to football field in Miniwaukan Park, Garbage & Recycling Contract, and use of Fire Station #1 by Community Groups will remain in committee. Residents were told that they are members of the Phantom Lake Management District and they should attend the meeting and voice their concerns about the weed conveyor being left on Blood Street. Blood Street is a public access and the weed conveyor is obstructing this access. Item will remain in committee.

PERSONNEL – A draft of the Employee Handbook was given to all Board members for their review and if they have any questions or concerns they should be directed to the Trustee Odier. A final copy will be presented to the Village Board for approval at the next meeting.

PUBLIC WORKS – Moved by Fickau, seconded by Fennel, to accept Jerry Gasser's offer of \$100.00 donation to the Library Building Fund for the purchase of stones used in the wall between the south border of the Andler property (509 Division St) and the Mukwonago Community Library. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, that when Mr. Gasser has taken the number of stones that he needs, then Mr. Darrel Muhlbauer should be contacted to remove what he wants. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to not waive the penalty fee for Dennis Skibba, but when his check does appear we will refund the late fee. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to authorize the Village Engineer Peot to talk to Wis. DOT and the Railroad about straightening out Highway 83 when the railroad overpass bridge is being upgraded. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to authorize Engineer Peot to review the Sewer Impact Fees as to whether they should be increased to include the Fox River subdivision at a cost not to exceed \$500.00. Motion carried without a negative vote. Report was given on trying to find someone to do maintenance on the WWTP generator. The WPDES permit has been received, which sets ammonia limits and includes a compliance schedule to be met by 2007. WE Energies performed an audit for us at

the WWTP, and with the corrections they proposed, we could lower our monthly expenses and recoup our cost within 5 years. Engineer Peot will check with the low bidder on the Plank Road Project and see if he will hold his bid for next year otherwise we will cancel the bids and re-bid the project in 2005. Item will remain in committee until a determination is made on the bids. Holz Parkway paving can be removed from the agendas. Committee recommends that Engineer Peot talk to the State DOT about a temporary permit for the Arrowhead Drive access. We need to have the work done by October of 2005. Moved by Fickau, seconded by Fennel, that a 'No Left Turn' be made from Atkinson Street onto CTH 'ES'. Motion carried without a negative vote. Funds for the first quarter hydrant rental fee will come from the fund that paid the rental fee previously and if there are other questions, the Auditors will be here next month and could respond to that issue. Committee will look at the Grant for Street Signing & Markings next year. Review of the proposed construction of a building at 1111 Fox Street to house the Pirsch Fire Truck will be removed from the agenda.

PLAN COMMISSION – Moved by Fennel, seconded by Fickau, to adopt Ordinance No. 740: **AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE VILLAGE OF MUKWONAGO** (Lukas property-Racine County). Motion carried on a vote of 6 ayes and 1 nay (Debe voting 'no'). Moved by O'Bryan, seconded by Debe, to accept the Plan Commission recommendation to approve the ground sign minus the reader board for Continental Savings Bank. The gable sign was approved before the ordinance was changed. The directory and directional signs meet the present ordinance. Any other signage on the building would need to come back to the Plan Commission for approval. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to approve the early grading request from MLG with the understanding that MLG is assuming the risk without any guarantees that the Final Plat will be approved, and that MLG will submit the cost of the grading and a letter of credit to the Village, based upon the amount recommended by our Engineers, to ensure that the grading will be completed according to the grading plans. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to adopt Ordinance No. 734: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO** (Wal-Mart). Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to approve the CSM for Wal-Mart Stores, Inc., subject to the following conditions:

1. Prior to recording, technical revisions shall be revised as necessary.
2. The CSM shall not be recorded until Village Board approval of the rezoning to B-4 PUD, and approval of the Developer's Agreement.
3. Applicants shall submit the CSM to the Village for recording.
4. Removal of current drainage easement on CSM #9637.

Motion carried without a negative vote. Moved by Debe, seconded by Fennel, to accept the Plan Commission recommendation to approve the PUD overlay restrictions for the B-4 Wal-Mart zoning change, with the following conditions:

1. The PUD modifications for green space shall be allowed.
2. The 35 foot light pole shall be allowed pursuant to the PUD modifications.
3. The PUD modifications for the number of parking spaces shall be allowed with 934 parking spaces as the maximum number of parking spaces allowed on the Wal-Mart site.
4. Prior to issuance of a building permit, the Zoning Administrator shall verify the final site plans shows no more than 934 parking spaces.
5. This PUD modification approval does not approve any off-site signage for the applicant; however, this approval shall not eliminate the potential of the applicant returning to the Village at a future date for off-site sign approval.
6. All building signage shown on the submitted building elevations is subject to future Plan Commission review and is subject to Village sign ordinance.

All conditions should be included with the Developer's Agreement. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission

recommendation to approve the Site Plan and Architectural Review of the Wal-Mart Store subject to the following conditions:

1. Approval shall be subject to the plan set dated June 10, 2004, with minor modifications to conform to technical revisions. Approval shall also be subject to building elevation plans dated May 25, 2004.
2. All conditions previously referenced for the PUD modifications also apply to the Site Plan and Architectural Plan and review and approval.
3. All landscaping must be properly maintained at all times, and any dead plantings must be removed and replaced when feasible to do so.
4. During installation of the landscape according to the approved landscaping plan, minor revisions shall be allowed to adjust the landscape placement in relation to site utility and building sign locations.
5. Prior to issuance of a building permit, the Village Attorney shall be provided documentation of ingress/egress easements for the benefit of neighboring commercial properties.
6. Prior to issuance of a building permit proper easement documents shall be provided for review and approval by the Village Attorney for the off-site water quality pond. The easement documents shall indicate the water quality pond will be permanent.
7. The external design of the building shall be consistent with the materials and samples filed with the Village Clerk. The colors of the building shall be consistent with the building samples.
8. Prior to occupancy, developer shall install proper onsite traffic control signs, in accordance with approved site plans. Additional traffic control signs turn arrows, and pavement marking shall be added at the cost of Wal-Mart to improve public safety when requested by the Village of Mukwonago Police Chief.
9. Unless modified by the PUD approval, all zoning ordinance standards and municipal code requirements shall be applied subject to site, such as submittal of a Letter of Credit for landscaping.
10. Signs are not part of this approval.
11. Paint on the building to be maintained and upgrade entrance doors to the Pharmacy and Automotive areas are to be brick, as the front, or other suitable material instead of painted block.

The color board is made up of the following: Quik Brik-Oldcastle 'Lawson Blend' and 'Marous Blend'. 'Canyon Clay' SW6054, 'Nobility Blue' SW1504, 'Reddened Earth' SW6053, and 'Gorgeous White' SW6049. Trendstone-Trenwyth 'Natural MW'. Glazed porcelain tile-Daltile 'Navy'. Motion carried without a negative vote. President Wagner referred to the Judicial Committee the sign ordinance for the Gateway District for review.

PROTECTIVE SERVICES – Moved by Debe, seconded by Fickau, to approve Resolution 2004-17: **A RESOLUTION APPROVING THE MUTUAL AID BOX ALARM SYSTEM AGREEMENT FOR THE MUKWONAGO FIRE DEPARTMENT.** Motion carried without a negative vote. Ordinance No. 737 fixing fees for rescue services was referred back to the committee. Alternating the use of Village & Town Attorneys on Fire & Ambulance issues and the 2005 salaries of Fire & Ambulance will remain in committee.

VILLAGE ENGINEER: Moved by Fickau, seconded by Fennel, to accept the Engineers recommendation and award bids for the TID #3 District for STH '83' Road Improvement to James Cape & Sons in the amount of \$465,199.42. Motion carried without a negative vote. The Engineer was asked by the Board as to the status of the former Car Care building at the corner of Bay View Road & CTH 'ES' that the County now owns. It was also asked if the Village splits the cost with the County to put in stop-n-go lights at the intersection of CTH 'NN'/Fox Street/Holz Parkway, could it be done sooner than waiting for the County to come up with the funds. Item referred to the Finance Committee.

VILLAGE ATTORNEY: Moved by O'Bryan, seconded by Fickau, to approve the Notice of Public Records Accessibility. Each department is to place the notice where the public can easily see it. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to authorize the signing of the Mukwonago Ambulatory Center maintenance plan. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to adopt Ordinance No 733: **AN ORDINANCE TO AMEND CHAPTER 86 OF THE VILLAGE CODE** (Water Utility Rates). Motion carried without a negative vote. Moved by Debe, seconded by Pires, to adopt Ordinance No. 738: **AN ORDINANCE TO AMEND SECTION 86-263(c) AND TO CREATE SECTION 86-263(d) OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE PERTAINING TO WASTEWATER MEASUREMENT AND SAMPLING.** Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to adopt Ordinance No. 739: **AN ORDINANCE TO AMEND SECTIONS 18-56 OF THE MUNICIPAL CODE OF THE VILLAGE OF MUKWONAGO** (Electrical fees). Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve Resolution 2004-19: **A RESOLUTION TO SET ELECTRICAL PERMIT FEES.** Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to authorize the signing of the Lease Agreement for the Fire Chief's vehicle. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve Resolution 2004-18: **A RESOLUTION AUTHORIZING THE SIGNING OF THE LEASE AGREEMENT WITH FORD MOTOR CREDIT COMPANY AND TO SET FORTH THE RIGHTS AND OBLIGATIONS OF THE VILLAGE OF MUKWONAGO AND TOWN OF MUKWONAGO IN THE LEASE AGREEMENT.** Motion carried without a negative vote.

NEW BUSINESS: Construction of an outbuilding at the Mukwonago Fire Station, 1111 Fox Street to house the old Pirsch Fire Truck was referred to the Public Works Committee. Moved by Fickau, seconded by O'Bryan, to approve the change of grade for the Honey Meadows development. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to authorize the signing of the WE Energies Permit for underground utilities on CTH 'NN'. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to authorize the signing of the Centurytel Permit for underground utilities on Mac Arthur Drive. Motion carried without a negative vote.

Moved by Debe, seconded by O'Bryan, to adjourn at 8:46 p.m. into closed session pursuant to State Statute 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 – Request for Mediation from Super Excavators/Mann Brothers. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on July 20, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: Library Director McBride, WWTP Supv Piquett, Police Lt. LaDue, Engineer Peot, Planner Kaniewski, Water Supv Walenczyk, Fire Chief Rolfe, DPW Supv Brandemuehl, & Attorney Reilly.

Public hearing on the rezoning of part of W297 S9090 HWY 83 from A-1 to B-3 was opened at 7:31 p.m.

