

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, January 4, 2011

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
 Jeff Rolfe, Fire Chief
 Tom Brandemuehl, Public Works Supervisor
 Paul Moderacki, Administrator/Clerk-Treasurer
 Shawn Reilly, Village Attorney
 Nick Weber, Library Director
 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. Minutes of the December 21, 2010 Regular Board Meeting

Motion by Fickau/Bakst to approve the December 21, 2010 regular Board meeting minutes as presented was carried unanimously.

6. Comments from the Public

Joe Rice, 428 Blood St. – Asked how long before meetings are posted and where they are posted. Moderacki explained that it is 24 hours prior to the meeting, and the Village's posting location is at the Village Hall. Rice also asked about cancellations and what are being done. Moderacki apologized for not notifying the public that the Joint Town/Village Board and the Joint Fire Commission meetings were cancelled, and the Clerk's Office will rectify the matter so it will not happen again. Rice also thanked both Police Chief Winchowky and Fire Chief Rolfe for their service to the Village.

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 \$61,192.39 was carried unanimously.

B. Judicial

1) 2010-11 Applications for Operator's License – Julie K. Hehr

Motion by Johnson/Decker to grant the 2010-11 new Operator's license to Julie K. Hehr was carried unanimously.

2) 2010-11 Applications for Taxicab Operator's License – Gregg A. Joecks, Barry J. Schmear

Motion by Johnson/Decker to grant the 2010-11 new Taxicab Operator's licenses to Gregg A. Joecks and Barry J. Schmear was carried unanimously.

C. Protective Services

1) Discussion on Underage Cigarette Sting

Item remains at Committee.

2) Reception of Award for Employer's Support of the National Guard and Reserve

Item remains at Committee.

3) Paramedic Intercept Agreement with Tichigan Fire Department

Item remains at Committee.

4) Review and Recommendation of Annual Ambulance Fee Increases

Item remains at Committee.

5) Annual Intergovernmental Agreement with the City of Waukesha for Technical Rescue Service

Motion was made by Decker/Penzkover to approve the signing of the Intergovernmental Agreement with the City of Waukesha for Technical Rescue Service contingent upon the Town of Mukwonago approval. Chief Rolfe explained that this agreement is only for the Village, and the Town has their own separate agreement. Motion amended to strike the Town approval contingency. Motion was carried unanimously.

D. Public Works

1) Change Order #1 – Close Out of TID # 3 Phase 1 Surface Course Paving Project

Motion by Fickau/Decker to approve Change Order #1 for the close out of the TID # 3 Phase 1 Surface Course Paving Project with the change in contract price of an increase of \$4,597.55 was carried unanimously.

8. Village Attorney

A. Ordinance No. 834: An Ordinance to Amend Sec. 2-77(C), Sec. 26-1 and Sec. 26-2 of the Village of Mukwonago Municipal Code Pertaining to the Municipal Court

Motion by Decker/Bakst to adopt Ordinance No. 834: *An Ordinance to Amend Sec. 2-77(C), Sec. 26-1 and Sec. 26-2 of the Village of Mukwonago Municipal Code Pertaining to the Municipal Court* was carried unanimously.

9. Village Library Director

A. Financing of the Library Expansion Project

Library Director Weber and Library Board President Shawn McNulty presented an update on the fundraising effort for the Mukwonago Community Library notifying the Village Board that they have exceeded the goal of \$1.2 million raised, that fundraising efforts will continue to be ongoing, and asked the Board to agree to a 4-1 split of expenditures of at least the base bid after the bids are accepted. The Board generally agreed to a 4-1 split. Discussion only. No action taken.

B. Request by Susan Maslowski, member of Mukwonago Historical Society, to Remove Woodwork from 515 Division St. Prior to Demolition

Motion by O'Bryan/Decker to authorize the Department of Public Works to remove selected woodwork from 515 Division St. for the purpose of giving it to Village resident Susan Maslowski, and to ask for a donation from said resident, was carried unanimously.

10. Village Engineer

A. Library Storm Water Detention in Washington Avenue Park

Information only. No action taken.

11. Village President

A. Resolution 2011-01: Resolution Extending Appreciation to Fire Chief Jeffrey Rolfe

Motion by Bakst/Decker to accept the Village President's recommendation to adopt Resolution 2011-01: *Resolution Extending Appreciation to Fire Chief Jeffrey Rolfe* was carried unanimously.

B. Acceptance of Letter of Retirement from Police Chief Fred Winckowky

Motion by Fickau/Decker to accept the Village President's recommendation to accept the letter of retirement from Police Chief Fred Winckowky was carried unanimously.

C. Appointments – Library Board

Motion by Fickau/Decker to accept the Village President's recommendation to appoint Raymond Vees to the Library Board was carried unanimously.

D. Village President Announcements

Wagner set a new meeting date for the Joint Village/Town Board meeting for Monday, January 10, 2011 at 7:00 p.m. at the Village Hall.

12. Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 8:21 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

**MINUTES OF THE SPECIAL JOINT VILLAGE BOARD
AND TOWN BOARD MEETING
Monday, January 10, 2011**

1. Call to Order

Village Deputy Clerk Steve Braatz called the Special Joint Village Board and Town Board meeting to order at 7:02 p.m.

2. Roll Call

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

Town Board: Bob Lawn
 Tom Stefanowski
 Peter Topczewski
 Dave Dubey, Town Chairperson

Excused: Town Supervisor Fred Leppin

Also present: Fred Winchowky, Village Police Chief
 Paul Moderacki, Village Administrator/Clerk-Treasurer
 Rob Buikema, Personnel Attorney
 Fred Purdy, Assistant Fire Chief
 Andy Wegner, Assistant Fire Chief
 Tom Czarnecki, Town Police Chief
 Chris Hahn, EMT/Paramedic
 Matt Sura, EMT/Paramedic

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Election of Chairperson

Motion was made by Johnson/Decker to elect Village President Wagner as chairperson of the meeting. Village Board: Motion was carried unanimously. Town Board: Motion was carried unanimously.

5. Announcement of Closed Sessions Pursuant to Wisc Stats §19.85(c) and §19.85(e)

Village President Wagner announced that the Boards will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(c) and 19.85(e).

6. New Business

A. Revised Fire Chief Job Description

The Boards discussed and made changes to certain bullet points of the Fire Chief job description and reached a consensus on a final review. No action taken.

B. Authorize the Fire Commission to Commence the Search for Fire Chief Applicants

Motion was made by Bakst/Decker to authorize the Fire Commission to commence the search for Fire Chief applicants. Village Board: Motion was carried unanimously. Town Board: Motion was carried on a vote of 3 ayes and 1 nay (Stefanowski voted no).

7. Convene into Closed Sessions:

Motion was made by Bakst/Decker to convene into closed sessions at 8:29 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 and establish a salary/wage for the Assistant Fire Chiefs during interim Period without a Fire Chief 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*) 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 and authorize the commencement of negotiations with the Firefighter's Union. Village Board: Motion was carried unanimously upon roll call vote. Town Board: Motion was carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 9:13 p.m.

8. Reconvene into Open Session

Motion was made by Dubey/Decker to reconvene into open session. Village Board: Motion was carried unanimously. Town Board: Motion was carried unanimously.

A. Establish Wages for Assistant Fire Chiefs during Interim Period without Fire Chief

Motion was made by Lawn/Decker to increase the wages for the Assistant Fire Chiefs during interim Period without a Fire Chief as discussed in closed session. Village Board: Motion was carried unanimously. Town Board: Motion was carried unanimously.

B. Authorization for the Commencement of Negotiations with the Firefighter's Union

Motion was made by Bakst/Decker to authorize the Personnel Attorney to commence negotiations with the Firefighter's Union. Village Board: Motion was carried unanimously. Town Board: Motion was carried unanimously.

9. Adjournment

Motion was made by Decker/Penzkover to adjourn the Special Joint Village Board and Town Board meeting to meeting at 9:16 p.m. Village Board: Motion was carried unanimously. Town Board: Motion was carried unanimously.

Village of Mukwonago
Waukesha and Walworth Counties, Wisconsin

Town of Mukwonago
Waukesha County, Wisconsin

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING Monday, January 17, 2011

1. Call to Order

President James Wagner called the special Village Board meeting to order at 6:02 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
 Rob Buikema, Village Personnel Attorney
 Paul Moderacki, Administrator/Clerk-Treasurer

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), §19.85(e), and §19.85(g),

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

5. Convene into Closed Sessions (*taken out of order*)

Motion was made by Bakst/Fickau to convene into closed sessions at 6:04 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*) to discuss the Village's policy related to employment of relatives and family members with legal counsel and to consider granting an exception due to special circumstances related to potential candidates for the Police Chief position 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 strategies to be adopted related to anticipated negotiations with Village Dispatchers and potential litigation in which the Village may become involved. Motion was carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 6:45 p.m.

6. Reconvene into Open Session

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

A. Village's Policy Related to Employment of Relatives and Family Members with Legal Counsel and to Consider Granting an Exception Due to Special Circumstances Related to Potential Candidates for the Police Chief Position

Motion was made by Bakst/Fickau to grant a one-time exception to the Village's Nepotism Policy with respect to the 2011 Police Chief hiring process. For the current Police Chief hiring process (early 2011), the Board hereby agrees to approve a limited exception to the Nepotism Policy and relevant Police Department policies to ensure that one family member will not directly supervise, discipline, evaluate, or promote another family member (or effectively recommend the same) and that such changes will not be unduly disruptive to the Department. In the event a candidate is chosen who has a relative in the Department, the Department will provide an explanation to the Village how the organization chart, the operations or supervising and reporting authorities will be structured to ensure that one family member will not directly supervise, discipline, evaluate, or promote another family member, consistent with the terms of this limited exception. Motion was carried unanimously.

B. Strategies to be Adopted Related to Anticipated Negotiations with Village Dispatchers and Potential Litigation in which the Village may Become Involved

Motion by O'Bryan/Fickau to adopt the strategy related to anticipated negotiations with Village Dispatchers and potential litigation in which the Village may become involved as discussed in closed session was carried unanimously.

7. New Business

A. Review and Recommendations of Police Chief Job Description

Motion by Bakst/Fickau to approve the Police Chief job description as amended was carried unanimously.

B. Establishing a Salary Range for Police Chief

Motion by Fickau/Bakst to approve the salary range of \$65,000 to \$80,000 for the Police Chief was carried unanimously.

8. Adjournment

Motion by Fickau/Bakst to adjourn the special Village Board meeting at 6:50 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, January 18, 2011

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
 Tom Brandemuehl, Public Works Supervisor
 Paul Moderacki, Administrator/Clerk-Treasurer
 Shawn Reilly, Village Attorney
 Nick Weber, Library Director
 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 Sessions Pursuant to Wisc Stat §19.85(g)

President Wagner announced that there will be a closed session at the end of the meeting pursuant to Wisc. Stats. 19.85 (1)(g).

6. Minutes of the January 4, 2011 Regular Board Meeting and the January 10, 2011 Special Joint Village Board and Town Board Meeting

Motion by Bakst/Fickau to approve the January 4, 2010 regular Board meeting minutes and the January 10, 2011 special Joint Village Board and Town Board meeting minutes as presented was carried unanimously.

7. Reports

A. 2010 December Treasurer, Mileage, Police, and Library Reports

President Wagner noted receipt of the Treasurer, Mileage, Police, and Library Reports for December 2010.

8. Public Hearings

A. Proposed Zoning Code Ordinance Amendment: An Ordinance to Amend Section 100-802 of the Village of Mukwonago Municipal Code Pertaining to the Board of Zoning and Building Appeals Membership

Public hearing for the adoption of a proposed ordinance to amend Section 100-802 of the Village of Mukwonago Municipal Code pertaining to the Board of Zoning and Building Appeals membership was opened at 7:31 p.m. No one appeared for or against. Public hearing closed at 7:32 p.m.

B. Proposed Zoning Code Ordinance Amendment: An Ordinance to Amend Sections 100-351, 100-353, and Portions of 100-354 of the Village of Mukwonago Municipal Code Pertaining to Conditional Use Permit Considerations

Public hearing for the adoption of a proposed ordinance to amend Sections 100-351, 100-353, and portions of 100-354 of the Village of Mukwonago Municipal Code pertaining to conditional use permit considerations was opened at 7:32 p.m. No one appeared for or against. Public hearing closed at 7:33 p.m.

C. Proposed Zoning Code Ordinance Amendment: An Ordinance to Amend a Portion of Section 100-281 of the Village of Mukwonago Municipal Code Pertaining to the Definition of Secondary Suites in Single Family Homes and to Create Sections 100-101(2)e., 100-102(2)e., 100-103(2)e., 100-107(2)e., 100-108(2)e. and 100-109(2)e. of the Village of Mukwonago Municipal Code to Permit Secondary Suites as Permitted Accessory Uses

Public hearing for the adoption of a proposed ordinance to amend a portion of Section 100-281 of the Village of Mukwonago Municipal Code pertaining to the definition of Secondary Suites in single family homes and to create Sections 100-101(2)e., 100-102(2)e., 100-103(2)e., 100-107(2)e., 100-108(2)e. and 100-109(2)e. of the Village of Mukwonago Municipal Code to permit Secondary Suites as permitted accessory uses was opened at 7:33 p.m. No one appeared for or against. Public hearing closed at 7:34 p.m.

D. Proposed Moratorium Ordinance: An Ordinance to Place a Moratorium on the Issuance of Conditional Use Approvals for Vehicle Related Businesses

Public hearing for the adoption of a proposed ordinance to place a moratorium on the issuance of conditional use approvals for vehicle related businesses was opened at 7:34 p.m. No one appeared for or against. Public hearing closed at 7:35 p.m.

9. Comments from the Public

No comments from the public.

10. 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 \$2,911,470.15 was carried unanimously.

3) Consideration of Joining Waukesha County Dispatch Services

Motion by Bakst/Fickau to authorize a study to determine if the service of Waukesha County Dispatch will be at least equal to or better than the current Village-operated dispatch center, and to determine a cost comparison for whether or not the switch to Waukesha County Dispatch will be cost positive was carried unanimously.

4) Request by Library Director Nick Weber to Waive Conditional Use Permit Fees for Library Expansion Submittal

Motion by Bakst/Penzkover to waive the conditional use permit review fees for the Mukwonago Library expansion project was carried unanimously.

B. Health and Recreation

1) Use of Village Baseball Diamonds

Issue is further being handled by staff. No action taken.

2) Preliminary Baseball Field Assignments for 2011

Issue is further being handled by staff. No action taken.

3) Village Maintenance of Baseball Fields

Issue is further being handled by staff. No action taken.

4) Evaluation and Awarding of Bid for Field Park Baseball Lighting Project

Motion was made by Penzkover/Johnson to award the bid for the Field Park Baseball Lighting Project to Pieper Electric for a total project cost not to exceed \$155,000. Final details regarding add/deduct options will be work out with staff. O'Bryan asked if the dollar amount includes the 10% contingency. Penzkover verified that it does. Motion was carried unanimously.

C. Judicial

1) 2011 Application for Temporary Class B Beer and Wine License – January 28, 2011 – Knights of Columbus

Motion by Johnson/Penzkover to approve the 2011 application for Temporary Class B Beer License for the Knights of Columbus on January 28, 2011 in the Activity Center located at 830 CTH NN E was carried unanimously

2) 2010-11 Application for Operator's License – Trudy E. Anderson

Motion was made by Penzkover/Johnson to deny the 2010-11 application for Operator's licenses to Trudy E. Anderson. Reason for denial is the applicant falsified her application by labeling a hit and run charge on December 1, 1995 as a misdemeanor instead of a "*felony*". Ms. Anderson also had a conviction of a misdemeanor, Operating While Intoxicated on October 30, 2008. Apparently the report was false because the applicant was convicted of a felony charge of "Penalty-Fleeing/Eluding Traffic Officer, but failed to report the conviction rendering the application incomplete. Although the Wisconsin Fair Employment law doesn't prevent application of this license if there is a felony conviction unless the record substantially relates to the licensing activity (related to alcohol). The applicant, Ms. Trudy Anderson, admitted to four convictions of Operating While Intoxicated, with the most recent conviction in 2008. The applicant will be afforded a public hearing at the next Judicial Committee Meeting scheduled for February 7, 2011. Motion was carried unanimously.

D. Personnel

1) Review and Recommendations of Police Chief Job Description

Issue was taken care of at the special Village Board meeting on January 10, 2011. No action taken.

2) Establishing a Salary Range for Police Chief

Issue was taken care of at the special Village Board meeting on January 10, 2011. No action taken.

E. Protective Services

- 1) Discussion on Underage Cigarette Sting**
Information only. No action taken.
- 2) Reception of Award for Employer's Support of the National Guard and Reserve**
Information only. No action taken.
- 3) Paramedic Intercept Agreement with Tichigan Fire Department**
Item can be removed from future agendas.
- 4) Review and Recommendation of Annual Ambulance Fee Increases**
Item remains at Committee.

F. Public Works

- 1) Non-Standard Street Lighting Permit – STH 83**
Item will be held until the March 7, 2011 Committee meeting.
- 2) Proposed Water Dept. Garage with Office and Staff Quarters and Alternatives**
Item remains at Committee.
- 3) Crosswalk Light at Intersection of STH 83 and Lincoln Ave.**
Item remains at Committee.
- 4) Purchase of a Hydrant Flow Meter to Monitor the Flow of Water during Hydrant Flushing**
Motion was made by Fickau/O'Bryan to allow the Water Dept. to purchase a hydrant flow meter for a cost not to exceed \$3,250. Wagner asked Peot if this purchase could help gain credits for storm water reduction. Peot did not believe so. Motion was carried unanimously.
- 5) Replacement of Well #4 Pump VFD**
Motion by Fickau/O'Bryan to allow the Water Dept. to purchase a pump VFD for Well #4 for a cost not to exceed \$9,810 was carried unanimously.
- 6) Replacement of Primary Clarifier Sludge Valves**
Motion by Fickau/Penzkover to allow the Sewer Dept. to purchase primary clarifier sludge valves for a total cost not to exceed \$48,000 was carried unanimously.
- 7) Replacement of Wastewater Sludge Pump**
Motion was made by Fickau/Johnson to allow the Sewer Dept. to purchase a sludge pump for a cost not to exceed \$21,763. Wagner asked Peot if this purchase could help gain credits for storm water reduction. Peot did not believe so. Motion was carried unanimously.
- 8) Sewer Rate Calculation Spreadsheet**
Information only. No action taken.
- 9) Discussion of the Decrease in the Sale of Water**
Information only. No action taken.
- 10) Recommendation of Connecting Village Residents that are Using Private Wells to the Village Water System**
Item remains at Committee.

11. Plan Commission Report

- A. Proposed Vestibule Change – Brooklife Church, 857 S. Rochester St.**
Motion by Penzkover/Fickau to accept the Plan Commission recommendation and approve the proposed vestibule change to an interior vestibule for Brooklife Church, 857 S. Rochester St., as presented was carried on a vote of 5 ayes and 2 abstentions (O'Bryan and Wagner abstained).
- B. Exterior Paint Review – Wal-Mart #1571, 250 East Wolf Run**

Item remains at Commission.

C. Ordinance No 835: An Ordinance to Amend Section 100-802 of the Village of Mukwonago Municipal Code Pertaining to the Board of Zoning and Building Appeals Membership

Motion by Penzkover/Bakst to accept the Plan Commission recommendation and adopt Ordinance No. 835: *An Ordinance to Amend Section 100-802 of the Village of Mukwonago Municipal Code Pertaining to the Board of Zoning and Building Appeals Membership* as corrected was carried unanimously.

D. Ordinance No 836: An Ordinance to Amend Sections 100-351, 100-353, and Portions of 100-354 of the Village of Mukwonago Municipal Code Pertaining to Conditional Use Permit Considerations

Motion was made by Fickau/Penzkover to accept the Plan Commission recommendation and adopt Ordinance No. 836: *An Ordinance to Amend Sections 100-351, 100-353, and Portions of 100-354 of the Village of Mukwonago Municipal Code Pertaining to Conditional Use Permit Considerations* as corrected. Johnson asked about the purpose of taking away the responsibility from the Board of Building and Zoning Appeals. Wagner explained that having the Plan Commission review and approve/deny conditional use permits is the more usual method. Motion was carried unanimously.

E. Ordinance No 837: An Ordinance to Amend a Portion of Section 100-281 of the Village of Mukwonago Municipal Code Pertaining to the Definition of Secondary Suites in Single Family Homes and to Create Sections 100-101(2)e., 100-102(2)e., 100-103(2)e., 100-107(2)e., 100-108(2)e. and 100-109(2)e. of the Village of Mukwonago Municipal Code to Permit Secondary Suites as Permitted Accessory Uses

Motion by Fickau/Bakst to accept the Plan Commission recommendation and adopt Ordinance No. 837: *An Ordinance to Amend a Portion of Section 100-281 of the Village of Mukwonago Municipal Code Pertaining to the Definition of Secondary Suites in Single Family Homes and to Create Sections 100-101(2)e., 100-102(2)e., 100-103(2)e., 100-107(2)e., 100-108(2)e. and 100-109(2)e. of the Village of Mukwonago Municipal Code to Permit Secondary Suites as Permitted Accessory Uses* as presented was carried unanimously.

F. Ordinance No 838: An Ordinance to Place a Moratorium on the Issuance of Conditional Use Approvals for Vehicle Related Businesses

Motion by Fickau/Penzkover to accept the Plan Commission recommendation and adopt Ordinance No. 838: *An Ordinance to Place a Moratorium on the Issuance of Conditional Use Approvals for Vehicle Related Businesses* as corrected was carried unanimously.

12. Village President

A. Acceptance of Letter of Resignation from Library Board – John Bronk

Motion by Bakst/Fickau to accept the Plan Commission recommendation and accept the letter of resignation from John Bronk from the Library Board was carried unanimously.

B. Appointments – Library Board

Item will remain on the agenda.

C. Village President Announcements

No announcements.

13. Convene into Closed Session Pursuant to State Statutes

Motion was made by Bakst/Penzkover to convene into closed session at 8:10 p.m. pursuant to Wisconsin Statutes **19.85 (1)(g)** (*Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*) pertaining to discussion with the Village Attorney regarding the Village of Mukwonago vs. Greenwald Family Limited Partnership litigation. Motion was carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 8:16 p.m.

14. Reconvene into Open Session

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

A. Discussion with the Village Attorney Regarding the Village of Mukwonago vs. Greenwald Family Limited Partnership Litigation

No action taken.

15. Adjournment

Motion by Bakst/Fickau to adjourn the Village Board meeting at 8:17 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, February 15, 2011

1. Call to Order

President Jim Wagner called the Mukwonago Village Board to order at 7:30 p.m.

2. Roll Call

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

Also present: Tom Brandemuehl, Public Works Supervisor
 Dean Falkner, Utilities Director
 Bruce Kaniewski, Planner
 Paul Moderacki, Administrator/Clerk-Treasurer
 Kurt Peot, Engineer
 Fred Purdy, Deputy Fire Chief
 Shawn Reilly, Village Attorney
 Nick Weber, Library Director
 Fred Winchowky, Police Chief

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. Announcement of Closed Sessions

President Wagner announced the Village Board would adjourn into closed session later in the meeting pursuant to §§19.85(1)(e), Wis. Stats.

6. Approval of Jan. 17, 2010 and Jan. 18, 2011 Minutes

Motion by Decker/Johnson to approve the January 17, 2010 Special Village Board and January 18, 2011 Regular Village Board meeting minutes was carried unanimously.

