

President Wagner called the Village Board meeting to order on January 6, 2009 at 7:30 p.m.

Members present: Arnie Fickau
Elliot Bakst
John Hogan
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Paul Moderacki, Administrator/Clerk-Treasurer
Tom Brandenuehl, DPW Supervisor
Nick Weber, Library Director
Marilyn West, WWTP Supervisor
Kurt Peot, Engineer
Shawn Reilly, Attorney

Wagner announced the Village Board would adjourn into closed session pursuant to State Statutes 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

Minutes of the December 16, 2008 Board Meeting – Moved by Fickau and seconded by Hogan to approve the minutes of the December 16, 2008 Board meeting as presented. Motion carried without a negative vote.

COMMENTS FROM THE PUBLIC (*taken out of order*) - None.

Introduction of Paul Moderacki, Administrator/Clerk-Treasurer – President Wagner introduced Paul Moderacki, the new Administrator/Clerk-Treasurer who started on January 2, 2009.

COMMITTEE REPORTS

Finance

Vouchers Payable – Moved by Bakst and seconded by Hogan to approve the following vouchers: General Fund \$37,293.88; Fire/Ambulance Fund \$5,659.70; Recycling Fund \$6,652.50; Capital Equip Fund \$7,601.47; Library Services Fund \$3,890.76; Water Utility Fund \$5,169.82; Wastewater Utility Fund \$51,118.52; Parkland Site Fund \$21,829.60. Motion carried without a negative vote.

Judicial

Approval of Application for 2009 Temporary Class B Beer License – January 16, 2009 – St. James School – Moved by Johnson and seconded by Hogan to approve the 2009 Temporary Class B Beer License for St. James School for January 16, 2009. Motion carried without a negative vote.

Approval of Applications for 2008-09 Operator's License – Matthew F. Kedzierski, Bhupinder Singh – Moved by Johnson and seconded by Hogan to approve the applications

for 2008-09 Operator's License for Matthew F. Kedzierski and Bhupinder Singh. Motion carried without a negative vote.

VILLAGE ATTORNEY

Letter of Credit Reduction – Fairwinds – Item held until next meeting.

VILLAGE ENGINEER

Storm Water Management and Erosion Control Ordinance – Moved by Hogan and seconded by Bakst to adopt **Ordinance No. 816**: *An Ordinance to Delete Sections 34-2, 34-121 through 34-126 and 45-186 and to Revise Sections 34-100 through 43-115 of the Village of Mukwonago Municipal Code Pertaining to Storm Water Management & Erosion Control* with the following amendments:

1. On page 5, under Section 34-103, add "Administrator" to the list of officials that are designated to administer and enforce the provisions of the ordinance.
2. On page 19, under b.3., change "2 weeks" to "30 days."

Motion carried without a negative vote.

VILLAGE PRESIDENT

Appointment of Administrator/Clerk-Treasurer – Moved by Fennel and seconded by Fickau to accept the Village President's recommendation to appoint Paul Moderacki as Administrator/Clerk-Treasurer. Motion carried without a negative vote.

NEW BUSINESS

We Energies Permit – 827 Pinehurst Dr. – Moved by Fickau and seconded by Hogan to approve the We Energies permit for 827 Pinehurst Dr. Motion carried without a negative vote.

Time Warner Permit – Installation of Cable TV – Bay View Rd. – Moved by Fickau and seconded by Hogan to approve the Time Warner permit for installation of Cable TV on Bay View Rd. Motion carried without a negative vote.

Moved by Fennel and seconded by Bakst to convene into closed session at 7:48 p.m. pursuant to State Statutes 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations. Motion carried upon roll call vote. Discussion held in closed session.

Moved by Bakst and seconded by Hogan to adjourn the closed session at 8:01 p.m. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to reconvene into open session at 8:01 p.m. Motion carried without a negative vote.

Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations – No action taken.

Moved by Fickau, seconded by Hogan, and carried to adjourn at 8:02 p.m.

Steven A. Braatz, Jr.
Clerk

President Wagner called the Village Board meeting to order on January 20, 2009 at 7:30 p.m.

Members present: Arnie Fickau
Elliot Bakst
John Hogan
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Paul Moderacki, Administrator/Clerk-Treasurer
Tom Brandemuehl, DPW Supervisor
Nick Weber, Library Director
Marilyn West, WWTP Supervisor
Bruce Kaniewski, Planner
Kurt Peot, Engineer
Shawn Reilly, Attorney

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Wagner announced the Village Board would adjourn into closed section pursuant to State Statutes 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

Minutes of the January 6, 2009 Board Meeting – A motion by Fickau/Fennel to approve the minutes of the January 6, 2009 Board meeting as presented was carried unanimously.

The treasurer, mileage, police, fire and library reports for December 2008 are on file in the Clerk's Office.

COMMENTS FROM THE PUBLIC – None

COMMITTEE REPORTS

Finance

Vouchers Payable – A motion by Bakst/Hogan to approve the following vouchers: General Fund \$114,756.10; Fire/Ambulance Fund \$29,278.62; TID #3 – General Fund \$3,876.50; Recycling Fund \$39,152.47; Capital Equip Fund \$121,454.50; Library Services Fund \$49,615.56; 2004 GO Note \$8,380.08; Storm Water Utility Fund \$3,376.90; Water Utility Fund \$14,209.68; Wastewater Utility Fund \$12,446.48; Tax Escrow Agency Fund \$24,923.41; Parkland Site Fund \$2,199.39 was carried unanimously.

Judicial

Approval of Application for 2008-09 Operator's License – Sabrina L. Lartz – A motion by Johnson/Hogan to approve the application for 2008-09 Operator's License for Sabrina L. Lartz was carried unanimously.

Approval of Application for 2009 Temporary Class B Beer License – January 31, 2009 – Knights of Columbus – A motion by Johnson/Hogan to approve the 2009 Temporary Class B Beer License for Knights of Columbus for January 31, 2009 was carried unanimously.

Approval of Application for 2009 Temporary Class B Beer Licenses – February 25, March 13, March 20, March 27, 2009 – St. James School – A motion by Johnson/Hogan to approve the 2009 Temporary Class B Beer Licenses for St. James School for February 25, March 13, March 20, and March 27, 2009 was carried unanimously.

Request to Amend Section 82-192 to Include No Parking Along the East Side of STH 83 from CTH LO to Washington Ave. – A motion by Johnson/Hogan to pass on the recommendations from Sgt. Ken Pileggi on no parking on STH 83 to the Clerk for review and for creation of an ordinance was carried unanimously.

Request for One-Way Traffic Signage in Library Parking Lot – A motion by Johnson/Hogan to create an ordinance to have one-way traffic in the Mukwonago Community Library parking lot was carried unanimously.

Personnel

Authorization to Contract with Reserve Officer to serve During Military Deployment of Existing Officer – Committee reported that Officer Nelson will be on military leave overseas and the Police Department will be hiring a temporary replacement. Chief Winchowky is looking into insurance provided for Nelson by the military to determine whether supplemental family insurance coverage might be needed. Information only.

Authorization to hire Replacement of Resigned Officer – Committee reported that Officer Jokala has resigned and the Police Department will be hiring a new officer to replace him. The new officer will be at rookie status. Information only.

Development of Administrator's Performance Objectives – The Committee met with Administrator Moderacki to discuss work objectives for his first six months. The Committee and President Wagner provided him with an initial list of objectives. Moderacki was directed to review the list, add items/issues he see needs attention and submit a combined list to the Committee in February. Information only.

Public Works

Field Park Project – Sewer Condition – Committee reported that the sewer main in Field Park subdivision is 60 years old, there are roots growing through section connections, and there are broken sections in many places. Some sections can be relined, and other sections require replacement. Information only.

PLAN COMMISSION

Update on New Business in Industrial Park – C.I. Bank Wire & Iron Works – C.I. Bank Wire & Iron Works has purchased and is in the process of renovating the old Triad building in the industrial park. Information only.

Comprehensive Smart Growth Plan – Update Proposed Review, Adoption of Schedule, and Formation of Ad-Hoc Review Committee – The Commission has been working on the smart growth plan for a number of years. A draft will be forwarded from Planner Kaniewski to the Commission to review prior to hosting an open house planned for late Spring. The plan will be completed this year with a public hearing anticipated to be held in September.

VILLAGE ATTORNEY

Letter of Credit Reduction – Fairwinds – A motion by Fickau/O'Bryan to accept the recommendation of the Village Attorney to reduce the Letter of Credit (LOC) for Fairwinds to

\$439,410. The approval is contingent upon the receipt of a letter from M&I Bank to the Village that the Letter of Credit is extended to September 1, 2009 was carried unanimously.

Letter of Credit Reduction – Black Bear Commercial Development – A motion by Fickau/Bakst to accept the recommendation of the Village Attorney to reduce the LOC for the Black Bear Commercial Development to \$126,340.96 was carried unanimously. A motion by Fickau/Hogan to accept the recommendation of the Village Attorney to reduce the LOC for the Black Bear Residential Development to \$136,455.60. The approval is contingent upon the payment of all outstanding professional service bills from the Village was carried unanimously.

Request for Return of Letter of Credit for Black Bear Lift Station – Atty. Reilly said the developer for the Black Bear Residential Development has asked for the return of the lift station LOC until the funds for the lift station are needed. Reilly noted that there are outstanding engineering costs due from the design of the lift station that have not been billed back to the developer. The developer is to pay 69% of the design and construction of the lift station. Atty. Brad Dallet spoke on behalf of the developer and in support of Reilly's recommendation to return the LOC. He argued against Reilly's position that the developer pay 69% of the outstanding bills from the design costs. The Village cannot draw from the LOC. There is no written agreement to build the lift station. The developer's agreement has not been signed. A motion by Fickau/Fennel to accept the recommendation of the Village Attorney to return the LOC in the amount of \$370,800 for the Black Bear lift station subject to the following conditions: 1) The Village shall be reimbursed for 69% of the costs involved and paid for the design of the lift station, and 2) no additional public improvement work be done by the developer on the project except to meet any erosion control and storm water control requirements until a developer agreement is executed, and 3) Access to the lift station location shall be resolved was carried on a vote of 6 ayes and 1 nay (Johnson voting no).

VILLAGE ENGINEER

Governor's Request for Infrastructure Project List – The State requested a list of all anticipated projects and major capital equipment purchases in the next few years for the economic stimulus plan. Moderacki was provided a list by the engineers, and he met with the department heads to come up with a complete list. The list now exceeds \$39,000,000 worth of projects and has been sent to the Governor's office. The Village awaits a response. Information only.

CORRESPONDENCE

Town of Mukwonago – Public Hearing – February 18, 2009 – Consideration of High Water Ordinance – The Town of Mukwonago will be holding a public hearing on February 18, 2009 regarding a proposed ordinance on a no-wake regulation during high water periods.

Wisc Public Service Commission Letter Regarding Information Utilities May and May Not Require as Part of the Residential Service Application Process – Public Service Commission provided a letter regarding information utilities may and may not require as part of the residential service application process.

NEW BUSINESS

We Energies Permit – 723 Pinehurst Dr., 827 Pinehurst Dr. – A motion by Fickau/Hogan to approve the We Energies permit for 723 Pinehurst Dr. and 827 Pinehurst Dr was carried unanimously.

A motion by Fennel/Hogan to convene into closed session at 8:14 p.m. pursuant to State Statutes 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is

rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations was carried unanimously upon roll call vote. Discussion held in closed session.

A motion by Fennel/Hogan to adjourn the closed session at 8:41 p.m. was carried unanimously. A motion by Fennel/Hogan to reconvene into open session at 8:41 p.m. was carried unanimously.

Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations – No action taken.

A motion by Fickau/ Hogan to adjourn at 8:42 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Village Clerk

President Wagner called the Village Board meeting to order on February 3, 2009 at 7:30 p.m.

Members present: Elliot Bakst
John Hogan
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Member excused: Arnie Fickau

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Attorney
Nick Weber, Library Director
Joe Hankovich, Zoning Administrator

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Minutes of the January 20, 2009 Board Meeting – A motion by Fennel/Hogan to approve the minutes of the January 20, 2009 Board meeting as presented was carried unanimously.

COMMENTS FROM THE PUBLIC

Sarah Szejn, 1245 Bear Pass #3 – Asked the Board to amend the zoning ordinance in favor of allowing multi-level garages in Residential zoning districts within the Village of Mukwonago. If they do not approve amending the ordinance, then she asked if the Village Board would send a favorable recommendation to the Board of Building and Zoning Appeals to allow for a variance so they could build one.

Len Kressin, S83W29731 Saxony Ct. – Spoke about the BP gas station located at 500 Main St. There are no lights on at night. He feels that it is a safety concern.

COMMITTEE REPORTS

Finance

Vouchers Payable – A motion by Bakst/Hogan to approve the following vouchers: General Fund \$65,214.15; Fire/Ambulance Fund \$6,977.70; TID #3 – General Fund \$371.25; Other Designated Fund \$452.00; Recycling Fund \$1.79; Capital Equip Fund \$2,617.46; Library Services Fund \$11,646.59; 2004 GO Note \$5,019.50; Storm Water Utility Fund \$20,115.28; Water Utility Fund \$18,992.82; Wastewater Utility Fund \$42,831.35; Tax Escrow Agency Fund \$13,378.57; Parkland Site Fund \$383.00 was carried unanimously.

Resolution 2009-01: A Resolution to Amend the 2009 Schedule of Fees for the Village of Mukwonago – A motion by Bakst/Hogan to approve Resolution 2009-01: A Resolution to Amend the 2009 Schedule of Fees for the Village of Mukwonago was made. The motion and second were withdrawn. The resolution should be corrected to make it appear that the building inspection fees are not part of a joint fee schedule with the Town of Mukwonago. Item is held in Committee.

Protective Services

Updates and Revisions to Emergency Action Plan – Item can be removed from future Committee agendas until changes have been made and are ready to be submitted.

Purchase of Knoxbox Sentra Locks – Item is held in Committee.

Review of Ambulance Charges – Item will be handled in Finance Committee.

Proposal to Raise CPR Fees for Use of CPR Equipment – Item is held in Committee.

Request to Discount/Waive Ambulance Bill – Charity Care Policy – Julie Faulkner – A motion by O'Bryan/Fennel to accept the same charity care policy that was given to Julie Faulkner by Waukesha Memorial Hospital was carried unanimously.

Request to Discount/Waive Ambulance Bill – Charity Care Policy – Jonathan Colby – A motion by O'Bryan/Fennel to accept the same charity care policy that was given to Jonathan Colby by Waukesha Memorial Hospital was carried unanimously.

Sleeping Quarters – Station #2 – Town of Mukwonago is looking into this issue. Item is held in Committee.

Fire Dept. Website Presentation – Chief Rolfe presented the updated Fire Department website to the Committee. Information only.

VILLAGE ZONING ADMINSTRATOR

Response and Recommendation to Request for Multi-Level Garages – A motion by Johnson/Bakst to authorize the Zoning Administrator to seek consultation to determine what it would take to permit a multi-level garage in single-family zoning districts was carried on a vote of 5 ayes and one nay (Hogan voting no).

VILLAGE ATTORNEY

Agreement between Phantom Ranch Bible Camp and the Village of Mukwonago to Permit the Village to Install Conduit Across Phantom Ranch Bible Camp Land – A motion by Bakst/O'Bryan to approve the Agreement between Phantom Ranch Bible Camp and the Village of Mukwonago to Permit the Village to Install Conduit Across Phantom Ranch Bible Camp Land was carried unanimously.

VILLAGE CLERK

Insurance Claim for Uneven Driveway – Terry Carstens – A motion by Fennel/Hogan to accept the insurance company recommendation to deny the insurance claim for an uneven driveway by Terry Carstens was carried unanimously.

VILLAGE PRESIDENT

Library Board Appointment – Item will remain on the agenda.

A motion by Hogan/Bakst to adjourn at 8:10 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Village Clerk

President Wagner called the Village Board meeting to order on February 17, 2009 at 7:30 p.m.

Members present: Trustee Elliot Bakst
Trustee John Hogan
Trustee Dale Fennel
Trustee Dennis O'Bryan
Trustee Darlene Johnson
President James Wagner

Absent and excused: Trustee Arnie Fickau

Also present: Steve LaDue, Police Lieutenant
Paul Moderacki, Administrator/Clerk-Treasurer
Tom Brandemuehl, DPW Supervisor
Kurt Peot, Engineer
Shawn Reilly, Attorney
Jeff Belongia, Financial Advisor

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Wagner announced the Village Board would adjourn into closed session pursuant to State Statutes 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

Minutes of the February 3, 2009 Board Meeting – A motion by Bakst/Hogan to approve the minutes of the February 3, 2009 Board meeting as presented carried unanimously.

The treasurer, mileage, police, fire and library reports for January 2009 are on file in the Clerk's Office.

COMMENTS FROM THE PUBLIC – Tom Jones, 401 Lois St., took a moment to complement DPW Supervisor Tom Brandemuehl for stopping to remove a dead animal from the road recently.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Hogan to approve the following vouchers: General Fund \$38,443.00; Fire/Ambulance Fund \$14,905.71; TID #3 – General Fund \$578.82; Other Designated Fund - \$700.00; Recycling Fund \$40,941.08; Capital Equip Fund \$35,759.84; Library Services Fund \$6,409.12; Water Utility Fund \$73,864.75; Wastewater Utility Fund \$2,954.63; Tax Escrow Agency Fund \$3,384,661.37 carried unanimously.

Resolution 2009-01 – Motion by Bakst/Hogan to adopt Resolution 2009-01, amending the 2009 Schedule of Fees for the Village of Mukwonago carried unanimously.

Resolution 2009-02 – Motion by Bakst/Hogan to adopt Resolution 2009-02, Authorizing the Issuance and Sale of \$1,180,000 Waterworks System and Sewerage System Revenue Bond Anticipation Notes carried unanimously.

Resolution 2009-03 – Motion by Bakst/Hogan to adopt Resolution 2009-03, Authorizing Issuance and Sale of \$2,580,000 General Obligation Promissory Notes carried unanimously.

Health and Recreation

Community Room Usage Policy – Motion by Fennel/Johnson to increase rental of the Village Hall Community Room from \$50 to \$65 effective May 1, 2009 for for-profit organizations, to continue the Village Policy not to rent out or permit use of the Room on weekends, but to continue to gather information about such requests and to make certain clarifications in the Room use application fee and usage policy carried unanimously.

Judicial

Approval of Application for 2009 Temporary Class B Beer and Wine License – March 7, 2009 – St. James Parish – A motion by Johnson/Hogan to approve the application for a 2009 Temporary Beer and Wine License for St. James Parish carried unanimously.

Approval of Application for 2009 Temporary Class B Beer License – June 18-21, 2009 – Mukwonago Lions Club – A motion by Johnson/Hogan to approve the 2009 Temporary Class B Beer License for the Mukwonago Lions Club for June 18-21, 2009 carried unanimously.

Approval of Application for 2009 Temporary Class B Beer Licenses – June 13-14, July 18-19, August 15-16 and September 12-13, 2009 – American Legion Post #375 – A motion by Johnson/Hogan to approve 2009 Temporary Class B Beer Licenses for American Legion Post #375 for June 13-14, July 18-19, August 15-16 and September 12-13, 2009 carried unanimously.

Letter from Waukesha County Chamber of Commerce re: Milwaukee County Sick Pay Mandate – Motion by Johnson/Fennel to direct staff to prepare an ordinance prohibiting any other municipality to adopt an ordinance, rule or regulation mandating certain wages or benefits by any business entity other than the Village itself carried unanimously.