Tom Mellencamp, Attorney representing DN Greenwald, 3340 North Lake Drive, Milwaukee – Opposes the rezoning citing a letter from the Planner Heinig in January of 2001, which stated that no additional commercial rezoning shall take place in the 'North Village'.

Gene Kovacs, RSV Engineering, 801 Main St, Mukwonago; representing owner Scott Simon – Favors the rezoning, he has had several meetings with Village representatives and no one had a problem with the business area.

Public hearing was closed at 7:34 p.m.

Public hearing on the rezoning of part of W297 S9090 HWY 83 from A-1 to R-4 PUD opened at 7:34 p.m.

Gene Kovacs, RSV Engineering, 801 Main St, Mukwonago; representing owner Scott Simon – Favors the rezoning. Public hearing was closed at 7:37 p.m.

Treasurer, Mileage, Police, Fire, and Library reports for June 2004 were placed on file in the Clerk's Office.

Moved by Fickau, seconded by Fennel, to approve the minutes of the June 15, 2004 meeting as presented. Motion carried without a negative vote.

President Wagner read and presented to Mr. & Mrs. Wendelin Adler a proclamation for their 50th Wedding Anniversary.

COMMENTS FROM THE PUBLIC:

Mr. David Linton, PLMD Chairman, S107 W30501 Sandy Beach Road – He has concerns about the proposed well at the Phantom YMCA Camp. The PLMD would like to share information with the Board on this project.

COMMITTEE REPORTS:

FINANCE – Moved by Pires, seconded by Odier, to approve the following vouchers: Finance \$68,792.16; Fire/Amb \$14,241.84; TID General \$339,431.14; TID S/W \$48,328.82; Fire Designated \$4,546.14; Recycling \$453.76; Library \$5,769.43; 2001 GO Bond \$4,143.79; 2004 GO Note \$10,505.50; Water \$18,591.60; Sewer \$14,157.27. Motion carried without a negative vote. Moved by Pires, seconded by Odier, to approve Resolution 2004-21: **A RESOLUTION IN SUPPORT OF COUNTY ORDINANCE ON LIBRARY COST.** Motion carried without a negative vote. Finance Committee will meet with the Library Board and the Village's Financial Consultant next week to discuss the Library expansion. Customer credit card payments will remain on the agenda.

JUDICIAL – Committee will review the application of Lucas Hein for an operator's license in 6 months. Committee does not have a recommendation on the other licenses because we did not have copies to review. The traffic issue on Elmwood Alley and the License quotas can be removed from the agenda.

HEALTH & RECREATION – Skate Board Ramp can be removed from the agenda. The Rotary Club will be celebrating their 100th anniversary next year and they would like to do some Village projects. They would be planting trees and placing some additional benches along Holz Parkway. As a long-term project they would like to work on a Band Shell and Gazebo at Indian Head Park. The flood damage at Miniwaukan Park, storage of weed conveyor on Blood Street should be removed from the agenda. Garbage & Recycling contract will remain in committee and Clerk to arrange a meeting with John's Service and the committee during the day. Discussion on use of Fire Station #1 by Community Groups will remain in committee. Clerk to check minutes on what the Board previously did with this item. Moved by Fennel, seconded by

Debe, to not replace the fence along Minor Park except by the ball diamonds. Motion carried without a negative vote.

PERSONNEL – Moved by Odier, seconded by Fickau, to approve Resolution 2004-20: **A RESOLUTION SETTING THE 2004 SALARY FOR DPW SUPV.** Motion carried without a negative vote. Moved by O'Bryan, seconded by Odier, to accept the Employee Handbook as presented with the statement that *'Marriage between two individuals already employed by the Village or their relatives will not be considered a violation of the policy'*. Motion carried on a vote of 6 ayes and 1 nay [Debe voting 'no'].

PUBLIC WORKS – Moved by Fickau, seconded by Debe, to authorize the signing of the WE Energies permit for installation of overhead electric for Jefferson Street and Plank Road. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to authorize the signing of the WE Energies work request for relocating streetlights on Plank Road and Jefferson Street. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve the alternative street cross section for Mukwonago Shores with curb & gutter and sidewalks on both sides of the road. Motion carried without a negative vote. The committee will have a meeting with residents in the area at a later date. Sidewalk ordinance will remain in committee. Moved by Fickau, seconded by Debe, to accept the recommendation of the Village Engineer and approve Change Order #3 for TID #3 for Phase 1 paving, utilities and stormwater in the amount of an additional \$17,190.00. Motion carried without a negative vote. Report was given on the Capital Improvement Plan for street work that for over a 6-year period the cost would be about \$6 Million. Moved by Fickau, seconded by Debe, to remove or grout the laterals at the Village Hall that is not being used at a cost of about \$1,200.00. Motion carried without a negative vote. President Wagner directed the Village Attorney to write a letter to Mrs. Weinper that if the sidewalks and approaches in the Meadow Park Estates are not removed the Village will have them removed and recover the cost from the Letter of Credit. WWTP Generator will remain on the agenda. WE Energies-Focus on Energy Grant for WWTP is \$23,000.00 of which the Village could get \$8,300.00. An update report was given on the well drilling at the YMCA Camp. Moved by Fickau, seconded by O'Bryan, to accept the committee recommendation to not build a building at 1111 Fox Street to house the old Fire Truck. We are not a museum, it limits our ability to expand, taxpayer money should not be used for this, and the Village will need to insure the Village once it is operational. Motion lost on a vote of 3 ayes and 4 nays. Item will remain in committee. Moved by Fickau, seconded by Debe, to reconsider the previous meetings action that No Left Turn sign be placed on Atkinson Street at Main Street. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to recommend that no change be made at this time and to look at it again during the reconstruction of the area. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to reject all bids for the Plank Road Project and to rebid the project in the early spring. Motion carried without a negative vote.

PLAN COMMISSION – Moved by Fennel, seconded by Debe, to accept the Plan Commission recommendation to adopt Ordinance No. 726: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO [Hawks Ridge East-new property].** Motion carried without a negative vote. Moved by O'Bryan, seconded by Fennel, to accept the Plan Commission recommendation to adopt Ordinance No. 742: **AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE VILLAGE OF MUKWONAGO [Heaven City Development Company].** Motion carried without a negative vote. Moved by O'Bryan, seconded by Debe, that the minutes be corrected to show that Ordinance No. 742 should be Ordinance No. 743. Motion carried without a negative vote. Moved by Fennel, seconded by Pires, to accept the Plan Commission recommendation to approve the Bay View Veterinary Clinic site plan, architectural plan, and signage with the following conditions: [1] The addition shall be constructed in accordance to the plans dated June 21, 2004, with the revisions required by the conditions of approval. [2] Parking spaces 18 & 19 shall be striped in a north/south direction. [3] If requested by the Village, the lighting shall be adjusted to reduce glare and light spill over. [4] A dumpster enclosure and location shall be provided, with approval of the dumpster design by the Zoning

Administrator. [5] At the request of the Village, applicant shall install additional parking spaces if needed. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to approve the signing of the Wal-Mart Developer's Agreement with condition that the CSM's be recorded with proper numbers and the Village Attorney to give a final review of the document at that time. Motion carried without a negative vote.

PROTECTIVE SERVICES – Fire Dept member's payment of class's policy will be modified. Item can be removed from the agenda. Annual School resource Officer report can be removed from the agenda. Moved by O'Bryan, seconded by Debe, to adopt Ordinance No. 737: **AN ORDINANCE TO CREATE SECTION 38-4 OF THE MUNICIPAL CODE OF THE VILLAGE OF MUKWONAGO TO REQUIRE REIMBURSEMENT FOR AMBULANCE AND RESCUE SERVICES, INCLUDING TECHNICAL RESCUE SERVICES.** Motion carried without a negative vote. Alternate use of Village and Town Attorneys on Fire & Ambulance issues will remain in committee. 2005 salary discussion with the Fire Department will be removed from the agenda, as this will be handled during the budget process. President Wagner asked the Committee to review the Paramedic Program and where we are with that.

VILLAGE ENGINEER: Moved by Debe, seconded by Fickau, to accept the Engineers recommendation to award the bid for Fox River View Lift Station to Terra Engineering in the amount of \$884,353.00. A 10% contingency will be added for budget purposes bringing the total of the project to \$972,788.30. Motion carried without a negative vote. Herriges driveway, located in the TID #3 area, will be a bid project.

VILLAGE CLERK: Moved by O'Bryan, seconded by Fickau, to approve Resolution No. 2004-21: **A RESOLUTION TO CREATE AN ADDITION WARD FOR THE VILLAGE OF MUKWONAGO IN RACINE COUNTY.** Motion carried without a negative vote.

CORRESPONDENCE: Letters from Rosanne Day, Nancy Gloe, and WE Energies were placed on file in the Clerk's Office.

NEW BUSINESS: Moved by Odier, seconded by Fickau, to authorize the signing of the WE Energies Permit for installation of gas main for the Fox River View Subdivision. Motion carried without a negative vote. Moved by Odier, seconded by O'Bryan, to authorize the signing of the WE Energies Permit for main extension on The Orchards of Mukwonago subdivision. Motion carried without a negative vote. Moved by Fickau, seconded by Odier, to authorize the signing of the WE Energies Permit for 643 Prairie Hill Avenue and 1015 S. Main Street. Motion carried without a negative vote.

Moved by Fickau, seconded by Odier and carried to adjourn the meeting at 9:27 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on August 17, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: Library Director McBride, WWTP Supv Piquett, Police Chief Winchowky, Engineer Peot, Planner Kaniewski, Water Supv Walenczyk, Fire Chief Rolfe, DPW Supv Brandemuehl, & Attorney Reilly.

President Wagner announced that the Village Board would adjourn into closed session at the end of the meeting pursuant to State Statute 19.85(l)(g). Treasurer, Mileage, Police, Fire, and Library reports for July 2004 were placed on file in the Clerk's Office.

Moved by Fickau, seconded by Fennel, to approve the minutes of the July 20, 2004 meeting as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC

David Linton, PLMD Chairman, S107 W30501 Sandy Beach Road, strongly opposes the construction of a well at the YMCA camp citing possible damage to upper Phantom Lake. Speaking in opposition of the proposed sidewalks in Mukwonago Shores subdivision were: Gary Graczyk, 410 Field St.; Karen Gale, 123 Park Place; Scott Murphy, 409 Field St.; Marilyn Meyer, 450 Atkinson St.; Sue Cox, 448 Wahl Ave.; and Tom Jones, 401 Lois St. President Wagner stated that there will be a public information meeting on the proposed sidewalks on Tuesday, August 31, 2004 with a time to be determined. Cindy Lartz, acting as both a representative of the Mukwonago Food Pantry and as a citizen, discussed her proposal to re-open Indianhead Beach. Karen Gale also spoke in favor of re-opening the beach. Mike Graczyk spoke in opposition of the construction of a building to house an old fire truck. He is opposed to any tax dollars going towards this project, including future maintenance.

