

President Wagner called the Village Board meeting to order on January 16, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Also present: Library Director McBride, DPW Supv Brandemuehl, Police Chief Winchowky, Attorney Reilly, Water Supt Walenczyk, & Engineer Peot.

President Wagner announced that the Village Board would adjourn into closed session pursuant to State Statute 19.85(1) (e) at the close of the regular meeting.

Moved by Fickau and seconded by Hogan to approve the minutes of the December 19, 2006 meeting as presented. Motion carried without a negative vote. Mileage, Police, Fire, and Library reports for the December 2006 were placed on file in the Clerk's Office.

President Wagner read and presented to Benjamin P. Anderson the Eagle Scout Proclamation.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Fickau to approve Resolution 2007-02: **A RESOLUTION AUTHORIZING THE BORROWING OF \$4,350,000; 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 and seconded by Fickau to approve Resolution 2007-03: **A RESOLUTION TO ESTABLISH THE VILLAGE OF MUKWONAGO SCHEDULE OF FEES.** Motion carried without a negative vote. Moved by Pires and seconded by Hogan to redistribute the \$9,976.00 that the Police Department received when they returned (2) Video Equipment Camera that were purchased last year and failed to work properly; money is to be used to replace those cameras. Motion carried without a negative vote. Moved by Pires and seconded by Fennel to accept the Finance Committee recommendation that the uniform purchase reimbursement request must be turned into the Clerk's Office no later than December 1<sup>st</sup> of each year. Motion carried without a negative vote. Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$70,740.64; Fire/Amb \$22,314.02; TID \$500.00; Recycling \$35,138.13; Capital Equip \$7,018.00; Library \$47,153.87; 2004 GO \$381,804.51; Storm Water \$203.56; Water \$14,409.77; Sewer \$46,140.36; Taxroll \$2,071,149.37. Motion carried without a negative vote. Web billing solution for Online Payments will remain on the agenda.

**HEALTH & RECREATION** – Committee authorized a letter be sent to the Banner Program that decorative poles cannot be used for the banners, that the Village needs a copy of the agreement with WE Energies, and if the banner program is not in place by April 1, 2007 the Village will not approve going forward with this program.

**JUDICIAL** – Moved by Bakst and seconded by Fennel to approve the Temporary Class B Beer License for the Knights of Columbus for January 26, 2007. Motion carried without a negative vote.

**PERSONNEL** – Moved by Hogan and seconded by O'Bryan to approve Resolution 2007-01: **A RESOLUTION TO CORRECT RESOLUTION 2006-32 ON THE WAGE SCHEDULE FOR NON-REPRESENTED FULL-TIME EMPLOYEES & PART-TIME EMPLOYEES.** Motion carried without a negative vote.

**PUBLIC WORKS** – Moved by Fickau and seconded by Hogan to approve the non-standard street lighting request for Minors Homestead Add #3-CTH NN/Pinehurst Drive for 13 poles and

14 light fixtures at a installation charge of \$34,556.66 (Option B). Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to accept the Engineer's recommendation to accept the Bid by Sam's Well Drilling Inc., for \$167,365.00 for the Caine Property Well Site. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to continue the Municipal Agreement to provide for the sharing of water with the Village of East Troy until May of 2008. Motion carried without a negative vote.

**PLANNING COMMISSION:** Moved by Fickau and seconded by Hogan to accept the Planning Commission recommendation to approve the Site Plan, Architectural Drawings, and the proposed front wall sign as submitted with the following conditions:

1. The site shall be developed in accordance with the site and grading plan prepared by RSV Engineering, Inc., dated November 1, 2006.
2. The building addition shall be constructed consistent with the floor plan and building elevation drawings submitted by ArchDesign Associates, Inc., dated November 21, 2006.
3. All parking lot shaded areas shown on the site and grading plan may be temporarily installed with gravel for a period of one year from the date of January 16, 2007. Prior to issuance of a building permit for the additions, applicant shall sign and record a document that paving of the gravel surface shall occur prior to January 16, 2008, as approved by form and substance by the Village Attorney.
4. Prior to issuance of a building permit for the additions, applicant shall submit a revised landscape plan for approval of the Zoning Administrator.
5. An oval Culver's blue and white sign with the maximum dimensions of three feet by six feet shall be allowed on the front elevation matching the current sign on the side or south elevation.
6. That a separate document covering the gravel parking lot be drafted signed and recorded as recommended by the Village Attorney.

Motion carried without a negative vote.

**VILLAGE ATTORNEY:** Moved by Hogan and seconded by Bakst to approve the lease agreement with T-MOBILE for antenna on water tower on CTH NN and if T-MOBILE makes any changes it will come back to the Board for approval. Motion carried without a negative vote.

**VILLAGE PRESIDENT:** Will do the Tourism Commission appointment but needs to know whose position is being replaced. Correspondence from Wisconsin DNR regarding sensitive area designation for Upper and Lower Phantom Lakes was placed on file in the Clerk's Office.

**NEW BUSINESS:** Move by Fickau and seconded by Hogan to approve the WE Energies permit request for 403 Augusta Drive and 1367 Cider Court. Motion carried without a negative vote.

Moved by Pires and seconded by Fennel to adjourn at 8:10 p.m. into closed session 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 – Real Estate Options-Library. Motion carried unanimously upon roll call.

Motion to reconvene into open session at 10:11 p.m. by Fennel and seconded by O'Bryan. Motion carried unanimously. Motion to adjourn the meeting made at 10:12 p.m. by Hogan and seconded by Fennel. Motion carried unanimously.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on February 6, 2007 at 7:30 p.m. Members present: PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Member excused: FICKAU. Also present: Police Chief Winchowky, Fire Chief Rolfe, DPW Supv Brandemuehl, WWTP Supv West, Water Supt Walenczyk, & Attorney Reilly.

President Wagner announced that the Village Board would adjourn after the regular schedule meeting into closed session pursuant to State Statutes. Moved by Fennel and seconded by Hogan to approve the minutes of the January 16, 2007 meeting as presented. Motion carried without a negative vote.

#### **COMMENTS FROM THE PUBLIC:**

Tom Jones, 401 Lois Street – Spoke about the attitude of some Town of Mukwonago Supervisors over the Fire Department and that the Village Board should stop subsidizing the Town in the operation of this department and dissolve this department. Let them pay the same price for water that Village residents pay. He also questioned why the Village was providing backup to the Town Police department; the Town Police consist of 6 Officers and the Village with 14. If the Town is not going to pay their fair share of the operations then the Board should go alone and let the Town residents come up with the money to pay this operational cost.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$92,043.42; Fire/Amb \$6,708.88; TID \$40.00; Designated Funds \$496.72; Recycling \$37,754.29; Equipment \$10,735.00; Library \$9,429.37; 2004 GO \$27,495.31; Stormwater \$724.25; Impact Fee \$687.50; Water \$167,045.08; Sewer \$25,683.56; Taxroll \$13,449.49; Park \$1,499.08. Motion carried without a negative vote. Moved by Pires and seconded by Hogan to immediately implement Official Payment plan using the charge card option and we could make a possible changes later. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Hogan to approve the 2006-07 Operators Licenses for Patrick W. Benson, Sandra L. Cornell, Aaron M. Dressnandt; Emily A. Radmer, & Daniel T. Zwirlein. Motion carried without a negative vote.

**PERSONNEL** – Moved by Fennel and seconded by Hogan to approve the additional staff person for the Wastewater Treatment Plant, Maintenance position, with the hiring date of March 1, 2007 and an increase in the sewer charge to a rate of \$5.20 per thousand gallons of water used. Motion carried without a negative vote.

**PROTECTIVE SERVICES** – Letter from Jane Scheuer regarding ambulance bill can be removed from the agenda and that the Clerk draft a letter for the committee to review and then send it to her. Letter from Richard Semrow regarding an ambulance bill can be removed from the agenda and the Fire Chief will send out a letter. Moved by O'Bryan and seconded by Pires to approve the sale of Engine 3463 on Ebay, listed 'as is' and the reserve amount as set by the Fire Chief. Motion carried without a negative vote. Report was given on Ebay sales. Employee handbook will remain in committee.

**PUBLIC WORKS** – Moved by O'Bryan and seconded by Fennel to approve Resolution 2007-04: **A RESOLUTION AMENDING THE 2007 SEWER BUDGET.** Motion carried without a negative vote. Moved by O'Bryan and seconded by Fennel to approve the non-standard street lighting for Black Bear Development, Option 'B', and the installation cost of \$10,127.48 for Black Bear

Blvd. and 1210 Marsh View Dr for \$3,491.81, in which the cost is to be paid by the developer. Motion carried without a negative vote.

**VILLAGE ATTORNEY:** Moved by Fennel and seconded by Bakst to approve the modifications made by the Village Attorney on the Cellular Lease with T-Mobile. Motion carried without a negative vote. Cingular has removed all their equipment from the tower and the Engineer will review what was done and if any repairs are needed. Moved by O'Bryan and seconded by Fennel to give the Village Attorney permission to not provide Cingular with release and settlement agreement which the Board approved on December 16, 2006 and that Cingular pay to the Village the amount of \$8,458.31 for additional months rent that is owed to the Village. Motion carried without a negative vote.

**VILLAGE PRESIDENT:** Tourism Commission appointment will be on the next agenda.

**CORRESPONDENCE:** Final population projections for Wisconsin Municipalities-Wisc DOA was placed on file in the Clerk's Office. Letter from SEWRPC regarding 'A Wireless Antenna Siting and related infrastructure plan for Southeastern Wisconsin Report was placed on file in the Clerk's Office.

**NEW BUSINESS:** Moved by O'Bryan and seconded by Hogan to approve the WE Energies permit for 1366 Cider Court. Motion carried without a negative vote.

Moved by Fennel and seconded by O'Bryan to adjourn into closed session at 8:19 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 – Status of DPW Employee and Sick Time Banking; and 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 – IAFF Representation; and 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 – Insurance Claim – Use of Attorney – Eric Nelson. Motion carried unanimously upon roll call.

Moved by Hogan and seconded by Fennel to adjourn from closed session at 8:59 p.m. Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to reconvene into Open Session at 9:00 p.m. Motion carried without a negative vote.

Status of the DPW Employee was turned over to the Personnel Attorney and the Department Head who will meet with the employee. Moved by Hogan and seconded by Fennel to approve the guidelines for extraordinary use of sick leave in a "Frozen Bank" for seven employees. Employees will sign a sheet that they have received the information and understand it. Motion carried without a negative vote. Moved by Hogan and seconded by Fennel to authorize the Personnel Attorney to send a letter to Mr. Patrick Kilbane denying his request to voluntarily recognize the IAFF Union affiliation. Motion carried without a negative vote. Moved by Fennel

and seconded by Hogan to suspend the rules. Motion carried without a negative vote. Moved by Pires and seconded by Hogan to reconsider the payment of Attorney fees for Patrolman Eric Nelson. Motion carried without a negative vote. Moved by O'Bryan and seconded by Hogan to pay Patrolman Eric Nelson's legal counsel; Glynn, Fitzgerald, & Albee s.c., in the amount of \$2,637.50, with funds coming from the Police Department budget. Motion carried without a negative vote.

Moved by Hogan and seconded by Fennel to adjourn the meeting at 9:03 p.m. Motion carried without a negative vote.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

The Village Board meeting was called to order by Clerk Kahl on February 20, 2007 at 7:30 p.m. Members present: PIRES, HOGAN, FENNEL, O'BRYAN, & BAKST. Members excused: FICKAU & WAGNER. Also present: DPW Supv Brandemuehl, Water Supt Walenczyk, Engineer Peot, Planner Kaniewski, Police Chief Winchowky, & Attorney Reilly.

Moved by Hogan and seconded by Pires to nominate Trustee O'Bryan as Acting President. Motion carried without a negative vote.

Moved by Hogan and seconded by Pires to approve the minutes of the February 6, 2007 meeting but the issue in the minutes of the Online Payment Plan will be back on the next agenda. Motion carried without a negative vote. The Mileage, Police, Fire, & Library reports for January 2007 were placed on file in the Clerk's Office.

### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$31,885.63; Fire/Amb \$13,422.03; Recycling \$3,215.14; Capital Equip \$28,824.98; Library \$10,447.35; 2004 GO \$369.48; Water \$20,225.37; Sewer \$3,145.22. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Fennel to approve the operator's license for Valorie Reinke and to deny the application of Joanne J. Gardner- Monroe, subject to Ms. Malone being able to request a hearing before the Judicial Committee. Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to approve the Temporary Class B Beer License for February 25, 2007 for the Knights of Columbus. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the Temporary Class B Beer and Wine Licenses for March 1, 2007 for St. James School. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the Temporary Class B Beer and Wine Licenses for March 10, 2007 for St. James Parish. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the Temporary Class B Beer License for March 16, 2007 for St. James Parish. Motion carried without a negative vote.

**PERSONNEL** – Sick Leave Payout for two (2) Library Employees and the Water Supt Position will remain in committee.

**PUBLIC WORKS** – Moved by O'Bryan and seconded by Fennel to approve the Non-Standard Street Lighting for Fairwinds Subdivision located at Rosewood Drive at a cost of \$9,910.55, which the developer is responsible to pay; and the selection of Option 'B'. Motion carried without a negative vote. Moved by Pires and seconded by Fennel to accept the bid from Insituform Technologies in the amount of \$371,950.00 for the Mukwonago Interceptor Rehabilitation project. Motion carried without a negative vote.

**PLANNING COMMISSION:** Moved by Fennel and seconded by Hogan to accept the Plan Commission recommendation to approve Ordinance No. 800: **AN ORDINANCE TO ANNEX CERTAIN PROPERTY TO THE VILLAGE OF MUKWONAGO [HEIN PROPERTY]**. Motion carried without a negative vote. Moved by Hogan and seconded by Bakst to accept the Plan Commission recommendation to approve the Extraterritorial CSM of Mark Marzion subject to conditions:

1. Prior to recording the Certified Survey Map dated January 24, 2007, all technical revisions from the Town of Mukwonago and Waukesha County review shall be completed.
2. Prior to recording the Certified Survey Map dated January 24, 2007, approval shall be obtained by the Town of Mukwonago and Waukesha County.

Motion carried without a negative vote. Moved by Hogan and seconded by Fennel to accept the Plan Commission recommendation to approve Resolution 2007-05: **A RESOLUTION OF NECESSITY FOR THE OAKLAND RANCH CONSTRUCTION PROJECT.** Motion carried without a negative vote.

**VILLAGE ENGINEER:** Oakland Ranch Area Paving and Utilities Project update report was given.

**VILLAGE ATTORNEY:** Letter of Credit Reduction request from Fairwinds was received. Moved by Hogan and seconded by Fennel that at this time for reasons set forth in letter from Ruekert & Mielke dated February 19, 2007, no reduction shall be given. Motion carried without a negative vote. Moved by Fennel and seconded by Pires to approve the agreement with Phantom Lake YMCA Camp for Observation Well with additions and that the Village will abandon their old well at a cost not to exceed \$800.00. Motion carried without a negative vote. Moved by Hogan and seconded by Fennel to approve the agreement with Phantom Lake YMCA Camp for authority to run conduit across property on same terms with Phantom Ranch Bible Camp. Motion carried without a negative vote. Moved by Hogan and seconded by Pires to approve the agreement with Phantom Ranch Bible Camp for authority to run conduit across property as set forth in the packet. Motion carried without a negative vote. Attorney informed the Board that the County will install the bypass lane on CTH ES [Fox Street near Cedar Street] instead of reimbursing the Village to do the work. Moved by Fennel and seconded by Pires to approve the additional payment to Mr. & Mrs. Caine to allow for modification to the agreement for new observation well required by DNR in the amount of up to \$1,000.00 for reimbursing the Attorney's fees. Motion carried without a negative vote.

**NEW BUSINESS:** Moved by Fennel and seconded by Hogan to approve the WE Energies permits for 622 Augusta Drive; 1346 Cider Circle; & 904 Pinehurst Drive. Motion carried without a negative vote.

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

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer



President Wagner called the Village Board meeting to order on March 6, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Also present: Library Director McBride, Police Chief Winchowky, Water Supt Walenczyk, & Attorney Reilly.