Request for Class A Beer License by Thomas and Laurie Materna for Ye Ole Smoke House – Item held in Committee upon recommendation of Attorney Reilly.

Request for Change of Agent for 2008-09 Alcohol Beverage License – Ultra Mart Foods, LLC (Gordon W. Graf, agent), 1010 North Rochester Street, d/b/a/ Pick'n'Save #6384 Motion by Johnson, Hogan to approve a Change of Agent for 2008-09 Alcohol Beverage License – Ultra Mart Foods, LLC (Gordon W. Graf, agent), 1010 North Rochester Street, d/b/a/ Pick'n'Save #6384 carried unanimously.

Ordinance No. 817: To amend Section 82-191 (b) and (c) and create Sections 82-191 (21) through (24) of the Mukwonago Village Code related to parking on StH 83 (Rochester Street) Motion by Johnson/Fennel to adopt Ordinance No. 817 to amend Section 82-191 (b) and (c) and create Sections 82-191 (21) through (24) of the Mukwonago Village Code related to parking on StH 83 (Rochester Street) carried unanimously.

Ordinance No. 818: To create One-Way Traffic in the Library Parking Lot – Motion by Johnson/O'Bryan to adopt Ordinance No. 818 to create an Section 82-180 (i) of the Village of Mukwonago Municipal Code pertaining to one-way directional traffic through the Mukwonago Community Library parking lot carried unanimously.

Personnel

Uniform allowance for non-represented police officers – Motion by Hogan/Bakst to increase the uniform allowance by \$50/year for police lieutenants carried unanimously.

Employee Tuition Policy – Held in Committee.

Update on hiring a Water Utility Operator – Held in Committee pending receipt of a step schedule based on required certifications.

Employee Evaluation Forms – Motion by Hogan/Bakst to adopt the Employee Evaluation Form proposed by Administrator Moderacki carried unanimously.

Six-month Performance Objectives – Village Administrator – Motion by Hogan/Bakst to accept the two-page, single spaced list of performance objectives submitted by Administrator Moderacki carried unanimously.

Public Works

Request for Guard Rail on East Side of Wolf Run – Held in committee pending receipt of a recommendation from staff.

Request for review and reduction in Special Assessment for Mukwonago Shores Paving and Utility Project – Phases 2 and 3 – Gerald and Geraldine Lange – O'Bryan reported the Langes did not appear at the Committee meeting to demonstrate why their assessment should be lowered. He added the property in question is a commercial property and subject to the full assessment on both roads, as it is a corner lot. No action taken.

NEW BUSINESS

Wisconsin DOT STH 83 Road Improvement Project from CTH NN to STH 59 – Moderacki reported WDOT representatives met with the Mukwonago Chamber of Commerce Economic Development Committee and the Chamber subsequently presented the project plan at a general Chamber meeting. He said the Chamber planned to form a committee to plan local detour routes, develop maps and directional signs and an advertising campaign to minimize the impact of the project on local businesses as much as possible and the Village would support the Chamber's efforts.

Centurytel Permit – Bury Copper Telephone Cables – Plank Rd. – Motion by Fennel/Hogan to approve a permit to Centurytel to bury copper telephone cables on Plank Rd. carried unanimously.

CORRESPONDENCE

Letter from D.N. Greenwald, dated Feb. 6, 2009 – A letter from Mr. Greenwald objecting to the Village's decision to oppose his attempts to rent land in its Tax Incremental District for farming was noted and placed on file.

Letter from Wisconsin DOT re: Federal Stimulus Local Project Solicitation – A letter from WDOT related to the Federal Stimulus Local Project Funds was noted. Mr. Peot reported he identified portions of four streets in the Village (Oakland, Honeywell, Grand and Front St.) that needed resurfacing that would meet the application criteria established by WDOT and he was preparing applications.

Closed Session

Motion by Hogan/Bakst to convene into closed session at 8:19 p.m. pursuant to State Statutes 19.85 (1) (c) to consider employment, promotion, compensation or performance data related to public employees over which the Village Board has jurisdiction.

Discussion held in closed session.

Motion by Hogan/Johnson to adjourn the closed session at 8:33 p.m. carried unanimously.

Motion by Bakst/Hogan to reconvene into open session at 8:34 p.m. carried unanimously.

Amendment to Administrator Contract – Motion by Bakst/Hogan to amend the Administrator's Contract to provide the Village will pay up to ninety-two and a half percent (92.5%) of the lowest qualified Waukesha County health plan for the Administrator was carried unanimously.

Residency Requirements for Department Heads – The Board indicated the residency requirement needed to be administered equally and directed the Personnel Committee to review the policy and return with a recommendation.

Motion by Hogan/Bakst to adjourn at 8:35 p.m. carried unanimously.

Paul J. Moderacki
Administrator/Clerk-Treasurer

President Wagner called the Village Board meeting to order on March 3, 2009 at 7:30 p.m.

Members present: Elliot Bakst
John Hogan
Dale Fennel
Darlene Johnson
James Wagner

Member excused: Arnie Fickau

Member absent: Dennis O'Bryan

Also present: Fred Winchowky, Police Chief
Nick Weber, Library Director
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Attorney

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Minutes of the February 17, 2009 Board Meeting – A motion by Bakst/Hogan to approve the minutes of the February 17, 2009 Board meeting as presented was carried unanimously.

COMMENTS FROM THE PUBLIC

None

COMMITTEE REPORTS

Finance

Vouchers Payable – A motion by Bakst/Hogan to approve the following vouchers: General Fund \$38,295.41; Fire/Ambulance Fund \$2,010.36; TID #3 – General Fund \$206.25; Capital Equipment Fund \$4,138.31; Library Services Fund \$9,597.90; Water Utility Fund \$65,539.78; Wastewater Utility Fund \$8,910.32; Tax Escrow Agency Fund \$4,960.66 was carried unanimously.

Judicial

Ordinance No. 819: An Ordinance Creating Section 2-1 of the Municipal Code of the Village of Mukwonago Relating to Mandating Employee Wages or Benefits for Private Businesses – A motion by Johnson/Hogan to adopt Ordinance No. 819: An Ordinance Creating Section 2-1 of the Municipal Code of the Village of Mukwonago Relating to Mandating Employee Wages or Benefits for Private Businesses was carried unanimously.

Protective Services

Purchase of Knoxbox Sentra Locks – Item is held in Committee.

Proposal to Raise CPR Fees for Use of CPR Equipment – Item is held in Committee.

Sleeping Quarters – Station #2 – Item is held in Committee.

Purchase of Panasonic CF52 Computers for Ambulances – Act 102 Funds – Item is held in Committee.

Request to Discount/Waive Ambulance Bill – Charity Care Policy – Amanda Nordentoft – A motion by Bakst/Johnson to accept the same charity care policy that was given to Amanda Nordentoft by Waukesha Memorial Hospital was carried unanimously.

Letter Regarding Ambulance Bill – Dustin Moehlenpah – Item is held in Committee.

A motion by Hogan/Bakst to adjourn at 7:34 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Village Clerk

President Wagner called the Village Board meeting to order on March 17, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
John Hogan
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Jeff Rolfe, Fire Chief
Fred Winchowky, Police Chief
Nick Weber, Library Director
Tom Brandemuehl, DPW Supervisor
Marilyn West, WWTP Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Kurt Peot, Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Minutes of the March 3, 2009 Board Meeting – A motion by Fennel/Hogan to approve the minutes of the March 3, 2009 Board meeting as presented carried unanimously.

The treasurer, mileage, police, fire and library reports for February 2009 are on file in the Clerk's Office.

COMMENTS FROM THE PUBLIC – None

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Hogan to approve the following vouchers: General Fund \$46,245.76; Fire/Ambulance Fund \$230,709.08; TID #3 – General Fund \$330.00; Recycling Fund \$38,754.80; Library Services Fund \$8,824.19; 2004 GO Note \$17,079.15; Storm Water Utility Fund District #1 \$2,184.09; Water Utility Fund \$25,887.69; Wastewater Utility Fund \$12,337.15 was carried unanimously.

Resolution 2009-04: Resolution Amending the 2009 Adopted Budget – Money is being moved from one fund to another for the cost of the demolition of the Andler House on Division due to savings on budgeted purchases. The budget is not being increased. Motion by Bakst/Hogan to adopt Resolution 2009-04: Resolution Amending the 2009 Adopted Budget was carried unanimously.

Judicial

Approval of Applications for 2008-09 Operator's License – Kiranjeet K. Sagar, Heather A. Shereck – Motion by Johnson/Fennel to approve the applications for a 2008-09 Operator's License for Kiranjeet K. Sagar and Heather A. Shereck was carried unanimously.

Approval of Application for 2009 Temporary Class B Beer License – July 10-11, 2009 – John Movrich Lodge 993 – Motion by Johnson/Fickau to approve the application for a 2009

Temporary Class B Beer License for John Movrich Lodge 993 for July 10-11, 2009 was carried unanimously.

Response and Recommendation to Request for Multi-Level Garages – Motion by Johnson/Bakst to withdraw the request to amend the Village ordinance to include multi-level garages, and the Board has the right to revisit the issue as it sees fit, was carried unanimously.

Ordinance No. 820: An Ordinance to Amend Section 6-36 (a)(5) of the Village of Mukwonago Municipal Code Pertaining to the Quota for Class “A” Beer Licenses – Motion by Johnson/Hogan to adopt Ordinance No. 820: An Ordinance to Amend Section 6-36 (a)(5) of the Village of Mukwonago Municipal Code Pertaining to the Quota for Class “A” Beer Licenses was carried unanimously.

Personnel

Ordinance No. 821: Ordinance for Administrator Position – Motion by Hogan/Bakst to adopt Ordinance No. 821: Ordinance for Administrator was carried unanimously.

Water Utility Operator – Job Description and Proposed Wage Range – Motion by Hogan/Fickau to approve the Water Utility Operator job description and proposed wage range was withdrawn. Item will remain in Committee.

Residency Requirements for Department Heads – Motion by Hogan/Bakst to waive the residency requirement for department heads for one year from March 10, 2009 due to the slow housing market, and the issue will be reviewed again after the year is up was withdrawn. Residency issues will be dealt with on an individual basis between the department head and the Administrator and reported to Personnel Committee.

Public Works

Request for Guard Rail on East Side of Wolf Run – Dorothy Herriges – Item will remain in Committee pending a report from the Police Department.

Request for Review and Reduction in Special Assessment for Mukwonago Shores Paving and Utilities Project – Phases 2 and 3 – Gerald & Geraldine Lange – Motion by Fickau/Fennel to deny the request by Gerald and Geraldine Lange for a reduction in the Mukwonago Shores Paving and Utilities Project Phases 2 and 3 special assessment on the property known as MUKV 1976.159 was carried unanimously. Reconsideration of the issue will be on the next agenda.

Removal of Cottonwood Tree at 307 Mc Divitt Ln. – Attorney Reilly is dealing with the issue.

Razing of Andler House and Fire Department Practice Burn – Motion by Fickau/Fennel to accept the bid from Berg Construction for the demolition of the Andler House located on Division St. in the sum of \$11,665 plus \$2.00 per foot for the silt fence if the fence is needed was carried unanimously. The Fire Department will be doing a practice burn some time in April prior to the demolition.

Scope of the Field Park Project – The item will remain in Committee.

Non-Standard Street Lighting Work Request from We Energies – 111 Atkinson St. – Motion by Fickau/Fennel to approve the non-standard street lighting work request from We Energies for the installation of a street light at 111 Atkinson St. was carried unanimously.

PLAN COMMISSION

Conceptual Site Plan – STH 83 and Arrowhead Dr. – Dale Hittman, Hittman Realty – Aldi Food Store – Aldi's presented a proposed site plan to the Plan Commission. There have been setback issues in regards to fitting the Aldi's store and another building on the existing lot. The owner of the property is exploring the option of combining two three-acre lots into one six-acre lot so Aldi's, Westbury Bank (formerly Continental Savings Bank), and a sit down restaurant

may fit on the property. The Plan Commission agreed that if the lots were combined, the proposed development would be viable on the six acre site.

Extraterritorial CSM – N9188 Humphrey Lane, Town of East Troy – Thomas & Nancy Horter – Motion by Fennel/Fickau to accept the Plan Commission recommendation to approve the extraterritorial CSM for Thomas & Nancy Porter for the property located at N9188 Humphrey Lane, Town of East Troy, was carried unanimously.

Potential Grant Funding for Multi-Use Trail – Plan Commission discussed funding for multi-use trails and encouraged Moderacki and Planner Bruce Kaniewski to update the Park and Open Space Plan in enough time to make the May 1 grant application deadline. Kaniewski has since spoken with the State and determined that there is a low probability of receiving money from DNR grant sources, and the Village is better off applying for a grant through the Wisc DOT. The application deadline for that grant would be December 1, so there is time to complete the update to the Park and Open Space Plan.

NEW BUSINESS

Waukesha Memorial Tax Exemption Request – Motion by Fennel/O'Bryan to extend the tax exempt status for the Waukesha Memorial clinic as has been done in past years was carried unanimously.

Proposal for Change in Approval of Permit Applications to Construct/Maintain Utilities Within Right-of-ways – Motion by Fennel/Bakst to approve the street opening/right-of-way permit, and authorize appropriate Village staff to review and approve the permits rather than holding them up for Board approval was carried unanimously.

Approval of Off-Site Collections of Real Estate Taxes – Moderacki and Clerk Steve Braatz met with M&I Bank and worked out a plan for the bank to collect real estate and personal property taxes. Other banks will be contacted to see if they are also interested in collecting taxes.

CORRESPONDENCE

Memo from John's Disposal Service on Governor's Proposed Waste Tax Increase – John's Disposal Service notified the Village of Governor Doyle's State budget request to increase the tipping fee from \$5.90 per ton to \$10.30, and the extra revenue will not be put back into the recycling program. This will also cost the taxpayers a great deal of money. Moderacki will draft a letter or resolution in opposition of the proposal.

Letter League of Wisconsin Municipalities Mutual Insurance Regarding Scheduling Public Official's Liability Presentation – The League of Wisconsin Municipalities Mutual Insurance provided the Village with a video dealing with public official's liability. Dennis Tweedale from the League will come to the Board meeting on June 16, 2009 to show the video and give a 20 minute presentation and provide the Village with a check in the amount of \$1,130 if all of the Board members are present and an additional \$560 (for a total amount of \$1,690) if all of the department heads are also present. The meeting will start at 7:00 p.m.

Wagner provided flyers for the candidate forum to be held at the Village Hall on March 25, 2009, from 7:00 p.m. to 8:30 p.m. Wagner also noted that due to the election on April 7, 2009, there will not be a Village Board meeting that night. Wagner and the rest of the Board thanked John Hogan for his years of service to the Village.

Motion by Hogan/Bakst to adjourn at 8:20 p.m. carried unanimously.
Steven A. Braatz, Jr.
Village Clerk

President Wagner called the Village Board meeting to order on April 21, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
James Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Jeff Rolfe, Fire Chief
Fred Winchowky, Police Chief
Nick Weber, Library Director
Tom Brandemuehl, DPW Supervisor
Marilyn West, WWTP Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Kurt Peot, Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Wagner announced the Village Board would adjourn into closed section pursuant to State Statutes 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

Minutes of the March 17, 2009 Board Meeting – A motion by Fickau/Bakst to approve the minutes of the March 17, 2009 Board meeting with the correction to change “February” to “March” in the first sentence carried unanimously.

The treasurer, mileage, police, fire and library reports for March 2009 and the 1st Quarter 2009 Recycling Report from John's Disposal Service are on file in the Clerk's Office. The 2008 Mukwonago Police Department Annual Report is on file in the Clerk's Office.

COMMENTS FROM THE PUBLIC – None

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Fickau to approve the following vouchers for checks mailed April 3, 2009: General Fund \$38,711.54; Fire/Ambulance Fund \$20,901.12; Debt Service Fund \$5,900.00; Recycling Fund \$258.74; Capital Equipment Fund \$72,747.15; Library Services Fund \$10,937.84; Water Utility Fund \$32,964.01; Wastewater Utility Fund \$19,135.28; Tax Escrow Agency Fund \$134,484.82 was carried unanimously. Motion by Bakst/Fickau to approve the following vouchers for checks to be mailed on April 24, 2009: General Fund \$84,520.25; Fire/Ambulance Fund \$20,092.91; TID #3 – General Fund \$2,363.00; Recycling Fund \$43,900.16; Capital Equipment Fund \$30,622.00; Library Services Fund \$12,638.87; 2004 GO Note \$23,688.56; Storm Water Utility Fund District #1 \$1,497.12; Water Utility Fund \$104,670.16; Wastewater Utility Fund \$21,996.32 was carried unanimously.

Authorization to Disburse Museum Money to Museum Bank Account for Museum Renovation Expenditures – Motion by Bakst/Fickau to authorize the issuance of the CDBG money in the amount of \$10,150 to the Mukwonago Museum bank account was carried unanimously.

Resolution 2009-05: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies – Motion by Bakst/Fickau to adopt Resolution 2009-05: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies with the correction to change “Continental Savings Bank” to “Westbury bank” was carried unanimously.

Resolution 2009-06: A Resolution Amending the 2009 Adopted Budget – Fire/Ambulance Fund – The Town of Mukwonago approved a similar resolution. Motion by Bakst/O’Bryan to adopt Resolution 2009-06: A Resolution Amending the 2009 Adopted Budget – Fire/Ambulance Fund was carried unanimously.

Resolution 2009-07: A Resolution Authorizing the Use of a Credit Card for the Mukwonago Community Library with Associated Bank – The card will only be used for the purchase of items from Amazon.com. Motion by Bakst/Fickau to adopt Resolution 2009-07: A Resolution Authorizing the Use of a Credit Card for the Mukwonago Community Library with Associated Bank with the condition of limiting the credit limit to \$2,000.00 was carried unanimously.

Re-adoption - Resolution 2009-04: A Resolution Amending the 2009 Adopted Budget – General Fund – The resolution needs to be passed again so a notice can be published. Motion by Motion by Bakst/Fickau to re-adopt Resolution 2009-04: A Resolution Amending the 2009 Adopted Budget – General Fund was carried unanimously.

Health and Recreation

Wonago Wildflower Weekend Shop Hop Discussion – Mary Blott, Mukwonago Chamber of Commerce – Chamber of Commerce Wonago Wildflower Weekend Shop Hop will take place on May 1, 2, and 3, 2009. Information only.

Replacement of Field Park Ball Diamond Light Poles, Electric Service and Lights – The light poles and service to the lights for the baseball diamond in Field Park are in real bad shape and need to be replaced. The Committee is looking at getting bids to see how much it will be to run electric from CTH NN. Item will remain in Committee.

Review and Recommendation to Board of Building and Zoning Appeals – Conditional Use Permit Request – Construction of an Outbuilding in Miniwaukan Park – Mukwonago Junior Indians Baseball Club – Motion by Fennel/O’Bryan to recommend to the Board of Building and Zoning Appeals the approval of the conditional use permit requested by Mukwonago Junior Indians Baseball Club for the Construction of an Outbuilding in Miniwaukan Park was carried unanimously.

Judicial

Approval of Application for 2008-09 Operator’s License – Terry M. Schulist – Motion by Motion by Johnson/Fickau to approve the 2008-09 Operator’s License Application for Terry M. Schulist was carried unanimously.