COMMITTEE REPORTS

FINANCE – The auditors presented the Village Audit Report for the 2003 fiscal year before the Finance Committee. The unqualified audit opinion showed that the Village is in good standing. Moved by Pires, seconded by Odier, to approve the following vouchers: General Fund \$63,608.62; Fire/Amb \$2,184.77; TID General \$311,362.26; TID S/W \$204,367.89; Library \$4,934.60; Capital Improvements \$1,115.25; 2001 GO Bond \$150.50; 2004 GO Note \$25,579.25; Impact Fees \$24,248.00; Water \$13,790.07; Sewer \$8,350.99; Taxroll \$508,336.21; Park Purchases \$1,587.50. Motion carried without a negative vote.

JUDICIAL – Moved by Debe, seconded by Odier, to approve the 2004-05 Applications for Operator Licenses for Karen M. Cartwright, Evan C. Finch, Barbara A. Oestreicher and Dawn M. Wetzel. Motion carried without a negative vote. Moved by Debe, seconded by Odier, to approve the 2004 Application for Temporary Class B Beer License for St. James Parish for September 11 and 12, 2004. Motion carried without a negative vote.

HEALTH & RECREATION – The youth baseball team, Mukwonago Mustangs, will be playing at Minor Park and will work around the schedule of the other teams that are there. Kevin Sinnett requested that the Police Department do background checks on all the coaches for Mukwonago Braves Football at no cost. They can sign up on the Department of Justice website and do their own or have the Police Dept. do it for the \$5 fee that DOJ charges. The Committee feels that \$300 is a reasonable cost to have the DPW set tables up for the Senior Citizens group that meets in the Community Room at the Village Hall. Garbage & Recycling contract, Indianhead Beach operation proposal, construction of playground area and park development project in Miniwaukan Park and discussion on use of Fire Station #1 by community groups will remain in committee.

PERSONNEL – Committee met with Supv of Inspections Hankovich. Permits are falling behind because of the amount of commercial and residential developments and requested that the

newly hired Assistant Building Inspector work more than the 600 hours that the Board requested. The issue will be discussed for the 2005 budget. No salary increases will take place this year.

PUBLIC WORKS – Moved by Fickau, seconded by Debe, to waive the permit fees for the construction the Fire Dept. training tower. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to allow Chief Winchowky to dispose of excess items stored in the impound garage. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to begin the drilling of a test well called TB-2. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to do the radio communication project study for low bid of \$1,625. Motion carried without a negative vote. Moved by Fickau to not proceed with the storm water study at this time. Motion died for lack of a second. Moved by O'Bryan, seconded by Pires, to have Ruekert & Mielke apply for a grant so that the Village may proceed with the storm water study. Motion carried on a vote of 6 ayes and 1 nay (Fickau voting no). Village will ask for citizen input and approach the County about the possibility of installing a round-a-bout at the intersection of Hwy ES and NN. Item will remain in committee. The Wisc DNR annual inspection report for 2004 shows that the Village is in good condition. Christy Cramer, Ruekert & Mielke, gave a report on Capital Improvement costs and the various options to finance them. There will be a public information meeting sometime in the future to gather input. Item will remain in committee. The Gateway District Storm Water Utility will remain in committee. The Village has the right to condemn property in the Town to construct a multi-use trail. Clerk to contact Town officials so the Village can work on the issue with them. Sidewalk Ordinance update will remain in committee. WWTP found a local person to service the turbine. Proposed building construction at Fire Station #1 to house the fire truck will be taken off the agenda for a year or two when Gordon Wells is ready to provide more information.

PLAN COMMISSION – Moved by O'Bryan, seconded by Debe, to accept the Plan Commission recommendation to adopt **Resolution 2004-22: A Resolution Creating A Relocation Order For The Acquisition Of Certain Lands Or Interest In Lands For The Reconstruction Of Plank Road And Adjacent Areas In The Village Of Mukwonago.** Motion carried without a negative vote. Moved by Fennel, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the release of utility easement at the Waukesha Memorial Hospital site. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to sign the release of the sediment/filtration drainage easement for the Wal-Mart Supercenter Parcel contingent upon the recording of the CSM of Wal-Mart land, completion of new sediment pond and the payment by Wal-Mart of all professional fees regarding the issue. Motion carried without a negative vote. Moved by Fickau, seconded by Pires, to accept the Plan Commission recommendation to approve the Main Street Meat Company wall sign located within the Greenwald Shopping Center along Bay View Road, subject to the following conditions: 1) The subject sign shall not exceed 13 inches by 219 inches, 2) Subject sign shall be red neon with internally illuminated channel letters on a raceway and 3) No other wall signage shall be allowed. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the Architectural & Site Plans for the proposed Spencer-Smith Chiropractic Clinic that will be located on Lot 8, River Crest Ct. with the following conditions: 1) The site shall be developed in accordance with the revised plans submitted with the application, 2) Construction shall follow proper engineering practices, 3) With construction on the site, existing driveway aprons that will not be needed for the development shall be removed, 4) The approval shall also include the approval for the monument sign location and design, with future approval of the remaining sign face by the Zoning Administrator and 5) The developer will plant up to 12 more trees or shrubs, maximum, on the north side as determined by the Zoning Administrator. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to accept the Plan Commission recommendation to approve the Orchards of Mukwonago Final Plat, subject to the following conditions: 1) The final plat shall not be recorded until a final copy is forwarded to the Village Engineer for final review, 2) The final plat shall not be recorded until an Affidavit of Correction

is recorded to show the correct Honeywell Road Right-Of-Way erroneously drawn on a previous Certified Survey Map, 3) The final plat shall not be recorded until Village Board adoption of the Developer's Agreement and 4) At the time of recording of final plat, water impact fees are due to the Village of Mukwonago. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the Developer's Agreement for The Orchards of Mukwonago subject to corrections made by the Village Attorney and exhibits approved by Department Heads and Engineer. Corrections will be made to pages 8, 11, 12, & 14. Motion carried without a negative vote.

PROTECTIVE SERVICES – Ebix correspondence will be handled within the Village's accounting department. Alternate use of Village and Town Attorneys on Fire & Ambulance issues will remain in committee.

VILLAGE ENGINEER

Moved by Debe, seconded by Fennel, to accept the Urban-Herriges driveway construction bid from Mann Brothers in the amount of \$59,963.80. The unit prices shall not change. Motion carried without a negative vote.

VILLAGE ATTORNEY

Moved by Fickau, seconded by Fennel, to approve the Letter of Credit for The Orchards of Mukwonago in the amount of \$2,061,283.00. Motion carried without a negative vote.

VILLAGE PRESIDENT

Moved by Debe, seconded by O'Bryan, to accept the letter of resignation from Michael Hamilton from the Board of Building and Zoning Appeals. Motion carried without a negative vote. Moved by Fennel, seconded by Pires, to accept the Village President's appoint of Dan Klappa as a regular member and Paul Binder as 1st Alternate for the Board of Building and Zoning Appeals. Motion carried without a negative vote. Moved by O'Bryan, seconded by Fennel, to accept the Village President's appoint of Pires, Odier, Fickau and Wagner as Board of Review members. Motion carried without a negative vote.

Moved by Fickau, seconded by Odier, to adjourn at 8:51 p.m. into closed session pursuant to State Statute 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 – Racine County Annexations. Motion carried unanimously upon roll call.

Steven A. Braatz, Jr.
Deputy Clerk

President Wagner called the Village Board meeting to order on September 21, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: Library Director McBride, Planner Kaniewski, DPW Supv Brandemuehl, Fire Chief Rolfe, WWTP Supv Piquett, Engineer Peot, Police Chief Winchowky, & Attorney Reilly. President Wagner announced that the Village would adjourn into closed session at the end of the meeting.

Public Hearing for Change of Zoning from A-1 to B-3 for W297 S9090 STH 83-Scott Simon was opened at 7:32 p.m. No one appeared for or against. Hearing was closed at 7:33 p.m.

Public Hearing for Change of Zoning from A-1 to R-3 for S92 W27925 National Avenue - Ralph Hibbard, Heaven City Development Co., was opened at 7:33 p.m. Public Hearing was before the Village Board and Waukesha County Park & Planning. County Planner Dick Mace was present. No one appeared for or against. Hearing was closed at 7:36 p.m.

Public Hearing for Change of Zoning from R-4 to FSD (Flood Storage District) – Far west side of TID #3 was opened at 7:36 p.m. No one appeared for or against. Hearing was closed at 7:37 p.m.

Treasurer, Mileage, Police, Fire, and Library reports for the month of August 2004 were placed on file in the Clerk's Office.

Moved by Fickau, seconded by Fennel, to approve the minutes of August 17, 2004 as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC:

Tom Jones, 401 Lois Street – Sidewalk is an issue. Opposed to sidewalk installation. Would like to address curb & gutter and storm sewers. Does not want to retain ditches.

Joe Siglin, 221 Shore Drive – Would like curb & gutter. Concerned about what would flow into the Lake. Ditches filter the water. Water lines need to be replaced.

Tom Dantzman, 425 Meacham St. - It is not just the sidewalk issue; it is also the width of the road. It cost more to maintain a wider road. 24' is wide enough. For longevity of the road a storm sewer would be a benefit.

Karen Gale, 123 Park Place – Roads need repair and storm sewers are needed. Does not want sidewalks. Vote what the residents want.

Stephanie Klinger, 436 Atkinson – Now is this going to be bid out?

Matilda Piscitello, 431 Atkinson – I have no problem walking without sidewalks.

Al Olson, 421 Wahl Avenue – We are against the sidewalk. What type of curbing will be used, can roll back curbing be used? Need to address the water infiltration system.

Mark Penzkover, 659 Plank Road – Support the Library expansion.

Sue Graczyk, 915 Kims Lane – Supports Library expansion.

Terry Kelly, 717 Meadow View Lane – Supports Library expansion.

Chris Hofmann, 602 Division Street – Supports Library expansion.

Paul Strecher, 1010 Eastern Trail – Supports Library expansion.

Karen Gale, 123 Park Place – Supports Library expansion. Also wants swimming pool opened.

Dave Dunning, 408 Lois Street – Our streets don't need to be more than 24' wide.

Diane McKee, 411 Henry Street – Residents would like input on the improvements.

Karen Gale, 123 Park Place – Isn't there a grandfather clause for older subdivisions?