7. Reports

A. 2010 November Treasurer, Mileage, Police and Library Reports

President Wagner noted receipt of the Treasurer, Mileage, Police and Library Reports for January 2011 and placed them on file in the Clerk's office.

8. Comments from the Public

Ken Pileggi, 1234 Fox, asked any thought of privatizing the EMT/Paramedics be tabled and put to rest. He said he was personally treated for a heart attack and considered them some of the best people working day after day. He said the quality of the ambulance service was a selling point of the Village, second only to its schools.

Jeff Cooper, Frog Alley Road, said the firefighter/paramedics “we have now is like the Packers winning the Super Bowl,” and said the same level of quality would not be offered by a private service.

Mark Schroeder, 322 Grand Ave., said he would consider moving away from the Village if the ambulance service was privatized.

Jennifer Schroeder, 322 Grand Ave., said she feels safe during the day knowing the level of commitment of the current EMTs and paramedics. She said she would not feel that safe with a private service.

Jenny Jaessing, 304 Acorn Rd., West Bend, she said she was proud that we have one of the best ambulance services in the State. She said the EMT/paramedics are the backbone of the Fire Dept., that she has two years of positive comments from patients who used the service. She said the service represented citizens protecting their neighbors and they should be treated properly for all the effort they invested.

Barb Ponejolic, 832 Pinehurst Dr., said the ambulance response times to calls was phenomenal, adding she doesn’t want to see it compromised. She said the service was second only to the Mukwonago schools as the Village’s premier service and she didn’t want to see it compromised.

Dan Dewey, from Eagle, WI., said he helped the service to grow and urged the Board to keep it.

Chris Hahn, W299 S7684 StH 83, said, as a full time firefighter/paramedic and union representative, he was surprised to learn a letter had been sent to private ambulance services without any formal action by the Town or Village Boards. He said such action showed an “alarming lack of transparency.” He said the service cost Village taxpayers about \$14/household/year and he hoped the Board would not choose to privatize the service.

Thayne Odier, 130 Parkview, said she “knows a good service when she sees it,” and although budgets are tight she is happy to pay for the ambulance service.

Steve M., first Assistant Chief of the Town of East Troy FD, said his FD has a good working relationship with the Mukwonago Community FD. He said his Department had an experience with a private ambulance service and “it didn’t go well and we are no longer using that service.”

Melissa B., 204 Oakland Ave., said she had concerns that all the other duties and responsibilities performed by the firefighter/paramedics and paid-on-call EMTs, as well as their contributions to the rest of the community.

Paul Wagner, 617 Two Rivers Dr., said his wife has needed the ambulance three times and he is proud of the high caliber of service, from the care rendered to patients to the drugs they are authorized to administer to patients.

Kelly D, an EMT said the Department had excellent equipment and well-trained, dedicated people.

Dick Maas, secretary of the East Troy FD, said there is no comparison between a private ambulance service and the quality of service the Village and Town presently has with its full time and paid-on-call staff.

Dean Falkner, 622 Silver Farm Ave., said he could personally testify to the quality of care he received after an accident. He said he did not think he would have recovered as quickly or as well without the care he received at the scene and on the way to the hospital.

9. Committee Reports

A. Finance

1) Fees re: New fire Prevention, Protection and Control Code

Item remains at Committee.

2) Vouchers Payable

Motion by Bakst/Johnson to approve the vouchers payable in the amount of \$208,470.70 was carried unanimously.

3) Use of Donated Funds for Bulletproof Vest Matching Grant

Motion by Bakst/Johnson to approve the use of donated funds for the Bulletproof Vest Matching Grant for the Police Dept. was carried unanimously.

4) Recommendation for Outsourcing Payroll Processing with Payroll Data Services, Inc.

Motion by Bakst/Johnson to approve a contract with Payroll Data Services Inc. to provide payroll processing for the Village was carried unanimously.

5) Update of Fiscal 2010 Year-end Closing Progress and Audit Preparation

Item remains at Committee.

B. Health and Recreation

1) Preliminary Development of Village Field Use Policy

Tr. Penzkover said the policy was being developed and would remain in committee.

C. Judicial

1) 2011 Temporary Class B Beer & Wine License Application, Mar. 19, 2011, Knights of Columbus

Motion by Johnson/Decker to approve a 2011 Temporary Class B Beer & Wine License Application, Mar. 19, 2011, Knights of Columbus was carried unanimously.

2) 2011 Temporary Class B Beer & Wine License Application, June 16-19, 2011, Mukwonago Lions Club

Motion by Johnson/Decker to approve a 2011 Temporary Class B Beer & Wine License Application, June 16-19, 2011, Mukwonago Lions Club was carried unanimously.

3) 2010-11 Application for Operator's License – April E. Barrett

Motion by Johnson/Decker to approve a 2010-11 Operator's License for April E. Barrett was carried unanimously.

4) 2010-11 Application for Operator's License – Trudy E. Anderson

Item remains at Committee.

5) Fire Inspection Fees

Item remains at Committee.

D. Personnel

1) Performance Evaluation of Village Administrator/Clerk-Treasurer

The Village Administrator/Clerk-Treasurer's summary of 2009-10 projects completed was accepted by consensus and placed on file.

2) Request for Vacation Time Extension for Clerk-Treasurer's Office

No action taken.

E. Protective Services

1) Discussion and Authorization to Prepare Request for Proposal for Contracting Paramedic Services

Tr. Decker said the matter had not come before the Protective Services Committee, but would be discussed at its next meeting on Tuesday, February 22, 2011.

F. Public Works

1) Non-standard Street Lighting Permit – StH 83

Mr. Peot reported the State DOT has agreed to pay a 50% share for street lighting on StH 83, between CtH NN and the north border of the Village, and would pay up to 50% of the WE Energy Night Aura cost if the Village decided to install LED lighting on its own. The item remained in Committee.

10. Library Board

A. Library Expansion and Modernization Project Bids Awards – General, HVAC, Electrical and Plumbing Contractors

Motion by Johnson/O'Bryan to award contracts for the Library Expansion and Modernization Project as follows:

General – Tri-North Builders in the total amount of \$2,078,000 including the base bid and add alternates 1-3 and deduct alternates 5 and 6.

Mechanical – Illingworth-Kilgust in the total sum of \$647,456 including the base bid and add alternate 1.

Plumbing Contractor – Monona Plumbing & Fire Protection, Inc. for a total sum of \$125,590 including the base bid and add Alternate 7.

Electrical Contractor – NSI Electrical Contractors for a total sum of \$591,100 including the base bid and add alternates 1, 2 and 4.

The motion was carried unanimously.

11. Plan Commission

A. Wal-Mart #1571 Request for Exterior Signage, Painting and Bollards

Mr. Kaniewski reported the request had been withdrawn.

B. Request for Extension of Review for CSM for Parts of Lots Known as MUKV2011003-2011004-2011005, Orchard Meadows CBRF and Memory Care

Motion by Penzkover/Decker to extend consideration of the proposed CSM for the proposed Orchard Meadows CBRF and Memory Care Facility 90 days from the date of the request was carried unanimously.

C. Extraterritorial CSM for Property known as PET900036, South Shore Dr. in the Town of East Troy, Owned by WBC Corp.

Motion by Penzkover/Decker to approve the proposed extraterritorial CSM for the property known as PET900036 was carried unanimously.

D. Extraterritorial CSM for Property known as VNT2127999005, located at S101 W25600 Maple Ave. in the Town of Vernon, Gregg Wissner, owner

Motion by Penzkover/Decker to approve the proposed CSM for the property known as VNT2127999005 was carried unanimously.

12. Village Administrator/Clerk-Treasurer

A. Recommendation by Midwest Claims Service to Deny Insurance Claim from Mark and Amanda Tercha for Alleged Property Damages

Motion by Penzkover/Decker to deny the insurance claim of Mark and Amanda Tercha for alleged property damages was carried unanimously.

B. Election Services Agreement Renewal (3-year Contract) with Election Systems and Software

Motion by Bakst/Decker to renew the three year contract with Election Systems and Software for election services was carried unanimously.

C. Update on Governor Walker's Proposed Budget Repair Bill

Moderacki summarized the collective bargaining changes proposed in the Governor's budget repair bill, effectively limiting public unions to negotiate wages but capping such negotiations to the annual CPI, requiring employees to contribute a minimum 12% to health care and the half of the contribution toward their retirement. The Board accepted the verbal report without comment.

13. Village Engineer

A. Bid Award for Black Bear Lift Station Project

Motion by O'Bryan/Decker to award the Black Bear Lift Station project to Staab Construction Corp. in the sum of \$332,000 and to include a \$33,200 contingency for the project was carried unanimously.

14. Village President

A. Acceptance of Resignation by Tony Caravello from the Fire Commission

Motion by Decker/Bakst to accept the resignation of Tony Caravello from the Fire Commission for personal reasons was carried unanimously.

B. Appointments –

1) ad-hoc Downtown StH 83 Planning Committee

Motion by Penzkover/Bakst to appoint the following village and town residents and business owners to the ad-hoc StH 83 Planning Committee:

Roger Walsh – business and property owner
Mike Sellenheim – resident and Plan Commissioner
Jerry Gasser – resident and past Village President
John Hogan – resident and past Village President
Joe Sperstad – resident
Al Castro – resident
Larry Zimmer – business owner, town resident
Charlie Miller – Citizens Bank
Jean Schultz – Waukesha Memorial Hospital

Alternates

Kara Ottum - business owner

Duane Thorton – business owner

The motion carried unanimously.

2) Joint Fire Commission – Village Representative

Motion by Decker/Bakst to appoint Joe Rice to the Fire Commission carried unanimously.

C. Announcements – none

15. Closed Session

Motion by Bakst/Decker to adjourn into closed session pursuant to the following:

A. §19.85(1)(e) (*Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever*)

Competitive or Bargaining Reasons Require a Closed Session) to Discuss the Renewal Lease Contract with Verizon

B. 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)* Pertaining to:

- 1) Discussion with the Village Attorney Regarding the Village of Mukwonago vs. Greenwald Family Limited Partnership Litigation
- 2) Discussion with the Village Attorney Regarding the Chatterton, et al vs. Village of Mukwonago Litigation
- 3) Discussion with the Village Attorney Potential Litigation with Bielinski Regarding Billing and Installation of CTH NN Multi-Use Trail

Discussion held in closed session. Pres. Wagner adjourned the Board into closed session at 9:07 p.m.

16. Reconvene into Open Session

Motion by Decker/Bakst to reconvene into open session at 9:21 p.m. carried unanimously.

A. Lease Renewal Contract with Verizon

Motion by Johnson/Bakst to authorize the Village Attorney to continue his negotiations with Verizon for a contract extension carried unanimously.

B. Village of Mukwonago vs. Greenwald Family Limited Partnership

No action taken.

C. Chatterton, et. al. vs. Village of Mukwonago

Motion by Johnson/Decker to accept service of process summons and complaint in the matter of Chatterton, et. al. vs. Village of Mukwonago carried unanimously.

D. Potential Litigation with Bielinski re: Billing and Installation of CtH NN Multi-Use Trail

No action taken.

17. Adjournment

There being no further business to be come before the Board for its consideration Pres. Wagner adjourned the meeting at 9:23 p.m. upon motion by Bakst/Decker.

Respectfully submitted,

Paul J. Moderacki
Administrator/Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, March 1, 2011

1. Call to Order

Deputy Clerk Steve Braatz called the Mukwonago Village Board to order at 7:30 p.m.

2. Roll Call

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

Trustees excused: Arnie Fickau
James Wagner, Village President

Also present: Fred Winchowky, Police Chief
Kevin Schmidt, Police Lieutenant
Tom Brandemuehl, Public Works Supervisor
Paul Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Bruce Kaniewski, Village Planner
Steve LaDue, Police Lieutenant
Chris Hahn, Firefighter/Paramedic

3. Pledge of Allegiance

The Village Board recited the Pledge of Allegiance lead by retiring Police Chief Fred Winchowky.

4. Statement of Public Notice

The meeting was posted and noticed according to law.

Motion by Bakst/Decker to appoint Trustee O'Bryan as acting Village President was carried unanimously.

5. Announcement of Closed Session Pursuant to Wisc Stats §19.85(1)(e)

O'Bryan announced that there will be a closed session at the end of the meeting pursuant to Wisc. Stats. 19.85 (1)(g).

6. Minutes of the February 15, 2011 Regular Board Meeting

Motion was made by Bakst/Decker to approve the February 15, 2010 regular Board meeting minutes with the following correction: Motion listed under 9.D.2. shall be stricken from the minutes. Motion was carried unanimously.

7. Introduction of New Police Chief Kevin Schmidt

Police Chief Fred Winchowky introduced Village Police Department Lieutenant Kevin Schmidt to the Board as the selection as the next Police Chief beginning March 11, 2011.

8. Public Hearing

A. Proposed Zoning Code Ordinance Amendment: An Ordinance to Amend a Portion of Section 100-281 of the Village of Mukwonago Municipal Code Pertaining to the Definitions of Occupancy Permits and to Amend Section 100-15 of the Village of Mukwonago Municipal Code to Require the Issuance of Occupancy Permits

Public hearing for the adoption of a proposed ordinance to define occupancy permits and require the issuance of occupancy permits was opened at 7:36 p.m. No one appeared to speak on the matter. Public hearing closed at 7:37 p.m.

9. Comments from the Public

None.

10. 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/Decker to approve vouchers payable from various funds in the sum of \$1,336,887.91 was carried unanimously.

3) Resolution 2011-03: A Resolution Amending the 2010 Adopted Budgets – General, Fire/Ambulance, and Storm Water Utility Funds

Motion by Bakst/Decker to adopt Resolution 2011-03: *A Resolution Amending the 2010 Adopted Budgets – General, Fire/Ambulance, and Storm Water Utility Funds* was carried unanimously.

B. Judicial

1) 2010-11 Applications for Operator's License – Stephanie A. Gemmel, Gregory S. Hazenfield

Motion by Johnson/Decker to grant 2010-11 new Operator's licenses to Stephanie A. Gemmel and Gregory S. Hazenfield was carried unanimously.

2) 2010-11 Application for Operator's License – Trudy E. Anderson

Item referred back to Committee for final acceptance or denial of Village Board motion to deny.

C. Protective Services

1) Review and Recommendation of Annual Ambulance Fee Increases

Item remains at Committee.

2) Discussion and Possible Authorization to Prepare Request for Proposal for Contracting Paramedic Services

Item remains at Committee.

3) Request for Reduction of Outstanding Ambulance Bill for Delcene Budzien

Item remains at Committee.

4) Discussion of Committee and Staff Tours of Waukesha County Communications Center

No action taken.

11. Plan Commission Report

A. **Ordinance No. 839**: An Ordinance to Amend a Portion of Section 100-281 of the Village of Mukwonago Municipal Code Pertaining to the Definitions of Occupancy Permits and to Amend Section 100-15 of the Village of Mukwonago Municipal Code to Require the Issuance of Occupancy Permits

Motion by Penzkover/Decker to postpone consideration of Ordinance No. 839 to the March 15, 2011 Board meeting was carried unanimously.

12. Village Clerk

A. **Recommendation by Midwest Claims Service to Deny Insurance Claim from Ron & Judy Veigh, 1022 Bay View Ct.. for Alleged Property Damages**

Motion by Bakst/Decker to accept Midwest Claims recommendation to deny the insurance claim of Ron & Judy Veigh, 1022 Bay View Ct., for alleged property damages carried unanimously.

13. Village President

A. **Resolution 2011-02**: A Resolution Honoring Police Chief Fred Winchowky

Upon reading into the record by Acting Village President O'Bryan, motion by Bakst/Decker to adopt Resolution 2011-02: *A Resolution Honoring Police Chief Fred Winchowky* was carried unanimously.

B. **Appointments – Library Board**

Item will remain on the agenda.

14. Convene into Closed Session

Motion was made by Decker/Bakst to convene into closed session at 7:58 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*) pertaining to Negotiations with the Firefighter's Union. Motion was carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 8:22 p.m.

15. Reconvene into Open Session

A. **Negotiations with the Firefighter's Union**

No action taken.

16. Adjournment

Motion by Johnson/Decker to adjourn the Village Board meeting at 8:22 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, March 15, 2011

1. Call to Order

President Jim Wagner called the Mukwonago Village Board to order at 7:30 p.m.

2. Roll Call

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

Also present: Fred Purdy, Deputy Fire Chief
 Tom Brandemuehl, Public Works Supervisor
 Kevin Schmidt, Police Chief
 Shawn Reilly, Village Attorney
 Dean Falkner, Utilities Director
 Nick Weber, Library Director
 Ken Pileggi, Police Sergeant

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 March 1, 2011 Regular Board Meeting

Motion by Decker/Johnson to approve the March 1, 2011 Regular Village Board meeting minutes was carried unanimously.

6. Reports

A. 2011 February Treasurer, Mileage, Police, and Library Reports

President Wagner noted receipt of the Treasurer, Mileage, Police and Library Reports for January 2011 and placed them on file in the Clerk's office.

7. Comments from the Public

Paul Teply, 307 McDivitt Lane – Asked that the Village look into accepting a credit card system for tax and utility bill payments. Asked that the Village look into rephrasing the past-due/disconnect notice that people receive when they are late on their utility bill payments to make it sound nicer. Notified Board of chunks of sod on sidewalks near his house, sidewalks near his house and on Main Street across from Amato Ford not being shoveled, damaged sidewalks near his house, and sidewalks that end without connecting to another sidewalk. Expressed opinion that the DPW setting up Christmas decorations is a waste of his taxpayer dollars and suggested that businesses donate time and put up energy efficient lights. Notified Board of the ditch on Honeywell Road that is in the Town of Mukwonago flooding.

8. Unfinished Business

- A. Ordinance No. 839: An Ordinance to Amend a Portion of Section 100-281 of the Village of Mukwonago Municipal Code Pertaining to the Definitions of Occupancy Permits and to Amend Section 100-15 of the Village of Mukwonago Municipal Code to Require the Issuance of Occupancy Permits**

Item will remain on the agenda.

9. Committee Reports

A. Finance

- 1) Fees Related to the New Fire Prevention, Protection, and Control Code**

Item will be removed from the agenda.

- 2) Vouchers Payable**

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$518,060.91 was carried unanimously.

- 3) Resolution 2011-04: A Resolution to Amend the 2011 Schedule of Fees for the Village of Mukwonago Pertaining to Water Utility Rates**

Motion by Bakst/Fickau to adopt Resolution 2011-04: *A Resolution to Amend the 2011 Schedule of Fees for the Village of Mukwonago Pertaining to Water Utility Rates* was carried unanimously.

B. Health and Recreation

- 1) Preliminary Development of Village Field Use Policy**

Item will remain in Committee.

C. Judicial

- 1) 2011 Applications for Temporary Class B Beer License**

A) April 22, 2011 – St. James Catholic Parish

Motion by Johnson/Bakst to grant the 2011 Temporary Class B Beer license to St. James Catholic Parish for April 22, 2011 was carried unanimously.

B) July 8-9, 2011 – CFU John Movrich Lodge 993

Motion by Johnson/Bakst to grant the 2011 Temporary Class B Beer license to CFU John Movrich Lodge 993 for July 8-9, 2011 was carried unanimously.

D. Personnel

- 1) Resolution 2011-05: A Resolution Reaffirming the Police Chief Salary**

Motion by Bakst/Fickau to adopt Resolution 2011-05: *A Resolution Reaffirming the Police Chief Salary* was carried unanimously.

E. Public Works

- 1) Non-Standard Street Lighting Permit – STH 83**

Motion by Fickau/Decker to grant the Non-Standard Street Lighting Permit for STH 83 on the North side of the Village, Option B, was carried unanimously.

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

Item will remain in Committee.

- 3) Crosswalk Light at Intersection of STH 83 and Lincoln Ave.**

Item will remain in Committee.

- 4) Recommendation of Connecting Village Residents that are Using Private Wells to the Village Water System**

Item will remain in Committee.

5) Update on Proposed Storm Water Ordinance

Item has been postponed indefinitely.

6) Ordinance No. 840: An Ordinance to Amend Certain Sections of Chapter 86 of the Village of Mukwonago Municipal Code Pertaining to Water Rates and Rules
Motion by Fickau/Decker to adopt Ordinance No. 840: *An Ordinance to Amend Certain Sections of Chapter 86 of the Village of Mukwonago Municipal Code Pertaining to Water Rates and Rules* was carried unanimously.

7) Consideration of Soil Investigation Related to the Mukwonago Dam Auxiliary Spillway Project – Engineer

Motion by Fickau/Decker to allow the Village Engineer to proceed with soil borings related to the Mukwonago Dam Auxiliary Spillway Project was carried unanimously.

8) Proposed Bike Path on CTH ES Between Maple St. and McKenzie Rd. – DPW

Item is being handled by the Village Engineer.

9) Request to Repair Transfer Switch at Wastewater Treatment Plant – Sewer Dept.

Motion was made by Fickau/Decker to declare the failing transfer switch at the Wastewater Treatment Plant an emergency. The reasons for the declaration of emergency are: 1) The Wastewater Treatment Plant must operate 24/7 and 2) Transfer switch tests have failed during the last two tests. Penzkover asked how many companies are there that can fix the problem. Falkner responded that there are many. Johnson said she was concerned that those companies will try to price gouge. Penzkover asked about the duration of time to get the switch fixed. Falkner responded that it depends on if companies have the switch in stock. The motion was carried unanimously (O'Bryan abstained). Motion was made by Fickau/Decker to authorize Utilities Director Falkner to have a contract drafted with a company of his choice to allow the transfer switch to be replaced at a cost not to exceed \$45,000 and the least amount of time. The motion was carried unanimously (O'Bryan abstained).

10) Wastewater Treatment Plant Electrical System Testing – Sewer Dept.

Item will remain in Committee.

11) Ordinance to Establish Rules Related to Accepting Holding Tank Wastes – Sewer Dept.

Item will remain in Committee.

12) Sale of Box Truck – Water Dept

Motion was made by Fickau/Decker to authorize the sale of the Water Department box truck. Penzkover asked if the truck is no longer needed. Falkner responded that a truck was purchased earlier in 2010 that has replaced the box truck. The motion was carried unanimously.

10. Correspondence

A. Letter from Advanced Auto Parts Expressing Appreciation for Outstanding Customer Service by Joe Hankovich (Supervisor of Inspections/Zoning Administrator), Robert Harley (Building Codes Official), Chris Hahn (Firefighter/Paramedic/Fire Inspector)

President Wagner noted receipt of a letter from Advanced Auto Parts expressing appreciation for outstanding customer service by Joe Hankovich (Supervisor of Inspections/Zoning Administrator), Robert Harley (Building Codes Official), and Chris Hahn (Firefighter/Paramedic/Fire Inspector).

11. New Business – Discussion and Possible Action on the Following Items:

A. Library Board

1) Awarding of Bids for Library Expansion Project – Fire Suppression

Motion by Penzkover/Johnson to award the contract for the Fire Suppression part of the Library Expansion Project to the lowest bidder at a cost not to exceed \$109,000 was carried unanimously.

B. Village Clerk

1) 2010 Census Final Data

Deputy Clerk Braatz reported that the 2010 Census data has been released. The 2010 population for the Village of Mukwonago in Waukesha County is 7,254 and in Walworth County is 101.