President Wagner announced that the Village Board would go into closed session and then reconvene into open session at the adjournment of the regular meeting.

Moved by Fennel and seconded by Hogan to approve the corrected minutes of February 6, 2007 and the minutes of February 20, 2007. Motion carried without a negative vote.

**COMMENTS FROM THE FLOOR:**

Rodell Singert, County Supervisor, addressed the Board regarding public safety concerns on county dispatching from the Fire Chiefs Association.

**COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$52,015.70; Fire/Amb \$222,952.83; TID #3 \$1,500.00; Recycling \$37,912.29; Capital Equip \$24,000.00; Library \$8,979.82; 2004 GO \$56,595.62; Storm Water \$225.63; Water \$71,055.18; Sewer \$49,438.45; Taxroll \$6,802.67; Parkland \$478.37. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Fennel to approve the application for an Operators License to Roxane M. Resch. Motion carried without a negative vote.

**PROTECTIVE SERVICES** – Abandoned and junk vehicles at 411 Andrews Street will be handled by the Police Chief. Ambulance bill of Charles Craven will be reviewed by the Fire Chief. Employee handbook will remain in committee.

**VILLAGE CLERK:** Retiree Healthcare Trust and Trust Agreement and Reimbursement Arrangement Plan will be reviewed by the Personnel Committee.

**VILLAGE ENGINEER:** Change Order #1 for the 2006 Road Program, an increase to the contract in the amount of \$8,050.05, is referred to the Public Works Committee.

**VILLAGE ATTORNEY:** Moved by Fickau and seconded by Bakst to approve the Tower Lease agreement, with changes, with T-Mobile as presented tonight for the President and Clerk to sign. The changes are as follows:

1. The term of the lease will commence upon the construction of the wireless telecommunications facility by T-Mobile. In the event that T-MOBILE does not commence construction within nine (9) months, then the lease is null and void. The last version of the Lease required that the lease term commence upon the construction of the facility or within sixty (60) days of the execution of the lease; whichever comes first. T-MOBILE has changed this to state that commencement occurs when it commences construction of its facilities or within 9 months. If T-MOBILE does not commence construction within nine months, then the lease is null and void.

2. In regards to the new equipment being added or replaced, T-MOBILE and the Village Attorney have been going round and round. Attached is Page Three of the Agreement with the changes which satisfies the attorney and should satisfy T-MOBILE. Specifically, T-MOBILE is not to relocate any equipment without the Village's approval which approval should not be unreasonably withheld, delayed, or conditioned. T-MOBILE is required to notify the Municipality, in writing, that the Municipality has ten (10) business days to review plans. If the Village does not review the plans and provide its comments within ten (10) business days, then the plans shall be deemed approved.
3. In regards to the Indemnification on Page Eight: T-MOBILE and the attorney have been going back and forth on this issue and the attorney has modified the agreement to state exactly what was in the agreement between the Village of Mukwonago and the prior cellular provider. Basically the language says that each of us indemnifies the other for its own negligence, willful misconduct, or other fault.
4. T-MOBILE has modified the language on the top of Page Eleven pertaining to hazardous waste. The changes are acceptable to the attorney.
5. T-MOBILE has also changed Paragraph Nineteen on the bottom of Page Eleven and the top of Page Twelve such that reimbursement to the Municipality for legal and engineering expenses is \$2,500 (not the \$5,000 that I had inserted after the last Village Board meeting). In order to get this lease finalized, the attorney thinks that the Village Board should accept that amount. Generally, there should not be significant engineering or legal fees once the improvements have been placed upon the water tower.

Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to terminate the lease with Cingular, they will pay the back rent and the Village will keep some of the equipment and resell it to T-Mobile and the money will be put in the Water Utility Fund. Motion carried without a negative vote. Moved by Hogan and seconded by Hogan to approve the Amended Caine Agreement for additional compensation of \$3,500.00 and an extension of 3-months. Motion carried without a negative vote. Moved by Hogan and seconded by Fickau to approve the Agreement with Phantom lake YMCA Camp for access to an observation well site and authority to run conduit across the YMCA property and includes the Village abandoning one of the YMCA's wells at a cost of about \$600.00. Motion carried without a negative vote. Moved by Hogan and seconded by Fickau to approve the signing of the letter of permission to work within ATC Easement for the Mukwonago Interceptor Project, the lining of the sewer through Indianhead Park and Miniwaukan Park. Contents of the Letter of Permission are:

1. The permission granted by American Transmission Company is limited to its interest in the property. If there are other utilities within the easement area, the Village needs to obtain permission from those utilities.
2. The Village is required to conduct all work according to certain requirements. Most of the requirements are imposed as the work will be done adjacent to high powered electrical lines.
3. The Village is required to maintain a safe working clearance of a minimum of twelve (12) feet from the 138 kv conductors at all time. No spoil is to be stored within 20 feet of the towers. Grade changes cannot exceed 4:1 slope. No structures are permitted within the easement; no excavation is permitted within 20 feet from any structure. Unobstructed access to the easement is to be maintained at all times. If the plans for

elevation change, then the changes must be submitted to ATC for further review and approval.

4. The Village of Mukwonago agrees to indemnify and hold ATC harmless from any and all claims etc. that may be brought against ATC due to injury or death or damage to property arising out of or any way connected with the Village's use of the easement area.
5. If ATC needs to reconstruct, protect, or modify, adjust, replace, or relocate their facilities located within the easement due the Village's actions, then the Village agrees to reimburse the company for its costs and expenses incurred.
6. The Village is required to contact Diggers Hot Line at least three (3) days prior to any work in order to determine the location of the electric, gas, and telephone facilities within the easement and to ensure that the applicable requirements are met.

Motion carried without a negative vote.

Moved by O'Bryan and seconded by Hogan to adjourn at 8:02 p.m. into closed session 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 – Real Estate Options-Library. Motion carried unanimously upon roll call.

Motion to reconvene into open session at 9:02 p.m. by Fennel and seconded by Fickau. Motion carried unanimously. Motion to adjourn the meeting made at 9:02 p.m. by Fennel and seconded by Hogan. Motion carried unanimously.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on March 20, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Also present: WWTP Supv West, Fire Chief Rolfe, Library Director McBride, DPW Supv Brandemuehl, Attorney Reilly, Engineer Peot, Water Supt Walenczyk, Planner Kaniewski, & Police Chief Winchowky.

President Wagner announced that the Village Board would adjourn into closed session pursuant to State Statute 19.85(1) (e) at the close of the regular meeting.

Public Hearing for the change of zoning from A-1 to R-1, Robert Helminiak property adjacent to Minors Drive and Medina Drive in Minors Homestead was opened at 7:31 p.m.

Nancy Gloe, Friends of the Mukwonago River – Stormwater during heavy rains is running over CTH LO. Referred to Public Works Committee.

No further appearances the hearing was closed at 7:32 p.m.

Public Hearing for the change of zoning from A-1 to R-1, R-3, & R-7 for the Craig Hein property called Vernon Valley on Edgewood Avenue was opened at 7:32 p.m. No one appeared for or against the hearing was closed at 7:33 p.m.

Moved by Fickau and seconded by Fennel to approve the minutes of the March 6, 2007 meeting as presented. Motion carried without a negative vote. Mileage, Police, Fire, and Library reports for the February 2007 and the 2006 Annual Police Department Report were placed on file in the Clerk's Office.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Fennel to approve Resolution 2007-07: **A RESOLUTION AUTHORIZING THE BORROWING OF \$4,075,000; PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION PROMISSORY NOTES THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH.** Motion carried without a negative vote. Moved by Pires and seconded by Fickau to approve Resolution 2007-09: **A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NOS. 2002-03 AND 2002-14; PROVIDING FOR THE ISSUANCE AND SALE OF \$5,425,000 WATERWORKS SYSTEM AND SEWERAGE SYSTEM REVENUE BONDS; AND PROVIDING FOR THE PAYMENT OF SAID BONDS AND OTHER DETAILS AND COVENANTS WITH RESPECT THERETO.** Motion carried without a negative vote. Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$73,928.30; Fire/Amb \$20,861.32; TID \$40.00; Fire Designated \$241.54; Recycling \$244.06; Capital \$266.22; Library \$6,156.82; 2004 GO \$9,138.52; Water \$12,225.37; Sewer \$9,701.12. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Hogan to deny the operator's application for Justin D. Christnacht. Motion carried without a negative vote. Operator's application for Joanne J. Gardner-Monroe is held in committee pending additional information. Moved by Bakst and seconded by Fickau to approve the application for Class B Beer and Reserve Class B Liquor license for the Boneyard Pub & Grille, LLC; James F. Jones, Agent; 215 Bay View Road, Suite D. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the application for Class A Beer and Liquor license for Pam's Fine Wines LLC; Pamela L. Kollaszar, Agent at 770 Main St., Unit B; and that we will exceed the local limit on quota until a license is reclaimed by the Village. Motion carried without a negative vote.

The Various Ordinance Changes will be left on agenda for the next meeting. Updates to Chapter 27-Fire Prevention, Protection, and Control Code will remain in committee and all Board Members shall receive a full copy of the update.

**PERSONNEL** – Sick Leave Issue regarding a Police Department employee has been resolved and removed from the agenda. Moved by Hogan and seconded by O'Bryan to change the sick leave wording in the Employee Handbook and the Policy on Sick Leave from 'After an employee has used three (3) consecutive days, a statement shall be furnished to the Department Head from the attending physician or other qualifying professional physician or nurse, certifying to the nature of the illness' to read 'Department Head may require a statement from the attending physician or other qualifying professional physician or nurse certifying to the nature of the illness, after three (3) consecutive days and must request a statement after five (5) consecutive days'. Motion lost on a vote of 5 nays and 2 ayes [Hogan and O'Bryan voting 'yes']. Water department staffing will remain in committee. Moved by Hogan and seconded by Fickau that the Village Board adheres to and follow the current handbook and benefits not be extended retroactively, regarding sick leave accumulation. Motion carried without a negative vote.

**PUBLIC WORKS** – The Public Works committee reviewed and recommends that the WWTP safety issue regarding the elevator in the pump station be removed and replaced by a stairway. WWTP Supv Marilyn West will be the Safety Director for those issues. Moved by Fickau and seconded by Fennel to approve change order #1 for the 2006 Road Program, Wolf Paving Co., Inc., the Contractor, for an increase of \$8,050.05. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to reimburse \$37,993.86 for Minor's Homestead Addition #3 for oversizing of water mains to the developer, Minor's Homestead LLC. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to accept the Water Utilities for Minor's Homestead Addition #3 as set forth in Ruekert & Mielke's letter dated March 5, 2007. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to accept the Engineer's recommendation and award the bid for the Oakland Ranch project to LaLonde Contractors, Inc., in the amount of \$1,972,349.60 contingent upon: [1] DNR Approval [2] Agreement to written amendment #1 and [3] Village approval of borrowing funds for the project. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to accept the Engineer's recommendation and award the bid for the Westside Project to Mann Bros., Inc., in the amount of \$1,656,215.53 contingent upon: [1] DNR Approval and [2] Village approval of borrowing funds for the project. Motion carried without a negative vote. Committee provided information on the potential cost sharing agreement with WisDot for signals at Arrowhead and STH 83 intersection and potential future road and right-of-way reservation issues with development plans of TID #3, Phase 2 & 3. Moved by Fickau and seconded by Fennel to accept the committee recommendation to accept the agreement with Kiwanis to move the barn for the construction of the multi-use trail if the cost is under \$10,000. Motion carried without a negative vote. Moved by Fickau and seconded by Bakst to recommend for a "T" turn at the end of Cedar Street instead of a cul-de-sac. Reasons for the "T" is that it is short road; plowing issues; the "T" takes less room; services one home; no possibility to extend street; and the committee recommends it. Motion carried without a negative vote. The Storm Water Committee is almost complete; the Village is just looking for a Village resident to serve.

## **PLANNING COMMISSION:**

Moved by Fickau and seconded by Fennel to have the Building Inspector hold the last permit requested for the Hawks Ridge Development until the concerns of the Plan Commission are taken care of which are [1] the water drainage issue and [2] the signing of the Developers Agreement. Motion carried without a negative vote. Moved by Fennel and seconded by Fickau to adopt Ordinance No. 801: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO (HELMINIAC REZONE)**. Motion carried without a negative vote. Moved by Fennel and seconded by Fickau to accept the Plan Commission recommendation to approve the CSM for Robert Helminiak subject to the following conditions as outlined in Ruekert & Mielke letter dated March 16, 2007:

1. Prior to recording a Certified Survey Map, the Village Board shall approve the rezoning of the property to R-1 Single Family Community Residential District.
2. Prior to recording of the Certified Survey Map, construction plans for extension of utilities to serve the site and site grading shall be submitted to and approved by the Village Engineer.
3. Prior to recording of the Certified Survey Map, after approval by the Village Board, the applicant shall sign a Developer's Agreement requiring the extension of the public improvements and requirement of submittal of a Letter of Credit by the applicant to ensure the proper installation of the improvements.
4. Prior to the recording of the Certified Survey Map, all technical corrections to the map shall be made for the approval of the Village Engineer, pursuant to the letter dated February 28, 2007, from Mr. David Buechl, P.E., R.L.S. Where requirements of the Village Code as outline in the February 28, 2007 letter, are different than requested with the Certified Survey Map, applicants shall submit in writing a request to waive those requirements and shall be so stated in the Developer's Agreement.

Motion carried without a negative vote. Ordinance No. 802 and the Site Plan & Preliminary Plat Review for Vernon Valley was tabled for more information. Moved by Fennel and seconded by Fickau to accept the Plan Commission recommendation to approve the PUD for Black Bear Development with seven (7) conditions:

1. Approval shall be subject to development of property consistent with the submitted site plan, landscape plan, architectural plan and floor plans. All plans shall be referenced in the Developer's Agreement, and the project must be developed in accordance with those plans.
2. Prior to construction of the development, final construction plans shall be approved by the Village Engineer, with those construction plans referenced in the Developer's Agreement.
3. Prior to construction of the project, a Condominium Plat shall be submitted for approval of the Village.
4. Prior to construction of the project, a Certified Survey Map shall be submitted for the approval of the Village dedicating the public right-of-way.
5. Prior to commencement of site development, deed restrictions and Homeowner's Association documents shall be submitted to the Village for approval, with said documents referenced in the Developer's Agreement.
6. Prior to commencement of site development, a Developer's Agreement shall be approved by the Village and signed by the applicant.

7. The Developer's Agreement shall indicate a restriction of two bedrooms per unit, unless future owner or owners request a specific Conditional Use for additional bedrooms. This restriction shall be clearly indicated in the deed restriction and homeowner's association documents.

Motion carried on a vote of 5 ayes and 2 nays (Fickau & Hogan voting 'no'). Moved by Fennel and seconded by Fickau to accept the Plan Commission recommendation to approve the Extraterritorial CSM of Crossgate Drive by Fred & Eileen Leppin dated February 15, 2007 with the following conditions:

1. Prior to recording the Certified Survey Map dated February 15, 2007, all technical revisions from the Town of Mukwonago and Waukesha County shall be completed.
2. Prior to recording the Certified Survey Map dated February 15, 2007, approval shall be obtained by the Town of Mukwonago and Waukesha County.
3. Prior to the Village signing the Certified Survey Map, information shall be submitted to the satisfaction of the Village Attorney indicating that the remnant parcel shall be a conservation easement.

Motion carried without a negative vote. Moved by Fickau and seconded by Bakst to accept the Plan Commission recommendation to approve Resolution 2007-06: **A RESOLUTION OF NECESSITY FOR THE OAKLAND RANCH CONSTRUCTION PROJECT.** Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to accept the easement dedication from Bielinski for the multi-use trail in Fairwinds Subdivision. Motion carried without a negative vote.

**VILLAGE CLERK:** Board Members received copies of the 2007 New Municipal Officials Workshop and the 2007 Regional Meetings sponsored by the League of Wisconsin Municipalities. Members are to let the Clerk know of their attendance no later than April 20, 2007.