Kate Graczyk, 410 Field Street – Opposes sidewalks.

Rodell Singert, W254 S7890 Hi Lo Dr, 34th District County Supervisor – Intersection priority, the Village has been raised to #4 on the list. Funding could occur: 1) Wait for priority list and county would fund. 2) Partnership with the county. If a community feels that it should be done now, they can pay and collect from the county the year it comes on the priority list for the work.

COMMITTEE REPORTS:

FINANCE – Library Committee member, Mary Blott gave a presentation on the need to expand the library. Village Financial Consultant, Jeffrey Belongia gave the Board an update on the cost

of bonding for the project and what the proposed interest rate would be for an issue of this size. Moved by Fickau to table the issue until the next Village Board meeting. Motion lost for a lack of a second. Moved by Pires, seconded by O'Bryan, to commit the Village to a maximum of \$4 million if the Library Fund Raising Committee can raise a minimum of \$1 million. Motion carried on a vote of 6 ayes and 1 nay (Debe voting 'no'). Moved by Pires, seconded by Fennel, to adopt Resolution 2004-24: **A RESOLUTION TO CERTIFY THAT THE VILLAGE SHALL PROVIDE FOR AND ALLOW THE LIBRARY TO EXPEND NO LESS THAN THE COUNTY RATE IN THE PRIOR YEAR.** Motion carried without a negative vote. Moved by Pires, seconded by Odier, to approve the vouchers as follows: Village \$44,296.01; Fire/Amb \$17,482.66; TID General \$239,119.93; Recycling \$492.51; Capital Projects \$148.00; Library \$8,942.33; Capital Impvts \$420.00; Water \$14,256.91; Sewer \$11,874.83; Taxroll \$9,471.33. Motion carried without a negative vote. Moved by Pires, seconded by Fickau, to accept the 2003 Audit Report. Motion carried without a negative vote.

JUDICIAL – Moved by Debe, seconded by Odier, to approve the Class A Beer & Liquor license to Ultra Mart Foods, Inc. at 1010 N. Rochester Street. Motion carried without a negative vote. Moved by O'Bryan, seconded by Odier, to award the quote for the Train Whistle Quiet Zone work to Ruekert & Mielke, not to exceed \$6,300.00. Said funds if needed will come from the Professional Services account of the Village Board budget. Motion carried without a negative vote.

HEALTH & RECREATION – Moved by Fennel, seconded by Debe, to waive the \$300.00 Community Room fee to the Senior Citizens for the Village DPW Crew in setting up the tables. Motion carried without a negative vote. Letter from David Linton of PLMD can be removed from the agendas. Letter from Paul Nytsch to set up a Disc Golf Course at Miniwaukan Park will remain in committee. Cost for equipment is \$8,500.00. YMCA operations proposal for Indian Head Beach will remain in committee. Letter from Carrie Heschke, Clarendon Brownie Troop, regarding Community service project in Indianhead Park was accepted and approved. Clerk to send letter informing her of the Board's decision. Miniwaukan Park Development Project, and Construction of playground area in Miniwaukan Park will remain in committee. Moved by Fennel, seconded by Debe, to extend the Garbage & Recycling contract between John's Disposal and the Village of Mukwonago to 12-2008. Clerk is to send a letter to John's that they need to abide to the 6:00 a.m. rule for starting collections in the Village. Motion carried without a negative vote. Committee did feel that some community groups should be able to use the center room at the #1 Fire Station.

PERSONNEL – Moved by Odier, seconded by Debe, to approve Resolution 2004-26: **A RESOLUTION RELATING TO VILLAGE OF MUKWONAGO WAGE SCHEDULES FOR PART-TIME EMPLOYEES.** Motion carried without a negative vote.

PUBLIC WORKS – Engineers went over the Mukwonago Shores Project public informational meeting comments. Committee asked the Board for their comments.

Wagner – I am not in favor of sidewalks in this project and not in favor of wider streets. Would like to see a path for walking or biking.

Pires – I do not support sidewalks in this subdivision. I would prefer curb & gutter and storm water sewers.

Odier – I do not support sidewalks. I would prefer curb & gutter and water quality.

Debe – I do not support sidewalks. Prefer storm water management if cost is in line.

Village Engineer presented a draft of assessment rates for the Mukwonago Shores project: Curb & Gutter at \$10-13 per foot; Driveway at \$3.75-5.00 per square foot; and Street at \$50.00-55.00 per linear foot. If sidewalks are used the cost for that would be about \$11.00 per foot. These are only estimates until the Village decides what the improvements would be. Moved by Fickau, seconded by Fennel, to approve Change Order #1 – Holz Parkway Wetland Mitigation time frame. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve Change Order #4 – TID #3, Phase 1 Paving, Utilities & Storm Water as recommended by the Village Engineer. The dollar amount attributed to Wal-Mart will be billed to Wal-Mart. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to approve the

Lighting Service Installation for Wolf Run and Maple Avenue to WE Energies. Village accepts Option 'B'. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to approve the study to be done this year for the Ammonia Effluent Limits Facility Plan at a cost of under \$10,000.00. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to approve the repairs of the underground air leaks at the WWTP Aeration Basin at a cost not to exceed \$5,600.00. Motion carried without a negative vote. Information on PLMD concerns regarding the proposed well at YMCA Camp. The Village is just testing to see if probable cause exists for a well. Letter from Rosanne Day, 1303 Riverton Drive, regarding sidewalks along CTH NN. Item will remain in the file. WisDOT permit would be for moving water main at the request of the County if the bridge is expanded. Round-a-bout and Capital Improvement Plan will remain in committee. Attorney will have the information for the Gateway Storm Water Utility District at the October 19th meeting. Sidewalk Ordinance update will remain in committee.

PLANNING COMMISSION – Moved by Fennel, seconded by Debe, to accept the Planning Commission recommendation to approve the Schultz Farms Inc. CSM with the following conditions:

1. CSM shall be corrected with the technical revisions pursuant to the letter dated September 7, 2004 from Ruekert/Mielke.
2. Prior to recording of this CSM, the Village Engineer shall review said map to check all technical revisions.

Motion carried without a negative vote. Moved by O'Bryan, seconded by Debe, to accept the Planning Commission recommendation to approve Ordinance No. 735: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO** [Simon property rezone from A-1 to B-3 as submitted]. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Planning Commission recommendation to approve Ordinance No. 741: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO** [Hibbard property rezone from A-1 to R-3]. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Planning Commission recommendation to approve Ordinance No. 742: **AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE VILLAGE OF MUKWONAGO** [Krogstad property, Town of Vernon]. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to accept the Planning Commission recommendation not to object to the CSM for Potter's Circle as submitted by Mr. & Mrs. Gregoire so long as the property is in the East Troy Sanitary District. If not, the Plan Commission request that additional information be provided so that we may review this further. The Village Planner offered the following comments on the CSM:

1. Per Wisconsin State Statute 236.20(2)(b) as referenced by 236.34(1)(c): The legend for metal monuments shall indicate the outside diameter of set monumentation.
2. Per Wisconsin State Statute 236.20(2)(f) as referenced by 236.34(1)(c): If applicable, the exact width of easements shall be shown on the CSM. [There appears to be a utility easement along the east side of the CSM.]
3. Per Wisconsin State Statute 236.20(3)(d) as referenced by 236.34(1)(c): a dotted or dashed line shall underscore the names of adjoining streets and subdivision.
4. Per Wisconsin State Statute 236.20(3)(e) as referenced by 236.34(1)(c): a dotted or dashed line shall show Abutting street lines of adjoining plats.
5. The Village Extra-territorial Certificate was not included with the submittal sheets.

Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Planning Commission recommendation to approve Ordinance No. 744: **AN ORDINANCE TO DETACH CERTAIN PROPERTY FROM THE VILLAGE OF MUKWONAGO** [Greenwald property on S. Main Street next to Amato Ford]. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Planning Commission recommendation to approve the Developer's Agreement with Minor/Pinehurst Subdivision. Motion carried without a negative vote.

PROTECTIVE SERVICES – Ambulance bill dispute with Nancy Hueckman and Alternating the use of Village and Town Attorneys on Fire and Ambulance issues will remain in committee.

VILLAGE ENGINEER: Moved by Fickau, seconded by Debe, to approve the Fox River View Utility plans. Motion carried without a negative vote.

VILLAGE CLERK: Moved by Odier, seconded by Pires, to adopt Resolution 2004-25: *A RESOLUTION TO FILE THE RECYCLING GRANTS TO RESPONSIBLE UNITS AND RECYCLING EFFICIENCY INCENTIVE GRANT APPLICATION.* Motion carried without a negative vote. Preliminary estimates of the January 1, 2004 population for Waukesha & Walworth Counties were given to the Board.

VILLAGE ATTORNEY: Moved by Fickau, seconded by Debe, to accept the Attorney's recommendation for the Orchards of Mukwonago Phase 2, Letter of Credit in the amount of \$810,061.20. Motion carried without a negative vote.

VILLAGE PRESIDENT: Moved by Fennel, seconded by Fickau, to accept the letter of resignation from Ruth Townsend from the HPC effective after the December meeting of HPC in 2004. Motion carried without a negative vote.

CORRESPONDENCE: The Fire Chief has received a FEMA Grant in the amount of \$167,830 with a 10% matching funds from the Village for breathing apparatus. Letter from the Two Rivers Subdivision Architectural Control Committee requesting a closed Halloween for their subdivision was referred to the Health & Recreation Committee. Letter from WMCA President Karen Peters, MMC announcing that Village of Mukwonago's Administrator/Clerk-Treasurer Bernard W. Kahl, MMC, was awarded the WMCA Lifetime Achievement Award.

NEW BUSINESS: WE Energies permit to bury existing overhead lines on CTH NN was referred back to WE Energies for them to obtain permit from the County. Moved by Fickau, seconded by O'Bryan, to authorize the Village President to sign the WE Energies permit for 639 Prairie Hill Avenue, 644 Prairie Hill Avenue, 710 Stoecker Farm Avenue, and 407 Fritz Way. Motion carried without a negative vote.

Moved by Fickau, seconded by Fennel to adjourn into closed session pursuant to State Statue 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 – Super Excavator Claim.

And pursuant to State Statue 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 – Plank Road Project.

Motion carried unanimously upon roll call at 10:54 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order at 7:30 p.m. on October 5, 2004. Members present: FICKAU, PIRES, ODIER, O'BRYAN, DEBE, & WAGNER. Excused: FENNEL. Also present: WWTP Supv Piquett, Bldg Insp/Zoning Admin Hankovich, DPW Supv Brandemuehl, Library Director McBride, Water Supv Walenczyk, Attorney Reilly, & Police Chief Winchowky.