2) Letter to Governor Scott Walker and Members of Wisconsin Assembly and Senate Asking to Reconsider the Elimination of the Requirement that a Municipality or County Operate a Recycling Program to Manage Solid Waste in Compliance with the Disposal Restrictions, and the Elimination of the Financial Assistance for Local Government Recycling Programs in the Proposed Budget Bill

Motion by Bakst/Penzkover to authorize the signing of the letter to Governor Scott Walker and Members of Wisconsin Assembly and Senate asking to reconsider the elimination of the requirement that a municipality or County operate a recycling program to manage solid waste in compliance with the disposal restrictions, and the elimination of the financial assistance for local government recycling programs in the proposed budget bill was carried on a vote of 6 ayes and 1 nay (Johnson voted no).

C. Village President – Discussion and Possible Action on the Following Item:

1) Acceptance of Letter of Resignation from Board of Building and Zoning Appeals– Terry Kelly

Motion by Fickau/Decker to accept the letter of resignation from Terry Kelly from the Board of Building and Zoning Appeals was carried unanimously.

2) Appointments – Board of Building and Zoning Appeals, Library Board

Motion by Decker/Bakst to accept the recommendation of the Village President to appoint Kenneth Johnson to the Board of Building and Zoning Appeals as regular member and Thomas Kay as 1st Alternate was carried unanimously (Johnson abstained). Motion by Fickau/Bakst to accept the recommendation of the Village President to appoint Diane Magolan to the Library Board was carried unanimously.

12. Adjournment

Motion by Decker/Johnson to adjourn the Village Board meeting at 8:15 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, April 5, 2011

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
 James Wagner

Also present: Paul J Moderacki, Administrator/Clerk-Treasurer
 Tom Brandemuehl, Public Works Supervisor
 Kevin Schmidt, Police Chief
 Shawn Reilly, Village Attorney
 Dean Falkner, Utilities Director
 Nick Weber, Library Director

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. Announcement of Closed Session Pursuant to Wis Stats §19.85(1)(e)

Wagner announced that there will be a closed session at the end of the meeting pursuant to Wis. Stats. 19.85 (1)(e).

6. Minutes of the March 15, 2011 Regular Board Meeting

Motion by Fickau/Bakst to approve the March 15, 2011 Regular Village Board meeting minutes, as revised to note Tr. Fickau was present, was carried unanimously.

7. Comments from the Public

Cindy Grossman, of the Mukwonago Lions, asked the Board to approve the Lions request to hang a sign in Field Park marking the club's 50th Anniversary.

Paul Teply, 301 McDivit Lane, said he wished the newly elected members of the Village Board well and said he hoped they would "live in the present and look forward to the future." He urged the Board to promote energy conservation from installing more efficient building lighting to use of rain barrels to water gardens.

8. Committee Reports

A. Finance

1) Vouchers Payable

Motion by Bakst/Fickau to approve vouchers payable from various funds in the sum of \$191,538.39 was carried unanimously.

2) Approval of Signature Authorization, Purchase Order, and Deduction Change Order Procedures in Relation to the Library Expansion Project

Motion by Bakst/Penzkover to authorize the Administrator to sign purchase orders and deduct change orders for the Library Addition and Modernization Project for materials purchased directly by the Village up to \$25,000 and to authorize the administrator and a member of the Finance Committee to co-sign purchase orders and deduct change orders over \$25,000 carried unanimously.

3) Request to Amend Section 70-15 to Require the Creation of Development Escrow Accounts for the Purpose of Paying Village Professional Fees

Motion by Bakst/Decker to direct staff to draft an ordinance to create a development escrow account carried unanimously.

B. Health and Recreation

1) Request to Install One Circular Lions Club Logo on the North End of the Field Park Pavilion Building in Recognition of the Mukwonago Lions Club Fifty Years of Service to the Village of Mukwonago

Motion by Penzkover/Bakst to approve the Mukwonago Lioness Club's request to install one (1) circular Lions Club logo on the north end of the pavilion building in recognition of the Lions Club fifty years of service to the Village of Mukwonago was carried 5-2, with Tr. Fickau and Pres. Wagner opposed.

2) Proclamation Celebrating Mukwonago Lions Club 50th Anniversary

Motion by Penzkover/Decker to approve the proclamation celebrating the Mukwonago Lions Club 50th Anniversary carried unanimously.

C. Judicial

1) 2010-11 Application for Operator's License – Christy L. Staude

Motion by Johnson/Penzkover to grant 2010-11 new Operator's license to Christy L. Staude carried unanimously.

D. Protective Services

1) Request for Reduction of Outstanding Ambulance Bill for Delcene Budzien

Motion by Decker/Bakst to reduce the outstanding ambulance bill for Delcene Budzien by fifty percent (50%), contingent upon the Town of Mukwonago also voting in favor of the reduction, carried unanimously.

2) Discussion and Recommendation for Fire/Ambulance Fund Budget Amendment

No action, remains in Committee.

3) Fire Department Financial/Accounting Service

No action, Tr. Decker said the Joint Protective Services Committee plans to meet on April 12, 2011 to further discuss this issue.

9. Correspondence

A. Notice of Public Hearing of the Waukesha County Board Regarding Tentative County Supervisory District Plan

Noted and placed on file.

10. New Business

A. Village Clerk

1) Waukesha County Data Processing Services Property Tax Billing Contract Extension

Motion by Decker/Bakst to approve the Waukesha County Data Processing Services Property Tax Billing Contract Extension carried unanimously.

B. Village President

1) Approval of Police Department Internal Nepotism Policy

Motion by Bakst/Decker to approve Mukwonago Police Department Internal Nepotism Policy as presented and as it relates to the current Police Chief carried unanimously.

2) Resolution 2011-07: A Resolution Adopting the Waukesha County All Hazards Mitigation Plan

Motion by Decker/Bakst to adopt Resolution 2011-07: A Resolution Adopting the Waukesha County All Hazards Mitigation Plan carried on a vote on 6 ayes and 1 nay (Johnson voting no).

3) Appointments – Board of Building and Zoning Appeals 2nd Alternate

No action.

11. Convene into Closed Session

Motion was made by Decker/Johnson to convene into closed session at 7:55 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*) pertaining to discussion and possible approval of the renewal lease contract with Verizon. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 8:04 p.m.

12. Reconvene into Open Session

A. Discussion and Possible Approval of the Renewal Lease Contract with Verizon

Motion by Bakst/Decker to authorize Village Attorney Reilly to continue his negotiations with Verizon as discussed in closed session carried unanimously.

13. Adjournment

Motion by Johnson/Decker to adjourn the Village Board meeting at 8:05 p.m. was carried unanimously.

Respectfully Submitted,

Paul J. Moderacki
Administrator/Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, April 19, 2011

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
 James Wagner
 Mike Sellenheim, Trustee-Elect
 Fred Winchowky, President-Elect

Also present: Tom Brandemuehl, Public Works Supervisor
 Fred Purdy, Deputy Fire Chief
 Kevin Schmidt, Police Chief
 Paul J Moderacki, Administrator/Clerk-Treasurer
 Shawn Reilly, Village Attorney
 Kurt Peot, Village Engineer
 Dean Falkner, Utilities Director
 Bruce Kaniewski, Village Planner
 Nick Weber, Library Director

3. Pledge of Allegiance

The Village Board recited the Pledge of Allegiance lead by Trustee Fickau.

4. Statement of Public Notice

The meeting was posted and noticed according to law.

5. Unfinished Business

A. Ordinance No. 839: An Ordinance to Amend Section 100-15 and a Portion of Section 100-29 of the Village of Mukwonago Municipal Code to Require the Issuance of Occupancy Permits

Motion by Fickau/Bakst to adopt Ordinance No. 839: *An Ordinance to Amend Section 100-15 and a Portion of Section 100-29 of the Village of Mukwonago Municipal Code to Require the Issuance of Occupancy Permits* was carried unanimously.

6. Comments by Outgoing Village Board Members

Trustee Fickau and President Wagner spoke about their past experiences on the Village Board.

7. Passing of Gavel to and Introduction of New Village President Fred Winchowky and New Village Trustee Mike Sellenheim

New Village Board member Mike Sellenheim and new Village President Fred Winchowky took their seats.

8. Appreciation Resolutions

A. Resolution 2011-08: Resolution Extending Appreciation to Village President James Wagner

After President Winchowky read the resolution into record, motion by Decker/Johnson to adopt Resolution 2011-08: Resolution Extending Appreciation to Village President James Wagner was carried unanimously.

B. Resolution 2011-09: Resolution Extending Appreciation to Village Trustee Arnold Fickau

After President Winchowky read the resolution into record, motion by Bakst/Decker to adopt Resolution 2011-09: Resolution Extending Appreciation to Village Trustee Arnold Fickau was carried unanimously.

9. Minutes of the April 5, 2011 Regular Board Meeting

Motion was made by Bakst/Decker to approve the minutes with the following correction: Page 3, Item 10.B.(2) should list Johnson as voting no. Motion was carried unanimously.

10. Reports

A. 2011 March Treasurer, Mileage, Police, and Library Reports

B. 1st Quarter 2011 Recycling Report from John's Disposal Service

President Winchowky noted receipt of the Treasurer, Mileage, Police and Library Reports for March 2011 and the 1st Quarter 2011 Recycling Report from John's Disposal Service and placed them on file in the Clerk's office.

11. Public Hearings

A. Proposed Zoning Code Ordinance Amendment: Ordinance to Amend Section 100-157 of the Village of Mukwonago Municipal Code (Zoning) Pertaining to Allowing a Nursing Home as a Conditional Use in the B-3 Zoning District

Public hearing was opened at 7:48 p.m. No one appeared to speak on the matter. Public hearing was closed at 7:49 p.m.

1) Action Item: Ordinance No. 842: Ordinance to Amend Section 100-157 of the Village of Mukwonago Municipal Code (Zoning) Pertaining to Allowing a Nursing Home as a Conditional Use in the B-3 Zoning District

Motion was made by Decker/Sellenheim to accept the Plan Commission recommendation to adopt Ordinance No. 842: Ordinance to Amend Section 100-157 of the Village of Mukwonago Municipal Code (Zoning) Pertaining to Allowing a Nursing Home as a Conditional Use in the B-3 Zoning District. Johnson asked the planner what the "C" meant. Planner Kaniewski explained that it meant a conditional use. Motion was carried on a vote of 6 ayes and 1 nay (Johnson voting no).

12. Comments from the Public

April Reszka, Mukwonago Area Chamber of Commerce – Gave an overview and update of the Operation Life-Saver Event with East Troy Electric Railroad Museum to be held in Indianhead Park on May 20-22, 2011.

Paul Teply, 307 McDivitt Lane – Spoke with the County about the flooding on Honeywell Road. Had concerns about the traffic that will be generated from the Brooklife Church that is going into the old Wal-Mart building. Gave thanks to the Board members that left the Board and congratulated the new Board members.

13. Committee Reports

A. Finance

1) **Vouchers Payable**

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$462,760.16 was carried unanimously.

2) **Resolution 2011-06: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies**

Motion by Bakst/O'Bryan to adopt Resolution 2011-06: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies was carried unanimously.

3) **Ordinance No. 843: An Ordinance to Amend Section 70-15 of the Village of Mukwonago Municipal Code Pertaining to the Requirement of Development Escrow Accounts for the Purpose of Paying Village Professional Fees**

Motion by Bakst/Decker to adopt Ordinance No. 843: An Ordinance to Amend Section 70-15 of the Village of Mukwonago Municipal Code Pertaining to the Requirement of Development Escrow Accounts for the Purpose of Paying Village Professional Fees was carried unanimously.

B. Health and Recreation

1) **Request to Use Indianhead Park for Operation Life-Saver Event with East Troy Electric Railroad Museum Including Parking of Trolley on Tracks and Train Car in Parking Lot from May 20-22, 2011 – April Reszka, Mukwonago Area Chamber of Commerce**

Motion by Penzkover/Sellenheim to approve the request by April Reszka, Mukwonago Area Chamber of Commerce, to use Indianhead Park for the Operation Life-Saver Event with East Troy Electric Railroad Museum Including Parking of a trolley on the railroad tracks and a train car in the parking lot from May 20-22, 2011 was carried unanimously.

C. Judicial

1) **Consideration of 2011 Application for Renewal 6-Month Class B Fermented Malt Beverage License**

- **Mukwonago Womens Softball League (Ryan Scheffler – Agent), Minor Park**
Motion by Johnson/Decker to approve the application for 2011 6-Month Class B Fermented Malt Beverage License to Mukwonago Womens Softball League (Ryan Scheffler, Agent) at Minors Park was carried unanimously.

2) **Fire Inspection and Training Duties Overview in Relation to the Possibility of State Law Changes Regarding Fire Inspection Fees**

Item remained in Committee.

3) **Ordinance No. Draft: An Ordinance to Create Article VI of Section 54 of the Village of Mukwonago Municipal Code Pertaining to Truancy**

Item remained in Committee.

4) **Ordinance No. 841: An Ordinance to Amend Section 82-212 (2) of the Village of Mukwonago Municipal Code Pertaining to Speed Limits on the Mukwonago School District Grounds**

Motion by Johnson/Decker to adopt Ordinance No. 841: An Ordinance to Amend Section 82-212 (2) of the Village of Mukwonago Municipal Code Pertaining to Speed Limits on the Mukwonago School District Grounds was carried unanimously.

D. Personnel

1) Modification of Fire Chief Job Description

Motion by Decker/Johnson to approve the changes to the Fire Chief job description as suggested by Tr. O'Bryan, and with the addition of adding the words, "National Registry" before "EMT-Basic certification..." under the section Education, Training and Experience was carried unanimously.

2) Extension of Fire Chief Application Time Frame

No action taken.

E. Protective Services

1) Approve Request for Proposal for a Sub-contracted Service to act as Fiduciary Agent for the Mukwonago Fire Department

Motion was made by Decker/Johnson to authorize the Village President to sign the letter asking for bids for a subcontracted service to act as the fiduciary agent for the Joint Fire Department. Decker said certain Town supervisors are not satisfied with the Village accounting of the Mukwonago Fire Department. Discussion on whether this is the appropriate procedure. Some Board members did not agree with this letter. Motion was withdrawn. Motion was made by Decker/Johnson to authorize staff to draft a letter to the Town stating if the Town is interested in soliciting bids for a subcontracted service to act as the fiduciary agent for the Joint Fire Department, they may send a letter and use their own resources, and the Village resources shall not be used. Sellenheim asked about an audit of the finances. Decker explained that his research found that a forensic audit would cost over \$100,000.00, which is not an option. Motion was carried unanimously.

F. Public Works

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

Item remained in Committee.

2) Crosswalk Light at Intersection of STH 83 and Lincoln Ave.

Item remained in Committee.

3) Recommendation of Connecting Village Residents that are Using Private Wells to the Village Water System

Item is being handled by staff. No action taken.

4) Wastewater Treatment Plant Electrical System Testing – Sewer Dept.

Item remained in Committee.

5) Ordinance to Establish Rules Related to Accepting Holding Tank Wastes – Sewer Dept.

Item remained in Committee.

6) Request to Reduce Water and Sewer Charges for 208 Lois Street Due to the Pipes Bursting – Michelle Peterson

Motion was made by O'Bryan/Johnson to waive the sewer charges on the 1st quarter utility bill for the property located at 208 Lois St. Reasons for waiving the sewer charge are: 1) There was a death in the family and the house was vacant, and 2) There is a crawl space below the house and the Sewer Department was able to determine the water lost from the burst pipes did not go down the sewer system. Winchowky asked about the use of homeowners insurance. O'Bryan stated the Village would direct the property owner to use the insurance only when there is major damage on the property. Motion was carried unanimously.

- 7) Request by Mary Jane Whitty to Remove Penalty from 4th Quarter 2010 Utility Bill for 1266 River Park Cir E**
Item remained in Committee.
- 8) Request to Transfer of Reserve Capacity Assessment Fund to the Equipment Replacement Fund – Sewer Dept.**
Motion by O'Bryan/Penzkover to direct staff to prepare a resolution to allow the transfer of Reserve Capacity Assessment Funds to the Sewer Equipment Replacement Fund was carried unanimously.
- 9) Clarification on Restricted Reserve Finances Requested – Sewer Dept.**
Item will remain in Committee.
- 10) Request by Utilities Director Dean Falkner to Meet with the Town of East Troy to Discuss the Well #7 Conditional Use Permit and to Solicit a General Estimate on the Cost of the Main and Well for the Project – Sewer Dept.**
Item is being handled by staff. No action taken.
- 11) Sanitary Sewer Repairs**
No action taken.
- 12) Sale of Water Department Box Truck**
Item already approved by the Board.

G. Plan Commission

- 1) Proposed Amendment to Zoning Code Relating to Signage**
Item remained in Commission.
- 2) Certified Survey Map for the Properties Known as MUKV2013999004 and MUKV2016993, Located at 240 Maple Ave, and Owned by Waukesha Memorial Hospital**
Motion by Penzkover/Bakst to accept the Plan Commission recommendation to grant a 60 day extension for the consideration of the proposed Certified Survey Map for the properties known as MUKV2013999004 and MUKV2016993, located at 240 Maple Ave, and owned by Waukesha Memorial Hospital, was carried unanimously.

14. New Business

A. Library Board

- 1) Awarding of Bids for Library Expansion Project – Furnishing, Shelving**
Motion by Johnson/Penzkover to award the bids for furnishing in the amount of \$188,716.49 and shelving in the amount of \$108,852.00 to the lowest qualified responsive bidder was carried unanimously.

B. Village Clerk

- 1) Approval of April 5, 2011 Municipal Canvass Report**
Motion by Decker/Bakst to approve the Village of Mukwonago Certification of the Board of Canvassers for the election held on April 5, 2011 was carried unanimously.
- 2) 2011 New Municipal Officials Workshop – League of Wisconsin Municipalities and 2011 Regional Dinner Meeting – League of Wisconsin Municipalities**
Information only.

C. Village President

- 1) Acceptance of Letter of Resignation from Plan Commission – Mike Sellenheim**

Motion by Decker/Penzkover to accept the letter of resignation from Mike Sellenheim as the citizen member on Plan Commission due to his election to the Village Board was carried unanimously.

2) 2011 Appointments

A) Village Board Subcommittees

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:

- Finance Committee – Bakst (Chair), Sellenheim, Johnson
- Public Works Committee – Penzkover (Chair), O'Bryan, Decker
- Personnel Committee – O'Bryan (Chair), Sellenheim, Bakst
- Protective Services Committee – Johnson (Chair), Penzkover, Bakst
- Health and Recreation Committee – Sellenheim (Chair), Decker
- Judicial Committee – Decker (Chair), Johnson

B) Plan Commission, Board of Building and Zoning Appeals, Fire

Commission, Police Commission, Library Board, Tourism Commission

Motion by Decker/Bakst to accept the Village President's recommendation to appoint the following members to the various Boards and Commissions was carried unanimously:

- Fire Commission – Dennis O'Bryan (Village Trustee member)
- Library Board – Dennis O'Bryan (Village Trustee member)
- Board of Building and Zoning Appeals – Dave Mades (Regular member), Sarah Szejn (Regular member), Tom Kay (1st Alternate)

The appointments for the Plan Commission citizen member, Fire Commission citizen members, Police Commission, Library Board citizen member, and Tourism Commission will remain on the agenda.

C) Board of Review

Item remained on the agenda.

D) Emergency Government Coordinator

Position remains open until the new Fire Chief is hired.

3) Set Date of Board of Review

Motion by Decker/Bakst to set the Board of Review date as June 8, 2011, beginning at 4:00 p.m. was carried unanimously.

4) Set Date of Village Board Workshop

Item remained on the agenda.

15. Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 9:09 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, May 3, 2011

1. Call to Order

President Fred Winchowky called the Mukwonago Village Board to order at 7:30 p.m.

2. Roll Call

Trustees present: Elliot Bakst
 Jim Decker
 Darlene Johnson
 Mark Penzkover
 Dennis O'Bryan
 Mike Sellenheim

Also present: Tom Brandemuehl, Public Works Supervisor
 Dean Falkner, Utilities Director
 Bruce Kaniewski, Planner
 Paul J Moderacki, Administrator/Clerk-Treasurer
 Kurt Peot, Engineer
 Fred Purdy, Deputy Fire Chief
 Shawn Reilly, Village Attorney
 Kevin Schmidt, Police Chief
 Nick Weber, Library Director

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. Announcement of Closed Session Pursuant to Wis Stats §19.85(1)(e)

Winchowky announced there would be a closed session at the end of the meeting pursuant to Wis. Stats. 19.85 (1)(e).

6. Minutes of the April 19, 2011 Regular Board Meeting

Motion by Bakst/Decker to approve the April 19, 2011 Regular Village Board meeting minutes as presented carried unanimously.

7. Comments from the Public

Paul Teply, 301 McDivit Lane, suggested 1) there be two opportunities for public comment at Board meetings (at the start and end of meetings and 2) expressed concern about sidewalks throughout the Village: a) some are cracked and buckled, b) some lack ADA accessibility and c) sidewalks are lacking in critical areas, e.g. the Main St. bridge over the Mukwonago River.

8. Committee Reports

A. Finance

1) Vouchers Payable

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$137,544.85 carried unanimously.

2) Consideration of CDBG Grant application for 2012

Motion by Bakst/Decker to authorize the Administrator to submit an application for \$10,150 of Community Development Block Grant (CDBG) funds to assist in the Village's downtown revitalization planning effort carried unanimously.

B. Judicial

1) 2010-11 Application for Temporary Class B beer License – American Legion Post 375, Field Park on June 11-12, July 16-17, August 20-21 and September 10-11, 2011

Motion by Bakst/Penzkover to grant 2010-11 Temporary Class B beer License – American Legion Post 375, Field Park on June 11-12, July 16-17, August 20-21 and September 10-11, 2011 carried unanimously.

C. Plan Commission

1) Certified Survey Map (CSM) for the property known as MUKV2013995003, located at Lot 3 of CSM 9638 on East Wolf Run and owned by the Greenwald Family Limited Partnership

2) Motion by Penzkover/Decker to approve the proposed CSM for the property known as MUKV2013995003, located at Lot 3 of CSM 9638 on East Wolf Run and owned by the Greenwald Family Limited Partnership, subject to the Village engineer's conditions and all easement documents to be submitted to the Village for Plan Commission and Village Board review and approval carried unanimously.

3) Transfer of Access Easement Agreement for Black Bear Lift Station

Motion by Penzkover/Decker to approve the proposed transfer of Access Easement Agreement for Black Bear Lift Station carried unanimously.

9. New Business

A. Village Clerk

1) Recommendation by Midwest Claims Service to Deny Insurance Claim of Ashley Drewa, W351 S10265 Lake Dr., for Vehicle Damage

Motion by Decker/Bakst to deny the claim of Ashley Drewa, W351 S10265 Lake Dr., for vehicle damage as recommended by Midwest Claims Service carried unanimously.

B. Village President

1) Proclamation for National Arbor Day

Motion by Decker/Bakst to endorse President Winchowky's proclamation in recognition of National Arbor Day carried unanimously. President Winchowky said he was interested in planting more trees to beautify the Village and said in addition to donating a tree he would match any tree donated by another Village Trustee.

2) Appointments

A) Plan Commission, Board of Building and Zoning Appeals, Fire Commission, Police Commission and Tourism Commission

Motion by O'Bryan/Bakst to approve John Hogan to the Plan Commission to fill the seat vacated by Mike Sellenheim carried unanimously.

No further appointments were made.

B) Board of Review

Pres. Winchowky asked the Trustees to call him if they wanted to serve. No action taken.

3) Schedule Village Board Workshop

The Board scheduled a workshop meeting for Monday, June 6, 2011 at 4 p.m. by consensus.