Approval of Application for 2008-09 Class A Beer License – Ye Ole Smokehouse LLC – Thomas A. Materna, Agent – 919 Main St. – Motion by Johnson/Fickau to approve the 2008-09 Application for a Class A Beer License for Ye Ole Smokehouse LLC, Thomas A. Materna, for the premises located at 919 Main St. was carried unanimously.

Personnel

Pay Range for Water Department Operator Position – Item will remain in Committee.

Protective Services

Purchase of Drug Drawer Locks – Taken care of with the adoption of Resolution 2009-06.

Proposal to Raise CPR Fees for Use of CPR Equipment – No action. Item can be removed from the agenda.

Sleeping Quarters – Station #2 – No action. Item can be removed from the agenda.

Letter Regarding Ambulance Bill – Dustin Moehlenpah – Motion by O'Bryan/Bakst to deny the claim for a reduction of the ambulance bill for Dustin Moehlenpah was carried unanimously.

Purchase of Panasonic CF52 Computers for Ambulances – Use of Donated Funds – Taken care of with the adoption of Resolution 2009-06.

Paramedic Intercepts for Surrounding Communities – Discussion Only – Discussion only. Item can be removed from the agenda.

Purchase of Drug Refrigerators – Taken care of with the adoption of Resolution 2009-06.

Transfer Paramedic Vehicle (Unit 3488) to Village Building Inspection Department – Item will remain in Committee.

Public Works

Intermunicipal Agreement Between the Villages of Mukwonago and East Troy to Provide for the Sharing of Municipal Water – Motion by Fickau/Fennel to approve the Intermunicipal Agreement Between the Villages of Mukwonago and East Troy to Provide for the Sharing of Municipal Water was carried unanimously.

Change Order #2 – Mukwonago Shores Paving and Utilities – Phases 2 and 3 – Motion by Fickau/Fennel to approve Change Order #2 for the Mukwonago Shores Paving and Utilities – Phases 2 and 3 was carried unanimously.

Request for Guard Rail on East Side of Wolf Run – Dorothy Herriges – The Police Department is still working on this issue and will make a presentation at the May Committee meeting.

Reconsideration – Request for Review and Reduction in Special Assessment for Mukwonago Shores Paving and Utilities Project – Phases 2 and 3 – Gerald & Geraldine Lange – No action taken.

Scope of the Field Park Project – Project costs and informational meetings will be coming up in the next few months.

Request for Reduction in Sewer Charge on Utility Bill Due to Leak – 331 CTH NN W – Charles Miller, Citizens Bank of Mukwonago – Motion by Fickau/Fennel to deny the request by Charles Miller, Citizens Bank of Mukwonago for a reduction in the sewer charge on the utility bill due to a leak at the property located at 331 CTH NN W was carried unanimously.

Actuator Valve Problem and Proposed Solution – WWTP – Item will remain in Committee.

Conservation Water Rates – Information only.

PLAN COMMISSION

Extraterritorial CSM – W299S10620 Phantom Woods Rd., Town of Mukwonago – Estate of Ruth Vollmer, Marni S. Lynn, and Rebecca L. Young – Motion by Fennel/Johnson to accept the Plan Commission recommendation to approve the extraterritorial CSM for the estate of Ruth Vollmer, Marni S. Lynn, and Rebecca L. Young for the property located at W299S10620 Phantom Woods Rd. in the Town of Mukwonago subject to the following conditions:

1. Prior to the Village signing the Certified Survey Map dated August 27, 2007, all technical revisions required by the Town of Mukwonago and Waukesha County review be completed.
 2. Prior to recording the Certified Survey Map dated August 27, 2007, approval shall be obtained by the Town of Mukwonago and Waukesha County.
- was carried unanimously. For the record, Village Attorney Shawn Reilly stated that he represented Ruth Vollmer on this matter, but did not have input in the review of the extraterritorial CSM.

VILLAGE ATTORNEY

Authorization to Hire Consultant to Determine Lease Value for Cell Tower – Motion by Fennel/Fickau to authorize the Village Attorney to hire a consultant to determine the current lease value of rental space on the cell tower with the condition that the report be a closed record until lease negotiations with Crown Castle have been completed was carried unanimously.

VILLAGE CLERK

Approval of April 7, 2009 Municipal Canvass Report – Motion by Bakst/Fennel to approve the Village of Mukwonago Certification of the Board of Canvassers for the election held on April 7, 2009 was carried unanimously.

2009 New Municipal Officials Workshop – League of Wisconsin Municipalities and 2009 Regional Dinner Meeting – League of Wisconsin Municipalities – Board Members received copies of the 2009 New Municipal Officials Workshop and the 2009 Regional Meetings sponsored by the League of Wisconsin Municipalities. Members are to let the Clerk know of their attendance no later than April 27, 2009.

VILLAGE PRESIDENT

Honoring of VFW Post 7221 and Ladies Auxiliary Awarding of Officer of the Year to Sgt. Ken Pileggi and Law Enforcement Gold Medal Award Recipient to Chief Fred Winchowky – President Wagner congratulated Sgt. Ken Pileggi on receiving the Officer of the Year award and Chief Fred Winchowky on receiving the Law Enforcement Gold Medal Award from the VFW Post 7221 and the Ladies Auxiliary.

Acceptance of Letter of Resignation from Board of Building and Zoning Appeals – James A. Decker – Motion by Fennel/Fickau to accept the letter of resignation by James A. Decker from the Board of Building and Zoning Appeals was carried unanimously.

Appointments – Motion by Fickau/Fennel to accept the Village President's recommendation to appoint the following Library Board members was carried unanimously:

Citizen Members: Sharroyl Cooper (term ending 2012)
John Hogan (term ending 2011)
Carla Stewart (term ending 2012)

Board Member: Darlene Johnson (term ending 2011)

Motion by Fickau/Bakst to accept the Village President's recommendation to appoint the following Plan Commission member was carried unanimously:

Citizen Member: Jaime Vega (term ending 2012)

Motion by O'Bryan/Decker to accept the Village President's recommendation to appoint the following Board of Building and Zoning Appeals members was carried unanimously:

Regular Members: Tom Jones (term ending 2012)
Sarah Szejn (term ending 2011)

1st Alternate: Tom Dantzman (term ending 2011)

2nd Alternate: Mark Penzkover (term ending 2012)

Motion by Fickau/Fennel to accept the Village President's recommendation to appoint the following Fire Commission member was carried unanimously:

Citizen Member: Dave Berg (term ending 2012)

Motion by Fickau/Bakst to accept the Village President's recommendation to appoint the following Fire Commission member was carried unanimously:

Village Trustee: Dennis O'Bryan (term ending 2010)

Motion by Fickau/Bakst to accept the Village President's recommendation to appoint the following Police Commission member was carried unanimously:

Citizen Member: Gary Jorgensen (term ending 2012)

Motion by Fickau/Bakst to accept the Village President's recommendation to appoint the following Trustees to the various Village Board subcommittees was carried unanimously:

Finance Committee – Bakst (Chair), Fickau, O'Bryan

Public Works Committee – Fickau (Chair), O'Bryan, Fennel

Personnel Committee – O'Bryan (Chair), Decker, Bakst

Protective Services Committee – Decker (Chair), Fennel, Bakst

Health and Recreation Committee – Fennel (Chair), Johnson

Judicial Committee – Johnson (Chair), Decker

Motion by O'Bryan/Bakst to accept the Village President's recommendation to appoint the Decker, Fickau, Johnson, Wagner, and the Village Clerk, with Bakst, Fennel, and O'Bryan as alternates, to the Board of Review was carried unanimously.

CLOSED SESSION

Motion by Fickau/Decker to convene into closed session at 8:15 p.m. pursuant to State Statute 19.85 (1) (c) to consider employment, promotion, compensation or performance data related to public employees over which the Village Board has jurisdiction.

A. Clerk-Treasurer Position

B. Performance Evaluation Data for Department Heads

Discussion held in closed session.

Motion by Fennel/Johnson to adjourn the closed session at 9:24 p.m. carried unanimously.

Motion by O'Bryan/Bakst to reconvene into open session at 9:24 p.m. carried unanimously.

Clerk-Treasurer Position – Motion by Bakst/Decker to remove Steven A. Braatz, Jr. as Clerk-Treasurer was carried unanimously.

Performance Evaluation Data for Department Heads – No action taken.

Motion by Fickau/Fennel to adjourn at 9:26 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Village Clerk

President Wagner called the Village Board meeting to order on May 5, 2009 at 7:30 p.m.

Trustees present: Elliot Bakst
Jim Decker
Arnie Fickau
Darlene Johnson
Dennis O'Bryan
James Wagner

Absent/Excused: Dale Fennel

Also present: Shawn Reilly, Attorney
Fred Winchowky, Police Chief
Nick Weber, Library Director
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Kathy and John Hogan
Library Board members Shari Cooper, Donna Whelan, Shawn McNulty
and Kathy Usarek
Mary Pires
Dudley and Phyllis Olson

ANNOUNCEMENT OF CLOSED SESSION

President Wagner announced the Board would meet in closed session at the end of the meeting.

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Minutes of the April 21, 2009 Board Meeting – Motion by Fickau/Bakst to approve the minutes of the April 21, 2009 Board meeting as presented carried unanimously.

Presentation of 60th Wedding Anniversary Proclamation – President Wagner presented Dudley and Phyllis Olson with a proclamation honoring them on the occasion of their 60th wedding anniversary.

Resolution 2009-09: Extending Appreciation to Village Trustee John Hogan – Motion by President Wagner/Trustee Johnson to adopt Resolution 2009 – 09 honoring John Hogan for his years of service to the Village as its President and Trustee was unanimously adopted. President Wagner presented Mr. Hogan with the original signed copy of the resolution.

Library Expansion Update – Weber reported on the Library Board's recent efforts to get the Library Addition project planning restarted. He said Library use in comparison to 2008 is up six percent (6%) for the year and was up nine percent (9%) in April. He said the current building is being used to capacity and is the busiest library in Waukesha County, based on per capita use. Weber said the library has installed as many computers as possible, study areas for students are limited, and the building only has one meeting room that gets a lot of use. Weber reported the Library Board studied various alternative sites in the Village before choosing to expand in the current location. He said the Board recently invited six architectural firms to prepare presentations for moving forward with the Expansion project. He said the

design process would include community involvement in the process and that the project that would be a benefit to the entire community.

COMMENTS FROM THE PUBLIC – None

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Fickau/Bakst to approve vouchers from the following funds: General \$44,828.27, Fire/Ambulance \$18,959.82, Recycling \$41,338.00, Library Services \$13,452.68, Storm Water Utility District #1 \$63.00, Water Utility \$34,653.69, Wastewater Utility \$10,419.42 and the Tax Escrow Agency \$10,837.47 carried unanimously.

Request for settlement for outstanding personal property taxes by Robert Long – Motion by Bakst/O'Bryan to offer Mr. Long three options to settle his personal property delinquency from 2003 was rescinded after discussion. Motion by Bakst/O'Bryan to offer Mr. Long the option of paying \$4,000 within 30 days and the Village would write-off the remaining \$400 in interest carried unanimously.

Protective Services

Proposed vehicle exchange between the Joint Fire Department and Village Inspection Department – Held in committee.

President's Report

Request for advanced Fire Department settlement payment by Town of Mukwonago – Pres. Wagner said the Town of Mukwonago asked whether the Village would be willing to agree to a mid-year settlement of Fire Department funds due to its cash flow problems. He asked staff to prepare an analysis for the next Board meeting.

NEW BUSINESS

Resolution 2009-08: Adopting the Mukwonago Community Library Board By-laws – Motion by Bakst/Johnson to adopt Resolution 2009-08 related to the revised and updated By-laws of the Mukwonago Community Library Board carried unanimously.

Closed Session

Motion by O'Bryan/Decker to adjourn into closed session pursuant to §§19.85(1)(g), Wis. Stats., to confer with legal counsel rendering advice with respect to litigation in which the Board is, or is likely to, become involved, authorization to proceed with a lawsuit for removal of a cottonwood tree, carried unanimously at 8:25 p.m.

Adjourn closed session

Motion by Bakst/Johnson to adjourn closed session carried unanimously at 8:42 p.m.

Authorization to proceed with lawsuit for removal of a cottonwood tree

Motion by Decker/Bakst to authorize Village Attorney Reilly to proceed with a lawsuit in Circuit Court to cause the removal of a female cottonwood tree.

Motion by O'Bryan/Fickau to adjourn the meeting at 8:44 p.m. carried unanimously.

Paul J. Moderacki
Clerk-Treasurer

President Jim Wagner called Village Board meeting to order on May 19, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Shawn Reilly, Village Attorney
Fred Winchowky, Police Chief
Tom Brandemuehl, Public Works Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Kurt Peot, Village Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting.

Minutes of the May 5, 2009 Board Meeting – Motion by Fickau/Bakst to approve the May 5, 2009 Meeting Minutes as presented carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for April 2009 – placed on file.

2008 Mukwonago Community Library Annual Report – placed on file.

COMMENTS FROM THE PUBLIC – there were no comments.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Fickau to approve accounts payable vouchers from various funds in the sum of \$694,823.13 was unanimously approved.

Town of Mukwonago Request for Mid-Year Advance – Jan-April, 2009 – Motion by Bakst/O'Bryan to approve an advance payment in the amount of \$75,000 to the Town of Mukwonago for operation of the Joint Fire Department and other costs, contingent upon verification of the report, carried unanimously.

Consideration of RFP for Assessing Services – The Board agreed by consensus to authorize publication of a Request for Proposals (RFP) for assessing services for the 2010 Assessment Year.

Consideration of Accepting Tax Collection Payments at Banks – Trustee Bakst reported Waukesha State Bank had agreed to collect property tax payments beginning with the 2009 tax bills and the Committee had asked Moderacki to investigate the possibility of banks collecting utility bills.

Health and Recreation

Request for Use of Miniwaukan Park for Block Watch Party and Waiver of Fees – Kenneth Johnson and Brenda Hau, Meadow Park Estates Block Watch – Motion by Fennel/Johnson to grant the request by the Meadow Park Estates Block Watch group to use Miniwaukan Park for a party and to waive the park rental fees was unanimously approved.

Judicial

2009 Application for Renewal Class B 6-Month Beer License – Mukwonago Women's Softball League, Ryan Scheffler (Agent), Minor Park – Motion by Johnson/Fickau to approve a Six-month Beer License for the Mukwonago Women's Softball League, Ryan Scheffler, agent, at Minor Park carried unanimously.

Proposed Changes to Section 34-29 (Public Nuisances-Abatement) of the Municipal Code of the Village of Mukwonago – Trustee Johnson reported no action was required as the proposed changes to Section 34-29 of the Municipal Code were still under consideration by the Committee.

Proposed Changes to Section 34-49 (Enforcement) of the Municipal Code of the Village of Mukwonago – Trustee Johnson reported no action was required as the proposed changes to Section 34-49 of the Municipal Code were still under consideration by the Committee.

Personnel

Water Utility Operator – Job Description and Proposed Wage Range – Motion by O'Bryan/Bakst to approve the job description and wage range for the water operator position carried unanimously.

Police Department Patrolman Resignation – Chief Winchowky announced Officer Andy Mack had resigned to pursue a teaching career. He said the Department already had a reliable candidate list due to a recently concluded recruitment cycle to fill two vacancies. He said a new hire's salary would be a \$14,000 savings for the Village. The Board authorized the Chief to proceed with a projected hiring date no sooner than August 15, 2009 by consensus.

Residency Requirements for Utilities Employees – Trustee O'Bryan reported no action was required as the residency issue was still under consideration by the Committee.

Utilities Joint Operations – Trustee O'Bryan reported the utility staff would be meeting to develop ways of supporting one another and working together more closely.

Public Works

Request for Guard Rail on East Side of Wolf Run – Dorothy Herriges – Motion by Fickau/O'Bryan to authorize installation of a guard rail on Wolf Run as recommended by the Police Department, with specifications to be drawn up by Ruekert & Mielke and the costs be paid by TID No. 3.

Actuator Valve Problem and Proposed Solution – WWTP – Trustee Fickau reported staff was in the process of obtaining quotes to resolve the actuator valve problem and no action was necessary.

Clarification of the Limits of the Honeywell Ditching Project – Motion by Fickau/O'Bryan to authorize the Honeywell Ditching improvements be limited to the upper half of the road carried unanimously.

Black Topping by Salt Shed – DPW – Trustee Fickau reported the area around the salt shed needed to be resurfaced this year and staff was obtaining asphalt quotes.

Disposal of Old Vehicles – DPW and Water Dept. – Motion by Fickau/Bakst to authorize the Water Department and Department of Public Works to dispose of their old vehicles through auction carried unanimously.

Utilities Joint Operations – Trustee Fickau reported the utility staff would be meeting to develop ways of supporting one another and working together more closely.

Economic Stimulus Funding Update – Engineer Peot reported three of the Village's four resurfacing projects had made the first cut and were still under consideration for Economic Stimulus Funding.

CORRESPONDENCE

Annual Letter to Reaffirm Policies of WE Energies Regarding Use of Properties – President Wagner noted receipt of a letter from WE Energies related to its policy regarding the use of its properties.

Notice of Special Shareholder's Meeting Regarding the Dissolution of Wisconsin Investment Trust – League of Wisconsin Municipalities – Motion by Fickau/Bakst to approve dissolution of the Wisconsin Investment Trust, as requested by the League of Wisconsin Municipalities carried unanimously.

Notice of 2009 Annual Meeting – League of Wisconsin Municipalities Mutual Insurance – President Wagner noted receipt of the League of Wisconsin Municipalities Mutual Insurance 2009 Annual Meeting announcement.

Walworth County Natural Hazards Mitigation Plan – President Wagner noted receipt of the Walworth County Natural Hazards Mitigation Plan and requested staff to investigate the matter for a recommendation whether the Village should also adopt the plan.

Convene into Closed Session Pursuant to State Statutes 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations – Motion by Bakst/Johnson at 8:03 p.m. to convene into Closed Session Pursuant to State Statutes 19.85 (1)(g) to confer with legal counsel with respect to litigation related to enforcing the Zoning Code Concerning Business Property Conducting Farming Operations carried unanimously.

Adjourn Closed Session – Motion by Fickau/Decker at 8:19 p.m. to adjourn closed session and reconvene into open session carried unanimously.

Reconvene into Open Session

Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations – President Wagner announced there were no actions to be considered from closed session.

Adjournment – As there was no further business to be considered by the Board, Bakst/Decker moved to adjourn the meeting at 8:20 p.m.

Paul J. Moderacki
Village Clerk

President Jim Wagner called Village Board meeting to order on June 2, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Shawn Reilly, Village Attorney
Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Tom Brandemuehl, Public Works Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Minutes of the May 19, 2009 Board Meeting – Motion by Fickau/Bakst to approve the May 19, 2009 meeting minutes as presented carried unanimously.

COMMENTS FROM THE PUBLIC – None

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Fickau to approve accounts payable vouchers from various funds in the sum of \$184,419.17 was unanimously approved.

Judicial

Approval of Application for 2009 Temporary Class B Wine License – June 11, 2009 – Mukwonago Historic Society – Motion by Johnson/Decker to approve the application for a 2009 Temporary Class B Beer License for Mukwonago Historic Society for July 11, 2009 was carried unanimously.

Consideration of Renewal Applications for 2009-10 Alcohol Beverage Licenses – Motion by Johnson/Fickau to approve the 2009-2010 Applications for Alcohol Beverage Licenses pursuant to the list presented and dated June 2, 2009 was carried unanimously.

