

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, January 19, 2010**

President Wagner called Village Board meeting to order on January 19, 2010 at 7:30 p.m.

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

Also present: Steve LaDue, Police Lieutenant  
Jeff Rolfe, Fire Chief  
Tom Brandemuehl, Public Works Supervisor  
Nick Weber, Library Director  
Joe Hankovich, Supervisor of Inspections/Zoning Administrator  
Paul Moderacki, Administrator/Clerk-Treasurer  
Shawn Reilly, Village Attorney  
Kurt Peot, Village Engineer  
Jon Cameron, Village Engineer  
Bruce Kaniewski, Village Planner  
Aaron Fahl, Village Planner  
John Bronk, Storm Water Advisory Committee Member  
Charlie Miller, Storm Water Advisory Committee Member  
Rick Debe, Storm Water Advisory Committee Member  
Mark Penzkover, Storm Water Advisory Committee Member

#### **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 pursuant to Wisconsin §19.85(1)(c) and §19.85(1)(e).

***Minutes of the December 15, 2009 Regular Board Meeting*** – Motion by Fickau/Decker to approve the minutes of the December 15, 2009 regular Board meeting as presented was carried unanimously.

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

**COMMENTS FROM THE PUBLIC** – None

#### **COMMITTEE REPORTS**

##### **Adhoc Storm Water Advisory**

***Presentation and Consideration of Acceptance of Storm Water Utility Report*** – Aaron Fahl and Jon Cameron of Ruekert and Mielke presented an overview of the storm water utility study including the possible rate structures.

### **Finance**

***Vouchers Payable*** – Motion by Bakst/Johnson to approve accounts payable vouchers from various funds in the sum of \$342,668.10 was carried unanimously.

***Recommendation to Initiate Water Rate Increase*** – Motion by Bakst/O'Bryan to authorize Ruekert & Mielke to initiate a water rate increase study was carried unanimously.

***Real Estate and Personal Property Tax Payments at Banks*** – The banks that collected real estate tax payments collected more than \$500,000 in December 2009. Information only.

***Resolution 2010-02: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago*** – Motion by Bakst/Fickau to adopt Resolution 2010-02: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago was carried unanimously.

***Resolution 2010-03: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies*** – Motion by Bakst/Decker to adopt Resolution 2010-03: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies was carried unanimously.

### **Health & Recreation**

***Quote from Home Depot for the Boardwalk Materials for the Miniwaukan Park Canoe Launch*** – Motion by Fennel/Fickau to approve the submitted quote from Home Depot for the boardwalk materials for the Miniwaukan Park canoe launch less the State taxes was carried unanimously.

### **Judicial**

***2009-10 Applications for Operator's License – Spencer M. Kranz, Shannon R. Lassator, Thomas J. Olson, Melanie A. Sanfilippo, James B. Schoolcraft*** – Motion by Johnson/Decker to approve the 2009-10 applications for Operator's License for Spencer M. Kranz, Shannon R. Lassator, Thomas J. Olson, Melanie A. Sanfilippo, and James B. Schoolcraft was carried unanimously.

***2010 Application for Temporary Class B Beer and Wine License – January 27, 2010 – St. James Catholic Parish*** – Motion by Johnson/Decker to approve the 2010 Application for Temporary Class B Beer and Wine License for January 27, 2010 for St. James Catholic Parish was carried unanimously.

***Consideration of Application for 2009-10 Class A Beer License – GK Gas LLC (King Gurinder Singh Phul, Agent) – 201 N. Rochester St. – d/b/a Village Mini Mart*** – Motion by Johnson/Decker to approve application for 2009-10 Class A Beer License for GK Gas LLC (King Gurinder Singh Phul, Agent) located at 201 N. Rochester St. and doing business as Village Mini Mart was carried unanimously.

### **Public Works**

***Change Order #2 – Close Out of 2008 Sanitary Sewer Rehab Program*** – Motion by Fickau/Fennel to approve Change Order #2 for the close out of the 2008 Sanitary Sewer Rehab Program was carried unanimously.

***Change Order #2 – Close Out of Oakland Ranch Area Paving and Utilities Project*** – Motion by Fickau/Bakst to approve Change Order #2 for the close out of the Oakland Ranch Area Paving and Utilities Project was carried unanimously.

**Minor Estates Drainage Issue** – Item is still in Committee.

**Request for Decorative Street Light on Meadow View Ct. – Toby Hartman** – Resident withdrew his request after seeing the cost of the installation of a decorative street light to replace the existing light on Meadow View Court. Item can be removed from the agenda.

**Proposed Water Dept. Garage with Office and Staff Quarters and Alternatives** – Item is still in Committee.

**Utility Billing Policies – Linda Leverence** – Item has been satisfied and can be removed from the agenda.

**Change Order #1 – Caine Property Well** – Motion by Fickau/Decker to approve Change Order #1 for the close out of the Caine Property Well project was carried unanimously.

**Discussion of Bid for 2010 Field Park Area Paving and Utilities Project – Concrete vs Asphalt Alternative, Field Park Storm Sewer, STH 83 Relocations, Field Park Sod vs Top Soil and Seed, Consideration of Acceptance of Bid for 2010 Field Park Area Paving and Utilities Project** – Item is still in Committee.

**STH 83 Resurfacing 2009 – Update, Public Information Meeting, Working Through the Night, Lincoln St. Pedestrian (School) Crossing Location** – There will be a public information meeting on January 28, 2010 from 5:00 p.m. to 7:00 p.m. at the Village Hall. Motion by Fickau/Bakst to allow the Wastewater Utility to repair manholes on STH 83 during the 2010 STH 83 resurfacing project by the Wisc DOT was carried unanimously. Motion by Fickau/Bakst to accept the recommendation by the Wisc DOT to relocate the pedestrian crossing across STH 83 near Lincoln Ave. to the south side of Lincoln Ave. was carried unanimously. The request to work overnight will be on the next agenda.

**Utility Relocations for STH 83 North of CTH NN** – Item discussed with the Field Park Project and can be removed from the agenda.

**STH 83 Multiuse Trail** – The project will be bid this year. Information only.

**River Park Lift Station Emergency Repairs Report** – Information only.

**Results for Wisconsin's Municipal Dam Grant Program for 2009** – The Village did not receive any money at this time. Information only.

**Consideration to Develop RFP to Design WWTP Upgrade and Modernization** – Motion by Fickau/Decker to authorize Ruekert & Mielke to prepare a grant application for the upgrade and modernization of the Wastewater Treatment Facility was carried unanimously.

## **PLAN COMMISSION**

**Consider the Recommendation from the Plan Commission upon a Petition of Craig Hein and Brooklife Church to Annex 13.92 Acres to the Village of Mukwonago from the Town of Vernon within the Edgewood Neighborhood** – Motion by Fennel/Decker to accept the recommendation by the Plan Commission to deny the petition by Craig Hein to annex 13.92 acres to the Village of Mukwonago from the Town of Vernon within the Edgewood neighborhood was carried unanimously.

**Extraterritorial Review – Certified Survey Map – Town of East Troy – W1028 Spleas Skoney Rd. – Timothy Degroot** – Motion was made by Fickau/Decker to accept the recommendation by the Plan Commission to approve the Town of East Troy Extraterritorial Certified Survey Map for W1028 Spleas Skoney Rd., Timothy Degroot. The approval is subject to the following conditions:

- 1) Prior to Village Officials signing the Certified Survey Map, the proper Village signature place shall be added to include both the Planning Commission and the Village Board, with signature for the "Village President" and "Village Clerk".

- 2) Prior to Village Officials signing the Certified Survey Map, written documentation shall be submitted to the Village Clerk indicating that both the Town of East Troy and Walworth County have reviewed and approved the Certified Survey Map.

Motion carried unanimously.

#### **VILLAGE ADMINISTRATOR**

**Local Road Improvement Program Funding Report** – Moderacki notified the Board that the Village was approved for money for the Field Park Project, but the amount has yet to be determined. Information only.

#### **VILLAGE CLERK**

**Resolution 2010-01: A Resolution Authorizing the Clerk-Treasurer to Determine the Number of Election Officials at All Elections in the Village of Mukwonago** – Motion by Decker/Bakst to adopt Resolution 2010-01: A Resolution Authorizing the Clerk-Treasurer to Determine the Number of Election Officials at All Elections in the Village of Mukwonago was carried unanimously.

#### **CLOSED SESSION**

Motion was made by Fennel/Decker to convene into closed session at 8:31 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 Fire Chief
- 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 – Potential Purchase of Properties by Village

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Fickau/Bakst to adjourn closed session at 8:40 p.m. carried unanimously. Motion by Fennel/Bakst to reconvene into open session at 8:40 p.m. carried unanimously.

**2010 Compensation for Fire Chief** – No action taken.

**Potential Purchase of Properties by Village** – Motion by Bakst/Fickau to accept the Village Attorney recommendation to have Marc McSorley of Single Source, Inc. prepare an appraisal at a cost not to exceed \$2,000 and conduct a relocation plan and assistance at a cost not to exceed \$4,950 for the property located at 515 Division St. was carried unanimously.

Motion by Fickau/Bakst to adjourn the Village Board meeting at 8:42 p.m. was carried unanimously.

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, February 2, 2010**

President Wagner called Village Board meeting to order on February 2, 2010 at 7:30 p.m.

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

Also present: Tom Brandemuehl, Public Works Supervisor  
Fred Winchowky, Police Chief  
Paul Moderacki, Administrator/Clerk-Treasurer  
Shawn Reilly, Village Attorney  
Nick Weber, Library Director  
Shawn McNulty, Library Board Member  
Jeri Posekany, Library Board Member  
John Hogan, Library Board Member  
Sharroyl Cooper, Library Board Member  
Sue Ciechanowski, Library Board Member  
John Bronk, Library Board Member  
Kathy Usarek, Library Board Member  
Kelly Whittier, Library Board Member  
Jeff Belongia, Village Financial Advisor

#### **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 pursuant to Wisconsin §19.85(1)(e).

***Minutes of the January 19, 2010 Regular Board Meeting*** – Motion by Fennel/Bakst to approve the minutes of the January 19, 2010 regular Board meeting as presented was carried unanimously.

***Treasurer, Mileage, Police, Fire and Library Reports for January 2010*** – President Wagner noted receipt of the Treasurer, mileage, Police, Fire and Library Reports for January 2010 and placed them on file.

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

Tim Eggleston, Mukwonago Lions Club – Stressed the interest that the Lions Club has in the Village getting new lights in Field Park. There are a bunch of organizations that would like to use the park if there were lights. The Lions Club has other projects they would like to do in Field Park after the lights were installed.

Laura Ellis, Croatians Lodge 993 – Supports getting new lights installed at Field Park.

Tim Stark, Mukwonago Bears – Supports getting new lights installed at Field Park. They will benefit other organizations.

Keith Mee, Mukwonago Bears – Supports getting new lights installed at Field Park.

Tom Deppe, Mukwonago Bears – Supports getting new lights installed at Field Park.

*(Fennel stated that any organizations that would be willing to assist in funding of the Field Park Light Project would help the cause)*

Mike Graczyk, 915 Kims Ln. – Doesn't mind paying for the library expansion. Was against it before he started volunteering at the library garden and seeing all the smiling faces going in and out of the library. Now would be the cheapest time and the Village should take advantage. Would like to see some builders from the Mukwonago Area.

Holly Penzkover, 659 Plank Rd. – Is a home schooled student that uses the library a lot to read, take test. She also volunteers at the library.

Shawn Verdoni, W304S8060 Oakridge Dr. – Family utilizes the library on a weekly basis and is an integral part of their family's lifestyle. The addition can improve the value of the community. It would be an investment in the future and can help beautify the area. The library could be the cultural center of Mukwonago.

Lowell Christianson, 360 CTH NN E Unit 6 – His wife is a former quilter and knitter who is now blind. All she can do is listen to books, and the library helps with that. In favor of the expansion.

Julie Gruebel, 108 Gordon Ct. – Has been going to the library since it was in the old house (McKenzie House). The level of care at the library is great and is a gift to the community. It can be the hub of the community. Is an architect and can testify that construction is very competitive right now with many bids coming in at 20-25% lower than estimates.

## COMMITTEE REPORTS

### Finance

***Vouchers Payable*** – Motion by Bakst/O'Bryan to approve accounts payable vouchers from various funds in the sum of \$2,529,478.51 was carried unanimously.

***Consideration of Inclusion of Funding for the Field Park Lights Rehabilitation in the 2010 Borrowing*** – Motion by Bakst/Johnson to include the Field Park Lighting Project in the 2010 borrowing not to exceed \$150,000 was carried unanimously.

***Request to Adjust Plank Road Special Assessment Payment Schedule for 200 Fox St.*** – ***Cynthia Eggleston*** – Motion by Bakst/Decker to accept the Administrator's suggested revised payment schedule of nine years for the payment of the Plank Road Project for 200 Fox St. was carried unanimously.

***Presentation of 2010 Borrowing for Capital Improvements, Capital Equipment, and Bond Restructuring*** – ***Jeff Belongia, Hutchinson, Shockey*** – Jeff Belongia from Hutchinson, Shockey gave an overview of the proposed borrowing for 2010. The borrowing includes capital equipment, a restructuring of some old debt, Field Park Paving and Utilities Project, Field Park Lights, salt shed, and the STH 83 multi-use trail. He also explained what Build America Bonds were (federal government reimburses 35% of the interest paid on the bonds).

### Library Board

***Presentation of Proposed Library Expansion and Funding by Library Director Weber and Library Board President McNulty*** – Weber and McNulty gave a presentation on the need and use of the library expansion as well as the process involved in determining the needs and proposed construction of the expansion. Weber re-iterated the facts that interest rates for borrowing were low, Build America Bonds were available, and construction labor is very competitive and ultimately low. Weber also explained that two efforts were made to change

the way funding is provided by Towns so that Towns would contribute more to capital costs. Both efforts were vetoed by the Waukesha County Executives.

***Consideration of Library Board Recommendation to Support Library Expansion Initiative and Proposed Funding Including Possible Consideration of a Referendum or Survey*** – Discussion was held about the Mukwonago Library Board's recommendation that the Village Board support the library expansion and borrow for the construction. Decker stated that he would like to see a referendum. Johnson stated that the Board should make a decision today. O'Bryan noted that the Board directed the Library Board to stay with the current site, and a referendum would be a slap in the face to them. The financial outlook looks good right now. Wagner acknowledged that the Village Board had, in the past, given a verbal to the Library Board that the Village Board would consider borrowing for the library expansion. The Library Board locked in on a site. Efforts were made to have the Towns contribute more. Fennel noted that the consideration for the Village to borrow for the expansion was for \$4 million as long as the Library would raise \$1 million. Since the project costs have risen to \$5.4 million, he believes it would be fair if the Village would borrow for \$4.2 million with the Library raising \$1.2 million. Motion made by Johnson/O'Bryan to support the library expansion by borrowing up to \$4,500,000 with the Build America Bonds. Motion amended to support the library expansion by borrowing up to \$4,250,000 with the Build America Bonds. Motion was carried unanimously.

#### **Adhoc Storm Water Advisory**

***Authorize Staff to Proceed With Implementation Steps*** – Motion by O'Bryan/Fennel to authorize staff to proceed with the implementation steps of the newly created storm water utility was carried on a vote of 5 ayes and 1 nay (Johnson voting no).

***Consideration of Acceptance of Storm Water Utility Report*** – Motion by O'Bryan/Fennel to accept the Storm Water Utility Report was carried on a vote of 5 ayes and 1 nay (Johnson voting no).

***Choose ERU Rate Structure – Scenario 3 Recommended*** – Motion by Decker/Bakst to accept Scenario 3 for the ERU rate structure for the storm water utility was carried on a vote of 5 ayes and 1 nay (Johnson voting no).

***Direct Staff to Revise Existing Storm Water Utility Ordinance (Including Provision For Formation Of Storm Water Utility Appeals Board)*** – Motion by Decker/Bakst to direct staff to revise the existing storm water utility ordinance was carried on a vote of 5 ayes and 1 nay (Johnson voting no).

***Schedule Public Information Meeting (April 15 Or 22)*** – Information only.

***Schedule Public Hearing (May 4) and Adopt Revised Ordinance (May 4)*** – Information only.

#### **Judicial**

***Consideration of 2009-10 Applications for Operator's License – Lisa J. Jarowsky, Michelle L. Nader, Parvinder K. Phul*** – Motion by Johnson/Decker to approve the 2009-10 applications for Operator's License for Lisa J. Jarowsky, Michelle L. Nader, and Parvinder K. Phul was carried unanimously.

***Consideration of 2010 Application for Temporary Class B Beer License – February 26, 2010 – Knights of Columbus*** – Motion by Johnson/Decker to approve the 2010 Application for Temporary Class B Beer License for February 26, 2010 for Knights of Columbus was carried unanimously.

#### **Personnel**

***Uniform Allowance for DPW, Water and Sewer Personnel*** – Motion by O'Bryan/Decker to increase the maximum allowance for the purchase of steel toe boots by the Village of Mukwonago Water and Sewer Department employees and the Department of Public Works employees to \$100 was carried unanimously.

### **Public Works**

***Consideration of Request by Wisc DOT to Work Overnight During STH 83 Resurfacing Project in Summer of 2010*** – Motion by O'Bryan/Decker to suspend the rules and allow the Wisconsin Department of Transportation to work overnight during the STH 83 resurfacing project in the summer of 2010 was carried unanimously.

### **VILLAGE ADMINISTRATOR**

***Renew Contract with City of Waukesha for Confined Space and Trench Rescue*** – Motion by O'Bryan/Decker to accept the Agreement for Technical Rescue Services with the City of Waukesha was carried unanimously.

***Claims for Excessive Assessment by Walgreens Co.*** – Motion by Fennel/Decker to deny the claim for excessive assessment by Walgreens Co. was carried unanimously.

***Discussion of Claims against the Village of Mukwonago for Possible Tax Errors for Walworth County Properties*** – Moderacki explained that there are issues with the equalized values between the Waukesha and Walworth County portions of the Village, with the Waukesha County portion being at 102% and the Walworth County portion being at 82.5%. He has been working with the property owners in the Walworth County portion, the Village Attorney, and the Wisc Dept. of Revenue.

### **VILLAGE PRESIDENT**

***Acceptance of Letters of Resignation – Thomas Loew from Plan Commission and Thomas Dantzman from Board of Building and Zoning Appeals*** – Motion by Decker/Johnson to accept the letter of resignation from the Plan Commission by Thomas Loew was carried unanimously.

***Consideration of Appointments to Library Board, Plan Commission, and Board of Building and Zoning Appeals*** – Item postponed until the next meeting.

### **CLOSED SESSION**

Motion by Bakst/Decker to convene into closed session at 9:41 p.m. pursuant to State Statute 19.85(1)(e) Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session – Potential Purchase of Properties by Village was carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Fennel/Decker to adjourn closed session at 9:50 p.m. carried unanimously. Motion by Decker/Johnson to reconvene into open session at 9:50 p.m. carried unanimously.

***Potential Purchase of Properties by Village*** – No action taken.

Motion by Decker/Johnson to adjourn the Village Board meeting at 9:50 p.m. was carried unanimously.



Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, February 16, 2010**

President James Wagner called the Village Board meeting to order on February 16, 2010 at 7:30 p.m.

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

Absent and excused: Arnie Fickau

Also present: Tom Brandemuehl, Public Works Supervisor  
Joseph Hankovich, Chief Building Inspector/Zoning Admin.  
Steve LaDue, Police Lieutenant  
Paul Moderacki, Administrator/Clerk-Treasurer  
Jeff Rolfe, Fire Chief  
Nick Weber, Library Director  
Matt Sura, Firefighter/Paramedic  
Ivan Zaremba, Water Utility Superintendent  
Kurt Peot, Village Engineer  
Mark Penzkover, resident

#### **STATEMENT OF PUBLIC NOTICE**

The meeting was posted and noticed according to law.

President Wagner announced the Board would adjourn into closed session to discuss personnel matters and receive and update on a lawsuit in which the Village is involved.

#### **Minutes of Feb. 2, 2010**

A motion by Bakst/Johnson to approve the Feb. 2, 2010 meeting minutes as presented carried unanimously following a discussion of the motion to support the proposed Library Expansion. During the discussion the Board agreed by consensus to clarify its intent of the motion at its next meeting.

#### **January 2010 Treasurer, mileage, Police, Fire and Library Reports**

President Wagner noted the 2010 departmental reports were received as part of the meeting packet and directed they be placed on file.

**Public Comments** – none.

#### **Committee Reports**

##### **A. Finance**

##### **1. Vouchers Payable**

Motion by Bakst/Johnson to approve vouchers in the sum of \$1,453,837.88 carried unanimously.

**2. Assistance to Firefighters Grant - Request to use funds from sale of old equipment to fund grant reduction**

Motion by Bakst/Decker to authorize purchase of three CPR monitors for a total cost of \$198,025 through the Assistance to Firefighters Grant and to use funds from the sale of old monitors to lower the Village's out-of-pocket cost to a total of \$6,390 carried unanimously

**3. Utility Bill write-offs**

Motion by Bakst/Decker to approve the write-off of two utility accounts in the sum of \$582.09 carried unanimously.

**B. Health & Recreation**

**1. Miniwaukan Park Canoe Launch Construction Plans and Bidding Process** Tr. Johnson reported the Committee had reviewed plans for the Miniwaukan Park Canoe Launch and had directed bid specifications be prepared.

**2. Park/Facility Naming Policy**

Motion by Fennel/Johnson to adopt the proposed park and facility naming policy failed 2-4, with Tr. Bakst, O'Bryan, Decker and President Wagner opposed.

**C. Judicial**

**1. 2009-10 Operator's License Application – Brittany Gering**

Motion by Johnson/Decker to approve an Operator's License for Brittany Gering carried unanimously.

**2. 2009-10 Operator's License Application – Daniel W. Schell**

Motion by Johnson/Decker to deny an Operator's License for Daniel W. Schell, subject to a request for an individual hearing, carried unanimously.

**3. Ordinance 826: An Ordinance to create Section 45-16 (m) of the Village Code – Creating the Ability to Charge Review Fees for Annexations and Attachments of Properties**

Motion by Johnson/Decker to adopt Ordinance 826: An Ordinance to create Section 45-16 (m) of the Village Code – Creating the Ability to Charge Review Fees for Annexations and Attachments of Properties, subject to the fee schedule approved Feb. 2, 2010, carried unanimously.

**D. Public Works**

**1. Minor Estates Drainage Issue** – remained in Committee.

**2. Proposed Water Dept. garage** - remained in Committee.

**3. 2010 Field Park Public Improvement Project** - remained in Committee.

**4. Proposed Water Tower lease to Open Range Communications**

Motion by Decker/Johnson to approve a multi-year lease of space on the CtH NN Water Tower to Open Range Communications for a beginning price of \$16,000 per year with increases every five years with the understanding Attorney Reilly would inquire into the potential to provide low speed WiFi free to Village residents and/or the Village Library and the schools carried unanimously.

Ed. Note: Open Range Communications will only broadcast its WiFi service at 4 mb/sec when it becomes available, therefore no free services will be available.

**5. Proposed Lease Extension for Crown Castle free standing tower near Greenwald Ct. Water Tower**

Attorney Reilly was directed to initiate a market analysis of the lease's value prior to negotiating a lease extension with Crown Castle.