4) Schedule Joint Meeting with Town of Mukwonago Board

No action.

Labor Attorney Rob Buikema entered the meeting here.

10. Convene into Closed Session

Motion was made by Bakst/Decker to adjourn into closed session at 8:12 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*) to discuss 2011-13 Firefighter/Paramedic, Clerk/Dispatcher and Professional Policemen's Assn. negotiations and to reserve the right to reconvene into open session. The motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 9:51 p.m.

11. Reconvene into Open Session

Pres. Winchowky reconvened the Village Board meeting in open session at 9:52 p.m.

A. 2011-13 Firefighter/Paramedic Contract Negotiations

B. Clerk/dispatcher Contract Negotiations

C. Professional Policemen's Assn. Contract Negotiations

No actions taken related to any of the three items above.

12. Adjournment

Motion by Bakst/Johnson to adjourn the Village Board meeting at 9:55 p.m. was carried unanimously.

Respectfully Submitted,

Paul J. Moderacki
Administrator/Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, May 17, 2011

1. Call to Order

President Fred Winchowky called the Mukwonago Village Board to order at 7:30 p.m.

2. Roll Call

Trustees present: Elliot Bakst
 Jim Decker
 Darlene Johnson
 Mark Penzkover
 Dennis O'Bryan
 Mike Sellenheim

Also present: Tom Brandemuehl, Public Works Supervisor
 Dean Falkner, Utilities Director
 Joe Hankovich, Zoning Admin/Supervisor Bldg. Inspections
 Bruce Kaniewski, Planner
 Paul J Moderacki, Administrator/Clerk-Treasurer
 Kurt Peot, Engineer
 Ken Pileggi, PD Sergeant
 Fred Purdy, Deputy Fire Chief
 Shawn Reilly, Village Attorney
 Kevin Schmidt, Police Chief
 Nick Weber, Library Director

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. Announcement of Closed Session Pursuant to Wis Stats §19.85(1)(e)

Winchowky announced there would be a closed session at the end of the meeting pursuant to Wis. Stats. 19.85 (1)(e).

6. Minutes of the May 3, 2011 Regular Board Meeting

Motion by Decker/Bakst to approve the May 3, 2011 Regular Village Board Meeting Minutes as presented carried unanimously.

7. Public Hearing

A. Proposed Zoning Map Amendment by Greenwald Family Limited Partnership to amend the District Zoning Map of the Waukesha County Shoreland and Floodplain Protection Ordinance from A-P Agricultural Land Preservation District and the A-1 Agricultural District to B-P Mixed Use Business Park District

Winchowky opened the hearing at 7:33 p.m.

Jason Furth, of Waukesha County, said the County had neglected to change its zoning map to reflect the changes in this area that had taken place since the land was annexed

into the Village several years ago. He said the County is now in the process of updating its maps and had no objection to the amendment as requested and the proposed B-P mixed use business zoning is appropriate.

No one else spoke in favor or opposed to the proposed amendment.

Winchowky closed the hearing at 7:38 p.m., after all present had been given an opportunity to be heard.

1) Proposed Zoning Map Amendment request by the Greenwald Family Limited Partnership to amend the District Zoning Map of the Waukesha County Shoreland and Floodplain Protection Ordinance from A-P Agricultural Land Preservation District and the A-1 Agricultural District to B-P Mixed Use Business Park District

Motion by Decker/Bakst to approve the Zoning Map Amendment as proposed carried unanimously, 7-0.

8. Reports

A. 2011 April Treasurer, Mileage, Police and Library Reports

Winchowky noted the April 2011 Treasurer, Mileage, Police and Library reports were in the Board packet and available for public inspection in the Clerk's Office.

9. Public Comments - there were no comments from the public

10. Committee Reports

A. Finance

1) Vouchers Payable

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$969,255.25 carried unanimously.

2) Resolution 2011-10 re: Amending the 2011 Adopted Fire/Ambulance Fund Budget

Motion by Bakst/Johnson to adopt Resolution 2011-10 Amending the 2011 Adopted fire/Ambulance Fund Budget carried unanimously.

3) Effect of Proposed State Aid Reduction and Mandatory Staff Benefit Reductions

Bakst said an analysis by Moderacki showed the State's mandatory staff benefit reductions would not fully make up for the projected losses in State Aid and the Village would have a net loss of \$65,538.00 annually if the proposed measures were enacted.

B. Judicial

1) Fire Inspection and Training Duties Overview in relation to proposed State Law changes related to Fire Inspection Fees

Decker said this item was no longer under consideration and should be removed from the committee agenda.

2) Ordinance 843 – An Ordinance to Create Article VI of Section 54 of the Village Code Relating to Truancy

Held in committee pending review by Judge Daniel Smart.

3) 2010-11 Operator's License Application of Connie L. Kelly

Motion by Decker/Johnson to approve the 2010-11 Operator's License application of Connie L. Kelly carried unanimously.

4) 2010-11 Operator's License Application of Jesse G. Brooks

Motion by Decker/Johnson to deny the 2010-11 Operator's License application of Jessie G. Brooks due to falsification of the license application carried unanimously.

C. Protective Services

1) Contracting Dispatch Services with Waukesha County Communications Center

Johnson reported the Committee met with former Chairperson Decker to discuss its findings related to contracting dispatch services with the Waukesha County Communications Center and unanimously recommended not to move forward at this time because: 1) Waukesha County lacked a narrow bandwidth tower that would adequately and reliably service the southwest area of the County, 2) the County's digital 800 system was not fully operational, 3) Waukesha County is in the process of converting to a new CAD system which would not provide seamless interface to the Village's system. Motion by Johnson/Decker not to pursue contracting with Waukesha County Communication Center for dispatch services carried unanimously.

D. Public Works

1) Water Dept. Garage with office and staff quarters

No action, remained in committee.

2) Crosswalk Light at StH 83 and Lincoln Ave. Intersection

This is a State project, staff is monitoring progress.

3) Wastewater Treatment Plant Electrical System Testing

On hold pending installation of new transfer switch.

4) Clarification on Proposed Restricted Reserve Finance Transfer

Held in committee.

5) Ordinance 844: An Ordinance to Create Sections 86-245 and 86-282 of the Village Code related to Holding Tank Wastewater Disposal

Motion by Penzkover/Decker to adopt Ordinance 844 creating Sections 86-245 and 86-282 of the Village Code related to Holding Tank Wastewater Disposal carried unanimously.

6) General Sidewalk Maintenance and Repair

Remained in committee.

7) Oakland Ave. Sidewalks over Railroad Tracks

Remained in committee.

8) Dam Improvement Update

Remained in committee pending further analysis by engineer

E. Plan Commission

1) Architectural and Site Plans for Proposed YMCA located on East Wolf Run

Motion by Penzkover/Decker to approve the architectural and site plans for the proposed YMCA, located on East Wolf Run, with the exception of the proposed Planned Unit Development (PUD) elements of the development that are the subject of a public hearing June 7, 2011 carried unanimously.

2) Developer's Agreement for Proposed YMCA

Held in committee pending finalization by staff.

3) Architectural and Site Plans for Proposed Addition to Linden Court, located at 841 CtH NN E

Winchowky reported the Plan Commission had unanimously recommended approval of the Linden Court plans.

4) Resolution 2011-11: A Resolution Declaring the Plan Commission and Village Board's Consideration and Approval of the Addition of Six (6) Living Units and a Sun Room to Linden Court, located at 845 CtH NN E

Motion by Decker/Bakst to adopt Resolution 2011-11 re: Declaring the Plan Commission and Village Board's Consideration and Approval of the Addition of Six (6) Living Units and a Sun Room to Linden Court, located at 845 CtH NN E carried unanimously.

5) Developer's Agreement for Black Bear Development

Motion by Penzkover/Sellenheim to approve the proposed Black Bear Development Agreement subject to the maximum density requirements permitted by Village Code carried unanimously.

11. New Business

A. Village President

1) Proclamation for National Peace Officer's Memorial Day

Motion by Decker/bakst to endorse President Winchowky's Proclamation for National Peace Officer's Memorial Day carried unanimously.

2) Proclamation for Fair Housing

Motion by Decker/Bakst to endorse President Winchowky's proclamation in recognition of Fair Housing Month Day carried unanimously.

3) Appointments

A) Plan Commission, Board of Building and Zoning Appeals, Fire Commission, Police Commission and Tourism Commission

Motion by O'Bryan/Decker to approve the appointment of Joe Rice and Lee Hau to the Fire Commission, Ken Johnson and Robert Posekany to the Police Commission, Raymond Vees to the Library Board Patti Muraczewski to the Tourism Commission and Ron Bittner as Weed Commissioner carried unanimously.

B) Board of Review

Winchowky appointed Johnson, O'Bryan and Sellenheim to serve on the 2011 Board of Review along with himself and Moderacki.

4) Emergency Government Coordinator

Winchowky said the Emergency Government Coordinator would continue to be the Fire Chief.

12. Convene into Closed Session

Motion was made by Bakst/Decker to adjourn into closed session at 8:24 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*) to discuss possible amendments to the Joint Fire Department Contract. The motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 9:12 p.m.

13. Reconvene into Open Session

Pres. Winchowky reconvened the Village Board meeting in open session at 9:14 p.m.

A. Potential Amendments to the Joint Fire Department Contract

No action taken.

14. Adjournment

Motion by Sellenheim/Johnson to adjourn the Village Board meeting at 9:14 p.m. carried unanimously.

Respectfully Submitted,

Paul J. Moderacki
Administrator/Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Friday, May 27, 2011

1. Call to Order

President Fred Winchowky called the Mukwonago Village Board special meeting to order at 4:30 p.m.

2. Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Fred Winchowky, Village President

Trustees excused: Dennis O'Bryan
Mike Sellenheim

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Committee Reports

A. Judicial

1) 2011 Application for Temporary Class B Beer License – Mukwonago Historical Society – Mukwonago Museum – June 1, 2011

Motion by Decker/Johnson to grant the 2011 Temporary Class B Wine license to Mukwonago Historical Society for June 1, 2011 was carried unanimously.

5. Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 4:31 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, June 7, 2011

1. Call to Order

President Fred Winchowky called the Mukwonago Village Board to order at 7:30 p.m.

2. Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Tom Brandemuehl, Public Works Supervisor
Fred Purdy, Deputy Fire Chief
Kevin Schmidt, Police Chief
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Bruce Kaniewski, Village Planner
Nick Weber, Library Director

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. Announcement of Closed Sessions Pursuant to Wisc Stats §19.85(1)(g)

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statute 19.85(g).

6. Minutes of the May 17, 2011 Regular Board Meeting and the May 27 Special Board Meeting

Motion by Johnson/Bakst to approve the minutes for the May 17, 2011 Regular Board meeting was carried unanimously. Motion by Decker/Bakst to approve the minutes for the May 27, 2011 Special Board meeting was carried unanimously.

7. Public Hearing

A. Request by Cheryl Berg, Mukwonago YMCA, to Rezone Certain Property (Lot 3 of CSM No. 9638, East Wolf Run in the Gateway District, TID #3, known as MUKV2013995003) from B-4 (Commercial Business Design District) to B-4 PUD (B-4 Planned Unit Development Overlay District)

Public hearing was opened at 7:32 p.m. No one appeared to speak on the matter. Public hearing was closed at 7:33 p.m.

1) Action Item: Ordinance No. 845: An Ordinance to Amend the District Zoning Map of the Village of Mukwonago (YMCA Property)

Motion by Decker/Sellenheim to accept the Plan Commission recommendation to adopt Ordinance No. 845: *An Ordinance to Amend the District Zoning Map of the Village of Mukwonago* carried unanimously.

8. Comments from the Public

No comments from the public.

9. Committee Reports

A. Finance

1) **Approval of Vouchers Payable**

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$361,629.41 was carried unanimously.

2) **Resolution 2011-12: A Resolution to Authorize Transfer of RCA Funds to WWTP Equipment Replacement Reserve**

Motion made by Bakst/Johnson to adopt Resolution 2011-12: *A Resolution to Authorize Transfer of RCA Funds to WWTP Equipment Replacement Reserve*. Penzkover asked when the funds are anticipated to be spent. Falkner responded that the funds will be spent only when they are needed. Motion carried unanimously.

3) **Resolution 2011-13: A Resolution Amending the 2011 Amended Budget for the Fire/Ambulance Fund**

Motion by Bakst/Decker to accept the Protective Services Committee recommendation and adopt Resolution 2011-13: *A Resolution Amending the 2011 Amended Budget for the Fire/Ambulance Fund* carried unanimously.

B. Judicial

1) **2011 Application for Temporary Class B Beer License – Mukwonago Lions Club – Field Park – June 16-19, 2011**

Motion by Decker/Johnson to approve the application for 2011 Temporary Class B Beer License to Mukwonago Lions Club at Field Park on June 16-17, 2011 carried unanimously.

2) **Consideration of 2011-12 Applications for Renewal Class A Fermented Malt Beverage License**

Motion made by Decker/Penzkover to grant the 2011-12 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

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

3) Consideration of 2011-12 Applications for Original or Renewal Class A Fermented Malt Beverage and Intoxicating Liquors License

Motion was made by Decker/Johnson to grant the 2011-12 original or 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 (Christine Lucas – 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 Mukwonago Police and Fire Departments and the Waukesha County Health Department. Motion carried unanimously.

4) Consideration of 2011-12 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 Decker/Johnson to withhold the 2011-12 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 reason: 1) 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 a letter from the Wisconsin Dept. of Revenue dated April 26, 2011, and a follow-up phone call by the Clerk's Office to the Wisconsin Dept. of Revenue on June 3, 2011. The Clerk's Office shall give the applicant notice of the Village Board's intention of the non-renewal of the licenses and an opportunity to rebut the charges. Motion carried unanimously.

5) Consideration of 2011-12 Applications for Renewal Class B Fermented Malt Beverage and Reserve Intoxicating Liquors License

Motion made by Decker/Johnson to grant the 2011-12 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. (Marco 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

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

6) Consideration of 2011-12 Applications for Renewal Class B Fermented Malt Beverage and Intoxicating Liquors License

Motion was made by Decker/Bakst to grant the 2011-12 renewal Class B Fermented Malt Beverage and Intoxicating Liquors license to the following establishments:

- American Legion Community Post #375 (James R. Foster – Agent), 627 CTH NN East, d/b/a American Legion Community Post #375
- 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

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

C. Protective Services

- 1) Review and Discussion of Expenditures and Revenues History, Intergovernmental Agreements and Contracts with the Mukwonago Fire Department, 2011 Fire/Ambulance Budget and Possible Recommendations of Budget Amendments, and Mukwonago Fire Department Donated Funds (Village Board Action: Set Date of Joint Meeting with the Town of Mukwonago Board)**

Administrator Moderacki will contact the Town to determine available dates for Town Board members to have a joint meeting with the Village Board.

10. New Business

A. Village Library Director

- 1) Progress Update of the Mukwonago Community Library Expansion Project**

Library Director Weber gave an update on the progress of the Mukwonago Community Library Expansion project.

B. Village President

- 1) Acceptance of Letter of Resignation from Fire Commission – Dave Berg**

Motion by Decker/Johnson to accept the letter of resignation from the Fire Commission from Dave Berg carried unanimously.

- 2) 2011 Appointments – Fire Commission, Board of Building and Zoning Appeals 2nd Alternate, Tourism Commission**

Item will remain on the agenda.

11. Convene into Closed Session

Motion was made by Penzkover/Decker to convene into closed sessions at 7:56 p.m. pursuant to Wisconsin Statute **19.85 (1)(g)** (*Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*) to discuss the Village of Mukwonago vs. Greenwald Family Limited Partnership litigation, and the potential litigation by the Village of Mukwonago vs. Paul Teply. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Bakst to adjourn closed session and reconvene into open session at 9:12 p.m. was carried unanimously.

12. Reconvene into Open Session

A. Village of Mukwonago vs. Greenwald Family Limited Partnership Litigation

No action taken.

B. Village of Mukwonago vs. Paul Teply Litigation

Motion by Johnson to direct the Village Attorney to proceed as discussed in closed session was carried unanimously.

13. Adjournment

Motion by Bakst/Decker to adjourn the Village Board meeting at 9:13 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, June 21, 2011

1. Call to Order

Deputy Clerk Steven Braatz, Jr. called the meeting to order at 7:36 p.m.

2. Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim

Excused: Fred Winchowky, President

Also present: Tom Brandemuehl, Public Works Supervisor
Fred Purdy, Deputy Fire Chief
Kevin Schmidt, Police Chief
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Bruce Kaniewski, Village Planner
Nick Weber, Library Director

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. Selection of Acting Village President to Preside over the Meeting

Motion by Bakst/Decker to appoint O'Bryan as acting Village President carried on a vote of 5 ayes and 1 nay (Johnson voting no).

6. Announcement of Closed Session Pursuant to Wisc Stats §19.85(1)(g)

Acting President O'Bryan announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statute 19.85(g).

7. Approval of the Minutes for the June 7, 2011 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the June 7, 2011 Regular Board meeting carried unanimously.

8. Reports

A. 2011 May Treasurer, Mileage, Police, and Library Reports

O'Bryan noted the May 2011 Treasurer, Mileage, Police and Library reports were in the Board packet and available for public inspection in the Clerk's Office.

9. Public Hearing

A. Proposed Zoning Code Ordinance Amendment: An Ordinance to Amend Section 100-155(I) of the Municipal Code of the Village of Mukwonago Pertaining to Planned Unit Developments within the B-4 Zone

Public hearing opened at 7:39 p.m. Atty Reilly gave an overview of the purpose of the ordinance change. Penzkover noted the Plan Commission reviewed and unanimously recommended adoption. Public hearing closed at 7:42 p.m.

1) **Action Item: Ordinance No. 846: An Ordinance to Amend Section 100-155(I) of the Municipal Code of the Village of Mukwonago Pertaining to Planned Unit Developments within the B-4 Zone**

Motion by Penzkover/Johnson to adopt Ordinance No. 846: An Ordinance to Amend Section 100-155(I) of the Municipal Code of the Village of Mukwonago Pertaining to Planned Unit Developments within the B-4 Zone carried unanimously.

10. Comments from the Public

Nick Weber, Library Director for Mukwonago Community Library – Paul Teply stopped in at the Library and asked that Nick show the Board the book, “An Inconvenient Truth” by Al Gore and asked that the Board read it when they have a chance.

11. Committee/Commission Reports

A. Finance

1) **Acceptance of 2010 Financial Audit Report**

Motion by Bakst/Decker to acceptance the 2010 Financial Audit Report carried unanimously.

2) **Approval of Vouchers Payable**

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$278,857.80 carried unanimously.

3) **Resolution 2011-15: A Resolution to Amend the 2011 Schedule of Fees for the Village of Mukwonago Pertaining to the Holding Tank Wastewater Disposal Permit Fee**

Motion made by Bakst/Johnson to adopt Resolution 2011-15: A Resolution to Amend the 2011 Schedule of Fees for the Village of Mukwonago Pertaining to the Holding Tank Wastewater Disposal Permit Fee. Decker asked Falkner if there was a dumping charge in addition to the permit fee. Falkner responded there is also a charge each time the permittee dumps. Motion carried unanimously.

B. Health and Recreation

1) **Request by Winfield Scott Larsen to Operate a Hot Dog Cart in Village Parks**

Item remains in Committee.

2) **Request by Jennifer Bradley, Representing Chiropractic First, to Hold a Patient Appreciation Event in the Parking Lot of 603 N. Rochester St. on August 13, 2011**

Informational only. No action taken.

C. Judicial

1) **Consideration of 2011-12 Application for Operator's License – Jesse G. Brooks**

Public hearing with the applicant was held on June 13, 2011, at which time the applicant explained that he misunderstood the application. Chief Schmidt verified the misunderstanding and recommended approval of the application. Motion by

Decker/Johnson to approve the application for 2011-12 Operator's License for Jesse G. Brooks carried unanimously.

2) Ordinance No. 843: An Ordinance to Create Section 54-106 of the Village of Mukwonago Municipal Code Pertaining to Truancy

Item remains in Committee.

3) Request by Paul Teply, 307 McDivitt Lane, to Review and Possibly Amend Tree Ordinance (Section 74-8(c))

Motion made by Decker/Johnson to deny the request from Paul Teply to amend Section 74-8(c) of the Municipal Code to remove female cottonwood trees. Sellenheim stated that Mr. Teply appears to have a problem with the neighbors and that is the cause of the complaint. Decker stated the female cottonwood tree has no commercial value. Reilly read the letter that he sent to Mr. Teply asking for a response from either him or his attorney. Ltd. Ken Pileggi notified the Board that Mr. Teply had contacted him about the tree and brought to his attention a number of trees on Village property. Motion carried unanimously.

4) Consideration of 2011-12 Applications for Original or Renewal Class B Fermented Malt Beverage and Intoxicating Liquors License

- **Half-Time Sports Grille, Inc. (Mark A. Weiss – Agent), 325 Bay View Road Suite D, d/b/a Half-Time Sports Grille**
- **MLP of Mukwonago, Inc. (Antonio Gomez – Agent), 1015 CTH NN E, d/b/a The New Market Square**

Motion made by Decker/Johnson to grant the 2011-12 renewal or original Class B Fermented Malt Beverage and Intoxicating Liquors licenses to the following establishments:

- Half-Time Sports Grille, Inc. (Mark A. Weiss – Agent), 325 Bay View Road Suite D, d/b/a Half-Time Sports Grille
- MLP of Mukwonago, Inc. (Antonio Gomez – Agent), 1015 CTH NN E, d/b/a The New Market Square

The granting of the licenses shall be contingent upon the successful and favorable inspections by the Mukwonago Police and Fire Departments. Motion carried unanimously.

5) Consideration of 2011-12 Applications for Operator's License (Pursuant to List from the Clerk's Office Dated June 15, 2011 and Submitted to the Village Board)

Motion by Decker/Johnson to approve the applications for 2011-12 Operator's License pursuant to the list from the Clerk's Office dated June 15, 2011 and submitted to the Village Board carried unanimously.

D. Personnel

1) Resolution 2011-16: Resolution Regarding Employee Contributions to the Village of Mukwonago Wisconsin Retirement System Plan

Motion made by Personnel Committee/Bakst to adopt Resolution 2011-16: Resolution Regarding Employee Contributions to the Village of Mukwonago Wisconsin Retirement System Plan. Decker asked about the ramifications if the State changes the law. State law supersedes. Motion carried unanimously.

2) Village Police Department Officer and Clerk/Dispatcher Vacancies

The hiring of the Officer will return to the Committee once the list of candidates has been narrowed down. Motion made by Personnel Committee/Penzkover to proceed with the hiring of a person to fill the Clerk/Dispatcher vacancy. Decker asked if the

candidates will be warned about possible layoffs in case of future budget concerns. Their contract specifies layoff considerations. Motion carried unanimously.

E. Public Works

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

Item postponed indefinitely and may be brought back up in 2012.

2) Oakland Ave. Sidewalks over Railroad Tracks

Item postponed until next meeting.

3) Potential Refund of Certain Private Fire Protection Collections Due to Billing Discrepancies

Motion made by Penzkover/Decker to proceed with the corrections to the private fire protection billings beginning with the 2nd quarter 2011 billing, and proceed with any appropriate refunds. Falkner gave an overview of the issue: 1) there was a difference in opinion as to how to bill correctly for the private fire protection system of certain businesses, 2) the Wisc Public Service Commission confirmed that we were billing in error and we are to only bill for the service, not the number of hydrants on the service, and 3) we must refund any billings for the prior 6 years. Motion carried unanimously.