Consideration of Applications for 2009-10 Operator's Licenses – Motion by Johnson/Fennel to approve the 2009-2010 Applications for Operator's Licenses pursuant to the list presented and dated May 27, 2009 was carried unanimously.

Approval of Applications for 2009-10 Operator's License – Jacqueline A. Bezak, Teri J. Thomson – Motion by Johnson/Decker to approve the 2009-2010 Applications for Operator's License for Jacqueline A. Bezak and Teri J. Thomson was carried unanimously.

Protective Services

Waukesha County Mutual Aid Agreement – Motion by Decker/Johnson to approve the Waukesha County Mutual Aid Agreement contingent upon the approval by the Town of Mukwonago was carried unanimously.

Transfer Paramedic Vehicle (Unit 3488) to Village Building Inspection Department – Item is still in Committee.

Rescue Tool Demonstration – Item is still in Committee.

Uniform Fire Suppression Agreement (WDNR) – Motion by Decker/Fennel to approve the Uniform Fire Suppression Agreement contingent upon the approval by the Town of Mukwonago was carried unanimously. Motion by Decker/Fennel to amend the motion to approve the Uniform Fire Suppression Agreement to include the State rates in the agreement was carried unanimously.

VILLAGE PRESIDENT

Acceptance of Letter of Resignation from Board of Building and Zoning Appeals and Fox River Commission – Tom Jones – Motion by Fickau/Bakst to accept the Village President's recommendation to accept the letter of resignation from Tom Jones from the Board of Building and Zoning Appeals and the Fox River Commission was carried unanimously.

Appointments – Board of Building and Zoning Appeals and Fox River Commission – Motion by Fickau/Decker to accept the Village President's recommendation to appoint to the Board of Building and Zoning Appeals Tom Dantzman as regular member, Mark Penzkover as first alternate, and Adam Olson as second alternate was carried unanimously.

Cancellation of Village Board Meetings for the First Tuesdays of July, August, and September – Motion by Fickau/Bakst to accept the Village President's recommendation to cancel the first Village Board meetings in the months of July, August, and September in 2009 was carried unanimously.

CORRESPONDENCE

Notice of Noncompliance for Municipal Storm Water Discharge Permit Relating to Black Bear Condominium Site – Wisconsin DNR – Issue is in the process of being resolved. Letter is on file in the Clerk's Office.

Motion by Fickau/Decker to adjourn at 7:45 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

President Wagner called Village Board meeting to order on June 16, 2009 at 7:01 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson (entered at 7:10 p.m.)
James Wagner

Also present: Steve LaDue, Police Lieutenant
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Tom Brandemuehl, Public Works Supervisor
Ivan Zaremba, Water Department Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Kurt Peot, Village Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting.

Presentation and Video by League of Wisconsin Municipalities Mutual Insurance Regarding Public Official's Liability – Dennis Tweedale, League of Wisconsin Municipalities Mutual Insurance, gave a presentation and displayed a video regarding preventing public officials' liability with respect to staying within the scope of their authority as an elected or appointed official, maximizing their liability protection, and enhancing their effectiveness as a civic leader.

Minutes of the June 2, 2009 Board Meeting – Motion by Fickau/Bakst to approve the minutes of the June 2, 2009 Board meeting as presented carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for May 2009 – Placed on file in the Clerk's Office.

COMMENTS FROM THE PUBLIC

Mary Sugden, 926 Park View Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Asked if there was a precedent set from the Mukwonago Shores project.

Ron Higgins, 312 Ahrens Dr. – Spoke against the installation of sidewalks in the Field Park subdivision. Also spoke against the removal of trees in the project stating that it ruins aesthetics and is not eco-friendly.

David Berg, 921 Park View Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Wants all engineering stopped regarding the sidewalks. Noted that he would like Trustee Fickau to withdraw from discussions and voting on the matter. Also spoke against the proposed special assessments due to a bad economy.

Len Kressin, S83W29731 Saxony Ct. – Spoke about the no-parking signs put up during Maxwell Street Days and the parade noting that they are illegal signs. Would like the Village to get legal signs.

Josh Kiselicka, 933 Robins Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Stated that the curbs are not needed. The cost from the special assessments will create a hardship for many residents.

Donna Rush, 900 Kims Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Stated that almost 100% of residents polled were against sidewalks. Will be sending a petition around for the opposition of the sidewalks.

Dave Petersen, 408 Elwin Dr. – Spoke against the installation of sidewalks in the Field Park subdivision. Asked about the multi-use trail on the north side of CTH NN.

Mike Graczyk, 915 Kims Ln. – Spoke against the installation of sidewalks in the Field Park subdivision.

Bill Dettinger, 921 Meadow View Ln. – Spoke against the installation of sidewalks in the Field Park subdivision.

David Berg – Asked if there was an ordinance regarding tree removal.

Chris Lindholm, 310 Ahrens Dr. – Spoke against the installation of sidewalks in the Field Park subdivision.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Fickau to approve accounts payable vouchers from various funds in the sum of \$199,844.56 was unanimously approved.

Request to Settle Professional Service Fees for Property Known as MUKV 2011.984 (Formerly Owned by Grasch Real Estate) – Richard R. Kobriger, Representative of Waukesha State Bank – Motion by Bakst/Johnson to accept the request by Richard R. Kobriger, representative of Waukesha State Bank, to waive the interest on several professional service bills for the property known as MUKV 2011.984 and formerly owned by Grasch Real Estate subject to the payment of the principle being received by the Clerk's Office within two weeks of this meeting was unanimously approved.

Village Co-sponsorship for STH 83 Project Steering Committee – Motion by Bakst/Johnson to co-sponsor the STH Steering Committee with the Mukwonago Chamber of Commerce and to include the Village Administrator on the committee was unanimously approved.

Request to Waive Erosion Control Permit Fee for Honeywell Road Project – Motion by Bakst/Decker to waive the erosion control permit fee for the Honeywell Road Project contingent upon the permit still being filled out and submitted as normal was unanimously approved.

Judicial

Approval of Applications for 2009-10 Operator's License – Scott A. Baksic, Curtis M. Howell, Sarah C. Lartz, Amanda J. Martens, Barinder S. Sagar, Rebecca J. Scuric, Adam C. Smalley – Motion by Johnson/Decker to approve the applications for a 2009-10 Operator's License for Scott A. Baksic, Curtis M. Howell, Sarah C. Lartz, Amanda J. Martens, Barinder S. Sagar, Rebecca J. Scuric, and Adam C. Smalley was carried unanimously.

Proposed Changes to Section 34-29 (Abandoned/Junked Vehicle) of the Municipal Code of the Village of Mukwonago – Item will remain in committee.

Proposed Changes to Section 34-49 (Public Nuisance) of the Municipal Code of the Village of Mukwonago – Item will remain in committee.

Consideration of Application for Original 2009-10 Class B Beer and Liquor License – Half-Time Sports Grille Inc. (Mark A. Weiss, Agent) – 325 Bay View Rd., Unit D – Half-Time Sports Grille – Motion by Johnson/Decker to approve the application for an original

2009-10 Class B Beer and Liquor License for Half-Time Sports Grille Inc., Mark A. Weiss, Agent, 325 Bay View Rd., Unit D, doing business as Half-Time Sports Grille was carried unanimously.

Consideration of Application for 2009-10 Class B Beer and Liquor License – Market Square Restaurant LLC (Martin S. Guerrero, Agent) – 1015 CTH NN E – Market Square Restaurant – Item is postponed to the July Judicial meeting to allow applicant to request a public hearing.

Ordinance No. 822: An Ordinance to Amend Ordinance 817 Amending Section 82-191 (b) of the Village of Mukwonago Municipal Code Pertaining to Parking on STH 83/Rochester Street – Motion by Johnson/Fennel to adopt Ordinance No. 822: An Ordinance to Amend Ordinance 817 Amending Section 82-191 (b) of the Village of Mukwonago Municipal Code Pertaining to Parking on STH 83/Rochester Street was carried unanimously.

Time Change for Future Meetings – Information only. Future Judicial Committee meetings will take place at 6:00 p.m. on the Mondays before the second Tuesdays.

Personnel

Residency Requirements for Utilities Employees – Motion was made by Personnel Committee/Fennel to allow Wastewater Operator Eric Tank 12 months beginning on June 16, 2009 to comply with the Employee Handbook regulation that wastewater employees must live within 15 miles of the Village square. The motion was based on the letter signed by Mr. Tank and witnesses Erik Hanson and James Kyler that the former Wastewater Supervisor told Mr. Tank that Mr. Tank did not need to comply with the rule. The motion is contingent upon Mr. Tank staying within 15 miles of the Village square during weekends that he is on call. Motion carried unanimously.

Mukwonago Professional Police Contract Grievance Regarding Educational Pay – Motion was made by Personnel Committee to deny the request by Officer John Schubel to receive educational pay. Motion is based on the understanding that there will be future meetings with all parties involved, including the union and possibly attorneys, to discuss the matter. Motion carried unanimously.

Water Operator Hiring Process Update – Information only. The Village Administrator and Water Supervisor are reviewing applications and hope to set up interviews next week or the week after.

Public Works

Minors Homestead Subdivision Drainage – Information only. Ruekert & Mielke came to the conclusion to build a berm to redirect the water.

Discussion of Field Park Project Scope – Public Information Meeting Comment – Item will remain in committee. The public information meeting was held on June 8 with 64 properties represented. Most were against sidewalks. A decision is expected at the July meeting.

Actuator Valve Problem and Proposed Solution – WWTP – Motion by Fickau/Fennel to authorize the spending of \$2,400 from the replacement budget to repair the actuator valve problem at the Wastewater Treatment Plant was carried unanimously.

Black Topping by Salt Shed – DPW – Motion by Fickau/Fennel to award the bid of \$11,225 to Wolf Paving for the black topping by the salt shed near the DPW garage was carried unanimously.

Economic Stimulus Funding Update – There has been no change.

Request to Replace Dying Sugar Maple Tree Due to Construction Activity in Oakland Ranch Project – Wayne Brach, 430 Cedar St. – Item will remain in committee. The engineer is having a horticulturist look at the tree.

Request to Install Private Well and Septic – Rhon Roberts – Motion by Fickau/Johnson to approve the installation of well and septic on the property known as MUKV 2011.992.013 for the purpose of the construction of housing for the Mukwonago Baptist Church staff. The motion is contingent upon the following conditions: 1) Written understanding that the Church is required to hook up to the Village sewer and water utilities when they become available and are notified to do so by the Village, 2) The Village agrees to grant the Church up to an 60 month (five year) period to hook up to the Village sewer and water utilities, in recognition of the capital cost required for the well and septic, 3) The Church recognizes it may be required to extend water and sanitary sewer mains across its property as a part of hooking up to the Village sewer and water utilities, 4) The Church and Village mutually recognize development in the area is subject to economic conditions which are not under the Village's control, and, in the event of new development and/or annexations, the Village may require the sewer and water utilities to be extended earlier than anticipated to further other development in the immediate area, and, in such case, both parties pledge to negotiate in good faith to reach a mutually agreeable resolution, and 5) the aforementioned approval and conditions shall be set forth in a legal document to be approved and signed by the Village of Mukwonago and the applicant and filed with the Waukesha County Register of Deeds. Motion carried unanimously.

Resolution No. 2009-10: A Resolution in Compliance with the Compliance Maintenance Annual Report of the Department of Natural Resources – Motion by Fickau/Fennel to adopt Resolution No. 2009-10: A Resolution in Compliance with the Compliance Maintenance Annual Report of the Department of Natural Resources was carried unanimously.

Time Change for Future Meetings – Information only. Future Public Works Committee meetings will take place at 5:00 p.m. on the Mondays before the second Tuesdays.

PLAN COMMISSION

Consideration of Planned Developments for the B-2, B-3, and B-5 Zoning Districts – Information only. Plan Commission discussed the possibility of amending B-2 and B-3 zoning districts to include planned unit developments.

Extraterritorial Review – Town of Mukwonago – Request to Install Cul-de-sac for Properties Located on STH 83 North of the Village Limits Due to 2011 STH 83 Reconstruction – Wisconsin DOT – Information only. The State DOT plans on installing a cul-de-sac on STH 83 in the Town of Mukwonago just north of the Village limits as part of the reconstruction project in 2011. The cul-de-sac will service three Town of Mukwonago properties. The Town asked the Village if the Village would like to take the cul-de-sac over now because the are is in the boundary agreement. The Plan Commission sent the request back to the Town for clarification.

President Wagner also gave an overview of Plan Commission discussions on the Smart Growth Plan.

VILLAGE PRESIDENT

Appointment – Fox River Commission – Motion by O'Bryan/Fickau to accept the Village President's recommendation to appoint Dale Fennel to the vacant seat on the Fox River Commission was carried unanimously.

NEW BUSINESS

Potential Impact of Expenditure Reductions Requested by the Town of Mukwonago of the Joint Fire Department – Information only. The Town is still in discussion with the Fire Chief about impacts of the Town's request to reduce the Fire/Ambulance budget.

CLOSED SESSION

Motion by Decker/Bakst to convene into closed session at 8:51 p.m. pursuant to State Statute 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Waters View Investments vs. Village of Mukwonago –was carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Fennel/Johnson at 9:06 p.m. to adjourn closed session was carried unanimously. Motion by Decker/Fickau to reconvene into open session at 9:06 p.m. was carried unanimously.

Waters View Investments vs. Village of Mukwonago – No action taken

Johnson noted that the Mukwonago High School Music Honor Society will be holding "Music in the Park" on Wednesday, July 8, 2009 at Field Park.

Motion by Decker/Fickau to adjourn at 9:08 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

VILLAGE OF MUKWONAGO

Village Board
Meeting Minutes
June 30, 2009

1. Call to Order

Clerk-Treasurer Paul Moderacki called Village Board meeting to order at 6:20 p.m. in the absence of President Jim Wagner. Trustees present: Arnie Fickau, Elliot Bakst, Jim Decker, Dale Fennel and Darlene Johnson. Also absent: Trustee Dennis O'Bryan.

2. Election of Temporary Chair

Motion by Bakst/Fennel to elect Tr. Fickau to chair the meeting was unanimously approved.

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Committee Reports

A. Judicial

1) Consideration of application for Original 2009-10 Class B Beer and Class C Wine Licenses – Mario's Natural Roman Pizza Inc., Matthew Reitman, agent, 225 Bay View Road., suite 500, d.b.a. Mario's Pizza

Motion by Johnson/Decker to approve a 2009-10 Class B Beer and Class C Wine Licenses – Mario's Natural Roman Pizza Inc., Matthew Reitman, agent, 225 Bay View Road., suite 500, d.b.a. Mario's Pizza carried unanimously.

5. Adjournment

As there was no further business to be considered by the Board, Bakst/Decker moved to adjourn the meeting at 6:25 p.m.

Paul J. Moderacki
Village Clerk

VILLAGE OF MUKWONAGO

Village Board
Meeting Minutes
June 30, 2009

1. Call to Order

Clerk-Treasurer Paul Moderacki called Village Board meeting to order at 6:47 p.m. in the absence of President Jim Wagner. Trustees present: Arnie Fickau, Elliot Bakst, Jim Decker, Dale Fennel and Darlene Johnson. Also absent: Trustee Dennis O'Bryan.

2. Temporary Chair

Tr. Fickau assumed chairmanship the meeting by consensus.

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Committee Reports

a. Protective Services

i. Purchase of rescue tool with donated funds

Motion by Decker/Fennel to authorize the purchase of two rescue tools for the sum of \$32,294 for the Fire Department and to authorize the sale of the Department's old rescue tools to cover the purchase of 5-inch diameter hose that had to be replaced this year carried unanimously.

5. Plan Commission

a. Consideration of Certified Survey Map – Division of Dahms Property at 1240 Fox Street – Darlene Schwanke

Motion by Fickau/Decker to approve the proposed Certified Survey Map as presented, with the understanding that Ms. Dahms note the concerns identified in a letter dated June 23, 2009 from David M. Buechl, of Ruekert-Mielke, and requiring a Village signature section be included on the final CSM was unanimously approved.

6. Adjournment

As there was no further business to be considered Bakst/Johnson moved to adjourn the meeting at 6:55 p.m.

Paul J. Moderacki
Village Clerk

President Wagner called Village Board meeting to order on July 21, 2009 at 7:31 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Paul Moderacki, Administrator/Clerk-Treasurer
Nick Weber, Library Director
Shawn Reilly, Village Attorney
Tom Brandemuehl, Public Works Supervisor
Kurt Peot, Village Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting.

Minutes of the June 16, 2009 Board Meeting and June 30, 2009 Special Board Meetings
– Motion by Fickau/Decker to approve the minutes of the June 16, 2009 Board meeting and the June 30, 2009 special Board meetings as presented was carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for June 2009 – Placed on file in the Clerk's Office.

Presentation and Update on Library Expansion Project – Nick Weber, Library Director, and Del Wilson, Ueihlein Wilson Architects – Weber and Del Wilson, Ueihlein Wilson Architects, gave a presentation on the status of the Library expansion. The expansion is expected to be around 15,000 square feet. There will be workshops on August 11 and 12, September 8 and 9, and October 14 and 15.

COMMENTS FROM THE PUBLIC

Tammy Tadysak, 939 Kims Ln. – Spoke against the installation of sidewalks in the Field Park subdivision.

Donna Rush, 900 Kims Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Delivered a petition of 204 signatures opposing the sidewalks.

Walter Holtz, 804 Park View Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Stated that kids will not walk on the sidewalks. Could see a greater need for the sidewalks on CTH NN

Robert Brown, 301 Elwin Dr. – Spoke against the installation of sidewalks in the Field Park subdivision.

Greg Allmann, 939 Robins Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Stated that spending money in these economic times is irresponsible.

Dave Petersen, 408 Elwin Dr. – Spoke against the installation of sidewalks in the Field Park subdivision. Thanked the Public Works Committee for the recommendation to vote no to save the trees and to preserve the landscaping and save on economic stress.

Gary Mrotek, 405 Elwin Dr. – Spoke against the installation of sidewalks in the Field Park subdivision.

Bob Brinkman, 615 Crestview Ln. – Spoke against the installation of sidewalks in the Field Park subdivision.

Connie Brinkman, 615 Crestview Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Stated that it is a liability to maintain the sidewalks.

Craig Forester, 920 Kims Ln. – Asked when the Board decided to mark for the project. (*Preliminary stages, utilities marking for location*)

Ron Higgins, 312 Ahrens Dr. – Spoke against the installation of sidewalks in the Field Park subdivision.

Galen Kozel, 963 Meadow View Ln. – Spoke against the installation of sidewalks in the Field Park subdivision.

Mike Graczyk, 915 Kims Ln. – Spoke against the installation of sidewalks in the Field Park subdivision.

Kyle Forester, 257 MacArthur Dr. – Spoke against the installation of sidewalks in the Field Park subdivision. Does not want to shovel them.

Eric Bolden, 245 MacArthur Dr. – Spoke against the installation of sidewalks in the Field Park subdivision.

Nathan Buck, 900 Park View Ln. – Spoke against the installation of sidewalks in the Field Park subdivision. Safety is not a concern. Can't afford the cost.

Jim Brown, 320 Elwin Dr. – Precedent was set in the Mukwonago Shores. Thinks putting a sidewalk near the most inexperienced drivers on CTH NN is a bad idea.

Dian Magolan, 325 CTH NN W – Agrees with Jim Brown. Should look at sidewalks on CTH NN in the future.

James Coyle, 606 Crestview Ln. – Sidewalks won't save the kids. Should install speed bumps.