**6. WWTP Sludge Handling Report**

Attorney Reilly reported he was in the process of reviewing a proposed contract with a sludge waste hauler for the Wastewater Treatment Plant. He said the Village's last hauler had left the business.

**7. Resolution 2010-04: A Resolution authorizing a reduction in the total assessment against a specific property in the East Side, Gibson, Bay, Lake and Spring Street Public Improvement Special Assessment District**

Motion by Johnson/Decker to adopt Resolution 2010-04: A Resolution authorizing a reduction in the total assessment against a specific property in the East Side, Gibson, Bay, Lake and Spring Street Public Improvement Special Assessment District carried unanimously.

**8. Proposed DPW Salt Shed - remained in Committee.**

**9. Relocation of Street Light at StH 83 and Black Bear Blvd.**

Motion by Johnson/Decker to approve the relocation of the street light at StH 83 and Black Bear Blvd. due to the StH 83 widening project at a cost of \$2,978.78 carried unanimously.

**E. Plan Commission**

**1. Assett Management Inc. Plan of Operation – 807 Swan Drive**

Pres. Wagner reported the Plan Commission had reviewed the proposed Plan of Operation by Assett Management Inc. for 807 Swan Drive and determined all was in order. The use is permitted by Village Code and requires no further formal approval.

**Village President**

**1. Acceptance of Dale Fennel Letter of Resignation as Village Trustee**

Motion by Decker/Johnson to accept Trustee Fennel's Letter of Resignation with regret carried unanimously.

**2. Resolution 2010-05: Resolution extending appreciation to Village Trustee Dale Fennel**

Motion by Johnson/Decker to adopt Resolution 2010-05, a resolution extending appreciation to Village Trustee Dale Fennel for his years of service to the Village carried unanimously.

**3. Appointments**

**a. Village Board**

Pres. Wagner proposed the appointment of Mark Penzkover as Trustee. Motion by Bakst/Decker to appoint Mark Penzkover as Trustee to the Village Board to fill the unexpired term of Dale Fennel carried unanimously.

**b. Village Board Committees – no action on this item.**

**c. Library Board – no action on this item.**

**d. Plan Commission**

Pres. Wagner proposed the appointment of Joseph A. Abruzzo to the Plan Commission. Motion by Decker/Bakst to appoint Joseph A. Abruzzo to the Plan Commission to fill the unexpired term of Thomas Loew carried unanimously.

**e. Board of Building and Zoning Appeals**

Pres. Wagner proposed the appointment of Adam Olson as full member of the Board of Building and Zoning Appeals. Motion by Bakst/Decker to appoint Adam Olson as full member of the Board of Building and Zoning Appeals from his current seat as Second Alternate to fill the unexpired term of Thomas Dantzman carried unanimously.

**Closed Session**

Motion by Decker/Bakst to convene into closed session and to reserve the right to reconvene into open session pursuant to State Statutes as follows:

- 1. Pursuant to §§19.85(1)(c) to consider 2010 compensation of the Fire Chief, and,**
- 2. Pursuant to §§19.85(1)(g) to confer with legal counsel concerning strategy to be adopted with respect to litigation between the Village and the Greenwald Family Limited Partnership** carried unanimously at 8:09 p.m.

Motion by Fennel/Johnson to adjourn the closed session carried unanimously at 8:45 p.m.

**Reconvene into Open Session**

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

- 1. 2010 Compensation for Fire Chief – no action.**
- 2. Village of Mukwonago vs. Greenwald Family Limited Partnership – no action.**

**Adjournment**

Motion by Fennel/Decker to adjourn the meeting at 8:45 p.m. carried unanimously.

Paul J. Moderacki  
Administrator/Clerk-Treasurer

## MINUTES OF THE REGULAR VILLAGE BOARD MEETING Tuesday, March 2, 2010

President Wagner called Village Board meeting to order on March 2, 2010 at 7:30 p.m.

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

Also present: Fred Winchowky, Police Chief  
Jeff Belongia, Village Financial Advisor  
Tom Brandemuehl, Public Works Supervisor  
Paul Moderacki, Administrator/Clerk-Treasurer  
Nick Weber, Library Director  
Shawn Reilly, Village Attorney  
Kurt Peot, Village Engineer  
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 pursuant to Wisconsin §19.85(1)(c) and §19.85(1)(e).

***Minutes of the February 16, 2010 Regular Board Meeting*** – Motion by Bakst/Decker to approve the minutes of the February 16, 2010 regular Board meeting as presented was carried unanimously.

**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 \$82,775.44 was carried unanimously.

***Village Receives "AA" Bond Rating from Standard & Poor's*** – Information only. The Village received a AA rating from Standard & Poor's, which is equivalent to an increase of two rating positions from the Moody's rating the Village previously had.

***Motion for Clarification of Motion In Support of Mukwonago Community Library Expansion Project*** – No action taken. The Board will revisit the issue when bids for the Library Expansion Project come due.

***Resolution 2010-06: Resolution Declaring Official Intent to Reimburse Expenditures for Clean Water Fund Loan Program*** – Motion by Bakst/Decker to adopt Resolution 2010-06: Resolution Declaring Official Intent to Reimburse Expenditures for Clean Water Fund Loan Program was carried unanimously.

**Resolution 2010-07: Resolution Declaring Authorized Representative to File Application for Clean Water Fund Program for the Wastewater Treatment Plant Upgrades** – Motion by Bakst/Decker to adopt Resolution 2010-07: Resolution Declaring Authorized Representative to File Application for Clean Water Fund Program for the Wastewater Treatment Plant Upgrades was carried unanimously.

**Resolution 2010-08: Resolution Authorizing the Issuance and Sale of \$4,180,000 Taxable General Obligation Promissory Notes (Build America Bonds - Direct Payment)** – Motion by Bakst/Decker to adopt Resolution 2010-08: Resolution Authorizing the Issuance and Sale of \$4,180,000 Taxable General Obligation Promissory Notes (Build America Bonds - Direct Payment) was carried unanimously.

**Resolution 2010-09: Resolution Authorizing the Issuance and Sale of \$3,240,000 General Obligation Refunding Bonds** – Motion by Bakst/Decker to adopt Resolution 2010-09: Resolution Authorizing the Issuance and Sale of \$3,240,000 General Obligation Refunding Bonds was carried unanimously.

**Authorize sale of WWTP 1989 Chevy ¾ ton two-wheel drive pickup truck** – Motion by Bakst/Decker to authorize the sale of the WWTP 1989 Chevy ¾ ton pickup truck by closed bids was carried unanimously.

**Confirm working relationship Labor Attorney Rob Buikema and confirm Village of Mukwonago file transfer to Buelow, Vetter, Buikema, Olson & Vliet, LLC** – Motion by Bakst/Decker to confirm the working relationship with Labor Attorney Rob Buikema and to confirm Village of Mukwonago file transfer to Buelow, Vetter, Buikema, Olson & Vliet, LLC

### **Judicial**

**Consideration of 2009-10 Application for Operator's License – Tina M. White** – Motion by Johnson/O'Bryan to approve the 2009-10 application for Operator's License for Tina M. White was carried unanimously.

**Consideration of 2010 Application for Temporary Class B Beer License – March 20, 2010 – Knights of Columbus** – Motion by Johnson/Decker to approve the 2010 Application for Temporary Class B Beer and Wine License for March 20, 2010 for Knights of Columbus was carried unanimously.

**Consideration of 2010 Application for Temporary Class B Beer License – July 9-10, 2010 – CFU John Movrich Lodge 993** – Motion by Johnson/Decker to approve the 2010 Application for Temporary Class B Beer License for July 9-10, 2010 for CFU John Movrich Lodge 993 was carried unanimously.

### **VILLAGE ADMINISTRATOR**

**Discussion and Possible Consideration of Change in Planning Services** – Item sent to Personnel Committee.

**Resolution 2010-10: A Resolution Supporting the 2010 U.S. Decennial Census** – Motion by Johnson/Bakst to adopt Resolution 2010-10: A Resolution Supporting the 2010 U.S. Decennial Census was carried unanimously.

**Encourage Community Support of Mukwonago Food Pantry** – Information only.

### **VILLAGE PRESIDENT**

**Consideration of Appointments – Village Board Subcommittee Members, Library Board Citizen Member, Board of Building and Zoning Appeals First and Second Alternates** – Motion by Decker/Bakst to accept the Village President's recommendation to appoint the following Trustees to the various Village Board subcommittees was carried unanimously:

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

Personnel Committee – O'Bryan (Chair), Johnson, Bakst  
Protective Services Committee – Decker (Chair), Penzkover, Bakst  
Health and Recreation Committee – Penzkover (Chair), Johnson

**Accept Invitation to Participate as Charter Member of Water Star Community Program** – Motion by Decker/Penzkover to accept the invitation to participate as a Charter Member of Water Star Community Program was carried on a vote of 5 ayes and one nay (Johnson voting no).

**Request to Nominate Resident to United Way in Waukesha County Board of Directors** – Item sent to the Tourism Commission and the Mukwonago Chamber of Commerce.

## CORRESPONDENCE

**Letter of Gratitude and Appreciation from Shawn McNulty, Library Board President, and Nick Weber, Library Director, Regarding the Village Board's Support of the Library Expansion Project** – Placed on file in the Clerk's Office.

**Letter from James Soneberg, Big Bend Village President, Requesting Assistance to Establish a Village of Big Bend Fire Department** – Item sent to Protective Services Committee.

## CLOSED SESSION

Motion was made by Bakst/Johnson to convene into closed session at 7:55 p.m. pursuant to Wisconsin 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 – Consideration of Hiring of Wastewater Superintendent
- 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 – Potential Purchase of Properties by Village

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Decker/Johnson to adjourn closed session at 8:15 p.m. carried unanimously.

Motion by Decker/Johnson to reconvene into open session at 8:15 p.m. carried unanimously.

**Consideration of Appointment of Wastewater Superintendent** – No action taken.

**Potential Purchase of Properties by Village** – No action taken.

Motion by Decker/Bakst to adjourn the Village Board meeting at 8:16 p.m. was carried unanimously.

Steven A. Braatz, Jr.  
Deputy Clerk



## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, March 16, 2010**

President James Wagner called the Village Board meeting to order on March 16, 2010 at 7:30 p.m.

Trustees present:

- Elliot Bakst
- Jim Decker
- Dennis O'Bryan
- Arnie Fickau
- Darlene Johnson
- Mark Penzkover
- James Wagner, Village President

Also present:

- Tom Brandemuehl, Public Works Supervisor
- Kurt Peot, Village Engineer
- Fred Winchowky, Police Chief
- Paul Moderacki, Administrator/Clerk-Treasurer
- Nick Weber, Library Director
- Matt Sura, Firefighter/Paramedic
- Ivan Zaremba, Water Utility Superintendent
- Bruce Kaniewski, Planner
- Pamela L. Kollaszar, Pam's Fine Wines
- Elizabeth Moyer, resident

#### **STATEMENT OF PUBLIC NOTICE**

The meeting was posted and noticed according to law.

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

#### **Minutes of March 2, 2010**

A motion by Bakst/Decker to approve the March 2, 2010 meeting minutes as presented carried unanimously.

#### **February 2010 Treasurer, mileage, Police, Fire and Library Reports**

President Wagner noted the monthly departmental reports were received as part of the meeting packet and directed they be placed on file.

**Public Comments** – none.

#### **Committee Reports**

##### **A. Finance**

###### **1. Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers in the sum of \$301,619.61 carried unanimously.

###### **2. Letter from Greenwald Family Limited Partnership re: refund in Property Taxes for parcel numbers: MUKV 2013.995.002 & MUKV 2013.995.004**

Motion by Bakst/Decker to authorize payment of \$8.29 for the Village portion of the taxes paid by the Greenwald Family Limited Partnership for parcel numbers MUKV

2013.995.002 and MUKV 2013.995.004 for tax years 2004 through 2008 and to waive the taxes billed in 2009 (payable in 2010) and that a letter accompany the payment instructing the Partnership to seek reimbursement of taxes wrongly billed from the other overlying taxing entities carried unanimously.

## **B. Judicial**

### **1. 2009-10 Operator's License Application – Nicholas H. Johnson**

Motion by Johnson/Decker to approve an Operator's License for Nicholas H. Johnson carried unanimously.

### **2. 2009-10 Class B Fermented Malt Beverage and Reserve Class B Intoxicating Liquor License Application – Pam's Fine Wines LLC (Pamela L. Kollaszar, agent) – 100 Main St., Suite 2 – d/b/a Pam's Fine Wines**

Motion by Johnson/Decker to grant a 2009-10 Class B Fermented Malt Beverage and Reserve Class B Intoxicating Liquor License Application – Pam's Fine Wines LLC (Pamela L. Kollaszar, agent) – 100 Main St., Suite 2 – d/b/a Pam's Fine Wines carried unanimously.

## **C. Personnel**

### **1. Enforcement of Uniform Policy for Village Employees**

Tr. O'Bryan reported the Village provides uniforms and cleaning for personnel in the Public Works, Water and Sanitary Sewer Departments and expects the uniforms will be worn by staff in all three departments. He said the department heads were directed to get together to determine the appropriate uniforms to be worn by supervisors and their direct reports.

### **2. Discussion and Possible Consideration of Change in Planning Services**

Tr. O'Bryan said the Committee had developed a list of questions to be shared with the two prospective planners prior to making a recommendation to the Board.

## **D. Public Works**

### **1. Minor Estates Drainage Issue**

Tr. Fickau reported the Minor Estates drainage issue would be corrected this summer as part of the Field Park Public Improvement Project.

### **2. Proposed Water Dept. garage - remained in Committee.**

### **3. Proposed Water Tower lease to Open Range Communications**

Action pending upon recommendation by the Village Attorney.

### **5. Proposed Lease Extension for Crown Castle free standing tower near Greenwald Ct. Water Tower**

Attorney Reilly was directed to initiate a market analysis of the lease's value prior to negotiating a lease extension with Crown Castle.

### **6. Proposed DPW Salt Shed - remained in Committee pending report from Tom Brandemuehl.**

## **Village Administrator**

### **A. Review and Approval of Architect Contract for Library Expansion**

Returned to Library Board to provide time for revise draft contract and address issues raised by Attorney Reilly.

## **Village President**

## **Appointments to Library Board and Board of Building and Zoning Appeals**

No actions taken.

### **Closed Session**

Motion by Bakst/Decker to convene into closed session and to reserve the right to reconvene into open session pursuant to §19.85(1)(c) to consider employment and recommendation related to hiring a WWTP Superintendent carried unanimously at 7:50 p.m.

Motion by Bakst/Fickau to adjourn the closed session carried unanimously at 8:18 p.m.

### **Reconvene into Open Session**

Motion by Decker/Bakst to reconvene into open session carried unanimously at 8:19 p.m.

### **Recommendation related to WWTP Superintendent**

Motion by Decker/Bakst to authorize staff to offer the position of WWTP Superintendent to Dean Falkner passed unanimously.

### **Adjournment**

Motion by Decker/Fickau to adjourn the meeting at 8:20 p.m. carried unanimously.

Paul J. Moderacki  
Administrator/Clerk-Treasurer

## **MINUTES OF THE SPECIAL VILLAGE BOARD MEETING**

### **Tuesday, March 22, 2010**

Administrator/Clerk-Treasurer Paul Moderacki called the Village Board meeting to order on March 22, 2010 at 4:00 p.m.

Trustees present:           Elliot Bakst  
                                    Jim Decker  
                                    Dennis O'Bryan  
                                    Arnie Fickau  
                                    Darlene Johnson  
                                    Mark Penzkover  
Absent and excused:       James Wagner, Village President

Also present:               Violet Razo, Village Engineer  
                                    Kurt Peot, Village Engineer

#### **STATEMENT OF PUBLIC NOTICE**

The meeting was posted and noticed according to law.

#### **Election of Temporary Chairperson**

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

#### **Award Field Park Public Improvement Project to Merryman Excavation of Woodstock IL in the sum of \$2,747,349.39**

Motion by Decker/Bakst to award Field Park Public Improvement Project to Merryman Excavation of Woodstock IL in the sum of \$2,747,349.39 for the base bid with a ten percent (10%) contingency and with the understanding the contingency will include a Change Order for a larger diameter storm sewer than initially anticipated was unanimously approved.

#### **Adjournment**

Motion by Decker/Bakst to adjourn the meeting at 4:26 p.m. carried unanimously.

Paul J. Moderacki  
Administrator/Clerk-Treasurer

## MINUTES OF THE REGULAR VILLAGE BOARD MEETING Tuesday, April 6, 2010

President Wagner called Village Board meeting to order on April 6, 2010 at 7:30 p.m.

Trustees present: Arnie Fickau  
Elliot Bakst  
Mark Penzkover  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Trustee Excused: Jim Decker

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

### 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 pursuant to Wisconsin §19.85(1)(e) and §19.85(1)(g).

***Minutes of the March 16, 2010 Regular Board Meeting and the March 22, 2010 Special Board Meeting*** – Motion by Fickau/Bakst to approve the minutes of the March 16, 2010 regular Board meeting and the March 22, 2010 special Board meeting as presented was 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 \$193,928.01 was carried unanimously.

***Request to Authorize Administrator to Sign Change Orders up to \$25,000*** – Item referred to Public Works Committee.

***April Utility Billing Write-offs*** – Motion by Bakst/Fickau to approve the April Utility Billing write-offs due to bankruptcies was carried unanimously.

#### Protective Services

***Request from Firefighter/Paramedic Union to Begin Negotiations for 2011-2013 Contract*** – No action taken.

***Paramedic Intercept Contract*** – Item to be reviewed by the Village Attorney, but clarification on issue is still required.

***Grievance by Firefighters Local 4585 Regarding Firefighter/Paramedic Anniversary Dates*** – Information only. There was a 50% loss due to an error. No action taken.

**Reception of OJA Grant for Computer Equipment and Software for E-mail Servers** – Information only. The Police Dept. received a federal grant in the amount of \$14,565 to purchase an internal server system and an OJA grant in the amount of \$10,800 to purchase laptops for squads.

### **Village Attorney**

**Authorization for the Signing of Contract to Merryman Excavation Inc. for Field Park Area Paving and Utilities in the amount of \$2,747,349.39 Including Amendment to Allow Work to Begin at 7:00 a.m. on Saturdays and Work Until 5:00 p.m. on June 17 and 18, 2010** – Motion by Fickau/Penzkover to authorize the signing of the contract to Merryman Excavation Inc. for the Field Park Area Paving and Utilities in the amount of \$2,747,349.39 contingent upon the contract either dated April 14, 2010 or if the contract is dated April 6, 2010, then the surety language shall be modified and dated April 6, 2010 was carried unanimously. Motion by Fickau/O'Bryan to accept the request by Merryman Excavation Inc. for permission to work on all Saturdays beginning at 7:00 a.m. and ending at 5:00 p.m. other than those excluded by the contract for the Field Park Area Paving and Utilities project was carried unanimously. Motion by Fickau/Bakst to accept the request by Merryman Excavation Inc. for permission to work on June 17 and 18, 2010 until 5:00 p.m. for the Field Park Area Paving and Utilities project as determined by the Village engineer and as long as the work does not impact other activities in the area was carried unanimously.

**Architect Agreement with Uihlein Wilson Architects, Inc.** – Motion by Johnson/Penzkover to approve the architect agreement with Uihlein Wilson Architects, Inc. as revised and presented was carried on a vote of 5 ayes and 1 nay (Fickau voted no).

**Contract with United Liquid Waste Recycling, Inc. for Sludge Hauling** – Motion by Fickau/Johnson to approve the 3-year exclusive contract with United Liquid Waste Recycling, Inc. for sludge hauling was carried unanimously.

### **VILLAGE PRESIDENT**

**Consideration of Appointments – Village Board Subcommittee Members, Library Board Citizen Member, Board of Building and Zoning Appeals First and Second Alternates** – Motion by Bakst/Johnson to accept the Village President's recommendation to appoint the James Bodendorfer to the vacant Library Board seat was carried unanimously.

### **CLOSED SESSION**

Motion was made by Bakst/Penzkover to convene into closed session at 8:06 p.m. pursuant to Wisconsin Statutes:

1. 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
  - A. Negotiations with the Village of Big Bend Relating to a Letter from James Soneberg, Big Bend Village President, Requesting Assistance to Establish a Village of Big Bend Fire Department
  - B. Potential Purchase of Properties by Village
  - C. Extension of Lease Agreement with Crown Castle
  - D. Preliminary Discussions on Negotiations for 2011-2013 Contract for Firefighter/Paramedic Union
2. 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

A. Village of Mukwonago vs. Greenwald Family Limited Partnership

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Bakst/Johnson to adjourn closed session at 8:44 p.m. carried unanimously. Motion by Johnson/Bakst to reconvene into open session at 8:44 p.m. carried unanimously.

***Negotiations with the Village of Big Bend Relating to a Letter from James Soneberg, Big Bend Village President, Requesting Assistance to Establish a Village of Big Bend Fire Department*** – Motion was made by Johnson/Bakst to deny the request for assistance to establish a Village of Big Bend Fire Department since the Village Board of the Village of Mukwonago is only a portion of the entity known as the Mukwonago Fire Department, and, at this time, the Village Board does not have an interest in combining or contracting services with the Village of Big Bend at this time. Motion was carried unanimously.

***Potential Purchase of Properties by Village*** – No action taken.

***Extension of Lease Agreement with Crown Castle*** – Motion was made by Fickau/O'Bryan to authorize Attorney Reilly to negotiate the lease extension with Crown Castle as discussed in closed session. Motion was carried unanimously.

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

Motion by Penzkover/Fickau to adjourn the Village Board meeting at 8:45 p.m. was carried unanimously.

Paul J. Moderacki  
Administrator/Clerk-Treasurer  
SABJ

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, April 20, 2010**

President James Wagner called the Village Board meeting to order on April 20, 2010 at 7:30 p.m.

Trustees present:

- Arnie Fickau
- Elliot Bakst
- Jim Decker
- Mark Penzkover
- Dennis O'Bryan
- Darlene Johnson
- James Wagner, Village President

Also present:

- Jeff Rolfe, Fire Chief
- Fred Winchowky, Police Chief
- Tom Brandemuehl, Public Works Supervisor
- Paul Moderacki, Administrator/Clerk-Treasurer
- Nick Weber, Library Director
- Kurt Peot, Village Engineer
- Bruce Kaniewski, Village Planner
- Dean Falkner, Wastewater Superintendent
- Chris Hahn, Firefighter/Paramedic
- George Jozwiak, Fire Department Captain

#### **STATEMENT OF PUBLIC NOTICE**

The meeting was posted and noticed according to law.

President Wagner announced the Board would adjourn into closed session to discuss personnel matters and receive and update on a lawsuit in which the Village is involved.

***Minutes of the April 6, 2010 Board Meeting*** – Motion by Bakst/Decker to approve the April 6, 2010 meeting minutes as presented was carried unanimously.

***Treasurer, Mileage, Police, Fire and Library Reports for March 2010 and 1<sup>st</sup> Quarter 2010 Recycling Report from John's Disposal Service*** – President Wagner noted receipt of the Treasurer, mileage, Police, Fire and Library Reports for March 2010 and the 1<sup>st</sup> Quarter 2010 Recycling Report from John's Disposal Service and placed them on file in the Clerk's Office.