**VILLAGE ENGINEER:** Moved by Fickau and seconded by Pires to approve change order no. 6 in the TID #3, Phase 1 Paving, Utilities and Storm Water Final Payment. Motion carried without a negative vote. Engineer gave a report on the Interceptor Relining and that the work for about a week will run 24-hours per day.

**VILLAGE PRESIDENT:** Moved by Wagner and seconded by Hogan to accept the letter of resignation of Georgine Kuehl from the Historic Preservation Commission. Motion carried without a negative vote. Moved by Wagner and seconded by Hogan to accept the resignation of John Shanahan from the Library Board and appointing Shawn McNulty to balance of Shanahan's term. Motion carried without a negative vote.

**CORRESPONDENCE:** Letter from Pete & Sharon Giersch thanking the Village for placement of the new Crosswalk Signs was placed on file in the Clerk's Office. Moved by Pires and seconded by Fennel to approve Resolution 2007-08: **A RESOLUTION TO OPPOSE SENATE BILL 17 AND ASSEMBLY BILL 79, CHARTER TOWNS.** Motion carried without a negative vote. Letter from Baldor Electric Company regarding the closing of their plant at 909 Perkins Drive was placed on file in the Clerk's Office.

**NEW BUSINESS:** Moved by Fennel and seconded by Fickau to approve the WE Energies permit for 519 Minors Drive. Motion carried without a negative vote.

Moved by Pires and seconded by Fennel to adjourn at 8:47 p.m. into closed session 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 – Purchase of Properties for the Oakland Ranch Project. Motion carried unanimously upon roll call.

Motion to adjourn from closed session and reconvene into open session at 9:04 p.m. by Bakst and seconded by Hogan. Motion carried unanimously. Motion to adjourn the meeting made at 9:05 p.m. by Fickau and seconded by Fennel. Motion carried unanimously.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer



Deputy Clerk Braatz called the Village Board meeting to order at 7:30 p.m. on April 17, 2007. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN and BAKST. Excused: WAGNER. Also present: Library Director McBride, Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, Water Supt Walenczyk, Engineer Peot & Supv of Inspections Hankovich.

Moved by Bakst and seconded by Pires to appoint Trustee Fickau as Acting Village President. Motion carried without a negative vote. Moved by Hogan and seconded by Fennel to approve the minutes of the March 20, 2007 meeting as presented. Motion carried without a negative vote.

Treasurers, Mileage, Police, Fire and Library reports for March 2007 and the 2006 Library Annual Report were placed on file in the Clerk's Office.

### **COMMENTS FROM THE PUBLIC**

**Steve Barber, PLMD, W299S10697 Phantom Woods Rd.** – Passed out report on the possible impact of the new high capacity well on Phantom Lake. Expressed concern about the impact on the lake and requested the Village look for an alternate location.

**Tom Jones, 401 Lois St.** – Was pleased to see a representative from Ruekert & Mielke at the Fox River Commission meeting. He is hoping that in the next few months the Commission will get some information that they can vote on.

### **OLD BUSINESS**

***LIBRARY EXPANSION – JOE HANKOVICH*** – Hankovich explained four possibilities of the library expansion on the current site. He explained parking, setback, sewer connection and green space issues regarding the site. Reilly stated that it is in the deed restriction from when the Village purchased the lot from the school district that all current green space would remain as green space, and the Village would need permission from the district to change any green space.

### **COMMITTEE REPORTS**

***FINANCE*** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$50,863.74; Fire/Amb \$16,558.49; TID General \$1,162.06; TID SW/WA \$1,376.30; Recycling \$1,529.53; Capital Eqpmt \$5,896.92; Library \$10,594.94; 2004 GO Note \$411.82; Storm Water \$203.07; Water \$26,581.80; Sewer \$86,649.21; Taxroll \$10.01. Motion carried without a negative vote. Thayne Odier presented plans to upgrade the entrance room at the Red Brick Museum. They will be using budgeted funds. Winchowky searched for possible school grants to fund safety issues regarding Village children. It is unlikely the Village would get a grant, but the school district should be made aware that we did look for some.

***JUDICIAL*** – Moved by Bakst and seconded by Fennel to approve 2006-07 Operator Licenses for the following applicants: Adam J. Blatnik, Bonnie J. Dowling, Kamal Kaur, Michael D. Reiter and Julie A. Tilander. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the Temporary Class B Beer License for St. James Parish for April 20, 2007. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the Temporary Class B Beer License for St. James Parish for May 11,

2007. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to revoke the Class A Intoxicating Liquor and Fermented Malt Beverage Licenses for Mukwonago Liquor & Beer LLC, Thomas R. Lobdell (Agent) at 714-716 Main St. A summons was served to Mr. Lobdell and a hearing was held on April 9, 2007, in which no one representing Mr. Lobdell appeared. The Committee requests that the Village Board revoke the licenses. Motion carried without a negative vote. New information was received by the Committee regarding the updates to Chapter 27, so the item will remain in Committee. Moved by Bakst and seconded by Fennel to proceed with formulating ordinances regarding camping within Village limits, criminal background investigations, and parking of heavy vehicles. Chief Winchowky shall work with Atty Reilly and Deputy Clerk Braatz for the creation of ordinances. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve 2006-07 Operator License for Joanne J. Gardner-Monroe. The Committee held two hearings with the applicant, and it is the Committee's recommendation, from new information provided by the applicant, that the license be approved to offer Ms. Gardner-Monroe a new chance in life. Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to approve the renewal application for 2007 6-Month Class B Fermented Malt Beverage License for Mukwonago Women's Softball League, Ryan Scheffler (Agent) for Minor Park. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to accept the request from Vince Siegel, American Fireworks and Novelties LLC, to sell fireworks within the Village as long as he abides by our current ordinances. Motion carried without a negative vote. The Committee changed the meeting times and dates to the 6:30 pm on the Monday before the second Tuesday of each month.

**PERSONNEL** – The Retiree Healthcare Trust and Trust Agreement and Reimbursement Arrangement Plan will remain in Committee to work out the final details. Moved by Hogan and seconded by O'Bryan to change the wording in the Employee Handbook to state that employees will accrue 8 hours of sick time for each month of service worked. Motion carried without a negative vote

**PROTECTIVE SERVICES** – Moved by O'Bryan and seconded by Pires to authorize the signature of the renewal of the City of Waukesha Technical Rescue Service Intergovernmental Agreements for Village of Mukwonago, subject to the approval of the Town of Mukwonago approval. Motion carried without a negative vote. Letter from Becky Strick Regarding Ambulance Bill is information only. The patient was her son, who is incarcerated, and a new address was determined to send the bill to him rather than her.

**PUBLIC WORKS** – Collection System Program for WWTP is information only. The WWTP wishes to have a structured program to televise a fifth to a quarter of the Village sewer lines each year. The costs will be discussed during the 2008 budget time. Cedar Street Cul De Sac, Change Order for Guard Rail and Delineators is information only. The Village is expecting a change order soon for changing from a cul de sac to a "T". Kiwanis Barn Move Proposal is information only. The Kiwanis will be presenting a proposal to the Village soon.

## **PLANNING COMMISSION**

**Ordinance No. 797: An Ordinance To Amend The District Zoning Map Of The Village Of Mukwonago (Tekaver Rezone)** – Ordinance 797 is tabled at Plan Commission. The Friends of Mukwonago River want more involvement in the Tekaver development.

***Sidewalks on STH 83 with Respect to STH 83 Project*** – Hankovich went to a meeting earlier today to discuss the widening of STH 83. He expressed to the County and State the Village's interest in having a sidewalk on the east side of STH 83 and the multi-use trail on the west side without having to purchase additional easements.

***Easement Dedication from Bielinski for Multi-Use Trail in Fairwinds*** – Moved by Fennel and seconded by Hogan to approve the Easement Dedication from Bielinski for Multi-Use Trail in Fairwinds. Motion carried without a negative vote.

***Request for Waiver from Village Standards – CSM Review – Robert Helminiak*** – Moved by Fennel and seconded by Hogan to approve the waiver of Village standards for the CSM for Robert Helminiak. Motion carried without a negative vote.

***Helminiak Developers Agreement*** – Moved by Fennel and seconded by Bakst to approve the Helminiak Developers Agreement, subject to the changes that were presented by Atty Reilly. Motion carried without a negative vote.

***SEWRPC Resolution for Local Endorsement of the Year 2035 Regional Transportation System Plan for Southeastern Wisconsin*** – Moved by Fennel and seconded by Hogan to approve SEWRPC Resolution endorsing the 2035 Regional Transportation System Plan, and to include the following statement; 'the Plan Commission favors the improvements to STH 83 excluding the widening STH 83 to four lanes through the Village and subject to all other options being explored and that the Village has a further chance of review of the proposals'. The Village will not endorse the widening of STH 83 through Village of Mukwonago. Motion carried without a negative vote.

#### **VILLAGE CLERK**

Moved by Bakst and seconded by Fennel to accept the April 2, 2007 Municipal Canvass Report. Motion carried without a negative vote.

#### **VILLAGE ATTORNEY**

Moved by Pires and seconded by Hogan to approve the issuance of the payment of \$943.00 to the Caines to pay for their attorney fees. Motion carried without a negative vote.

#### **VILLAGE PRESIDENT**

Moved by Pires and seconded by Bakst to accept the resignation of Jill Hense from the Library Board. Motion carried without a negative vote. Committee, Commission and Other Various Appointments will be on the next agenda.

Chief Winchowky notified the Board that he has applied for a permit to install another pedestrian crossing sign on STH 83 in front of Fork in the Road.

Moved by Pires and seconded by Hogan and carried to adjourn at 8:45 pm.

Steven A. Braatz, Jr.  
Deputy Clerk

President Wagner called the Village Board meeting to order on May 1, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, O'BRYAN, BAKST, & WAGNER. Members excused: HOGAN & FENNEL. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, Attorney Reilly, & WWTP Supv West.

Moved by Fickau and seconded by O'Bryan to approve the minutes of April 17, 2007 as presented. Motion carried without a negative vote.

#### **COMMENTS FROM THE PUBLIC:**

Christine Keller, 638 Pine Street – She submitted information about the trees cut down in the Oakland Avenue project and submitted a letter to the Board. Item was referred to the Public Works Committee.

Tom Jones, 401 Lois Street – People walking their dogs are not picking up after them and he would like to see something in the Chief about this. He also wanted to know if the Library should move will they also move the bricks that people bought when they built this building.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$52,926.24; Fire/Amb \$3,717.46; TID #3-General \$460.50; TID #3-S/W \$313.25; Recycling \$37,453.35; Capital Equip \$20,922.00; Library \$8,586.93; 2004 GO \$32,845.13; Stormwater \$3,263.90; Water \$69,889.07; Sewer \$68,441.94; Taxroll \$11,293.86; Parkland \$1,111.43. Motion carried without a negative vote. Moved by Pires and seconded by Fickau to approve Resolution 2007-11: **A RESOLUTION TO AMEND THE VILLAGE OF MUKWONAGO SCHEDULE OF FEES.** Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by O'Bryan to approve the 2006-2007 operator's licenses for Rachel L. Payne & Judith D. Visco. Motion carried without a negative vote.

**PROTECTIVE SERVICES** – Trustee O'Bryan gave a report on the proposed September training for NIMS.

**PUBLIC WORKS** – Moved by Fickau and seconded by O'Bryan to approve Change Order #1 for the WWTP Staircase that the work will be done according to the specifications dated 04-16-2007, and plans provided with the original 04-10-2007 letter for the amount of \$146,089.00, and an extension of the substantial completion date to 10-15-2007. In the event that the by-pass needs to be extended beyond the current scheduled period due to any delays which can be attributed to this work, there will be a charge of \$8,000.00 for any portion of each week that the by-pass extends beyond the originally scheduled 9 weeks. There is also a charge of \$17,720.00 from R&M for design and construction administration fee. Motion carried without a negative vote. Moved by Fickau and seconded by O'Bryan to approve Change Order #1 for the West Side Project in the amount of \$1,350.00. This reflects the multiple 1 inch water services to Citizens Bank and changing it a single 2 inch service. The cost for a 2 inch water service approximates the cost of two 1 inch water services; the net effect of this change will be little or no increase to the contract in the end. Motion carried without a negative vote.

**VILLAGE PRESIDENT** – Moved by Bakst and seconded by Fickau approve the reappointments to all Committees and Commissions. Motion carried without a negative vote. Moved by O'Bryan and seconded by Fickau to approve the appointments of Board of Review

members of President Wagner, Clerk Kahl, Trustees O'Bryan, Bakst, & Hogan. Motion carried without a negative vote. June will start the summer schedule for meetings, the 1<sup>st</sup> of the month will not be held for June, July, and August, and possibly September.

**NEW BUSINESS** – Moved by Fickau and seconded by Bakst to approve the WE Energies permit for 446 Brockway Drive. Motion carried without a negative vote. Moved by Fickau and seconded by Bakst to approve the Centurytel permits for Marsh View Drive, Black Bear Boulevard, and Valhalla Drive. Motion carried without a negative vote.

Moved by Pires and seconded by Fickau and carried to adjourn the meeting at 7:57 p.m.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

The Village Board meeting was called to order on May 15, 2007 by Clerk Kahl at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER (entered at 8:05 p.m.). Also present: DPW Supv Brandemuehl, Engineer Peot, Library Director McBride, Fire Chief Rolfe, Police Chief Winchowky, Attorney Reilly, & WWTP Supv West.

Moved by Pires and seconded by Hogan to nominate Trustee O'Bryan as Acting President. Moved by Bakst and seconded by Pires to nominate Trustee Fickau as Acting President. Trustee O'Bryan was elected Acting President.

Moved by Fickau and seconded by Fennel to approve the minutes of the May 1, 2007 meeting as presented. Motion carried without a negative vote. Treasurer, Mileage, Police, Fire, and Library reports for April 2007 were placed on file in the Clerk's Office.

#### **COMMENTS FROM THE PUBLIC:**

John Bronk, 1257 Crown Court – At the request of the Village Board at a meeting in April, they asked the Library Board to review the Library Site.

Joe Sperstad, 529 Oakland Ave – We are asked to fill out a survey on the vision of Mukwonago; part of this vision includes the impact that the Library has on the area. Moving the Library out to Greenridge would not help the downtown area.

Dick Hill, 229 Lincoln Ave – I completed my survey but there should have been more than one survey to a household. I hope you look at the big picture and give the Library direction on what you want done.

Tom Davidson, Upper Phantom Lake – It was asked before about what would happen after 40 years is up on the lease for the Sentry site; the owner said he would offer an extension at that time.

#### **OLD BUSINESS:**

**GREENRIDGE CENTER-LIBRARY SITE – DN GREENWALD** – Moved by Fickau and seconded by Pires to have the Village President appoint three (3) board members to an adhoc committee to explore the library possibilities; to stay at the present site or move to the Sentry site. Motion carried without a negative vote.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$37,512.51; Fire/Amb \$14,180.30; Recycling \$3,380.27; Capital Equip \$9,976.00; Library \$7,237.60; 2004 GO Note \$27,625.83; Water \$242,943.01; Sewer \$290,953.42; Taxroll \$539,455.61. Motion carried without a negative vote. Moved by Pires and seconded by Hogan to approve the Charge Card Policy & Store Credit Policy. Motion carried without a negative vote. Moved by Pires and seconded by Hogan to authorize the Clerk to set up an account at Home Depot for departments to use per guidelines as set by Committee. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Fickau to approve the Temporary Class B Beer license for Croation Fraternal Union on July 14, 2007. Motion carried without a negative vote. Moved by Bakst and seconded by Fickau to approve the Temporary Class B Beer licenses for

the American Legion Post #375 for June 9-10, July 21-22, August 18-19, and September 8-9, 2007. Motion carried without a negative vote. Ordinance No. 803; **AN ORDINANCE TO CREATE SECTION 2-81 OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE PERTAINING TO CRIMINAL BACKGROUND INVESTIGATIONS** will remain in committee. Moved by Bakst and seconded by Hogan to adopt Ordinance No. 804: **AN ORDINANCE TO CREATE SECTION 34-32(17) OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE PERTAINING TO CAMPING WITHIN VILLAGE LIMITS.** Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to approve the 2006-2007 application for operator's license for Terry Schulist. Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to approve the 2007-2008 applications for Alcohol Beverage Licenses contingent upon receiving favorable reports from Village Departments and Waukesha County Health. License applications approved are:

**CLASS A BEER:**

5 Star Stations, Inc., 909 Greenwald Ct.; 5 Star Stations, Inc., 301 Main St; 5 Star Stations, Inc., 407 S. Rochester St; 5 Star Stations, Inc., 1060 N. Rochester St; BJ's BP Inc., 122 Arrowhead Dr; PSB&S LLC, 201 N. Rochester St; The Village Pumper Group LLC, 710 Main St.