Taken Out of Order

Field Park Project Scope – Peot gave a report about the work needed in the Field Park project. 50% of sanitary sewer mains will need to be relayed with the other 50% being relined. Nearly all water mains will be replaced. There may be some tree replacement.

Presentation from Police Department on Sidewalks on CTH NN and Field Park Subdivision – Given at the Committee meeting.

Discussion on Sidewalk Special Assessment Methods – Motion by Fennel/O'Bryan to not include sidewalks in the Field Park subdivision with the exceptions of north side of MacArthur Dr. from STH 83 to 120 MacArthur Dr., on the south side of MacArthur Dr. to match the aforementioned north side, and a new section from 120 MacArthur Dr. to join to the section to Field Park, and to look at sidewalks on CTH NN in five years was carried on a vote of 6 ayes and 1 nay (Johnson voting no). *Note: Although Tr. Johnson had voted to against the motion to eliminate sidewalks from the Field Park Improvement Project that she was in favor of not building sidewalks in the Field Park neighborhood, but was in favor of sidewalks on the south side of Cth NN.*

COMMITTEE REPORTS

Finance

2008 Financial Audit Report – Motion by Bakst/Fickau to accept the 2008 Financial Audit Report for the Village of Mukwonago was carried unanimously.

Vouchers Payable – Motion by Bakst/Fickau to accept the Committee recommendation to approve accounts payable vouchers from various funds in the sum of \$222,929.94 was carried unanimously.

Acceptance of Donation to Mukwonago Fire Department – Wendell and Diana Schultz – Motion by Bakst/Fickau to accept the Committee recommendation to accept the donation of \$1,000.00 from Wendell and Diana Schultz was carried unanimously.

Approval of Trunked Radio System Contract Addendum – Item will remain in Committee until costs are provided.

Request to Waive Interest on Past Due Professional Service Invoices for Black Bear Project – Michael Stein, Beck, Chaet, Bamberger & Polsky – Motion by Bakst/Fickau to accept the Committee recommendation to approve the waiver of \$550 in interest charged for outstanding professional service fees related to the Black Bear project subject to the remainder of outstanding fees and interest being paid by July 31, 2009 was carried unanimously.

Request to Waive a Portion of Professional Service Invoices for Dale Hittman Property – William Chapman, Herro, Chapman & Herro – Motion by Bakst/Fickau to accept the Committee recommendation to deny the request to waive a portion of the professional service fees chargeback for the Dale Hittman property was carried unanimously.

Request to Waive Professional Service Invoices for Chapman Property – Mr. & Mrs. Chapman – Motion by Bakst/Fickau to accept the Committee recommendation to deny the request to waive the professional service fees chargeback for the Chapman property was carried unanimously.

Resolution 2009-13: A Resolution to Amend the 2009 Schedule of Fees for the Village of Mukwonago Increasing the Background Investigation Fee – Motion by Bakst/O'Bryan to accept the Committee recommendation to adopt Resolution 2009-13: A Resolution to Amend the 2009 Schedule of Fees for the Village of Mukwonago Increasing the Background Investigation Fee was carried unanimously.

Resolution 2009-14: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies – Motion by Bakst/ Fickau to accept the Committee recommendation to adopt Resolution 2009-14: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies was carried unanimously.

Resolution 2009-15: A Resolution Authorizing Entry Into an Intergovernmental Cooperation Agreement Relating to the "Wisconsin Investment Series Cooperative" and Authorizing Participation in the Investment Programs of the Fund – Motion by Bakst/ Fickau to accept the Committee recommendation to adopt Resolution 2009-15: A Resolution Authorizing Entry Into an Intergovernmental Cooperation Agreement Relating to the "Wisconsin Investment Series Cooperative" and Authorizing Participation in the Investment Programs of the Fund was carried unanimously.

Resolution 2009-17: A Resolution Authorizing the Use of Library Impact Fee Monies for Library Expansion Architectural Design Study – Motion by Bakst/Fennel to accept the Committee recommendation to adopt Resolution 2009-17: A Resolution Authorizing the Use of Library Impact Fee Monies for Library Expansion Architectural Design Study was carried unanimously.

Health and Recreation

Status of Stewardship Grants for Miniwaukan Park and Minor Park Projects – Moderacki stated that the Village has until July 2010 to get these grants combined.

2009 Fall Fest Discussion – Mary Blott, Mukwonago Area Chamber of Commerce – The Mukwonago Chamber of Commerce Fall Fest will be Saturday, September 19, 2009. Motion by Fennel/O'Bryan to accept the Committee recommendation to allow the closure of Atkinson Street east of STH 83 for the Mukwonago Chamber of Commerce Fall Fest on September 19, 2009 was carried unanimously.

Judicial

Consideration of Applications for 2009-10 Operator's Licenses – Motion by Johnson/Decker to accept the Committee recommendation to approve the applications for a 2009-10 Operator's License pursuant to the list provided and updated on July 15, 2009 was carried unanimously.

Consideration of Application for 2009-10 Class B Beer and Liquor License – Market Square Restaurant LLC (Martin S. Guerrero, Agent) – 1015 CTH NN E – Market Square Restaurant – Motion by Johnson/Fennel to accept the Committee recommendation to deny the application for 2009-10 Class B Beer and Liquor License for Market Square Restaurant, 1015 CTH NN E, pending receipt of the Police and Fire Department reports and the Waukesha County Health Department report was carried unanimously.

Proposed Changes to Section 34-29 (Public Nuisance) of the Municipal Code of the Village of Mukwonago – Item remains in Committee.

Proposed Changes to Section 34-49 (Abandoned/Junked Vehicle) of the Municipal Code of the Village of Mukwonago – Item remains in Committee.

Personnel

Water Operator Hiring Process Update – Moderacki reported that he and Water Supervisor Zarembo have narrowed down the list of potential candidates to three people and are checking references.

WWTP Staffing and Acting Operator In Charge – Motion by O'Bryan/Bakst to accept the Committee recommendation to appoint Eric Hanson as Acting Operator-in-charge for the Wastewater Treatment Plant and to provide a monthly bonus of \$750 beginning from the pay period not before June 24, 2009 was carried on a vote of 4 ayes and 3 nays (Fickau, Fennel, and Wagner voting no).

WWTP Safety Plan Update – Moderacki reported that the WWTP safety plan is back on track.

Potential Hiring Freeze for Full-Time Employees – Discussion on the possibility of a hiring freeze for full-time employees. Board is in favor of allowing the Police Department to hire a new replacement officer but freezing the rest of employment. Item is still in Committee.

Update on Six-month Performance Objectives – Village Administrator – Motion by Personnel Committee/Fennel to honor the Administrator contract and honor a pay increase beginning with the first pay period in August 2009 due to the fact that the Administrator met the performance objectives was carried unanimously.

Protective Services

Transfer Paramedic Vehicle (Unit 3488) to Village Building Inspection Department – Motion by Decker/Bakst to accept the Committee recommendation to accept the even swap of vehicles between the Mukwonago Fire Department and the Village Building Inspection Department with the Chevy S-10 going to the Fire Department and the Chevy Blazer going to

the Inspection Department and the Fire Department shall auction the existing Ford Taurus was carried unanimously.

Emergency Replacement of 5" Supply Hose – Motion by Decker/Fennel to accept the Committee recommendation to use moneys from donated funds to purchase a 5" supply hose with the understanding that the moneys will be replaced by the sale of tools was carried unanimously.

Resolution 2009-16: Resolution Adopting Addendum C to Mutual Aid Box Alarm System Agreement – Motion by Decker/Fennel to accept the Committee recommendation to adopt Resolution 2009-16: Resolution Adopting Addendum C to Mutual Aid Box Alarm System Agreement was carried unanimously.

Dispute of and Request to Waive Interest Charged on Past Due Ambulance Bill – Raymond Dicastri – Motion by Decker/Fennel to accept the Committee recommendation to deny the request to waive interest charged on past due ambulance bills for Raymond Dicastri and to stay within the current plan carried unanimously.

Time Change for Future Meetings – Decker stated that future meetings will take place at 6:30 p.m. on the 4th Tuesday of each month.

Report on June 8, 2009 Tornado – Winchowky reported to the Committee that he is looking into getting a Village tornado shelter.

Public Works

Request to Replace Dying Sugar Maple Tree Due to Construction Activity in Oakland Ranch Project – Wayne Brach, 430 Cedar St. – Motion by Fickau/Fennel to accept the Committee recommendation to deny the request to replace a dying sugar maple tree due to the report from the arborist confirming the tree did not die from the construction was carried unanimously.

Economic Stimulus Funding Update – Information only. The Village did not receive any funding.

Request for Subdivision Block Party – Heidi Horan, Orchards of Mukwonago – Motion by Fickau/Bakst to accept the Committee recommendation to allow a subdivision block party on Cider Circle, to be held on August 8, 2009, with barricades provided by the Department of Public Works, and the understanding that the road be kept accessible for emergency vehicles was carried unanimously.

Request to Place "Do Not Block Driveway Exit" Sign in Right-of-way on CTH LO – Charles Miller, Citizens Bank of Mukwonago – Citizens Bank would need County approval to place a sign in the right-of-way on CTH LO. If the bank wishes to place the sign on the bank property, the Committee would have no problem with that as long as it is paid for by the bank.

Oakland Ranch Project Contract Settlement – Proposed Payment in Lieu of Concrete Surface Replacements – Motion by Fickau/Fennel to accept the Committee recommendation to approve the contract settlement with LaLonde Contractors in the amount of \$7,000.00 was carried unanimously. The next Board agenda should include an item relating to filing a complaint with the railroad commission regarding work needing to be done in the Oakland Ranch project.

WWTP Operations Study – Moderacki gave an overview of the WWTP Operations Study from Kunkel Engineering.

Request to Waive a Portion of Sewer Charge for Utility Bill at 525 Roberts Dr., Mukwonago Water Dept., Due to Water Loop – Motion by Fickau/Fennel to waive a portion of the sewer charge on the utility bill for the Water Department due to the fact that the water went back into the well and did not go into the sewer was carried unanimously.

Acceptance of Bid for TID #3 Surface Course Paving – Motion by Fickau/Fennel to accept the Committee recommendation to award the bid of \$208,939.00 plus a 10% overrun to Payne & Dolan, Inc. for the TID #3 Phase 1 Surface Course Paving project was carried unanimously.

Acceptance of Bid for Honeywell Ditch Regrading Project – Motion by Fickau/Fennel to accept the Committee recommendation to award the bid of \$12,995.00 plus a 10% overrun to Berg Construction, Inc. for the Honeywell Road Ditch Regrading project was carried unanimously.

PLAN COMMISSION

Consideration of Architectural Review – Construction of Addition – 624 Perkins Dr. – Engineered Pump Services – Motion was made by Fennel/Decker to accept the Plan Commission recommendation to approve the architectural review for Engineered Pump Manufacturing LLC for the construction of an addition to the existing building located at 624 Perkins Dr. The approval is subject to the following conditions:

- 1) There shall not be any outside storage located between the proposed addition and the existing secondary building.
- 2) If the Village Plan Commission determines additional parking stalls are necessary, the Village shall be able to notify Engineered Pump Manufacturing to install additional parking spaces.
- 3) The sprinkler FDC shall be upgraded to a 5" Stortz fitting with a 30 degree down angle.
- 4) The sprinkler system outside warning bell shall be upgraded to a strobe light.
- 5) The building lockbox shall be upgraded to the Knox Box brand.
- 6) All exterior exit doors shall be lettered and numbered.
- 7) The 10' green space between the proposed addition and the existing building shall be kept clear of any materials, equipment, or rubbish at all times.
- 8) The proposed dumpster enclosure location shall be moved to a location against the existing building, the two parking spaces shall be placed in the proposed fenced in area, and the remainder of the fenced area near the walkway be turned into green space as shown on the Supervisor of Inspection's drawings.

Motion carried unanimously.

Consideration of Correction to CSM #3951 – Michael Greeson – Motion by Fickau/Fennel to accept the Plan Commission recommendation to approve Town of East Troy, Walworth County, extraterritorial review of the Correction to CSM #3951 was carried unanimously.

Acceptance of Plan Commission Recommendation to Accept the Comprehensive Plan 2035 and Schedule Public Hearing for Adoption – Motion by Fennel/Fickau to accept the Plan Commission recommendation to accept the Village Comprehensive Plan 2035, authorize the Village Planner to distribute the plan as required, and to tentatively set the date for the public hearing on September 21, 2009 was carried unanimously.

VILLAGE ADMINISTRATOR

Library Expansion Update – Item taken care of with presentation at the beginning of the meeting and can be removed from the agenda.

Benefits of and Recommendation to Join Walworth County Economic Development Alliance – Motion by Johnson/Fickau to approve the membership to the Walworth County Economic Development Alliance was carried unanimously.

Formation of AdHoc Storm Water Utilities Study Committee – Moderacki is in charge of the search for people to join the AdHoc Storm Water Utilities Study Committee.

VILLAGE PRESIDENT

Appointment – Fox River Commission – Item taken care of and can be removed from the agenda.

CORRESPONDENCE

Letter from Horter Chevrolet-Pontiac Regarding the Non-renewal of Franchise Agreement with General Motors – Letter on file in the Clerk's Office. President Wagner was notified that General Motors rescinded their request to not renew the franchise contract with Horter Chevrolet-Pontiac.

CLOSED SESSION

Motion was made by Bakst/Decker to convene into closed session at 9:15 p.m. pursuant to State Statutes:

- A. 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
 - 1) Deputy Clerk Compensation and Performance
 - 2) Administrator/Clerk-Treasurer Performance Evaluation
- B. 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
 - 1) Update on Negotiations of the Firefighters Union
- C. 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved
 - 1) Waters View Investments vs. Village of Mukwonago
 - 2) Village of Mukwonago vs. Greenwald Family Limited Partnership

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Bakst/Decker to adjourn closed session at 9:55 p.m. was carried unanimously.
Motion by Bakst/Decker to reconvene into open session at 9:55 p.m. was carried unanimously.

Deputy Clerk Compensation and Performance – No action taken.

Administrator/Clerk-Treasurer Performance Evaluation – No action taken.

Update on Negotiations of the Firefighters Union – Motion by Fennel/Bakst to proceed with actions as stated in closed session was carried unanimously.

Waters View Investments vs. Village of Mukwonago – Motion by Bakst/Decker to authorize the entry of order of judgment for the Waters View Investments vs. Village of Mukwonago case was carried unanimously.

Village of Mukwonago vs. Greenwald Family Limited Partnership – No action taken.

Motion by Decker/Johnson to adjourn at 9:56 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

VILLAGE OF MUKWONAGO

Village Board
Meeting Minutes
August 18, 2009

1. Call to Order

Administrator/Clerk-Treasurer Paul Moderacki called Village Board meeting to order at 7:30 p.m. in the absence of President Jim Wagner. Trustees present: Arnie Fickau, Elliot Bakst, Jim Decker, Darlene Johnson and Dennis O'Bryan. Excused: James Wagner. Absent: Dale Fennel. Also present: Police Chief Fred Winchowky, Attorney Shawn Reilly, Engineer Kurt Peot, Library Director Nick Weber, Public Works Supervisor Tom Brandemuehl, Mukwonago Area School District representatives Paul Strobel, Rodell Singert, residents John Bronk, Laurie Herriges and Mary Pires and Nicole Hohnstein, a realtor representing Tom Binder, owner of 807 Swan Drive.

2. Pledge of Allegiance

The pledge of allegiance was recited.

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Appointment of Temporary Chairperson

Bakst/Decker moved to appoint O'Bryan as temporary chairperson. Unanimously approved.

5. Announcement of Closed Sessions

O'Bryan announced the Board would retire into closed session at the end of the meeting to discuss multiple items.

6. Public Hearing: Proposed Change in Zoning from M-4 to P-1, 807 Swan Drive, Mukwonago Area School District

Strobel said the School Board has wanted to replace the District Administration Building for a number of years and this option would cost 20-40% of other options at a potential \$400,000-\$500,000 savings to the taxpayer. He said the new building would fit the District's needs and it would not be unusual to find a District office in such a locale.

Singert distributed a packet of materials, including an aerial view of the site, a list of businesses in the park and a letter from the property owner, Tom Bittner, in support of the sale. Singert said the School Board acted in a responsible fiscal manner while studying several options before settling on the proposed site. He said it was an unexpected opportunity that would address a District need.

Wysocki also said the proposed purchase was a "need versus a want." He said the current facility is a former rectory, meetings are held in the garage. He called the situation the "worst in the state," adding he was alternately proud and embarrassed by the situation. He said the pro-rated savings to the Village would be \$125,000 and the current building would be returned to the tax roll.

Ms. Pires said she didn't think the proposed use of land in the Business Park would be the "highest and best use" of land if used by the District. She said she sympathized with the School District, observed it would be a good neighbor anywhere and said there were more appropriate locations for the District Office.

Ms. Hohnstein said she had been disappointed by the recommendation by the Plan Commission. She said she thought several businesses in the Business Park were similar to the District's proposed use and urged the Board to grant the rezoning request.

Pires also used the opportunity of the public hearing to speak in favor of sidewalks on the south side of CtH NN. She said there was a need for greater pedestrian safety.

She also said she was in favor of acquiring land for the proposed Library Addition, since the Library Board had decided to expand on the current site. She said she hoped the Village would do its due diligence to perform a comparative cost analysis of multiple options.

O'Bryan closed the hearing at 8 p.m., after all present had been given an opportunity to be heard.

7. Minutes of July 21, 2009 Meeting

Motion by Fickau/Decker to adopt the meeting minutes as revised to note that although Tr. Johnson had voted to against the motion to eliminate sidewalks from the Field Park Improvement Project that she was in favor of not building sidewalks in the Field Park neighborhood, but was in favor of sidewalks on the south side of CtH NN. Unanimously approved.

8. Treasurer, Mileage, Police Fire and Library Reports for July 2009 – noted as included in meeting packet.

9. Public Comments

Ms. Herriges said she was strongly in favor of sidewalks on the south side of CtH NN, especially from the High School to the StH 83 intersection. She said the construction of a multi-use trail on the north side of CtH NN was "wonderful news," but the south side still needed a sidewalk. She said the sidewalks were needed because NN is such a busy street, that it is unrealistic to think students would cross NN to use the multi-use trail, and that the sidewalks would provide safe pedestrian access to the downtown area. She presented six letters from other residents in support of sidewalks and asked the Board to reconsider its decision to delay further consideration of sidewalks for five years.

10. Committee Reports

A. Finance

1) Accounts Payable

Motion by Bakst/Fickau to approve vouchers in the sum of \$648,200.26, as presented, passed unanimously.

2) Utility Billing Write-offs

Motion by Bakst/Fickau to write-off three utility bills in the total sum of \$224.52 due to bankruptcies was unanimously approved.

B. Health and Recreation

1) Proposal for Use of Indianhead Beach – Mary Blott, Mukwonago Chamber of Commerce

Tr. Johnson reported Ms. Blott had discussed an idea to find sponsors for lifeguards and swimming lessons at Indianhead Beach. The Board agreed by consensus that it had no objection to Ms. Blott pursuing the idea with the understanding a plan would have to be submitted in writing once sponsors were found.

2) Request to Waive Park Use Fee for the Mukwonago Fire Department to Use Field Park on August 29, 2009

Motion by Johnson/Decker to waive the Park Use Fee for the Mukwonago Fire Department to use Field Park on August 29, 2009 passed unanimously.

3) 2010-12 Humane Animal Welfare Society Contract

Motion by Johnson/Bakst to approve the proposed 2010-12 Humane Animal Welfare Society Contract passed unanimously.