4) Resolution 2011-14: A Resolution Approving the Submittal of the Wisconsin Department of Natural Resources NR 208 Compliance Maintenance Annual Report

Motion by Penzkover/Decker to adopt Resolution 2011-14: A Resolution Approving the Submittal of the Wisconsin Department of Natural Resources NR 208 Compliance Maintenance Annual Report carried unanimously.

F. Plan Commission

1) Resolution 2011-17: Conditional Use Permit for Concession Stand Building, Mukwonago High School, 605 CTH NN W, MUKV1960998

Motion by Penzkover/Sellenheim to accept the Plan Commission recommendation and adopt Resolution 2011-17: Conditional Use Permit for Concession Stand Building, Mukwonago High School, 605 CTH NN W, MUKV1960998 carried unanimously.

2) Architectural and Site Plans for Proposed YMCA Located on East Wolf Run

Motion by Penzkover/Sellenheim to accept the Plan Commission recommendation and approve the lighting plan, including poles 30 feet in height, for the YMCA project as presented unanimously.

3) Developer's Agreement for Proposed YMCA Development

Motion by Penzkover/Sellenheim to accept the Plan Commission recommendation and approve the proposed Developer's Agreement between Mukwonago YMCA, Inc. and the Village of Mukwonago, Wisconsin as amended carried unanimously.

4) Resolution 2011-18: A Resolution to Allow Deviations under the PUD Zoning Code and to Require Certain Conditions of the Mukwonago YMCA, Inc.

Motion by Penzkover/Sellenheim to accept the Plan Commission recommendation and adopt Resolution 2011-18: A Resolution to Allow Deviations under the PUD Zoning Code and to Require Certain Conditions of the Mukwonago YMCA, Inc. carried unanimously.

5) Request to Withdraw Certified Survey Map for the Properties Known as MUKV2015996 and #VM 00009, Located at 1475 S. Rochester St., and Owned by James and Marilyn McCarthy

Motion by Penzkover/Decker to accept the Plan Commission recommendation and approve a 30-day extension to the review of the proposed CSM for James and Marilyn McCarthy carried unanimously.

6) Request for Extension of Review of Regarding Architectural and Site Plans and Certified Survey Map for Parts of Lots Known as MUKV2011003, MUKV2011004, and MUKV2011005 – Orchard Meadows CBRF and Memory Care

Motion by Penzkover/Sellenheim to accept the Plan Commission recommendation and approve a 30-day extension to the review of the proposed CSM for the Orchard Meadows CBRF and Memory Care carried unanimously.

12. New Business

A. Village Clerk

1) Tentative Redistricting of Municipal Wards

Deputy Clerk Braatz presented a proposed redistricting plan for the municipal wards. Information only.

B. Village President

1) Appointments – Board of Building and Zoning Appeals, Fire Commission, Tourism Commission

Item remains on the agenda.

13. Convene into Closed Session

Motion was made by Decker/Bakst to convene into closed sessions at 9:09 p.m. pursuant to Wisconsin Statute **19.85 (1)(g)** (*Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*) pertaining to discussion with the Village Attorney regarding the Village of Mukwonago vs. Greenwald Family Limited Partnership litigation and potential litigation with The Orchards of Mukwonago. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Bakst to adjourn closed session and reconvene into open session at 9:56 p.m. carried unanimously.

14. Reconvene into Open Session

A. Village of Mukwonago vs. Greenwald Family Limited Partnership Litigation

No action taken.

B. Potential Litigation with The Orchards of Mukwonago

No action taken.

15. Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 9:57 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, July 5, 2011

1. Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

2. Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Excused: Mark Penzkover

Also present: Tom Brandemuehl, Public Works Supervisor
Kevin Schmidt, Police Chief
Fred Purdy, Deputy Fire Chief
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director

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. Announcement of Closed Sessions Pursuant to Wisc Stats §19.85(1)(e) and (g)

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(1)(e) and (g).

6. Minutes of the June 21, 2011 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the June 21, 2011 Regular Board meeting carried unanimously.

7. Comments from the Public

No comments.

8. Committee Reports

A. Finance

1) Approval of Vouchers Payable

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$459,481.50 carried unanimously.

B. Judicial

1) 2011 Applications for Temporary Class B Beer License:

- **Mukwonago Area Chamber of Commerce – Indianhead Park – July 22, 2011**
- **Mukwonago Area Chamber of Commerce – Indianhead Park – August 12, 2011**

Motion by Decker/Bakst to approve the applications for 2011 Temporary Class B Beer License for July 22 and August 12, 2011 at Indianhead Park, 820 Main St., carried unanimously.

2) Consideration of 2011-12 Applications for Operator's License – Leisl Bowey, Morgan S. Bruckner, Daniel P. Forrestal, Stephanie M. Howard, Seth R. Jones, Gail K. Kesselhorn, Leila E. Mortimer, Corey L. Paske, Ronald R. Roe, Chad M. Tenpas, Teri J. Thomson, Tina M. White, Mary A. Zach

Motion by Decker/Johnson to approve the applications for 2011-12 Operator's License for Leisl Bowey, Morgan S. Bruckner, Daniel P. Forrestal, Stephanie M. Howard, Seth R. Jones, Gail K. Kesselhorn, Leila E. Mortimer, Corey L. Paske, Ronald R. Roe, Chad M. Tenpas, Teri J. Thomson, Tina M. White, and Mary A. Zach carried unanimously.

9. New Business

A. Village Attorney

1) Agreement between Wisconsin Central Ltd. and Village of Mukwonago, Wisconsin for the Construction of a Sidewalk Crossing

Motion by Decker/Sellenheim to approve the agreement between Wisconsin Central Ltd. and Village of Mukwonago, Wisconsin for the Construction of a Sidewalk Crossing carried unanimously.

2) Ordinance No. 847: An Ordinance to Amend Section 26-27 of the Village of Mukwonago Municipal Code Pertaining to the Election and Term of the Municipal Judge

Motion by Johnson/Bakst to adopt Ordinance No. 847: *An Ordinance to Amend Section 26-27 of the Village of Mukwonago Municipal Code Pertaining to the Election and Term of the Municipal Judge* carried unanimously.

B. Village President

1) Appointments – Board of Building and Zoning Appeals, Fire Commission, Tourism Commission

Motion by Decker/Johnson to accept the President's recommendation and appoint Michelle Dretzka and Bharat Shah to the Tourism Commission carried unanimously. The rest of the appointment will remain on the agenda.

10. Convene into Closed Sessions

Motion was made by Bakst/Decker to convene into closed sessions at 7:44 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*) pertaining to discussion and possible approval of the renewal lease contract with Verizon 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*) pertaining to discussion with the Village Attorney regarding the Village of Mukwonago vs. Greenwald Family Limited Partnership litigation and potential litigation against Paul Teply. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Bakst to adjourn closed session and reconvene into open session at 8:58 p.m. carried unanimously.

A. Discussion and Possible Approval of the Renewal Lease Contract with Verizon

No action taken.

B. Potential Village of Mukwonago vs. Paul Teply Litigation

Motion by Decker/Bakst to authorize the Village Attorney to file a lawsuit against Paul Teply to remove a cottonwood tree from his property located at 307 McDivitt Ln. carried unanimously.

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

Motion was made by Johnson/Decker to agree to settle the Village of Mukwonago vs. Greenwald Family Limited Partnership Litigation and authorize the Village Attorney to draft a letter to the defendant offering the agreement. The stipulation of the agreement shall be as follows: 1) Lots 1, 2, 3, and 4 shall cease farming by the end of 2011, Lots 5 and 6 shall cease farming by the end of 2015. A response to the agreement offer shall be received by the Clerk's Office from the defendant no later than 2:00 p.m. on July 6, 2011. Motion carried unanimously.

11. Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 9:49 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING Thursday, July 7, 2011

1. Call to Order

Village President Fred Winchowky called the meeting to order at 5:00 p.m.

2. Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Excused: Mark Penzkover

Also present: Shawn Reilly, Village Attorney
Paul J Moderacki, Administrator/Clerk-Treasurer
John Raasch, Attorney for the Defendant
Darwin Greenwald
DN Greenwald

3. Statement of Public Notice

The meeting was posted and noticed according to law.

4. Announcement of Closed Session Pursuant to Wisc Stats §19.85(1)(g)

President Winchowky announced that the Board will convene into closed session pursuant to Wisconsin Statutes 19.85(1)(g).

5. Convene into Closed Session

Motion was made by Decker/Johnson to convene into closed session at 5:01 p.m. pursuant to Wisconsin Statute **19.85 (1)(g)** (*Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*) pertaining to discussion with the Village Attorney regarding the Village of Mukwonago vs. Greenwald Family Limited Partnership litigation. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Bakst/Decker to adjourn closed session and reconvene into open session at 5:29 p.m. carried unanimously.

6. Reconvene into Open Session

A. Village of Mukwonago vs. Greenwald Family Limited Partnership Litigation

Village Board offered to the defendant the following modification: 1) Page 3, paragraph 4 – "...agricultural use prior to December 31, 2012. Beginning with the 2013 tax year...", and 2) Page 3, paragraph 5 – "...agricultural use prior to December 31, 2014. Beginning with the 2015 tax year..." Village Board went into recess at 5:30 p.m. to allow Atty Raasch to confer with his clients. Village Board came out of recess at 5:29 p.m. Atty Raasch asked for clarification on the dates. Defendants agreed to the

modifications. Motion by Decker/Bakst to approve the Stipulation and Order for Dismissal regarding the Village of Mukwonago vs. Greenwald Family Limited Partnership, Sherry E. Greenwald, DC Properties, LLP with the modifications as agreed upon by the defendants carried unanimously.

7. Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 5:52 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, July 19, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Fred Purdy, Deputy Fire Chief
Kevin Schmidt, Police Chief
Tom Brandemuehl, Public Works Supervisor
Paul J Moderacki, Administrator/Clerk-Treasurer
Kenny Cammilleri, Administrator Intern
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Bruce Kaniewski, Village Planner
Kurt Peot, Village Engineer
Nick Weber, Library Director
Police Lieutenant Ken Pileggi

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Statement of Public Notice

The meeting was posted and noticed according to law.

Approval of the Minutes for the July 5, 2011 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the July 5, 2011 Regular Board meeting carried unanimously.

Reports

Winchowky noted the June 2011 Treasurer, Mileage, Police and Library, 2011 2nd Quarter Recycling Report, and the 2010 Annual Drinking Water Quality reports were in the Board packet and available for public inspection in the Clerk's Office.

Public Hearing

Change of Zoning: A public hearing to consider the petition from Bruce Lasko, MLG Development, to rezone certain property (N9602 Stone School Road) from A-1 (Agricultural District) to R-10 (Multifamily District).

Public hearing was opened at 7:32 p.m.

Bruce Lasko, MLG Development, explained the purpose of the rezoning request is to market the property. The property is located on a suitable site for multifamily development. There are currently no development plans in the works. Trustee Johnson liked the idea from Planner Kaniewski's report of doing a neighborhood plan for the area.

Rhon Roberts, 1616 Honeywell Rd. – Opposed to the possibility of multifamily development on this property. He was the deciding factor for that area when it was annexed. He was told by previous planner Scott Heinig that there would not be multifamily on this site and was shown a map that only showed a small strip of proposed multifamily. There shown be more transition residential between the church and any multifamily. He stated he liked the idea of doing a neighborhood plan for the area.

George Farmer, 1445 Applewood Ci. – Has concerns with the density that a multifamily development would create. Also has concerns about safety on Honeywell Rd.

Ruth Karcher, 1550 Honeywell Rd. – Opposed to the possibility of multifamily development on this property due to concerns of high density.

George Morris, 1550 Honeywell Rd. – Opposed to the possibility of multifamily development on this property. Was told that it would be single-family.

Johnathon Roberts, 1550 Honeywell Rd. – Was told MLG had plans for single-family.

Public hearing was closed at 7:57 p.m.

Ordinance No. 849: An Ordinance to Amend the District Zoning Map of the Village of Mukwonago

Item remains at Commission.

Comments from the Public

None

Committee/Commission Reports

Finance

Approval of Vouchers Payable

Motion by Bakst/Penzkover to approve vouchers payable from various funds in the sum of \$445,520.92 carried unanimously.

Health and Recreation

Request by Winfield Scott Larsen to Operate a Hot Dog Cart in Village Parks

Item remains in Committee.

Request by Andy Trudell, Park View Middle School, to Waive Park Rental Fee for Use of Field Park for Cross Country Meet on September 20, 2011

Motion by Sellenheim/Decker to waive the park rental fees for Park View Middle School for the use of Field Park on September 20, 2011 carried unanimously.

Request by Michael Hein, Mukwonago Braves Football, Inc., to Reserve John Bower Memorial Field in Miniwaukan Park Each Saturday from August 27 to October 29, 2011

Motion by Sellenheim/Decker to approve the request by Michael Hein, Mukwonago Braves Football, Inc., to use John Bower Memorial Field in Miniwaukan Park each Saturday from August 27 to October 29, 2011 carried unanimously.

Request by Heidi Horan for Closure of Applewood Circle for Block Party on August 27, 2011

Motion by Sellenheim/Decker to approve the request by Heidi Horan to close Applewood Circle for a block party on August 27, 2011 carried unanimously.

Discussion of 2011 Music in the Park Even Held at Indianhead Park on July 22 and August 12, 2011 – April Reszka, Mukwonago Area Chamber of Commerce Information only.

Judicial

Ordinance No. 843: An Ordinance to Create Article VI of Section 54 of the Village of Mukwonago Municipal Code Pertaining to Truancy

Motion was made by Decker/Johnson to adopt Ordinance No. 843: *An Ordinance to Create Article VI of Section 54 of the Village of Mukwonago Municipal Code Pertaining to Truancy*. Chief Schmidt explained that the State took away truancy from local entities several years ago. New State law gives it back to local department. Penzkover noted that this ordinance only applies to students of the Mukwonago School District. Motion carried unanimously.

Consideration of 2011-12 Application for Operator's License – Jeffrey M. Adler, Julie K. Hehr, Kara H. Lemmer, Stephanie A. Menge, Abigail M. Schreiber

Motion by Decker/Johnson to approve the applications for 2011-12 Operator's License for Jeffrey M. Adler, Julie K. Hehr, Kara H. Lemmer, Stephanie A. Menge, and Abigail M. Schreiber carried unanimously.

Personnel

Village Police Department Officer Vacancy Due to Extended Medical Leave

Motion by O'Bryan/Bakst to proceed with the filling of the vacancy for a full-time police officer carried unanimously.

Update on Hiring of Public Works Crewperson

Information only.

Public Works

Update on Dam Improvements

No action taken.

Awarding of Contract for Salt Shed Construction

Motion was made by Penzkover/Decker to award the contract for the construction of a Public Works Salt Shed to Engineered Builders, Inc. in an amount not to exceed \$150,000 and subject to any legal opinions and all applicable permits. O'Bryan asked about the door. Winchowky noted he felt it took too long to get this project going. Motion carried unanimously.

Disinfection System Replacement – WWTP

Motion was made by Penzkover/Decker to authorize the disinfection system replacement project to begin the bidding process. O'Bryan asked doing the project in separate years and if it would impact bidding laws. Falkner explained the project will be

different phases. Reilly stated that if you separate phases into different projects and it falls under the threshold of the bidding laws, then there would not be a problem to direct purchase items. Motion carried unanimously.

Plan Commission

Resolution 2011-21: Conditional Use Permit for the Operation of a Church, Destiny Christian Center, 1012 Main Street, MUKV2009985

Motion was made by Winchowky/Sellenheim to accept the Plan Commission recommendation and adopt Resolution 2011-21: Conditional Use Permit for the Operation of a Church, Destiny Christian Center, 1012 Main Street, MUKV2009985. Decker asked about growth projections in relation to the parking. Winchowky answered that the growth will be limited to the number of parking spaces. Motion carried unanimously.

Resolution 2011-22: Conditional Use Permit for Memory Care Facility and Community Based Residential Facility, Orchard Meadows Real Estate, LLC, CTH ES and Phantom Woods Road, MUKV2011003, MUKV2011004, and MUKV2011005
Item remains at Commission.

Certified Survey Map for Parts of Lots Known as MUKV2011003, MUKV2011004, and MUKV2011005 – Orchard Meadows CBRF and Memory Care
Item remains at Commission.

Developer's Agreement for Orchard Meadows CBRF and Memory Care
Item remains at Commission.

Certified Survey Map for the Properties Known as MUKV2015996 and #VM 00009, Located at 1475 S. Rochester St., and Owned by James and Marilyn McCarthy
Motion by Winchowky/Sellenheim to accept the Plan Commission recommendation and deny the certified survey map for the properties known as MUKV2015996 and #VM 00009 located at 1475 S. Rochester St., and owned by James and Marilyn McCarthy carried unanimously.

Ordinance No. 848: An Ordinance to Approve the Attachment of Property to the Village of Mukwonago from the Town of East Troy Pursuant to the Municipal Boundary Agreement with the Town of East Troy (East Troy Railroad Museum, Inc. Attachment of Property on CTH ES)
Motion by Decker/Penzkover to accept the Plan Commission recommendation and adopt Ordinance No. 848: *An Ordinance to Approve the Attachment of Property to the Village of Mukwonago from the Town of East Troy Pursuant to the Municipal Boundary Agreement with the Town of East Troy* carried unanimously.

Proposed Zoning Ordinance Amendments per Motor Vehicle Moratorium
Item remains at Commission.

New Business

Village Administrator

Resolution 2011-23: Resolution Adopting Classified Equipment Rates of State Highway Maintenance Manual

Motion by Penzkover/Decker to adopt Resolution 2011-23: *Resolution Adopting Classified Equipment Rates of State Highway Maintenance Manual* carried unanimously.

Village Clerk

Resolution 2011-19: A Resolution to Revise the Ward Map for the Village of Mukwonago in Waukesha County

Motion by Decker/Bakst to adopt Resolution 2011-19: *A Resolution to Revise the Ward Map for the Village of Mukwonago in Waukesha County* carried unanimously.

Resolution 2011-20: A Resolution to Revise the Ward Map for the Village of Mukwonago in Walworth County

Motion by Decker/Johnson to adopt Resolution 2011-20: *A Resolution to Revise the Ward Map for the Village of Mukwonago in Walworth County* carried unanimously.

Village President

Proclamation for National Night Out – August 2, 2011

Motion by Decker/Johnson to authorize the Village President to sign the proclamation for National Night Out held on August 2, 2011 carried unanimously.

Appointments – Board of Building and Zoning Appeals, Fire Commission

Motion by Decker/Bakst to accept the Village President recommendation and appoint Jamie DiMaggio to the Joint Fire Commission carried unanimously.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 8:51 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES
JOINT TOWN BOARD AND VILLAGE BOARD
THURSDAY, JULY 21, 2011 – 6:30 P.M.
MUKWONAGO TOWN HALL

Village President Winchowky called the Village Board Meeting to Order at 6:30 p.m.

Village Board Members Present: Village President Winchowky; Trustees: Elliott Bakst; James Decker; Darlene Johnson; Mike Sellenheim; Mark Penzkover; Dennis O'Bryan; Steve Braatz, Deputy Clerk; Diana Doherty; Paul Moderacki, Village Administrator.

Chairman Dubey called the Town Board Meeting to Order at 6:30 p.m.

Town Board Members Present: Town Board Chairman Dubey; Supervisors Bob Lawn; Lyle Boucher; Tom Stefanowski and Peter Topczewski; Kathy Karalewitz, Administrator/Clerk-Treasurer.

Chairman Dubey requested a meeting to review past problems regarding the accounting practices of the Mukwonago Fire Department, the Contract with the Village and other issues regarding the services we are providing to other communities.

Chairman Dubey asked that Diana Doherty begin by given a review of the invoicing process and then an explanation of the spreadsheets showing expenditure guidelines and revenues. She also gave a review of the Settlement sheet.

Village President Winchowky asked how long this procedure was being done this way and she stated this was her 4th Settlement, (4th year) and she was working on some of the inconsistencies.

Next she gave an overview of the Expenditures and the budget amounts vs. the actual amounts, and a review of the Settlement Sheet.

Village President asked how often this information on the budget is shared with Kathy, Town Administrator, and she stated we have met and will continue to meet regularly going forward.

Discussion was held regarding both municipalities paying 1/12th of the expenses. Currently the Town pays 1/12th of the expenses and the Village pays \$4,700 in property taxes.

Diana stated the revenue from Ebix is what is collected, not based on the billings. So the revenue amounts vary.

Paul Moderacki, Village Administrator gave an overview of the Town Payments vs. the Village Payments and stated the Village could also be paying the 1/12th.

Village President Winchowky asked if we could get a consensus of the following:

- 1) who is in favor of paying 1/12th of expenses, which is what the current Agreement states, or
- 2) 1/12th of expenses minus the revenue.

The consensus was that five were in favor of number 1 and five were in favor of number 2. Fred had not picked one.

Diana suggests both boards put in 1/12th of expenses and settle quarterly. The concern of Bob Lawn is to make sure we do not increase the administrative burden. Make it transparent and simple. Diana stated the settlement is quite simple to read.

Lyle Boucher believes quarterly would be reviewed first board meeting in April. Chairman Dubey would like this in the contract.

Dennis O'Bryan stated the Village needs to make sure the end of November we do not have a big hole to fill. Quarterly Settlements would be easier to review.

Both municipalities to pay 1/12th of the expenses monthly and quarterly settlements with the fourth settlement to be March of the following year.

Village President Winchowky asked that Kathy, Steve, Paul and Diana work on the contract to clarify the contract with the above wording.

Some other information within the Contract needs to be cleaned up. Lyle Boucher asks that the statutes need to be updated and anything else that is not up to date should be.

In Summary – Both municipalities to put in 1/12th of expenses on a monthly basis and on quarterly basis payments of Settlement of ½ to each municipality and 25% to be held in reserve fund. All ayes; draft to be submitted to both boards. If either board has concerns, send memorandum to have another meeting to review.

Bob Lawn requests that 2010, as closed year, be the model of how a quarterly settlement would look.

SERVICE TO OTHER COMMUNITIES:

Chairman Dubey asked if we are providing services with other communities we need to make sure we have an agreement. Fred Purdy stated they will be talking to East Troy Fire Board meeting to talk about it. We are also looking for contracts for Eagle and Vernon. Within the Protective Services Committee, these agreements will be mirrored as the North Prairie Agreement. Both Boards will review these

Agreements that will contain true expenses and revenues for this service. Both boards also ask that there is also an allowance for depreciation of equipment.

Chairman Dubey stated we should have resolution to these agreements no later than the end of the year.

Draft Agreement on payments by September Board Meetings for them to visit.

Fred Purdy to have Agreement drafts available for September 14th Protective Services Agreement. Bob Lawn asked that this go to both Boards. Because the North Prairie Contract has already been done with Attorney Macy and Reilly, other agreements could be written in same format. Boards to review drafts and then we will decide if Legal Counsels will review.

DONATED FUNDS

Chairman Dubey asked Diana to give an overview of how the donated funds work.

Peter states if fire department expends money they need to supply a balance sheet from Diana to show it is in the fund.

Dave asked for monthly Fund Balance Activity Sheet and Fund Balance sheet to Kathy and Paul to be distributed to boards. Diana to prepare reports these reports so they are available for board meetings to show totals from previous months.

REVIEW OF GENERAL LEDGER

Chairman Dubey questioned allocations of Village salaries.