**CLASS 'B' BEER & LIQUOR:**

American Legion Community Post #375, 627 CTH NN East; Boneyard Pub & Grille LLC, 215 Bay View Rd Suite D; El Pueblo Inc., 355 Bay View Rd; Estella's Italian Grille Inc., 325 Bay View Rd Suite E; Haiku Enterprises LLC, 1005 Main St Suite 200; Memet Islami, 927 Main St; Jay's Lanes Inc., 326 Atkinson St; Market Square Restaurant LLC, 1015 CTH NN East; Sandra M. Miller, 701 Main St; Pelisteri Enterprises Inc., 507 Main St; Phantom Pub & Bait Shop LLC, 809 Main St; Stevens Management Inc., 215 N. Rochester St.

**CLASS 'A' BEER & LIQUOR:**

Gerald M. Anich, 411 Main St; Pam's Fine Wines LLC, 716 B Main St; Ultra Mart Foods LLC, 1010 N. Rochester St; Wal-Mart Stores East LP, 250 East Wolf Run.

**CLASS A LIQUOR:**

Ye Ole Smokehouse LLC, 919 Main St.

Motion carried without a negative vote.

**HEALTH & RECREATION** – Moved by Fennel and seconded by Bakst to approve the use of Miniwaukan Park for Meadow Park Estates Block Watch Party and to waive the park fees; they will need to pay the \$100.00 deposit. Motion carried without a negative vote.

**PUBLIC WORKS** – Letter from Chris Keller, 638 Pine Street will remain in committee for further information. A decision on the Andler House will be made after a decision is made on the Library. Moved by O'Bryan and seconded by Fennel to approve the non-standard street lighting for Grey Fox Trail & Cardinal Lane, Option B. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve the WE Energies permit – bore road for underground cable in Edgewood Meadows. Motion carried without a negative vote. [President Wagner entered the meeting at this time, 8:05 p.m.]. Board members were informed about the new cell tower talks. Update was given on Well #7. FEMA flood plain mapping will remain in committee. The SE Wisconsin Fox River Commission Funding will remain in committee. Moved by O'Bryan and seconded by Fennel to allow Penkalski the additional driveway in Mukwonago Shores Phase 2 as requested. Motion carried on a vote of 4 ayes [Fennel, O'Bryan, Bakst, & Wagner] and 3 nays [Fickau, Pires, & Hogan].

### **VILLAGE PRESIDENT:**

Moved by Pires and seconded by Fickau to accept the Village President's appointments of Nancy Gloe, 19355 Benington Dr, Brookfield; Wade Balson, 461 River Crest Court, Mukwonago; Joe Bukovich, 13400 Bishops Lane, Suite 100, Brookfield; Matt Wade, 725 American Ave, Waukesha; Bob Kraus, 423 Division St, Mukwonago; Thayne Odier, 130 Park Place, Mukwonago; and Jan Benhagenn, 641 Heron Dr, Mukwonago; to the Storm Water Committee. Chairperson of the Public Works Committee will also serve on the committee as the Board representative. Motion carried without a negative vote. Moved by Pires and seconded by Fickau to accept the Village President's appointment of William Butka to the Fire Commission. Motion carried without a negative vote. Moved by Fickau and seconded by Pires to approve Resolution No. 2007-12: **A RESOLUTION FOR INSURING BUILDING & PROPERTY WITH THE LOCAL GOVERNMENT PROPERTY INSURANCE FUND.** Motion carried without a negative vote. Moved by Pires and seconded by Hogan to accept the Village President's appointment of President Wagner, Trustee Fennel and Trustee Hogan to the Library Adhoc Committee. Motion carried on a vote of 4 ayes [Pires, Hogan, Fennel, & Wagner] and 3 nays [Fickau, O'Bryan, & Bakst].

### **NEW BUSINESS:**

Moved by Fickau and seconded by Bakst to approve the WE Energies permits for 446 Brockway Drive; 605 Crestview Lane; 638 Oldfield Avenue; & 531 Valhalla Drive. Motion carried without a negative vote.

Moved by Fickau and seconded by Hogan to adjourn the meeting at 8:21 p.m. p.m. Motion carried without a negative vote.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer



President Wagner called the Village Board meeting to order on June 19, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Also present: Library Director McBride; Police Chief Winchowky; DPW Supv Brandemuehl; Fire Chief Rolfe; WWTP Supv West; Water Supt Walenczyk; Planner Kaniewski; and Attorney Reilly.

President Wagner announced that the Village Board would adjourn into closed session at the end of the regular meeting and then reconvene into open session.

President Wagner opened the Public Hearing on Change of Zoning from A-1 to R-1 (Tekaver property on CTH LO) at 7:31 p.m.

Nancy Gloe; Friends of the Mukwonago River – Their group is satisfied with the R-1 zoning. She suggested that the Village work with the Engineers to develop a conservation design for the Village.

Laura Ellis; W309S10004 CTH I – Will the families have to pay for the sewer crossing their property to serve this land? Can the A-1 property be detached back to the Town of Mukwonago? We have problems with people throwing garbage around in the wetlands and can we stop property owners from professional lawn treatments and who will police the garbage disposal that is being dumped here?

Public hearing closed at 7:39 p.m.

Moved by Fickau and seconded by Fennel to approve the minutes of the May 15, 2007 meeting as written. Motion carried without a negative vote. The Treasurers, Mileage, Police, Fire, and Library reports for May and the 2006 Annual Fire Department report were placed on file in the Clerk's Office.

#### **COMMENTS FROM THE PUBLIC:**

Tom Jones, 401 Lois Street – He told the Board that he had a problem with the landscaping work on Lois Street; now that sod has been placed he has gravel showing and ruts in his yard. Item was referred to the Public Works Committee.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$31,238.63; Fire/Amb \$14,118.17; Recycling \$219.00; Library \$9,087.28; 2004 GO \$83,371.44; Stormwater \$1,000.00; Water \$462,216.33; Sewer 37,084.06. Motion carried without a negative vote. Trustee Pires explained that she will be working with the Clerk on: 1) a 2008 budget calendar; 2) Sick leave accumulation coming from departmental budgets as part of the GASB requirements; and 3) Continuation of the line item budgeting. There will be an informational presentation by Waukesha County on County Dispatching on July 10, 2007 at 7:00 p.m. Questions should be submitted beforehand to the Clerk by June 28, 2007. Public can also call (262) 446-5029 to arrange for a tour of the County Dispatch Center.

**JUDICIAL** – Chapter 38: Fire Prevention, Protection, and Control Code; needs updating and the committee will be presenting that update to the Village Board members in advance of the meeting that adoption will be requested. Inspection fees collected for Village inspections will stay in the Village and the same for Town inspections. Fire Chief will do a sampling of fees for

the Board Members so they can see what the cost will be. Moved by Bakst and seconded by Hogan to adopt Ordinance No. 803: **AN ORDINANCE TO CREATE SECTION 2-81 OF THE MUNICIPAL CODE PERTAINING TO CRIMINAL BACKGROUND INVESTIGATIONS.** Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to adopt Ordinance No. 805: **AN ORDINANCE TO CREATE SECTION 82-180(h) OF THE MUNICIPAL CODE PERTAINING TO PARKING OF HEAVY VEHICLES IN RETAIL BUSINESS PARKING LOTS.** Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to deny the Operator's License application for Justin R. Richard and that he be sent a letter regarding the procedure to appeal. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the 2007-2008 applicants for Operator's Licenses in list provided. Motion carried without a negative vote.

**HEALTH & RECREATION** – We are currently waiting for permit from DNR for improvements to Miniwaukan Park. We have asked for Stewardship grant extension for Miniwaukan and Minor Parks. Moved by Fennel and seconded by Fickau to deny the request from Elmbrook Church for a refund of \$275.00 for park rental. Motion carried without a negative vote.

**PERSONNEL** – Moved by Hogan and seconded by O'Bryan to accept the committee recommendation to endorse the Retiree Healthcare Trust and Trust Agreement and Reimbursement Arrangement Plan. Motion carried on a vote of 4 ayes and 3 nays (Fickau, Pires, & Wagner voting 'no').

**PROTECTIVE SERVICES** – Committee is working on the review of ambulance fees and the request for speed limit reduction on Edgewood Avenue.

**PUBLIC WORKS** – Moved by Fickau and seconded by Fennel to deny the request of Dan Vaara, 603 Cedar Street for \$2,500.00 to repair a sewer lateral. Motion carried without a negative vote. Moved by Fickau and seconded by O'Bryan to deny the request from Dan Vaara, 603 Cedar Street for \$3,000.00 for mowing Village property across the street from my property. Motion carried without a negative vote. Comprehensive Roof Management Survey for Municipal Buildings will be discussed as part of the 2008 budget. Moved by Fickau and seconded by Fennel to approve Change Order #3 for the Wastewater Treatment Facility Upgrade for an increase in the contract in the amount of \$971.00. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to approve Change Order #1; West Side Paving and Utilities Project for an increase in the contract in the amount of \$3,555.00. Motion carried without a negative vote. Request of Mainline Sewer and Water to waive liquidated damages will be discussed at the next Committee Meeting. Moved by Fickau and seconded by O'Bryan to approve sewer repairs in the Mukwonago Shores project, Phase 1, in the amount of \$13,360.00. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to accept the utilities in Edgewood Meadows and that oversize cost of sewer & water mains reimbursements will be taken care of at a later date. Motion carried without a negative vote. Moved by Fickau and seconded by Bakst to deny the request to remove and relocate the Arborvitae in the Oakland Ranch project at a cost of \$2,594.00. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to approve Resolution No. 2007-13: **A RESOLUTION IN COMPLIANCE WITH THE COMPLIANCE MAINTENANCE ANNUAL REPORT OF THE DEPARTMENT OF NATURAL RESOURCES (2006 ECMAR REPORT).** Motion carried without a negative vote. Moved by O'Bryan and seconded by Fennel to approve the request of the WWTP Summer help based upon information from Marilyn West and Bernie Kahl that money is available in the budget. Motion carried without a negative vote. WWTP Supv has successfully completed the probationary period and review and will receive a salary

increase of \$810.00 (1.5%) after completion of six (6) months. Motion carried without a negative vote. Item # 13 was taken care of by item #3 and item #14 was taken care of by item #9. FEMA Flood Plain Mapping and the SE Wisconsin Fox River Commission Funding are for the Board's information.

**PLANNING COMMISSION:** Hawk's Ridge East drainage concerns and Black Bear Condominium Developer's Agreement will be discussed again at a later meeting date. Moved by Fennel and seconded by Hogan to approve the CSM (Lot 26, Block 5, Meadow Park Estates) and that a letter be sent stating that no variance is anticipated. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to accept the Plan Commission recommendation to approve Ordinance No. 797: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO (TEKAVER REZONE)** with the understanding it will have a different legal description to describe the A-1 lands. Motion carried without a negative vote. The Village Board thanked Nancy Gloe for her work with the Village on the Tekaver rezone. Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve the Extraterritorial CSM for Cynthia and Stanley Albinak. Motion carried without a negative vote.

**VILLAGE ATTORNEY:** Moved by Fickau and seconded by Hogan to accept the Engineer's recommendation to lower the letter of Credit for Black Bear Commercial Development to \$148,213.39. Motion carried without a negative vote.

**VILLAGE PRESIDENT:** Moved by O'Bryan and seconded by Fennel to direct the Library Board and the Fund Raising Committee to drop the Sentry location as a possible Library site and work on the existing location. Motion carried on a vote of 6 ayes and 1 nay (Pires voting 'no'). The Adhoc committee will stay active for future discussions if needed. This motion does not limit the Library Board from discussion of other locations if they should arise. The appointment of a member to the Economic Development Committee is being reviewed as to whether it is necessary to retain the committee since we only have one (1) lot left in the Industrial Park and the Village owns that. The Village Administrator/Clerk-Treasurer has tendered his notice of retirement for September has been referred to the Personnel Committee.

**CORRESPONDENCE:** Letters regarding the Library Relocation proposal were placed on file in the Clerk's Office. Letter from Barbara Bopp, 415 Andrews St., regarding junk problems has been referred to the Police Department and the Village Attorney.

**NEW BUSINESS:** Moved by Fickau and seconded by Hogan to approve the signing of the WE Energies permits for 1314 Macintosh Way and 810 Medina Drive. Motion carried without a negative vote.

Moved by Fennel and seconded by O'Bryan to adjourn at 8:55 p.m. into closed session 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 – Discussion and

consideration of compensation to be paid for Easements in the Oakland Ranch Project; and Discussion and consideration of compensation to be paid for Easements for the Multiuse Trail for the Kiwanis Property. Motion carried unanimously upon roll call.

Moved by Fennel and seconded by O'Bryan to reconvene into open session at 9:24 p.m. Motion carried unanimously.

Moved by Bakst and seconded by O'Bryan to authorize the Village Attorney to offer as discussed, for the Easements in the Oakland Ranch project. Motion carried without a negative vote. Moved by Bakst and seconded by O'Bryan to authorize the Village Attorney to offer as discussed, for the Easements for the Multi Use Trail to the Kiwanis Foundation and Club. Motion carried without a negative vote.

Motion to adjourn the meeting made at 9:26 p.m. by Hogan and seconded by Fickau. Motion carried without a negative vote.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on July 17, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, BAKST, & WAGNER. Member excused: O'BRYAN. Also present: Library Director McBride; Police Lt. Schmidt; DPW Supv Brandemuehl; Engineer Genellie; WWTP Supv West; & Attorney Reilly.

President Wagner announced that the Village Board would adjourn into closed session pursuant to State Statute 19.85(1) (e) at the close of the regular meeting.

Moved by Fickau and seconded by Hogan to approve the minutes of the June 19, 2007 meeting as presented. Motion carried without a negative vote. Treasurers, Mileage, Police, Fire, and Library reports for June 2007 were placed on file in the Clerk's Office.

#### **COMMENTS FROM THE PUBLIC:**

Tom Jones, 401 Lois Street – He asked the Board to consider putting in a 4-way stop sign on Field St; Meacham St; & Henry St and a 3-way stop sign on Field St; Meacham St; & Henry St. Item was referred to Protective Services Committee and to the Police Department. He and his wife toured the Waukesha County Communication Center and they were impressed with what they saw. He presented information from the Fox River Commission to Library Director McBride for placement at the Library and the Board asked for two more copies; one for the Village Hall and one for the Chamber of Commerce.

#### **OLD BUSINESS:**

***LIBRARY REPORT BY TRUSTEE BAKST*** – There are several issues that the Library Board has been discussing regarding the expansion of the Library:

1. Maximum square footage available that could be added and meeting the parking requirements using a 30 foot setback would be 9,600 square feet. The Building Inspector believes at today's dollar value the cost would be around \$8-\$10 million.
2. We can get 7-8 additional parking spaces unless the school releases the deed restriction on the green space.
3. We have not discussed the money commitment.
4. Based on State Budget discussions, it looks like State Aids to municipalities will be cut.
5. The County Board Committee on Federated Library System is proposing non-library municipalities to be additionally taxed to help with capital expansion. The County Executive has indicated that he will veto this proposal.

Bakst recommended that the Adhoc Committee look at other ways to finance this project and to research the possibility of forming a Joint Library with the Town of Mukwonago. They will work with the Library Director.