President Wagner announced that the Village Board would adjourn from the regular meeting into closed session pursuant to State Statue 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 – (1) Racine County Annexations, (2) Town of East Troy vs. Village of Mukwonago, & (3) Waukesha Memorial Hospital Tax Exemption Request.

Moved by Fickau, seconded by O'Bryan, to approve the minutes of the September 19, 2004 meeting as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC:

Beverly Lancaster, 324 Henry Street, Burlington – The family is still interested in having the Village of Mukwonago annex their farm into the Village from the Town of Waterford.

Michael Graczyk, 915 Kims Lane – Opposes the annexation.

Dennis Atker, 33625 Ridge Lane, Burlington – Favors the annexation of land into the Village of Mukwonago.

Nancy Ward, 209 Shore Drive – Presented a petition of 203 signatures requesting that the weed harvester be left at the end of Blood Street as it is now.

Steve Verduyn, 425 Andrews Street – Favors leaving weed harvester where it is now located.

Richard Lukas, 33716 Janesville Road, Mukwonago – Favors annexation into the Village of Mukwonago.

Nancy Ward, 209 Shore Drive – Conveyor has been there for 20 years and people don't know why it is a problem now.

Susan Schewe, 450 Eastern Trail - Has concerns about the roundabout that has been talked about for the intersection of Fox Street and CTH 'NN', favors a stop-n-go light at that intersection. Opposed to blocking off the subdivision for trick or treating to outsiders. Opposed to the Library expansion commitment.

Marilyn Neumann, 34801 County Road L – Favors the annexation of her farm into the Village.

Mary Blott, 125 Lincoln Avenue – Spoke in favor of the Library expansion.

Tom Dantzman, 425 Meachan Street – Spoke on the Mukwonago Shores project and the width of the proposed road and storm sewer.

Holly Wray, 520 Division Street – Spoke in favor of the Library expansion.

COMMITTEE REPORTS:

FINANCE – Moved by Pires, seconded by Fickau, to approve the following vouchers: Village \$29,787.76; Fire/Amb \$4,596.48; TID General \$239,935.14; Recycling \$29,836.79; Capital Projects \$2,048.00; Library \$7,393.14; Capital Impvts \$725.00; Water \$30,601.63; Sewer \$16,743.41; Taxroll \$9,471.33. Motion carried without a negative vote. Moved by Pires, seconded by Odier, to set a limit for capitalizing fixed assets and reporting GASB 34 items at \$2,500.00. Motion carried without a negative vote. Credit card payments will remain in committee.

JUDICIAL – Moved by Debe, seconded by Fickau, to approve the application for temporary Class B Picnic license for St. James School for October 15, 2004. Motion carried without a negative vote.

HEALTH & RECREATION – Moved by Debe, seconded by Fickau, to instruct Ruckert & Mielke to make a proposal for Miniwaukan Park canoe launch to the State for funding. It could be a matching grant and cost the Village about \$10,000 to \$15,000. Deadline for filing the application to the State is October 15th. This does not include Minor Park; no work is planned at this time for Minor Park. Motion carried without a negative vote.

PROTECTIVE SERVICES – The ambulance bill for Nancy Hueckman and the use of Attorneys for Fire & Ambulance issues will remain in committee.

VILLAGE PRESIDENT: Moved by Pires, seconded by Debe, to accept the Village President's appointment of Kate Graczyk as the second alternate to the Board of Building and Zoning Appeals. Motion carried without a negative vote. Moved by Debe, seconded by Pires, to accept the resignation of Ruth Townsend from the Historic Preservation Committee to be effective as of October 5, 2004. Motion carried without a negative vote. Moved by Pires, seconded by Fickau, to accept the Village President's appointment of John Bronk to the Library Board. Motion carried without a negative vote.

CORRESPONDENCE: Village Board Members & Village Officials are invited to attend the Citizens Water Protection Study Group to be held October 12th at 6:45 p.m. at the Mukwonago Town Hall. Discussion will be How To Get & How to Protect Water. Any member who plans on attending should inform the Clerk since an agenda may be needed. Trustee Odier informed the Board that she has received notification that of the Pearl & Grand Avenue properties of entry in the National Register of Historic Places.

NEW BUSINESS: Moved by Fickau, seconded by Debe, to authorize the Village President to sign the WE Energies Permit for underground utilities on Lincoln Avenue. Motion carried without a negative vote. Moved by O'Bryan, seconded by Fickau, to authorize the Village President to sign the WE Energies Permit for 133 Baron Road, 130 Park Place, 138 Park Place, and 443 Minors Drive. Motion carried without a negative vote.

Moved by Fickau, seconded by O'Bryan, to adjourn into closed session at 8:16 p.m., pursuant to State Statue 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 – (1) Racine County Annexations, (2) Town of East Troy vs. Village of Mukwonago, & (3) Waukesha Memorial Hospital Tax Exemption Request. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on October 19, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: WWTP Supv Piquett, DPW Supv Brandemuehl, Engineer Peot, Water Supv Walenczyk, Attorney Reilly, & Police Sgt. Pileggi.

President Wagner announced that the Village Board would adjourn from the regular meeting into closed session pursuant to State Statue 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 – Plank Road Project.

President Wagner opened the Public Hearing at 7:31 p.m. on the Change of Zoning from A-1 to R-3 (Single Family/Transitional Residential District) for the Fox River View Subdivision Addition #1. No one appeared for or against. Public Hearing was closed at 7:32 p.m.

The Treasurers, Mileage, Police, Fire, and Library reports for the month of September were placed on file in the Clerk's Office.

Moved by Fickau, seconded by Pires, to approve the minutes of the October 5, 2004 Village Board meeting as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC:

David Linton, S107 W30501 Sandy Beach Road – Concerned about the proposed new well at the YMCA Camp.

Tom Jones, 401 Lois Street – Concerned about the placement of the weed harvester on Blood Street.

Diane McKee, 411 Henry Street – What happened at the Public Works Committee regarding the Mukwonago Shores Improvements?

COMMITTEE REPORTS:

FINANCE – Moved by Pires, seconded by Fickau, to pay the following vouchers: Village \$168,139.06; Fire/Amb \$3,787.59; WDF \$2,000.00; TID #3 General \$3,917.94; TID S/W \$93,200.88; Debt \$77,587.14; Recycling \$93.57; EDC \$82,658.18; Capital Outlay \$44,400.00; Library \$4,855.24; Capital Impvts \$9,038.50; 2001 GO \$4,752.68; 2004 GO \$194,106.09; Impact Fees \$1,218.00; Water \$25,395.08; Sewer \$83,628.20; Taxroll \$111,286.10; Parkland \$56.25. Motion carried without a negative vote. Moved by Pires, seconded by Fickau, to allow citizens to pay taxes and water bills by credit card. Motion carried without a negative vote.

JUDICIAL – Moved by Debe, seconded by Odier, to increase the Class A Liquor License quota from 3 to 4 licenses effective January 1, 2005. Motion carried without a negative vote. Operator's license applications for Laurie E. Materna & Maureen A. Metzger will remain in committee. Application for Class A Beer License for the Village Pumper Group, LLC, 710 Main Street will remain in committee. Application for Class A Liquor License for Ye Ole Smoke House, LLC, 214C S. Rochester Street will remain in committee.

HEALTH & RECREATION – Letter is to be written to Home Depot thanking them for donating a shed for use at Miniwaukan Park; letter to be signed by the Village President. Moved by Fickau, seconded by Pires, to not allow the Two Rivers Subdivision to close the area for outside trick-or-treaters. Motion carried on a vote of 6 ayes and 1 nay (Debe voting 'no'). Letter regarding the parking citations in Miniwaukan Park was read and the Clerk was asked to contact the Braves Football Association requesting that the Village be notified when such a crowd is to be expected and when such an event is being planned. Moved by Fennel, seconded by Debe, to ask users of Miniwaukan Park to place garbage in plastic bags so the DPW Crew can pick them up instead of placing trash in barrels. Motion carried without a negative vote. Moved by Fennel, seconded by Pires, to place funds in the amount of \$4,500.00 in the 2005 proposed Parkland budget for a Disc Golf Course in Miniwaukan Park. Funds are not to be released until the Village has proof of the matching funds on hand for this project. Motion carried without a negative vote. Miniwaukan Park Development Project, & Construction of Playground Area in Miniwaukan Park, can be removed from the Committee's agenda. Indianhead Beach Operation proposal will remain in committee.

PUBLIC WORKS – Moved by Fickau, seconded by Fennel, to approve Change Order #1 for Bay View Road, sanitary & water main extensions for a decrease in the contract price of \$34,633.00. Motion carried without a negative vote. [Total contract cost was \$1,161,472.00.] Moved by Fickau, seconded by Fennel, to deny the request from Gina Trapp, Joseph Douglas Builders, regarding the driveway approaches near curb stop in the Minor Park Subdivision. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Committee recommendation that the Village cannot change the Fire Protection Charge on the outside meter as requested from the Whispering Bay Condo's Association. Motion carried without a negative vote. The Village Board encouraged the PLMD to hire their own expert for the aquifer testing that will be done at the Phantom YMCA Camp. No action was taken on the R&M billing for the TID #3 and Fox River View Lift Station borings. Clerk to send a letter to Mr. & Mrs. Kenneth Andler that if they had not removed the items from the house at 506 Division they should do so soon and to notify the Clerk when they are done. Moved by Fickau, seconded by Odier, to eliminate all sidewalks in the Mukwonago Shores Subdivision project except for those that exist now. Motion carried without a negative vote. Committee will review the Ordinance on sidewalks. Committee is still reviewing the road widths for this project. Committee is also reviewing the design of the curbs for this subdivision project. Moved by Fickau, seconded by Fennel, to award the Geotechnical project for the Mukwonago Shores to Midwest Engineering Service at no cost to the Village. Motion carried without a negative vote. Round-A-Bout at Hwy ES & Holz Parkway, Capital Improvement Plan/Financing, and Sidewalk Ordinance update will remain in committee. Moved by Fickau, seconded by O'Bryan, that the driveway approaches in the Mukwonago Shores Subdivision will remain in-kind but if improved it will be at the owner's expense. Motion carried without a negative vote.