Paul, Kathy and Steve to review the time allocation sheet and make sure that all time allocated is accurate and that the Town Administrator time is allocated.

Allocation estimates to be available for Board to review at September meeting.

GRIEVANCE POLICY AND HANDBOOK

Town and Village to work together to create similar handbooks.

8:30 p.m. – CLOSED SESSION

Chairman Dubey read closed session language. Motion by Trustee Bakst, second by Village President Winchowky to convene into closed session pursuant to Wis. Stats. 19.85(1)(c): (Considering the employment, promotion, compensation or evaluating the performance of any employee over which the governmental body has jurisdiction or exercises responsibility) regarding salary compensation for the Deputy Fire Chief. All ayes; motion carried.

Motion by Supervisor Topczewski, second by Supervisor Boucher to convene into closed session pursuant to Wis. Stats. 19.85(1)(c): (Considering the employment, promotion, compensation or evaluating the performance of any employee over which the governmental body has jurisdiction or exercises responsibility) regarding salary compensation for the Deputy Fire Chief. All ayes; motion carried.

The Boards reconvened into open session for possible additional discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda

COMPENSATION FOR DEPUTY FIRE CHIEF

Motion by Village President Winchowky, second by Trustee Bakst to provide deputy fire chief with a salary of \$1,000 per week beginning June 1 2011, second by Trustee Bakst; all ayes; motion carried.

Motion by Supervisor Topczewski, second by Supervisor Boucher to provide deputy fire chief with a salary of \$1,000 per week beginning June 1 2011; all ayes; motion carried.

ADJOURNMENT

Motion by Trustee Bakst, second by Trustee O'Bryan to adjourn at 9:00 p.m. All ayes; motion carried.

Motion by Supervisor Topczewski, second by Supervisor Stefanowski to adjourn at 9:00 p.m. All ayes; motion carried.

Respectfully submitted,

Kathy Karalewitz

Town Administrator/Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, August 2, 2011

Call to Order

Deputy Clerk Steven Braatz, Jr. called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Mark Penzkover

Trustees Excused: Darlene Johnson
Fred Winchowky, President

Also present: Fred Purdy, Deputy Fire Chief
Kevin Schmidt, Police Chief
Paul J Moderacki, Administrator/Clerk-Treasurer
Kenny Cammilleri, Administrator Intern
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Dean Falkner, Utilities Director
Bruce Kaniewski, Village Planner

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Statement of Public Notice

The meeting was posted and noticed according to law.

Motion by Bakst/Decker to appoint Trustee O'Bryan as Acting Village President to preside over this meeting carried unanimously.

Minutes of the July 7, 2011 Special Board Meeting and July 19, 2011 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the July 7, 2011 special meeting and the July 19, 2011 regular meeting carried unanimously.

Comments from the Public

None.

Committee/Commission Reports

Finance

Approval of Vouchers Payable

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$204,484.86 carried unanimously.

Resolution 2011-24: A Resolution to Amend the 2011 Schedule of Fees for the Village of Mukwonago Pertaining to Private Fire Hydrant Maintenance Fee

Motion made by Bakst/Decker to adopt Resolution 2011-24: A Resolution to Amend the 2011 Schedule of Fees for the Village of Mukwonago Pertaining to Private Fire Hydrant Maintenance Fee. Decker asked if the erroneously charged private fire protection fee refunds were sent out yet. Utilities Director Falkner explained that this fee needs to pass before doing that. Motion carried unanimously.

Proposed Investment Policy

Item will remain in Committee.

Review of Long Term Debt Obligations and Role of Financial Advisor

Item will remain in Committee.

Plan Commission

Orchard Meadows CBRF and Memory Care Facility Final Site Plan Review

Motion by Penzkover/Sellenheim to accept the Plan Commission recommendation and approve the final site plan for Orchard Meadows CBRF and Memory Care Facility as submitted carried unanimously.

Resolution 2011-22: Conditional Use Permit for the Operation of a CBRF by Orchard Meadows Real Estate, LLC

Motion by Penzkover/Bakst to accept the Plan Commission recommendation and adopt Resolution 2011-22: Conditional Use Permit for the Operation of a CBRF by Orchard Meadows Real Estate, LLC as presented by the Village Attorney carried unanimously.

Certified Survey Map for Parts of Lots Known as MUKV2011003, MUKV2011004, and MUKV2011005 – Orchard Meadows CBRF and Memory Care

Motion was made by Penzkover/Bakst to accept the Plan Commission recommendation and approve the Certified Survey Map (CSM) for Parts of Lots Known as MUKV2011003, MUKV2011004, and MUKV2011005 by Orchard Meadows Real Estate, LLC subject to the final review by the Village Engineer. Attorney Reilly explained the condition allows the CSM to be changed if the Village Engineer requests changes. Motion carried unanimously.

Developer's Agreement for Orchard Meadows CBRF and Memory Care

Motion by Penzkover/Sellenheim to accept the Plan Commission recommendation and approve the Developer's Agreement between Orchard Meadows Real Estate, LLC and the Village of Mukwonago as presented by the Village Attorney carried unanimously.

New Business

Village President

Appointments – Board of Building and Zoning Appeals

Item will remain on the agenda.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 7:50 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, August 16, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Nick Weber, Library Director
Tom Brandemuehl, Public Works Supervisor
Fred Purdy, Deputy Fire Chief
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Kevin Schmidt, Police Chief
Bruce Kaniewski, Village Planner
Kurt Peot, Village Engineer
Kenny Cammilleri, Administrator Intern
Police Lieutenant Steve LaDue
Police Lieutenant Ken Pileggi
Jeff Belongia, Village Financial Advisor
Dean Peters, Village Assessor

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Statement of Public Notice

The meeting was posted and noticed according to law.

Announcement of Closed Sessions Pursuant to Wisc Stats §19.85(1)(c) Pertaining to the Presentation of the List of the Final Candidates for the Fire Chief Position from the Joint Fire Commission to the Village Board and Authorization to Offer Fire Chief Position to the Leading Candidate and §19.85(1)(e) Pertaining to the Authorization for the Commencement of Negotiations with the Mukwonago Professional Police Union and Update on Negotiations with the Firefighter's Union

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(1)(c) and (e).

Approval of the Minutes for the July 21 Joint Village and Town Board Meeting and the August 2, 2011 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the July 21, 2011 Joint Village and Town Board meeting carried unanimously. Motion by Decker/Bakst to approve the minutes for the August 2, 2011 regular Board meeting carried unanimously.

Reports

2011 July Treasurer, Mileage, Police, and Library Reports

Winchowky noted the July 2011 Treasurer, Mileage, Police and Library reports were in the Board packet and available for public inspection in the Clerk's Office.

Comments from the Public

None.

Committee/Commission Reports

Finance

Proposed Investment Policy

Item remains in Committee.

Resolution 2011-25: Resolution Authorizing the Sale of Not to Exceed \$2,500,000 Revenue Bond Anticipation Notes

Motion by Bakst/Johnson to adopt Resolution 2011-25: Resolution Authorizing the Sale of Not to Exceed \$2,500,000 Revenue Bond Anticipation Notes carried unanimously.

Presentation by Dean Peters, Associated Appraisal of and Request to Begin Full Village Revaluation in 2011 for 2012 Assessments

Motion by Bakst/Sellenheim to proceed with a full Village revaluation for the 2012 property assessments with anticipated work and subsequent invoicing to be 25% completed in 2011 and 75% completed in 2012 carried unanimously.

Approval of Vouchers Payable

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$1,448,281.12 carried unanimously. Motion by Bakst/Johnson to approve a separate voucher payable from various funds to Staab Construction in the sum of \$107,932.00 carried unanimously.

Motion by Winchowky/Sellenheim to amend the agenda to take up the issue of the Library Expansion Project Update carried unanimously.

New Business

Village Library Director

Progress Update on Library Expansion Project

Library Director Weber provided a construction and budgetary update of the Library Expansion Project. Information only.

Health and Recreation

Request by Winfield Scott Larsen to Operate a Hot Dog Cart in Village Parks

Motion by Sellenheim/Decker to deny the request by Winfield Scott Larsen to operate a hot dog cart in Village parks pursuant to Section 58-31(e)(1) carried on a vote of 6 ayes and 1 nay (Johnson voted no).

Operation of Businesses on Village Property

The Committee feels there are adequate regulations in place with existing ordinances regarding the sale of items in Village Parks. Information only.

Request to Use Field Park for Farmer's Market Beginning in 2012 – April Reszka, Mukwonago Area Chamber of Commerce

Motion by Sellenheim/Johnson to allow the use of Field Park by the Mukwonago Chamber of Commerce to operate a farmer's market beginning in 2012 with a fee to be determined at a later date carried unanimously.

Discussion of 2011 Fall Fest on September 17, 2011 – April Reszka, Mukwonago Area Chamber of Commerce

April Reszka, Chamber of Commerce, met with the Committee to brief them of the events of the upcoming Fall Fest to be held on September 17, 2011. Information only.

Judicial

2011 Applications for Temporary Class B Beer and Wine License – St. James Catholic Parish – 830 CTH NN E – August 19-21, September 9, October 7, November 11, and December 2, 2011

Motion by Decker/Penzkover to approve the applications from St. James Catholic Parish for 2011 Temporary Class B Beer and Wine License on August 19-21, 2011 and Temporary Class B Beer License on September 9, October 7, November 11, and December 2, 2011 carried unanimously.

2011-12 Application for Operator's License – Heidi M. Benites, Justin T. Dekutowski, Jon P. Schmidt, Margaret M. Schwaller

Motion by Decker/Bakst to approve the applications for 2011-12 Operator's License for Heidi M. Benites, Justin T. Dekutowski, Jon P. Schmidt, and Margaret M. Schwaller carried unanimously.

Protective Services

Request to Waive Ambulance Bill for Deloris Wang Due to Financial Hardships

Item remains in Committee.

Public Works

Update on Well #7 in the Town of East Troy

Utility Director Falkner has been meeting with the Town of East Troy Officials to hear concerns and offer greater communication. Information only.

Recommend Denial of Request by Jineen Pregowski, 604 Division St., to Waive Penalty from 1st Quarter Utility Bill

Motion by Penzkover/Decker to deny the request by Jineen Pregowski, 604 Division St., to waive the penalty from the 1st quarter utility bill carried unanimously.

Recommend Denial of Request by Trevor Burbach, 787 Medina Dr., to Waive Penalty from 2nd Quarter Utility Bill

Motion by Penzkover/Decker to deny the request by Trevor Burbach, 787 Medina Dr., to waive the penalty from the 2nd quarter utility bill carried unanimously.

Plan Commission

Ordinance No. 849: An Ordinance to Amend the District Zoning Map of the Village of Mukwonago (Bruce Lasko, MLG Development MLG Request to Rezone Property Located at N9602 Stone School Rd. and Known as #VM00015 from A-1 to R-3)

Motion by Winchowky/Sellenheim to accept the Plan Commission recommendation and adopt Ordinance No. 849: *An Ordinance to Amend the District Zoning Map of the Village of Mukwonago (Bruce Lasko, MLG Development MLG Request to Rezone Property Located at N9602 Stone School Rd. and Known as #VM00015 from A-1 to R-3)* carried unanimously.

New Business

Village Administrator

STH 83 Stakeholder Advisory Committee Update

Administrator Moderacki gave an update on the status of the STH 83 Stakeholder Advisory Committee. Information only.

Strategic Planning for the Village

Moderacki provided documentation and stressed the importance of having a strategic development plan for the future of the Village. Information only.

Village President

Appointments – Board of Building and Zoning Appeals

Item will remain on the agenda.

Convene into Closed Sessions

Motion was made by Decker/Bakst to convene into closed sessions at 8:45 p.m. pursuant to Wisconsin Statutes **19.85(1)(c)** (*Considering the employment, promotion, compensation or evaluating the performance of any employee under the commission jurisdiction*) pertaining to the presentation of the list of the final candidates for the Fire Chief position from the Joint Fire Commission to the Village Board and authorization to offer Fire Chief position to the leading candidate 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*) pertaining to the authorization for the commencement of negotiations with the Mukwonago Professional Police Union and

update on negotiations with the Firefighter's Union. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Bakst/Decker to adjourn closed session and reconvene into open session at 9:44 p.m. carried unanimously.

Authorization to Offer Fire Chief Position to the Leading Candidate

No action taken.

Authorization for the Commencement of Negotiations with the Mukwonago Professional Police Union

Motion by Decker/Sellenheim to authorize the commencement of negotiations with the Mukwonago Professional Police Association within the parameters as stated in closed session carried unanimously.

Update on Negotiations with the Firefighter's Union

No action taken.

Adjournment

Motion by Bakst/Decker to adjourn the Village Board meeting at 9:45 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, September 6, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:31 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Trustee excused: Jim Decker

Also present: Tom Brandemuehl, Public Works Supervisor
Steve LaDue, Police Lieutenant
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Dean Falkner, Utilities Director
Ken Pileggi, Police Lieutenant
Rob Buikema, Personnel Attorney

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of Closed Sessions Pursuant to Wisconsin Statutes §19.85(1)(c) Pertaining to Administrative Performance Evaluations and §19.85(1)(g) Pertaining to Discussion with the Village Attorney Regarding the Chatterton vs. Village of Mukwonago Litigation

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(1)(c) and (g).

Approval of the Minutes for the August 16, 2011 Regular Board Meeting

Motion by Sellenheim/O'Bryan to approve the minutes for the August 16, 2011 regular Board meeting carried unanimously.

Comments from the Public

None.

Consent Agenda

- A. Approval of Vouchers Payable
- B. **Resolution 2011-26**: 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
- C. 2011 Application for Temporary Class B Beer License – American Legion Post #375 – 931 N. Rochester St. – September 17, 2011
- D. 2011 Application for Temporary Class B Beer License – Mukwonago Lions Club – 931 N. Rochester St. – October 8, 2011

E. 2011-12 Application for Operator's License – Melissa M. Gerndt, Amanda L. Hansen, Robert J. Jones, Nicole L. Jordan, Andrew P. Klaus, Peter J. Lux, Alexa R. Marzion, Cory K. Toivonen, Thomas J. Vukelich

F. 2011 Population Estimates for Waukesha and Walworth Counties

Motion by O'Bryan/Penzkover to approve the consent agenda as presented carried unanimously.

Committee/Commission Reports

Finance

Proposed Investment Policy

Item remains in Committee.

New Business

Village President

Appointments – Board of Building and Zoning Appeals

Item will remain on the agenda.

Convene into Closed Sessions

Motion was made by Penzkover/O'Bryan to convene into closed sessions at 7:38 p.m. pursuant to Wisconsin Statutes **§19.85(1)(c)** (*Considering the employment, promotion, compensation or evaluating the performance of any employee under the commission jurisdiction*) pertaining to Administrative performance evaluations 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*) pertaining to discussion with the Village Attorney regarding the Chatterton vs. Village of Mukwonago litigation. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Bakst/Penzkover to adjourn closed session and reconvene into open session at 8:29 p.m. carried unanimously.

Administrative Performance Evaluations

No action taken.

Discussion with the Village Attorney Regarding the Chatterton vs. Village of Mukwonago Litigation

No action taken.

Adjournment

Motion by Bakst/Sellenheim to adjourn the Village Board meeting at 8:30 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, September 20, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Fred Purdy, Deputy Fire Chief
Kevin Schmidt, Police Chief
Tom Brandemuehl, Public Works Supervisor
Shawn Reilly, Village Attorney
Violet Razo, Village Engineer
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Nick Weber, Library Director
Police Lieutenant Ken Pileggi

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Approval of the Minutes for the September 6, 2011 Regular Board Meeting

Motion by Decker/Bakst to approve the minutes for the September 6, 2011 regular Board meeting carried unanimously.

Public Hearing

Special Assessments for Installation of Improvements for Sanitary Sewer, Water Main, Road Reconstruction, and Drainage Improvements for Field Park Area Paving And Utilities

Public hearing opened at 7:31 p.m.

Lyle Martens, 914 Park View Ln. – Disappointed in the letter. Now that the project is complete, there is a speedway in the subdivision and no police protection.

Michael Clark, 202 Mac Arthur Dr. – Asked what the need was for the extent of the improvements. (*Peot response – repair defects in sanitary sewer, new water mains, improve the size of the storm sewer, reconstructing the streets to match the current Village standards.*) Asked if it was always the intention for the Village to special assess. (Yes.) There needs to be something to help the people pay this off.

Walter Holtz, 401 Park View Ln. – Owns a corner lot and thought he was not going to get charged for the full length of frontage. Park View Lane did not need sewer and water work.

(Peot response – Mr. Holtz was charged based on half of the frontage on each side. He was not special assessed for sewer and water work.)

Mike Graczyk, 915 Kims Ln. – Does not want to pay for corner lots. Gave the total project a 95%. Said the Board promised that the trees that were removed would be replaced like it was, but were not. The contractor was great and courteous to the needs of senior citizens. The grass died in many areas and was not replaced. There is nothing but crab grass in many areas where sod was installed and the neighbors don't take care of it. Other than that, the subdivision looks great. *(Peot response – Explained that the rest of the property owners are not picking up the tab for credits to corner lots, the Village is. Most trees were replaced but could not find a suitable location for Mr. Graczyk's trees. Will check into the grass issue.)*

Susan Roberts, 933 Park View Ln. – Regarding letter sent in June asking for comments, she e-mailed Engineer Razo on May 26 and got no response. Called her on June 1 and was told that someone would be out within the week to look at it, but never saw anybody. She and the neighbor next door own part of an unbuildable lot that the Village used to own and wants to know why she is assessed for it. Wants the engineer to look at the driveway. Went to the public information meetings, and was "snowballed" into concentrating on the sidewalks that when the meetings about the sidewalks were done, was told "you can leave now." Never heard anything about the assessments until this letter. *(Peot response – Displayed the info sheet showing the assessment rates that was available for everyone to read at the public information meetings. At those public information meetings, we tried to talk individually to people and answer questions.)*

Rev. Dr. Rick Hartley, minister for First Congregational Church of Mukwonago, 231 Roberts Dr. – Appreciates the hard work the Board has done. Asked when the payments will be due. *(Deputy Clerk Steve Braatz Response – After resolution is adopted bills will be sent giving 30 days to pay without interest. After that it will be a 10-year installment plan at 5.5% interest.)* Asked what the benefit to the church was to get 8" water main. *(Peot response – The church owns a series of residential lots that have not been developed and explained how they were assessed. The church has the ability to put Fire Protection in. If the church were to expand with an addition, fire protection would be required. The previous was one 1" water service to the church and the parsonage which could not handle a fire protection system. The Fire Chief felt he needed fire protection back in their hydrants.)*

Arnie Fickau, 262 Mac Arthur Dr. – Noted that it was a wonderful project and his only regret is not getting sidewalks installed. Asked the Board to hold off adoption so the first installment is not placed onto the upcoming tax bills.

Dave Berg, 921 Park View Ln. – Notified the Water Dept. that he has a cracked curb by the storm sewer and divot by the storm sewer by his lawn. Storm sewer manhole rim in road was loose. Grass is spotty in areas where sod was put in. Asked if he was assessed for the asphalt in the road. *(Peot response – Was not assessed for the asphalt.)* Questioned the change orders and how it affects their dollar amount. *(Peot response – We don't bill on time and a half. Some change orders save money. Others were the result of something in the project that changed. Contractors bid on unit cost. Total ending cost was over the bid price but well under the engineer's estimate.)* Asked for a 15-year installment plan. *(Reilly response – The ordinance states a maximum of 10 years.)*

Marjorie Wright, 214 Mac Arthur Dr. – Noted that the project is beautiful. Questioned why she is being charged \$1,000 for her concrete driveway that is 12' by 16'. (*Peot response – Will verify the square footage of the driveway.*)

Mike Graczyk – Asked why the Village did not water the grass along Field Park. He foresees residents still blowing grass clippings into the street and requests that the Village ensure residents assist in keeping the new streets clean.

Public hearing closed at 8:15 p.m.

Action Item: Resolution 2011-29: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Field Park Area Paving and Utilities

Motion was made by Johnson/Bakst to postpone the adoption of Resolution 2011-29 until January 2012. Discussion on the ramifications of postponing the adoption. The first installment will be on the tax bill sent out in December 2012 rather than December 2011 meeting. Motion carried on a vote of 4 ayes and 3 nays (Penzkover, O'Bryan, Sellenheim voted no).

Reports

- **2011 August Treasurer, Mileage, Police, and Library Reports**
- **2010 Annual Mukwonago Community Library Report**

Winchowky noted the August 2011 Treasurer, Mileage, Police and Library and the 2010 Annual Mukwonago Community Library reports were in the Board packet and available for public inspection in the Clerk's Office. Weber noted that the Friends of the Mukwonago Community Library received a "Miracle on Canal Street" grant from Potawatomi Bingo Casino in the amount of a minimum of \$30,000 that will benefit the library's youth services area. Winchowky instructed the Clerk's Office to write a letter of thanks to those involved in applying for the grant.

Comments from the Public

Lisa Flesch gave an overview of the National Night Out event that occurred on August 2, 2011 in Field Park and the benefits to the community. Ltd. Pileggi and Chief Schmidt presented an certification of appreciation for all of the hard work Ms. Flesch put into the event.

Consent Agenda

- **Approval of Vouchers Payable from Various Funds in the Amount of \$212,983.71**
- **2011-12 Application for Operator's License – Chad E. Catarozoli, Margaret T. Wojtkiewicz**
- **Award of Contract for Wastewater Treatment Facility UV Disinfection System Upgrade to Rawson Construction in the Amount of \$252,000**

Motion by Decker/Bakst to approve the consent agenda as presented carried unanimously.

Committee/Commission Reports

Finance Committee

Proposed Investment Policy

Item remains in Committee.

Proposed Contract with CBOSS for Online Payment of Taxes

Item remains in Committee.

Judicial Committee

Consideration of 2011-12 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 by Johnson/Decker to approve the 2011-12 application for Renewal Class B Fermented Malt Beverage 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 carried unanimously.

Personnel Committee

Resolution 2011- 28: Resolution Adopting a Grievance Procedure to Address Employee Terminations, Employee Discipline and Workplace Safety as Required by Wis.Stat. §66.0509 (1m)

Motion was made by O'Bryan/Sellenheim to adopt Resolution 2011-28: Resolution Adopting a Grievance Procedure to Address Employee Terminations, Employee Discipline and Workplace Safety as Required by Wis.Stat. §66.0509 (1m). Decker asked why the initial grievance review would be the Personnel Chairperson rather than the Personnel Committee. O'Bryan explained the final review process is the Village Board, and if the entire Committee were involved, then at least three members of the final judicial review body would have prior knowledge of the incident, which cannot occur. Discussion on the disclaimer and costs association with the procedure. The disclaimer is a catch-all recommended by the Personnel Attorney. There will always be costs involved with Personnel matters. Discussion on "skipping" stages. The procedure accounts for different routes of the procedure due to different circumstances. Johnson asked if the staff was involved in the creation of this document. O'Bryan explained the Administrator and Administrator Intern primarily worked on it and involved the department heads in four meetings. Motion carried on a vote of 6 ayes and 1 nay (Decker voted no).

Amendment to Employee Handbook Pertaining to the Discipline Policy

Motion by Penzkover/Sellenheim to approve the amendment to the Employee Handbook pertaining to the Discipline Policy carried unanimously.