#### **COMMITTEE REPORTS:**

***FINANCE*** – Moved by Pires and seconded by Fickau to accept the Committee recommendation that we pay the Initial Cost/Base Fee to join the Waukesha County Communication Center at a cost of \$55,090.00 before August when the new assessment figures come out from the State Motion carried without a negative vote. Moved by Pires and seconded by Hogan to approve vouchers payable for \$322,921.51. Motion carried without a negative vote. Moved by Bakst and seconded by Pires to reconsider the motion on Sick Leave

Payouts. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to table the Retiree Healthcare Reimbursement Arrangement (HRA) Plan. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Hogan to approve Ordinance No. 806: **AN ORDINANCE TO CREATE SECTION 82-191(d) OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE PROHIBITING PARKING ON THE SOUTH SIDE OF A PORTION OF MINOR'S DRIVE DURING CERTAIN MONTHS AND TIMES.** Motion carried without a negative vote. Review of the Junked Vehicle Ordinance will remain in Committee. Moved by Bakst and seconded by Fickau to approve the 2007-08 renewal application for Class B Beer and Class C Wine License for Mario's Natural Roman Pizza, Matthew Reitman, Agent; 225 Bay View Road, Suite 500. Motion carried without a negative vote. The 2007-08 application for Operator's License for Justin R. Richard was denied as he did not show up for the meeting to discuss the denial of his request. Moved by Bakst and seconded by Hogan to deny the 2007-08 application for Operator's License for Dan W. Sackett and that the Clerk's Office send him a letter about the denial and to invite him to the next Committee meeting to discuss his request. Motion carried without a negative vote. Moved by Bakst and seconded by Fickau to approve the list of 2007-08 applications for Operator's Licenses as submitted. Motion carried without a negative vote.

**HEALTH & RECREATION** – The Mukwonago Area Chamber of Commerce will be holding Fall Fest on September 15, 2007 from 10:00 a.m. until 4:00 p.m. Committee approved the request by Kevin Sinnett, Mukwonago Braves Football Association, for Police Dept. help for traffic moderation at Miniwaukan Park on August 25, 2007. The Clerk is instructed to send a letter to Mr. Sinnett that he contact the Police Department to arrange the time and that he would be billed for Police Officers time if they are available or he could discuss with the Police Dept. the use of their own people. Moved by Fennel and seconded by Bakst to waive the August 25th Park Use Fee for the Mukwonago Fire Department. Motion carried without a negative vote. Committee is changing their meeting date to the 3<sup>rd</sup> Tuesday of the month starting at 6:30 p.m.

**PROTECTIVE SERVICES** – Review of Ambulance Fees will remain in committee for further discussion.

**PUBLIC WORKS** - Moved by Fickau and seconded by Fennel to charge Mainline Sewer and Water \$15,000 in liquidated damages. The Village asked the low bidder (Mainline) if they would honor their bid if we approve the contracts two months later, and they did; then the Village approved the bid an additional two (2) weeks later, so we didn't feel that we could ask for the full amount of damages. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve Change Order #4 of the Wastewater Treatment Facility 2006 Upgrade at an increase to the bid of \$11,002.97. Motion carried without a negative vote. The landscape problem in the Mukwonago Shores Phase 1 Project is dead sod; the dead sod will be replaced throughout the Project until it grows. The bid for the CTH NN/CTH EE Intersection Improvements will remain in committee. Trustee Pires will discuss the line itemization of the budgets with 1 or 2 department heads. Cross Connection Testing must be done every year and this will be discussed during the budget process.

#### **PLANNING COMMISSION:**

Moved by Fickau and seconded by Hogan to accept the recommendation of the Planning Commission to grant the extension for the time to take action on the CSM for the Hittman Property based upon the letter from Mr. Hittman. Motion carried without a negative vote.

Moved by Fennel and seconded by Fickau to accept the recommendation of the Planning Commission to approve the change of zoning to B-3 for the entire site on the west side of STH 83 and south of Arrowhead Drive and north of Continental Bank (Hittman Property) and adopt Ordinance No. 807: **AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF MUKWONAGO (ALDI REZONE)**. Motion carried without a negative vote. Moved by Fennel and seconded by Fickau to accept the Planning Commission recommendation to approve the Peebles Department Store redesign canopy and colors as submitted. Motion carried without a negative vote.

**VILLAGE PRESIDENT:** Referred to the Finance Committee and Protective Services Committee to evaluate the proposal and make a decision of whether to join the Waukesha County Communications Dispatch.

**CORRESPONDENCE:** Letter from WE Energies regarding the use of their lands was placed on file in the Clerk's Office.

**NEW BUSINESS:** Moved by Fennel and seconded by Hogan to approve the Centurytel Permit to Bury Copper and Fiber Optic Cables on Edgewood Avenue. Motion carried without a negative vote. Moved by Fennel and seconded by Hogan to approve the Centurytel Permit to Bury Copper Telephone Cable on Edgewood Avenue. Motion carried without a negative vote.

Moved by Fennel and seconded by Hogan to adjourn at 8:25 p.m. into closed session 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 – Temporary Lease Agreement with Ms. Kocejo – Oakland Ranch Project. Motion carried unanimously upon roll call. Moved by Fickau and seconded by Fennel to adjourn the closed session at 8:30 p.m. Motion carried without a negative vote.

Moved by Fennel and seconded by Fickau to reconvene into open session at 8:30 p.m. Motion carried unanimously. Moved by Hogan and seconded by Bakst to approve what was discussed with the Village Attorney and agreed upon in closed session. Motion carried without a negative vote.

Motion to adjourn the meeting made at 8:33 p.m. by Fickau and seconded by Hogan. Motion carried unanimously.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

President Wagner called the August 7, 2007 Village Board meeting to order at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, O'BRYAN, BAKST, & WAGNER. Member excused: FENNEL.

President Wagner made the announcement of Closed Session.

Moved by Fickau and seconded by Bakst to approve the minutes of the July 17, 2007 meeting as presented. Motion carried without a negative vote.

**COMMITTEE REPORTS:**

**PERSONNEL** – Trustee Hogan gave an update from the committee on the restructuring and reorganization of the Wastewater and Water Utilities. The committee is looking at the possible position of Utilities Director. Would need to write a proposed Utilities Director job description that would cover both the Wastewater & Water operations; elevate the lower level positions and eliminate one department head. We will discuss whether this procedure is what is wanted and how to proceed with the implementation of this.

Moved by O'Bryan and seconded by Fickau to adjourn into closed session at 7:37 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 – Staffing of proposed restructured wastewater and water utilities.

Moved by Bakst and seconded by Hogan to adjourn closed session at 8:30 p.m. Motion carried without a negative vote.

Moved by Fickau and seconded by Hogan to reconvene into Open Session at 8:31 p.m. Motion carried without a negative vote.

Moved by Hogan and seconded by Fickau to adopt strategy for Utilities that was agreed upon in closed session. Motion carried without a negative vote.

Moved by Fickau and seconded by Hogan and carried to adjourn the meeting at 8:33 p.m.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer



President Wagner called the Village Board meeting to order on August 21, 2007 at 7:30 p.m. Members present: FICKAU, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Member excused: PIRES. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, Fire Chief Rolfe, Attorney Reilly, WWTP Supv West, Water Supt Walenczyk, & Engineer Peot.

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

Moved by Fickau and seconded by Hogan to approve the minutes of the August 7, 2007 meeting as presented. Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire, and Library reports for the month of July 2007 were placed on file in the Clerk's Office.

#### **COMMENTS FROM THE PUBLIC:**

R&M gave a report on Well #7 results; copy of their presentation is in the Clerk's Office. There were no questions.

PLMD Engineer gave a verbal report,

Trish Kujawa, S110W30520 YMCA Rd., asked about the effects this well would have on the private wells on YMCA residents.

Richard Jenks, W299S10761 Pickering Dr., questioned the Village test results.

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Fickau and seconded by Hogan to approve the following vouchers: Village \$38,989.44; Fire/Amb \$10,527.84; TID \$4,281.47; TID S/W \$5,070.78; Library \$6,633.47; 2004 GO \$347,935.13; Storm Water \$4,026.84; Water \$96,183.85; WWTP \$53,076.40; Parkland \$305.71. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Fickau to approve the 2007 application for Temporary Class B Beer & Wine license for September 8-9, 2007 for St. James Parish. Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to approve the 2007-08 Operator's Licenses for Scott A. Baksic, Erica L. Best, Cristopher E. Ellenbecker, Kelli J. Holman, Dominique N. Larson, Carol M. Mack, Charlotte M. Piscitello, Albert M. Rodgers, Angela M. Schufletowski, & Sonya L. Smith. Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to authorize the Village Attorney to draft an ordinance for the updates to Chapter 38 with associated fees. Motion carried without a negative vote.

**HEALTH & RECREATION** – Miniwaukan Park Improvements will remain in committee.

**PERSONNEL** – Moved by Hogan and seconded by O'Bryan to approve the Sick Leave Payout (HRP) Plan as recommended by the Committee. Motion carried without a negative vote. Water Utility Interim Position will be discussed in closed session and the Administrator and Clerk-Treasurer position will remain in committee.

**PROTECTIVE SERVICES** – The Waukesha County Communications presentation on the 800 MHz Radio Trunk System and the Fire Dept was given to the Committee at their meeting. Coverage for the blank spots in the Village and Town and the use of repeater systems will be discuss with WCC. This was informational report to the Board. Fireworks Enforcement Report was informational. Moved by O'Bryan and seconded by Bakst to approve the trade-in of

Ambulance 3451 & 3452 and to use the value for the purchase of the used box ambulance, a 1995 box style ambulance from Brookfield, in the price range of about \$20,000, contingent upon Town of Mukwonago approval. Motion carried without a negative vote. Request for Stop Signs in the Mukwonago Shores Subdivision will remain in committee for a report from the Police Chief. Review of Ambulance Fees will remain in committee.

**PUBLIC WORKS** – Moved by Fickau and seconded by Hogan to approve Change Order #5-Wastewater Treatment Facility Upgrade 2006 for an increase of \$9,548.00. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve Change Order #6-Wastewater Treatment Facility Upgrade 2006 for an increase of \$1,089.00. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to award the bid for CTH NN/CTH EE Intersection Improvements to Capitol Pavers, Inc in the amount of \$35,487.50. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to deny the request from Wayne Werner, 1005-07 River Park Circle West to waive the penalty due to late delivery of Utility Bill by the Post Office. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve the request from Norman Hanson, MP Land, Inc to put the final lift on the Original Phase of Minors Homestead. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to deny the request of Dan Vaara, 603 Cedar Street for reimbursement for removal of tree that was planted in the Village right-of-way. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve the request for Street Light on Atkinson Street, east of STH 83. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to approve the TID #3 Storm Water Detention Facility for Wetland & Plant Assessment and award the work to J.D. Knowles & Associates, Inc. in the amount of \$1,485.00. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to approve Change Order #2 for the West Side, Gibson, Lake and Spring Streets project for an increase of \$9,333.30. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to approve the study for a roundabout analysis on Wolf Run at STH 83 at a cost of \$4,286.00. Alternative would be to close Arrowhead Drive. Motion carried without a negative vote. The Village will wait until the County does their work first before we continue the Multi-Use Trail along CTH ES. Legend Meadows Lift Station abandonment can be removed from the agenda. Storm Water authority is informational for the Board members. Moved by Fickau and seconded by Fennel to repair the sewer main that collapsed on McKenzie Road and award the bid to Wilkomm Excavating, Inc. in the amount not to exceed \$23,000.00 once the Engineer has time to review the bid. Class 1 Notice is to be published. Motion carried without a negative vote. The Field Park Sewer Repair Project will be budgeted for in 2008.

#### **PLANNING COMMISSION:**

Moved by Fickau and seconded by O'Bryan to accept the Plan Commission recommendation to approve the Extraterritorial CSM for Robert & Margaret Reinholtz on CTH L. Motion carried without a negative vote. Moved by Hogan and seconded by Fickau to accept the Plan Commission recommendation to approve the modification to the Developer's Agreement for Minors Homestead LLC regarding the final lift on the original phase of minors Homestead. Motion carried without a negative vote.

**VILLAGE CLERK:** Moved by Fickau and seconded by Bakst to allow the request of JT Roofing, Inc to work on the Parkview Middle School on Sundays, weather permitting, for the next four (4) weeks with the work schedule of 7:00 a.m. to 5:00 p.m. Motion carried without a negative vote. Moved by Hogan and seconded by Fickau to deny the claim of James & Bonita Adkins, 410 CTH NN East, Unit 1. Motion carried without a negative vote. Report was given on the 2007 population estimates for the Village of Mukwonago, Waukesha & Walworth Counties. Moved by Fennel and seconded by O'Bryan to authorize Crown Castle International to sublease to other users of wireless communication, subject to the Village entering in lease agreements with the proposed users. Motion carried without a negative vote.

**VILLAGE PRESIDENT:** Moved by Fennel and seconded by Fickau to authorize the Village President to sign the Notice of Exemption from Waukesha County Library Levy. Motion carried without a negative vote. The next Village Board meeting will be Sept 18, 2007 and then in October the Board will meet on their regular schedule of the 1<sup>st</sup> & 3<sup>rd</sup> Tuesday of each month.

**CORRESPONDENCE:** Letter from SEWRPC on Intergovernmental informational meeting to discuss groundwater modeling analysis and the letter from Ayres Associates regarding resurfacing I-43 in Waukesha County were placed on file in the Clerk's Office.

**NEW BUSINESS:** Moved by Fickau and seconded by Hogan to approve the Centurytel Permit to bury copper telephone cable on Lake Street. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve the Centurytel Permit to bury copper telephone cable on Spring Street. Motion carried without a negative vote.

Moved by O'Bryan and seconded by Fennel to adjourn at 8:53 p.m. into closed session 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 – Negotiations of the Firefighters Union, Utilities Director Position. Motion carried unanimously upon roll call.

Moved by Bakst and seconded by Fennel to adjourn from closed session at 9:40 p.m. Motion carried without a negative vote. Moved by Fennel and seconded by Bakst to go into open session at 9:40 p.m. Motion carried without a negative vote.

Moved by Fennel and seconded by Hogan to move forward as discussed in closed session regarding the Utilities Director position. Motion carried without a negative vote.

Moved by Bakst and seconded by Fickau to adjourn the meeting at 9:41 p.m. Motion carried without a negative vote.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

Deputy Clerk Braatz called the Village Board meeting to order on September 18, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, O'BRYAN, and BAKST. Member excused: WAGNER. Member absent: FENNEL. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, Attorney Reilly, and Engineer Peot.

Moved by Fickau and seconded by Hogan to appoint trustee O'Bryan as acting president. Motion carried without a negative vote.

Moved by Fickau and seconded by Hogan to approve the minutes of the August 21, 2007 meeting as presented. Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire, and Library reports for the month of August 2007 were placed on file in the Clerk's Office.

## COMMITTEE REPORTS

**FINANCE** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$37,348.22; Fire/Amb \$14,803.17; TID \$5,158.25; Other Designated \$395.00; Recycling \$37,567.62; Library \$5,030.47; 2004 GO \$630,367.43; Storm Water \$1,541.00; Water \$67,150.15; WWTP \$530,676.88; Parkland \$1,034.02. Motion carried without a negative vote. The Dialer Alarm System request was referred to the Public Works Committee. Moved by Pires and seconded by Hogan to approve **Resolution 2007-14: 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 and seconded by Fickau to approve the 2008-2009 assessor contract with National Appraisal Corp. The Village shall find out the cost to do a walk-through assessment in the next two years. Motion carried without a negative vote. Pires stated that the 2006 Financial Audit Report will be presented before the Finance Committee as a Committee of the Whole on October 16, 2007. The reason the report is so late is Virchow Krause had a large turnover in staff this year which prevented the report from being finalized in a timely manner. Pires also stated that there will be a Joint Protectives Services and Finance Committee Meeting on September 26, 2007 at 6:30 pm, so the Mukwonago Police Department can give a presentation on why the Village should keep the current dispatch center.

**JUDICIAL** – Moved by Bakst and seconded by Hogan to approve the 2007-08 Operator's Licenses for: Adam J. Copus, Samuel C. Langyel, Amanda J. Martens, Carrie A. Miramontes, Ronald W. Olson, Amber S. Savinski, Nate L. Vertz and Dawn M. Wetzel. Motion carried without a negative vote.