PLAN COMMISSION – Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the sign and lighting request for 214C S. Rochester Street, subject to final approval by the Building Inspector as to plans discussed at the Plan Commission meeting. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to approve the landscape plan as submitted by Fox River View with the following comments and condition: Change the thornless species to a common street tree. Size of trees as shown for some is 2 inches; the developer's agreement calls for 3 inch. Developer must provide extended warranty till it reaches 3 inches; some trees are not available in the 3-inch size. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to accept the Plan Commission recommendation to approve the sign change request by North Star Shell, 1060 N. Rochester Street as submitted. It calls for removal of the existing sign. The new structure will have a brick base with two separate signs. The gasoline sales sign would be 41 square feet and the Bakery/Bagel Shop reader board sign would be 30.5 square feet. The total would be 71.5 square feet of signage, which is less than the maximum allowed of 100 square feet. The total sign structure, including the base, will be ten (10) feet high with a width of 16.67 feet. Motion carried without a negative vote. Moved by Debe, seconded by Fickau, to accept the Plan Commission recommendation to petition SEWRPC for a re-delineation of the Primary Environmental Corridor (PEC) boundaries located on a single lot in the Meadow Park Estates Addition #3 subdivision. The lot in question is Lot 1 of the new CSM dividing the former Lot 26 of that subdivision. If there should be a cost from SEWRPC for this work, Cedar Mill Homes will reimburse the Village for that expense. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the extraterritorial review of CSM-Town of Vernon-W272 S8260 Hillview Drive, Joe Kehoss. Motion carried without a negative vote. Moved by Fennel, seconded by Odier, to approve Ordinance No. 745: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO** [MUKV 2091-991]. Motion carried without a negative vote. Moved by Fennel, seconded by Debe to accept the Plan Commission recommendation to approve the CSM, Developer's Agreement, Landscape and Site Plan, and Architectural Plans as submitted for the Berg Development Project on Bay View Road with the following conditions:

- 1) That the Developers Agreement is subject to approval by department heads, Village Attorney, Village Planner, and Village Engineer.
- 2) There should be additional landscaping around the transformers.
- 3) Prior to issuance of a building permit, all final development plans shall be in conformance with the Site and Architectural Plans.
- 4) Prior to issuance of a building permit, the developer shall submit final landscape plans for review and approval by the Village Planner.
- 5) Prior to the recording of the CSM, the Village Engineer shall verify that all technical revisions have been properly corrected on the map.
- 6) Prior to the recording of the CSM, the Developer's Agreement shall be approved and signed by the Village and applicant.

Motion carried without a negative vote.

VILLAGE ENGINEER: Moved by O'Bryan, seconded by Fennel, to approve the grading, utility and storm water management plan for the Wal-Mart Supercenter development. Motion carried without a negative vote.

VILLAGE ATTORNEY: We have a Stipulation and Order for Entry of Judgment in the Racine County Annexations and Declaratory Judgment. Moved by Fennel, seconded by Debe, to authorize the Village Attorney to sign the Stipulation Order for Entry of Judgment and declaratory Judgment for case number 04-CV-1431. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to authorize the Village Attorney to sign the Stipulation Order for Entry of Judgment and declaratory Judgment for case number 04-CV-1436. Motion carried without a negative vote. Moved by Fickau, seconded by Pires, to authorize the Village Attorney to sign the Stipulation Order for Entry of Judgment and declaratory Judgment for case number 04-CV-1434. Motion carried without a negative vote. Moved by Debe, seconded by Fickau, to accept the Letter of Credit reduction for Fox River View Subdivision to the total amount of \$2,948,578.00. Motion carried without a negative vote. Moved by Fennel, seconded by O'Bryan, to return the two (2) Letters of Credit for Minor's Homestead to the bank for a single Letter of Credit in the amount of \$977,474.59. Motion carried without a negative vote.

NEW BUSINESS: Moved by Fennel, seconded by Fickau, to authorize the Village President to sign the WE Energies Permit for underground utilities work in the Minor's Homestead Subdivision Addition #1 and #2. Clerk is to send a letter to WE Energies that they complete restoration of these projects on a timely basis and that they follow the Village Erosion Control Ordinance. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to authorize the Village President to sign the WE Energies Permit for 407 Minors Drive and 528 Minors Drive and that they complete restoration of these projects on a timely basis and that they follow the Village Erosion Control Ordinance. Motion carried without a negative vote.

Moved by Fennel, seconded by Debe, to adjourn into closed session at 8:30 p.m., pursuant to State Statue 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 – Plank Road Project. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Administrator-Clerk/Treasurer

President Wagner called the Special Village Board meeting to order on October 28, 2004 at 6:45 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER.

JUDICIAL: Moved by Debe, seconded by Odier, to adopt Ordinance No. 746: **AN ORDINANCE TO AMEND SECTION 6-36 OF THE MUNICIPAL CODE RELATING TO ALCOHOL BEVERAGE LICENSE QUOTAS.** Motion carried without a negative vote.

Moved by Debe, seconded by Odier, to approve the Class A Liquor License for Ye Ole Smoke House, LLC., Thomas Materna, Agent, at 214-C South Rochester St. Motion carried without a negative vote.

Moved by Debe, seconded by Odier, to approve the Operator's license for Laurie E. Materna. Motion carried without a negative vote.

Moved by Fickau, seconded by O'Bryan and carried to adjourn the meeting at 6:56 p.m.

Bernard W. Kahl, MMC
Administrator-Clerk/Treasurer

President Wagner called the Village Board meeting to order at 7:30 p.m. on November 16, 2004. Members present: FICKAU, PIRES, FENNEL, O'BRYAN, DEBE, & WAGNER. Member excused: ODIER. Also present: DPW Supt Brandemuehl, Planner Kaniewski, WWTP Supt Piquett, Library Director McBride, Police Chief Winchowky, Engineer Peot, Water Supt Walenczyk, & Attorney Reilly.

President Wagner announced that the Village Board would go into closed session after adjournment of the regular meeting, pursuant to State Statutes 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 – Home Depot claim against the Village.

The Treasurer, Mileage, Police, Fire, and Library reports for the month of October were placed on file in the Clerk's Office.

Moved by Fickau, seconded by Fennel, to approve the Village Board minutes of October 19 & 28, 2004 meetings as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC:

Tom Jones, 401 Lois Street – Thanked Gary & Kate Graczyk for work they did on bringing the Shores Subdivision together on the street project for this subdivision. Thanked the Public Works Committee and the Village Board for working with the residents on this project. Gave a petition, signed by a majority of residents of the Shores Subdivision, to the Board members requesting standard curbs instead of rolled back curb. He asked that the Village look into the height of the light wires on Lois Street, they are currently 17' above the ground and should be 18'. Electric company needs to raise them or bury them during this project. Parking should be discussed; they would like the new lights. Referred to Public Works Committee.

Al Olson, 421 Wahl Avenue – What happens to this subdivision will happen in ours.

Janet Daul, 428 Field Street – Concerned about no parking and the cost.

Melissa Chipman, 511 Shore Drive – Thanked the Board for their time, favors rolled back curbs, wants no sidewalks and narrow roads.

Thomas Dantzman, 42 Meacham Street – Decision needs to be made.

Tillie Piscitello, 432 Atkinson Street – Thanked the Board for their time.

Diane McKee, 411 Henry Street – Thanked the Board for their time, has a concern about parking for Mt. Olive Church activities and how it relates to the street width & parking.

Stephanie Klinger, 436 Atkinson Street – Concern about letting residents know about parking.

Gary Graczyk, 410 Field Street – Thanked the Board for their time. Favors standard curb and parking needs to be addressed.

COMMITTEE REPORTS:

FINANCE – Moved by Pires, seconded by Fickau, to approve the following vouchers: Village \$79,196.08; Fire/Amb \$5,936.08; TID General \$6,374.03; TID S/W \$24,256.64; Designated \$2,092.73; Recycling \$30,257.00; Capital \$95.00; Library \$3,629.40; Capital Impvts \$1,985.00; 2004 GO \$10,178.18; Water \$10,149.13; Sewer \$137,972.99; Parkland \$196.00. Motion carried without a negative vote. Moved by Pires, seconded by Debe, to approve the request from the Water Utility Supt for a credit card and that the department will follow the credit card policy. Motion carried without a negative vote.

JUDICIAL – Moved by Debe, seconded by Fennel, to approve the application for a Temporary Class B Beer License to St. James School for November 19, 2004. Motion carried without a negative vote. Moved by Debe, seconded by O'Bryan, to approve Operator's Licenses for Maureen A. Metzger & Jennifer K. Tappendorf. Motion carried without a negative vote. Moved by Debe, seconded by Fennel, to approve the application for a Class A Beer License for the Village Pumper Group, LLC, Evelyn R. Morton, Agent; 710 Main Street. Motion carried without a negative vote. Moved by Debe, seconded by Fennel, to approve the application for a Class A Liquor License for Joyce L. Anderson, d/b/a Whatever Baskets; 105B N. Rochester Street. Motion carried without a negative vote.

HEALTH & RECREATION – Moved by Fennel, seconded by Debe, to accept the committee recommendation to waive the Field Park Pavilion usage fee for the Mukwonago Area Chamber of Commerce Midnight Magic Event. Motion carried without a negative vote. Review of proposal from Ruekert & Mielke to design Miniwaukan Park Improvements Master Plan and construction plans will remain in committee. Indianhead Beach operation proposal will be removed from the agenda.

PERSONNEL – Worker’s Compensation Issue is being looked into by the Clerk and can be removed from the agenda. No action was required on the Employee Handbook, can be removed from the agenda. The Clerk was given approval to offer the Health Insurance Deposit program to employees and that this would be at no cost to the Village.

PUBLIC WORKS – Request to remove stone and flowers from the Andler House will be removed from the agenda as no one showed to explain the request. Trustee Fickau reported on the existing road widths and proposed road widths in the Mukwonago Shores Subdivision.