Plan Commission

Resolution 2011-27: Conditional Use Permit for Salt Storage Shed, Village of Mukwonago Department of Public Works, 630 CTH NN E, MUKV1964988 and MUKV1964989

Motion by Winchowky/Decker to accept the Plan Commission recommendation and adopt Resolution 2011-27: Conditional Use Permit for Salt Storage Shed, Village of Mukwonago Department of Public Works, 630 CTH NN E, MUKV1964988 and MUKV1964989 carried unanimously.

Extraterritorial Certified Survey Map for the Property Known as 016041906010000, located in the Town of Waterford, Owned by Jeff and Kay Stemper

Motion by Sellenheim/Decker to accept the Plan Commission recommendation and approve the extraterritorial Certified Survey Map for the property known as 016041906010000, located in the Town of Waterford, and owned by Jeff and Kay Stemper as presented with the condition the with signature on the CSM, the applicants understand the intent of the Comprehensive Plan of the Village of Mukwonago to allow multi-family development on adjacent lands carried unanimously.

Protective Services Committee

Request to Waive Ambulance Bill for Deloris Wang Due to Financial Hardships

Motion by Johnson/Bakst to deny the request by Deloris Wang to waive the ambulance bill due to financial hardships carried unanimously. *[Reference September 19, 2011 Protective Services Committee Minutes]*

Public Works Committee

Dispute of Chargeback Bill for Engineer Services – Martin Zess

Motion was made by Penzkover/Sellenheim to split the disputed bill for chargeback of engineer services with Martin Zess subject to Mr. Zess agreeing to the splitting of the bill. Discussion on the work that was done for the project. The Village Engineer designed the subdivision and ensured that the final asphalt surface course on the road was installed. The Village agreed to help Mr. Zess financially by allowing the Village Engineer to design the subdivision rather than Mr. Zess hiring his own engineer even though the Village Engineer would need to review the plans. Motion carried unanimously.

New Business

Village Attorney

Lease Contract Renewal with Verizon

Motion by Decker/Penzkover to accept the lease contract renewal with Verizon subject to any changes acceptable to the Village Attorney carried unanimously.

Village President

Appointments – Board of Building and Zoning Appeals

Item will remain on the agenda.

Adjournment

Motion by Decker/Penzkover to adjourn the Village Board meeting at 9:14 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

**MINUTES OF THE SPECIAL JOINT VILLAGE BOARD
AND TOWN BOARD MEETING
Monday, October 3, 2011**

Call to Order

Village President Fred Winchowky and Town Chairman Dave Dubey called the Special Joint Village Board and Town Board meeting to order at 6:02 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Fred Winchowky, Village President
Excused: Mike Sellenheim

Town Board: Bob Lawn
Tom Stefanowski
Peter Topczewski
Lyle Boucher
Dave Dubey, Town Chairperson

Also present: Fred Purdy, Assistant Fire Chief
Paul Moderacki, Village Administrator/Clerk-Treasurer
Steven Braatz, Village Deputy Clerk
Diana Doherty, Village Accountant
Kathy Karalewitz, Town Administrator/Clerk-Treasurer

Announcement of Closed Session

Village President Winchowky and Town Chairman Dubey announced that the Boards will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(c) pertaining to the Fire Chief Contract.

Supervisor Lawn objected to the Boards convening to closed session to discuss the Fire Department budget. Dubey explained the Boards were going into closed session to discuss the Fire Chief contract, not the budget. Supervisor Lawn stated there was insufficient time to review the budget documentation, has major objections to the process, and requests that there be no discussion on the 2012 Fire Department budget.

Motion by Lawn/Stefanowski to table the 2012 Fire Department budget discussions to a later date defeated on a vote of 1 aye and 4 nays (Lawn voted yes).

Supervisor Lawn resigned as chairperson of the Town Protective Services Committee.

New Business

2012 Joint Fire Department Budget

Discussion on the timing of the release of the budget information

Dubey agreed that there was insufficient notice of the meeting, and the Town Board received bits and pieces of the budget. He felt he did not have enough information to research, and would like to schedule another meeting. Receiving the documentation a couple of business days before the meeting would be appropriate time. O'Bryan stated that the Joint Fire Department agreement states the budget should be submitted to the Boards by September 15.

Discussion on the process for settlements

Dubey agreed that there was insufficient notice of the meeting, and the Town Board received bits and pieces of the budget. He felt he did not have enough information to research, and would like to schedule another meeting. Receiving the documentation a couple of business days before the meeting would be appropriate time. O'Bryan stated that the Joint Fire Department agreement states the budget should be submitted to the Boards by September 15. Discussion on the need and amount of Fire Department fund balance reserves to set aside in the upcoming budget. Dubey stated that the contract should be revised to explicitly list the budget and annual settlement process. One-twelfth of quarterly expenses should be shared. Discussion on cash flow needs. No decisions made.

2012 Budget

Discussion on proposed ambulance fee increases. Stefanowski questioned the \$14,000 rental fee that the Town pays the Village for Station #1. Moderacki noted that he broke out the Village Administration in the budget to separate the dollar amounts. Discussion on the personnel of the Village Clerk's Office in relation to Fire Department-related duties.

Deputy Chief Purdy requested a new EMT be hired in 2012 to spell relief, cover vacations and sick days, and reduce the overtime of the current three full-time EMTs. Purdy noted that when the EMT program was originally presented, the idea was to have five full-time EMTs. He also noted EMTs provide a service that is compensated by fees. He stated Chris Hahn is tied up doing fire inspections.

Both Boards agreed to remove \$2,000 from Fire Administration-Other and put into Fire Suppression-Repairs.

Deputy Chief Purdy asked for an additional \$95,000 to increase stand-by pay so the department remains competitive with area departments. No decision was made.

Convene into Closed Session

Village – Motion was made by Decker/Bakst to convene into closed session at 8:52 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*) pertaining to the Fire Chief Contract. Motion carried unanimously upon roll call vote.

Town – Motion was made by Topczewski/Boucher to convene into closed session at 8:52 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*) pertaining to the Fire Chief Contract. Motion carried unanimously upon roll call vote.

Reconvene into open session

Village – Motion by Bakst/Decker to adjourn closed session and reconvene into open session at 9:50 p.m. pursuant to Wisconsin Statute **19.85(2)** possible additional discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda carried unanimously.

Town – Motion by Topczewski/Boucher to adjourn closed session and reconvene into open session at 9:50 p.m. pursuant to Wisconsin Statute **19.85(2)** possible additional discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda carried unanimously.

Approval of Fire Chief Contract

Village – Motion by Bakst/Decker to approve the contract for the Fire Chief with changes as discussed in closed session carried unanimously.

Town – Motion by Topczewski/Boucher to approve the contract for the Fire Chief with changes as discussed in closed session carried unanimously.

Adjournment

Village – Motion by Bakst/Decker to adjourn the Joint Village/Town Boards meeting at 9:53 p.m. carried unanimously.

Town – Motion by Stefanowski/Boucher to adjourn the Joint Village/Town Boards meeting at 9:53 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, October 4, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Fred Winchowky, President

Trustee Excused: Mike Sellenheim

Also present: Steve LaDue, Police Lieutenant
Tom Brandemuehl, Public Works Supervisor
Paul J Moderacki, Administrator/Clerk-Treasurer
Fred Purdy, Deputy Fire Chief
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Police Lieutenant Ken Pileggi

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of Closed Session Pursuant to Wisc Stats §19.85(c) Pertaining to Position of Deputy Clerk

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statute 19.85(1)(c).

Approval of the Minutes for the September 20, 2011 Regular Board Meeting

Trustee Johnson would like the September 19, 2011 Protective Services Committee minutes referenced after the item "Request to Waive Ambulance Bill for Deloris Wang Due to Financial Hardships." Motion by Decker/Bakst to approve the minutes for the September 20, 2011 regular Board meeting as amended carried unanimously.

Comments from the Public

Frank Piscitello, 538 Fox St. – Spoke regarding the Village special assessing properties for road work. It has been a burden for so many elderly couples. It should have been placed on the tax rolls; everybody uses these roads. Hopes the Village Board makes better decisions down the road.

Consent Agenda

A. Approval of Vouchers Payable in the amount of \$1,125,567.36

B. 2011-12 Application for Operator's License – Cynthia M. Bakos, Mary Lou Gilmore, Lindsay J. Haroldsen, Jordan D. Szewczykowski

C. Resolution 2011-30: A Resolution to File the Recycling Grants to Responsible Units and Recycling Efficiency Incentive Grant Application

At the request of O'Bryan, Winchowky removed Jordan D. Szewczykowski from Item B to be considered separately. At the request of Johnson, Winchowky removed from Item C to be considered separately. Motion by Decker/Bakst to approve the consent agenda as amended carried unanimously.

A. 2011-12 Application for Operator's License – Jordan D. Szewczykowski

Motion by O'Bryan/Decker to refer the item to Judicial Committee carried unanimously.

B. Resolution 2011-30: A Resolution to File the Recycling Grants to Responsible Units and Recycling Efficiency Incentive Grant Application

Motion by Decker/Bakst to adopt Resolution 2011-30: *A Resolution to File the Recycling Grants to Responsible Units and Recycling Efficiency Incentive Grant Application* carried unanimously.

New Business

Village Administrator

Request by Voss-Jorgensen, General Contractor for YMCA Construction, to Extend Working Hours

Motion by Penzkover/Decker to grant the request by Voss-Jorgensen, General Contractor for YMCA Construction, to extend the working hours until 6:30 p.m. based on the fact there are no residential neighbors in the immediate vicinity carried unanimously.

Village Clerk

Recommendation by Midwest Claims Service to Deny Insurance Claim from Almira Bennetts, 1006 River Park Circle W Apt. 106, for Alleged Bodily Injury

Motion by Decker/Penzkover to accept the recommendation by Midwest Claims Service and deny the insurance claim from Almira Bennetts, 1006 River Park Circle W Apt. 106, for alleged bodily injury carried unanimously.

Village President

Setting of Dates for Budget Workshops and 2012 Budget Hearing

The schedule of budget workshops are as follows: All meetings will begin at 5:00 p.m. on October 12, 17, and 19, 2011 with an optional date of October 24, 2011. The next Joint Village/Town meeting to discuss the Fire Department budget will be on October 17, 2011 at 6:30 p.m. The budget hearing is scheduled for November 17, 2011 at 7:00 p.m.

Appointment – 2012-13 List of Election Officials

Motion by Bakst/Decker to accept the Village President recommendation and approve the 2012-13 list of election officials as presented carried unanimously.

Appointment – Board of Building and Zoning Appeals 2nd Alternate

Item will remain on the agenda.

Convene into Closed Session

Motion was made by Bakst/Decker to convene into closed sessions at 7:55 p.m. pursuant to Wisconsin Statute **§19.85(1)(c)** (*Considering the employment, promotion, compensation or evaluating the performance of any employee under the commission jurisdiction*) pertaining to the position of Deputy Clerk and reserve the right to reconvene into open session. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Bakst/Penzkover to adjourn closed session and reconvene into open session at 9:29 p.m. pursuant to Wisconsin Statute 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda carried unanimously. Motion by Decker/Bakst to proceed with the matter pertaining to the position of Deputy Clerk as discussed in closed session carried unanimously.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 9:30 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, October 18, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Kevin Schmidt, Police Chief
Jeff Belongia, Village Financial Advisor
Tom Brandemuehl, Public Works Supervisor
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Nick Weber, Library Director
Police Lieutenant Ken Pileggi

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of Closed Session Pursuant to Wisc Stats §19.85(c) and §19.85(e) Pertaining to Negotiations with Mukwonago Professional Firefighter's Union

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(1)(c) and (e) pertaining to negotiations with Mukwonago Professional Firefighter's Union.

Approval of the Minutes for the October 4, 2011 Regular Board Meeting

Motion by Decker/Bakst to approve the minutes for the October 4, 2011 regular Board meeting carried unanimously.

Reports

2011 September Treasurer, Mileage, Police, and Library Reports

Winchowky noted the September 2011 Treasurer, Mileage, Police and Library available for public inspection in the Clerk's Office.

Comments from the Public

Paul Teply, 301 McDivit Lane – Spoke regarding the lawsuit against him by the Village to remove the cottonwood tree on his property. He asked the Board to reconsider the motion. He claimed there are over 813 cottonwood trees in the Village and taking all of them down would devalue properties. He stated the report from the Judicial Committee to the Board that cottonwood trees have no commercial value was non-factual information. He claimed the tree

drinks 200 gallons of water per day. He presented 54 comments from the JSOnline.com article to the President supporting the tree. He claimed his tree was vandalized with a red "X" by a member of the Village staff. He filed a complaint with the Police Department that Tom Brandemuehl is illegally parking his RV alongside his house. He alleged taking down the cottonwood trees would devalue houses and "do bad to the environment."

Consent Agenda

- A. Approval of Vouchers Payable in the Amount of \$185,863.02**
- B. 2011-12 Application for Operator's License – Sarah P. Greenwald**
- C. 2011 Application for Temporary Class B Beer License – Brooklife Church – 857 S. Rochester St., Suite 300 – October 25, 2011**
- D. Renewal of Village Planner Contract with Bruce Kaniewski, BK Planning Strategies**

Motion by Decker/Bakst to approve the consent agenda as presented carried unanimously.

Committee/Commission Reports

Finance Committee

Proposed Investment Policy

Motion by Bakst/Sellenheim to approve the Investment Policy as revised and dated October 18, 2011 carried unanimously.

Request by Mary Sugden, Mukwonago Lioness Club, to Have the Village Purchase a New Baby Jesus for the Nativity Scene Due to Theft

Motion was made by Bakst to allow the purchase of a baby doll to serve as Baby Jesus for the Mukwonago Lioness Club Nativity Scene. The funds will be paid from the Celebrations Account and shall not exceed \$100.00. Atty Reilly noted this purchase should not be made by public funds. Motion withdrawn.

Request by Tom Brandemuehl, Village of Mukwonago Department of Public Works, to Waive Electrical Inspection Fees Related to the Salt Storage Shed

Motion by Bakst/Sellenheim to deny the request by Tom Brandemuehl, Village of Mukwonago Department of Public Works, to waive the electrical inspection fees related to the Salt Storage Shed carried unanimously.

Consideration of Confirmation of Understanding of Terms and Objectives of Services with Baker Tilly as Independent Auditors for Years Ended December 31 2011-2013

Motion by Bakst/Johnson to approve the contract with Baker Tilly as independent auditors of the Village's finances for the year ended December 31, 2011 carried unanimously.

Resolution No. 2011-31: Resolution Authorizing the Issuance and Sale of \$3,675,000 General Obligation Refunding Promissory Notes (TID #3)

Motion by Bakst/Johnson to adopt Resolution 2011-31: *Resolution Authorizing the Issuance and Sale of \$3,675,000 General Obligation Refunding Promissory Notes (TID #3)* carried unanimously.

Health and Recreation Committee

Request by John's Disposal Service to Adjust Garbage Service Per-Unit Rates and Commercial Dumpster Rates and Consideration of Extension of Contract with John's Disposal Service for Garbage and Recycle Collection Through 2016

Motion by Health and Recreation Committee/Decker to approve the extension of the contract with John's Disposal Services as garbage and recycle haulers for the Village of Mukwonago through 2016 with the rate increases for commercial dumpster and curbside garbage collections as requested carried unanimously.

Judicial Committee

2011-12 Applications for Operators License – Jordan D. Szewczykowski

Motion by Judicial Committee/Johnson to approve the 2011-12 application for operator's license for Jordan D. Szewczykowski carried unanimously.

Draft Ordinance Related to Heavy Truck Parking in Residential Subdivisions

Motion by Decker/Johnson to retain the ordinance related to heavy truck parking in residential subdivisions as it remains carried unanimously.

Personnel Committee

Consideration of Approval of Contract with Mukwonago Professional Police Association for 2012-2014

Motion was made by O'Bryan/Bakst to approve the contract with Mukwonago Professional Police Association for 2012-2014. The main points to the contract include: 1) The health insurance employee contributions are at 10% in 2012, 11% for 2011, and 12% in 2014, and 2) Wage increases are at 0% for 2012 and 2013, and 2% in 2014. There were other minor language changes. Motion carried unanimously.

Resolution 2011-32: A Resolution Amending the Village of Mukwonago Salary and Wage Schedules for Certain Non-Represented Full-Time Employees

Motion by O'Bryan/Bakst to adopt Resolution 2011-32: A Resolution Amending the Village of Mukwonago Salary and Wage Schedules for Certain Non-Represented Full-Time Employees carried unanimously.

Public Works Committee

Request by the Ebert Family to Waive Penalty from 2nd Quarter 2011 Utility Bill for 423 Lake St., Due to Death in Family

Motion by Penzkover/Decker to accept the request by the Ebert Family to waive the penalty from the 2nd Quarter 2011 Utility Bill for 423 Lake St., due to a death in the family carried unanimously.

New Business

Village President

Appointments – Board of Building and Zoning Appeals

Item will remain on the agenda.

Convene into Closed Sessions

Motion was made by Decker/Bakst to convene into closed sessions at 8:15 p.m. pursuant to Wisconsin Statutes **§19.85(1)(c)** (*Considering the employment, promotion, compensation or evaluating the performance of any employee under the commission jurisdiction*) 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*) pertaining to negotiations with the Mukwonago Professional Firefighter's Union. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed Session adjourned at 9:21 p.m. Motion by Bakst/Decker to reconvene into open session pursuant to Wis. Stats. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session carried unanimously. No action taken on the matter discussed in closed session.

Adjournment

Motion by Decker/Sellenheim to adjourn the Village Board meeting at 9:22 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Wednesday, October 19, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 4:47 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Paul J Moderacki, Administrator/Clerk-Treasurer

New Business

Resolution No. 2011-33: Resolution Authorizing the Redemption of the Village's General Obligation Promissory Notes, Dated January 1, 2004

Motion by Decker/Bakst to adopt Resolution 2011-33: Resolution Authorizing the Redemption of the Village's General Obligation Promissory Notes, Dated January 1, 2004 carried unanimously.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 4:48 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Tuesday, October 25, 2011

President Fred Winchowky called the Village Board meeting to order on October 25, 2011 at 5:30 p.m.

Trustees present: Elliot Bakst
 Jim Decker
 Darlene Johnson
 Dennis O'Bryan
 Mark Penzkover
 Mike Sellenheim
Also present: Paul J Moderacki, Administrator/Clerk-Treasurer

President Winchowky announced the Board would move into closed session pursuant to §§19.85(1)(c), Wis. Stats., pertaining to general administrative duties and responsibilities and §§19.85(1)(f), Wis. Stats., pertaining to a complaint investigation against an employee.

Convene into Closed Session

Motion by Tr. Decker/Bakst to convene into closed session pursuant to Wis. Stats.:

- A. §§19.85(1)(c), (considering employment, promotion, compensation or performance data of any public employee over which the governmental body has jurisdiction or exercise responsibility), pertaining to general administrative duties and responsibilities, and,
- B. §§19.85(1)(f), (considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations), pertaining to an complaint investigation against an employee, and to reserve the right to reconvene into open session carried unanimously.

Pres. Winchowky convened the closed session at 5:31 p.m.

Reconvene into Open Session

Motion by Tr. Penzkover/Bakst to reconvene into open session pursuant to §§19.85(2) for additional discussion and/or action on any matter discussed in closed session carried unanimously. Pres. Winchowky reconvened the Board in open session at 7:18 p.m.

Motion by O'Bryan/Decker to direct Tr. O'Bryan to contact legal counsel to prepare documents as discussed in closed session carried unanimously.

Adjournment

Motion by Decker/Bakst to adjourn the meeting at 7:20 p.m. carried unanimously.

Paul J. Moderacki
Administrator/Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, November 1, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Fred Purdy, Deputy Fire Chief
Nick Weber, Library Director
Kevin Schmidt, Police Chief
Paul J Moderacki, Administrator/Clerk-Treasurer
Tom Brandemuehl, Public Works Supervisor
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Kurt Peot, Village Engineer
Bruce Kaniewski, Village Planner
Kenny Cammilleri, Administrator Intern
Mary Hubacher, Village Personnel Attorney

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of Closed Sessions

President Winchowky announced that the Board will convene into closed sessions later in the meeting pursuant to Wis. Stats. §19.85(1)(b) pertaining to Administrative personnel and §19.85(1)(g) pertaining to potential litigation regarding the failure to construct the multi-use trail along CTH NN.

Approval of the Minutes for the October 18, 2011 Regular Board Meeting and October 19 and 25, 2011 Special Meetings

Motion by Decker/Bakst to approve the minutes for the October 18, 2011 regular Board meeting and the October 19 and 25, 2011 special meetings carried unanimously.

Presentation of Proclamations

Pancreatic Cancer Awareness Month Proclamation

Winchowky read the proclamation designating November 2011 as "Pancreatic Cancer Awareness Month." Motion by Decker/Bakst to approve the signing of the proclamation declaring November 2011 as "Pancreatic Cancer Awareness Month" carried unanimously.

100th Birthday Proclamation to Harold Koeffler

Winchowky read the proclamation congratulating Harold Koeffler on his 100th birthday and proclaiming November 7, 2011 as "Harold Koeffler Day." Motion by Penzkover/O'Bryan to

approve the signing of the proclamation congratulating Harold Koeffler on his 100th birthday and proclaiming November 7, 2011 as “Harold Koeffler Day” carried unanimously.

Comments from the Public

April Reszka, Mukwonago Area Chamber of Commerce – Spoke regarding the Downtown STH 83 revitalization project and the Stakeholders Advisory Committee. Extended appreciation to the Board for hiring a consultant to help the committee with the project and deal with Wisc DOT. Asked the Board to consider extended the consultant contract for at least the next few months.

John Hogan, 1109 River Park Ci E – Spoke regarding the Downtown STH 83 revitalization project and the Stakeholders Advisory Committee. Has been in the Village for 22 years and has been involved with the local government since 1994. Has never seen anything of the scale of this project. The consultant steered the Committee from opposition of Wisc DOT to cooperation and long-term municipal planning. Urged the Board to consider extended the consultant contract.

Roger Walsh, 142 Grand Avenue – Spoke regarding the Downtown STH 83 revitalization project and the Stakeholders Advisory Committee. The Committee and the Village can benefit from a land use planner versus a traffic engineer. Asked the Board to consider extended the consultant contract.

Paul Moderacki, Village Administrator/Clerk-Treasurer – Gave a progress update on the Downtown STH 83 revitalization project and the Stakeholders Advisory Committee. Discussed the benefits of using the expertise of the consultant, John Lichtenheld. Lichtenheld enabled the Committee to identify the desirable characteristics of the current downtown area, current elements the Committee would be willing to give up to get the Wisc DOT’s cooperation with other improvements, and characteristics the Committee wants to maintain.

Bruce Kaniewski, Village Planner – Spoke regarding the Downtown STH 83 revitalization project and the Stakeholders Advisory Committee and gave a brief on the planning conference he attended last week.

Consent Agenda

- **Approval of Vouchers Payable in the Amount of \$502,316.75**
- **2011-12 Application for Operator’s License – Scott S. Dellemann, Neil D. Greenwald, Denise L. Taylor**

Motion by O'Bryan/Decker to approve the consent agenda as presented carried unanimously.

Unfinished Business

Appointment – Board of Building and Zoning Appeals 2nd Alternate

Item will remain on the agenda.

Committee/Commission Reports

Finance

Consideration of Contract with Schultz-Bernstein & Associates for IT Support

Motion was made by Bakst/Decker to authorize the signing of the contract with Schultz-Bernstein & Associates for IT support for Village departments. The company will be used on an as-needed basis at a rate of \$75.00 per hour. Funds used for disbursements for work performed will come from the individual departments’ professional services budgets. Motion carried unanimously.