**PERSONNEL** – Hogan stated that there will be a closed session meeting of the Committee on September 27, 2007 to start negotiations with the Firefighter's Union. The Village will be looking for a replacement for the Clerk/Treasurer position. The advertisement has been placed on the internet with a closing date of October 5, 2007. After nine to twelve months, the Committee would like to look for an Administrator, with the Board's approval. The advertisement for the Water Utility Superintendent position has been on several websites. The closing date is September 20, 2007. In view of recent worker's compensation issues, the Committee looked into pre-employment physicals. Hogan contacted the DN Greenwald Center. The Center no longer does them, but Pro Health Care does them at the old clinic building on Bay View Rd. The Committee will have more information in the future.

**PROTECTIVE SERVICES** – O'Bryan stated that the Committee discussed a Hardship Policy in regards to ambulance bills, for when some people cannot pay the bill. Each case will continue to be discussed on a case-by-case basis. There will be a resolution at the end of the year for new ambulance fees. Winchowky spoke about the request to install stop signs at certain intersections in the Mukwonago Shores subdivision. He had officers look at the proposed intersections for a traffic study, which was done in the summer months. There was an average of 11 cars per 24 hour period. The State has a formula for determining the need for stop signs. Based on the numbers, Winchowky does not feel stop signs are needed at this time. The report is available in the Clerk's Office.

#### **VILLAGE ATTORNEY**

Reilly stated that the last issue that needed to be taken care of for the Meadow Park Estates subdivision was the storm water pond cleanout. There was a question of the installation of trees in the right-of-ways. It was not required in the Developer's Agreement at that time. It was up to the homeowner to install a tree, in which case they would receive their \$500 tree installation bond back if one was installed. Moved by Fickau and seconded by Pires to release the letter of credit for Meadow Park Estates Subdivision. Motion carried without a negative vote.

#### **VILLAGE ENGINEER**

Peot stated that the Wisc DOT issued a permit to the Village for street construction. The DOT notified the Village that the work has not been done to satisfaction, and the work needed to be completed by October 1. Ruekert & Mielke sent a letter to Dennis Gritzmacher, Black Bear Development, notifying him that he had until September 15 to complete the work, or the Village would take necessary action to complete the work. Peot got prices from Berg Construction to complete the work. Moved by Pires and seconded by Hogan to authorize Berg Construction to complete the Hwy 83 street work originally done for the Black Bear Development if the work is not complete by the end of the business day on September 21, 2007. The money to do the work will be taken out of the letter of credit. Motion carried without a negative vote. Gritzmacher was present and apologized for the work not being done. The first curb was completed, but not correctly. He promises to have the work done by September 21.

#### **VILLAGE ENGINEER**

The Historic Preservation Committee appointment was tabled.

Winchowky asked about the date for the Joint Protective Services and Finance Committee meeting. He had dates picked out that he was going to suggest to Wagner. October 3, 2007 was the first date. Pires changed the date of the meeting to October 3, 2007. The time will remain at 6:30 pm.

Moved by Fickau and seconded by Hogan and carried to adjourn at 7:55 pm.

Steven A. Braatz, Jr.  
Deputy Clerk

President Wagner called the Village Board meeting to order on October 2, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST and WAGNER. Also present: Police Chief Winchowky, Attorney Reilly, and Engineer Peot.

Moved by Fickau and seconded by Hogan to approve the minutes of the September 18, 2007 meeting as presented. Motion carried without a negative vote.

Public hearing for Plank Road Area Utility and Street Reconstruction Project Special Assessments was opened at 7:31 pm.

Al Castro, 304 Plank Rd.: Wanted to know what the payments will be.

Andy Wegner, 352 Plank Rd.: Asked for leniency in the collection of payments and to wait until 2008 to collect.

Doug Hoppe, owns 213-215 Plank Rd.: Wanted to know what will be done with the manholes that are low. Peot explained that he has been out there to look at them, and the manholes are acceptable. It would do more damage fixing it.

Chuck Ludwig, 225 Plank Rd.: The amounts for this year should be set to collect next year.

Mark Marzion, building a house at 214 Plank Rd.: Agrees with Mr. Hoppe regarding the low manholes. Also spent a lot of money taking down a tree that died which he was told was caused by the construction of the road, relocating the lateral to the shutoff box, and tearing up concrete because of a curb head on the catch basin that was not done properly. Would like to be reimbursed for those expenses. Referred to Public Works.

Terry Swenson, 232 Plank Rd.: Does not have money set aside for the payments yet.

Linda Farr, owns 200 S. Rochester St.: Would be nice to postpone action for another year.

Public Hearing closed at 7:54 pm.

Wagner read and presented a proclamation to Richard and Judith Stocks in recognition of their 50<sup>th</sup> wedding anniversary. Wagner read and signed the proclamation in recognition of October being Spinal Health Month.

## COMMENTS FROM THE PUBLIC

Reilly spoke on behalf of Seniors on the Go Transport Service and explained that it is a program to transport senior citizens who have obtained appropriate credentials from Waukesha County Senior Services Department around the Village and Town. In the immediate future, it will only run Mondays, Wednesdays, and Fridays. As time goes on and the business grows, the area may be expanded.

## COMMITTEE REPORTS

**FINANCE** – Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$53,721.16; Fire/Amb \$16,611.16; Other Designated \$93.21; Recycling \$221.90; Library \$10,770.72; Storm Water \$18.51; Water \$38,116.89; WWTP \$16,057.04; Tax Escrow \$6,802.66. Motion carried without a negative vote.

**HEALTH & RECREATION** – Moved by Fennel and seconded by Bakst to accept the engineer's recommendation and award the bid for the Miniwaukan Park Improvements to Berg Construction in the amount of \$62,720.00. Motion carried without a negative vote. The grant is a matching grant for up to \$50,000. Moved by Fennel and seconded by Fickau to approve

the proposal to allow Ruekert & Mielke to provide the construction administration service for the Miniwaukan Park Improvements project in the amount of \$3,250.00. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by O'Bryan to approve the Temporary Class B Beer License for St. James School for October 12, 2007. Motion carried without a negative vote. Moved by Bakst and seconded by Pires to approve the 2007-2008 Applications for Operator's License for: Teri A. Hoskings, Karen M. Ross, Jon P. Schmidt, and Kori M. Zuniga. Motion carried without a negative vote.

**PERSONNEL** – Applications for the Water Utility Supervisor position were solicited from 8 candidates, and the Committee is in the process of setting up interviews for some of them.

**PROTECTIVE SERVICES** – The requests to discount/waive the ambulance bills from Christine Behl and Constance Bodilly tie into the Hardship Policy that the Committee has been working on and remain in Committee. New ambulance fees will come around January 1, 2008.

**PUBLIC WORKS** – Change Order #3 deals with two storm sewer manhole depths. The structures were in the way of the curb, which should have been caught prior to construction. Ruekert & Mielke is paying for it, but it is still a change in the contract, which means a change order is needed. Moved by Fickau and seconded by Hogan to approve Change Order #3 for the West Side, Gibson, Bay, Lake, and Spring Streets Paving and Utilities project. Motion carried without a negative vote.

## **ATTORNEY**

Bakst suggested doing the first installment of the Plank Road assessment in three installments in 2008 without interest rather than place it on the upcoming tax bill. O'Bryan agrees and stated that it is tough to come up with this kind of money in the next few months. Hogan agrees with Bakst. Pires stated that we must follow the ordinance and the affected parties must pay interest. The Board could delay action. Fickau stated that the residents knew about the project and the assessment for three years and should have saved some money. Agrees with three equal payments in 2008. Fickau also stated that changing the way we collect would be setting a precedent for future special assessments. Reilly stated that it lists in the ordinance exactly how to collect for special assessments. The only options are sending the 30-day notice to pay without interest or place it on this year's tax bill, or delay action and send the notice or pay on next year's tax bill. The only reason it is on this agenda is so the payments would be placed on this year's tax bill. Moved by Fennel and seconded by Pires to take action on **Resolution 2007-15**: *Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – For Plank Road Area Utility and Street Reconstruction Project* at the first meeting in December 2007. Motion carried on a vote of six ayes and one nay (Fickau voted no). Moved by Fickau and seconded by Pires to approve the relocation of the Kiwanis barn on CTH NN but to deny the request to waive the fees for the building permit and the electrical service. The other fees will be waived. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to accept the attorney's recommendation to release the letter of credit for the Two Rivers Subdivision. Motion carried without a negative vote. The letter of credit extension for Edgewood Meadows Condominiums will be on the next agenda. Moved by Pires and seconded by Hogan to remove the cash escrow requirement from the Developer's Agreement for the Black Bear Development. Motion carried without a negative vote.

## **NEW BUSINESS**

Moved by Fickau and seconded by Hogan to approve the We Energies permits for 1411 Applewood Ci., 1445 Applewood Ci., 783 Medina Dr., and 602 Oldfield Ave. Motion carried without a negative vote. Moved by Hogan and seconded by Fickau to approve the We Energies permit for the installation of electric on Holz Parkway. Motion carried without a negative vote.

Wagner announced that there will be a special Library Board meeting on Tuesday, October 9, 2007. The Village Board members are invited. There will be another Library Board meeting on October 18<sup>th</sup>.

Moved by Fennel and seconded by Bakst and carried to adjourn at 8:46 pm.

Steven A. Braatz, Jr.  
Deputy Clerk



President Wagner called the Village Board meeting to order on October 16, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, O'BRYAN, BAKST, & WAGNER. Member excused: FENNEL. Also present: Library Director McBride, Police Chief Winchowky, DPW Supv Brandemuehl, Attorney Reilly, Engineer Peot, & Planner Kaniewski.

President Wagner announced that the Village Board would adjourn after the regular schedule meeting into closed session pursuant to State Statutes.

Public Hearing on the Change of Zoning from R-2 to R-3 – 151 Eagle Lake Avenue and 328 Gibson Street-Karen Dillaber; was opened at 7:32 p.m. No one appeared to speak for or against the rezone. The hearing was closed at 7:33 p.m.

Public Hearing on the Change of Zoning from B-3 to B-2 – vacant lot north of Culver's-Greg Landon, D&G Enterprises, LLC of Wisconsin; was opened at 7:33 p.m. No one appeared to speak for or against the rezone. The hearing was closed at 7:34 p.m.

Moved by Fickau and seconded by Hogan to approve the minutes of the October 2, 2007 meeting as presented. Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire & Library reports for September 2007 were placed on file in the Clerk's Office.

President Wagner presented an Eagle Scout Proclamation to Nicholas L. Price on his earning of the Eagle Scout Badge.

#### **COMMENTS FROM THE PUBLIC:**

Tom Jones, 401 Lois Street – wanted to know why the residents in reconstruction areas have to pay for construction blemishes regarding their property. Who has the responsibility for injury from accidents?

#### **COMMITTEE REPORTS:**

**FINANCE** – Moved by Pires and seconded by Hogan to approve and accept the 2006 Audit Report of the Village. Motion carried without a negative vote. Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$68,120.66; Fire/Amb \$12,350.73; TID \$769.50; Designated \$147.50; Recycling \$37,508.90; Library \$6,409.86; 2004 GO \$57,192.62; Water \$49,184.54; Sewer \$247,067.44; Taxroll \$940,473.83; Parkland \$2,242.72. Motion carried without a negative vote.

**JUDICIAL** – Moved by Bakst and seconded by Fickau to approve the Temporary Class B Beer license for St. James School for November 11, November 16 and December 14, 2007. Motion carried without a negative vote. Moved by Bakst and seconded by Fickau to approve the 2007-08 Operator's Licenses for Cody R. Maderick and Kerri A. Rick. Motion carried without a negative vote. Letter from Wendy Lang regarding the parking restrictions on Minors Drive will be revisited next year. Letter was sent to Phantom Pub regarding violent incidents and requesting that the owner attend the next Judicial Meeting.

**PERSONNEL** – Trustee Hogan gave a report on the Committee's activity on the Sick Leave Accumulation for Library personnel; Water Utility Supt position; and the Clerk-Treasurer position.

**PUBLIC WORKS** – Moved by Fickau and seconded by Hogan to approve Change Order #2 for the 2006 Road Program for a net increase of \$11,712.95. Motion carried without a negative vote. Storm Water drainage from pond in Whispering Bay development was referred to the Building Inspector; letter was also sent by the Village Engineer to Providence developer about filling in more than an acre of land. The distribution easement request by WE Energies for Holz Drive was referred to the Plan Commission. Verizon Wireless request to add a generator at CTH NN location was referred to the DPW staff for review. Moved by Fickau and seconded by Hogan to proceed with the modification of system facilities plan and specification approval and to purchase the Caine property. Motion carried without a negative vote. The request for the replacement of the Dialer Alarm System for the WWTP was directed to next year's budget. Moved by Fickau and seconded by O'Bryan to approve Change Order #4-STH 83 Road Improvements for a decrease of \$25,492.57 in the final payment request. Motion carried without a negative vote. Moved by Fickau and seconded by Pires to approve Change Order #7-WWTP Facility Upgrade 2006 for an increase to the contract in the amount of \$761.00. Motion carried without a negative vote.

#### **PLAN COMMISSION:**

Move by Fickau and seconded by Pires to accept the Plan Commission recommendation for the approval of the October 10, 2007 version of the Black Bear Residential Developer's Agreement subject to the October 10, 2007 e-mail comments to Attorney Reilly from Village Planner Kaniewski and Village Engineers Peot and Genellie. Motion carried without a negative vote. Moved by Fickau and seconded by Bakst to accept the Plan Commission recommendation for the approval of the Certified Survey Map and the acceptance of the Condominium Plat for the Black Bear Condominiums subject to the following conditions:

1. The approval and acceptance are contingent upon the comments from the October 11, 2007 letter from Dave Buechl to President Wagner.
2. The municipal designation on the eastern boundary of the Condominium Plat shall be corrected.

Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve **Ordinance No. 808: AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP FO THE VILLAGE OF MUKWONAGO (DILLABER REZONE)**. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve **Ordinance No. 809: AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP FO THE VILLAGE OF MUKWONAGO (CULVER'S REZONE)**. Motion carried without a negative vote. Moved by Fickau and seconded by Pires to accept the Plan Commission recommendation for the approval of the site plan for the expanded Culvers restaurant lot. The conditions are:

1. The parking lot addition and improvements to the existing parking lots shall be consistent with the site plan dated September 12, 2007, prepared by RSV Engineering, Inc.
2. Prior to occupancy of the building additions, the entire parking lot shall be paved and curb and gutter shall be installed as shown on the site plan.
3. Prior to issuance of building permit for the additions, applicant shall submit for review and approval of the Village Engineer an updated Master Grading Plan.

4. Prior to issuance of building permit for the additions, applicant shall submit for review and approval of the Village Planner an updated landscape plan.
5. On-site directional signage shall be subject to approval of the Building Inspector/Zoning Administrator. Please note that any changes or revisions to previously approved freestanding signage and building signage shall be subject to approval of the Plan Commission.
6. Prior to occupancy of the building additions, a sidewalk shall be installed adjacent to the site within STH 83 right-of-way connecting the sidewalk to existing sidewalk on the north and south.
7. The Plan Commission encourages the Board of Zoning and Building Appeals to grant the variance for the wider driveway opening along Marshview Drive, in the public interest of improved vehicle and truck maneuvering.
8. Prior to issuance of building permit for the addition, applicant shall submit recording documentation of parcel combination, and a copy of the WIDNR permit.

Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to accept the recommendation of the Plan Commission for the approval of the extension of one month for the review of the River Glen Preliminary Plat (Tekaver). Motion carried without a negative vote.

**VILLAGE CLERK:**

Moved by Hogan and seconded by Pires to deny the claim of James & Bonnie Adkins; 410 CTH NN East, Unit 1 for improper grading of lots and that a certified letter be sent to them of the Board's action. Motion carried without a negative vote.

**VILLAGE ATTORNEY:**

Moved by Pires and seconded by Fickau to accept the Edgewood Meadows Letter of Credit reduction to \$288,351.36 with an expiration date of September 16, 2008 according to Attorney Reilly's letter dated October 12, 2007. Motion carried without a negative vote.