***Presentation of Mukwonago Fire Department Medal of Valor to Chris Hahn and George Jozwiak*** – President Wagner presented a plaque to Firefighter/Paramedic Chris Hahn and Fire Department Captain George Jozwiak for their actions on February 21, 2010 in rescuing seven snowmobilers who had fallen through the ice on Phantom Lake. Fire Chief Rolfe presented Medals of Valor, State Senator Mary Lazich presented a plaque, and another plaque was presented from State Representative Scott Gunderson.

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



Brian Marinello, Store Manager for Walgreens #07039 – Read letter explaining alcohol sale security issues and requested that the Board approve the alcohol license for the store.

Jay Christiansen, Mukwonago Jr. Indians Baseball Club – Presented upgrades to Miniwaukan Park Fields #5 and #6 to the Health and Recreation Committee earlier in the evening and will be on hand if there are any questions.

Mark Olver, 506 C S. Rochester St. – Requested that the Village look into a community funded play structure. Item referred to Health and Recreation Committee.

Paul Moderacki, Village Administrator – Introduced newly hired WWTP Supervisor Dean Falkner to the Board.

## **COMMITTEE REPORTS**

### **Finance**

**Vouchers Payable** – Motion by Bakst/Fickau to approve vouchers in the sum of \$227,614.20 was carried unanimously.

***Resolution 2010-11: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies*** – Motion by Bakst/Decker to adopt ***Resolution 2010-11: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies*** was carried unanimously.

***Update on Walworth County Equalized Value including Wisconsin Dept. of Revenue Determination and Solution*** – Item remains in Committee.

### **Health & Recreation**

***Request to Improve Miniwaukan Park Fields #5 and #6 – Installation of Fence, Bullpen Area, and Backstop – Paul Hennessy, Jr. Indians Baseball Club*** – Motion by Penzkover/Decker to approve the installation of a fence and foul pole contingent upon the approval of all applicable permits was carried unanimously. Motion by Penzkover/Decker to approve the installation of a bullpen and backstop contingent upon the approval of all applicable permits was carried unanimously.

***Request for a Community Funded Park – Mark Olver*** – Item remains in Committee.

***Award of Bid for Miniwaukan Canoe Launch Project*** – Motion by Penzkover/O'Bryan to award the bid for the Miniwaukan Canoe Launch project to Siegler Grading & Excavating LLC in the amount of \$27,986.00 was carried unanimously.

***Discussion and Possible Recommendations Regarding the Replacement of Field Park Ball Diamond Light Poles, Electric Service and Lights*** – Penzkover gave an update. The old lights, transformers, and all related equipment have been removed, and they are waiting on PCB testing on the transformer oil to determine if there may be additional costs related to the disposal of the oil. Some people looked at the existing poles and determined that they cannot likely be re-used for new lighting. Committee would like to contact a lighting vendor to do a conceptual lighting plan for the field.

### **Judicial**

***Approval of Application for 2009-10 Operator's License – Scott P. Hemken, Mandie A. Nowak*** – Motion by Johnson/Decker to approve the application for a 2009-10 Operator's License for Scott P. Hemken and Mandie A. Nowak was carried unanimously.

***Consideration of 2010 Applications for Temporary Class B Beer License – June 12-13, July 17-18, August 21-22, September 11-12, 2010 – American Legion Post 375*** – Motion

by Johnson/Decker to approve the 2010 applications for Temporary Class B Beer License for American Legion Post #375 for June 12-13, July 17-18, August 21-22, and September 11-12, 2010 was carried unanimously.

***Consideration of Application for 2009-10 Class A Fermented Malt Beverage and Intoxicating Liquor License – Walgreens Co. (Brian Marinello, Agent) – 212 N. Rochester St. – d/b/a Walgreens #07039*** – Motion by Johnson/Decker to approve the application for a 2009-10 Class A Fermented Malt Beverage and Intoxicating Liquor License for Walgreens Co., Brian Marinello – Agent, 212 N. Rochester St., d/b/a Walgreens #07039 was carried on a vote of 4 ayes and 3 nays (O'Bryan, Penzkover, and Wagner voting no).

***Complaint on Snowmobile Noise and Request to Close Snowmobile Trails – Christopher Logan*** – Discussion only. Judicial Committee met with Sgt. Pileggi and a resident of Minors Homestead about snowmobiles disturbing the peace late at night this past winter. Sno-snoops will be notified, but is basically unenforceable unless the Police Dept. buys snowmobiles.

### **Personnel**

***Consideration of Contracted Planning Services*** – Motion by O'Bryan/Bakst to approve the contract for planning services with BK Planning Strategies contingent upon a final review of Ruekert & Mielke as planners was carried unanimously.

### **Public Works**

***Update and Discussion of the Construction of a Salt Shed – DPW*** – DPW Supv Brandemuehl is reviewing. Item remains in Committee.

***Review and Consideration of Approval of Draft Wastewater Facility Plan Prior to Submittal to Wisc DNR*** – There will be a public hearing on May 18, 2010. No action taken.

***Consideration and Recommendation of Approval of Field Park Project Change Order No. 1*** – Motion by Fickau/Decker to approve Change Order #1 for the Field Park Paving and Utilities project, increasing the contract price \$116,370.76 due to the installation of larger size diameter storm sewer and structures along Roberts Dr. and Park View Ln., was carried unanimously.

***Consideration of Notification to Field Park project Residents of Estimated Costs for Sanitary Lateral Replacements*** – Information only. No action taken.

***Consideration of Merryman's Credit to Remove Sewer Televising from Field Park Project Contract*** – There would not be a cost savings. Information only. No action taken.

***Police Dept. Request for Additional Street Light by New Hydrant on MacArthur Drive (Near Millers Pharmacy)*** – Fickau noted that there is plenty of light in the area at this time. He would like to see reflective tape placed on the fire hydrant. Motion by Fickau/Decker to deny the request for an additional street light near the fire hydrant on MacArthur Dr. near Miller pharmacy was carried on a vote of 6 ayes and 1 nay (Bakst voting no).

### **PLAN COMMISSION**

***Consideration of Certified Survey Map – Division of Property located on Empire Dr. and East side of Holz Parkway – Randy Wright, Empire Industries LLC*** – Item is still in Commission. No action taken.

***Black Bear Development Agreement*** – Item is still in Commission. No action taken.

***Access Easement to Black Bear Lift Station*** – Item is postponed until the next meeting.

**Modifications to the Black Bear Site Plan for Grading Site, Directions of Two Pads, Lift Station Location** – Item is still in Commission. No action taken.

**Request from Developer of Black Bear to be Allowed to Deposit Fill** – Motion was made by Fickau/Bakst to accept the Plan Commission recommendation to accept the request by the developer for the Black Bear project to deposit fill on the property with the following conditions:

1. The Chapter 30 permit shall be modified and approved.
2. The NR216 permit shall be approved.
3. The Village Engineer shall approve the grading, erosion control, and storm water plan.

Motion was carried unanimously.

**Consideration of Certified Survey Map – Black Bear Development on the East End of Black Bear Blvd. – Charlie Miller, Citizens Bank of Mukwonago** – Item is still in Commission. No action taken.

## **VILLAGE CLERK**

**Approval of April 6, 2010 Municipal Canvass Report** – Motion by Decker/Fickau to accept the Village of Mukwonago Certification of the Board of Canvassers for the election held on April 6, 2010 was carried unanimously.

**2010 New Municipal Officials Workshop – League of Wisconsin Municipalities and 2010 Regional Dinner Meeting – League of Wisconsin Municipalities** – Board Members received copies of the 2010 New Municipal Officials Workshop and the 2010 Regional Meetings sponsored by the League of Wisconsin Municipalities. Members are to let the Clerk know of their attendance no later than April 27, 2010.

## **VILLAGE PRESIDENT**

**2010 Appointments** – Motion by Fickau/Bakst to accept the Village President's recommendation to re-appoint the following members to the various Boards and Commissions was carried unanimously:

### **Plan Commission**

Citizen Member: Joseph Abruzzo (term ending 2013)

### **Board of Building and Zoning Appeals**

Regular Member: Dan Klappa (term ending 2013)

Regular Member: Terry Kelly (term ending 2013)

### **Joint Fire Commission**

Village Board Member: Dennis O'Bryan (term ending 2011)

### **Police Commission**

Citizen Member: Thomas Stobber (term ending 2013)

Citizen Member: James Naybert (term ending 2013)

### **Library Board**

Village Appointment: John Bronk (term ending 2013)

Village Appointment: Jeri Posekany (term ending 2013)

School Representative: Shawn McNulty (term ending 2013)

Motion by Johnson/Penzkover to accept the Village President's recommendation to appoint the Village Clerk, Village President Wagner, and Trustees Fickau, Bakst, and Decker to the Board of Review, with Trustees O'Bryan, Penzkover, and Johnson serving as alternates, was carried on a vote of 6 ayes and 1 nay (Fickau voting no). Motion by Bakst/Decker 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, Decker  
Personnel Committee – O'Bryan (Chair), Johnson, Bakst  
Protective Services Committee – Decker (Chair), Penzkover, Bakst  
Health and Recreation Committee – Penzkover (Chair), Johnson  
Judicial Committee – Johnson (Chair), Decker

### **CLOSED SESSION**

Motion was made by Decker/Bakst to convene into closed session at 8:35 p.m. pursuant to Wisconsin Statute 19.85 (1)(d) – 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:

- A. Consideration of Compensation to Offer to Owner of 515 Division St.
- B. Proposed Extension of Lease Agreement with Crown Castle

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Bakst/Johnson to adjourn closed session at 9:01 p.m. was carried unanimously.  
Motion by Fickau/Decker to reconvene into open session was carried unanimously.

***Consideration of Compensation to Offer to Owner of 515 Division St.*** – Motion by Bakst/Johnson to proceed with negotiations for the offer to purchase to the owner of 515 Division St. as discussed in closed session was carried unanimously.

***Proposed Extension of Lease Agreement with Crown Castle*** – Motion by Johnson/Fickau to accept the terms of the extension of the lease agreement with Crown Castle as set forth in the e-mail from Attorney Reilly to Village president Wagner and Administrator Moderacki dated April 15, 2010 was carried unanimously.

Motion by Fickau/Bakst to adjourn the Village Board meeting at 9:03 p.m. was carried unanimously.

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, May 4, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order on May 4, 2010 at 7:30 p.m.

#### **2. Roll Call**

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

Also present: Bruce Kaniewski, Village Planner  
Fred Winchowky, Police Chief  
Jeff Rolfe, Fire Chief  
Tom Brandemuehl, Public Works Supervisor  
Paul Moderacki, Administrator/Clerk-Treasurer  
Shawn Reilly, Village Attorney  
Dean Falkner, Wastewater Superintendent  
Nick Weber, Library Director

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Announcement of Closed Sessions Pursuant to Wisc Stats 19.85(d) and 19.85(g)**

President Wagner announced that the Board will adjourn into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(d) and 19.85(g).

#### **6. Minutes of the April 20, 2010 Regular Board Meeting**

Motion by Fickau/Bakst to approve the April 20, 2010 meeting minutes subject to a correction to the Library Board appointments listed on Page 4 to read John Bronk and Jeri Posekany was carried unanimously.

#### **7. Comments from the Public**

Brandon Basterash, 1103 Drake Ct. – Was present to earn his Communications and Citizenship in the Community Merit Badges. Also expressed his opinion on the Mukwonago High School name “Indians” and that he does not want it changed.

#### **8. Committee and Board Reports**

##### **A. Finance**

##### **1) Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$364,145.04 was carried unanimously.

**B. Judicial**

**1) Consideration of Applications for 2009-10 Operator's License – Matthew A. Cudnohoske and Amanda R. Roller**

Motion by Johnson/Decker to approve the application for a 2009-10 Operator's License for Matthew A. Cudnohoske and Amanda R. Roller was carried unanimously.

**C. Protective Services**

**1) Paramedic Intercept Contract**

Item remains in Committee.

**2) Letter from James Soneberg, Big Bend Village President, Requesting Assistance to Establish a Village of Big Bend Fire Department**

Discussion only. No action taken. President Wagner directed Administrator Moderacki to draft a letter to James Soneberg, Village President of the Village of Big Bend, that the Village Board of the Village of Mukwonago does not wish to spend money and resources to pursuing assistance to the Village of Big Bend in the creation of the Big Bend Fire Department.

**3) Request to Purchase of Portable Suction Units Using Act 102 Funds**

Motion by Decker/Bakst to approve the use of Act 102 funds by the Mukwonago Fire Department in the amount of \$3,720.90 to purchase five portable suction units was carried unanimously.

**9. Plan Commission**

**A. Consideration of Certified Survey Map – Division of Property located on Empire Dr. and East side of Holz Parkway – Randy Wright, Empire Industries LLC**

Motion by Fickau/Decker to accept the Plan Commission's recommendation to approve the Certified Survey Map for the property located on Empire Dr. and East side of Holz Parkway as presented by Randy Wright, Empire Industries LLC was carried unanimously.

**B. Access Easement to Black Bear Lift Station**

Item postponed until the next meeting.

**10. Village Attorney**

**A. Agreement with BK Planning Strategies for Planning Services**

Motion by O'Bryan/Johnson to approve the contract with BK Planning Strategies for planning services for the Village of Mukwonago with the understanding that the Personnel Committee approved the scope of engagement was carried unanimously.

**11. Village Library Director**

**A. Update on Progress for Proposed Library Addition**

Library Director Weber gave a brief overview of the status of the proposed library addition.

**12. Village President**

**A. Consideration of Appointments – Wastewater Treatment Superintendent, Board of Building and Zoning Appeals First and Second Alternates**

Motion by Fickau/Bakst to accept President Wagner's recommendation to appoint Kenneth Johnson as the Board of Building and Zoning Appeals First Alternate was carried unanimously (Johnson abstained). Motion by Bakst/Decker to accept President Wagner's recommendation to appoint Dean Falkner as the Wastewater Treatment Superintendent was carried unanimously.

**13. Convene into Closed Session Pursuant to State Statutes:**

Motion was made by Bakst/Decker to convene into closed session at 8:05 p.m. pursuant to Wisconsin Statutes 19.85(1)(d) (*Deliberating or Negotiating the Purchasing of Public Properties*) for the consideration of the purchase of the property known as MUKV1976184 (615 S. Rochester St.) and 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*) for the current litigation known as Village of Mukwonago vs. Greenwald Family Limited Partnership. Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Decker/Bakst to adjourn closed session at 8:19 p.m. was carried unanimously. Motion by Johnson/O'Bryan to reconvene into open session was carried unanimously.

**14. Reconvene into Open Session**

**A. Consideration of Purchase of Property Known as MUKV1976184 (615 S. Rochester St.)**

No action taken.

**B. Village of Mukwonago vs. Greenwald Family Limited Partnership**

No action taken.

**15. Adjournment**

Motion by Fickau/Decker to adjourn the Village Board meeting at 8:20 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, May 18, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order on May 18, 2010 at 7:31 p.m.

#### **2. Roll Call**

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

Also present:               Tom Brandemuehl, Public Works Supervisor  
                                 Steve LaDue, Police Lieutenant  
                                 Nick Weber, Library Director  
                                 Paul Moderacki, Administrator/Clerk-Treasurer  
                                 Shawn Reilly, Village Attorney  
                                 Bruce Kaniewski, Village Planner  
                                 Dean Falkner, Wastewater Superintendent  
                                 Kurt Peot, Village Engineer  
                                 Ivan Zarembo, Water Dept. Supervisor

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Announcement of Closed Sessions Pursuant to Wisc Stats 19.85(c) and (d)**

President Wagner announced that the Board will adjourn into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(c) and 19.85(d).

#### **6. Minutes of the May 4, 2010 Board Meeting**

Motion by Bakst/Decker to approve the May 4, 2010 meeting minutes as presented was carried unanimously.

#### **7. Treasurer, Mileage, Police, Fire and Library Reports for April 2010**

President Wagner noted receipt of the Treasurer, mileage, Police, Fire and Library Reports for April 2010 and placed them on file in the Clerk's Office.

#### **8. Public Hearing**

##### **A. Wastewater Treatment Plant Facility Upgrade and Modernization Project**



Public hearing for the Wastewater Treatment Plant Facility Upgrade and Modernization Project was opened at 7:33 p.m. No one appeared for or against. Public hearing closed at 7:34 p.m.

## **9. Comments from the Public**

Catherine Piala, Meadows of Mukwonago LLC, owner of 1251, 1305, 1325, 1333, and 1341 Bear Pass – Wanted to know the status of the Storm Water Utility and noted that none of the rain water drains off of her sites except into the current retention pond. *(Response: There will be another public information meeting on May 27, 2010 and a public hearing on June 1, 2010.)*

## **10. Committee Reports**

### **A. Finance**

#### **1) Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$946,619.97 was carried unanimously.

#### **2) Authorization for the Signing of the Proposal from Banyon Data Systems for the Purchase, Installation, and Training of New Fund Accounting, Payroll, Utility Billing, and Property Management Programs for the Clerk-Treasurer's Office**

Motion by Bakst/Penzkover to authorize the signing of the proposal from Banyon Data Systems for the purchase, installation, and training of new fund accounting, payroll, utility billing, and property management programs for the Clerk-Treasurer's Office was carried unanimously.

#### **3) Authorization for the Signing of the Proposal to Provide Server Solutions from Computer Technologies**

Motion by Bakst/Decker to authorize the signing of the proposal to provide server solution from Computer Technologies for the Clerk-Treasurer's Office was carried unanimously.

#### **4) Introduction, Discussion and Possible Recommendation on Proposed Paperless Packets**

Motion by Bakst/Decker to approve the implementation of paperless packets for the Village Board and Plan Commission was carried on a vote of 6 ayes and 1 nay (Johnson voted no).

### **B. Health and Recreation**

#### **1) Authorization for the Signing of the Contract with Siegler Excavating for the Miniwaukan Park Canoe Launch Project**

Motion by Penzkover/Johnson to authorize the signing of the contract with Siegler Excavating for the Miniwaukan Park Canoe Launch Project was carried unanimously.

#### **2) Preliminary Planning Discussion Regarding a Possible Customized Play Structure in Mukwonago – Mark Olver**

Item will remain in Committee.

#### **3) Eagle Scout Project Related to Veterans Memorial – Mitchell Haase**

Item will remain in Committee.

#### **4) Update on Field Park Ball Field Lighting Project – Review Conceptual Lighting Design and Preliminary Discussion of Possible Bidding Options**

Item will remain in Committee.

### **C. Judicial**

**1) Consideration of Application for 2010 6-Month Class B Fermented Malt Beverage License – Mukwonago Womens Softball League (Ryan Scheffler, Agent) – Minors Park**

Motion by Johnson/Decker to approve the application for 2010 6-Month Class B Fermented Malt Beverage License to Mukwonago Womens Softball League (Ryan Scheffler, Agent) at Minors Park was carried unanimously.

**2) Consideration of Adoption of Policy Regarding Memorials Placed Along Streets Within Village Limits**

Motion was made by Johnson/Decker to direct the Village Administrator to create a policy of not permitting memorials placed on public right-of-ways for reasons of public safety. The Judicial Committee understands the grieving process and recommends that mournful parties who wish to place a memorial near a site of a fatal crash work with adjoining landowners to determine an appropriate location, off the public right-of-way, for placement of a memorial. As an alternative form of permanent memorial to their loved ones, if desired, friends and family can contact the village administrator to determine items that can be donated to the park or library in their loved ones' names. The Committee also directs the Village Administrator to draft an ordinance amending Sec. 34-32 to include the prohibition of the placement of signs in the public right-of-ways. Motion was carried unanimously.

### **D. Public Works**

**1) Update and Discussion of the Construction of a Salt Shed – DPW**

Item will remain in Committee.

**2) Proposed Water Dept. Garage with Office and Staff Quarters and Alternatives**

Item will remain in Committee.

**3) Recommendation of Request for Reduction in Utility Bill Charges Due to Broken Water Pipe – 955 Main St. Unit A – Jessica Zhu, Amazon Real Estate Management LLC**

Committee requests to presence of the requester at the next Committee meeting prior to action being taken. Item will remain in Committee.

**4) Wastewater Treatment Plant Facility Upgrade and Modernization Project**

Motion by Decker/Fickau to approve the facility plan for the Wastewater Treatment Plant Facility Upgrade and Modernization Project was carried unanimously.

**5) Recommendation of Change Order #2 for Field Park Project – Granular Backfill Credit**

Motion by Fickau/Decker to approve Change Order #2 for the Field Park Paving and Utilities Project for a credit in the amount of \$6.25 per cubic yard for Sanitary Sewer mains and \$8.50 for Water mains and Storm Sewer lines was carried unanimously.

**6) Discussion of Temporary Asphalt on MacArthur and Roberts – Field Park Project**

Discussion only. The temporary asphalt on MacArthur Dr. and Roberts Dr. will be installed per the contract.

## **11. Plan Commission**

**A. Review of Driveway Approaches on Properties in the Field Park Subdivision Project**

Item taken care of by Commission. No action taken.

**B. Consideration of Access Easement to Black Bear Lift Station**

Item postponed until a future meeting.

**C. Consideration of Black Bear Development Agreement**

Item will remain in Commission.

**D. Modifications to the Black Bear Site Plan for Grading Site, Directions of Two Pads, Lift Station Location**

Item will remain in Commission.

**E. Consideration of Certified Survey Map – Black Bear Development on the East End of Black Bear Blvd. – Charlie Miller, Citizens Bank of Mukwonago**

Item will remain in Commission.

**F. Consideration of Site Plan and Architectural Review of Proposed School District Office Building for the Property Located West of Clarendon Avenue School and, Facing CTH NN, to the South of the Existing Parking Lot**

Item will remain in Commission.

**G. Consideration of Architectural Review of Proposed Patient Service Center for the Property Located at 225 Eagle Lake Ave. – Bradley Sabre, Aurora Health Care**

Recommendation sent from Plan Commission to Board of Building and Zoning Appeals. No action taken.

**H. Consideration of Extraterritorial CSM for Honey Creek Estates – Town of East Troy – Brian Godfrey**

Motion by Fickau/Decker to accept the Plan Commission's recommendation to approve the extraterritorial Certified Survey Map for Honey Creek Estates, Town of East Troy was carried unanimously.

**12. Village President**

**A. Consideration of Cancellation of Village Board Meetings for the First Tuesdays of July, August, and September 2010**

Motion by Fickau/Bakst to accept the Village President's recommendation to cancel the Village Board meetings on July 6, August 3, and September 7, 2010 unless immediate/emergency issues are to be considered was carried unanimously.

**B. Consideration of Appointments – Fox River Commission, Board of Building and Zoning Appeals Second Alternates**

Item will remain on the agenda until the seats are filled.

**13. Convene into Closed Sessions**

Motion was made by Bakst/Decker to convene into closed sessions at 8:18 p.m. pursuant to Wisconsin 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*) for the status of part-time Accountant Intern and consideration of changing the status to full-time and 19.85(1)(d) (*Deliberating or Negotiating the Purchasing of Public Properties*) for the consideration of contract for construction manager for Mukwonago Community Library Expansion Project and the consideration of compensation to offer to owner of 515 Division St. Motion carried unanimously upon roll call vote.

Discussion held in closed session.

#### **14. Adjourn Closed Session**

Motion by Johnson/O'Bryan to adjourn closed session at 9:05 p.m. was carried unanimously.