Correspondence

Invitation to Walworth County Economic Development Alliance Annual Meeting in Lake Geneva on November 9, 2011

Trustees are asked to contact the Clerk's Office if they are interested in attending this event. Information only. No action taken.

New Business

Village Administrator

Authorization to Have Yaggy Colby Prepare Assessor's Plat for Lots 65-69 in The Orchards of Mukwonago

Motion was made by Johnson/Sellenheim to authorize Yaggy Colby to prepare an Assessor's Plat for Lots 65-69 in the Orchards of Mukwonago to correct lot line issues. The costs will be paid by the property owner. Motion carried unanimously.

Update on Fire Chief

The new Fire Chief, Jeff Stien, will start on November 28, 2011. Information only. No action taken.

Update on STH 83 Stakeholders Advisory Committee Process

Discussed during Comments from Public.

Village Library Director

Update on Mukwonago Community Library Expansion Project

Weber provided the latest budget information to the Board and gave an update on the construction. There is about two weeks left, and the Open House is tentatively scheduled for December 3, 2011. Information only. No action taken.

Convene into Closed Sessions

Motion was made by Decker/Bakst to convene into closed sessions at 8:26 p.m. pursuant to Wisconsin Statutes **§19.85(1)(b)** (*Considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person, or considering the grant of denial of tenure for a university faculty member, and the taking of formal action on any such matter...*) pertaining to Administrative personnel 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*) pertaining to potential litigation regarding the failure to construct the multi-use trail along CTH NN. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed Session adjourned at 9:50 p.m. Motion by Bakst/Decker to reconvene into open session pursuant to Wis. Stats. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session carried unanimously.

Motion was made by Bakst/Decker to authorize the Village Attorney to file a lawsuit to recover costs related to the construction of the multi-use trail along CTH NN. Costs shall include engineering and legal fees. Motion carried unanimously.

Adjournment

Motion by Bakst/Decker to adjourn the Village Board meeting at 9:53 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, November 15, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Nick Weber, Library Director
Kevin Schmidt, Police Chief
Tom Brandemuehl, Public Works Supervisor
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Bruce Kaniewski, Village Planner
Dean Falkner, Utilities Director
Robert Harley, Village Building Code Enforcer

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of Closed Session

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(1)(g) pertaining to discussion with the Village Attorney regarding the Village of Mukwonago vs. Teply litigation.

Approval of the Minutes for the November 1, 2011 Regular Board Meeting

Motion by Decker/Penzkover to approve the minutes for the November 1, 2011 regular Board meeting carried unanimously.

Presentation of Proclamation

50th Wedding Anniversary Proclamation to Arnold and Carole Fickau

Winchowky read the proclamation congratulating Arnold and Carole Fickau on their 50th wedding anniversary.

Reports

2011 October Treasurer, Mileage, Police, and Library Reports

2011 3rd Quarter Recycling Report

2010 Annual Police Department Report

Winchowky noted the October 2011 Treasurer, Mileage, Police and Library reports, the 2011 3rd Quarter Recycling Report, and the 2010 Annual Police Department Report are available for public inspection in the Clerk's Office.

Public Hearings

Proposed Zoning Code Ordinance Amendment: An Ordinance to Amend Sections 100-21, 100-157 and 100-208 of the Village of Mukwonago Zoning Code Pertaining to the Regulation of Vehicles and Vehicle Related Businesses

Public hearing opened at 7:33 p.m. No one spoke for or against. Public hearing closed at 7:34 p.m.

Action Item: Ordinance No. 853: An Ordinance to Amend Sections 100-21, 100-157 and 100-208 of the Village of Mukwonago Zoning Code Pertaining to the Regulation of Vehicles and Vehicle Related Businesses

Motion by Decker/Bakst to adopt Ordinance No. 853: An Ordinance to Amend Sections 100-21, 100-157 and 100-208 of the Village of Mukwonago Zoning Code Pertaining to the Regulation of Vehicles and Vehicle Related Businesses carried unanimously.

Proposed Zoning Code Ordinance Amendment: An Ordinance to Delete Certain Definitions in Section 100-29, Delete Article VII of Section 100, and Create Chapter 64 of the Village of Mukwonago Municipal Code Pertaining to the Regulation of Signage

Public hearing opened at 7:35 p.m.

Bruce Kaniewski, Village Planner, spoke about the effort put in by Village staff to make the new sign code conservative and business friendly. This makes signage easier. He has heard that the public is very appreciative for the effort they put in. He is advising the Board not to take action tonight so the Plan Commission can have one more final review.

Carl Goede, owner of Rivers Edge Car Wash and Oil – Agrees that the new sign code is more business friendly. Does not agree with putting an age on a sign. If a sign is still in good condition, it should not need to be replaced. Signs are a huge expense to the business owner. Thinks pole-mounted signs should be allowed no matter where they are in the Village.

Public hearing closed at 7:41 p.m.

Action Item: Ordinance No. 854: An Ordinance to Delete Certain Definitions in Section 100-29, Delete Article VII of Section 100, and Create Chapter 64 of the Village of Mukwonago Municipal Code Pertaining to the Regulation of Signage

Item postponed until the December 20, 2011 Village Board meeting.

Comments from the Public

2011 Midnight Magic

April Reszka, Mukwonago Area Chamber of Commerce, reported that the 2011 Midnight Magic will take place on Saturday, December 3, 2011. There are no major changes or additions from last year's event.

Other Comments from the Public

None

Consent Agenda

A. Approval of Vouchers Payable in the amount of \$231,540.03

B. 2012 Applications for Temporary Class B Beer License – St. James Catholic Parish – 830 CTH NN E – January 6, February 3, March 2, April 6, May 4, 2012

Motion by Decker/Penzkover to approve the consent agenda as presented carried unanimously.

Unfinished Business

Appointment – Board of Building and Zoning Appeals 2nd Alternate

Item will remain on the agenda.

Committee/Commission Reports

Finance Committee

Consideration of Write-off of Accounts Receivable Invoices in the amount of \$12,738.21 Pertaining to Berm Construction in Minors Homestead

Motion by Bakst/Johnson to write off the accounts receivable invoices in the amount of \$12,738.21 pertaining to the berm construction in Minors Homestead carried unanimously.

Consideration of Transfer of Services Related to the Impact Fee Study to Trilogy Consulting, LLC

Motion by Bakst/Decker to send a letter to Ruekert and Mielke requesting the documents from the remaining portion of the impact fee study be transferred to Trilogy Consulting, LLC carried unanimously.

Resolution 2011-34: Resolution Approving the Bail Bond Schedule as Set by the Municipal Judge of the Village of Mukwonago

Motion by Bakst/Johnson to amend the fee under Section 941.235 to read \$653.00 in the bail bond fee schedule and adopt Resolution 2011-34: Resolution Approving the Bail Bond Schedule as Set by the Municipal Judge of the Village of Mukwonago carried unanimously.

Health and Recreation

Request to Use Field Park for Farmer's Market Beginning in 2012 – Mukwonago Area Chamber of Commerce

Motion by Sellenheim/Decker to allow the use of Field Park for a farmer's Market by the Mukwonago Area Chamber of Commerce, and in lieu of park usage fees, the Chamber will continue to perform various projects throughout the Village carried unanimously.

Request by St. James Catholic Parish to Use Community Room for Young Adult Ministry

Motion by Sellenheim/Decker to accept the request and allow the use of the community room by St. James Catholic Parish carried unanimously.

Judicial Committee

2011-12 Application for Operator's License – Kamran A. Mohammad

Motion by Decker/Johnson to uphold the Judicial Committee decision to deny the 2011-12 application for Operator's License for Kamran A. Mohammad carried unanimously.

Consideration of Restricting Weapons in Village-owned Buildings

Motion by Decker/Johnson to add language to the weapons restriction sign for the Mukwonago Community Library as recommended by the Village Attorney in the memo dated November 4, 2011, and allow the restriction of weapons at the Mukwonago Museum with the same language on the required signage carried unanimously.

Ordinance No. 850

Motion by Decker/Bakst to adopt Ordinance No. 850: *An Ordinance to Create Section 82-195 of the Village of Mukwonago Municipal Code Pertaining to Parking of Trailers on Streets and Public Parking Areas* carried unanimously.

Ordinance No. 851

Motion by Decker/Bakst to adopt Ordinance No. 851: *An Ordinance to Amend Section 2-27 of the Village of Mukwonago Municipal Code Pertaining to Consent Agendas* carried unanimously.

Ordinance No. 852

Motion by Decker/Bakst to adopt Ordinance No. 852: *An Ordinance to Amend Section 22-30 of the Village of Mukwonago Municipal Code Setting Fees by Resolution* carried unanimously.

Plan Commission

Consideration of Grading Plan for Gearbox Express, 909 Perkins Dr., for Current and Possible Future Expansion

Motion by Decker/Penzkover to accept the Plan Commission recommendation and accept the agreement with Gearbox Express to recognize the existing impermeable surface for the property located at 909 Perkins Dr. with the understanding that any changes to the property due to expansion shall be subject to the Municipal Code at that time carried unanimously.

Request for Easement by Crown Castle for Fiber Optic Line on I-43 Water Tower Property

Motion by Decker/Bakst to accept the Plan Commission recommendation and grant the Village Attorney the authority to draft the appropriate documents to allow for the placement of a fiber optic line on the property where the south water tower is located subject to the approval of the location by the Village Engineer carried unanimously.

Protective Services Committee

Joint Fire Department Contract Amendments

No action taken.

Role of the Protective Service Committee and Combination Meetings of the Town and Village Committees

No action taken.

Request by Shelley M. Bower for Charity Care on Ambulance Bill

Motion by Johnson/Bakst to accept the request by Shelley M. Bower and waive the ambulance fee of the ambulance bill according to the terms of the Charity Care Policy carried unanimously.

Parkview Lane Speed Study

No action taken.

Public Works Committee

Request by Frank and Charlotte Piscitello, 538 Fox St., to Receive a Waiver of a Portion of the Sewer Charge on 3rd Quarter 2011 Utility Bill Due to Filling Swimming Pool During 2nd Quarter 2011 Period

Motion by Penzkover/Decker to deny the request by Frank and Charlotte Piscitello, 538 Fox St., to receive a waiver of a portion of the sewer charge on 3rd quarter 2011 utility bill carried unanimously.

Request by Walter and Susan Michalski, 907 Robins Ln., to Receive a Waiver of a Portion of Special Assessment from Field Park Paving and Utilities Project

Motion was made by Penzkover/Decker to deny the request by Walter and Susan Michalski, 907 Robins Ln., to receive a waiver of a portion of the special assessment from the Field Park Paving and Utilities Project and direct the Village Engineer not to amend the engineer's report for the project regarding this property carried unanimously.

New Business

Village Engineer

Authorization to Bid CTH NN Multiuse Trail

Motion by Bakst/Penzkover to authorize the Village Engineer to begin the bidding process for the CTH NN Multiuse Trail project carried unanimously.

Village President

Resolution 2011-35: Resolution Promoting Civil Public Discourse

Motion by Decker/Bakst to adopt Resolution 2011-35: Resolution Promoting Civil Public Discourse carried unanimously.

Convene into Closed Sessions

Motion was made by Decker/Bakst to convene into closed sessions at 8:45 p.m. pursuant to Wisconsin Statutes **§19.85(1)(g)** (*Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved*) pertaining to discussion with the Village Attorney regarding the Village of Mukwonago vs. Teply litigation. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed Session adjourned at 9:11 p.m. Motion by Bakst/Decker to reconvene into open session pursuant to Wis. Stats. 19.85(2) for possible additional discussion and/or action concerning any matter discussed in closed session carried unanimously.

Motion by Decker/Bakst to authorize the Village Attorney to proceed as discussed in closed session carried unanimously.

Adjournment

Motion by Bakst/Decker to adjourn the Village Board meeting at 9:12 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

**MINUTES OF THE REGULAR VILLAGE BOARD MEETING
2012 BUDGET HEARING AND SPECIAL MEETING
Thursday, November 17, 2011**

Call to Order

Village President Fred Winchowky called the special meeting to order at 7:01 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Paul J Moderacki, Administrator/Clerk-Treasurer
Kevin Schmidt, Police Chief

Public Hearing

Proposed 2012 Budget

Public hearing opened at 7:31 p.m.

No one spoke for or against.

Public hearing closed at 7:35 p.m.

New Business

Resolution 2011-36: A Resolution to Adopt the 2012 Annual Budget and Establish the 2011 Property Tax Levy for the Village of Mukwonago

Motion by Bakst/Decker to adopt Resolution 2011-36: A Resolution to Adopt the 2012 Annual Budget and Establish the 2011 Property Tax Levy for the Village of Mukwonago carried unanimously.

Adjournment

Motion by Bakst/Decker to adjourn the Village Board meeting at 7:07 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, December 6, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Kevin Schmidt, Police Chief
Tom Brandemuehl, Public Works Supervisor
Jeff Stien, Fire Chief
Paul J Moderacki, Administrator/Clerk-Treasurer
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Nick Weber, Library Director

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Approval of the Minutes

Motion by Decker/Bakst to approve the minutes for the November 15, 2011 regular Board meeting and the November 17, 2011 special meeting carried unanimously.

Comments from the Public

Jeff Stien, new Fire Chief for the Mukwonago Fire Department, introduced himself.

Consent Agenda

- A. Approval of Vouchers Payable in the amount of \$818,437.27**
- B. 2011-12 Application for Operator's License – Bailey A. Blackburn, Samantha L. Blad, Theron S. Cichacki, Parvinder K. Phul, Daniel Ramirez, Judith A. Salija, Corey A. Trojano**
- C. Resolution 2011-37: Resolution to Set the 2012 Schedule of Fees for the Village of Mukwonago**

Item C was removed from the Consent Agenda to be acted on separately. Motion by Johnson/Decker to approve the consent agenda as amended carried unanimously.

Motion by Bakst/Decker to adopt Resolution 2011-37: Resolution to Set the 2012 Schedule of Fees for the Village of Mukwonago carried unanimously.

Unfinished Business

- Appointment – Board of Building and Zoning Appeals 2nd Alternate**
Item will remain on the agenda.

Correspondence

Letter from U.S. Department of the Interior Regarding an Application from the Menominee Indian Tribe of Wisconsin to Conduct Off-reservation Gaming Activities in the City of Kenosha

No action taken.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 7:37 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, December 20, 2011

Call to Order

Village President Fred Winchowky called the meeting to order at 7:30 p.m.

Roll Call

Trustees present: Darlene Johnson
Elliot Bakst
Jim Decker
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim
Fred Winchowky, President

Also present: Jeff Stien, Fire Chief
Kevin Schmidt, Police Chief
Tom Brandemuehl, Public Works Supervisor
Paul J Moderacki, Administrator/Clerk-Treasurer
Nick Weber, Library Director
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Bruce Kaniewski, Village Planner
Shawn Reilly, Village Attorney
Police Lieutenant Ken Pileggi

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of Closed Session

President Winchowky announced that the Board will convene into closed session later in the meeting pursuant to Wisconsin Statutes 19.85(1)(c) pertaining to 2012 compensation for Department Heads and Non-Represented staff.

Approval of the Minutes for the December 6, 2011 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the December 6, 2011 regular Board meeting carried unanimously.

Reports

2011 November Treasurer, Vehicle, Police, and Library Reports

Winchowky noted the November 2011 Treasurer, Mileage, Police and Library reports are available for public inspection in the Clerk's Office.

Comments from the Public

None

Consent Agenda

- A. Approval of Vouchers Payable in the amount of \$624,022.34
- B. Approval of Write-off of Accounts Receivable Bills
- C. Adoption of **Resolution 2011-38**: Resolution Approving Commitment of Fund Balances
- D. Adoption of **Resolution 2011-39**: Resolution Approving Assignment of Fund Balances
- E. Approval of Village of Mukwonago Fund Balance Policy
- F. Adoption of **Resolution 2011-40**: A Resolution Adopting the 2012 Sewer Budget and 2012 Water Utility Budget
- G. Acceptance of Plan Commission Recommendation to Approve Extraterritorial Certified Survey Map for the Property Known as PA 50200001, located in the Town of East Troy, Owned by Tom Ela
- H. Acceptance of Plan Commission Recommendation to Approve Extraterritorial Certified Survey Map for the Property Known as 016041905005000, located in the Town of Waterford, Owned by Audrey Zegar
- I. Award of Contract to Western Contractors, Inc. for CTH NN Multi-use Trail Project in the amount of \$57,730.00

Winchowky removed Item I from the consent agenda to remain in Committee. Motion by Penzkover/Decker to approve the consent agenda as amended carried unanimously.

Unfinished Business

Appointment – Board of Building and Zoning Appeals 2nd Alternate

Item will remain on the agenda.

Committee/Commission Reports

Finance Committee

Resolution 2011-41: A Resolution to Amend the 2012 Schedule of Fees for the Village of Mukwonago Pertaining to Ambulance Fees

Motion by Bakst/Decker to adopt Resolution 2011-41: *A Resolution to Amend the 2012 Schedule of Fees for the Village of Mukwonago Pertaining to Ambulance Fees* carried unanimously.

Resolution 2011-42: Resolution Amending the 2011 Adopted Budget of the General, Fire/Ambulance, and Storm Water Funds

Motion by Bakst/Decker to adopt Resolution 2011-42: *Resolution Amending the 2011 Adopted Budget of the General, Fire/Ambulance, and Storm Water Funds* carried unanimously.

Request by Jeff Stien, Fire Chief, to Expend 2011 Fire Department Capital Monies for the Purchase of Hydraulic Ram and Water Rescue Suits

Motion by Penzkover/Johnson to allow the use of unspent 2011 Fire Department capital equipment monies to purchase a hydraulic ram and water rescue suits contingent upon the approval of the Town of Mukwonago carried unanimously.

Health and Recreation

Request to Improve the In-Field Grounds in Minors Park to Allow for Additional Base Length and Flexibility

Motion by Sellenheim/Decker to approve the request to improve the in-field grounds in Minors Park to allow for additional base length and flexibility carried unanimously.

Judicial Committee

Consideration of Restricting Weapons in Village-owned Buildings

Motion was made by Decker/Bakst to post signs at all prominent entrances of all municipal-owned buildings restricting weapons inside the buildings. The sign shall include language as recommended by the Village Attorney in the memo dated November 4, 2011. Johnson is not in favor because bad guys will still bring guns in. Winchowky is not in favor because there will be no detector, people will be unable to even get a permit, and no one will know if a person has a gun because it will be concealed. O'Bryan is not in favor because the bad guys will still have a gun and people will just leave their guns in the car. He would rather have people unsure if the person next to them has a weapon. Sellenheim is in favor and believes the staff's views should be taken into consideration so it does affect the workplace attitude. Bakst is in favor because he does not want a shootout in the Village Hall. Decker noted that the issue is very controversial and heard on the radio about possible liabilities from banning weapons in buildings. Motion carried on a vote of 4 ayes and 3 nays (Johnson, O'Bryan, and Winchowky voted no).

Authorization for Public Works Department to Paint Curbs for Purposes of "No Parking" Near Intersection of Small Farm and McKenzie Roads

Motion was made by Bakst/Johnson to authorize the Public Works Department to paint the curbs near the intersection of Small Farm and McKenzie Roads pursuant to the map distributed by Ltd. Ken Pileggi on December 20, 2011. O'Bryan stated that this will improve the line of sight. General discussion of the potential of that intersection being a 4-way stop. Motion carried unanimously.

Personnel

Consideration of Policy Regarding Carrying of Concealed Weapons by Employees While on Duty

Item will remain in Committee.

Proposed Employee Handbook Revisions

Motion by O'Bryan/Penzkover to approve the employee handbook amendments as shown in the amendments dated December 20, 2011 carried unanimously.

Separation of Administrator and Clerk-Treasurer Positions

Motion by O'Bryan/Decker to separate the positions of Administrator and Clerk-Treasurer after December 31, 2011 carried unanimously.

Appointment of Administrator Position

Motion by O'Bryan/Bakst to appoint Paul J. Moderacki as Village Administrator beginning January 1, 2012 carried unanimously.

Appointment of Clerk-Treasurer Position

Motion by O'Bryan/Bakst to appoint Steven A. Braatz, Jr. as Village Clerk-Treasurer beginning January 1, 2012 carried unanimously.

Plan Commission

Ordinance No. 854: An Ordinance to Delete Certain Definitions in Section 100-29, Delete Article VII of Section 100, and Create Chapter 64 of the Village of Mukwonago Municipal Code Pertaining to the Regulation of Signage

Motion was made by Winchowky/Decker to adopt Ordinance No. 854: An Ordinance to Delete Certain Definitions in Section 100-29, Delete Article VII of Section 100, and Create Chapter 64 of the Village of Mukwonago Municipal Code Pertaining to the Regulation of Signage. Johnson asked if the issue from the public hearing was resolved. Kaniewski responded that particular sign would not need to come down. Motion carried unanimously.

Protective Services Committee

Implementation of 1/12th Contributions – Expenses, Or Expenses Minus Revenues

Motion by Johnson/Penzkover to authorize the implementation of a method of budgeting for the Fire Department beginning in 2012 that includes both the Town and Village of Mukwonago contributing 1/12th of the expenditures for the first three months and 1/12th of the expenditures minus the revenues for the remainder of the months carried unanimously.

Consideration of Agreements with Big Bend and East Troy Fire Departments

Motion by Penzkover/Decker to approve the agreements with the Big Bend and East Troy Fire Departments as modified and contingent upon the approvals of all parties involved carried unanimously.

Public Works Committee

Authorization for Geotechnical Testing and Phase I ESA for Phantom Lake Dam Improvements

Motion by Penzkover/Decker to authorize geotechnical testing of the Phantom Lake Dam in an amount not to exceed \$8,000 and Phase I ESA for the Phantom Lake Dam in an amount not to exceed \$2,500 carried unanimously.

300 Elwin Driveway Assessment Cost for Concrete Upgrade from Asphalt

Changes will be made to the Engineer's Report for the Field Park Paving and Utilities Project, which will be considered for approval at the Village Board meeting on January 17, 2012. No action taken.

Authorization to Bid for WWTP UV Disinfection and Final Effluent Pumping

Motion by Penzkover/Sellenheim to authorize WWTP to begin the bidding process for the UV Disinfection and Final Effluent Pumping project carried unanimously.

New Business

Village President

Consideration of Cancellation of January 3, 2012 Village Board Meeting

Motion by O'Bryan/Decker to cancel the January 3, 2012 Village Board meeting unless an emergency issue needs action and to authorize the Finance Committee or an appointee to approve the vouchers payable for that week carried unanimously.

Convene into Closed Session

Motion was made by O'Bryan/Decker to convene into closed session at 8:27 p.m. pursuant to Wisconsin Statute **§19.85(1)(c)** (*Considering the employment, promotion, compensation or evaluating the performance of any employee under the commission jurisdiction*) pertaining to 2012 compensation for Department Heads and Non-Represented Staff. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed Session adjourned and open session reconvened at 9:58 p.m. Amendments to the resolution include: Deputy Clerk/Computer Support Tech shall have a wage of \$22.56 and the Village Administrator shall have a salary of \$85,000. Motion by O'Bryan/Decker to adopt Resolution 2011-43: *A Resolution Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees and Part-Time Employees* as amended carried on a vote of 5 ayes and 2 nays (Penzkover and Sellenheim voted no).

Adjournment

Motion by Bakst/Decker to adjourn the Village Board meeting at 10:01 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Deputy Clerk