**VILLAGE PRESIDENT:**

Moved by Pires and seconded by Bakst to accept the letter of resignation from Bradley J. Lochowicz from the Village of Mukwonago Library Board. Motion carried without a negative vote.

**CORRESPONDENCE:**

Moved by O'Bryan and seconded by Fickau to reject the request of Linda Burg, 1320 Two Rivers Court for separate Trick or Treat Hours for the Two Rivers Subdivision. Motion carried without a negative vote. The Board informed Ms. Burg that approval was not needed by the Village if streets are not being closed and asked why they needed to have separate or additional hours for trick or treat. Letter from Zachary Krueger, 115 Oakland Avenue requesting a Skate Park to be built was referred to the Health & Recreation Committee. Letter from Kevin Crouse, Society Insurance, regarding possible claim for an injury on sidewalk in front of Fork In-The Road was placed on file in the Clerk's Office and copy was sent to our insurance carrier.

**NEW BUSINESS:**

Moved by Fickau and seconded by Hogan to approve the WE Energies request for 1430 Applewood Court. Motion carried without a negative vote.

Moved by Pires and seconded by Fickau to adjourn into closed session at 8:20 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 – Water Utility Supervisor Position Employment Consideration. Motion carried unanimously upon roll call.

Moved by Bakst and seconded by Pires and carried to reconvene into open session at 9:11 p.m. Moved by Pires and seconded by O'Bryan and carried to adjourn the meeting at 9:12 p.m.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on November 6, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, and WAGNER. Also present: DPW Supv Brandemuehl, Fire Chief Rolfe, Police Chief Winchowky, and Attorney Reilly.

President Wagner announced that the Village Board would adjourn into closed session pursuant to State Statutes 19.85(1)(e) and 19.85(1)(c) at the close of the regular meeting.

Moved by Fickau and seconded by Hogan to approve the minutes of the October 16, 2007 meeting as presented. Motion carried without a negative vote.

#### **COMMENTS FROM THE PUBLIC:**

Four Village residents (Darlene Johnson, 621 Small Farm Road; Frank Piscitello, 431 Atkinson St; James Naybert, 611 Jefferson St; and Fred Reimesch, 1311 Mukwonago Dr) and one Town resident (Judy Romanowski, S86W30245 Stonegate) spoke regarding the Mukwonago Dispatch Issue vs. going to Waukesha County Communications Center.

#### **COMMITTEE REPORTS:**

**FINANCE** – Purchase of Toughbooks with Fire Donated Funds was referred to the next Finance Committee meeting. Moved by Pires and seconded by Fickau to approve the vouchers: Village \$88,931.90; Fire/Amb \$15,848.61; TID \$1,550.00; TID S/W \$550.00; Other Designated \$233.23; Recycling \$38,764.70; Capital Equip \$119,428.00; Library \$12,040.66; 2004 GO \$190,605.39; Stormwater \$150.00; Water \$30,254.46; Sewer \$54,404.36; Taxroll \$103,460.06. Motion carried without a negative vote. Trustee Pires gave a report on the survey she did regarding Police Clerical Support for Communities that are part of WCCC. Trustee Pires gave a report on the evaluation of Waukesha County Communications and Mukwonago Police Dispatch Service Proposals. Moved by Pires to continue the Mukwonago Dispatch with the status quo of Enforcer Software which will give us more time to evaluate our different options. Motion died for lack of a second. Moved by Fennel and seconded by Hogan to stay with Mukwonago Dispatch and install the Phoenix System. Trustee O'Bryan included that this does not need to go back to the Finance Committee for re-approval being that the Board has approved it at this time. The Contract will come back to the Board for approval. Phoenix will convert the addresses. Motion carried on a vote of 5 ayes and 2 nays (Fickau and Pires voting 'no').

**JUDICIAL** – Moved by Bakst and seconded by Fennel to approve the Temporary Class B Beer License for the Friends of the Mukwonago Community Library for November 17, 2007. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the 2008 applications for Temporary Class B Beer License to St. James School for January 11<sup>th</sup>; February 6<sup>th</sup>, 15<sup>th</sup>, 21<sup>st</sup>, and 29<sup>th</sup>; March 14<sup>th</sup>; and April 28<sup>th</sup>. Motion carried without a negative vote. Moved by Bakst and seconded by Fennel to approve the Operator's Licenses for Kathleen E. Grall, Nicholas W. Lord, Vicki L. Miramontes, Jeffrey J. Petrin, and Derrick J. Wetzel. Motion carried without a negative vote.

**PERSONNEL** – No decision has been made on the Clerk-Treasurer or Water Supt position at this time.

**VILLAGE CLERK:** Moved by Fickau and seconded by Fennel to deny the claim for sewer backup for 914 Meadow View Lane as recommended by Midwest Claim Service. Motion carried without a negative vote.

**VILLAGE ATTORNEY:** Moved by O'Bryan and seconded by Fickau to approve the Letter of Credit Reduction for the Fairwinds Development to \$538,237.50. Motion carried without a negative vote.

**NEW BUSINESS:** Moved by Fickau and seconded by Hogan to approve WE Energies permit for 1351 Cider Circle. Motion carried without a negative vote. Moved by Fennel and seconded by Fickau to approve the Time Warner Permit for Field Street. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve the Centurytel Permit to bury copper telephone cables on Atkinson Street. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to approve the Centurytel Permit to bury copper telephone cables on Park Place Avenue. Motion carried without a negative vote.

Moved by Fennel and seconded by O'Bryan to adjourn into closed session at 8:25 p.m. 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 – Consideration of Continuation of Fire/EMS Contract Agreement between the Village and Town of Mukwonago; and 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 – Clerk/Treasurer position and Water Utility Supervisor position employment considerations. Motion carried unanimously upon roll call.

Moved by Fickau and seconded by Hogan to adjourn closed session at 9:07 p.m. Motion carried without a negative vote.

Motion to reconvene into open session at 9:07 p.m. by Hogan and seconded by Fickau. Motion carried without a negative vote. Motion to adjourn the meeting made at 9:08 p.m. by Fickau and seconded by Hogan. Motion carried without a negative vote.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on November 20, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN (entered at 8:15 pm), BAKST, & WAGNER. Also present: Police Lt. LaDue, Attorney Reilly and Engineer Peot.

President Wagner announced that the Village Board would adjourn after the regular schedule meeting into closed session pursuant to State Statutes.

Moved by Fickau and seconded by Hogan to approve the minutes of the November 6, 2007 meeting as presented. Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire & Library reports for October 2007 were placed on file in the Clerk's Office.

## **COMMITTEE REPORTS**

### **Finance**

***Vouchers Payable*** – Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$56,540.84; Fire/Amb \$8,571.24; TID \$616.50; Fire Designated \$2,076.00; Library \$9,970.73; 2004 GO \$177,640.05; Water \$72,474.14; Sewer \$76,853.83; Parkland \$906.32. Motion carried without a negative vote.

***Multi-Year Capital Planning*** – Discussion item only. Peot stated that we do plan for future projects.

***5 Year Capital Project Plan for Mukwonago Phoenix Dispatch*** – Discussion item only. The command plus consoles are no longer supported by Motorola, but LaDue had found the company that purchased the rights from Motorola to make the parts needed.

### **Health and Recreation**

***Letters from Zachary Krueger, 115 Oakland Ave., Requesting a Skate Park to be Built*** – The Deputy Clerk is directed to write a letter to Zachary Krueger stating that the Village does not have money in the budget to build a skate park at this time.

***Increase in Garbage and Recycling Service Per-Unit Rates and Request to Extend Service Contract – John's Disposal Service and Request to Increase Commercial Dumpster Fees if Service Contract is not Extended – John's Disposal Service*** – The new State budget that was passed include a \$2.10 per ton tipping fee. John's Disposal would need to increase the per unit per month rate for residential service by \$.20. If the Village agrees to extend the contract for four years, John's will absorb that cost. The only increase on this rate would be the yearly cost-of-living increase. John's would also keep the commercial rates that at the 2007 level for 2008. Moved by Fennel and seconded by Hogan to extend the garbage and recycling contract with John's Disposal Service for an additional four years, which will end on 12/31/2012. Motion carried without a negative vote.

### **Judicial**

***2007-08 Applications for Operator's Licenses – Mary J. Burback, Angela G. Ripley*** – Moved by Bakst and seconded by Fennel to approve the 2007-2008 Operator's License Applications for Mary J. Burback and Angela G. Ripley. Motion carried without a negative vote.

**Ordinance No. 810: An Ordinance to Amend Section 10-2 and Create Section 10-3 of the Village of Mukwonago Municipal Code (Amending the Amusement Device Licensing Ordinance)** – Wagner suggests raising the fee to \$40 per device. Moved by Bakst and seconded by Fennel to approve *Ordinance 810: An Ordinance to Amend Section 10-2 and Create Section 10-3 of the Village of Mukwonago Municipal Code* with a recommendation to increase the per device fee to \$40. Motion carried on a vote of 6 ayes and 1 nay (Pires voted no).

### **Personnel**

***Clerk/Treasurer Staffing*** – Will be discussed in closed session.

***Update to Clerk-Typist Title and Job Description*** – Clerk will provide a copy of the original job description for the Committee to review. Item remains in Committee.

### **Public Works**

***Letter from Sheldon Hanneman, 420 Augusta Dr., Regarding Grievance/Complaint on Charges on Utility Bill for Watering Lawn during Non-Summer Months*** – Item remains in Committee.

***Treatment Facility Upgrade Update*** – Information only. Variable speed pumps were installed in the treatment facility. Village awarded payback for energy incentives due to plant upgrade.

***Field Park Sewer Line Replacement Project*** – Information only. The Field Park subdivision needs to have the sewers relined. Item remains in Committee.

***Mukwonago Shoreline Stabilization Project*** – Tom Jones, Fox River Commission, gave a report on the rehabilitation project of the Mukwonago River from the CTH ES bridge to the dam. The project consists of rehabilitating the river bank. The cost of the project calls for 90% Fox River Commission funding and 10% Village funding. Money is available in the Parks fund. Moved by Fickau and seconded by Pires to proceed with the Mukwonago River shoreline rehabilitation project. Motion carried without a negative vote.

***STH 83 Realignment Project from CTH NN to Northern Village Limits*** – Peot gave a report on the STH 83 work that the State will be doing starting in 2011. They need to get the right-of-way plat done by the spring of 2008. The Village will have to move the water main and realign hydrants. A multi-use trail will be installed from the Kiwanis property to the Black Bear Blvd. intersection. The Village and State will split the cost to install standard street lighting, and if the Village wants decorative lighting, then the Village will provide the additional funding.

### **PLAN COMMISSION**

***Preliminary Plat Review – CTH LO, South of Minor's Homestead – Jeffrey & Tammy Tekaver – Request 30-day Extension on Approval*** – Moved by Fennel and seconded by Bakst to accept the Plan Commission recommendation to approve a 30-day extension to the Tekaver preliminary plat. Motion carried without a negative vote.



***Certified Survey Map Review – 1090 N. Rochester St. – Greg Landon, D&G Enterprises of Wisconsin LLC, Culvers Restaurant*** – Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve the Certified Survey Map for the Culver's Restaurant property located at 1090 N. Rochester St. The approval is subject to the following conditions:

- 1) Prior to recording of the Certified Survey Map, revisions to the map shall be made in accordance with the comments in the November 1, 2007 letter from Richard A. Eberhardt, P.E., R.L.S. of Ruekert/Mielke.
- 2) Prior to recording of the Certified Survey Map, Village Engineer Kurt Peot shall certify that all necessary revisions have been made.

Motion carried without a negative vote.

***Distribution Easement – Overhead Joint – Holz Drive – We Energies*** – Moved by Fennel and seconded by Hogan to accept the Plan Commission recommendation to approve the Distribution Easement with We Energies for Holz Parkway. Motion carried without a negative vote.

***Extraterritorial Review – Certified Survey Map Review – N9149 East Shore Dr. – Gregory Stein*** – Moved by Fickau and seconded by Fennel to accept the Plan Commission recommendation to approve the Extraterritorial Review of the Certified Survey Map for the property located at N9149 East Shore Dr. and owned by Gregory Stein. Motion carried without a negative vote.

***Extraterritorial Review – Certified Survey Map Review – Phantom Woods Rd. – Bob Schmidt, Phantom Lakes Development Company*** – Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve the Extraterritorial Review of the Certified Survey Map for the property located at Phantom Woods Rd. and owned by Phantom Lakes Development Company. Motion carried without a negative vote.

## **NEW BUSINESS**

***We Energies – 833 Pinehurst Dr., 1128 Pinehurst Dr.*** – Moved by Fickau and seconded by Hogan to approve the We Energies permits for 833 Pinehurst Dr. and 1128 Pinehurst Dr. Motion carried without a negative vote.

Moved by Pires and seconded by Bakst to convene into closed session at 8:33 pm 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 – Clerk/Treasurer Position and Water Utility Supervisor Position Employment Considerations. Motion carried by a unanimous vote.

Steven A. Braatz, Jr.  
Deputy Clerk

Convened into open session at 9:48 pm.

**Water Utility Supervisor Position Employment Consideration**

Moved by Hogan and seconded by O'Bryan to move in direction specified in closed session.  
Motion carried without a negative vote.

**Clerk/Treasurer Position Employment Consideration**

Moved by Hogan and seconded by O'Bryan to move in direction specified in closed session.  
Motion carried without a negative vote.

Meeting adjourned at 9:50 pm.

Respectfully submitted,  
John Hogan  
SABJ

President Wagner called the Village Board meeting to order on December 3, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Also present: Police Chief Winchowky & DPW Supv Brandemuehl.

Public Hearing on the 2008 proposed budget was opened at 7:33 p.m.

Matt Sura, 936 Clarendon Avenue – questioned the tax request for the Fire & Ambulance Department and why they didn't get more help as requested.

Public Hearing was closed at 7:46 p.m.

#### **NEW BUSINESS:**

Moved by Fennel and seconded by Hogan to approve **RESOLUTION 2007-17: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-General Fund.*** Motion carried without a negative vote.

Moved by O'Bryan and seconded by Fennel to approve **RESOLUTION 2007-18: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-Capital Equipment Fund.*** Motion carried on a vote of 5 ayes and 2 nays [Fickau and Pires voting 'no'].

Moved by Fickau and seconded by Fennel to approve **RESOLUTION 2007-19: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-Recycling Fund.*** Motion carried without a negative vote.

Moved by Fennel and seconded by Fickau to approve **RESOLUTION 2007-20: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-Debt Fund.*** Motion carried without a negative vote.

Moved by Fickau and seconded by Pires to approve **RESOLUTION 2007-21: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-Fire/Ambulance Fund.*** Motion carried without a negative vote.

Moved by Fickau and seconded by Hogan to approve **RESOLUTION 2007-22: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-Library Fund.*** Motion carried without a negative vote.

Moved by Fickau and seconded by Fennel to approve **RESOLUTION 2007-23: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-Storm Water Utility Fund.*** Motion carried without a negative vote.

Moved by Fennel and seconded by Hogan to approve **RESOLUTION 2007-24: *A Resolution appropriating the necessary funds for the operation of the Government and Administration of the Village of Mukwonago for 2008-Tax Incremental District #3 Fund.*** Motion carried without a negative vote.

Moved by Fickau and seconded by Fennel to approve **RESOLUTION 2007-25: *A Resolution to set the 2008 Schedule of Fees for the Village of Mukwonago for 2008.*** Motion carried without a negative vote.

Moved by Fickau, seconded by Fennel, and carried to adjourn the meeting at 7:52 p.m.

Bernard W. Kahl, WCPC/MMC  
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on December 4, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, and WAGNER. Also present: Fire Chief Rolfe, Police Chief Winchowky, Engineer Peot, and Attorney Reilly.

President Wagner announced that the Village Board would adjourn into closed session pursuant to State Statute 19.85(1)(c) at the close of the regular meeting.

### **Public Hearing – Mukwonago Shores Phase 1 Paving and Utilities Project Special Assessments**

Public Hearing opened at 7:33 pm.