#### **15. Reconvene into Open Session**

Motion by Decker/Bakst to reconvene into open session was carried unanimously.

##### **A. Status of Part-Time Accountant Intern and Consideration of Changing the Status to Full-Time**

Motion by Bakst/Johnson to allow the more working hours than the previously approved hours for the Accountant Intern and to change the status to full time status beginning January 1, 2011 according to the terms as discussed in closed session was carried unanimously.

##### **B. Consideration of Contract for Construction Manager for Mukwonago Community Library Expansion Project**

Motion by Decker/Penzkover to approve the contract with Gilbane Building Company to serve as the construction manager (not a constructor) for the Mukwonago Community Library Expansion Project according to the price as described in the Village Administrator's handout dated May 18, 2010 and according to the changes as discussed in closed session and subject to the approval of the Village Attorney and Village Administrator was carried on a vote of 6 ayes and 1 nay (Fickau voted no).

##### **C. Consideration of Compensation to Offer to Owner of 515 Division St.**

Motion by Decker/Johnson to accept the Village Attorney's recommendation for an offer to purchase to the owner of 515 Division St. as discussed in closed session was carried unanimously.

#### **16. Adjournment**

Motion by Bakst/Decker to adjourn the Village Board meeting at 9:07 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, June 1, 2010**

Administrator/Clerk-Treasurer Paul Moderacki called the Village Board meeting to order on June 1, 2010 at 7:30 p.m.

Trustees present: Elliot Bakst  
Jim Decker  
Dennis O'Bryan  
Arnie Fickau  
Darlene Johnson  
Mark Penzkover

Absent and excused: James Wagner, Village President

Also present: Shawn Reilly, Village Attorney  
Kurt Peot, Village Engineer  
Fred Winchowky, Police Chief  
Nick Weber, Library Director  
Dean Falkner, WWTP Superintendent  
Jon Cameron, Storm Water Utility Consultant

#### **STATEMENT OF PUBLIC NOTICE**

The meeting was posted and noticed according to law.

#### **Election of Temporary Chairperson**

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

#### **Announcement of Closed Sessions pursuant to §§ 19.85 (d), Wis. Stats.**

Fickau announced the Board would adjourn into closed session pursuant to §§ 19.85 (d) at the end of its meeting to discuss matters indicated on the meeting agenda.

#### **Minutes of May 18, 2010**

Motion by Bakst/Decker to approve the May 18, 2010 meeting minutes as presented passed unanimously.

#### **Public Hearing re: Proposed Ordinance 827: An Ordinance to Repeal and Recreate Article IV of Chapter 86 of the Mukwonago Village Code Establishing a Storm Water Utility**

Moderacki provided an overview of the proposed Storm Water Utility. Residents, Village staff, a representative of the School District and consultants from Ruekert & Mielke had spent 3.5 years studying the proposed utility and two committees had issued two major reports. The Village needed to increase its storm water detention capacity from 20% to 40% by 2013 to comply with DNR regulations and would have to build a \$2.4 million regional retention pond. The issue before the Board was how to pay for the pond, not whether to build the pond or not. The proposed utility would more fairly distribute the costs needed for storm water operations and improvements. Although single family homes only occupy 21.5% of the Village's total area that they currently shouldered 57.3% of the expenses. Creating a utility would permit the Village to charge institutional and other tax exempt entities with large impermeable surface areas for the storm water they contributed to the entire storm water collection and conveyance

system, such as schools, the village, churches and other non-profits. Institutional entities occupy 25% of the Village's land.

Jim McCarthy, S10827890 Maple Ave. – He thinks the Village is going about it at the wrong time. He said he and other farmers are against it. He claimed the chemicals he uses stay in the ground.

Marilyn McCarthy, S10827890 Maple Ave. – She also disapproved.

Karen McCarthy, 1475 S. Rochester St. – Her family farms “a couple 1,000 acres,” and can't afford such an increase. She said they apply only the chemicals they need and test for chemicals every four years. She claimed there is more chemical runoff from residential homes.

Mary Pires, 1128 Eastern Tr. – Complimented the Village for “being ahead of the curve” protecting the Mukwonago River, Phantom Lake and Fox River. She added she didn't agree with forming a Storm Water Utility now because “no one's had time to budget.” She claimed the Village raised property taxes “to the max” last December. She said it was not the time for a Utility.

Rich Hacker, from Engineered Pump Services Inc. – He saw no distinction between a tax and a user fee as proposed. He said State and Federal agencies have declared war on small businesses, that his company employed 38 people, most of whom live in the community, and they would not be happy if the company closed its doors.

Carl Goede, of River's Edge Car Wash – He was opposed. He claimed all his storm water is captured by a storm water retention pond and the proposed utility was not good for the Village.

Roger Oldenburg, 107 Gemini Ct. – He was opposed.

Mike Krueger, 105 Gemini Ct. – He was glad the Village devoted four years studying the issue. He said trucks were the problem, not residences. He claimed Storm Water Utilities started in Florida 25 years ago and have become an economic monster in the State. He said he doesn't want to see that happen in the Village.

Glenn Volkmann, 104 Park Ave., spoke on behalf of St. John's Lutheran Church – The church property's retention pond contains all water on the site.

Ann Oldenburg, 107 Gemini Ct. – She was opposed and thought taxes in the Village too high.

The hearing was closed at 8:05 p.m. after all present were given an opportunity to be heard.

### **Public Comments**

Carl Goede said he had to spend \$25,000 to change his pole sign to a monument sign.

A resident on River Park Circle West said he had poor water quality. (Note: Utility staff and the Village engineer spoke with him after the meeting to address his concerns and suggested solutions.)

## **Committee Reports**

### **A. Finance**

#### **1. Vouchers Payable**

Motion by Bakst/Decker to approve payments in the amount of \$174,215.02 passed unanimously.

#### **2. Authorization to Purchase Tractor**

No action taken as the Village was not the high bidder.

### **B. Judicial**

#### **1. 2009-10 Temporary Class B Beer License application – June 17-20, 2010, Mukwonago Lions Club**

Motion by Johnson/Decker to approve a Temporary Class B Beer License for the period June 17-20, 2010 for the Mukwonago Lions Club passed unanimously.

### **C. Protective Services**

#### **1. Paramedic Intercept Contract**

Motion by Decker/Bakst to approve the proposed Paramedic Intercept contract with the Village of North Prairie passed unanimously. The contract will not be effective until approved by the Town of Mukwonago and Village of North Prairie.

#### **2. Results of Drug Collection & Awareness Event**

The Drug Collection and Awareness Event at the DN Greenwald Center on May 8, 2010 resulted in the collection of five 30-gallon drums of old drugs.

### **D. Ad-hoc Storm Water Advisory**

#### **1. Ordinance 827 – An ordinance to repeal and recreate Article IV of Chapter 86 of the Village Municipal Code establishing a Storm Water Utility**

Tr. Fickau said he'd never seen anything more important and far reaching than this proposed legislation.

Tr. Bakst said he agreed, adding he thought the Board should step back until it is more thoroughly examined and find \$100,000 from savings or reserves for 2010.

Motion by Fickau/Bakst to postpone consideration of Ordinance 827 – An Ordinance to Repeal and Recreate Article IV of Chapter 86 of the Village Municipal Code Establishing a Storm Water Utility for three months passed unanimously.

Tr. Johnson said she felt it was wrong to adopt it at this time.

Tr. Penzkover asked Mr. Peot to review the alternatives that were considered and for the budget impact.

Mr. Peot said two ad-hoc committees had studied storm water issues. He said the first committee studied the entire range of options available to the Village, including SLAMM analysis, street sweeping, buffer strips, bio-retention, catch basin maintenance to determine the optimum mix of operational and public improvements needed for the Village to be in compliance with the required 40% storm water retention standard. He said the least costly and most effective were selected and recommended for adoption.

He said the rules were adopted by the US Environmental Protection Agency (EPA) beginning in 1970s and are similar to those required for surrounding communities due to the importance of the Mukwonago River and being in the Fox River watershed. He said the entire eastern half of Wisconsin is under the same rules.

Mr. Cameron said the second committee analyzed various funding options and alternatives (24 different scenarios) within three primary mechanisms: property taxes, special assessments or the proposed utility. He said the proposed utility was recommended as the best method for funding capital improvements and on-going operations.

Mr. Peot said the Village can meet the 40% reduction standard by building a single "regional" pond. He said the utility would also provide a separate funding source to repay the cost of the capital improvement as well as operations, monitoring and maintenance of the overall Village system.

Tr. Fickau said he'd like the Board to meet as a Committee-of-the-Whole to discuss the proposed ordinance further before adopting it.

Moderacki pointed out a 90-day delay would not provide sufficient time to include charges on the Oct. 1 utility bills, if the ordinance is adopted and requested the Board move up its consideration to the August 17<sup>th</sup> meeting.

Amended motion by Fickau/Bakst to defer consideration of Ordinance 827 until August 17, 2010 and to schedule a Committee-of-the-Whole meeting to discuss the issue further passed unanimously.

### **Village Attorney**

#### **A. Approval of Changes to proposed Construction Manager Contract for Mukwonago Community Library Addition**

Mr. Reilly reported he and Gilbane Construction had reached an agreement in principal over the working of the indemnity and liability clauses in the proposed Construction Manager Contract and no action was needed by the Board.

### **Village President**

#### **A. Village Appointments – Fox River Commission, Board of Building & Zoning Appeals**

No action due to the absence of President Wagner. Ms. Pires volunteered for the Fox River Commission.

### **Convene into Closed Session**

Motion by Decker/Bakst to convene into closed session pursuant to §§19.85 (1) (d) to discuss on-going negotiations related to purchasing the house at 515 Division St. and to discuss continuing negotiations for the purchase of land for a multi-use trail easement along CtH NN from St. John's Lutheran Church and to reserve the right to reconvene into open session at the conclusion of the closed session passed unanimously.

Tr. Fickau adjourned the meeting into closed session at 8:55 p.m.

Motion by Bakst/Decker to reconvene into open session passed unanimously at 9:17 p.m.

#### **A. Compensation offer to owner of 515 Division St.**

Motion by Bakst/Johnson to authorize the Village Attorney to make a purchase offer to the owner of 515 Division St. as set forth in the draft letter he discussed in closed session passed 5-1, with Tr. Decker opposed.

#### **B. Easement Agreement between Village and St. John's Lutheran Church**

Motion by Bakst/Decker to authorize the Village Attorney to draft an easement agreement with St. John's Lutheran Church for a multi-use trail as discussed in closed session passed 5-0-1, with Tr. Fickau abstaining.



**Adjournment**

Motion by Decker/Bakst to adjourn the meeting at 9:20 p.m. carried unanimously.

Paul J. Moderacki  
Administrator/Clerk-Treasurer

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, June 15, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order on June 15, 2010 at 7:31 p.m.

#### **2. Roll Call**

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

Also present:            Bruce Kaniewski, Village Planner  
                                 Jeff Rolfe, Fire Chief  
                                 Fred Winchowky, Police Chief  
                                 Nick Weber, Library Director  
                                 Paul Moderacki, Administrator/Clerk-Treasurer  
                                 Shawn Reilly, Village Attorney  
                                 Dean Falkner, Wastewater Superintendent  
                                 Kurt Peot, Village Engineer  
                                 Tom Brandemuehl, Public Works Supervisor  
                                 Ivan Zaremba, Water Dept. Supervisor

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag led by Boy Scouts Ryan Dietz and Eric Decker from Troop 229 and Boy Scout Mitchell Haase from Troop 152.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Announcement of Closed Sessions Pursuant to Wisc Stats 19.85(c) and (g)**

President Wagner announced that the Board will adjourn into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(c) and 19.85(g).

#### **6. Minutes of the June 1, 2010 Board Meeting**

The minutes from the June 1, 2010 regular Village Board meeting were not complete and will remain on the agenda.

#### **7. Treasurer, Mileage, Police, and Library Reports for May 2010**

President Wagner noted receipt of the Treasurer, mileage, Police, and Library Reports for May 2010 and placed them on file in the Clerk's Office.

#### **8. Comments from the Public**

No comments from the public.

## 9. Committee Reports

### A. Finance

#### 1) **Vouchers Payable**

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$723,139.06 was carried unanimously.

#### 2) **Resolution 2010-13: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago**

Item tabled until after action on Ordinance 832.

### B. Health and Recreation

#### 1) **Possible Customized Play Structure in Mukwonago – Mark Oliver**

Item will remain in Committee.

#### 2) **Eagle Scout Project Related to Veterans Memorial – Mitchell Haase**

Mitchell Haase, Boy Scout from Troop 152, presented to the Board plans for a walkway and garden and seating areas around the Veterans Memorial near the Village Police Department. Materials and labor will be donated. He still needs approval from the Boy Scout council. Motion by Penzkover/Decker to approve the Eagle Scout project for a walkway and garden and seating areas around the Veterans Memorial near the Village Police Department as presented by Mitchell Haase, contingent upon the approval of the Boy Scout Council, was carried unanimously.

#### 3) **Field Park Ball Field Lighting Project – Conceptual Lighting Design and Possible Bidding Options**

Item will remain in Committee.

### C. Judicial

#### 1) **Complaint on Snowmobile Noise and Request to Close Snowmobile Trails**

Item will remain in Committee.

#### 2) **Ordinance No. 827: An Ordinance to Create Article VII Under Section 22 of the Village of Mukwonago Municipal Code Relating to Weights and Measures Regulations**

Motion by Johnson/Decker to adopt Ordinance No. 827: *An Ordinance to Create Article VII Under Section 22 of the Village of Mukwonago Municipal Code Relating to Weights and Measures Regulations* was carried unanimously.

#### 3) **Ordinance No. 828: An Ordinance to Create Section 37 of the Village of Mukwonago Municipal Code Pertaining to the Joint Mukwonago Fire Department Organization and Membership**

Motion by Johnson/Penzkover to adopt Ordinance No. 828: *An Ordinance to Create Section 37 of the Village of Mukwonago Municipal Code Pertaining to the Joint Mukwonago Fire Department Organization and Membership* was carried unanimously.

#### 4) **Ordinance No. 829: An Ordinance to Amend and Recreate Section 38 of the Village of Mukwonago Municipal Code Pertaining to Fire Prevention, Protection, and Control**

Item will remain in Committee.

#### 5) **Ordinance No. 830: An Ordinance to Create Section 43 of the Village of Mukwonago Municipal Code Relating to Housing Discrimination**

Item will remain in Committee.

**6) Ordinance No. 831: An Ordinance to Create Section 54-4 of the Village of Mukwonago Municipal Code Relating to a Smoking Ban in Compliance with 2009 Wisconsin Act 12**

Motion by Decker/Penzkover to adopt Ordinance No. 831: *An Ordinance to Create Section 54-4 of the Village of Mukwonago Municipal Code Relating to a Smoking Ban in Compliance with 2009 Wisconsin Act 12* was carried on a vote of 5 ayes and 2 nays (Johnson and Fickau voted no).

**7) Ordinance No. 832: An Ordinance to Create Article IX Under Section 82 of the Village of Mukwonago Municipal Code Relating to Winter Speed Limits on Phantom Lake**

Motion by Johnson/Decker to adopt Ordinance No. 832: *An Ordinance to Create Article IX Under Section 82 of the Village of Mukwonago Municipal Code Relating to Winter Speed Limits on Phantom Lake* was carried unanimously.

**8) Resolution 2010-13: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago**

Item brought back from the table. Item will remain in Committee.

**9) 2010-11 Applications for Renewal Class A Fermented Malt Beverage License**

Motion was made by Johnson/Fickau to grant the 2010-11 renewal Class A Fermented Malt Beverage licenses to the following establishments:

- 5 Star Stations (Darwin D. Greenwald – Agent), 909 Greenwald Court, d/b/a 5 Star Citgo
- 5 Star Stations (Darwin D. Greenwald – Agent), 301 Main Street, d/b/a Mukwonago Clark
- 5 Star Stations (Darwin D. Greenwald – Agent), 407 South Rochester Street, d/b/a Mukwonago Express Mart
- 5 Star Stations (Darwin D. Greenwald – Agent), 1060 North Rochester Street, d/b/a North Star Shell
- BJ's BP Inc. (Baljit S. Gill – Agent), 122 Arrowhead Drive, d/b/a BJ's BP
- GK Gas LLC (King Gurinder S. Phul – Agent), 201 North Rochester Street, d/b/a Village Mini Mart
- Khasria Two Inc. (Harjinder S. Khasria – Agent), 710 Main Street, d/b/a Village Pumper Two

Motion was carried unanimously.

**10) 2010-11 Applications for Renewal Class A Fermented Malt Beverage and Intoxicating Liquors License**

Motion was made by Johnson/Decker to grant the 2010-11 renewal Class A Fermented Malt Beverage and Intoxicating Liquors licenses to the following establishments:

- Gerald M. Anich, 411 Main Street, d/b/a Anich's Liquor & Beer Store
- Ultra Mart Foods, LLC (Gordon Graf – Agent), 1010 North Rochester Street, d/b/a Pick'n'Save #6384
- Wal-Mart Stores East LP (Archie Pulliam – Agent), 250 East Wolf Run, d/b/a Wal-Mart Supercenter #1571
- Walgreen Co. (Brian Marinello – Agent), 212 N. Rochester St., d/b/a Walgreens #07039

The granting of the licenses shall be contingent upon the successful and favorable inspections by the Waukesha County Health Department. Motion was carried unanimously.

**11)2010-11 Applications for Renewal Class B Fermented Malt Beverage and Reserve Intoxicating Liquors License**

Motion was made by Johnson/Decker to grant the renewal Class B Fermented Malt Beverage and Reserve Intoxicating Liquors license to the following establishments:

- The Boneyard Pub and Grille, LLC (James F. Jones – Agent), 215 Bay View Road Suite D, d/b/a The Boneyard Pub and Grille
- El Pueblo Inc. (Ana Alarcon – Agent), 355 Bay View Road, d/b/a Antigua Real
- Pam's Fine Wines LLC (Pamela L. Kollaszar – Agent), 100 Main Street Suite 2, d/b/a Pam's Fine Wines

Motion was carried unanimously.

**12)2010-11 Applications for Original or Renewal Class B Fermented Malt Beverage and Intoxicating Liquors License**

Motion was made by Johnson/Fickau to grant the 2010-11 renewal or original Class B Fermented Malt Beverage and Intoxicating Liquors license to the following establishments:

- American Legion Community Post #375 (Lester F. Jacobs – Agent), 627 CTH NN East, d/b/a American Legion Community Post #375
- Half-Time Sports Grille, Inc. (Mark A. Weiss – Agent), 325 Bay View Road Suite E, d/b/a Half-Time Sports Grille
- Memet Islami, 927 Main Street, d/b/a Blue Bay Restaurant
- Jay's Lanes, Inc. (Jeffrey R. Jay – Agent), 326 Atkinson Street, d/b/a Jay's Lanes
- Sandra M. Miller, 701 Main Street, d/b/a Sandy's Miller Time
- Pelisteri Enterprises Inc. (Agim Zejnelli – Agent), 507 Main Street, d/b/a Zeneli's Family Restaurant
- Stevens Management Inc. (Dennis M. Stevens – Agent), 215 North Rochester Street, d/b/a Fork in the Road

Motion was carried unanimously.

**13)2010-11 Application for Renewal Class B Fermented Malt Beverage and Class C Wine License – Mario's Natural Roman Pizza Inc. (Matthew Reitman – Agent), 225 Bay View Rd. #500, d/b/a Mario's Pizza**

Motion was made by Johnson/Fickau to withhold the 2010-11 renewal license application for a Class B Beer and Class C Wine license for Mario's Natural Roman Pizza Inc. (Matthew Reitman – Agent), 225 Bay View Rd. #500, d/b/a Mario's Pizza for the following reasons:

1. Failure to pay outstanding personal property tax bills to the Village of Mukwonago.
2. Failure to comply with Wisconsin Statute 125.04(5)(a)4 requiring that the applicant be in good standing for sales tax purposes according to the letter from the Wisconsin Dept. of Revenue dated June 7, 2010.

The Clerk's Office shall give the applicant notice of non-renewal of the licenses and an opportunity to rebut the charges. If the applicant does not rebut the charges and comply with the reasons given for denial with the Clerk's Office by June 30, 2010, the application shall be considered denied. Motion was carried unanimously.

**14)2010-11 Renewal and New Applications for Operator's License**

Motion by Johnson/Decker to grant the 2010-11 renewal and new Operator's licenses to various individuals according to the list from the Clerk's Office dated June 11, 2010 and submitted to the Village Board was carried unanimously.

#### **D. Public Works**

**1) Update and Discussion of the Construction of a Salt Shed – DPW**

Item will remain in Committee.

**2) Request for Reduction in Utility Bill Charges Due to Broken Water Pipe – 955 Main St. Unit A – Jessica Zhu, Amazon Real Estate Management LLC**

Item will remain in Committee.

**3) Direction for Work on CTH NN Multiuse Trail**

Motion by Fickau/Decker to authorize Ruekert & Mielke to prepare bid documents for the construction of the multi-use trail along the north side of CTH NN from Fairwinds Subdivision to STH 83 was carried on a vote of 5 ayes and 2 nays (Bakst and Decker voted no). Motion by Johnson to reconsider the motion to authorize Ruekert & Mielke to prepare bid documents for the construction of the multi-use trail along the north side of CTH NN from Fairwinds Subdivision to STH 83 failed for lack of a second.

**4) Minor Estates Storm Water Solutions and Estimates**

Motion by Fickau/Penzkover to authorize Ruekert & Mielke to bid the project regarding build a berm between Minors Homestead and Field Park Subdivisions in an amount not to exceed \$9,999.99 was carried on a vote of 6 ayes and 1 nay (Johnson voted no).

**5) Request to Authorize Administrator to Sign Change Orders up to \$25,000**

Motion was made by Fickau/Decker to authorize the Village Administrator to sign change orders for projects in the amount of \$25,000 or less. Such change orders shall also contain the signature of at least one Public Works Committee member. Motion was carried unanimously.

**6) Resolution No. 2010-12: A Resolution in Compliance with the Compliance Maintenance Annual Report of the Department of Natural Resources (Taken out of order)**

Motion by Fickau/Decker to adopt Resolution 2010-12: A Resolution in Compliance with the Compliance Maintenance Annual Report of the Department of Natural Resources was carried unanimously.

**7) Wastewater Treatment Department Report**

Motion by Fickau/Decker to authorize Ruekert & Mielke to organize and bid the project regarding improvements to the ultraviolet disinfection system at the Wastewater Treatment Facility was carried unanimously.

#### **10. Plan Commission**

**A. Access Easement to Black Bear Lift Station**

Motion was made by Fickau/Decker to accept the Plan Commission recommendation to grant the access easement by Dewey Farm, LLC to Citizens Bank of Mukwonago. The approval shall be subject to an addition to be included in the document stating that in the event the grantor's property is developed and Marsh View Drive is extended, then the location of the access easement may be changed upon mutual agreement of the parties. Motion was carried unanimously.

**B. Black Bear Development Agreement**

Motion was made by Penzkover/Decker to accept the Plan Commission recommendation to approve the Black Bear Developer's Agreement. The approval shall be subject to approvals by the Village Engineer, Planner, Zoning Administrator, and Administrator. Motion was carried unanimously.