Road	Existing w/o ditch	Existing w/ditch	Recommended	Comments
Andrews Street	23’-26 ½’	29’-32’	28’	w/roll back curb
Blood Street	20’-26’	31’-41 ½’	26’	w/parking both sides
Lois Street	20’-22 ½’	39 ½’-42’	26’	one side parking
Shore Drive	20 ½’-22 ½’	29 ½’-34’	24’	no parking
Field Street	19 ½’-22’	29’-37’	24’	no parking
Meacham Street	17 ½’-26’	27 ½’-38’	24’	no parking
Henry Street	20’-21’	24 ½’-34 ½’	24’	no parking

Moved by Fickau, seconded by O’Bryan, to approve these widths. Motion failed on a vote of 3 ayes and 3 nays (Fickau, O’Bryan, & Wagner voting ‘yes’). Moved by O’Bryan, seconded by Debe, that all roads in the project area be 28’ wide. Committee will work with Engineers to allow parking and to make curb adjustments to save large trees that maybe located in the work site. Motion carried on a vote of 5 ayes and 1 nay (Fickau voting ‘no’). Moved by Fickau, seconded by O’Bryan, to install rolled back curbs throughout the subdivision. Motion failed on a vote of 1 aye and 5 nays (Fickau voting ‘yes’). Moved by O’Bryan, seconded by Debe, to have square back curb throughout the project area. Motion carried on a vote of 5 ayes and 1 nay (Fickau voting ‘no’). Committee recommends for the Plank Road Project:

1. Street width is 32’ on each side of the tracks.
2. Sidewalks would be located on the north side of Plank Road, east of the tracks, starting at the 1st driveway going east to the Meadow Park Estates Subdivision. On the west side of the tracks, starting at the first house by the tracks westerly to Fox Street on the north side of Plank Road.
3. At the Municipal Parking Lot, there will be sidewalks on the north side and west side only, which is Jefferson & Plank.
4. There will also be a short stretch of sidewalk that will connect Fox Street to Jefferson Street, by the Farr Building on the north side of the building.
5. There is sidewalk located by the Music Store and that will continue east to Jefferson Street on the south side of Atkinson Street.
6. Cul de Sac shapes. We have a ‘Y’ on the west side of the tracks, and on the east side we will have an offset ball.
7. There will be square back curbs except for a small part on Henry Street.
8. Several trees will be moved for the Fritz parcel.
9. Atkinson Street will have a ‘right in only’ for northbound Highway 83 traffic.

Moved by Fickau, seconded by O’Bryan, to accept the committee’s recommendation. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the committee recommendation that the County light the intersection of Highway ‘ES’ & Holz Parkway. Motion carried without a negative vote. Capital Improvement Plan will remain on the agenda.

Sidewalk Ordinance update will be removed from the agenda until the Chairman places it on the agenda. Fox River View Subdivision street light proposal will remain on the agenda.

PROTECTIVE SERVICES – Moved by O'Bryan, seconded by Fickau, to approve Resolution 2004-27: **A RESOLUTION TO ESTABLISH A SNOWMOBILE ROUTE WITHIN THE LIMITS OF THE VILLAGE OF MUKWONAGO.** Clerk to send a letter to the Association that with the proposed improvements being made in the Mukwonago Shore Subdivision we may not be able to allow the route up Andrews Street and they should start looking for a different route next year. Motion carried without a negative vote. Ambulance bill dispute by Nancy Hueckman can be removed from the agenda. Alternating the use of Attorneys by the Town/Village for Fire/Ambulance issues will stay in committee.

PLAN COMMISSION – Moved by Fennel, seconded by O'Bryan, to accept the commission recommendation to approve the Engineering plans for Chelsea Court as submitted by Martin Zess, subject to final approval with driveway details being placed on the plan. Motion carried without a negative vote. Moved by Fennel, seconded by Debe, to accept the commission recommendation to approve the CSM for Heaven City Development Company subject to the following conditions:

1. Village Board shall not approve the CSM until actual easement location in which Waukesha County needs is determined.
2. Village Board shall approve the road configuration, utility easement as shown, and the lot layout of the CSM.

Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the commission recommendation to approve the Preliminary Plat of Fox River View Addition #1 subject to the following conditions:

1. With the approval of the Final Plat, an amendment to the Fox River View Developer's Agreement shall be adopted by the Village Board to include the Fox River View Addition No. 1 subdivision, with the same terms and conditions, along with the submittal of deed restrictions by the developer that restricts the uses of all lots to single-family, and the submittal of deed restrictions for the shared access easement on the neighboring property owned by the Huey's.
2. With submittal of the final plat, the applicant shall submit justification for side property lines not meeting the standards of being perpendicular or radial to the street centerline.
3. With submittal of the final plat, all technical revisions shall be made to the final plat in accordance with the letter dated November 5, 2001 from Ruekert/Mielke.

Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the commission recommendation to approve the sign request from United Unitarian & Universalist Church as submitted. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to accept the commission recommendation to approve the signage as submitted for Pro Health Care, except the East & West entry signs above the doors. The freestanding signs have sufficient directional information along with the on-site directional signs to point the customer to the proper entrance. The East & West entry signs would detract rather than enhance the architectural integrity of the building. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the commission recommendation to approve the sign request by Amato Ford using 36' inch letters for 'AMATO' sign and 15" lettering for 'CAR WASH and SERVICE' sign. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the commission recommendation to approve the issuance of building permits in the Minor's Homestead Addition No. 1, but that no occupancy permits be issued until driveway approaches and sidewalks are installed in the spring. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the commission recommendation to approve the final plat of Minor's Homestead Addition No. 1 & No. 2 subject to the following conditions:

1. Prior to recording of the final plat, all technical revisions as requested in the letters dated November 11, 2004 from David M. Buechl, P.E. of Ruekert/Mielke shall be corrected, and verified by the Village Engineer.
2. Prior to recording of the final plat, all necessary changes shall be made to the final plat to remove the Waukesha County objections.

Motion carried without a negative vote.

VILLAGE ATTORNEY: Moved by Fickau, seconded by Debe, to approve the payment to Therese M. Swenson for a Permanent Limited Easement and Construction Easement in the amount of \$350.00. Motion carried without a negative vote. Moved by Debe, seconded by Fickau, to approve the payments to: Andrew & Kerry Wegner for \$150.00 for Temporary Limited Easement; Thomas G. Kezman for \$250.00 for Warranty Deed; William E. Yeager for \$150.00 for Temporary Limited Easement; Jeffrey J. Cornell & Sandra L. Heck for \$175.00 for Temporary Limited Easement; David & J. Robertson for \$150.00 for Temporary Limited Easement; and David & Sandra Brach for \$100.00 for Temporary Limited Easement. Motion carried without a negative vote.

NEW BUSINESS: Moved by Fennel, seconded by Fickau, to approve the WE Energies permit for underground utilities for Crestview Drive. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve the WE Energies permits for 425 Fritz Way, 615 Minors Drive, 615 Prairie Hill Avenue, and 634 Stoecker Farm Avenue. Motion carried without a negative vote.

Moved by Fennel, seconded by Debe, to adjourn into closed session at 8:49 p.m. pursuant to State Statute 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 – Home Depot claim against the Village of Mukwonago. Motion carried unanimously upon roll call.

Bernard W. Kahl, MMC
Administrator-Clerk/Treasurer

President Wagner called the Village Board meeting to order on December 6, 2004 at 7:30 p.m. Member present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE, & WAGNER. Also present: DPW Supv Brandemuehl, Library Director McBride, Police Chief Winchowky, & Fire Chief Rolfe.

President Wagner opened the public hearing on the 2005 Proposed Budget at 7:31 p.m. No one appeared to speak on the budget. Public Hearing was closed at 7:32 p.m.

NEW BUSINESS:

Moved by Fennel, seconded by Pires, to approve Resolution 2004-28: **A RESOLUTION APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE VILLAGE OF MUKWONAGO FOR 2005.** Motion carried without a negative vote.

Moved by Debe, seconded by Fennel, to approve Resolution 2004-29: **A RESOLUTION APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE VILLAGE OF MUKWONAGO CAPITAL EQUIPMENT FUND FOR 2005.** Motion carried on a vote of 6 ayes and 1 nay (Fickau voting 'no').

Moved by Fickau, seconded by Fennel, to approve Resolution 2004-30: **A RESOLUTION APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE VILLAGE OF MUKWONAGO; RECYCLING FUND FOR 2005.** Motion carried without a negative vote.

Moved by O'Bryan, seconded by Fickau, to approve Resolution 2004-31: **A RESOLUTION APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE VILLAGE OF MUKWONAGO; DEBT FUND FOR 2005.** Motion carried without a negative vote.

Moved by Debe, seconded by Odier, to approve Resolution 2004-32: **A RESOLUTION APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE VILLAGE OF MUKWONAGO; FIRE/AMBULANCE FUND FOR 2005.** Motion carried on a vote of 6 ayes and 1 nay (Fickau voting 'no').

Moved by Odier, seconded by Pires, to approve Resolution 2004-33: **A RESOLUTION APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE VILLAGE OF MUKWONAGO; LIBRARY FUND FOR 2005.** Motion carried without a negative vote.

Moved by Fickau, seconded by Debe, to approve Resolution 2004-34: **A RESOLUTION APPROPRIATING THE NECESSARY FUNDS FOR THE OPERATION OF THE GOVERNMENT AND ADMINISTRATION OF THE VILLAGE OF MUKWONAGO; ECONOMIC DEVELOPMENT FUND FOR 2005.** Motion carried without a negative vote.

Moved by Odier, seconded by Fickau and carried to adjourn the meeting at 7:37 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on December 7, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, DEBE & WAGNER. Also present: Library Director McBride, Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supt Piquett, Attorney Reilly, Water Supt Walenczyk, Fire Chief Rolfe, & Engineer Peot.

President Wagner presented a Proclamation to Mukwonago High School Varsity Coach Hensler and two players for winning the Division I State Football Championship.

Moved by Fickau, seconded by Fennel, to approve the minutes of the November 16th and December 6th meetings as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC:

Tom Jones; 401 Lois Street – Snowmobiles can use Andrew Street to get to the lake but 4-wheelers are ticketed for pulling their ice shanties out to the lake. The Board needs to look at that. Referred to Health & Recreation Committee. The Board needs to look at a policy to allow semis to park someplace in the Village. These drivers are home for the weekend and they have no place to park. Referred to the Judicial Committee.

Sharon Dunning, 408 Lois Street – I think the Board should reconsider their previous motion on the width of the streets in the Mukwonago Shores Subdivision.

Marybeth Vander Male, 440 Wahl Avenue – Opposed to the width of streets for the Mukwonago Shores Subdivision.

Tom Jones, 401 Lois Street – We need the roads to be wider. During Midnight Magic the parking on our streets made it almost impossible to drive through.

David Dunning, 408 Lois Street – Midnight Magic happens once a year. Streets are too wide.

COMMITTEE REPORTS:

FINANCE – Moved by Pires, seconded by Debe, to approve the following vouchers: Village \$25,233.88; Fire/Amb \$3,660.39; TID General \$53,496.83; Recycling \$30,360.10; Library \$5,815.93; Capital Impvts \$330.00; 2001 GO \$34,520.01; Water \$69,611.83; Sewer \$43,207.76; & Taxroll \$9,471.33. Motion carried without a negative vote.

JUDICIAL – Moved by Debe, seconded by Odier, to approve the application for a temporary Class B Picnic License to St. James School for December 17, 2004. Motion carried without a negative vote.

PROTECTIVE SERVICES – The committee decided not to adjust the bill for the Sleep Inn for Hazmat service. Village & Town Attorney service will remain on the agenda.