Dean LaBlanc, 437 Andrews St. – Sold the property in July 2007. Was notified of the assessment in late June. Could not pay anything because there were no amounts yet. Wanted to know what work was done. Explained that a majority of the traffic on Andrews St. was the result of the park and boat launch and felt it was unfair that taxpayers should pay the majority of the assessment. Asked if boat launch fees were ever considered. *(Peot explained the project and that the residents are only being assessed for 26% of the total project.)*

Jesse Chipman, 511 Shore Dr. – Does not believe the street reconstruction was a benefit to the properties. Accessible parking was not a benefit because there was parking on the streets before. Drainage issues was not a benefit. Does not feel that the proposed assessments meet the legal requirements to be assessed. *(Reilly stated that the work was a benefit to the properties, and it is a very common assessment.)*

Kate Graczyk, 329 Andrews St. – Wanted to upgrade their driveway from gravel to concrete in 2004. Could not get the amount of the work if the Village contractors put in the approach. The cost to pour the driveway from the private contractor cost \$3.24 per square foot. The Village assessment came out to \$5.65 per square foot. Has concerns about the high price the Village is charging. They requested that the Village contractors confirm with them the width of the approach, and that was never done. *(Peot stated that the width of the apron is standard for the Village.)*

Ken Davis, 329 Andrews St. – Has concerns about the charge for the sewer lateral to the vacant lot that he owns next door to his property. Was under the impression that the vacant lot was not divisible. Has a sewer main running through his property, and if he could build on the vacant lot, would hook up to that main. *(Peot will check with Supv of Inspections Hankovich to see if the vacant lot is divisible.)*

Jackie Siglin-Rocha, 601 Main St. – Bought house in June 2005 and did not know that there would be an assessment. Title search did not show up a pending charge. Felt communication about the assessments was poor. Had concerns with the water flow into the lake. *(Peot stated that the volume of water going into the lake is about the same, but now it goes through a cleaning device before going into the lake.)*

Tom Jones, 401 Lois St. – Stated his property was in Phase 2 but is being charged with the Phase 1 assessments. Also has concerns about the poor landscaping. *(Peot stated this is a corner lot. This assessment is for ½ of the frontage on Lois St., which was in Phase 1. The assessment for ½ of the Meacham St. frontage will be charged with the Phase 2 assessments. The landscaping is satisfactory on Lois St., and the landscaping on Meacham St. will be fixed.)*

Dan Pawlak, 415 Blood St. – Wanted to know what his assessment will be.

Public Hearing closed at 8:06 pm.

Moved by Fickau and seconded by Hogan to approve the minutes of the November 20, 2007 meeting as presented. Motion carried without a negative vote.

## **COMMITTEE REPORTS**

### **Finance**

***Vouchers Payable*** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$22,669.38; Fire/Amb \$8,240.00; Recycling \$40,776.25; Capital Equipment \$977.50; Library \$4,926.95; Water \$23,738.64; Sewer \$2,687.77; Tax Escrow \$6,802.66. Motion carried without a negative vote.

***Discussion of Possible Special Assessment Notice Procedure Changes*** – Item is in committee.

***Purchase of Toughbooks with Donated Funds – Fire Dept.*** – Being handled by the committee.

### **Judicial**

***2007-08 Applications for Operator's Licenses – Shawn M. Russell, Thomas J. Vukelich*** – Moved by Bakst and seconded by Fickau to approve the 2007-2008 Operator's License Applications for Shawn M. Russell and Thomas J. Vukelich. Motion carried without a negative vote.

### **Protective Services**

***Phoenix System Software for the Fire Station*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Richard Semrow*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – William Biondi*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Christine Behl*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Constance Bodilly*** – Item is in committee.

## **VILLAGE ATTORNEY**

***Resolution 2007-15: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – For Plank Road Area Utility and Street Reconstruction Project*** – Moved by Fennel and seconded by Hogan to approve *Resolution 2007-15: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – For Plank Road Area Utility and Street Reconstruction Project*. Motion carried without a negative vote.

***Resolution 2007-16: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – For Mukwonago Shores Paving and Utilities – Phase 1*** – Moved by Fickau and seconded by Fennel to approve *Resolution 2007-16: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – For Mukwonago Shores Paving and Utilities – Phase 1*. Motion carried without a negative vote.

***Letter of Credit Reduction – Minors Homestead Add #1 and #2*** – Moved by Hogan and seconded by Fickau to accept the Minors Homestead Add #1 and #2 Letter of Credit reduction to \$462,666.03. Motion carried without a negative vote.

**VILLAGE CLERK**

***Notice of Lawsuit Filed Against The Village of Mukwonago, Fred Winchowky, and Eric Nelson*** – Sent to the insurance company.

**CORRESPONDENCE**

***2006 Annual Report from SEWRPC*** – On file in the Clerk's Office.

Moved by Bakst and seconded by Fennel to convene into closed session at 8:28 pm 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 – Clerk/Treasurer Position and Water Utility Supervisor Position Employment Considerations. Motion carried by a unanimous vote.

Steven A. Braatz, Jr.  
Deputy Clerk

Convened into open session at 8:58 pm.

**Water Utility Supervisor Position Employment Consideration**

Moved by Hogan and seconded by O'Bryan to move in direction specified in closed session. Motion carried without a negative vote.

**Clerk/Treasurer Position Employment Consideration**

Moved by Hogan and seconded by O'Bryan to move in direction specified in closed session. Motion carried without a negative vote.

Meeting adjourned at 9:00 pm.

Respectfully submitted,  
John Hogan  
SABJ

President Wagner called the Village Board meeting to order on December 18, 2007 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, Engineer Peot, and Planner Kaniewski.

President Wagner announced that the Village Board would adjourn after the regular schedule meeting into closed session pursuant to State Statutes.

Moved by Fickau and seconded by Hogan to approve the minutes of the December 3, 2007 Budget Hearing, December 4, 2007, and November 20, 2007 Closed Board meetings as presented. Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire & Library reports for November 2007 were placed on file in the Clerk's Office.

## **COMMITTEE REPORTS**

### **Finance**

***Resolution No. 2007-26: Resolution Amending and Supplementing Resolution Nos. 2002-03, 2002-14 and 2007-09; Providing for the Issuance and Sale of \$3,200,000 Waterworks System and Sewerage System Revenue Bonds; and Providing for the Payment of Said Bonds and Other Details and Covenants with Respect Thereto*** – Moved by Pires and seconded by Hogan to approve Resolution 2007-26. Motion carried without a negative vote.

***Resolution No. 2007-27: Resolution Authorizing the Borrowing of \$5,300,000; Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor; and Levying a Tax in Connection Therewith (Tid #3)*** – Moved by Pires and seconded by Fickau to approve Resolution 2007-27. Motion carried without a negative vote.

***Resolution No. 2007-28: Resolution Authorizing the Borrowing of \$3,275,000 and Providing for the Issuance and Sale of Waterworks System and Sewerage System Revenue Bond Anticipation Notes Therefor (Tid #3)*** – Moved by Pires and seconded by Fickau to approve Resolution 2007-28. Motion carried without a negative vote.

***Vouchers Payable*** – Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$93,404.42; Fire/Amb \$22,035.33; Recycling \$6,562.26; Library \$5,378.72; 2004 GO \$27,121.27; Water \$17,421.53; Sewer \$21,233.77; Tax Escrow \$9,269.35; Parkland \$82,583.13. Motion carried without a negative vote.

### **Health & Recreation**

***Request to Waive Building Permit Fees for Field Park Pavilion Re-roof*** – Moved by Fennel and seconded by Bakst to waive the building permit fees for the Field Park Pavilion re-roof. Motion carried without a negative vote.

***Recommendation for Payment – Miniwaukan Park Walking Trail Project*** – Due to unsuitable soils, more landscaping had to be done and different equipment had to be used. More asphalt was needed because the trail was extended to go around some trees. These factors changed the contract amount. Moved by Fennel and seconded by Bakst to approve a payment of \$80,882.32 to Berg Construction for the construction of the Miniwaukan Park trail. Motion carried without a negative vote.



### **Judicial**

***Request for Revision to Premises Description on Alcohol Beverage License – Wal-Mart Stores*** – O'Bryan and Wagner would like to see all alcohol in one location in the store. Moved by Fennel and seconded by Bakst to approve the premises description change for the "Class A" alcohol beverage license for Wal-Mart Stores, 250 E. Wolf Run, subject to the applicant abiding by the Village ordinance. Motion carried on a vote of 6 ayes and 1 nay (O'bryan voting no).

### **Personnel**

***Update to Clerk-Typist Title and Job Description*** – Moved by Hogan and seconded by Pires to approve the job description for Administrative Clerk I. Motion carried without a negative vote.

***Resolution 2007-30: A Resolution Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees & Part-Time Employees*** – Moved by Hogan and seconded by Pires to act on Resolution 2007-30 after the closed session. Motion carried without a negative vote.

### **Protective Services**

***2008 Joint Powers Agreement*** – Moved by O'Bryan and seconded by Pires to approve the 2008 Joint Powers Agreement. Motion carried without a negative vote.

### **Public Works**

***Letter from Sheldon Hanneman, 420 Augusta Dr., Regarding Grievance/Complaint on Charges on Utility Bill for Watering Lawn during Non-Summer Months*** – Item is in Committee.

***STH 83 Realignment Project from CTH NN to Northern Village Limits*** – Peot explained the project and distributed cost estimates for items the Village must pay for. Moved by Fickau and seconded by Fennel to approve the Village estimated cost share of the STH 83 Realignment Project of \$178,327.50. The Village portion includes Terrace Coach Light on Smooth Fiberglass Pole, construction of a multi-use trail and utility adjustments. Motion carried without a negative vote.

***Resolution 2007-29: A Resolution Adopting the 2008 Sewer Budget and 2008 Water Utility Budget*** – The current budget calls for a sewer rate increase from \$5.20 per thousand gallons of water used to \$6.39. Moved by Fickau and seconded by Fennel to approve Resolution 2007-29. Motion lost on a vote of 3 ayes and for nays (Fickau, Fennel, and O'Bryan voting yes). A special Village Board meeting will be held on Thursday, December 27 at 7:00 pm to act on Resolution 2007-29. More information will be needed.

***Certificate of Substantial Completion – WTF Upgrade 2006*** – Moved by Fickau and seconded by Hogan to approve the Certificate of Substantial Completion for WTF Upgrade 2006 project. Motion carried without a negative vote.

### **PLAN COMMISSION**

***Preliminary Plat Review – CTH LO, South of Minor's Homestead – Jeffrey & Tammy Tekaver – Request 30-day Extension on Approval*** – Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve the request for a 90-day extension to the preliminary plat approval of the Tekaver property. Motion carried without a negative vote.

***Request to Remove a Hold on the Building Permit for the Remaining Hawks Ridge East Development Building*** – Moved by Hogan and seconded by Fennel to accept the Plan Commission recommendation to approve the removal of the hold on the building permit for the final building to be constructed in the Hawks Ridge East condominium project. Motion carried without a negative vote.

### **VILLAGE ATTORNEY**

***Resolution to Waive a portion of Oakland Ranch Special Assessment for Two Specific Properties*** – The item will be on the next regular meeting agenda.

### **VILLAGE ENGINEER**

***Resolution of Special Assessment Questions from Mukwonago Shores – Phase 1 Public Hearing*** – Moved by Hogan and seconded by Fennel to accept the Engineer recommendation, as stated in the letter from Kurt Peot dated December 13, 2007, to grant the following:

- 1) A credit of \$44.75 for the special assessment on the property located at 410 Field St. and owned by Gary and Kate Graczyk, and
- 2) A waiver of the sanitary lateral assessment for the property located at 329 Andrews St. and owned by Kenneth and Gail Davis Trust in exchange for a deed restriction prohibiting division of the property without payment of the lateral cost plus interest from the date of January 11, 2008 until the date of division. This results in a credit of \$3,769.88 for the special assessment.

Motion carried without a negative vote.

### **VILLAGE PRESIDENT**

***Water Utility Supervisor, Election Officials, Historic Preservation Commission and Library Board Appointments*** – Moved by O'Bryan and seconded by Fennel to appoint Ivan Zaremba as Water Utility Supervisor according to the terms of the Village Employee Handbook. Motion carried without a negative vote. Moved by Bakst and seconded by Hogan to appoint Mary Weinkauff, Robert Chapman, Rose Anne Kelly, Terry Kelly, Dave Petersen, Carole Fickau, Monica Waszak, Chris Petersen, Dian Pete, Steve Braatz, Jr., Karen Olbinski, Don Braun, Phyllis Roeber, Glenn Volkmann, Nancy Gallo, Valerie Tyler as Election Officials for 2008-2009. Motion carried without a negative vote (Fickau abstained). Moved by Fickau and seconded by Pires to appoint Pete Giersch as Historic Preservation Commission citizen member. Motion carried without a negative vote. Moved by Pires and seconded by Bakst to appoint Joe Calvey as Library Board member. Motion carried without a negative vote.

### **CORRESPONDENCE**

***Letter from We Energies Regarding a Major Project in Mukwonago*** – On file in the Clerk's Office.

President Wagner thanked Administrator/Clerk-Treasurer Bernard Kahl for his many years of service to the Village of Mukwonago.

Moved by Fennel and seconded by Hogan to convene into closed session at 8:55 pm pursuant to State Statutes:

- 1) 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 – Consideration of Continuation of Fire/EMS Contract Agreement Between the Village and Town of Mukwonago
- 2) 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 – Clerk-Treasurer Position Employment Consideration

Motion carried by unanimous vote on roll call.

Moved by Hogan and seconded by Fickau to reconvene into open session at 10:00 pm. Motion carried without a negative vote.

***Consideration of Continuation of Fire/EMS Contract Agreement Between the Village and Town of Mukwonago*** – Board will continue to proceed as stated in closed session.

***Resolution 2007-30: A Resolution Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees & Part-Time Employees*** – Moved by Hogan and seconded by Fennel to approve Resolution 2007-30 as presented. Motion carried without a negative vote.

***Clerk/Treasurer Position Employment Consideration*** – Moved by Hogan and seconded by Fennel to authorize Virchow Krause to do a study of the job duties of the Clerk and Treasurer position and the Clerk/Treasurer's Office for an amount not to exceed \$15,000. Motion carried without a negative vote. Moved by Hogan and seconded by Fennel to appoint Steven A. Braatz, Jr. as Clerk-Treasurer effective January 7, 2008. Motion carried without a negative vote.

Moved by Bakst, seconded by Fennel, and carried to adjourn the meeting at 10:02 pm.

Steven A. Braatz, Jr.  
Deputy Clerk

President Wagner called the Village Board meeting to order on December 27, 2007 at 7:00 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, & WAGNER. Also present: Admin/Clerk-Treas Kahl and WWTP Supv West.

**Resolution 2007-29: A Resolution Adopting the 2008 Sewer Budget and 2008 Water Utility Budget** – Fennel met with Kahl and West, and the budget has been amended, dropping the sewer usage rate down to \$6.00 per thousand gallons of water used. Pires noted that there seems to be a discrepancy with the wages, and that there appears to be one extra person in the numbers. Kahl will re-check the figures. Moved by Fennel and seconded by O'Bryan to approve Resolution 2007-29, contingent upon a final review of the budget amounts by Administrator/Clerk-Treasurer Kahl. Motion carried without a negative vote.

**Resolution 2007-31: A Resolution Amending Resolution 2007-30 Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees & Part-Time Employees** – Resolution 2007-30 listed the Water Supervisor as salary. This resolution changes the title to wage, because newly appointed Supervisor Ivan Zaremba will be able to claim overtime and comp time. There was discussion on meeting attendance by Zaremba. He will attend meetings only when there is an issue related to the Water Department is on the agenda, or is asked by the Public Works Committee Chairperson to attend Committee meetings. Moved by O'Bryan and seconded by Fennel to approve Resolution 2007-31. Motion carried without a negative vote.

Moved by Fickau, seconded by Pires, and carried to adjourn the meeting at 7:49 pm.

Steven A. Braatz, Jr.  
Deputy Clerk