**C. Modifications to the Black Bear Site Plan for Grading Site, Directions of Two Pads, Lift Station Location**

Motion was made by Penzkover/Decker to accept the Plan Commission recommendation to approve the site plan modifications for the Black Bear Residential Development. The approval shall be subject to the approval by the Wisconsin Department of Natural Resources. The approval shall also be subject to the approval of new elevation plans by the Village Zoning Administrator. Motion was carried unanimously.

**D. Certified Survey Map – Black Bear Development on the East End of Black Bear Blvd. – Charlie Miller, Citizens Bank of Mukwonago**

Motion was made by Fickau/Decker to accept the Plan Commission recommendation to approve the Certified Survey Map for the Black Bear development. The approval shall be subject to the following conditions:

1. Prior to Village officials affixing signatures to the CSM, construction drawings for Black Bear Residential Development shall be submitted to and approved by the Village Department Heads and Village Engineer.
2. Prior to Village officials affixing signatures to the CSM, documents conveying the rights and conditions for the easements must be prepared and submitted to the Village for review.

Motion was carried unanimously.

**E. Site Plan and Architectural Review of Proposed School District Office Building for the Property Located West of Clarendon Avenue School and, Facing CTH NN, to the South of the Existing Parking Lot**

Motion was made by Penzkover/Decker to accept the Plan Commission recommendation to approve the amended site plan and architectural review of the proposed school district office building for the property located West of Clarendon Avenue School and, facing CTH NN, to the South of the existing parking lot was carried unanimously.

**F. Architectural Review of Proposed Patient Service Center for the Property Located at 225 Eagle Lake Ave. – Bradley Sabre, Aurora Health Care**

No action taken.

**G. Authorization of the Extension of Lease Agreement with Crown Castle**

Motion by Decker/Penzkover to accept the Plan Commission recommendation to approve the Authorization of the Extension of Lease Agreement with Crown Castle was carried unanimously.

**H. Site Plan and Architectural Review of Proposed Funeral Home for the Property Known as MUKV 2009 968 and Located on the East Side of CTH ES Just North of Bay View Rd. – Russell Karasch, Keystone Funeral Home Design Build (Applicant) and Steve Schmidt, Schmidt & Bartelt, Inc. (Property Owner)**

No action taken.

**11. Village Administrator**

**A. Village of Mukwonago Obtaining Waterstar Designation of Silver**

Moderacki gave a report that the Village of Mukwonago became the first Village in the State to become a Water Star charter member of Silver status for all the efforts the Village has made to preserve the Mukwonago River. No action taken.

**B. Mukwonago Improvement Committee – Downtown Revitalization Initiative**

Moderacki gave an update of the Mukwonago Improvement Committee. No action taken.

**C. League of Wisconsin Municipalities Regional Dinner Meeting Update**

Moderacki attended the League of Wisconsin Municipalities Regional Dinner along with four trustees. The League reported on various topics such as the smoking ban, mental health parity, levy limits, transportation aids, expenditure restraint, and the maintenance of effort law pertaining to expenditures for Police, Fire and EMS. No action taken.

**12. Village Attorney**

**A. Contract for Construction Manager for Mukwonago Community Library Expansion Project**

Reilly gave an update of the status of the contract for Construction Manager for the Mukwonago Community Library Expansion Project. No action taken.

**B. Potential Attorney Client Conflict Waiver Authorization**

Motion by Decker/Bakst to authorize the Village Administrator to sign the Conflict Waiver Authorization from Attorney Samuel Hall of Crivello Carlson Attorneys was carried unanimously.

**13. Village President**

**A. Schedule Village Board Committee of the Whole Meeting Regarding Storm Water Utility**

President Wagner scheduled a Committee of the Whole meeting on August 2, 2010 at 7:00 p.m. so the Board may gain all information and make inquiries to the prior Adhoc Storm Water Committee and the engineers relating to the proposed Storm Water Utility.

**B. Acceptance of Letter of Resignation from Plan Commission – John Bronk**

Motion by Bakst/Decker to accept the Village President's recommendation to accept the letter of resignation by John Bronk from the Planning Commission was carried unanimously.

**C. Appointments – Plan Commission, Fox River Commission, Board of Building and Zoning Appeals Second Alternate**

Motion by Bakst/Decker to accept the Village President's recommendation to appoint Dean Falkner to the Southeast Wisconsin Fox River Commission was carried unanimously. Planning Commission Citizen Member and Board of Building and Zoning Appeals Second Alternate appointments will remain on the agenda.

**14. Convene into Closed Sessions**

Motion was made by Decker/Johnson to convene into closed sessions at 8:39 p.m. pursuant to Wisconsin 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*) to discuss Water Department and Wastewater Department Superintendent Roles and Responsibilities and an update on the medical history of an employee and **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*) to discuss Village of Mukwonago vs. Greenwald Family Limited Partnership litigation. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 9:10 p.m.



## **15. Reconvene into Open Session**

Motion by Fickau/Bakst to reconvene into open session was carried unanimously.

### **A. Water Department and Wastewater Department Superintendent Roles and Responsibilities**

Motion by O'Bryan/Bakst to proceed with the reorganization of the staffing of the Water and Wastewater Utilities as recommended by the Personnel Committee and discussed in closed session was carried unanimously.

### **B. Update Medical History**

No action taken.

### **C. Village of Mukwonago vs. Greenwald Family Limited Partnership**

No action taken.

## **16. Adjournment**

Motion by Bakst/Fickau to adjourn the Village Board meeting at 9:11 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, July 20, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order on July 20, 2010 at 7:31 p.m.

#### **2. Roll Call**

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

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

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Announcement of Closed Session Pursuant to Wisc Stats 19.85(c)**

President Wagner announced that the Board will adjourn into closed session later in the meeting pursuant to Wisconsin Statute 19.85(c).

#### **6. Minutes of the June 1 and June 15, 2010 Board Meetings**

Motion by Fickau/Decker to approve the June 1 and June 15, 2010 meeting minutes as presented was carried unanimously.

#### **7. Reports**

##### **A. 2010 June Treasurer, Mileage, Police, and Library Reports**

##### **B. 2010 2<sup>nd</sup> Quarter Recycling Report**

##### **C. 2009 Mukwonago Police Department Annual Report**

President Wagner noted receipt of the Treasurer, Mileage, Police, and Library Reports for June 2010, the 2010 2<sup>nd</sup> quarter Recycling Report from John's Disposal Service, and the 2009 Mukwonago Police Department Annual Report and placed them on file in the Clerk's Office.

#### **8. Comments from the Public**

Thayne Odier, representative of the Mukwonago Museum – Notified the Board that the Museum had received another Community Development Block Grant in the amount of

\$10,125. The money will be used towards new, more secure display cabinets for an exhibit. Since the museum cannot be brought up to ADA standards, some of the money will also go towards a power point presentation to be brought to nursing homes and senior housing.

Dan Smith, 806 N. Rochester St. – Asked the Board to approve the Ben Smith extraterritorial Certified Survey Map (CSM)

Julie Zignego, 105 Armstrong Ct. – Asked the Board to approve the Smith extraterritorial CSM.

Ben Smith, 3631 S. 82<sup>nd</sup> St., Milwaukee – Asked the Board to approve his extraterritorial CSM as a conditional review. If the Board does not want to approve it, then he asked that the Board hold the approval until more information can be provided. He stated that he would be willing to waive the approval time period.

Josh Kiselicka, 933 Robins Ln. – Asked the Board to approve the Smith extraterritorial CSM.

Dan Iwanski, 102 Armstrong Ct. – Asked the Board to approve the Smith extraterritorial CSM.

Matt Smith, 804 N. Rochester St. – Asked the Board to approve the Smith extraterritorial CSM.

Angela Lord-Smith, 804 N. Rochester St. – Asked the Board to approve the Smith extraterritorial CSM.

Dennis Smith, 1043 Sundown Ct. – Wished that the Board would read the letter from the attorney and asked the Board to approve the Smith extraterritorial CSM tonight.

## **9. Committee Reports**

### **A. Finance**

#### **1) 2009 Financial Audit Report**

Motion by Bakst/Decker to accept the 2009 Financial Audit Report was carried unanimously.

#### **2) Resolution 2010-13: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago**

Motion by Bakst/Decker to adopt Resolution 2010-13: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago was carried unanimously.

#### **3) Vouchers Payable**

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$884,726.46 was carried unanimously.

#### **4) Request for Submission to Public Service Commission for Water Rate Increase**

Motion by Bakst/O'Bryan to authorize Ruekert and Mielke to submit an application to the Public Service Commission requesting a water rate increase was carried on a vote of 6 ayes and 1 nay (Johnson voted no).

### **B. Health and Recreation**

#### **1) Possible Customized Play Structure in Mukwonago – Mark Olver**

Item will remain in Committee.

#### **2) Field Park Ball Field Lighting Project – Conceptual Lighting Design and Possible Bidding Options**

Item will remain in Committee.

#### **3) Request for Closure of Small Farm Road for Block Party on August 3, 2010 – Kenneth Pileggi**

Motion by Penzkover/Johnson to authorize the closing of Small Farm Road from Plank Road to McKenzie Road on August 3, 2010 from 6:00 p.m. to 9:00 p.m. was carried unanimously.

**4) Use of Community Room on Weekends**

Item will remain in Committee.

**C. Judicial**

**1) Complaint on Snowmobile Noise and Request to Close Snowmobile Trails**

Item will remain in Committee.

**2) Ordinance No. 829: An Ordinance to Amend and Recreate Section 38 of the Village of Mukwonago Municipal Code Pertaining to Fire Prevention, Protection, and Control**

Motion by Johnson/Decker to adopt Ordinance No. 829: *An Ordinance to Amend and Recreate Section 38 of the Village of Mukwonago Municipal Code Pertaining to Fire Prevention, Protection, and Control* was carried unanimously.

**3) Ordinance No. 830: An Ordinance to Create Section 43 of the Village of Mukwonago Municipal Code Relating to Housing Discrimination**

Motion by Johnson/Decker to adopt Ordinance No. 830: *An Ordinance to Create Section 43 of the Village of Mukwonago Municipal Code Relating to Housing Discrimination* was carried unanimously.

**4) Consideration of 2010-11 Application for Original Class B Fermented Malt Beverage and Intoxicating Liquors License**

- **Veronica's Red Fox Restaurant LLC (Hector Macias Reyes – Agent), 1015 CTH NN East, d/b/a Veronica's Red Fox Restaurant**

Motion by Johnson/Decker to grant the 2010-11 original Class B Fermented Malt Beverage and Intoxicating Liquors license to Veronica's Red Fox Restaurant LLC (Hector Macias Reyes – Agent), 1015 CTH NN East, d/b/a Veronica's Red Fox Restaurant was carried unanimously.

**5) Consideration of 2010-11 Applications for Operator's License – Scott A. Baksic, Kimberly S. Beach, Morgan J. Brown, Peggy L. Champlin, Daniel P. Forrestal, Theresa M. Jacobson, Nicholas H. Johnson, Robert J. Jones, Lisa A. Langenbach, Kari R. Maloney, Andrew M. Moe, Mandie A. Nowak, Parvinder K. Phul, Abigail M. Schreiber, Jonathan A. Weiss, Tina M. White, Mary A. Zach**

Motion by Johnson/Decker to grant the 2010-11 renewal and new Operator's licenses to Scott A. Baksic, Kimberly S. Beach, Morgan J. Brown, Peggy L. Champlin, Daniel P. Forrestal, Theresa M. Jacobson, Nicholas H. Johnson, Robert J. Jones, Lisa A. Langenbach, Kari R. Maloney, Andrew M. Moe, Mandie A. Nowak, Parvinder K. Phul, Abigail M. Schreiber, Jonathan A. Weiss, Tina M. White, Mary A. Zach was carried on a vote of 5 ayes and 2 nays (Bakst and Wagner voted no).

**D. Personnel**

**1) Review All Water and Sewer Department Job Descriptions**

Motion was made by O'Bryan/Johnson to accept the job descriptions for Utility Director, Assistant Utility Director: Wastewater, Assistant Utility Director: Water, Utility Operator/Mechanic: Wastewater, and Operator/Mechanic: Water. Decker would like the lifting weight limit to be a range of 50-75 pounds. Staff shall confer with the safety director and verify what the proper lifting weight limit should be. Motion was carried unanimously.

- 2) **Resolution 2010-14: A Resolution Amending the Village of Mukwonago Salary and Wage Schedules for Certain Non Represented Full-Time Employees**  
Motion by Johnson/Decker to adopt Resolution 2010-14: A Resolution Amending the Village of Mukwonago Salary and Wage Schedules for Certain Non Represented Full-Time Employees was carried on a vote of 6 ayes and 1 nay (Decker voted no).
- 3) **Employee Comp-time Policy**  
Item will remain in Committee.

#### E. Public Works

- 1) **Update and Discussion of the Construction of a Salt Shed – DPW**  
Item will remain in Committee.
- 2) **Request for Reduction in Utility Bill Charges Due to Broken Water Pipe – 955 Main St. Unit A – Jessica Zhu, Amazon Real Estate Management LLC**  
Motion by Fickau/Decker to deny the request by Jessica Zhu, Amazon Real Estate Management LLC, for a reduction in the utility bill charges at 955 Main St. Unit A due to a broken water pipe was carried unanimously.
- 3) **Rip Rap at Storm Water Inlet in Field Park**  
No action taken. Item can be removed from the agenda.
- 4) **Mukwonago River Dam Spillway History**  
Motion by Fickau/Decker to authorize Ruekert and Mielke to develop a plan for the construction of a spillway at the Mukwonago River Dam was carried unanimously.
- 5) **CTH NN Multiuse Trail**  
Motion was made by Fickau/O'Bryan to authorize Ruekert and Mielke to proceed with the design of the multi-use trail along CTH NN. Reilly would like to meet with two Trustees at a separate time to discuss the issue and asks that the motion not be approved tonight. Motion lost unanimously.

#### 10. Plan Commission

- A. **Extraterritorial Certified Survey Map for the Properties Known as MUKT 1980 088 and MUKT 1980 089, Located at W301S10258 Hillside Dr. in the Town of Mukwonago, and Owned by the Estate of William O. Bonney**  
Motion was made by Fickau/Decker to accept the Plan Commission recommendation and approve the proposed Certified Survey Map pursuant to extraterritorial review for the combination of the properties known as MUKT 1980 088 and MUKT 1980 089, located at W301S10258 Hillside Dr. in the Town of Mukwonago, and owned by the Estate of William O. Bonney, into one lot. The approval shall be subject to the following conditions:
  1. Prior to Village officials affixing signatures to the CSM, the Town of Mukwonago shall approve of the CSM.
  2. Prior to Village officials affixing signatures to the CSM, written approvals of the Town of Mukwonago and Waukesha County shall be filed with the Village Clerk.The third condition as set by the Plan Commission regarding the setback from the floodplain has been satisfied. Motion was carried unanimously.
- B. **Extraterritorial Certified Survey Map for the Properties Known as PA395100003 and PA430300002, Located on Spleas Skoney Rd. in the Town of East Troy, and Owned by Benjamin J. Smith**  
Motion was made by Penzkover/Decker to accept the Plan Commission recommendation and deny the proposed Certified Survey Map pursuant to extraterritorial review for the dividing of the property known as PA395100003 and

PA430300002, located on Spleas Skoney Rd. in the Town of East Troy, and owned by Benjamin J. Smith, into four lots. The Plan Commission found the application failed to address the policies and standards of the Village's Comprehensive Plan relating to adequate protection of persons and property and proper land use pattern. Additional information needed is as follows:

1. Submittal of plans regarding the design of the access road (width, pavement type, design of the pavement with base, etc.).
2. Submittal of a Homeowners Association Maintenance Agreement for responsibility of maintenance of the road.
3. Submittal of a written statement from Walworth County Planning indicating the plans for land use and access to neighboring properties have been approved.

A letter was received from the applicant's attorney, T. Michael Schober from Schober, Schober & Mitchell, S.C, requesting that the Village Board approve the request of land division with conditions to be reasonably satisfied as determined by the Village Planner or that the matter be tabled until the required additional can be provided. Johnson stated that the Board should consider the request to approve with conditions. Kaniewski was fine with either approving with conditions or postponing for more information. He stated that the main issue was the lack of a plan for the construction and long-term maintenance of the private driveway. Fickau asked who would enforce such a plan. Motion was carried on a vote of 4 ayes and 3 nays (Bakst, Decker, and Johnson voted no).

**C. Extraterritorial Certified Survey Map for the Property Known as PET1100045, Located at W715 Miramar Rd. in the Town of East Troy, and Owned by Gary Bengtsson**

Motion was made by Decker/Penzkover to accept the Plan Commission recommendation and approve the proposed Certified Survey Map pursuant to extraterritorial review for the dividing of the property known as PET1100045, located at W715 Miramar Rd. in the Town of East Troy, and owned by Gary Bengtsson, into two lots. The approval shall be subject to the following conditions:

1. Prior to Village officials affixing signatures to the CSM, both Town of East Troy and Walworth County shall approve of the CSM.
2. Prior to Village officials affixing signatures to the CSM, written approvals of the Town of East Troy and Walworth County shall be filed with the Village Clerk.

Motion was carried unanimously.

**D. Site Plan and Architectural Review of Proposed Funeral Home for the Property Known as MUKV 2009 968 and Located on the East Side of CTH ES Just North of Bay View Rd. – Russell Karasch, Keystone Funeral Home Design Build (Applicant) and Steve Schmidt, Schmidt & Bartelt, Inc. (Property Owner)**

Motion was made by Decker/Penzkover to accept the Plan Commission recommendation and approve the site plan and architectural review of the proposed funeral home for the property known as MUKV 2009 968 and located on the east side of CTH ES just north of Bay View Rd., and owned by Schmidt & Bartelt, Inc. The approval shall be subject to the following conditions:

1. Approval of the plans shall be subject to the submitted Site Plan with last revised date of July 13, 2010, submitted Floor Plan with last revised date of July 13, 2010, and the Exterior Elevations with last revised date of July 13, 2010.
2. Prior to the start of any site construction or issuance of a building permit, whichever occurs first, the following shall occur:

- a. The Village Engineer shall approve the Storm Water Management/Water Quality Plan.
  - b. The Village Engineer shall approve all site engineering plans.
  - c. A signed Storm Water Management Maintenance Agreement shall be submitted to the Village Clerk, subject to approval in form and substance by the Village Attorney and Village Engineer.
  - d. Submittal of any required Letter of Credit(s) for storm water management and/or construction or public improvements within the public right-of-way, in an amount and format as approved by the Village Attorney and Village Engineer.
  - e. Approval of the plans by the Fire Chief, which will include, but are not limited to, fire hydrant location, fire department connection location, and canopy clearance.
  - f. Approval of building plans by the Building Inspector.
  - g. Approval of Site Landscaping Plan and Site Exterior Lighting Plans by the Building Inspector and Village Planner. Approval of Site Landscaping Plan shall include landscaping surrounding external building mechanical equipment, with the location of the mechanical equipment shown on the building plans and landscape plan. Exterior mechanical equipment locations are subject to approval of the Building Inspector and Village Planner.
3. Prior to temporary occupancy issuance, if needed prior to final occupancy permit, the following shall occur:
- a. Submittal of an easement document providing Village access to the on-site fire hydrant and water main to the hydrant. Said easement shall be in a form and format as approved by the Village Attorney and Village Engineer, and shall be accepted by the Village Board.
  - b. Completion of all site grading and storm water management facilities in accordance with approved plans.
  - c. Completion of all exterior lighting in accordance with approved plans.
  - d. Completion of the building in accordance with approved plans and all applicable codes.
  - e. Completion of a hard parking surface, including installation of handicapped parking signs.
4. Prior to final occupancy permit, which shall be issued not later than 90 days after any temporary occupancy permit, the following shall occur:
- a. Completion of all items within Condition No. 3.
  - b. Completion of curbing, paving and striping of the entire parking area and drives, in accordance with approved plans.
  - c. Installation of all site landscaping.
5. Applicant has stated there will not be an outside dumpster for refuse. If needed in the future, any dumpster or refuse containers shall be enclosed in accordance with standards of the Zoning Ordinance, and reviewed and approved by the Building Inspector.
6. The size and design of the monument sign shown on the Site Plan shall be subject to approval of the Plan Commission, in accordance to sign design standards of the zoning ordinance. The site address shall be incorporated into the design of the sign. The Schmidt & Bartelt Shield on the face of the building canopy is part of the building architecture, and therefore does not need sign approval.
7. The depth of the parking stalls shall be reduced from 20 feet to 18 feet to reduce the amount of asphalt and water runoff.

8. The width of the sidewalk along the south side of the building shall be increased from 6 feet to 7 feet to allow better flow of pedestrians.

Motion was carried unanimously.

#### **11. Village Administrator**

##### **A. County-wide Mutual Aid Agreement with the Waukesha County Municipalities**

Motion by Fickau/Decker to approve the County-wide Mutual Aid Agreement with the Waukesha County Municipalities was carried unanimously.

##### **B. Acceptance of Emergency Assistance Program Grant Award of \$380,000 for the Dam Repairs Project**

Motion by Fickau/Decker to accept the Emergency Assistance Program Grant Award of \$380,000 for the Dam Repairs Project was carried unanimously.

#### **12. Village President**

##### **A. Reading and Signing of Proclamation for National Night Out – August 3, 2010**

Wagner read the proclamation declaring August 3, 2010 as National Night Out. Motion by Bakst/Decker to approve the signing of the proclamation declaring August 3, 2010 as National Night Out was carried unanimously.

##### **B. Appointments – Plan Commission Citizen Member and Board of Building and Zoning Appeals Second Alternate**

Item will remain on the agenda.

##### **C. Village President Announcements**

President Wagner reminded the Board that there will be a special Village Board meeting on Monday, August 2, 2010, at 7:00 p.m. to discuss the proposed Storm Water Utility.

#### **13. Convene into Closed Session**

Motion was made by Bakst/Fickau to convene into closed sessions at 8:48 p.m. pursuant to Wisconsin 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) to discuss the Wastewater Superintendent/Utilities Director sick time benefits. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 9:10 p.m.

#### **14. Reconvene into Open Session**

Motion by Bakst/Decker to reconvene into open session was carried unanimously.

##### **A. Wastewater Superintendent/Utilities Director Sick Time Benefits**

No action taken.

#### **15. Adjournment**

Motion by Bakst/Decker to adjourn the Village Board meeting at 9:11 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk



## **MINUTES OF THE SPECIAL VILLAGE BOARD MEETING**

### **Tuesday, August 2, 2010**

#### **1. Call to Order**

President James Wagner called the Special Village Board meeting to order on August 2, 2010 at 6:34 p.m.

#### **2. Roll Call**

Trustees present: Elliot Bakst  
Jim Decker  
Dennis O'Bryan  
Arnie Fickau  
Darlene Johnson  
Mark Penzkover  
James Wagner, Village President  
Also present: Paul Moderacki, Administrator/Clerk-Treasurer  
Shawn Reilly, Village Attorney  
Kurt Peot, Village Engineer

#### **3. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **4. Announcement of Closed Sessions Pursuant to Wisc Stats 19.85(c) and (g)**

Wagner announced the Board would adjourn into closed session pursuant to §§ 19.85 (c) and (g) to discuss matters indicated on the meeting agenda.