C. Judicial

1) Temporary Class B Beer and Wine License for St. James Parish on Aug. 22, 2009

Motion by Johnson/Decker to approve a Temporary Class B beer and wine License for St. James Parish on Aug. 22, 2009 passed 5-0.

2) Temporary Class B Beer and Wine License for St. James Parish on Sept. 11-13, 2009

Motion by Johnson/Decker to approve a Temporary Class B beer and wine License for St. James Parish on Sept. 11-13, 2009 passed 5-0.

3) Operator's License applications for Carolyn Fournier, Stephanie M. Heine and Julie A. Mercier-Peterson

Motion by Johnson/Decker to approve 2009-10 Operators Licenses for Carolyn Fournier, Stephanie M. Heine and Julie A. Mercier-Peterson passed unanimously.

4) Proposed Changes to Section 34-29 (Public Nuisance) of the Village Municipal Code

Motion by Johnson/Decker to direct staff to put the proposed revisions to Section 34-29 (Public Nuisance) of the Village Municipal Code into ordinance form for adoption passed unanimously.

5) Proposed Changes to Section 34-49 (Abandoned/Junked Vehicles) of the Village Municipal Code

Motion by Johnson/Decker to direct staff to put the proposed revisions to Section 34-49 (Abandoned/Junked Vehicles) of the Village Municipal Code into ordinance form for adoption passed unanimously.

D. Personnel – WWTP Staffing

Held in Committee pending closed session.

E. Public Works

1) WWTP Upgrades, modernization and staffing

Held in committee.

2) Update on Water Operator Hiring

Wayne Castle hired as water operator.

3) Update on Black Bear Project

Grading work completed and land is being seeded and stabilized.

11. Plan Commission

A. Ordinance No. 823: To amend the District Zoning Map at request of Mukwonago Area School District

Fickau reported the Plan Commission had unanimously recommended the Village Board deny the proposed re-zoning because the proposed use was inappropriate in the Business Park.

Reilly reported P-1 zoning is not a permitted use in an M-4 District in the Village.

Bakst said there were more appropriate locations in the Village for District administrative offices.

O'Bryan said he was concerned that if the District moved into the Park and it became more industrialized the presence of the District Office would be a hindrance to its neighbors.

Decker said it was not the place for a District Office and the Village shouldn't be bending its zoning rules.

Bakst said he was concerned it would set a dangerous precedent.

Motion by Fickau/Decker to deny to request to rezone the property at 807 Swan drive from M-4 to P-1 was passed 3-2, with Tr. Johnson and O'Bryan opposed.

B. Extraterritorial Review – Proposed CSM by Martin Rozeski on Stone School Road in the Town of East Troy

Reilly reported the proposed CSM had been revised since its review by the Plan Commission and needed to return to the Plan Commission for further consideration. The Board indicated by consensus it was in favor of the revised CSM.

12. Village Administrator – Formation of U.S. Census Committee

Moderacki reported the U.S. Census Department had requested the Village sponsor formation of an ad-hoc 2010 Census Committee to educate residents on the importance of being counted in the 2010 Census and urge them to participate. The Board agreed by consensus to support the formation of an ad-hoc 2010 Census Committee.

13. Village Attorney – Resolution No. 2009-11: Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers for the Rehabilitation of Public Streets – Not presented for adoption

14. Village President – Joint Fire Commission Appointment – Postponed until September.

15. Correspondence

A. Laurie and Bill Herriges, 630 Stoecker Farm Ave., requesting reconsideration of decision not to construct sidewalks on CtH NN and Field Park Subdivision

Correspondence noted and placed on file.

B. Letter from City of Cudahy thanking Police Dept. for help during the Patrick Cudahy Plant Fire

Correspondence noted and placed on file.

16. Closed Session

Motion by Fickau/Bakst to convene into closed session pursuant to the following passed at 8:50 p.m.:

- A. §§19.85(1)(c), Wis. Stats., considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (WWTP Superintendent position and staff vacancy)
- B. §§19.85(1)(e), Wis. Stats., deliberating the purchase of public property (proposed acquisition of land for Library purposes) and discuss continuing Fire Department contract negotiations with Firefighters Union
- C. §§19.85(1)(f), Wis. Stats., considering financial, medical and personal history of Robert Harley's request for reinstatement of sick and vacation days due to worker's compensation injury.
- D. §§19.85(1)(g), Wis. Stats., to confer with legal counsel with respect to litigation with the Greenwald Family Limited Partnership

Motion by Decker/Bakst to adjourn closed session and reconvene into open session passed unanimously at 10:15 p.m.

- A. §§19.85(1)(c), Wis. Stats., considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (WWTP Superintendent position and staff vacancy)

Motion by Bakst/Decker to authorize staff to fill the WWTP vacancy passed unanimously.

- B. §§19.85(1)(e), Wis. Stats., deliberating the purchase of public property (proposed acquisition of land for Library purposes) and discuss continuing Fire Department contract negotiations with Firefighters Union
- C. §§19.85(1)(f), Wis. Stats., considering financial, medical and personal history of Robert Harley's request for reinstatement of sick and vacation days due to worker's compensation injury.
- D. §§19.85(1)(g), Wis. Stats., to confer with legal counsel with respect to litigation with the Greenwald Family Limited Partnership

There were no further motions from closed session.

17. Adjournment

As there was no further business to be considered Decker/Fickau moved to adjourn the meeting at 10:18 p.m.

Paul J. Moderacki
Village Clerk

President Wagner called Village Board meeting to order on September 15, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Nick Weber, Library Director
Shawn Reilly, Village Attorney
Tom Brandemuehl, Public Works Supervisor
Kurt Peot, Village Engineer
Violet Razo, Village Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting.

Public Hearing – Public Hearing on Special Assessments for Installation of Improvements for Sanitary Sewer, Water Main, Road Reconstruction, and Drainage Improvements – West Side, Gibson, Bay, Lake And Spring Street Paving and Utilities –

Public hearing opened at 7:31 p.m.

Doug Hoppe, 522 Wahl Ave. – Stated that there is a 5' discrepancy in lot lines between the neighbor and his property and wants to know if the Village will give a credit based on the discrepancy. (*Atty Reilly and Engineer Peot both stated that the assessments are based on the recorded lot lines at the Waukesha County Register of Deeds, and if there is a property line discrepancy, it is up to the property owners to have it corrected.*) Mr. Hoppe also stated that six out of 8 trees have died from flooding due to the Mukwonago Shores Phases 2 & 3 project. He also stated that his driveway is gravel and is washing out from the Shores 2 & 3 project. (*Peot stated that the Mukwonago Shores Phases 2 & 3 project has been closed out.*)

Mary Mahuta, 400 Spring St. – Wants to know why she is paying for this project when she did not even want the curbs. She also stated that two trees in her yard have died.

Tim O'Neill, owner of 300 Gibson St. – He was told that the residents are paying for 25% of the project. (*Peot stated that is was about 23%.*) Mr. O'Neill asked where they came up with that percentage, and is it fair. This is a lot of money in a bad economy.

Cathy Humke-Peterson, 201 West Side Ave. – Her front yard was never taken care of. Engineer Razo will check into it.

Public hearing closed at 7:50 p.m.

Minutes of the August 18, 2009 Board Meeting – Motion by Fickau/Decker to approve the minutes of the August 18, 2009 Board meeting as presented was carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for August 2009 – Placed on file in the Clerk's Office.

COMMENTS FROM THE PUBLIC

Jacqueline Woodrow, 134 Lake St. – Asked about the billing and payment for the West Side, Gibson project. *(She will receive a bill from the Clerk's Office in the near future)*

Tim O'Neill, owner of 300 Gibson St. – Asked about the 1% over borrowing rate the Village imposes and stated that other municipalities have waived that. Asked if the Village Board could waive it. *(Atty Reilly noted that Sec. 70-12 (e) states, "Interest shall be one percent over the initial borrowing cost of the village to finance the project.")*

Doug Hoppe, 522 Wahl Ave. – Asked about the interest rate and couldn't the Village borrow at a lower rate.

Taken Out of Order

Resolution 2009-18: Final Resolution Authorizing The Levying Of Special Assessments Against Benefited Property – West Side, Gibson, Bay, Lake, And Spring Street Paving And Utilities – Motion by Fennel/Decker to accept the Committee recommendation to adopt Resolution 2009-18: Final Resolution Authorizing The Levying Of Special Assessments Against Benefited Property – West Side, Gibson, Bay, Lake, And Spring Street Paving And Utilities was carried unanimously.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Fickau to accept the Committee recommendation to approve accounts payable vouchers from various funds in the sum of \$123,823.92 was carried unanimously.

Resolution 2009-12: 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 by Bakst/O'Bryan to accept the Committee recommendation to adopt Resolution 2009-12: 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 was carried unanimously.

Judicial

2009 Application for Temporary Class B Beer License – Field Park, September 19, 2009 – American Legion Post 375 – Motion by Johnson/Decker to approve the application for a 2009 Temporary Class B Beer License for American Legion Post 375 for September 19, 2009 was carried unanimously.

2009-10 Applications for Operator's License – Josh R. Barnickel, Lynn M. Bohrman, Ashley S. Molenda, Jeffrey R. Nevin, Nicholas R. Rubringer, Lauren M. Schwaller – Motion by Johnson/Decker to approve the 2009-2010 Applications for Operator's License for Josh R. Barnickel, Lynn M. Bohrman, Ashley S. Molenda, Jeffrey R. Nevin, Nicholas R. Rubringer, and Lauren M. Schwaller was carried unanimously.

Ordinance No. 823: An Ordinance to Amend Sections 34-29 and 34-49 (c) of the Village of Mukwonago Municipal Code Pertaining to Public Nuisance and Abandoned/Junked Vehicles – Motion by Johnson/Decker to accept the Committee recommendation to adopt Ordinance No. 823: An Ordinance to Amend Sections 34-29 and 34-49 (c) of the Village of Mukwonago Municipal Code Pertaining to Public Nuisance and Abandoned/Junked Vehicles was carried unanimously.

Protective Services

Fire Contract with North Prairie – Item is still in Committee.

Initial Discussions Regarding Possible Merger with Big Bend/Vernon Fire Department – Item is still in Committee.

Discussion of Ambulance Purchase – Item is still in Committee.

Updates to Fire Prevention Code – Item is still in Committee.

Public Works

Request to Clean Storm Sewer Drainage Easement on Birch Rock Property – Garth Harris – Referred to Public Works Committee.

PLAN COMMISSION

Site Plan Review – Part of 857 S. Rochester St. – Slumberland – Motion by Fickau/Decker to accept the Plan Commission recommendation to approve the architectural design and redevelopment by Slumberland Furniture for a portion of 857 S. Rochester St., the allowance of the Zoning Administrator to work with Slumberland Furniture to come up with an appropriate dumpster area, and the sign for Slumberland Furniture as presented, with color study #2, if the sign is under 100 square feet was carried unanimously.

Extraterritorial Review – Certified Survey Map – Town of East Troy – W570 Bell School Rd. – East Troy Sod Farm – Motion was made by Fennel/Johnson to accept the Plan Commission recommendation to approve the Town of East Troy, Walworth County, extraterritorial review of the Certified Survey Map for the property owned by East Troy Sod Farms, Inc. and located at W570 Bell School Rd. The approval is subject to the following conditions:

- 9) Prior to the Village signing the Certified Survey Map dated August 20, 2009, all technical revisions required by the Town of East Troy and Walworth County review be completed.
- 10) Prior to recording the Certified Survey Map dated August 20, 2009, approval shall be obtained by the Town of East Troy and Walworth County.

Motion carried unanimously.

Extraterritorial Review – Revised Certified Survey Map – Town of East Troy – Stone School Road – Martin Rozeski – Motion was made by Fickau/Decker to accept the Plan Commission recommendation to approve the Town of East Troy, Walworth County, extraterritorial review of the Certified Survey Map for the property owned by Martin J. Rozeski and located on Stone School Rd. The approval is subject to the following conditions:

- 1) Prior to the Village signing the Certified Survey Map, all technical revisions required by the Town of East Troy and Walworth County review be completed.
- 2) Prior to the Village signing the Certified Survey Map, written confirmation of Town of East Troy and Walworth County approval shall be provided to the Village Clerk.

Motion carried unanimously.

Request to Modify Sign Ordinance Pertaining to Off-Site Signage – Rumina Slazas – Rumina Slazas, former owner of Advantage Wireless, asked the Plan Commission to consider changing the rule to allow her to use the south side of her vacant building to allow other businesses to advertise. The Plan Commission agreed to have the Zoning Administrator take a look at criteria to allow certain off-site signage in the Village.

Resolution 2009-11: A Preliminary Resolution Declaring the Village's Intent to Levy Special Assessments Pursuant to §66.0703(1)(a), Stats. and Village Ordinance Section 70-4(b) for Street & Utility Reconstruction – Motion by Fennel/Bakst to accept the Plan Commission recommendation to adopt Resolution 2009-11: A Preliminary Resolution Declaring the Village's Intent to Levy Special Assessments Pursuant to §66.0703(1)(a), Stats.

and Village Ordinance Section 70-4(b) for Street & Utility Reconstruction was carried unanimously (Fickau abstained).

VILLAGE LIBRARY DIRECTOR

Library Expansion Update – Nick Weber, Library Director, gave a report from the ongoing workshop sessions regarding the library expansion and the possibility of a joint expansion venture with Mukwonago Area Schools.

VILLAGE ATTORNEY

Resolution 2009-19: Resolution of Necessity for the Taking of Property for Library Purposes – Resolution needs to be reviewed by Plan Commission and will be on the October 19th Plan Commission and October 20th Village Board agendas.

VILLAGE CLERK

Insurance Claim from Damaged Windshield – Mark Woltman, 117 Apollo Ct. – Motion by O'Bryan/Decker to accept the insurance company recommendation to deny the insurance claim by Mark Woltman, 117 Apollo Ct. was carried unanimously.

2009 Population Estimates for Waukesha and Walworth Counties – Motion by Decker/Bakst to accept the Wisconsin Department of Administration 2009 population estimates for the Village of Mukwonago in Waukesha in Walworth Counties was carried unanimously.

VILLAGE PRESIDENT

Appointment – Joint Fire Commission – Motion by Fickau/Bakst to accept the Village President's recommendation to appoint Tony Caravello to the unexpired vacancy on the Joint Fire Commission for the term ending 2011 was carried unanimously.

CLOSED SESSION

Motion was made by Decker/Fickau to convene into closed session at 8:31 p.m. pursuant to State Statute 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – Village of Mukwonago vs. Greenwald Family Limited Partnership. Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Fickau/Decker to adjourn closed session at 8:55 p.m. was carried unanimously. Motion by Bakst/Johnson to reconvene into open session at 8:55 p.m. was carried unanimously.

Village of Mukwonago vs. Greenwald Family Limited Partnership – No action taken.

Wagner notified the Board to keep open all Wednesday evenings at 7:00 p.m. for 2010 budget workshops.

Motion by Fickau/Decker to adjourn at 8:59 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

VILLAGE OF MUKWONAGO

Village Board
Special Meeting
Meeting Minutes

September 23, 2009

1. Call to Order/Roll Call

President Jim Wagner called the Special Village Board meeting to order at 6:05 p.m. Trustees present: Arnie Fickau, Elliot Bakst, Jim Decker, Dale Fennel and Darlene Johnson. Tr. Dennis O'Bryan was delayed and absent. Also present: Administrator/Clerk-Treasurer Paul Moderacki and Attorney Shawn Reilly.

2. Pledge of Allegiance

The pledge of allegiance was recited.

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Announcement of Closed Session

A Fickau/Bakst motion to convene into closed session pursuant to §§19.85 (1)(g), Wis. Stats., to confer with legal counsel rendering advice concerning strategy to be adopted with respect to litigation in which it is involved, namely the Village of Mukwonago v. Greenwald Family Limited Partnership was unanimously approved.

Pres. Wagner convened the closed session at 6:06 p.m.

Tr. O'Bryan joined the meeting in closed session at 6:07 p.m.

5. Adjourn Closed Session and Reconvene into Open Session

A Decker/Bakst motion to adjourn the closed session at 9:23 p.m. was unanimously approved.

A Decker/Johnson motion to reconvene into open session at 9:23 p.m. was unanimously approved.

Pres. Wagner stated there were no actions to come before the Board for its consideration from closed session.

6. Adjournment

As there was no further business to be considered Decker/Johnson moved to adjourn the meeting at 9:24 p.m.

Paul J. Moderacki
Village Clerk

President Wagner called Village Board meeting to order on October 6, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau (entered at 8:28 p.m.)
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Nick Weber, Library Director
Shawn Reilly, Village Attorney
Tom Brandemuehl, Public Works Supervisor
Kurt Peot, Village Engineer
Violet Razo, Village Engineer
Bruce Kaniewski, Village Planner
Aaron Fahl, Village Planner

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting.

Public Hearing on Special Assessments for Installation of Improvements for Sanitary Sewer, Water Main, Road Reconstruction, and Drainage Improvements – Oakland Ranch Area Paving and Utilities – Public hearing opened at 7:32 p.m.

Richard Pallan, 643 Pine St. – Asked about linear footage and the sidewalks, where the sidewalks are not his land. *(Peot noted it is in the public right-of-way.)* His driveway was pitted and in bad shape. He paid for a new driveway just two years ago. *(Peot noted Pallan did not pay for a driveway assessment and received a credit approved by the Board and based on the severity of the concrete.)*

Frank Piscitello, 538 Fox St. – The assessment report shows his lot frontage at 131.36 feet, yet he shows 112 feet. He said the cul-du-sac did not need to be there, it is a service road. He said the project was “forced down our throat.” He said none of the Village Board members walked around the project site. *(Peot noted he would like to discuss Piscitello’s assessment later prior to the vote of the final resolution.)*

John Wraalstad, 425 Cedar St. – He is a cement contractor. He would not get paid if that was his work. He claimed it was poured too late in the season.

Robert Stevenson, 550 Fox St. – Asked about how this affects his property value. Sees this assessment as a double dip. *(Reilly noted home values are based on the sales of homes in his area.)*

Randy Sheldon, 641 Pine St. – Asked when the completion date was. He did not know there was an assessment on the home prior to buying the home in March of 2009.

Arlene Barborich, 634 Pine St. – Asked about special assessments for sidewalks in the area. Concerned about fairness of the cost of the sidewalks. Talked about CtH ES and possible work on the road.

Piscitello – Asked about stimulus money. (*Peot noted the Village applied for stimulus money and was turned down.*) Also discussed the 5.5% interest on these assessments and cut-backs the Village can do.

Public hearing closed at 8:10 p.m.

Public Hearing on Comprehensive Plan 2035 – Public hearing opened at 8:11 p.m. No one appeared for or against. Public hearing closed at 8:12 p.m.

Minutes of the September 15, 2009 Board Meeting and the September 23, 2009 Special Board Meeting – Motion by Bakst/Decker to approve the minutes of the September 15, 2009 Board meeting and the September 23, 2009 Special Board Meeting as presented was carried unanimously.

COMMENTS FROM THE PUBLIC

Presentation of Membership Plaque from Walworth County Economic Development Alliance – Fred Burkhardt, Executive Vice President of the Walworth County Economic Development Alliance (WCEDA), presented a plaque to commemorate the Village's membership in the WCEDA.

Richard Pallan, 643 Pine St. – Asked about the multi-use trail along CTH ES, also said no one wanted sidewalks on Pine St.