VILLAGE ENGINEER: Moved by Debe, seconded by Fennel, to accept the proposal from Single Source for acquisition and appraisal of two properties for Oakland/ES intersection project. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve the proposed plan change for Fox River View Subdivision for Lots 53 & 54. Motion carried without a negative vote.

VILLAGE ATTORNEY: Moved by Fennel, seconded by Fickau, to authorize the payment of up to \$100.00 to Patrick & Renee' Hitt for temporary limited easement in the Plank Road Project Area. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to authorize the Village Attorney to send letters to St. John's Church, Douglas Trust, and Kiwanis Club that in exchange for a Multi Use Trail along their property the Village would be responsible for the cost of construction and maintenance. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to allow for the commencement of work on the Chelsea Court Subdivison, prior to a developers agreement but conditioned upon the developer complying with all Ordinances, Statutes and Village Specifications and contingent upon the developer posting a letter of credit in the amount of \$140,000.00. The Board was also advised that this development was designed by R&M. Motion carried without a negative vote. Moved by Fickau, seconded by Debe, to approve the reimbursement to Minor's Homestead in the amount of \$26,812.48 in oversizing of sewer mains. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve the reimbursement to Minor's Homestead in the amount of \$35,706.46 in

oversizing of water mains. Motion carried without a negative vote. Moved by Debe, seconded by Fennel, to approve the reduction in the Letter of Credit for Fox River View to \$2,761,368.41. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to deny the claim from Home Depot USA against the Village. Motion carried without a negative vote.

VILLAGE CLERK: Moved by Odier, seconded by Fennel, to approve the following Election Officials for 2005-2006. Chief Inspector, Robert Chapman; Deputy Chief Inspector, Mary Weinkauf; Inspectors: Lois Boebel, Carol Fickau, Rose Anne Kelly, Terrence Kelly, Christ Peterson, David Peterson, Karen Olbinski, Marge Stobber, and Audrey Swan; Special Registration Deputies: Steven Braatz, Jr., Catherine Millard, Dian Pete, and Judith Taubert. Motion carried without a negative vote.

VILLAGE PRESIDENT: Moved by Debe, seconded by Fennel, to accept the resignation of Steve Powers from the Historic Preservation Commission. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the resignation of Jane Sockrider from the Library Board. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the resignation of Dennis Behling from the Board of Building and Zoning Appeals. Motion carried without a negative vote.

NEW BUSINESS: Moved by Fennel, seconded by Fickau, to approve the WE Energies permit for 631 Prairie Hill Avenue. Motion carried without a negative vote.

Moved by Debe, seconded by Fickau and carried to adjourn the meeting at 7:59 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on December 21, 2004 at 7:30 p.m. Members present: FICKAU, PIRES, ODIER, FENNEL, O'BRYAN, & WAGNER. Member excused: DEBE. Also present: Planner Kaniewski, DPW Supv Brandemuehl, Library Director McBride, Engineer Peot, Water Supt Walenczyk, WWTP Supt Piquett, Fire Chief Rolfe, & Police Chief Winchowky.

President Wagner opened the Public Hearing at 7:32 p.m. for the Change of Zoning from R-3 to B-2 for the northeast corner of Bay View and Mukwonago Drives-Berg Construction. No one appeared for or against the rezoning. Public Hearing was closed at 7:33 p.m.

President Wagner opened the Public Hearing at 7:33 p.m. for the Change of Zoning from A-1 to R-10 with R-4 PUD Overlay for Edgewood Meadow Condos-Harmony Homes. No one appeared for or against the rezoning. Public Hearing was closed at 7:34 p.m.

Treasurer, Mileage, Police, Fire and Library Reports for November 2004 were placed on file in the Clerk's Office.

Moved by Fickau, seconded by O'Bryan, to approve the minutes of the December 7, 2004 meeting as presented. Motion carried without a negative vote.

COMMITTEE REPORTS:

FINANCE – Moved by Pires, seconded by Fickau, to approve the following vouchers: Village \$97,165.30; Fire/Amb \$9,235.40; TID \$299,187.81; TID S/W \$11,268.72; Fire Fund \$750.35; Amb Fund \$16,237.32; Recycling \$412.20; Capital \$6,413.70; Library \$9,958.85; Capt Impvts \$4,203.00; 2001 GO \$111.16; 2004 GO \$6,827.21; Water \$9,373.04; Sewer \$146,452.04; Park \$460.50. Motion carried without a negative vote. Moved by Odier, seconded by Fennel, to approve Resolution 2004-43:

RESOLUTION AUTHORIZING THE BORROWING OF \$3,395,000; PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH.

Motion carried without a negative vote. Moved by Pires, seconded by Odier, to approve the transfer of funds at year-end for audit purposes. Motion carried without a negative vote.

HEALTH & RECREATION – All items will remain in committee.

JUDICIAL – Moved by Odier, seconded by O'Bryan, to approve the application for Operator's license to Nicole L. Jordan. Motion carried without a negative vote. Other items will remain in committee.

PERSONNEL – Moved by Odier, seconded by Fickau, to approve the Library Director's request for job sharing, someone will come in on Sundays and Holidays for 1 hour to unload the book depository bin. The wage of \$6.95 per hour will be handled in the budget. Motion carried without a negative vote. Moved by Odier, seconded by O'Bryan, to approve Resolution 2004-42:

RESOLUTION RELATING TO VILLAGE OF MUKWONAGO SALARY & WAGE SCHEDULES FOR NON-REPRESENTED FULL-TIME AND PART-TIME EMPLOYEES.

Motion carried without a negative vote.

PUBLIC WORKS – Moved by Fickau, seconded by Fennel, to accept the committee recommendation to change the sewer use ordinance regarding the property owner's responsibility of the sewer lateral from the property line to the main. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to make Atkinson Street exit off Highway 83 a one-way street, right in only with the construction of the Plank Road project. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, that the dispute over Professional Charges to DN Greenwald will stand as billed. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to authorize Century Fence Co., of Waukesha to install a security fence around Well #5 at a cost of \$10,224.00. The Water Utility has received a grant towards this project for \$8,800.00 and the balance coming out of this year's budget. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to refer to the Village Attorney the WE Energies Work Request for Non-Standard Street Lighting in Fox River View Subdivision to be included in the Developers Agreement. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to approve WE Energies Work Request for two (2) additional lights to be installed on Maple Avenue. Motion carried without a negative

vote. Moved by Fickau, seconded by Fennel, to authorize the Village President to sign the WE Energies Work Request for TID #3 at East Wolf Run and Maple Avenue for the elimination of four lights for a refund of \$13,256.62. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to approve Resolution 2004-41: **A RESOLUTION ADOPTING THE 2005 SEWER BUDGET AND WATER UTILITY BUDGET.** Motion carried without a negative vote. Committee informed the Board that DPW Supv is working with two companies on the new truck for next year. Committee informed the Board about the Highway 83 Railroad Bridge and culvert for the bike path and the necessity for the Village to move the sewer line that is located under the tracks.

PLAN COMMISSION - *Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to approve the Extraterritorial CSM from Paul Craig for S106 W30416 Sandy Beach Road as submitted. Motion carried without a negative vote. Moved by Fennel, seconded by O'Bryan, to accept the Plan Commission recommendation to approve the CSM for Gerry Krupp at 123 Park Place, subject to four conditions:*

1. Plan Commission shall make a determination if sufficient justification is presented to waive the side property line perpendicular requirement and the rounded corner requirement.
2. The Plan Commission shall determine if prior to recording of the CSM, the existing garage on the site shall be removed or moved to a location that conforms to all setbacks.
3. A vision triangle easement shall be added to the northeast corner of Lot 1 (which has now be added to a revised CSM).
4. Prior to recording of the CSM, all technical revision shall be revised and resubmitted to the Village Engineer in accordance to the letter from Dave Buechl, R.L.S., P.E., dated December 16, 2004.

Motion carried without a negative vote. Moved by Odier, seconded by Fickau, to accept the Plan Commission recommendation to approve the CSM for Barb Beier at 214 Plank Road. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to accept the Plan Commission recommendation to adopt Ordinance No. 748: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO** [Berg rezone from R-3 to B-2 for NE corner of Bay View and Mukwonago Drive]. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to adopt Ordinance No. 750: **AN ORDINANCE TO ATTACH PROPERTY TO THE VILLAGE OF MUKWONAGO FROM THE TOWN OF MUKWONAGO PURSUANT TO THE MUNICIPAL BOUNDARY AGREEMENT WITH THE TOWN OF MUKWONAGO** [Chapman Property, MUKT 1962-996 & 1957-997]. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel, to accept the Plan Commission recommendation to adopt Ordinance No. 749: **AN ORDINANCE TO ATTACH PROPERTY TO THE VILLAGE OF MUKWONAGO FROM THE TOWN OF MUKWONAGO PURSUANT TO THE MUNICIPAL BOUNDARY AGREEMENT WITH THE TOWN OF MUKWONAGO** [Moseler/Scheel Property, MUKT 2011-992 & 2011-992.005]. Motion carried without a negative vote. Moved by Fickau, seconded by Fennel to accept the Plan Commission recommendation to adopt Ordinance No. 751: **AN ORDINANCE TO ATTACH PROPERTY TO THE VILLAGE OF MUKWONAGO FROM THE TOWN OF MUKWONAGO PURSUANT TO THE MUNICIPAL BOUNDARY AGREEMENT WITH THE TOWN OF MUKWONAGO** [Greenwald property, MUKT 2011-999]. Motion carried without a negative vote. Moved by Fickau, seconded by O'Bryan, to accept the Plan Commission recommendation to adopt Ordinance No. 747: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO** [Edgewood Meadows Condo Rezone from A-1 to R-10 with R-4 PUD Overlay]. Motion carried without a negative vote.

VILLAGE PRESIDENT: Moved by Fickau, seconded by O'Bryan, to approve the Village President's appointment of Jim Bartlett to the 2nd alternate of the Board of Building and Zoning Appeals. Motion carried without a negative vote. Moved by Fennel, seconded by Fickau, to

approve the Village President's appointment of Tom Jones to the SE Wisconsin Fox River Commission. Motion carried without a negative vote.

CORRESPONDENCE: Letter from Paul Cox regarding the street widths of Mukwonago Shores project was referred to the Public Works Committee. Letter from Diane Brunette regarding Park Place address changes was referred to the Public Works Committee.

NEW BUSINESS: Moved by Fickau, seconded by O'Bryan, to approve the WE Energies Permit for underground utilities on Chelsea Court. Motion carried without a negative vote.

Moved by Pires, seconded by Odier and carried to adjourn the meeting at 8:13 p.m.

Bernard W. Kahl, MMC
Administrator/Clerk-Treasurer