#### **5. Convene into Closed Session**

Motion was made by Penzkover/Decker to convene into closed sessions at 6:35 p.m. pursuant to Wisconsin 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) to discuss the Wastewater Superintendent/Utilities Director sick time benefits and **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) to discuss the possible construction of the multi-use trail along CTH NN. Motion carried unanimously upon roll call vote. Discussion held in closed session. Closed session adjourned at 7:03 p.m.

#### **6. Reconvene into Open Session**

Motion by Decker/Johnson to reconvene into open session was carried unanimously.

##### **A. Wastewater Superintendent/Utilities Director Sick Time Benefits**

No action taken.

##### **B. Possible Construction of the Multi-use Trail along CTH NN**

No action taken.

#### **7. Adjournment**

Motion by Bakst/Decker to adjourn the Special Village Board meeting at 7:04 p.m. was carried unanimously.

Respectfully Submitted,

Village of Mukwonago  
Waukesha and Walworth Counties, Wisconsin

Steven A. Braatz, Jr.  
Deputy Clerk

**MINUTES OF THE SPECIAL VILLAGE BOARD  
COMMITTEE OF THE WHOLE MEETING  
Tuesday, August 2, 2010**

**1. Call to Order**

President James Wagner called the Special Village Board Committee of the Whole meeting to order on August 2, 2010 at 7:05 p.m.

**2. Roll Call**

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

Also present:                 Jon Cameron, Storm Water Utility Consultant  
                                      Paul Moderacki, Administrator/Clerk-Treasurer  
                                      Shawn Reilly, Village Attorney  
                                      Kurt Peot, Village Engineer  
                                      Joseph Hankovich, Supervisor of Inspections/Zoning Administrator

**3. Statement of Public Notice**

The meeting was posted and noticed according to law.

**4. Discussion of Proposed Ordinance to Repeal and Recreate Article IV of Chapter 86 of the Village Code Related to Storm Water and Creating a Storm Water Utility**

Jon Cameron and Kurt Peot gave a presentation on the proposed Storm Water Utility. Item referred to Public Works Committee.

**5. Adjournment**

Motion by Decker/Bakst to adjourn the Special Village Board Committee of the Whole meeting at 8:45 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, August 17, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order on August 17, 2010 at 7:30 p.m.

#### **2. Roll Call**

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

Also present:             Police Chief Fred Winchowky  
                                  Fire Chief Jeff Rolfe  
                                  DPW Superintendent Tom Brandemuehl  
                                  Administrator/Clerk-Treasurer Paul Moderacki  
                                  Sanitary Sewer Superintendent Dean Falkner  
                                  Attorney Shawn Reilly  
                                  Library Director Nick Weber  
                                  Financial Consultant Jon Cameron  
                                  Engineer Consultant Steve Wurster

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Minutes of the July 20, 2010 Board Meeting, August 3, 2010 Special Board Meeting, and August 3 Special Village Board Committee of the Whole Meeting**

Motion by Fickau/Bakst to approved the July 20, 2010 Regular Board meeting, the August 2, 2010 Special Board meeting and the August 2, 2010 Committee of the Whole meeting was unanimously approved.

#### **6. Reports**

##### **A. 2010 July Treasurer, Mileage, Police, and Library Reports**

##### **B. 2009 Annual Drinking Water Quality Report**

##### **C. 2009 Annual Mukwonago Community Library Report**

President Wagner noted receipt of the Treasurer, Mileage, Police, and Library Reports for July 2010, the 2009 Annual Drinking Water Quality Report and the 2009 Annual Mukwonago Community Library Report and placed them on file in the Clerk's office.

#### **7. Comments from the Public**

Brian Brejcka, of Cramer, Multoff & Hammes, said he represented the McCarthys and other farmers in the Village. He said all were opposed to the proposed formation of a Storm Water Utility and being subject to rates and charges for agricultural run-off.

April Reszka, Executive Director of the Mukwonago Area Chamber of Commerce, asked the Board to approve a temporary Class "B" Beer License for Atkinson St. for the 10<sup>th</sup> Annual Fall Fest and urged all board members to have fun and attend.

Duane Thornton, of Mt. Olive Church, asked the Board to approve use of Field Park for an ecumenical service to bless the animals. He said the Church expected about 100 people to attend and reported the Church's youth group would be responsible for "scooper patrol."

Jim and Marilyn McCarthy, S1082760 Maple Ave., said they were opposed to the proposed Storm Water Utility and for being required to share in its costs.

Wendell Schultz, W450 CtH L, said he was opposed to the proposed Storm Water Utility and for being required to share in its costs.

Kevin McCarthy, 1475 S. Rochester St., said he was opposed to the proposed Storm Water Utility and for being required to share in its costs.

Doug DeBack, S108W28220 Maple Ave., said he was opposed to the proposed Storm Water Utility and for being required to share in its costs.

Mary Pires, 1128 Eastern Tr., urged the Board to keep storm water costs on the property tax levy for now and not to create a Storm Water Utility.

Colleen Farmer, 1445 Applewood Ci., said she didn't think the State Department of Revenue's (WDOR) §§70.57, Wis. Stats., correction would take care of the entire problem related to the overstated equalization ratio for Walworth County in 2008 and 2009. She asked the Board to require staff to research the issues further and report back on the issues she was raising in September.

Matt Wade, Pro-Health Care of Waukesha Memorial Hospital, said the Hospital intended to appeal the recent Court of Appeals decision related to the tax exempt status of the clinic in the Village.

## **8. Committee Report – Public Works**

### **A. Proposed Creation of Storm Water Utility**

Tr. Fickau said although he recognized the guidelines and requirements from the State Department of Natural Resources (WDNR) he was not in favor of imposing more costs on the Village at this time. He said the Village didn't have to do things now and could not afford more costs now. Tr. Decker said there were too many shades of grey to be considered. Pres. Wagner agreed with both statements. Wurster said a revision of the NR151 standards had been introduced in the legislature that, if passed and signed into law, would extend the time for the Village to comply with some of the retention requirements, but other standards were not affected and had to be implemented. Tr. Johnson said the Village should stay right where it is now. Pres. Wagner said if the law doesn't change the Village will not have much choice left but to create a Storm Water Utility. Tr. O'Bryan said there were more restrictions related to sand/salt use in winter, for storm water monitoring and increased public education. Wurster said the other requirements of NR151 were much accelerated in comparison to the 40% storm water retention/reduction requirement

## **9. Unfinished Business**

### **A. Ordinance 827: An Ordinance to Repeal and Recreate Article IV of Chapter 86 of the Village of Mukwonago Municipal Code Establishing a Storm Water Utility**

Motion by Decker/Bakst to table further consideration of a Storm Water Utility until January 2011 passed unanimously.

## **10. Committee Reports**

### **A. Finance**

#### **1) Update on Walworth County Equalized Value including Wisconsin Dept. of Revenue Determination and Solution**

Pres. Wagner said people from WDOR, the Assessor and Administrator need to get together to address the issue. Ms. Farmer said she thought the former assessor made a palpable error related to Walworth County equalization ratio and fair market rates. Pres. Wagner asked staff to re-do the market value estimates to determine and demonstrate how the WDOR's §§ 70.57, Wis. Stats., correction will affect Walworth County residents

#### **2) Vouchers Payable**

Motion by Bakst/Decker to approve the vouchers payable in the amount of \$2,018,158.30 passed unanimously.

#### **3) Request by Diane Carr for Waiver of Penalty from 1<sup>st</sup> Quarter 2010 Utility Bill for 415 Lake St.**

Pres. Wagner asked the Public Works Committee to review the claim.

#### **4) Awarding of Contract to JFNew for Vegetation Monitoring Report for Gateway Retention Pond in TID #3**

Motion by Bakst/Fickau to approve the proposed contract with JFNew to provide vegetation monitoring in the Gateway Retention Pond passed 6-1, with Tr. Johnson opposed.

#### **5) Acceptance of Bid and Awarding of Contract to Wolf Paving for STH 83 Multi-use Trail Project**

Motion by Bakst/Fickau to approve the proposed contract with Wolf Paving for the StH 83 Multi-Use Trail Project passed unanimously.

### **B. Health and Recreation**

#### **1) Possible Customized Play Structure in Mukwonago – Mark Olver**

Item retained in committee.

#### **2) Field Park Ball Field Lighting Project – Conceptual Lighting Design and Possible Bidding Options**

Progress toward bidding the project is being made, retained in committee.

#### **3) Use of Community Room on Weekends**

Motion by Penzkover/Decker to approve the revised Community Center rules to permit weekend rentals passed unanimously.

#### **4) 2010 Fall Fest Discussion and Request to Close Atkinson St. on the East Side of STH 83 – April Reszka, Mukwonago Area Chamber of Commerce**

Motion by Penzkover/O'Bryan to approve closing Atkinson St. on Sept. 18 for the Village's Fall Fest Celebration passed unanimously.

#### **5) Request by Jessica Roe and Kathleen Roe to use Field Park and Pavilion on Sept. 4, 2010 for a Fundraise to Help Pay Medical Expenses for Rich Tuler**

Motion by Penzkover/Johnson to permit Jessica Roe and Kathleen Roe to use Field Park and Pavilion on Sept. 4, 2010 for a Fundraise to Help Pay Medical Expenses for Rich Tuler and to waive the fee for such use passed unanimously.

**6) Request by Country Bliss Homeowners to Use Field Park and Pavilion on October 9, 2010 for a Fundraiser for Country Bliss Flooding and Soil Borings and Request to Waive the Park Rental Fees**

Motion by Penzkover/Johnson to permit Country Bliss Homeowners to use Field Park and Pavilion on October 9, 2010 for a fundraiser for Country Bliss Flooding and Soil Borings passed unanimously. Motion by O'Bryan/Decker not to waive the Park Rental Fees for the Country Bliss Homeowners passed 6-1, with Tr. Johnson opposed.

**7) Request by Mt. Olive Lutheran Church to Use Field Park and Pavilion on September 26, 2010 for a Blessing of the Animals Ecumenical Service and Request to Waive the Park Rental Fees**

Motion by Penzkover/Decker to permit Mt. Olive Lutheran Church to use Field Park and Pavilion on Sept. 26, 2010 for a Blessing of the Animals Ecumenical Service passed 5-2, with Tr. Johnson and Fickau opposed. Motion by Decker/Bakst to waive the fee for Mt. Olive passed 5-2, with Tr. Penzkover and Fickau opposed.

**C. Judicial**

**1) 2010 Application for Temporary Class B Picnic Licenses:**

- **St. James Catholic Parish for Beer and Wine License on September 10-12, 2010 in the Activity Center and Festival Grounds at the Property Located at 830 CTH NN E**

Motion by Johnson/Decker to approve St. James Catholic Parish for Beer and Wine License on September 10-12, 2010 passed unanimously.

- **St. James Catholic Parish for Beer Licenses on October 1, November 5, and December 3, 2010 in the Activity Center at the Property Located at 830 CTH NN E**

Motion by Johnson/Decker to approve St. James Catholic Parish for Beer and Wine License on Oct. 1, Nov. 5 & Dec. 3, 2010 passed unanimously.

- **Mukwonago Area Chamber of Commerce for Beer and Wine License on September 18, 2010 Within Barricaded Area on Atkinson St. East of STH 83**

Motion by Johnson/Decker to approve a Beer and Wine License for the Mukwonago Area Chamber of Commerce on Sept. 18, 2010 passed unanimously.

**2) Complaint on Snowmobile Noise and Request to Close Snowmobile Trails**

Retained in committee.

**3) Results of Honeywell Speed Limit Study and Recommendation of Speed Limit Change – Mukwonago Police Department**

Motion by Johnson/Decker to direct staff to draft an ordinance reducing the speed limit on a portion of Honeywell from 45 m.p.h. to 35 m.p.h. passed 6-1, with Tr. Fickau opposed.

**4) Request by Jim Jones, The Boneyard Pub & Grille, for Amendment to Premises Description to Include Outside Patio Area for Class B Fermented Malt Beverage and Reserve Class B Intoxicating Liquors License for the Property Located at 215 Bay View Rd., Suite D**

Motion by Johnson/Decker to grant Jim Jones an amendment to his premises description for the Boneyard Pub & Grille to include an outside dining area for Class B Fermented Malt Beverage and Intoxicating Liquor License contingent upon being granted a Conditional Use Permit passed unanimously.

**5) Request by Mark Weiss, Half-Time Sports Grille, for Amendment to Premises Description to Include Outside Dining Area for Class B Fermented Malt Beverage and Intoxicating Liquors License for the Property Located at 325 Bay View Rd., Unit D**

Motion by Johnson/Decker to grant Mark Weiss an amendment to his premises description for the Half-time Sports Grille to include an outside dining area for Class B Fermented Malt Beverage and Intoxicating Liquor License contingent upon being granted a Conditional Use Permit passed unanimously.

**6) 2010-11 Applications for Operator's License – Shakil Ahmad, Dianna L. Falkenberg, Kelly A. Gerndt, Lee J. Kitzrow, Larry R. McArthur, Fritz T. Nehnevay, Eric J. Poetzl, Kaity C. Schmear, Cal D. Sugden**

Motion by Johnson/Decker to approve an Operator's License for Shakil Ahmad passed unanimously. Motion by Johnson/Decker to approve an Operator's License for Lee J. Kitzrow passed unanimously. Motion by Johnson/Decker to approve Operator's Licenses for Dianna L. Falkenberg, Kelly A. Gerndt, Larry R. McArthur, Fritz T. Nehnevay, Eric J. Poetzl, Kaity C. Schmear, Cal D. Sugden passed unanimously.

**7) Ordinance No. 833: An Ordinance to Amend Ordinance No. 829 Amending and Recreating Section 38 of the Village of Mukwonago Municipal Code Pertaining to Fire Prevention, Protection, and Control**

Motion by Johnson/Decker to adopt Ordinance No. 833, amending Ordinance 829 to amend and recreate Section 38 of the Village of Mukwonago Municipal Code pertaining to Fire Prevention, Protection and Control passed unanimously.

**D. Protective Services**

**1) Letter from Brian Polczynski Requesting a Discussion and Resolution to an Ambulance Bill and Ambulance Transport Protocol and Procedures Relating to an Ambulance Transport on January 26, 2010**

Motion by Bakst/Decker to waive the ambulance bill for Brian Polczynski for an ambulance transport on Jan. 26, 2010 passed 6-1, with Tr. Penzkover opposed.

**2) Acceptance of Patient Tracking Grant**

Motion by Decker/Penzkover to approve acceptance of the Patient Tracking Grant passed unanimously.

**E. Public Works**

**1) Request by Marjorie Wright for Waiver of Penalty from 1<sup>st</sup> Quarter 2010 Utility Bill for 214 Mac Arthur Dr.**

Motion by Fickau/Decker to deny the request of Marjorie Wright passed 5-1-1, with Tr. Johnson opposed and Tr. Fickau abstaining. Motion by Johnson/Penzkover to reconsider the motion passed, 6-0-1, with Tr. Fickau abstaining. Motion by Decker/O'Bryan to deny the request of Marjorie Wright passed 5-1-1, with Tr. Johnson opposed and Tr. Fickau abstaining.

**2) Update and Discussion of the Construction of a Salt Shed – DPW**

Retained in committee.

**3) Gravel Driveways at 544 Fox St. and 311 Springs St.**

Retained in committee.

**4) Warning Signs and Directional Signs for Multiuse Trail**

Retained in committee.



## **11. Plan Commission**

### **A. Historic Preservation Review – Request by Lee and Susan Roberts to Re-roof and Replace Windows at the Residence Located at 510 Jefferson St.**

Motion by Bakst/Decker to approve the request by Lee and Susan Roberts to Re-roof and Replace Windows at the Residence Located at 510 Jefferson St. passed unanimously.

## **12. Village Administrator**

### **A. Conveyance of Easements to Wis DOT for STH 83 Improvements 2011**

Motion by Johnson/Decker to approve conveyance of the proposed easements along the east side of StH 83 to the State of Wisconsin contingent upon the Village Administrator determining the conveyance will not incur significant costs on the Village passed unanimously.

## **13. Village Attorney**

### **A. Legal Update Regarding Tax Exemption Request of Pro Health Care and Possible Action Regarding the Same**

Attorney Reilly reported he expected Pro Health Care to appeal the Court of Appeals ruling regarding the tax exempt status of its clinic facility to the State Supreme Court. He said the Village Assessor should place the facility on the assessment roll in 2011, the Village should reach back two years to recover lost taxes and any future tax exempt request should be denied by the Village.

### **B. Resolution 2010-14: 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 Construction of a Multi-Use Trail**

Motion by Bakst/Decker to adopt Resolution 2010-14, 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 Construction of a Multi-Use Trail passed unanimously.

## **14. Village President**

### **A. Appointments – Plan Commission Citizen Member and Board of Building and Zoning Appeals Second Alternate**

Motion by Bakst/Decker to approve the nomination of Mark Sellenheim to the Plan Commission passed unanimously. Motion by Decker/Bakst to approve the nomination of Tom Kay to the Board of Building and Zoning Appeals as Second Alternate passed unanimously.

## **15. Adjournment**

There being no further business to be come before the Board for its consideration Pres. Wagner adjourned the meeting at 9:25 p.m. upon motion by Fickau/Decker.

Respectfully submitted,

Paul J. Moderacki  
Administrator/Clerk-Treasurer

## **MINUTES OF THE SPECIAL VILLAGE BOARD MEETING**

### **Tuesday, September 13, 2010**

#### **1. Call to Order**

Deputy Clerk Braatz called the Special Village Board meeting to order on September 13, 2010 at 5:25 p.m.

#### **2. Roll Call**

Trustees present:       Arnie Fickau  
                                  Elliot Bakst  
                                  Jim Decker  
                                  Mark Penzkover  
                                  Dennis O'Bryan  
                                  Darlene Johnson

Excused:                 James Wagner, Village President

Also present:           Paul Moderacki, Administrator/Clerk-Treasurer  
                              Tom Brandemuehl, Public Works Supervisor  
                              Dean Falkner, Wastewater Supervisor

#### **3. Statement of Public Notice**

The meeting was posted and noticed according to law.

Motion by Bakst/Fickau to nominate Trustee Decker as Acting Village President was carried unanimously.

#### **4. Committee Report**

##### **A. Judicial**

##### **1) 2010 Application for Temporary Class B Picnic License for St. American Legion Post 375 for a Beer License on September 18, 2010 at Field Park**

Motion by Johnson/Decker to approve the 2010 application for Temporary Class B Beer License for American Legion Post 375 on September 18, 2010 at Field Park was carried unanimously.

#### **5. Village Administrator**

##### **A. Distribution Easement Between the Village of Mukwonago and Wisconsin Electric Power Company**

Motion – Motion was made by Johnson/Bakst to approve the Distribution Easement between the Village of Mukwonago and Wisconsin Electric Power Company.

Discussion – Fickau asked if we okayed the lights for Field Park. Moderacki stated that the lights were approved by the Board and included in the budget through the borrowing. The specifications are now being worked out. Decker asked about using the old lights from the high school football field. Moderacki and Brandemuehl stated that the poles and lights are not going to work for their purposes and the lights are not energy efficient. Fickau asked if this is a money making project. Moderacki noted that the Board will need to look at the park fees in the future. Bakst explained that when the issue came to the Board, there were several organizations that spoke on the matter and would like to use the park if lights were installed. O'Bryan stated that this is a Village project and has been asking that organizations put their money into other parts of the park, such as pavilions, rather than helping with the installation of the lights. Bakst

asked if we have looked at LED lights and government grants. Moderacki explained the LED technology currently does not support enough lighting for sports purposes, and we are searching for grants and other funding.

Vote – Fickau called the question. Motion was carried unanimously.

**6. Adjournment**

Motion by Bakst/Fickau to adjourn the Special Village Board meeting at 5:36 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, September 21, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order on September 21, 2010 at 7:31 p.m.

#### **2. Roll Call**

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

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

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Announcement of Closed Session Pursuant to Wisc Stats 19.85(e)**

Wagner announced that there will not be a closed session at the end of the meeting.

#### **6. Minutes of the August 17, 2010 Regular Board Meeting and the September 13, 2010 Special Board Meeting**

Motion by Bakst/Decker to approve the August 17, 2010 regular Board meeting minutes with the correction presented by Administrator Moderacki and the September 13, 2010 special Board meeting minutes with a correction to include the motion to nominate Trustee Decker as Acting Village President was carried unanimously.

#### **7. Reports – 2010 August Treasurer, Mileage, Police, and Library Reports**

President Wagner noted receipt of the Treasurer, Mileage, Police, and Library Reports for August 2010 and placed them on file in the Clerk's Office.

#### **8. Comments from the Public**

Jeff Rolfe, Fire Chief – Thanked the Board and the Department of Public Works for keeping the swimming hole open during the past summer.

## **9. Village President**

### **A. Village President Announcements (*Taken out of Order*)**

President Wagner announced a Parliamentary Procedures class being held on October 2, 2010 at the Delafield City Hall and asked that if any Board members would like to go they should contact the Clerk's Office.

### **B. Appointment – Utilities Director (*Taken out of Order*)**

Motion by Fickau/Johnson to accept the Village President recommendation and appoint Dean Falkner as Utilities Director was carried unanimously.

## **10. Village Engineer**

### **A. Recommendation of Approval of Storm Water Management Application for Mukwonago Area School District Office Building on Clarendon Ave. (*Taken out of Order*)**

Motion by Penzkover/Decker to accept the Village Engineer recommendation and approve the storm water Management application for the Mukwonago Area School District Office Building on Clarendon Ave. was carried unanimously.

## **11. Village Administrator**

### **A. Proposed Nomination of Paul Moderacki to Mukwonago Area Chamber of Commerce Board of Directors (*Taken out of Order*)**

Motion was made by Penzkover/O'Bryan to allow Paul Moderacki to run for seat on the Mukwonago Area Chamber of Commerce (Chamber) Board of Directors. Johnson and Decker spoke on concerns they had about conflicts with other Village-related duties. Moderacki stated if he would be elected to the Chamber Board, he would resign from another Board that he is on. Johnson asked if this would be a conflict of interest. Cheryl Berg, Chamber Board member, noted that the Village is a member of the Chamber, and this would be a great partnership between the Village and the Chamber. The motion was carried on a vote of 5 ayes and 2 nays (Decker and Johnson voted no).

### **B. Notification of Temporary Help in Clerk-Treasurer's Office Due Extended Medical Leave (*Taken out of Order*)**

Motion was made by Decker/Johnson to allow the hiring of a temporary part-time position in the Clerk's Office to cover the absence of a staff member during medical leave. The position shall be paid up to \$20.00 per hour for up to 40 hours per week during the 8 week period of absence. The motion was carried unanimously.

### **C. Mutual Aid Agreements for Fire/EMS Service to Town of Vernon and Village of Big Bend (*Taken out of Order*)**

Item was referred to the Protective Services Committee.

## **12. Plan Commission Report – Discussion and Possible Action on the Following Item:**

### **A. Architectural Review of Proposed Raw Material Silos for the Property Known as MUKV1970989, MUKV1970998002, and MUKV1970998032 and Located at 711 Fox St. – Gary Schleicher, Seaquist Closures/Aptar Mukwonago (*Taken out of Order*)**

Motion was made by Fickau/Bakst to accept the Plan Commission recommendation and approve the architectural plans of the three proposed raw material silos for the property known as MUKV1970989, MUKV1970998002, and MUKV1970998032 and located at 711 Fox St. and owned by Seaquist Closures/Aptar Mukwonago. The approval shall be

subject to the conditions stated in the letter dated September 15, 2010 from Village Planner Bruce Kaniewski. The motion was carried unanimously.