Taken Out of Order

VILLAGE ATTORNEY

Resolution 2009-20: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Oakland Ranch Area Paving and Utilities – Peot discussed several properties located in the project and asked how they should be assessed. The street frontage on the lot located at 538 Fox St. is much longer than that of the neighbors on the road. The lots on the south side of Pine St. also abut Cth ES on the rear yard and were charged similar to corner lots with the anticipation that if work should be done on Cth ES in the future, the Village would special assess any project improvements to the property owners. Lot 67 (520 Fox St.) is in the same situation and was only charged for half of the frontage on the road abutting the lot. Lot 11 (602 Maple St.) also abuts Cth ES, but is a corner lot on Pine and Maple Streets, making the total frontage much larger than all other lots on Pine St.

Motion was made by Fennel/O'Bryan to modify the engineer's report to include the following changes: 1) If road work were to be done in the future on Cth ES, the Village will not special assess back to the property owners along Cth ES, changing the assessments to include the total frontage on Pine St for Lots 12 through 21, on the road adjacent to Lot 67, and Cedar St. for Lots 48 and 68, 2) the total frontage of Lot 10 shall be the same as lots 8 and 9, and 3) the total frontage for Lot 11 shall be the average of the frontage of Lots 12 through 19. Motion was carried unanimously.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/O'Bryan to accept the Committee recommendation to approve accounts payable vouchers from various funds in the sum of \$171,632.36 was carried unanimously.

Utility Billing Write-offs – Motion by Bakst/Decker to accept the Committee recommendation to approve the utility billing write-offs in the total amount of \$110.98 as presented was carried unanimously.

Judicial

2009 Application for Temporary Class B Beer License – St. James Activity Center, October 23, 2009 – St. James Catholic Parish – Motion by Johnson/Decker to approve the application for a 2009 Temporary Class B Beer License for St. James Catholic Parish for October 23, 2009 was carried unanimously.

2009 Application for Temporary Class B Beer License – St. James Activity Center, October 31, 2009 – St. James Catholic Parish – Motion by Johnson/Decker to approve the application for a 2009 Temporary Class B Beer License for St. James Catholic Parish for October 31, 2009 was carried unanimously.

Protective Services

Station #2 Dorm Room – Item is a Town of Mukwonago matter and can be removed from the agenda.

Reimbursement for Ambulance Fees – Item is still in Committee.

Fire Contract with North Prairie – Item is a Town of Mukwonago matter and can be removed from the agenda.

Initial Discussions Regarding Possible Merger with Big Bend/Vernon Fire Department – Informal discussions took place between the Mukwonago Fire Department and the Big Bend/Vernon Fire Department related to joint fire training exercises. No action taken.

Discussion of Ambulance Purchase – Item will be discussed in the 2010 budget.

Updates to Fire Prevention Code – Item is still in Committee.

VILLAGE ADMINISTRATOR

Ordinance No. 824: An Ordinance to Repeal and Recreate the Comprehensive Plan for the Village of Mukwonago – Motion by Fennel/O'Bryan to adopt Ordinance No. 824: An Ordinance to Repeal and Recreate the Comprehensive Plan for the Village of Mukwonago was carried on a vote on 6 ayes and 1 nay (Johnson voted no).

NEW BUSINESS

Trick or Treat Day for 2009 – Motion by Bakst/Decker to approve the 2009 trick-or-treat day of Saturday, October 31, from 4:00 p.m. to 6:00 p.m. with future years trick-or-treat days returning to the last Sunday of October from 4:00 p.m. to 6:00 p.m. was carried unanimously.

CLOSED SESSION

Motion was made by Decker/Bakst to convene into closed session at 8:48 p.m. pursuant to State Statutes:

- A. 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 – Contract Negotiation for Bridge Loan for Village Administrator
- B. 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 - Village of Mukwonago vs. Greenwald Family Limited Partnership

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Fickau/Decker to adjourn closed session at 9:13 p.m. was carried unanimously.
Motion by Bakst/Fickau to reconvene into open session at 9:13 p.m. was carried unanimously.

Contract Negotiation for Bridge Loan for Village Administrator – Motion was made by Bakst/Decker to approve a contract between the Village of Mukwonago and Paul J. Moderacki for a loan from the Village to Moderacki in the amount of \$33,400 for the purpose of purchasing a home in the Village of Mukwonago. The loan will be for a term of nine months and is callable immediately upon the sale of the Johnson Creek home owned by Moderacki. The interest on the loan will be 5.5%. A lien will be placed against the current home in Johnson Creek. The Board stated the loan is public interest because it will make Moderacki more productive and more available for meetings. Motion carried on a vote on 6 ayes and 1 nay (Johnson voted no).

Village of Mukwonago vs. Greenwald Family Limited Partnership – No action taken.

Motion by Decker/Bakst to adjourn at 9:15 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

President James Wagner called Special Village Board meeting to order on October 14, 2009 at 6:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan (entered at 6:32 p.m.)
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Nick Weber, Library Director
Paul Moderacki, Administrator/Clerk-Treasurer
Tom Brandemuehl, Public Works Supervisor
Joe Hankovich, Chief Building Inspector/Zoning Administrator
Steve LaDue, Police Lieutenant
Ivan Zaremba, Water Utility Superintendent
John Hogan, Library Board member
Mary Pires, resident

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced the posted closed session would not be held.

NEW BUSINESS

Resolution 2009-21: A Resolution Authorizing Participation in the WDNR Municipal Dam Grant Program

Moderacki reported the Village received approval of its temporary Emergency Action Plan for the Mukwonago River Dam from the Wisconsin Department of Natural Resources (WDNR) on Tuesday, Oct. 13, 2009. He said the approval qualified the Village to apply for a grant through the WDNR's Municipal Dam Grant Program to improve the dam gates and construct a flood relief spillway that would protect the dam from excessively high flood waters. He said the program required a 50% match from the Village, adding the deadline for grant application submittal was Thursday, October 15, 2009.

A Fickau/Bakst motion to adopt Resolution 2009-21 authorizing staff to submit a Municipal Dam Grant application carried unanimously.

CLOSED SESSION – not held

Motion by Decker/Bakst to adjourn at 6:34 p.m. carried unanimously.

Paul J. Moderacki
Administrator/Clerk-Treasurer

President Wagner called Village Board meeting to order on October 20, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Nick Weber, Library Director
Shawn Reilly, Village Attorney
Tom Brandemuehl, Public Works Supervisor
Kurt Peot, Village Engineer
Garth Harris
Carol Speight-Bauer, *Mukwonago Chief*
Mark Penzkover, resident

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting.

Minutes of October 6, 2009 Board Meeting and October 14, 2009 Special Board Meeting

Motion by Bakst/Decker to approve the minutes of October 6, 2009 regular Board meeting and October 14, 2009 special Board Meeting as presented was carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for September 2009 – President Wagner noted receipt of the Treasurer, mileage, Police, Fire and Library Reports for September 2009 and placed them on file.

COMMENTS FROM THE PUBLIC

None.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Decker to approve accounts payable vouchers from various funds in the sum of \$209,482.69 was carried unanimously.

Engagement Letter from Baker Tilly/Virchow Krause for Auditing Services – Tr. Bakst reported the engagement letter was being held in Committee pending resolution of certain concerns by the Village Attorney.

Health and Recreation

Midnight Magic Discussion – Mary Blott, Mukwonago Area Chamber of Commerce – Tr. Fennel reported the Chamber would sponsor its *Midnight Magic* celebration this year on Dec. 5th and the Village would assist in preparations for the event.

John's Disposal Service 2010 Refuse and Recycling Contract – Motion by Fennel/Johnson to approve the proposed 2010 Solid Waste Collection Contract with John's Disposal with an increase of \$0.55/residence/month for the garbage collection service, bringing the total monthly residential fee to \$13.43 (the 2009 rate is \$12.88/month) was carried unanimously.

Update on Miniwaukan Park Project Funding – Tr. Fennel reported the Village had received verbal agreement from the Wisconsin Department of Natural Resource (DNR) to combine two park grants into one to provide sufficient funding to construct a canoe launch on the Mukwonago River, east of the Holz Parkway Bridge. He said the Village was awaiting written confirmation.

Judicial

2009 Application for Temporary Class B Beer Licenses – St. James Activity Center, October 30, 2009 – Knights of Columbus – Motion by Johnson/Decker to approve a Temporary Class B Beer License at the St. James Activity Center, October 30, 2009 for the Knights of Columbus was carried unanimously.

2009-10 Operator's License Application – Thomas J. Vukelich – Motion by Johnson/Decker to approve a 2009-10 Operator's License for Thomas J. Vukelich was carried unanimously.

Personnel

Update on WWTP Operator Hiring – Tr. O'Bryan said a candidate had been selected from those interviewed for the WWTP operator position and was expected to join the Village in early November, following completion of background checks and a physical.

Request for Sick and Vacation Leave Reinstatement from Worker's Compensation Case – Robert Harley – Motion by O'Bryan/Bakst to reinstate 312 sick leave hours to Building Inspector Robert Harley due to resolution of the worker's compensation action in Mr. Harley's favor was carried unanimously.

Public Works

Request to clean storm sewer drainage easement on Birch Rock Property – Garth Harris – Attorney Reilly said the Village Development Agreement with Birch Rock makes it responsible for maintenance of the storm sewer drainage ditch east of the development. Engineer Peot said he would work with Mr. Harris, of Birch Rock, in discussions with the DNR.

Water Main Loop for Roberts Drive – Motion by Fickau/Fennel to authorize inclusion of a water main loop under Roberts Drive, from MacArthur to Parkview, and for the construction to be specially assessed against the adjoining owners to be served by the main was carried unanimously.

Street Width on MacArthur Drive – Motion by Fickau/Fennel to maintain the existing 36-foot wide street width on MacArthur Drive during the 2010 Field Park improvements was carried unanimously.

Field Park Soils Work – Motion by Fickau/Decker to award a contract to Giles Engineering Associates, Inc. in the sum of \$4,870.25 to conduct a geotechnical investigation in the Field Park subdivision was carried unanimously.

Plan Commission

Resolution 2009-19: A Resolution of Necessity for the Taking of Property for Library Purposes – Motion by Fickau/Bakst to adopt Resolution 2009-19: A Resolution of Necessity for the Taking of Property for Library Purposes was carried on a vote of 6 ayes and 1 nay, with Tr. Decker opposed.

NEW BUSINESS

Walworth County Intergovernmental Cooperation Council Agreement – Motion by Fickau/Decker to approve renewing the Intergovernmental Cooperation Council Agreement with Walworth County was carried unanimously.

CLOSED SESSION

Motion was made by Decker/Bakst to convene into closed session at 8:08 p.m. pursuant to State Statutes:

C. 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 - Village of Mukwonago vs. Greenwald Family Limited Partnership

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Decker/Fickau to adjourn closed session at 8:17 p.m. carried unanimously. Motion by Bakst/Fickau to reconvene into open session at 8:17 p.m. carried unanimously.

Village of Mukwonago vs. Greenwald Family Limited Partnership – No action taken.

Motion by Fennel/Bakst to adjourn at 8:18 p.m. was carried unanimously.

Paul J. Moderacki
Administrator/Clerk-Treasurer

President Wagner called Village Board meeting to order on November 3, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Tom Brandemuehl, Public Works Supervisor
Nick Weber, Library Director
Paul Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Violet Razo, Village Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Public Hearing on Amendment to Floodplain and Shoreland-Wetland Zoning Regulations Ordinance – Public hearing opened at 7:31 p.m. No one appeared for or against. Public hearing closed at 7:32 p.m.

Public Hearing on Special Assessments for Installation of Improvements for Sanitary Sewer, Water Main, Road Reconstruction, and Drainage Improvements – Oakland Ranch Area Paving and Utilities – Public hearing opened at 7:32 p.m.

Arlene Conrady, 505 Maple St. – Asked why there are no sidewalks in the Field Park Project and explained the need for them.

Debi Martin, 403 Cedar St. – When the bridge was built, curb and gutter was put in. The curb and gutter was not replaced with this project, yet they received a special assessment for it. Peot will confirm and if it is the case, they should not be assessed.

Russ Lepak, 410 Cedar St. – Requested a reduction in assessment because his frontage is disproportionately larger than all of his neighbors. Wants the same consideration that Lot 11 received.

Public hearing closed at 7:49 p.m.

Taken Out of Order VILLAGE ATTORNEY

Resolution 2009-20: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Oakland Ranch Area Paving and Utilities – Motion was made by O'Bryan/Decker to modify and adopt the engineer's report for the Oakland Ranch Area Paving and Utilities project with the following amendments: 1) The engineer will confirm if curb and gutter was not replaced along the frontage of Lot 48 and if it was not, the curb and gutter assessment will be removed, and 2) All sidewalks assessments shall be removed from the property owners and borne by the project because that is what the Village has done on all other projects. Motion was carried on a vote of 6 ayes and one nay (Johnson voted no)

COMMENTS FROM THE PUBLIC

Peot noted that Big Bend is applying for a sanitary sewer service area. There would be a two mile gap between the Village of Mukwonago's boundary and Big Bend's boundary. He recommended that this is a good time to reopen talks with the Town of Vernon about a boundary agreement. Referred to Public Works.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/O'Bryan to accept the Committee recommendation to approve accounts payable vouchers from various funds in the sum of \$100,655.50 was carried unanimously.

Judicial

2009-10 Applications for Operator's License – Kelly A. Gerndt, Steven M. Rodefer – Motion by Johnson/Decker to approve the applications for a 2009-10 Operator's License for Kelly A. Gerndt and Steven M. Rodefer was carried unanimously.

Personnel

Final 2008-10 Agreement Between the Mukwonago Fire Department and the Mukwonago Professional Firefighters, International Association of Firefighters, Local 4585 – Motion by O'Bryan/Bakst to approve the final 2008-10 agreement between the Mukwonago Fire Department and the Mukwonago Professional Firefighters, International Association of Firefighters, Local 4585 was carried on a vote of 6 ayes and 1 nay (Fickau voting no).

Protective Services

Reimbursement for Ambulance Fees – Item is still in Committee.

Updates to Fire Prevention Code – Item is still in Committee.

Bureau of Transportation Safety Grant Award – Police Dept. – Information only. The Police Department received a grant of \$4,000 for the Click It or Ticket program.

Public Works

Change Order #1 – Honeywell Road Ditch Regrading – Motion by Fickau/Fennel to approve change order #1 for the Honeywell Road Ditch Regrading project in the increased amount of \$5,012.56 was carried unanimously.

VILLAGE ADMINISTRATOR

Ordinance No. 825: Ordinance Amending a Portion of Section 100-271 of the Village Code Pertaining to Floodplain and Shoreland Wetland Zoning – Motion by Fennel/O'Bryan to adopt ***Ordinance No. 825: Ordinance Amending a Portion of Section 100-271 of the Village Code Pertaining to Floodplain and Shoreland Wetland Zoning*** was carried unanimously.

Authorization to Apply for Local Road Improvement Program and Municipal Street Improvement Program – Discretionary Funding for Field Park Project – Motion by Fennel/O'Bryan to authorize the signing of the applications Local Road Improvement Program and Municipal Street Improvement Program – Discretionary Funding for Field Park Project was carried unanimously.

CORRESPONDENCE

Letter from American Transmission Company Regarding Construction of Dwellings Under Transmission Lines – Placed on file in the Clerk's Office.

Motion by Decker/Fickau to adjourn at 8:06 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

President James Wagner called Special Village Board meeting to order on November 9, 2009 at 7:00 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner, Village President

Also present: Tom Brandemuehl, Public Works Supervisor
Hankovich, Chief Building Inspector/Zoning Administrator
Erik Hanson, Acting Sanitary Sewer Superintendent
Steve LaDue, Police Lieutenant
Paul Moderacki, Administrator/Clerk-Treasurer
Jeff Rolfe, Fire Chief
Nick Weber, Library Director
Fred Winchowky, Police Chief Joe
Steven Braatz, Deputy Clerk/Computer Support Tech
Ivan Zarembo, Water Utility Superintendent
Mary Pires, John Bronk and Donna Rush, residents

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced the Board desired to adjourn into closed session to discuss personnel matters.

Convene into Closed Session

- B. §§19.85(1)(c), Wis. Stats., considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – discussion related to 2010 compensation for department heads and non-represented staff**
- C. §§19.85(1)(e), Wis. Stats., deliberating or negotiating the purchasing of public properties, investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – negotiations of the Mukwonago Police, Clerk/Dispatcher and Firefighters Associations**

A Bakst/Decker motion to adjourn into closed session pursuant to §§19.85 (1) (c) and §§19.85 (1) (e) as posted, and noted above, carried unanimously.

President Wagner adjourned the meeting into closed session at 7:04 p.m.

A Bakst/Johnson motion to adjourn the closed session and reconvene into open session carried unanimously.

Reconvene into Open Session

President Wagner reconvened the meeting at 7:17 p.m. He announced there were no actions to be acted on by the Village Board from closed session.

Adjourn Special Meeting

Motion by Decker/Bakst to adjourn the Special Village Board meeting at 7:18 p.m. and to continue meeting as the Committee-of-the-Whole to discuss the proposed 2010 Village Budget carried unanimously.

Budget Workshop

The Committee and department heads reviewed and discussed the proposed 2010 Annual Budget for several hours.

A motion by Fickau/Fennel to adjourn the budget workshop at 10:01 p.m. carried unanimously.

Paul J. Moderacki
Administrator/Clerk-Treasurer

President Wagner called Village Board meeting to order on November 17, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Also present: Tom Brandemuehl, Public Works Supervisor
Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Paul Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Kurt Peot, Village Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting.

Minutes of October 20 and November 3, 2009 Regular Board Meetings and the November 9, 2009 Special Board Meeting – Motion by Fickau/Bakst to approve the minutes of October 20 and November 3, 2009 regular Board meetings and November 9, 2009 special Board Meeting as presented was carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for October 2009 – President Wagner noted receipt of the Treasurer, mileage, Police, Fire and Library Reports for October 2009 and placed them on file.

COMMENTS FROM THE PUBLIC

Russ Lepak, 410 Cedar St. – Reiterated his request from the November 3, 2009 Board meeting for a reduction in assessment because his frontage is disproportionately larger than all of his neighbors. Wants the same consideration that Lot 11 received. Stated that assessments are supposed to be equal and fair. He is being charged 100% of his lot frontage. He is asking for the same rate of assessment as similar lots.

UNFINISHED BUSINESS

Clarification and Possible Reconsideration of Motion by Trustee O'Bryan on the Modification and Acceptance of the Engineer's Report for the Oakland Ranch Area Paving and Utilities – Motion by Fennel/Fickau to reconsider the motion from November 3, 2009 regarding the adoption of the engineer's report for the Oakland Ranch Area Paving and Utilities project was carried unanimously. Motion was made by O'Bryan/Bakst to modify and adopt the engineer's report for the Oakland Ranch Area Paving and Utilities project with the following amendments: 1) Any sidewalk assessment shall be removed, and 2) The engineer will confirm if curb and gutter was not replaced along the frontage of Lot 48 and if it was not, the curb and gutter assessment will be removed. The reasons for removing the sidewalk

assessment are as follows: 1) The sidewalks are for the benefit of the entire subdivision, and 2) The main purpose of installing the sidewalk was to connect with the future multi-use trail, which is for the benefit of the Village as a whole. Motion was carried on a vote of 5 ayes and 2 nays (Fickau and Decker voted no).

Resolution 2009-20: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Oakland Ranch Area Paving and Utilities – Item postponed until the revised engineer's report is finalized.