- B. Request by Hawk's Ridge Condominium Association to Install Final Lift of Asphalt on Private Drive Including Financial Considerations (*Taken out of Order*)**  
Item remains at the Commission, and Atty Reilly is researching the issue.

- C. Request by Craig Caliendo to Install Final Lift of Asphalt in Minor's Homestead Phases 3 and 4 (*Taken out of Order*)**

Motion by Fickau/Bakst to accept the Plan Commission recommendation and approve the installation of the final lift of asphalt on the streets in Minor's Homestead Phases 3 and 4 was carried unanimously.

- D. Extraterritorial Certified Survey Map for the Properties Known as PA395100003 and PA430300002, Located on Spleas Skoney Rd. in the Town of East Troy, and Owned by Benjamin J. Smith (*Taken out of Order*)**

Motion was made by Fickau/Decker to accept the Plan Commission recommendation and approve the extraterritorial Certified Survey Map for the properties known as PA395100003 and PA430300002, located on Spleas Skoney Rd. in the Town of East Troy, and owned by Benjamin J. Smith. The approval shall be subject to the conditions stated in the letter dated September 15, 2010 from Village Planner Bruce Kaniewski and the letter dated September 8, 2010 from T. Michael Schober, from Schober, Schober & Mitchell, S.C., Attorneys at Law. The motion was carried unanimously.

- E. Architectural Review of Proposed Dentistry Office for the Property Known as MUKV2009007 and Located at Lot 7 of River Crest Ct. – Michael Queoff, Keller, Inc. (Applicant) and Dr. John Sullivan, Sullivan Dentistry (Property Owner) (*Taken out of Order*)**

Motion was made by Decker/Bakst to accept the Plan Commission recommendation and approve the architectural plans for the dentistry office for the property known as MUKV2009007 and located at Lot 7 of River Crest Ct. and owned by Dr. John Sullivan, Sullivan Dentistry. The approval shall be subject to the conditions stated in the letter dated September 15, 2010 from Village Planner Bruce Kaniewski. The motion was carried unanimously.

- F. Preliminary Presentation of Plans for Mukwonago Library Expansion Project (*Taken out of Order*)**

No action taken.

### **13. Committee Reports – Discussion and Possible Action on the Following Items:**

#### **A. Public Works**

- 1) Possible Construction of Asphalt Patch at Southwest Entrance of Field Park (*Taken out of Order*)**

Motion was made by Fickau/Decker to accept the quote from Gravers Pavers in the amount of \$4,986 to construct an asphalt patch at the southwest entrance of Field Park as long as it includes the curb cut and restoration. The project will be included in the Field Park project. The motion was carried unanimously.

- 2) Request by Diane Carr for Waiver of Penalty from 1st Quarter 2010 Utility Bill for 415 Lake St. (*Taken out of Order*)**

Motion by Fickau/Decker to accept the request from Diane Carr and waive penalty of \$49.05 from the 1st Quarter 2010 utility bill for 415 Lake St. was carried unanimously.

- 3) Gravel Driveways at 544 Fox St. and 311 Spring St. (*Taken out of Order*)**

Motion was made by Fickau/Decker direct staff to send letters to the owners of 544 Fox St. and 311 Spring St. giving them 30 days to install their driveways or the Village will install and bill the owners back for it. O'Bryan noted that 544 Fox St. was missed during the Oakland Ranch project due to the number of vehicles in the driveway, and if the Village were to install the driveways the money would come from the Field Park project. The motion was carried unanimously.

**4) Proposed Water Dept. Garage with Office and Staff Quarters and Alternatives (Taken out of Order)**

Item remains at Committee.

**5) Update and Discussion of the Construction of a Salt Shed – DPW (Taken out of Order)**

Discussion only. Issue has been satisfied and can be removed from the agenda. No action taken.

**B. Judicial**

**1) Ordinance No. 826: An Ordinance to Amend Section 82-86(2) of the Village of Mukwonago Municipal Code Pertaining to the Decrease of the Speed Limit on Honeywell Road (Taken out of Order)**

Motion by Johnson/Decker to adopt Ordinance No. 826: An Ordinance to Amend Section 82-86(2) of the Village of Mukwonago Municipal Code Pertaining to the Decrease of the Speed Limit on Honeywell Road was carried on a vote of 6 ayes and 1 nay (Fickau voted no). [Editor's Note: The correct Ordinance number is Ordinance No. 833.]

**2) 2010-11 Applications for Operator's License – Cliff E. Beckman, Jr., Lonny G. Eckmann, Wayne V. Foster, Thomas T. Kulinski, Cynthia K. Pepper, Thomas J. Vukelich, Kimberly R. Wilcheck, Matthew R. Yeager (Taken out of Order)**

Motion by Johnson/Decker to grant the 2010-11 renewal and new Operator's licenses to Cliff E. Beckman, Jr., Lonny G. Eckmann, Wayne V. Foster, Thomas T. Kulinski, Cynthia K. Pepper, Thomas J. Vukelich, Kimberly R. Wilcheck, and Matthew R. Yeager was carried unanimously.

**3) Complaint on Snowmobile Noise and Request to Close Snowmobile Trails (Taken out of Order)**

Discussion only. No action taken.

**C. Health and Recreation**

**1) Field Park Ball Field Lighting Project – Conceptual Lighting Design and Possible Bidding Options (Taken out of Order)**

Item remains at Committee.

**2) Possible Customized Play Structure in Mukwonago – Mark Olver (Taken out of Order)**

Item remains at Committee.

**D. Finance**

**1) Resolution 2010-16: A Resolution Amending the 2010 Adopted Budget – General Fund (Taken out of Order)**

Motion by Bakst/Johnson to adopt Resolution 2010-16: A Resolution Amending the 2010 Adopted Budget – General Fund was carried unanimously.

**2) Request by Hawk's Ridge Condominium Association to Borrow \$65,000 from Village for Final Lift of Asphalt on Private Drive (*Taken out of Order*)**

Item remains at Committee.

**3) Resolution 2010-15: 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 (*Taken out of Order*)**

Motion by Bakst/Fickau to adopt Resolution 2010-15: 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 on a vote of 6 ayes and 1 nay (Decker voted no).

**4) Vouchers Payable (*Taken out of Order*)**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$678,193.06 was carried unanimously.

**5) Update on Walworth County Equalized Value including Wisconsin Dept. of Revenue Determination and Solution (*Taken out of Order*)**

Discussion only. No action taken.

**6) Fees Related to the New Fire Prevention, Protection, and Control Code**

Item remains at Committee.

**14. Adjournment**

Motion by Decker/Fickau to adjourn the Village Board meeting at 8:19 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk



## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, October 5, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order at 7:30 p.m.

#### **2. Roll Call**

Trustees present:        Arnie Fickau  
                                 Elliot Bakst  
                                 Mark Penzkover  
                                 Dennis O'Bryan  
                                 Darlene Johnson  
                                 James Wagner, Village President

Trustee Excused:        Jim Decker

Also present:            Fred Winchowky, Police Chief  
                                 Nick Weber, Library Director  
                                 Shawn Reilly, Village Attorney  
                                 Dean Falkner, Utilities Director

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Announcement of Closed Sessions Pursuant to Wisc Stats 19.85(e) and (g)**

President Wagner announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(e) and 19.85(g).

#### **6. Minutes of the September 21, 2010 Regular Board Meeting**

Motion by Bakst/Fickau to approve the September 21, 2010 regular Board meeting minutes as presented was carried unanimously.

#### **7. Comments from the Public**

None.

#### **8. Committee Reports**

##### **A. Finance**

##### **1) Request by Hawk's Ridge Condominium Association to Borrow \$65,000 from Village for Final Lift of Asphalt on Private Drive**

Item remains in Committee.

##### **2) Fees Related to the New Fire Prevention, Protection, and Control Code**

Item remains in Committee.

##### **3) Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$67,289.45 was carried unanimously.

**4) Request by Library Director Nick Weber to Waive Plan Commission Site Plan and Architectural Review Fees for Library Expansion Submittal**

Motion by Fickau/O'Bryan to waive the Plan Commission Site Plan and Architectural review fees for the Library Expansion submittal was carried unanimously.

**B. Judicial**

**1) 2011 Applications for Temporary Class B Picnic Licenses:**

- **St. James Catholic Parish for Beer Licenses on January 7, February 4, March 4, April 1, May 6, and June 3, 2011 in the Activity Center at the Property Located at 830 CTH NN E**

Motion by Johnson/Fickau to approve the 2011 applications for Temporary Class B Beer License for St. James Catholic Parish on January 7, February 4, March 4, April 1, May 6, and June 3, 2011, 2010 in the Activity Center located at 830 CTH NN E was carried unanimously.

**C. Protective Services**

**1) Request by Ralph Helm, 306 Ahrens Dr., to Ban Burning within Village Limits**

Item remains in Committee.

**2) Police Use of Fire Department ATV for Ice Patrols**

Item has been dropped and can be removed from future agendas.

**3) Mutual Aid Agreements for Fire/EMS Service to Town of Vernon and Village of Big Bend**

No action taken.

**4) 2011 Purchase of Replacement Ladder Truck**

Item remains in Committee until 2011.

**9. Village Clerk**

**A. 2010 Population Estimates for Waukesha and Walworth Counties**

Motion by Bakst/Fickau to accept the Wisconsin Department of Administration 2010 population estimates for the Village of Mukwonago in Waukesha and Walworth Counties was carried unanimously.

**B. Recognition by U.S. Census Bureau of the Village of Mukwonago as a Valued Partner and Appreciation in the Support in Raising Awareness and Inspiring Participation in the 2010 Census**

President Wagner presented the plaque that was given the Village by U.S. Census Bureau for recognition of the Village of Mukwonago being a valued partner and for appreciation in the support in raising awareness and inspiring participation in the 2010 Census.

**C. Resolution 2010-17: A Resolution to File the Recycling Grants to Responsible Units and Recycling Efficiency Incentive Grant Application**

Motion by Fickau/Bakst to adopt Resolution 2010-17: *A Resolution to File the Recycling Grants to Responsible Units and Recycling Efficiency Incentive Grant Application* was carried unanimously.

**D. Announcement of Late Hours in Clerk's Office on October 7 and 12, 2010 for the Purpose of Registering Voters**

Deputy Clerk Braatz announced that the Clerk's Office will be open until 7:00 p.m. on Thursday, October 7, 2010, and Tuesday, October 12, 2010 for the purpose of registering new voters.

## 10. Village President

### A. Setting of Dates for Budget Workshops and 2011 Budget Hearing

No dates set at this time.

### B. Village President Announcements

None.

## 11. Convene into Closed Sessions:

Motion was made by Bakst/Penzkover to convene into closed sessions at 7:40 p.m. pursuant to Wisconsin Statutes **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*) to discuss the rent and length of stay for the tenant of 515 Division St. and **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*) to discuss the Walgreens vs. Village of Mukwonago litigation, the Village of Mukwonago vs. Greenwald Family Limited Partnership litigation, and the potential litigation by Bielinski Brothers regarding the construction of the CTH NN Multi-use Trail. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 8:15 p.m.

## 12. Reconvene into Open Session

Motion by Penzkover/Johnson to reconvene into open session was carried unanimously.

### A. Decision of Rent and Length of Stay for Tenant of 515 Division St.

Motion by Fickau/Bakst to direct the Village Attorney to offer the terms and conditions as discussed in closed session to the tenant of 515 Division St. was carried unanimously.

### B. Walgreens vs. Village of Mukwonago Litigation

Motion by Fickau/Bakst to direct the Village Attorney to agree with the settlement of the Walgreens vs. Village of Mukwonago Litigation as discussed in closed session pursuant to discussions with the Village Assessor was carried unanimously.

### C. Village of Mukwonago vs. Greenwald Family Limited Partnership Litigation

No action taken.

### D. Potential Litigation by Bielinski Brothers Regarding the Construction of the STH NN Multi-use Trail

Motion by Bakst/Fickau to direct the Village Attorney to relay the offer to Bielinski Bros. as discussed in closed session was carried unanimously.

## 13. Adjournment

Motion by Johnson/Penzkover to adjourn the Village Board meeting at 8:16 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE SPECIAL VILLAGE BOARD MEETING**

### **Tuesday, October 11, 2010**

#### **1. Call to Order**

Deputy Clerk Braatz called the Special Village Board meeting to order at 5:15 p.m.

#### **2. Roll Call**

Trustees present:        Arnie Fickau  
                                 Elliot Bakst  
                                 Mark Penzkover  
                                 Dennis O'Bryan  
                                 Darlene Johnson

Trustee Excused:        Jim Decker

Trustee Absent:         James Wagner, Village President

Also present:            Shawn Reilly, Village Attorney

#### **3. Statement of Public Notice**

The meeting was posted and noticed according to law.

Motion by Bakst/Penzkover to nominate Trustee Fickau as Acting Village President was carried unanimously.

#### **4. New Business**

##### **A. Request by Charlie Miller, Citizens Bank of Mukwonago, to Install Sanitary Sewer Mains and Roads in the Black Bear Development**

Motion was made by Bakst/Johnson to allow the developer for the Black Bear Development to proceed with the installation of sanitary and storm sewers and roads. The installation will proceed at the risk of the developer. Motion was carried unanimously.

#### **5. Adjournment**

Motion by O'Bryan/Penzkover to adjourn the Special Village Board meeting at 5:18 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, October 19, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order at 7:30 p.m.

#### **2. Roll Call**

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

Also present:               Fred Winchowky, Police Chief  
                                 Tom Brandemuehl, Public Works Supervisor  
                                 Nick Weber, Library Director  
                                 Shawn Reilly, Village Attorney  
                                 Dean Falkner, Utilities Director  
                                 Kurt Peot, Village Engineer  
                                 Bruce Kaniewski, Village Planner  
                                 Steve Brunner, Village Engineer

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Minutes of the October 5, 2010 Regular Board Meeting and the October 11, 2010 Special Board Meeting**

Motion by Fickau/Bakst to approve the October 5, 2010 regular Board meeting and October 11, 2010 special Board meeting minutes as presented was carried unanimously.

#### **6. Reports**

##### **A. 2010 September Treasurer, Mileage, Police, and Library Reports**

##### **B. 2010 3<sup>rd</sup> Quarter Recycling Report**

President Wagner noted receipt of the Treasurer, Mileage, Police, and Library Reports for September 2010 and the 2010 3<sup>rd</sup> quarter recycling report and placed them on file in the Clerk's Office.

#### **7. Comments from the Public**

Alex Yojvodich, We Energies – Asked the Board to consider allowing We Energies to stage some materials at the requested staging area in the parking lot of Lillian Rose. He is willing to work something out including possible fencing for screening.

#### **8. Committee Reports**

**A. Finance**

**1) Fees Related to the New Fire Prevention, Protection, and Control Code**

Item remains at Committee.

**2) Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$678,193.06 was carried unanimously.

**B. Health and Recreation**

**1) Possible Customized Play Structure in Mukwonago – Mark Oliver**

Item shall be removed from the agenda unless there is further interest.

**2) Field Park Ball Field Lighting Project – Conceptual Lighting Design and Possible Bidding Options**

Item remains at Committee.

**3) Change Order #1 – Miniwaukan Park Canoe Launch Project**

Motion was made by Penzkover/Johnson to approve Changer Order #1 for the Miniwaukan Park Canoe Launch project. Decker asked if this change order is covered by the grant. Brunner explained that 50% of all expenses are paid by the grant, with the other 50% paid by the Village. He further explained that the total costs were so far under the project estimate that even with this change order, the project was still under budget. Motion was carried unanimously.

**4) Certificate of Substantial Completion – Miniwaukan Park Canoe Launch Project**

Motion by Penzkover/Johnson to approve the signing of the Certificate of Substantial Completion for the Miniwaukan Park Canoe Launch project was carried unanimously.

**C. Judicial**

**1) 2010-11 Applications for Operator's License – Abigail L. Kersten, Stephanie A. Menge, Mark A. Voelz**

Motion by Johnson/Decker to grant the 2010-11 new Operator's licenses to Abigail L. Kersten, Stephanie A. Menge, and Mark A. Voelz was carried unanimously.

**D. Public Works**

**1) Proposed Water Dept. Garage with Office and Staff Quarters and Alternatives**

Item remains at Committee.

**2) Change Order # 1 – STH 83 Multi-Use Trail**

Motion was made by Fickau/Decker to approve Changer Order #1 for the STH 83 Multi-use Trail project. Wagner asked how we missed in the bidding process the Wisc DOT requirement to have the trail at 10 feet. Peot explained that it was something that came up during the permitting process. Motion was carried on a vote of 6 ayes and 1 nay (Johnson voted no).

**3) Change Order # 3 – Field Park Project**

Motion by Fickau/Decker to approve Changer Order #3 for the Field Park Paving and Utilities project was carried unanimously.

**4) Salt Storage Building – Request for Proposals for Geotechnical Exploration**

Motion by Fickau/Decker to accept the proposal from Giles to do 5 test borings for the proposed Public Works salt storage building was carried unanimously.

**5) Requirements and Recommendations from Staff Regarding the Proper Method to Back-Fill Trenches**

Discussion only. No action taken.

**6) Request to Hire a Contractor for Preliminary Water Well Assessment for Future Repairs and Servicing of Wells**

Motion was made by Fickau/Decker to hire someone to assess all of the Water Utility wells at a cost not to exceed \$1,000. Wagner asked if this was in the budget, and the answer was yes. Motion was carried unanimously.

**7) Discussion of Possible Water and Sewer Rate Increases**

Discussion only. No action taken.

**8) Use of Utility Impact Fees**

Item remains at Committee.

**9) Options Regarding Water Curb-Stop Replacements**

Item remains at Committee.

**10) Request to Trade-In Box Truck for a Pick-up Truck for the Purpose of Mounting of Valve Operator**

Item remains at Committee.

**9. Plan Commission Report**

**A. New Landscape Plan for the Mukwonago Area School District Office Building for the Property Located at 385 CTH NN E (*Item taken out of order*)**

Motion by Penzkover/Decker to accept the Plan Commission recommendation and accept the amended landscape plan for the Mukwonago Area School District Office Building as presented was carried unanimously.

**B. Architectural Review of Church for the Property Known as MUKV2009978005 and Located in the Vacant Portion of 857 S. Rochester St. (Former Wal-Mart Building) – Jason Webb, Brooklife Church**

Motion by Decker/Bakst to accept the Plan Commission recommendation and approve the architectural plans for Brooklife Church on the property known as MUKV2009978005 and located in the vacant portion of 857 S. Rochester St. was carried on a vote of 5 ayes and 2 abstentions (O'Bryan and Wagner abstained). Motion was made by Penzkover/Bakst to accept the Plan Commission recommendation and approve the site plan for Brooklife Church on the property known as MUKV2009978005 and located in the vacant portion of 857 S. Rochester St. The approval shall be subject to the conditions stated in the letter dated October 12, 2010 from Village Planner Bruce Kaniewski. Motion was carried on a vote of 5 ayes and 2 abstentions (O'Bryan and Wagner abstained).

**C. Architectural Review of Library for the Properties Known as MUKV1973183 thru 184, and MUKV1973186 thru 192 and Located at 300 Washington Ave. – Nicholas Weber, Mukwonago Community Library**

Motion was made by Penzkover/Johnson to accept the Plan Commission recommendation and approve the site and architectural plans for the Mukwonago Community Library on the properties known as MUKV1973183 thru 184, and MUKV1973186 thru 192 and located at 300 Washington Ave. The approval includes the site plan A001 dated October 13, 2010. The approval shall be subject to the conditions stated in the letter dated October 13, 2010 from Village Planner Bruce Kaniewski. Decker asked where they are going to plow the snow in the new parking lot. Brandemuehl answered that it will be the same process as present time by using a few parking stalls to pile the snow. Motion was carried unanimously.

**D. Request from We Energies to Use Industrial Park Property Located at 475 McKenzie Rd. (Lillian Rose) for Staging Area Through Spring of 2011**

Motion was made by Johnson/Decker to accept the Plan Commission recommendation, acting on behalf of the Economic Development Committee, and approve the request by We Energies to park vehicles in the parking lot at 475 McKenzie Rd. until no later than June of 2011. We Energies would like to use the lot as a staging for their vehicles during the STH 83 project that will begin in the Spring of 2011. Alex Vojvodich, We Energies, requested that the Village Board consider allowing the storage of materials as well. Atty Reilly stated that the Industrial Park has a restriction outside storage. He further mentioned that the zoning allows the screening of outside storage with either a fence no higher than six feet or plant screening. Wagner mentioned that if We Energies wants more storage, they would need to contact the Zoning Administrator and go back to Plan Commission. Motion was carried unanimously.

**E. Holz Parkway Wetland Mitigation Site Transfer**

Item remains at Commission.

**10. Village President**

**A. Consideration of Cancellation of November 2, 2010 Board Meeting**

Motion by Decker/Bakst to accept the Village President's recommendation and cancel the November 2, 2010 Village Board meeting due to the expected heavy attendance at the Gubernatorial Election was carried unanimously.

**B. Setting of Dates for Budget Workshops and 2011 Budget Hearing**

Budget Workshop dates will be October 26 and 27, and November 3 and 4 at 7:00 p.m.

**C. Acceptance of Letter of Resignation from Library Board – John Hogan**

Motion by Johnson/Decker to accept the Village President's recommendation and accept the letter of resignation from John Hogan from the Library Board was carried unanimously.

**D. Appointments – Library Board**

No recommendations at this time. Item will remain on the agenda.

**E. Village President Announcements**

None.

**11. Adjournment**

Motion by Decker/Bakst to adjourn the Village Board meeting at 8:10 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk



## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, November 16, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order at 7:30 p.m.

#### **2. Roll Call**

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

Also present:              Fred Winchowky, Police Chief  
                                 Tom Brandemuehl, Public Works Supervisor  
                                 Jeff Belongia, Village Financial Advisor  
                                 Paul Moderacki, Administrator/Clerk-Treasurer  
                                 Jeff Rolfe, Fire Chief  
                                 Dean Falkner, Utilities Director  
                                 Shawn Reilly, Village Attorney  
                                 Nick Weber, Library Director  
                                 Bruce Kaniewski, Village Planner

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Minutes of the October 19, 2010 Regular Board Meeting and the November 3, 2010 Special Board Meeting**

Motion by Fickau/Bakst to approve the October 19, 2010 regular Board meeting and November 3, 2010 special Board meeting minutes as presented was carried unanimously.

#### **6. Reports – 2010 October Treasurer, Mileage, Police, and Library Reports, 2009 Annual Report – Mukwonago Fire Department**

President Wagner noted receipt of the Treasurer, Mileage, Police, and Library Reports for October 2010 and the 2009 Annual Report for the Mukwonago Fire Department and placed them on file in the Clerk's Office.

#### **7. Comments from the Public**

##### **A. Discussion and Status Update on Downtown Redevelopment Project by Chamber EDC/MIC and Offer by Wisc DOT for Joint Planning Project**

Bill Kasch and April Reszka, representatives of the Chamber of Commerce (Chamber), and Gary Metzger, representative of the Wisconsin Department of Transportation (Wisc DOT), gave a presentation on downtown redevelopment. The Chamber's Economic Development Committee (EDC) and the Mukwonago Improvement Committee (MIC) has been gathering community input and working with planners to develop a process for

a downtown improvement planning program, including looking at the Main Street Program from the State. Wisc DOT would like to redevelop the intersections of STH 83/CTH LO and STH 83/CTH ES. The Chamber EDC/MIC believes that the timing is right to work with Wisc DOT in a joint effort to redevelop the downtown. Wisc DOT will be holding a public information meeting in the next few months and ask for volunteers to serve on a committee to work on design alternatives for the intersections. Chamber EDC/MIC and Wisc DOT would like a representative from the Village to serve on this Committee. President Wagner asked about the various alternatives for the intersection. He stated that a public information may be held, but he would rather appoint a representative from the Board after the April 2011 election.

#### **B. Other Comments From the Public**

April Reszka, gave an update on Midnight Magic, which will be held on Saturday, December 4, 2010.

### **8. Committee Reports**

#### **A. Finance**

##### **1) Fees Related to the New Fire Prevention, Protection, and Control Code**

Item remains at Committee.

##### **2) Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$745,251.89 was carried unanimously.

##### **3) Resolution No. 2010-18: Resolution Amending and Supplementing Resolution No. 2002-03; Providing for the Issuance and Sale of \$2,920,000 Waterworks System and Sewerage System Refunding Revenue Bonds; And Providing for the Payment of Said Bonds and Other Details and Covenants with Respect Thereto**

Motion by Bakst/Decker to adopt Resolution No. 2010-18: Resolution Amending and Supplementing Resolution No. 2002-03; Providing for the Issuance and Sale of \$2,920,000 Waterworks System and Sewerage System Refunding Revenue Bonds; And Providing for the Payment of Said Bonds and Other Details and Covenants with Respect Thereto was carried unanimously.

##### **4) Resolution No. 2010-19: Resolution Authorizing the Issuance and Sale of \$4,550,000 General Obligation Promissory Notes**

Motion was made by Bakst/Decker to deny the adoption of Resolution No. 2010-19: Resolution Authorizing the Issuance and Sale of \$4,550,000 General Obligation Promissory Notes. Penzkover asked if passing this motion kills the funding for the library. Wagner stated that the funding stops until another motion is brought up. Financial Advisor Belongia gave an update on the bond issue rates and the Village's credit ratings, notifying the Board that the rates are most likely going back up, and the credit rating is excellent. Penzkover asked if the County resolution to allow Towns without libraries to contribute to capital funding is reality. Weber stated that the passage of the resolution is not likely to happen, and if it did pass, it would be retroactive. He will work hard to make it happen. O'Bryan asked where the interest rates are today. Belongia acknowledged that the rates went up in a matter of four days, and even more from 10 days ago. Net increase in interest is around \$37,000 for each 10 basis points the rates go up. Wagner stated that the prior County Supervisor attempted to pass the Town contribution resolution and failed. There is more representation for Towns. Fickau noted that once the library is built, the operating costs go up, and the Village will be stuck with that forever. Future budgets will really hurt and it will be stifling. When he started on the Board in 1980/81, the

library budget was \$36,000. Penzkover added that if the library were not built, there is around \$500,000 worth of immediate work that needs to be built for maintenance of the existing library. Weber stated that even though the operating budget is now \$800,000, over half of that money is paid from non-Village residents. If you build the new library more people will come, which means more revenues. Per capita, the Mukwonago Community Library is the busiest library in the whole County. People who attend the library also do other business in the Village, such as get gas or buy food. Motion failed on a vote of 3 ayes and 4 nays (Penzkover, O'Bryan, Johnson, and Wagner voted no). Motion by Penzkover/Johnson to adopt **Resolution No. 2010-19: Resolution Authorizing the Issuance and Sale of \$4,550,000 General Obligation Promissory Notes** was carried on a vote of 4 ayes and 3 nays (Fickau, Bakst, and Decker voted no).

## **B. Health and Recreation**

### **1) Field Park Ball Field Lighting Project – Conceptual Lighting Design and Possible Bidding Options**

Motion was made by Penzkover/Johnson to approve the commencement of the bidding process with a bid opening date of January 7, 2011, for the Field Park Ball Field Lighting Project. Fickau asked about the amount of money involved with the project. O'Bryan stated that the equipment will cost roughly \$80,000, and there is a balance of \$134,000 of the money borrowed. Decker asked if the park rental fees will be designed to recover the costs. Penzkover stated that is the intention. He also stated that the project is set to begin April 1, but if the contractor can begin while the frost is still in the ground, that would protect the turf. Motion was carried unanimously.

### **2) 2011 Midnight Magic Discussion – April Reszka and Sandy Lombardo, Mukwonago Area Chamber of Commerce**

Information only at the Committee. April Reszka gave an update under the Public Comments section.

### **3) Use of Village Baseball Diamonds – Use Only for Games and Not Practices, Charge Fee for Youth Teams and Proof of Residency, Review Current Rental Policy and Fees**

Item remains at Committee, with the public information meeting at the next Committee meeting on December 21, 2010.

## **C. Judicial**

### **1) 2010-11 Application for Original Class A Fermented Malt Beverage and Intoxicating Liquors License**

- **Khasria Two Inc. (Harjinder S. Khasria – Agent), 716 B Main St., d/b/a Big Jim Liquor, Wine, Beer Store**

Motion by Johnson/Decker to grant the 2010-11 original Class A Fermented Malt Beverage and Intoxicating Liquors license to Khasria Two Inc. (Harjinder S. Khasria – Agent), 716 B Main St., d/b/a Big Jim Liquor, Wine, Beer Store was carried unanimously.

### **2) 2010-11 Applications for Operator's License – Danielle M. Radtke, Jessica M. Roblero, Julie L. Walters**

Motion by Johnson/Decker to grant the 2010-11 new Operator's licenses to Danielle M. Radtke, Jessica M. Roblero, and Julie L. Walters was carried unanimously.

## **D. Public Works**

- 1) Proposed Water Dept. Garage with Office and Staff Quarters and Alternatives**  
Item is on hold for the time being.
- 2) Use of Utility Impact Fees**  
Information only.
- 3) Options Regarding Water Curb-Stop Replacements**  
Information only.
- 4) Request to Trade-In Box Truck for a Pick-up Truck for the Purpose of Mounting of Valve Operator**  
Item is on hold for the time being.
- 5) Request to Purchase a 2010 International Truck with Snowplow – DPW**  
Motion by Fickau/Bakst to proceed with the purchase of a 2010 International Truck with snowplow for the Department of Public Works was carried unanimously.
- 6) Field Park Area Project – Substantial Completion**  
Information only.
- 7) CTH NN Multi-use Trail Completion**  
Item remains at Committee.
- 8) Capital Improvements Plan Updates**  
Information only.
- 9) Proposed Water and Sewer Rate Increases**  
Item remains at Committee.

## **9. Plan Commission Report**

### **A. Holz Parkway Wetland Mitigation Site Transfer**

Item remains at Commission.

### **B. Black Bear Lift Station Location Approval and Black Bear Access Easement Terms and Location Approval**

Motion by Penzkover/Decker to accept the Plan Commission recommendation and approve the new location of the Black Bear lift station and the access easement terms as presented was carried unanimously.

### **C. Consideration of a Moratorium of Motor Vehicle Uses**

Motion by Fickau/Decker to accept the Plan Commission recommendation and authorize the Village Attorney to draft an ordinance on a six-month moratorium on motor vehicle-related uses to review the uses throughout the Village was carried unanimously.

## **10. Village President**

### **A. Acceptance of Letter of Retirement from Fire Chief Jeff Rolfe**

President Wagner thanked Fire Chief Jeff Rolfe for his time served to the Mukwonago Fire Department. Motion by Bakst/Decker to accept the Village President's recommendation to accept the letter of retirement from Fire Chief Jeff Rolfe was carried unanimously.

### **B. Authorization to Begin Hiring Process for Fire Chief**

Item referred to Protective Service Committee.

### **C. Appointments – Library Board**

Item remains on the agenda.

### **D. Village President Announcements**

President Wagner announced that there is a dinner benefit for the Mukwonago YMCA at Blue Bay Restaurant on Thursday, December 2, 2010 from 4:00 p.m. to 10:00 p.m. He also announced that Village Board candidate packets are available and were distributed to the incumbents.

**11. Adjournment**

Motion by Johnson/Decker to adjourn the Village Board meeting at 9:02 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE SPECIAL VILLAGE BOARD MEETING**

***Thursday, December 2, 2010***

### **1. Call to Order**

President James Wagner called the Village Board special meeting to order at 7:07 p.m.

### **2. Roll Call**

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

Also present:                Fred Winchowky, Police Chief  
                                 Rob Buikema, Village Personnel Attorney  
                                 Tom Brandemuehl, Public Works Supervisor  
                                 Paul Moderacki, Administrator/Clerk-Treasurer  
                                 Nick Weber, Library Director  
                                 Kurt Peot, Village Engineer

### **3. Statement of Public Notice**

The meeting was posted and noticed according to law.

### **4. Announcement of Closed Sessions**

Wagner announced that there will be a closed session at the end of the meeting pursuant to Wisc. Stats. 19.85 (1)(c) and 19.85 (1)(e).

### **5. Public Hearing**

#### **A. Proposed 2011 Budget**

Public hearing for 2011 budget was opened at 7:08 p.m.

Sue Ciechanowski, W274S8420 Beaver Tr., Mukwonago – Spoke on behalf of the Library Board. Thanked the Village Board for the support of the Mukwonago Community Library expansion project.

Public hearing closed at 7:09 p.m.

### **6. New Business**

#### **A. Resolution 2010-20: A Resolution to Adopt the 2011 Annual Budget and Establish the 2010 Property Tax Levy for the Village of Mukwonago**

Motion was made by Penzkover/Johnson to adopt **Resolution No. 2010-20**: *A Resolution to Adopt the 2011 Annual Budget and Establish the 2010 Property Tax Levy for the Village of Mukwonago*. Moderacki notified the Board that the Village's property tax support in prior years had dropped by \$60,000 in 2008, and \$25,000 in years 2009 and 2010, causing a deficit in the Fire Department budget. He requested that the Board raise the property taxes for the Fire Department portion of the levy by \$50,000 this year to begin catching up. After researching with the Village Accountant, he stated the main

reason the deficit occurred was from under budgeting professional services in the past, as well as over budgeting revenues. Decker asked why at the Protective Services meetings, it was stated that the Fire Department has a surplus. He also said the Town has been complaining about spending of the Fire Department. Wagner did not remember seeing this issue in the monthly expenditure reports. He would like Finance Committee to look into this, and he does not support raising the taxes at this time. Fickau is not in favor of the employees getting a 3.5% wage increase across the board. The result is that the people with smaller wages get a very small increase, whereas the top jobs get a large increase. O'Bryan agreed that the employees with lower raises should get a larger increase, but the Board would need to look into this earlier in the budget cycle and then commit. Bakst stated that a 3.5% increase does not look good to the taxpayers. Fickau questioned what some people are making and overtime used. He stated that he has not been in touch with the personnel wages and salaries. He said seeing it on paper, he could now see what he believes the employees are "reaping" from the Village. Decker asked if the money borrowed for the Library expansion project is held in an account until the Board decides to release it. Wagner verified that is true. Motion was carried on a vote of 6 ayes and 1 nay (Fickau voting no).

**B. Resolution 2010-21: A Resolution to Set the 2011 Schedule of Fees for the Village of Mukwonago**

Motion made by Bakst/Fickau to adopt **Resolution No. 2010-21**: *A Resolution to Set the 2011 Schedule of Fees for the Village of Mukwonago*. Johnson asked about the Fire Inspection fees. Deputy Clerk Steve Braatz notified the Board that all fees not highlighted in the exhibit were currently adopted fees. Motion was carried unanimously.

**7. Convene into Closed Sessions**

Motion was made by Bakst/Decker to convene into closed sessions at 7:40 p.m. pursuant to Wisconsin 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*) and **§19.85(1)(e)** (*Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session*) for the following reasons:

- 1) Authorization to Begin the Hiring of and Set a Salary Range for a New Fire Chief
- 2) Authorization for the Commencement of Negotiations with the Firefighter's Union
- 3) Consideration of Police Officer Resignation Agreement

**8. Reconvene into Open Session**

Motion by Bakst/Decker to reconvene into open session at 8:19 p.m. was carried unanimously.

**A. Authorization to Begin the Hiring of and Set a Salary Range for a New Fire Chief**  
No action taken.

**B. Authorization for the Commencement of Negotiations with the Firefighter's Union**  
No action taken.

**C. Consideration of Police Officer Resignation Agreement**

Motion by Bakst/Decker to approve and authorize the Police Chief to sign the Police Officer Resignation Agreement as discussed in closed session was carried unanimously.

**9. Adjournment**

Motion by Bakst/Decker to adjourn the Village Board meeting at 8:24 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk



## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, December 7, 2010**

#### **1. Call to Order**

President James Wagner called the Village Board meeting to order at 7:30 p.m.

#### **2. Roll Call**

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

Also present:             Fred Winchowky, Police Chief  
                                 Tom Brandemuehl, Public Works Supervisor  
                                 Paul Moderacki, Administrator/Clerk-Treasurer  
                                 Dean Falkner, Utilities Director  
                                 Shawn Reilly, Village Attorney  
                                 Nick Weber, Library Director

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Minutes of the November 16, 2010 Regular Board Meeting and December 2, 2010 Special Board Meeting**

Motion by Bakst/Decker to approve the November 16, 2010 regular Board meeting and December 2, 2010 special Board meeting minutes as presented was carried unanimously.

#### **6. Comments from the Public**

King Gurinder Singh Phul, 629 Two Rivers Dr., owner of Won A Go Taxi – Introduced his new Taxicab Business, Won A Go Taxi, that will begin operations in the Village of Mukwonago pending the approval of the license. Seniors-On-The-Go is overwhelmed, and his business can be a subsidy of that operation if needed. There are many DUIs around the area because there is no other means of transportation. He will be adding jobs with the new business.

#### **7. Committee Reports**

##### **A. Finance**

##### **1) Fees Related to the New Fire Prevention, Protection, and Control Code**

Item remains at Committee.

##### **2) Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$198,876.94 was carried unanimously.

**3) Village Property and Liability Insurance Alternatives – MM Insurance Associates**

Item was turned over to staff to prepare a Request for Proposal.

**B. Judicial**

**1) 2010-11 Applications for Operator's License – Vanessa L. Flejter, Jennifer M. McFadden**

Motion by Johnson/Decker to grant the 2010-11 new Operator's licenses to Vanessa L. Flejter and Jennifer M. McFadden was carried unanimously.

**2) 2010-11 Application for Taxicab Business License**

• **MGM National LLC, d/b/a Won A Go Taxi, 201 N. Rochester St.**

Motion was made by Johnson/Decker to grant the 2010-11 Taxicab Business license to MGM National LLC, d/b/a Won A Go Taxi, 201 N. Rochester St. King Gurinder Singh Phul reported that all his drivers must have clean driving records. Motion was carried unanimously.

**C. Protective Services**

**1) Request by Ralph Helm, 306 Ahrens Dr., to Ban Burning within Village Limits**

Motion was made by Decker/Fickau to deny the request by Ralph Helm, 306 Ahrens Dr., to ban burning within the Village limits. Wagner stated that when he did the ordinance change in the 90's, there ended up only being a half-dozen or so properties where you can actually burn in the Village. Decker notified the Helms that they should have called the Police Department. The Committee provided the Helms with a copy of the ordinance. Motion was carried unanimously.

**2) Discussion on Police Department Reception of BOTS Grant**

Information only.

**3) Paramedic Intercept Agreement with Tichigan Fire Department**

Item remains at Committee.

**8. Village Attorney**

**A. Relocation Claim – Professional Move for 515 Division Street**

Motion by Bakst/Decker to approve the relocation claim in the amount of \$2,105.75 to professionally move the former owner of 515 Division St. from that property was carried unanimously.

**B. Renewal of Verizon Lease – Reimbursement Agreement**

Motion was made by Decker/Bakst to accept the reimbursement agreement for the preparation of the renewal of the Verizon lease. Moderacki and Johnson had questions and concerns about the lease. Attorney Reilly stated that this agreement only applies to the payment of professional service fees by Verizon up to \$1,000 for the negotiations of the Verizon lease that will be expiring in 2012. Motion was carried unanimously.

**9. Village Clerk**

**A. Village of Mukwonago Laptop Computer Policy**

Motion by Decker/Penzkover to adopt the Village of Mukwonago Laptop Computer Policy was carried unanimously.

**10. Village President**

**A. Village President Announcements**

None.

## **11. Adjournment**

Motion by Decker/Johnson to adjourn the Village Board meeting at 7:47 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk

## **MINUTES OF THE REGULAR VILLAGE BOARD MEETING**

### **Tuesday, December 21, 2010**

#### **1. Call to Order**

President Jim Wagner called the Mukwonago Village Board to order at 7:30 p.m.

#### **2. Roll Call**

Trustees present:        Arnie Fickau  
                                 Elliot Bakst  
                                 Jim Decker  
                                 Mark Penzkover  
                                 Dennis O'Bryan  
                                 Darlene Johnson

Also present:            DPW Superintendent Tom Brandemuehl  
                                 Sanitary Sewer Superintendent Dean Falkner  
                                 Administrator/Clerk-Treasurer Paul Moderacki  
                                 Attorney Shawn Reilly  
                                 Library Director Nick Weber  
                                 Police Chief Fred Winchowky

#### **3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance

#### **4. Statement of Public Notice**

The meeting was posted and noticed according to law.

#### **5. Approval of Dec. 7, 2010 Minutes**

Motion by Fickau/Bakst to approve the Dec. 7, 2010 Regular Village Board meeting minutes was unanimously approved.

#### **6. Reports**

##### **A. 2010 November Treasurer, Mileage, Police and Library Reports**

President Wagner noted receipt of the Treasurer, Mileage, Police and Library Reports for November 2010 and placed them on file in the Clerk's office.

#### **7. Comments from the Public – no comments**

#### **8. Committee Reports**

##### **A. Finance**

##### **1) Fees re: New fire Prevention, Protection and Control Code**

Tr. Bakst said this item remained in committee.

##### **2) Vouchers Payable**

Motion by Bakst/Fickau to approve the vouchers payable in the amount of \$322,389.27 passed unanimously.

##### **3) Letter from Baker Tilly re: 2010 Audit and Financial Statements**

Tr. Bakst reported the Village received a letter from Baker Tilly, the Village auditing firm, re: the auditor's communication with those charged with governance informing the Village Board about items relative to the Dec. 31, 2010 Statements. The letter was placed on file.

## **B. Health and Recreation**

### **1) Use of Village Baseball Diamonds**

Tr. Penzkover said the committee met with representatives of little league and softball teams to gather information about the number of teams, ages, need for practice and game fields in an effort to provide all teams with suitable practice and play fields. The item remained in committee.

## **C. Judicial**

### **1) 2010-11 Applications for Operator's Licenses**

Motion by Johnson/Decker to approve Operator's Licenses for Amanda R. Roller and Jorge G. Sierra passed unanimously.

### **2) 2010-11 taxicab Operator's License**

Motion by Johnson/Decker to approve a Taxicab Operator's License for Keith J. Chillquist passed unanimously.

## **D. Personnel**

### **1) Review and approval of Fire Chief Job Description**

Consideration held pending Joint Town and Village Board meeting proposed for Monday, Jan. 3, 2011.

### **2) Resolution 2010-23 re: Salary and Wage Schedules for Non-represented Full-time and Part-time Employees**

Motion by O'Bryan/Penzkover to adopt Resolution 2010-23 related to the 2011 Salary and Wage Schedules for Non-represented Full-time and Part-time Employees, as amended not to include the "Acting Operator-in-Charge" line passed 6-1, with Tr. Fickau opposed.

### **3) Employee Handbook Amendments re: Sick Time Payout and Employee Health Insurance Contribution**

Motion by O'Bryan/Penzkover to approve the proposed revisions to the Personnel Policy Manual as follows:

- a. To limit use of the sick time conversion to pay health insurance premiums or for transfer to a Health Retirement Account (HRA) pursuant to IRS rules and guidelines, and,
- b. To change the employee contribution for health insurance premiums from seven and one-half (7.5%) to ten percent (10%) of the lowest cost State Health Plan in the Village's service area.

The motion passed unanimously.

## **E. Public Works**

### **1) CtH NN Multi-Use Trail Completion**

Tr. Fickau said the engineering plans and bid document for completing the CtH NN Multi-Use Trail were in process.

**2) Proposed Water Dept. Garage with Office and Staff Quarters**

Tr. Fickau reported the Committee and staff had determined the Well No. 4 location would serve for an addition to the existing garage and the improvements waited adequate funding.

**3) Proposed Water and Sewer Rate Increases**

Tr. Fickau said the PSC has ordered a 14.7% water rate increase and economic consultant's analysis showed the Sanitary Sewer Dept. needed a 6% increase for a net increase in utility rates of 9.7%.

**4) Resolution 2010-22 re: Adopting 2011 Sanitary Sewer and Water Utility Budgets**

Motion by Fickau/Decker to adopt Resolution 2010-22 related to approving the 2011 Sanitary Sewer Utility and 2011 Water Utility budgets was unanimously approved.

**5) Non-standard Street Lighting Permit – StH 83**

Tr. Fickau said the Committee asked staff to research the street lighting proposal submitted by WE Energies and determine whether there were other alternatives available. The item remained in Committee.

**6) Change Order No. 2 – Closeout of StH 83 Multi-Use Trail Project**

Motion by Fickau/Decker to approve Change Order No. 2 and to close out the Multi-Use Trail Project at the northwest corner of StH 83 and CtH NN was unanimously approved.

**7) Proposed Additional Salt Shed – DPW**

Motion by Fickau/Decker to authorize completion of the bid specs and advertising for a new DPW Salt Shed was unanimously approved.

**8) Field Park Baseball Field Bid Documents**

Tr. Penzkover reported bids for the project would be received in early January.

**9) Water and Sewer Utilities Financial Plan**

The Water and Sewer Utilities Financial Plan was presented to Committee earlier in the month. Highlights included capitalizing labor costs were possible, avoiding borrowing until both utilities' debt burden was lowered and improving financial forecasting.

Tr. Penzkover said he appreciated Mr. Falkner's work on the project and that it would serve as a good summary template moving forward.

**9. Plan Commission**

**A. Certified Survey Map – Black Bear Development (residential area), Citizens Bank of Mukwonago, Charlie Miller, agent**

Motion by Penzkover/Decker to approve the proposed Certified Survey Map for the Black Bear Development residential area, as proposed, passed unanimously.

**10. Village President**

**A. Announcements – Joint Meeting with Town Board**

The Village Board agreed by consensus to meet with the Mukwonago Town Board on Monday, Jan. 3, 2010 at 7 p.m. in Village Hall to discuss Fire Department related issues, namely, the Fire Chief Job Description and labor talks with the Professional Firefighters Association.

## **11. Adjournment**

There being no further business to be come before the Board for its consideration Pres. Wagner adjourned the meeting at 7:52 p.m. upon motion by Fickau/Decker.

Respectfully submitted,

Paul J. Moderacki  
Administrator/Clerk-Treasurer