COMMITTEE REPORTS

Finance

Engagement Letter from Baker Tilly Virchow Krause for Auditing Services – Item is still in Committee.

Approval of Trunked Radio System Contract Addendum – Motion by Bakst/Decker to approve the Trunked Radio System Contract Addendum with Waukesha County in the amount of \$6,000 per year for 15 years was carried unanimously.

Request to Reimburse Payment for West Side, Gibson, Bay, Lake And Spring Street Paving and Utilities Project Special Assessment for the Purpose of Changing from Full Payment Plan to Installment Plan – Jacqueline Woodrow, 134 Lake St. – Motion by Bakst/Fickau to accept the Village Clerk recommendation to reimburse the full payment to Jacqueline Woodrow, 134 Lake St., for the West Side, Gibson, Bay, Lake and Spring Street Paving and Utilities Project special assessment for the purpose of changing from full payment plan to the 10-year installment plan, less the principle and interest for the first installment, was carried unanimously.

Vouchers Payable – Motion by Bakst/Fickau to approve accounts payable vouchers from various funds in the sum of \$416,877.38 was carried unanimously.

Health and Recreation

Proposal to Update the Comprehensive Outdoor Recreation Plan – Steve Brunner, Ruekert & Mielke – Peot stated that you need an updated Comprehensive Outdoor Recreation Plan to apply for grants. Fennel noted that it does not appear that there will be any grants available in the near future, and if one does become available, the Board should look at updating the plan. Motion was made by Fennel/Decker to postpone updating the Comprehensive Outdoor Recreation Plan for two years. Motion amended to state that the possibility of updating the Comprehensive Outdoor Recreation Plan shall be revisited in one year. Motion was carried on a vote of 6 ayes and one nay (Wagner voted no).

Indianhead Park Design Award – Kurt Peot, Ruekert & Mielke – Peot presented the Award for Excellence from the Wisconsin Park & Recreation Association for the Indianhead Park Shoreline Stabilization project in 2009.

Judicial

2009 Application for Temporary Class B Beer License – St. James Activity Center, November 20, 2009 – St. James Catholic Parish – Motion by Johnson/Fickau to approve a Temporary Class B Beer License at the St. James Activity Center, November 20, 2009 for the St. James Catholic Parish was carried unanimously.

2009 Application for Temporary Class B Beer License – St. James Activity Center, December 4, 2009 – St. James Catholic Parish – Motion by Johnson/Decker to approve a Temporary Class B Beer License at the St. James Activity Center, December 4, 2009 for the St. James Catholic Parish was carried unanimously.

2009-10 Application for Operator's License – Kevin E. Fallenbeck – Motion by Johnson/Decker to approve a 2009-10 Operator's License for Kevin E. Fallenbeck was carried unanimously.

Consideration of Application for 2009-10 Class B Beer and Liquor License – Market Square Restaurant LLC (Martin S. Guerrero, Agent) – 1015 CTH NN E – Market Square Restaurant – Item is still in Committee.

Public Works

Change Order #4 – West Side, Gibson, Bay, Lake And Spring Street Paving and Utilities Project – Motion by Fickau/Bakst to approve Change Order #4 for the West Side, Gibson, Bay, Lake And Spring Street Paving and Utilities Project was carried unanimously.

Request to Clean Storm Sewer Drainage Easement on Birch Rock Property – Garth Harris – Information only. Peot stated that it the easement is owned by Garth Harris and that it is a groundwater issue. No action taken.

Minor Estates Drainage Issue – Item is still in Committee.

Field Park Soils Work – Information only. No action taken.

Request for Decorative Street Light on Meadow View Ct. – Toby Hartman – Toby Hartman, who lives on Meadow View Court, would like a decorative street light installed in from of his property. Mr. Harman is willing to pay for it. The Village is obtaining a quote from We Energies. Item is still in Committee.

Request for Pickup Truck Replacement – WWTP – Motion by Fickau/Decker to approve the purchase of a truck for the Wastewater Treatment Utility in 2009 not to exceed \$20,411 was carried unanimously.

Request for Pickup Truck Replacement – Water Dept. – Motion by Fickau/Decker to approve the purchase of a truck for the Water Utility in 2009 not to exceed \$14,075 including the trade-in of the cube truck was carried unanimously.

Field Park Draft Plans – Information only. No action taken.

Oakland Ranch – Sidewalk Assessments – Item taken care of at the beginning of the meeting.

Village of Mukwonago Comment on Big Bend Sewer Service Area Amendment – Peot would like President Wagner to begin opening up the lines of communication with Big Bend to come up with an agreeable line for sewer service areas. No action taken.

Storm Water Utility Study Committee Update – Moderacki stated that there will be a presentation before the Board on December 1. The plan is to implement the Storm Water Utility for the entire Village during the last half of 2010. No action taken.

Plan Commission

Presentation by Mukwonago Improvement Committee on Downtown Improvement – Wagner that Bill Kasch introduced the Mukwonago Improvement Committee to the Plan Commission, which is a subcommittee of the Mukwonago Chamber of Commerce Economic Development Committee. The Committee consists of himself, Katie Pearce from Espresso Love Café, and Dave Hazenfield from Dickman Realty. He also invited Moderacki to be on the Committee. Commissioner Vega noted that he would be willing to help with the Committee. The focus of the committee is to help improvement of the downtown environment, offer design ideas, and bring more shoppers to the downtown. The Committee will be bringing in Christine Scott-Thompson from UWM to help with design ideas.

VILLAGE ADMINISTRATOR

County Level Assessment Initiative – Information only. The Wisconsin DOR is going through a proposal for consolidation of assessing services at the county level. No action taken.

VILLAGE ENGINEER

Big Bend Sewer Service Area Amendment Comments – Peot presented a draft letter to SEWRPC that he would like President Wagner to sign regarding comments on the Big Bend Sewer Service Area Amendment. Lenny Kressin, S83W29731 Saxony Ct., was in the audience and stated that he attended the meeting that Big Bend had. Their main goal is to extend sewer service to their business park to the north, which would require them to go under the freeway. Big Bend would like to do this prior to the DOT working on the intersection of Hwy 164 and I43.

CLOSED SESSION

Motion was made by Decker/Johnson to convene into closed session at 8:36 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 – Wastewater Treatment Plant Superintendent. Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Johnson/Decker to adjourn closed session at 8:45 p.m. carried unanimously.
Motion by Johnson/Decker to reconvene into open session at 8:45 p.m. carried unanimously.

Wastewater Treatment Plant Superintendent – Motion was made by O'Bryan/Decker to offer Erik Hanson the following: 1) The title of Wastewater Treatment Superintendent, removing the "Acting" status, effective December 1, 2009, 2) The probation shall be considered served during the time at which he served as Acting Wastewater Treatment Superintendent, and 3) an annual salary of \$62,500. Motion was carried unanimously.

Motion by Bakst/Decker to adjourn at 8:48 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

President Wagner called Village Board meeting to order on December 1, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Jim Decker
Dale Fennel
Dennis O'Bryan (Entered at 7:32 p.m.)
Darlene Johnson
James Wagner

Also present: Fred Winchowky, Police Chief
Nick Weber, Library Director
Jeff Rolfe, Fire Chief
Tom Brandemuehl, Public Works Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Minutes of the November 17, 2009 Board Meeting – Motion by Fickau/Bakst to approve the minutes of the November 17, 2009 Board meeting as presented was carried unanimously.

COMMENTS FROM THE PUBLIC

None

UNFINISHED BUSINESS

Resolution 2009-20: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Oakland Ranch Area Paving and Utilities – Motion by Fickau/Fennel to adopt Resolution 2009-20: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Oakland Ranch Area Paving and Utilities was carried unanimously.

COMMITTEE REPORTS

Finance

Engagement Letter from Baker Tilly Virchow Krause for Auditing Services – Item is still in Committee.

Vouchers Payable – Motion by Bakst/Fickau to accept the Committee recommendation to approve accounts payable vouchers from various funds in the sum of \$194,675.15 was carried unanimously.

December Utility Billing Write-offs – Motion by Bakst/Decker to accept the Committee recommendation to write-off a total of \$308.15 from utility bills due to bankruptcy was carried unanimously.

Judicial

2010 Applications for Temporary Class B Beer Licenses – St. James Activity Center, January 15, February 5, March 26, and April 23, 2010 – St. James Catholic Parish – Motion by Johnson/Decker to approve a Temporary Class B Beer Licenses at the St. James

Activity Center, January 15, February 5, March 26, and April 23, 2010 for the St. James Catholic Parish was carried unanimously.

Protective Services

Reimbursement for Ambulance Fees – Will be taken care of with the adoption of the fee schedule at the 2010 Budget hearing.

Updates to Fire Prevention Code – Item is postponed until the January meeting.

Act 102 Purchase – Intubation Equipment/ID Badge System – Motion by Decker/Johnson to approve the use of Act 102 funds by the Mukwonago Fire Department to purchase intubation equipment and ID badge system was carried unanimously.

Donated Funds Purchase – Thermal Camera/Accident Scene Safety Equipment – Motion by Decker/Bakst to approve the use of donated funds by the Mukwonago Fire Department to purchase a thermal camera and accident scene safety equipment was carried unanimously.

VILLAGE PRESIDENT

Appointment – 2010-11 Election Officials – Motion by Fennel/Bakst to accept the President's recommendation to approve the 2010-11 Election Officials list as presented was carried unanimously (Fickau abstained).

Wastewater Treatment Plant Superintendent Position Vacancy – Motion by Decker/Bakst to allow the Administrator to advertise for a Wastewater Treatment Plant Supervisor was carried unanimously.

Motion by Decker/Johnson to adjourn at 7:44 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

President Wagner called the Special Village Board meeting to order on December 3, 2009 at 6:30 p.m.

Trustees present: Arnie Fickau
 Elliot Bakst
 Jim Decker
 Dale Fennel
 Dennis O'Bryan
 Darlene Johnson
 James Wagner

Also present: Paul Moderacki, Administrator/Clerk-Treasurer
 Shawn Reilly, Village Attorney

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session.

CLOSED SESSION

Motion was made by Fennel/Bakst to convene into closed session at 6:31 p.m. pursuant to State Statute 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved – 2007 Assessment Error

Discussion held in closed session.

Motion by Decker/Bakst to adjourn closed session at 6:50 p.m. and reconvene into open session carried unanimously.

Motion by Bakst/Decker to adjourn at 6:50 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

President Wagner called the Village Board special meeting to order on December 3, 2009 at 7:00 p.m.

Trustees present: Arnie Fickau
 Elliot Bakst
 Jim Decker
 Dale Fennel
 Dennis O'Bryan
 Darlene Johnson
 James Wagner

Also present: Fred Winchowky, Police Chief
 Jeff Rolfe, Fire Chief
 Paul Moderacki, Administrator/Clerk-Treasurer
 Nick Weber, Library Director

Public hearing for 2010 budget was opened at 7:01 p.m.

Tim Eggleston, W298S10583 Circle Dr., Mukwonago – Spoke about the installation of Field Park ball diamond lights. Would like to see money put back in the budget to replace the lights. The Lions Club had to rent lights for night usage of the park. The Mukwonago Lakers would like to come back to Mukwonago. The Mukwonago Womens Softball League would like to use the diamond. There is other interest in using the diamond.

Bill Krueger, S86W22930 Edgewood Ave., Big Bend – He currently runs a softball league at Coach House in the Town of Vernon. His league would like to use the ball diamond at Field Park. He has 30 teams that would like to use it.

Tim Stark, S88W34633 Nesting Ln. – Operates the Mukwonago Bears Baseball Team, which is a new team and would like to use the ball diamond at Field Park.

Mary Pires, 1128 Eastern Tr. – Pleased with the improvement in the presentation of the budget. However, the citizen still cannot understand the budget, and would like to suggest a better summary for the citizens. Spoke about debt service and the usage of the special assessment money to pay towards it rather than spreading that money out over the years. Spoke about the Clerk's Office study. The Clerk's Office is still not ready to prepare the financial statement when there was a full time position on staff that could do that. According to the study, the computer system in the office is a very good system yet the office staff is not trained and knowledgeable on the system.

Bill Lambert, W268S86490 Alpine Dr. – Represents the Mukwonago Lions Club. The Lions Club donates a lot to the community, and the Village should upgrade Field Park.

Public hearing closed at 7:11 p.m.

NEW BUSINESS

Resolution 2009-21: A Resolution to Adopt the 2010 Annual Budget and Establish the 2009 Property Tax Levy for the Village of Mukwonago – Discussion on Field Park light replacement project. Trustee O'Bryan would like to see the Field Park light replacement back in as a debt service project, but requested actual numbers from a contractor. Bakst stated that the project was taken out because of lack of interest in the use of the park, but now that the budget is near completion, interest has surfaced. Fennel would also like the Field Park light project included in the borrowing, but would be looking to the Lions Club and the teams to help out financially. Discussion of 2007 assessment error and recovery of money into fund reserves. Moderacki stated that the Village will not get the \$233,000 back from the

assessment error in the 2007 property taxes. He presented a list of major losses (State Shared Revenue, Charges, Transportation Aid and Interest Income decreases and use of reserve funds) from 2008, 2009, and projected losses in 2010. These losses total \$1,081,877. For this year's levy only, the State is giving all municipalities a one time opportunity to exceed their levy limit by the amount of unused levy limit capacity from the 2007 levy. Moderacki presented three options of amending the levy for general fund to recover all or part of the reserve monies used to make the Village whole from the 2007 error. Option 1 eliminates the proposed fund balance used in the 2010 budget, increasing the levy \$137,815. Option 2 eliminates the proposed fund balance used in the 2010 budget and makes up for the loss of State aids, increasing the levy \$209,625. Option 3 recoups the 2007 assessment error, increasing the levy by \$233,000. Trustee Decker suggested Option 1. Trustee O'Bryan expressed concerns about consistently borrowing for capital equipment. Bakst noted that the Village's bond rating could be affected if the Village continues to use reserve funds to balance budgets. Motion by Decker/Bakst to adopt Resolution 2009-21: A Resolution to Adopt the 2010 Annual Budget and Establish the 2009 Property Tax Levy for the Village of Mukwonago with the amendment of using Option 1 of the fund balance recovery suggestion and increasing the General Fund Levy to \$1,989,285 and the total Village Levy to \$4,678,980 was lost unanimously. Motion by O'Bryan/Fennel to adopt Resolution 2009-21: A Resolution to Adopt the 2010 Annual Budget and Establish the 2009 Property Tax Levy for the Village of Mukwonago with the amendment of using Option 3 of the fund balance recovery suggestion and increasing the General Fund Levy to \$2,084,470 and the total Village Levy to \$4,774,165 was carried on a vote of 4 ayes and 3 nays (Fickau, Decker, and Johnson voted no).

Resolution 2009-22: A Resolution to Set the 2010 Schedule of Fees for the Village of Mukwonago – Motion by Fennel/Fickau to adopt Resolution 2009-22: A Resolution to Set the 2010 Schedule of Fees for the Village of Mukwonago was carried unanimously.

President Wagner thanked the Board members, department heads, and Clerk's Office for the efforts put in completing the 2010 budget.

Motion by Bakst/Decker to adjourn at 7:40 p.m. carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk

President Wagner called Village Board meeting to order on December 15, 2009 at 7:30 p.m.

Trustees present: Arnie Fickau
Elliot Bakst
Dale Fennel
Dennis O'Bryan
Darlene Johnson
James Wagner

Trustee Excused: Jim Decker

Also present: Fred Winchowky, Police Chief
Jeff Rolfe, Fire Chief
Tom Brandemuehl, Public Works Supervisor
Nick Weber, Library Director
Paul Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Chris Genellie, Village Engineer
Del Wilson, Uehlein Wilson Architects

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

President Wagner announced there would be closed sessions at the end of the meeting.

Minutes of the December 1, 2009 Regular Board Meeting, December 3, 2009 Special Board Meeting, and the December 3, 2009 Budget Hearing – Motion by Fickau/Bakst to approve the minutes of the December 1, 2009 regular Board meeting, December 3, 2009 special meeting, and December 3, 2009 budget hearing as presented was carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for November 2009 – President Wagner noted receipt of the Treasurer, mileage, Police, Fire and Library Reports for November 2009 and placed them on file.

COMMENTS FROM THE PUBLIC

Maythe Guerrero, owner of Market Square Resturant – Gave update on the status of Market Square. Hopes to open the restaurant by January 1, 2010.

Del Wilson, Uehlein Wilson Architects – Architect for the Library expansion project. Gave update on status of the project and shared three different ways to expand the library at the current location.

COMMITTEE REPORTS

Finance

Engagement Letter from Baker Tilly Virchow Krause for Auditing Services – Motion by Bakst/Fickau to accept the revised engagement letter from Baker Tilly with the amendment to the letter that Page 8 shall change "Illinois" to "Wisconsin" was carried unanimously.

Dispute of Chargeback for Engineering Services – Garth Harris – Motion by Bakst/O'Bryan to waive the professional fee chargeback billed to Birchrock Apartments LLC

and listed on Invoice #2023 for engineering services was carried on a vote of 5 ayes and 1 nay (Fennel voting no).

Village Hall Custodial Contract – No action taken.

Vouchers Payable – Motion by Bakst/Fickau to approve accounts payable vouchers from various funds in the sum of \$151,007.90 was carried unanimously.

Judicial

Consideration of Application for 2009-10 Class B Beer and Liquor License – Market Square Restaurant LLC (Martin S. Guerrero, Agent) – 1015 CTH NN E – Market Square Restaurant – Motion by Johnson/O'Bryan to approve the application for a Class B Beer and Liquor license for Market Square Restaurant LLC, Martin S. Guerrero – Agent, for the business known as Market Square Restaurant and located at 1015 CTH NN E contingent upon the Clerk's Office receiving passing reports from the Mukwonago Fire Department and the Waukesha County Health Department was carried unanimously.

Public Works

Minor Estates Drainage Issue – Item is still in Committee. The Committee is looking at the Field Park Project for fill to divert water.

Request for Decorative Street Light on Meadow View Ct. – Toby Hartman – Item is still in Committee. Waiting for costs from We Energies.

Field Park Storm Water Issues, Restoration, and Storm Sewer Relay with Storm Water Pond – No action taken. Information only.

Water Department Garage Options – Item is still in Committee.

Resolution 2009-23: A Resolution Adopting the 2010 Sewer Budget and 2010 Water Utility Budget – Motion by Fickau/Fennel to adopt Resolution 2009-23: A Resolution Adopting the 2010 Sewer Budget and 2010 Water Utility Budget was carried unanimously.

CLOSED SESSION

Motion was made by Bakst/Fennel to convene into closed session at 8:10 p.m. pursuant to State Statutes:

- A. 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 – 2010 Compensation for Department Heads and Non-Represented Staff
- B. 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 – Assessment Firm Contract Negotiations

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Bakst/Fickau to adjourn closed session at 9:19 p.m. carried unanimously. Motion by Johnson/Bakst to reconvene into open session at 9:20 p.m. carried unanimously.

Resolution 2009-24: A Resolution Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees & Part-Time Employees – Motion

by Bakst/Fennel to adopt Resolution 2009-24: *A Resolution Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees & Part-Time Employees* with changes as stated in closed session was carried unanimously.

Approval of Assessment Firm Contract – Motion by Fennel/Johnson to approve the contract with Associated Appraisal Consultants, Inc. for assessment services for two years with a clause for renewal for another two years was carried unanimously.

Motion by Bakst/Johnson to adjourn at 9:22 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk