

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, January 17, 2012

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
Paul J Moderacki, Administrator
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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 Compensation and Role of the Village Administrator.

Approval of Minutes

Motion was made by Bakst/Decker to approve the minutes for the October 3, 2011 Joint Village and Town Board and December 20, 2011 regular Board meetings. Penzkover noted in the motion regarding "Authorization for Geotechnical Testing and Phase I ESA for Phantom Lake Dam Improvements," \$25,000 should be changed to \$2,500. Motion carried unanimously.

Reports

Winchowky noted the December 2011 Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports are available for public inspection in the Clerk's Office.

Comments from the Public

No comments from the public.

Consent Agenda

- A. Approval of Vouchers Payable
 - B. Approval of 2012 Application for Temporary Class B Beer License for Knights of Columbus at 830 CTH NN E on January 27, 2012
 - C. Approval of 2011-12 Applications for Operator's License for: Cliff E. Beckman, Jr., Jennifer L. Lange, Andrew M. Moe, Michele L. Nero
 - D. Award of Contract to Western Contractors, Inc. for CTH NN Multi-use Trail Project in the amount of \$57,730.00 plus a 10% Contingency
 - E. Approval of Change Order for WWTP Disinfection Upgrade Project
- Motion by O'Bryan/Decker to approve the consent agenda as amended carried unanimously.

Unfinished Business

Resolution 2012-03: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Field Park Area Paving and Utilities

Motion was made by Bakst/Sellenheim to adopt Resolution 2012-03: Final Resolution Authorizing the Levying of Special Assessments Against Benefited Property – Field Park Area Paving and Utilities. Reilly asked if the residents were notified of this meeting. Bakst responded that Board specified at the September public hearing that the issue would be brought back at the first meeting in January. O'Bryan asked if there were any changes to the Engineers Report. Peot responded that the only changes were reductions in assessment amounts. Motion carried unanimously.

Appointment – Board of Building and Zoning Appeals 2nd Alternate

Item will remain on the agenda.

Committee/Commission Reports

Judicial Committee

Consideration of Denial of 2011-12 Application for Operator's License – Steven M. Rodefer

Motion by Johnson/Decker to deny the application for a 2011-12 Application for Operator's License for Steven M. Rodefer due to an incomplete application and the lack of an appearance at a public hearing of the Committee carried unanimously.

Ordinance No. 855: An Ordinance to Amend Section 6-6 (a) of the Village of Mukwonago Municipal Code Pertaining to the Hours Restricting the Sale of Alcohol

Motion by Decker/Johnson to adopt Ordinance No. 855: An Ordinance to Amend Section 6-6 (a) of the Village of Mukwonago Municipal Code Pertaining to the Hours Restricting the Sale of Alcohol carried unanimously.

Public Works Committee

Request by Sherry Kurtz, on Behalf of Judy Kleis, for Waiver or Reduction in 4th Quarter Utility Bill for 215 Lincoln Ave.

Item will remain in Committee.

Request by Delores and Pat Kizewski for Reimbursement of Plumbing Bill Due to Meter Replacement

Item will remain in Committee.

New Business

Village Administrator

Resolution 2012-01: Resolution Ordering an Assessor's Plat in the Village of Mukwonago

Motion by Johnson/Bakst to adopt Resolution 2012-01: *Resolution Ordering an Assessor's Plat in the Village of Mukwonago* carried unanimously.

Village Clerk

Resolution 2012-02: Resolution Providing for Combination of Wards on Election Day

Motion by Decker/Sellenheim to adopt Resolution 2012-01: *Resolution Providing for Combination of Wards on Election Day* carried unanimously.

Convene into Closed Session

Motion was made by Bakst/Johnson to convene into closed session at 7:45 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 Compensation and Role of the Village Administrator. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Bakst to adjourn Closed Session and reconvene to open session at 9:20 p.m. carried unanimously.

Adjournment

Motion by Decker/Sellenheim to adjourn the Village Board meeting at 9:21 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Wednesday, February 1, 2012

Call to Order

Village President Fred Winchowky called the meeting to order at 5:02 p.m.

Roll Call

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

Excused: Mike Sellenheim

Also present: Jeff Stien, Fire Chief
Paul J Moderacki, Administrator
Steven Braatz, Jr., Clerk-Treasurer

New Business

Amendment to Fire Chief Contract Pertaining to Residency Standard

Motion by Bakst/Decker to amend the Fire Chief contract regarding residency to allow the Chief to reside within the Fire District or in a location not to exceed five miles from the Emergency Operations Center if the residence is outside of the district carried unanimously.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 5:19 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, February 7, 2012

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
Paul J Moderacki, Administrator
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Nick Weber, Library Director
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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 potential litigation involving CTH NN multi-use trail cost recovery.

Approval of the Minutes for the January 17, 2012 Regular Board Meeting and February 1, 2012 Special Board Meeting

Motion by Bakst/Johnson to approve the minutes for the January 17, 2012 regular Board meeting carried unanimously. Motion by Bakst/Decker to approve the minutes for the February 1, 2012 special meeting carried unanimously.

Comments from the Public

Nick Weber, Mukwonago Community Library Director – Received the January statistics report and for the first time ever, the Library broke 30,000 in circulation.

Paul Teply, 307 McDivitt Lane – Spoke regarding lawsuit against him to remove his cottonwood tree. Apologized for outburst from the last time he was at a meeting. Appealed to the Board to have the lawsuit stop. Had an accident, health is deteriorating, and may not be around much longer. Has tried to help people ever since the accident. The tree has been nominated as a champion tree. This issue is about neighbors using ordinance violations to get back at him. There are over 800 cottonwood trees in the Village. There are many homes with boats and trailers in between homes. The neighbor received a variance for a fence 6' in

height, but the fence is 6'8". The money from the lawsuit can be used for other things. He wants to help the Village.

Consent Agenda

- A. Approval of Vouchers Payable in the amount of \$265,369.69
- B. Award of Contract to Terminal-Andrae for WWTP UV Disinfection Electrical and Pump Control Project in the amount of \$24,150

Motion by Bakst/Johnson 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 Report

Finance Committee

Request to Purchase Membership to eCivis Grant Software

Motion made by Bakst/Sellenheim to approve the purchase of the membership to the eCivis grant website at a cost of \$3,000 per year for three years. The monies will be divided amongst the various departments. Penzkover asked who will have access. Moderacki responded that we receive one license and password but any department deignee can use it at any computer. Reilly noted that the Town would need to approve regarding the Fire Department. Penzkover asked who will ensure that this is being used. Reilly noted that there is a part of the application that allows you to see how many times it has been used. Motion amended to include a contingency that the Town Board approve the membership regarding the Fire Department. Motion carried unanimously.

Convene into Closed Session

Motion was made by Decker/Sellenheim to convene into closed session at 8:01 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 potential litigation involving CTH NN multi-use trail cost recovery. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Bakst to adjourn Closed Session and reconvene to open session at 8:39 p.m. carried unanimously. Motion by Decker/Sellenheim to direct the Village Attorney to proceed as discussed in closed session carried unanimously.

Adjournment

Motion by Decker/Sellenheim to adjourn the Village Board meeting at 8:40 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, February 21, 2012

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
Andy Wegner, Deputy Fire Chief
Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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 session later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(c) and (e)** pertaining to an update on negotiations with the Mukwonago Professional Firefighters IAFF L4585 and pursuant to Wisconsin Statute **§19.85(1)(g)** pertaining to a discussion with the Village Attorney regarding the Village of Mukwonago vs. Teply Litigation.

Approval of the Minutes for the February 7, 2012 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the February 7, 2012 regular Board meeting carried unanimously.

Reports

Winchowky noted the 2012 January Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports, the 2011 4th Quarter Recycling report, and the 2011 Annual Inspection Department report are available for public inspection in the Clerk's Office.

Comments from the Public

Nick Weber, Library Director – The Village of North Prairie sent a donation of \$5,000 towards the Mukwonago Community Library Project. *(Pres Winchowky directed the Clerk's Office to*

send a letter of thanks). He also notified the Board that there is legislation that could affect Wiscnet.

Consent Agenda

- A. Approval of Vouchers Payable in the amount of \$1,713,614.95
- B. Approval of 2011-12 Applications for Operator's License for: Robert Borkowski, Wanda Emery, Ty J. Feich, Samantha J. Joecks, Molly M. Malkovich, Neal J. Reindl, Lori J. Schwager, Gale J. Sohns, Taylor-Chapman Guayasamin-Salerno
- C. Approval of Employee Handbook Revisions Pertaining to Employee Mileage, Meals, Lodging, and Tuition Reimbursement, Clothing Allowance, and Public Office Hours for the Clerk's Office
- D. Approval of Request for We Energies Modification to Street Lighting Located at 1111 Fox St. at a cost of \$1,433.00
- E. Approval of Request for We Energies Modification to Street Lighting Located at 936 Baxter Dr. at a cost of \$1,458.00

Johnson requested the removal of item C from the Consent Agenda. Motion by Decker/Sellenheim to approve the consent agenda as amended carried unanimously. Johnson and Decker wanted clarification on tuition reimbursement. Motion by Decker/Johnson to approve Item C of the consent agenda carried unanimously.

Unfinished Business

Appointment – Board of Building and Zoning Appeals 2nd Alternate

Item will remain on the agenda.

Committee/Commission Reports

Health and Recreation Committee

Proposal by Mukwonago Chamber of Commerce for a Band Shell in Indianhead Park

Motion made by Sellenheim/Johnson to authorize the use of the gazebo funds up to \$13,000 towards the design of a bandshell at Indianhead Park as outlined in the proposal by George Krueger dated November 21, 2011 with the following conditions:

1. Once the architectural plans are completed, they become the property of the Village
2. Staff will draft a memorandum of understanding between the Chamber and the Village.

Motion carried unanimously.

Judicial Committee

Consideration of Denial of 2011-12 Application for Operator's License – Andrew M. Spirewka

Motion by Decker/Johnson to deny the 2011-12 application for Operator's License for Andrew M. Spirewka due to material omission carried unanimously.

Resolution 2012-04: A Resolution to Prohibit Weapons from Being Brought into Municipal Buildings Pursuant to 2011 Wisconsin Act 35

Motion by Decker/Johnson to adopt Resolution 2012-04: A Resolution to Prohibit Weapons from Being Brought into Municipal Buildings Pursuant to 2011 Wisconsin Act 35 carried on a vote of 6 ayes and 1 nay (Penzkover voted no).

Ordinance No. Draft: An Ordinance to Amend Sections 54-51 Through 54-53 and to Create Section 51-54 of the Municipal Code Relating to Discharge of Weapons

Pres. Winchowky directed Chief Schmidt to have the firearms instructor to review the ordinance. Item held in Committee.

Personnel Committee

Policy Pertaining to Out-of-State Conferences

Information only.

Public Works Committee

Request by Sherry Kurtz, on Behalf of Judy Kleis, for Waiver or Reduction in 4th Quarter Utility Bill for 215 Lincoln Ave.

Motion by Penzkover/Johnson to deny the request by Sherry Kurtz, on behalf of Judy Kleis, for a waiver or reduction in 4th quarter utility bill for 215 Lincoln Ave. but waive the penalty as long as the payment arrangement is followed carried unanimously.

Request by Delores and Pat Kizewski for Reimbursement of Plumbing Bill Due to Meter Replacement

Motion by Penzkover/Decker to deny the request by Delores and Pat Kizewski for a reimbursement of a plumbing bill due to meter replacement based on policy that homeowners are responsible for the costs of private fixtures carried unanimously.

Results of Survey of Engineering Fees

Information only.

Convene into Closed Session

Motion was made by Bakst/Decker to convene into closed session at 8:25 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*) 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 Update on Negotiations with the Mukwonago Professional Firefighters IAFF L4585 and Pursuant to Wis. Stats. **§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. Motion by Bakst/Decker to adjourn Closed Session and reconvene to open session at 9:04 p.m. carried unanimously.

Motion by Decker/Bakst to approve having the Village Attorney submit the proposed order for the Village of Mukwonago v. Paul A. Teply Litigation carried unanimously.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 9:05 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, March 6, 2012

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: Shawn Reilly, Village Attorney
Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Nick Weber, Library Director
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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 session later in the meeting pursuant to Wisconsin Statute **§19.85(1)(g)** pertaining to a discussion with the Village Attorney regarding the Village of Mukwonago vs. Teply Litigation and the Chatterton vs. Village of Mukwonago litigation.

Approval of the Minutes for the February 21, 2012 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the February 21, 2012 regular Board meeting carried unanimously.

Comments from the Public

Orchards of Mukwonago Resident Concerns Related to Condition of Subdivision Roads

Tim Collins, 1422 Applewood Ci. – Does the Village require a bond for developers? *Village President* – Yes. Did the Village require MLG Development to submit a bond? *Village President* – Yes. Is the bond expired? *Village President* – Yes.

George and Colleen Farmer, 1415 Applewood Ci. – Submitted an e-mail to all Village Board members. Additions include the Village has a fiduciary responsibility and duty to make sure developments are done properly. This issue has a negative effect on property values. Wants to know who will correct the issue and pay for it. Will not accept a special assessment. *Village President* – *The engineer and attorney are working on it. At this point there is nothing to vote on and the Board cannot determine a timeline tonight.* Farmer – Believes the Village should do the work and pay for it.

Jason Christensen, 1331 Cider Ci. – Shares same opinion and sentiment as the Farmers' comments.

Kirk Kusick, 1328 Macintosh Way – The Orchards homeowners should not be held accountable. The Village should hold the developer accountable.

Chuck Ney, 1314 Cider Ci. – Does not want to be special assessed.

Mark Tercha, 1321 Macintosh Way – Shares same opinion and sentiment as the Farmers' comments.

Ryan Ziegler, 1330 Cider Ci. – Wanted to verify that the Village did approach MLG about the roads. *Village President* – Yes. Ziegler – When will the residents know about possible litigation. *Village Attorney* – *explained agenda postings of closed sessions to discuss litigation. The Village Board must decide to litigate.*

John Heltemes, 1326 Cider Ci. – Shares same opinion and sentiment as the Farmers' comments.

Daniel Schmechel, 1333 Orchard View Ln. – The homeowners already paid for the roads when they purchased their properties.

Cathy Cottone, 1414 Applewood Ci. – They bought the properties under the agreement that the developer was to take care of the roads. That has gone by the wayside.

Debie Gustafson, 1411 Applewood Ci. – Shares same opinion and sentiment as the Farmers' comments.

Matt Lindstedt, 1334 Cider Ci. – Does not want to be special assessed.

Village President referred the matter to the Public Works Committee.

Presentation by Waukesha County Parks and Land Use Department on the County Storm Water Program

Karen Fiedler, Waukesha County Parks and Land Use, gave a presentation on storm water runoff, pollution discharge, and the storm water education program that the County operates.

Other Comments from the Public

None.

Consent Agenda

- A. Approval of Vouchers Payable in the amount of \$94,900.76
- B. Approval of 2011-12 Applications for Operator's License for: Albert C. Frankenstein, Megann L. Pritzlaff, Abby M. Stefanich, Julie A. Tilander
- C. Approval of 2012 Application for Temporary Class B Beer and Wine License for Knights of Columbus at 830 CTH NN E on March 17, 2012
- D. Approval of 2012 Application for Temporary Class B Beer and Wine License for St. James Parish at 830 CTH NN E on March 30, 2012
- E. Approval of 2012 Application for Temporary Class B Beer License for Mukwonago Lions Club at 933 N. Rochester St, on June 11-17, 2012
- F. Approval of 2012 Application for Temporary Class B Beer License for Croatian Fraternal Union John Movrich Lodge 993 at 933 N. Rochester St, on July 13, 2012

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 Report

Finance Committee

Resolution 2012-06

Motion by Bakst/Johnson to adopt Resolution 2012-06: *Resolution Amending the 2011 Amended Budget of the General and Fire/Ambulance Funds* carried unanimously.

Personnel Committee

Resolution 2012-07

Motion was made by O'Bryan/Sellenheim to adopt Resolution 2012-07: *A Resolution Relating to Performance Standards and Wage Schedules for Utility Employees*. Johnson asked about cross training between the Water and Sewer Utilities. O'Bryan explained this has been an on-going process for the last six months. Johnson also asked about licensing. O'Bryan explained more licenses are needed for Sewer than Water so all employees have been getting the appropriate licenses. Motion carried unanimously.

Consideration of Approval of Tentative Contract with Mukwonago Professional Firefighters, International Association of Firefighters, Local 4585 for 2011-2013

Motion by O'Bryan/Johnson to approve the contract with Mukwonago Professional Firefighters, International Association of Firefighters, Local 4585 for 2011-2013 contingent upon the approval by the Town of Mukwonago carried unanimously.

New Business

Mukwonago Community Library Director

Update on Library Expansion Project

Weber gave an update on the Mukwonago Community Library Expansion project. Information only.

Village Utilities Director

Resolution 2012-05

Motion by Bakst/Decker to adopt Resolution 2012-05: *A Resolution Opposing Assembly Bill 182* carried unanimously.

Village President

National 2012 Arbor Day Proclamation

Motion by Decker/Sellenheim to endorse President Winchowky's proclamation in recognition of 2012 National Arbor Day carried unanimously.

Arbor Day Tree Challenge to Village Trustees

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.

Convene into Closed Session

Motion was made by Decker/Bakst to convene into closed session at 8:21 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. Teply Litigation and the Chatterton vs. Village of Mukwonago litigation. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Bakst/Decker to adjourn Closed Session and reconvene to open session at 8:36 p.m. carried unanimously.

Adjournment

Motion by Bakst/Decker to adjourn the Village Board meeting at 8:37 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, March 20, 2012

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, DPW Supervisor
Nick Weber, Library Director
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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 Statute **§19.85(1)(g)** to consider information provided by Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision.

Approval of the Minutes for the March 6, 2012 Regular Board Meeting

Motion by Bakst/Decker to approve the minutes for the March 6, 2012 regular Board meeting carried unanimously.

Reports

Winchowky noted the 2012 February Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports, the 2011 annual report for the Mukwonago Community Library 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 \$470,429.64
- B. Approval of 2011-12 Applications for Operator's License for: Maxwell J. Gorski, Jacqueline R. Morris
- C. Deny Request by Vern Malliet, 1271 River Park Circle E, for Reimbursement of Plumbing Bill from Meter Replacement
- D. Deny Request by Paul Teply for Waiver or Reduction in 2011 2nd Quarter Utility Bill for 307 McDivitt Ln.
- E. Authorize the Utilities Director to Apply for a Loan through the Wisc Dept of Natural Resources
- F. Direct the Utilities Director to Solicit Proposals for Designing the Pump Building and Interceptor
- G. Authorize Rawson Construction, General Contractor for the UV Disinfection Project, to Install UV Equipment

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

Health and Recreation Committee

2012 Wisconsin Cycling Club Bike Race

Motion made by Sellenheim/Decker to approve the 2012 Wisconsin Cycling Club Bike Racing Event on Saturday, July 7th, 2012 in the Village of Mukwonago, and authorizing the closing of the following streets per the Bike Route Map dated 3/1/12, from 8am to 5pm: Oakland, Grand, Pearl, Pleasant, Washington, Franklin, Park, and Division Streets. This motion is contingent upon the submittal of the events operating plan and a copy certificate of liability insurance of the cycling organization for the event to the Clerk/Treasurer's Office. Johnson asked if there will be Police Supervision. Chief Schmidt responded there will not be extra Police supervision, and that the cycling organization will handle the monitoring of the event. Schmidt added the organization only requested that the Village supply barricades and no parking signs. O'Bryan was concerned about the residents having access to their properties. Schmidt noted that as the racers pass, people will be able to get across the roads. He also added that the Chamber of Commerce will be providing notification to residents about the event. Motion carried unanimously.

Judicial Committee

Ordinance No. 856

Motion by Decker/Johnson to adopt Ordinance No. 856: *An Ordinance to Amend Sections 54-51 through 54-53 and to Create Section 54-54 and 54-55 of the Municipal Code Relating to Discharge of Weapons* carried unanimously.

Plan Commission

Recommendation to Authorize Correspondence to Wisc Dept of Transportation Requesting Study for CTH NN and Holz Parkway as STH 83 Alternative Route

Motion made by Johnson/Sellenheim to accept the Plan Commission recommendation to authorize staff to send a letter to the Wisc Dept of Transportation requesting a study for CTH NN and Holz Parkway as a STH 83 alternative route. Bakst noted that this is a non-binding request. Motion carried on a vote of 6 ayes and 1 nay (Decker voted no).

Personnel

Delay in Approval of Contract with Mukwonago Professional Firefighters, International Association of Firefighters, Local 4585 for 2011-2013 Due to Town of Mukwonago Postponement

Information Only. No action taken.

Protective Services Committee

Request to Waive Ambulance Bill for Jennifer Westholder

Item held in Committee.

Authorization to Apply for a Grant through Wisc Dept of Natural Resources to Replace the Pump and Skid Unit in the Grass Rig

Motion by Johnson/Bakst to authorize the Fire Chief to apply for a grant through Wisc Dept of Natural Resources to replace the pump and skid unit in the grass rig contingent upon 1) The Fire Department finding monies within the fund to match the grant and 2) Approval by the Town Board carried unanimously.

Revision to Intercept Agreement with Village of East Troy

Motion by Johnson/Decker to keep the intercept agreement with the Village of East Troy as originally written with the \$450.00 charge just as all other municipalities agreed upon carried unanimously.

Discussion and Comments Regarding the Fire Department Joint Contract Pertaining to Fire Station Rental Agreements and Joint Fire Commission Membership

The Town requests another joint meeting to go over the amendments. No action taken.

New Business

Village Clerk

2012-13 Election Inspector Appointments

Motion made by Decker/Bakst to appoint the following residents as election inspectors for the 2012-13 election cycle:

1. Maria Carrillo, 124 Lake Street
2. Carol Klamik, 157 Wolf Run #8
3. Stephania Passyka, 132 Lake Street
4. Jacqueline Woodrow, 134 Lake Street

Motion carried unanimously.

Village President

Proclamation Declaring April 2012 as Fair Housing Month

Motion by Decker/Bakst to endorse President Winchowky's proclamation in recognition of April 2012 as Fair Housing Month carried unanimously.

Consideration of Cancellation of April 3, 2012 Village Board Meeting

Motion by Decker/Sellenheim to cancel the April 3, 2012 regular Village Board meeting due to the election carried unanimously.

Convene into Closed Session

Motion was made by Bakst/Decker to convene into closed session at 8:12 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 consider information provided by Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Bakst/Decker to adjourn Closed Session and reconvene to open session at 8:45 p.m. carried unanimously.

Motion made by Johnson/Decker to direct the Village Attorney to send a letter to the developer of The Orchards of Mukwonago subdivision requesting the developer to maintain the existing roads within the subdivision. The following deadlines shall be in the letter:

1. A response to the letter shall be within 30 days,
2. The work shall be under contract by May 31, 2012, and
3. The work shall be finish by July 31, 2012.

Motion carried unanimously. The Village Engineer was directed to provide cost estimates for a repair to the entrance of the subdivision as well as the damaged curve within the subdivision, and the information will be referred to the next Public Works Committee.

Adjournment

Motion by Decker/Bakst to adjourn the Village Board meeting at 8:46 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, April 17, 2012

Call to Order

Village President Fred Winchowky called the meeting to order at 7:32 p.m.

Roll Call

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

Also present: Nick Weber, Library Director
Police Lieutenant Ken Pileggi
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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 session later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding the Chatterton, et al vs. Village of Mukwonago litigation, the potential First Congregational Church of Mukwonago vs. Village of Mukwonago litigation, and to consider information provided by village attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards subdivision.

Comments by Outgoing Village Board Member Elliot Bakst

Trustee Bakst spoke about his past experiences on the Village Board and Board of Building and Zoning Appeals.

Introduction of New Village Trustee Arnold Fickau

New Village Board member Arnold Fickau took his seat.

Appreciation Resolutions

Resolution 2012-10

After President Winchowky read the resolution into record, motion by Decker/Penzkover to adopt Resolution 2012-10: *Resolution Extending Appreciation to Village Trustee Elliot Bakst* carried unanimously.

Resolution 2012-11

After President Winchowky read the resolution into record, motion by Johnson/Decker to adopt Resolution 2012-11: *Resolution Extending Appreciation to Deputy Fire Chief Fred Purdy* carried unanimously.

Approval of the Minutes for the March 20, 2012 Regular Board Meeting

Motion by Decker/Johnson to approve the minutes for the March 20, 2012 regular Board meeting carried unanimously.

Reports

Winchowky noted the 2012 March Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports, the 2012 1st Quarter Recycling Report 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 \$400,814.28
- B. Adoption of Resolution 2012-08: A Resolution Designating Public Depositories and Authorizing Withdrawal of the Village of Mukwonago Monies
- C. Adoption of Resolution 2012-09: Resolution Amending the 2011 Amended Budgets Capital Equipment/ Improvement Funds, TID, Debt Service, Impact Fee, and Designated Funds
- D. Approval of 2012 Application for Temporary Class B Beer Licenses for American Legion Post #375 on June 9-10, July 21-22, August 18-19, and September 8-9, 2012

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

Committee/Commission Reports

Health and Recreation Committee

Request by Clarendon Avenue School Student Council to Ban Leaf Burning During School Hours

Item held in Committee pending more information and review of current ordinance.

Request by Roger Przybyla, Badger State Outboard Association, to Use the Mukwonago Shores Park or Phantom Glen Park for a Power Boat Race on Lower Phantom Lake

Information Only. No action taken.

Personnel Committee

Approval of Employee Handbook Revisions

Motion by O'Bryan/Sellenheim to approve the employee handbook revisions as presented on the document submitted by Village Administrator dated April 16, 2012 carried unanimously.

Plan Commission

Approval of Wal-Mart Supercenter Developer's Agreement, Amendment No. 2

Motion by Johnson/Decker to accept the Plan Commission recommendation and approve the Wal-Mart Supercenter Developer's Agreement, Amendment No. 2 as presented including the changes by the Village Attorney carried unanimously.

Protective Services Committee

Request to Waive Ambulance Bill for Jennifer Westholder

Item held in Committee pending response from requestor regarding the Charity Care Policy.

Public Works Committee

Review of Engineering Proposals for Design of Well #7

Item to be placed onto agenda for a special meeting of the Village Board on Tuesday, April 24, 2012 at 5:30 p.m.

Consideration of Installation of Security Alarm at the Village Hall

Motion made by Penzkover/Decker to authorize the Public Works Director to hire Walworth County Security Alarms to install a security alarm system in the Village Hall not to exceed \$4,999. Funds have been budgeted in the Capital Equipment Fund. Motion carried unanimously.

Ordinance No. 858

Motion by Penzkover/Sellenheim to postpone to adoption of Ordinance No. 858: *An Ordinance to Amend Chapter 74 of the Village of Mukwonago Municipal Code Pertaining to the Regulation of Streets, Sidewalks and Other Public Places* until the next regular Board meeting pending Village Attorney review carried unanimously.

Ordinance No. 857

Motion by Penzkover/Decker to adopt Ordinance No. 858: *An Ordinance to Delete Section 86-60 and to Create Article II, Division 5 of Chapter 86 of the Municipal Code to Provide a Program for Protecting the Public Water System from Contamination due to Backflow of Contaminants through the Water Service Connection into the Public Water System* carried unanimously.

New Business

Village Clerk

2012-13 Election Inspector Appointments

Motion by Decker/Fickau to appoint the following residents as election inspectors for the 2012-13 election cycle carried unanimously:

1. Janice Gainer, 989 Bay View Circle
2. Glen Shulfer, 1223 Riverton Drive

April 3, 2012 Municipal Canvass Report (Information Only)

Information Only. No action taken.

2012 New Municipal Officials Workshop – League of Wisconsin Municipalities

Information Only. Trustees are to notify the Clerk as soon as possible as to which session they would like to attend. No action taken.

2012 Regional Dinner Meeting – League of Wisconsin Municipalities

Information Only. Trustees are to notify the Clerk as soon as possible as to which session they would like to attend. No action taken.

Village President

National Telecommunicators Week Proclamation

After President Winchowky read the proclamation into record, motion by Decker/Johnson to endorse the proclamation recognizing the second week of April 2012 as National Telecommunicators Week carried unanimously.

Proclamation Recognizing the Week of April 29 through May 5, 2012 as Municipal Clerks Week

After President Winchowky read the proclamation into record, motion by Decker/Johnson to endorse the proclamation recognizing the week of April 29 through May 5, 2012 as Municipal Clerks Week carried unanimously.

2012 Appointments

Village Board Subcommittees

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

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

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

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

- Plan Commission – Jaime Vega (Citizen Member)
- Board of Building and Zoning Appeals – Adam Olson (Regular member)
- Fire Commission – Fickau (Village Trustee member)
- Police Commission – Gary Jorgensen (Citizen Member)
- Library Board – Darlene Johnson (Village Trustee member), Jim Bodendorfer (Citizen Member), Sharroyl Cooper (Citizen Member)
- Tourism Commission – Patti Muraczewski, Bharat Shah, Michelle Dretzka

Board of Review

Board of Review appointments will be placed on a future Board agenda closer to when Board of Review will occur.

Weed Commissioner, Forester, Village Attorney, Humane Officer, Emergency Government Coordinator

Motion by Decker/Fickau to accept the Village President's recommendation to appoint the following members to the various positions carried unanimously:

- Village Weed Commissioner – Ron Bittner
- Village Forester – Tom Brandemuehl
- Village Attorney – Shawn Reilly
- Village Humane Officer – Waukesha County Humane Animal Welfare Society
- Village Emergency Government Coordinator – Jeff Stien

Set Date of Village Board Workshop

No action taken.

Closed Session

Motion was made by Decker/Sellenheim to convene into closed session at 8:40 p.m. pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding the Chatterton, et al vs. Village of Mukwonago litigation, the potential First Congregational Church of Mukwonago vs. Village of Mukwonago litigation, and to consider information provided by Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards subdivision. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Penzkover to adjourn Closed Session and reconvene to open session at 8:58 p.m. carried unanimously. The Orchards subdivision issue will be on agenda for the next regular Board meeting.

Adjournment

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

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Tuesday, April 24, 2012

Call to Order

Village President Fred Winchowky called the meeting to order at 5:30 p.m.

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

Also present: Paul Moderacki, Administrator
 Dean Falkner, Utilities Director
 Steven Braatz, Jr., Clerk-Treasurer

Announcement of Closed Session

President Winchowky announced that the Board will convene into closed session pursuant to Wisconsin Statute **§19.85(1)(e)** pertaining to review of engineering proposals for design of Well #7.

Closed Session

Motion was made by Decker/Fickau to convene into closed session at 5:31 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 review of engineering proposals for design of Well #7.

Discussion held in closed session. Motion by Decker/Johnson to adjourn Closed Session and reconvene to open session at 6:08 p.m. carried unanimously. Motion by Decker/Sellenheim to award the engineering contract for the design of Well #7 to Applied Technologies as proposed carried on a vote of 6 ayes and 1 nay (Penzkover voted no).

Adjournment

Motion by Decker/Fickau to adjourn the Village Board meeting at 6:10 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, May 1, 2012

Call to Order

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

Roll Call

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

Also present: Police Chief Kevin Schmidt
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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)** to consider information provided by village attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards subdivision.

Minutes

Motion made by Decker/Johnson to approve the minutes for the April 17, 2012 regular Board meeting and April 24, 2012 special Board meeting. Penzkover noted the dollar amount regarding the Village Hall security alarm in the April 17 minutes should be amended to \$4,999. Motion carried unanimously.

Comments from the Public

None.

Consent Agenda

A. Approval of Vouchers Payable

B. Approval of 2011-12 Application for Operator's License for: Kathryn P. Stillman

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

Unfinished Business

Ordinance No. 858: An Ordinance to Amend Chapter 74 of the Village of Mukwonago Municipal Code Pertaining to the Regulation of Streets, Sidewalks and Other Public Places

Item referred back to the Public Works Committee for further review.

2012 Appointments – Board of Review

Motion by Penzkover/Sellenheim to accept the Village President's recommendation to appoint Village Clerk Braatz, Village President Winchowky, and Trustees Decker, Penzkover, and Sellenheim to the Board of Review, with Trustees Fickau, Johnson, and O'Bryan serving as alternates, was carried unanimously.

Set Date of Village Board Workshop

The Board scheduled a workshop meeting for Tuesday, May 22, 2011 at 5:00 p.m. by consensus.

Committee Report

Plan Commission

Approval of Assessors Plat of the Orchards of Mukwonago Add'n No. 1

Motion by Decker/Sellenheim to accept the Plan Commission recommendation and approve the Assessors Plat of the Orchards of Mukwonago Add'n No. 1 carried unanimously.

Closed Session

Motion was made by Fickau/Decker to convene into closed session at 7:50 p.m. pursuant to Wisconsin Statutes **§19.85(1)(g)** to consider information provided by Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards subdivision. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Fickau to adjourn Closed Session and reconvene to open session at 8:09 p.m. carried unanimously. Motion by Sellenheim/Decker to authorize the Village Attorney to pursue actions as discussed in closed session carried unanimously.

Adjournment

Motion by Decker/Fickau to adjourn the Village Board meeting at 8:10 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, May 15, 2012

Call to Order

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

Roll Call

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

Trustee Excused: Jim Decker

Also present: Nick Weber, Library Director
Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Dean Falkner, Utilities Director
Steven Braatz, Jr., Clerk-Treasurer

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 session later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding the Chatterton, et al vs. Village of Mukwonago litigation and to consider information provided by Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards subdivision.

Approval of the Minutes

Motion by Fickau/Penzkover to approve the minutes for the May 1, 2012 regular Board meeting as presented carried unanimously.

Reports

Winchowky noted the 2012 April Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports are available for public inspection in the Clerk's Office.

Comments from the Public

Rick Stacey, N8750 Thiede Rd., East Troy – Former owner of the Stacey Farms. Through extraterritorial review in 2010, the Village approved a certified survey map of his property. In the approval, the Village required the private road to be blacktopped. He has since sold the

majority of the land to the Wisc DOT and DNR. Would like the Village to rescind the requirement to blacktop the road. Item was referred to the next Plan Commission.

Consent Agenda

- A. Approval of Vouchers Payable from various funds in the amount of \$728,420.72
- B. Approval of 2011-12 Application for Operator's License for Margaret D. Kellner Based on Favorable Approval by Judicial Committee and Police Chief
- C. Adoption of **Ordinance No. 859**: An Ordinance to Create Sections 82-192 (25) through (28) of the Village of Mukwonago Municipal Code Pertaining to No Parking on Portions of McKenzie Drive and Small Farm Road Based on Favorable Approval by Judicial Committee
- D. Adoption of **Resolution 2012-12**: A Resolution To File The Recycling Grants To Responsible Units Grant Application

Motion by Penzkover/Johnson to approve the consent agenda as presented carried unanimously.

Committee/Commission Reports

Finance Committee

Request to Use Police Impact Fees

Motion by Johnson/Sellenheim to authorize the transfer of Police impact fee funds to the Capital Improvement fund for the proposed dispatch center expansion and computer equipment room expansion project based on the report by Trilogy Consulting, LLC dated May 11, 2012 carried unanimously.

Health and Recreation Committee

Approval of Memorandum of Understanding

Motion made by Sellenheim/Johnson to approve the memorandum of understanding between the Village of Mukwonago and the Mukwonago Chamber of Commerce for a band shell in Indianhead Park. Fickau asked who will use the band shell, was it approved by other organizations that might use it, and what are the costs of maintenance. *(Response – Other organizations like the Village Players have been contacted. The stage was actually modified to accommodate them. It will be built to specifications that require little maintenance.)* Motion carried unanimously.

Approval of Boy Scout Eagle Project by Devin Feldt

Devin Feldt, Boy Scout Troop 363, is proposing to build benches and mile markers along Holz Parkway. Item remains in Committee.

Judicial Committee

Request by Darwin Greenwald to Amend Section 6-6 (a)

Motion by Johnson/Fickau to deny the request by Darwin Greenwald to amend Section 6-6 (a) of the Municipal Code to change the hours for alcohol sales restrictions for "Class A" and Class "A" licensed establishments from 9:00 p.m. – 6:00 a.m. to 12:00 a.m. – 6:00 a.m. carried unanimously based on the following reasons:

1. There were no public appearances.
2. A survey of the surrounding communities showed that the majority allow sales until 9:00 p.m.

3. The Police Chief had concerns of drunk individuals coming to Mukwonago after 9:00 p.m. to purchase more alcohol.

Plan Commission

Consideration of Commencement of Band Shell Site Work

Motion made by Sellenheim/Johnson to accept the Plan Commission recommendation and approve the commencement of site work for the initial construction of the band shell at Indianhead Park, 820 Main St. Fickau stated the approval of the project should wait until everything has been submitted. There might be changes. Motion carried on a vote of 5 ayes and 1 nay (Fickau voted no).

Protective Services Committee

Request to Waive Ambulance Bill

Motion by Fickau/Johnson to deny the request by Jennifer Westholder to waive the ambulance bill due to a lack of response regarding the Charity Care Policy carried unanimously.

Promotional List for Fire Department Lieutenants

Motion by Fickau/Penzkover to authorize the Fire Chief to create a list of possible promotions for Fire Department Lieutenants subject to a similar approval by the Town of Mukwonago carried unanimously.

Purchase of 1999 Ford Explorer

The Fire Department is no longer interested in purchasing the 1999 Ford Explorer from the Village Inspection Department. Item can be removed from the agenda. The request to sell the Explorer at auction and reimburse the Police Department will be on the next Board agenda.

Public Works Committee

Resolution 2012-13

Motion by Penzkover/Johnson to adopt Resolution 2012-13: A Resolution to Institute a Sidewalk Repair and Replacement Program carried unanimously.

New Business

Village President

Police Week Proclamation

After President Winchowky read the proclamation into record, motion by Johnson/Sellenheim to endorse the proclamation recognizing the week of May 13-19, 2012 as Police Week carried unanimously.

Cancellation of June 5, 2012 Village Board Meeting

Motion by Fickau/Penzkover to cancel the June 5, 2012 regular Village Board meeting due to the election carried unanimously. There will be a special meeting on May 22 at 4:45 p.m.

Closed Session

Motion was made by Fickau/Penzkover to convene into closed session at 8:05 p.m. pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding the Chatterton, et al vs. Village of Mukwonago litigation and to consider information provided by Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards subdivision. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Fickau/Sellenheim to adjourn Closed Session and reconvene to open session at 8:31 p.m. carried unanimously. Motion by O'Bryan/Sellenheim to authorize the Village Attorney to proceed as discussed in closed session with respect to the Chatterton, et al vs. Village of Mukwonago litigation carried unanimously.

Adjournment

Motion by Sellenheim/Johnson to adjourn the Village Board meeting at 8:34 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Tuesday, May 22, 2012

Call to Order

Village President Fred Winchowky called the meeting to order at 4:46 p.m.

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

Also present: Paul Moderacki, Administrator
 Joe Hankovich, Supervisor of Inspections/Zoning Administrator
 Steven Braatz, Jr., Clerk-Treasurer

Mukwonago Womens Softball League License

Motion by Decker/Johnson to approve the application for 2012 6-Month Class B Fermented Malt Beverage License to Mukwonago Womens Softball League (Ryan Scheffler, Agent) at Minors Park was carried unanimously.

Knights of Columbus License

Motion by Johnson/Decker to approve the application for 2012 Temporary Class B Beer License for June 19, 2011 at St. James Parish, 830 CTH NN W, carried unanimously.

Request by Ray Goodden to Place Tables in Public Right-of-way

Motion by Sellenheim/Decker to approve the request by Ray Goodden to Place Tables in Public Right-of-way Outside of Music Café, 105 Fox St. subject to the following conditions carried unanimously:

1. The placement of a smoker's receptacle shall be required.
2. The placement of a refuse collection receptacle shall be required.
3. There shall be a review after 12 months.
4. The applicant shall pay \$50 to cover the costs of review.
5. The applicant shall provide to the Clerk's Office a certificate of insurance.

Adjournment

Motion by Decker/Johnson to adjourn the special Village Board meeting at 4:55 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, June 19, 2012

Call to Order

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

Roll Call

Trustees present: Arnold Fickau
Darlene Johnson
Jim Decker
Mark Penzkover
Mike Sellenheim
Fred Winchowky, President

Trustee Excused: Dennis O'Bryan

Also present: Jeff Stien, Fire Chief
Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
John Knepel, Village Auditor
Nick Weber, Library Director
Dean Falkner, Utilities Director
Shawn Reilly, Village Attorney
Bruce Kaniewski, Village Planner
Kurt Peot, Village Engineer
Diana Doherty, Village Accountant
Steven Braatz, Jr., Clerk-Treasurer

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 Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding the Chatterton, et al vs. Village of Mukwonago litigation, consider information provided by the Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision, discussion with the Village Attorney regarding potential litigation involving CTH NN multi-use trail cost recovery, discussion with the Village Attorney regarding Well #7 conditions for building/conditional use, and update on the First Congregational Church of Mukwonago vs. Village of Mukwonago litigation.

Approval of the Minutes

Motion by Decker/Johnson to approve the minutes for the May 15, 2012 regular and May 22, 2012 special Board meetings as presented carried unanimously.

Reports

Winchowky noted the 2012 May Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports and the 2011 Annual Drinking Water Quality Report 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 \$422,997.73
- B. Granting of Renewal 2012-13 Class "A", "Class A", Class "B", "Class B", and "Class C" Alcohol Beverage Licenses for the Establishments as Stated on the List Dated 6-12-12, Based on Favorable Approvals by Judicial Committee and Police Chief, and Subject to Favorable Inspections by the Mukwonago Fire Department and Waukesha County Health Department
- C. Granting of Original 2012-13 "Class B" Alcohol Beverage License for YOZA LLC (Lucila G. Zavaleta – Agent), 1015 CTH NN E, d/b/a Gabbellas Restaurant, Based on Favorable Approvals by Judicial Committee and Police Chief, and Subject to Favorable Inspections by the Mukwonago Fire Department and Waukesha County Health Department and Subject to Qualifications as Stated in Wis. Stat. §125.04 (5)(a)5.
- D. Approval of 2012-13 Applications for Operator's License for the Applicants as Stated on the List Dated 6-14-12 Based on Favorable Approvals by Judicial Committee and Police Chief
- E. Approval of 2012-13 Applications for Operator's License for Terra M. Flann, Brooke M. Joecks, and Mary P. Simon Based on Favorable Approvals by Judicial Committee and Police Chief and Subject to Qualifications as Stated in Wis. Stat. §125.17 (6)
- F. Approval of 2012 Application for Temporary Class B Beer Licenses for Knights of Columbus on July 16, 2012 on the Premises located at St. James Parish, 830 CTH NN E
- G. Approval of 2012 Applications for Temporary Class B Beer Licenses for St. James Catholic Parish on August 17-19, September 7, October 5, November 2, and December 7, 2012 on the Premises located at St. James Parish, 830 CTH NN E
- H. Adoption of **Resolution No. 2012-15**: A Resolution Approving the Submittal of the Wisconsin Department of Natural Resources NR 208 Compliance Maintenance Annual Report
- I. Approval of Employee Handbook Amendments Pertaining to Changes in the Reporting of Complaints/Harassment Process and Exempt Employee Professional Time as Written by the Personnel Attorney

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

Committee/Commission Reports

Finance Committee

Acceptance of 2011 Financial Audit Report

Motion by Decker/Fickau to accept the 2011 Financial Audit Report carried unanimously.

Joint Study Pertaining to STH 83 Rerouting Alternative

Motion made by Sellenheim/Penzkover to accept the Plan Commission recommendation and authorize funding up to \$50,000 for a joint study between the Wisconsin DOT and the Village of Mukwonago pertaining to STH 83 Rerouting Alternative. Decker stated that there is no guaranty the State will keep CTH NN at three lanes if they take that over. Sellenheim stated that a representative from Waukesha County ensured the SAC Committee that three lanes on CTH is a 15-20 year plan. Motion carried on a vote of 4 ayes and 2 nays (Johnson and Decker voted no).

Conditional Use Permit Review Fee

Motion by Johnson/Decker to deny the request by Park View Middle School to waive the Conditional Use Permit Review Fee for the request to construct a pavilion due to costs incurred by Village staff carried unanimously.

Waukesha County Tax Billing Contract Extension

Motion by Johnson/Decker to approve the Waukesha County Data Processing Services Property Tax Billing Contract Extension for Years 2012-2013 carried unanimously.

SCADA – Utilities Consolidation and Upgrade

Motion by Johnson/Decker to approve the financing of the consolidation of the water and wastewater SCADA systems as presented carried unanimously.

Revise Use of 2012 CDBG Funds

Motion by Johnson/Decker to approve the revision of the use of the 2012 Community Development Block Grant (CDBG) Funds to begin improving the Village Center business buildings through the use of matching, no interest loans carried unanimously.

Health and Recreation Committee

Born Learning Trail

Motion by Sellenheim/Johnson to approve the construction of a born learning trail sponsored and installed by ProHealth Care carried unanimously.

Eagle Scout Project by Devin Feldt

Motion made by Sellenheim/Johnson to approve the Eagle Scout project for the construction of two covered benches along Holz Parkway as presented by Boy Scout Devin Feldt. Fickau asked who will pay to move these should Holz Parkway be widened. Motion carried unanimously.

Judicial Committee

2011-12 Application for Operator's License for Christopher L. Royer

Motion by Decker/Johnson to uphold the Judicial Committee decision to deny the application for a 2011-12 Application for Operator's License for Christopher L. Royer due to an incomplete application, status as a habitual offender of laws involving drugs and alcohol, and lack of an appearance at a public hearing of the Committee carried unanimously.

Personnel Committee

Health Savings Accounts

Motion by Decker/Johnson to authorize the creation of health savings accounts for active employees that are ineligible for Village health insurance within the Wisconsin Retirement rules and regulations carried unanimously.

Police Officer Vacancy

Motion by Winchowky/Sellenheim to authorize Police Chief Kevin Schmidt to fill an officer vacancy using the list of candidates on hand carried unanimously.

Plan Commission

Honey Creek Estates

Motion made by Winchowky/Penzkover to accept the Plan Commission recommendation and amend condition #1 for the extraterritorial CSM for Honey Creek Estates in Town of East Troy to clarify that "hard packed surface may include gravel, and to allow an amendment to condition #3 of the road maintenance agreement to remove the asphalt pavement requirement. Decker asked why. Moderacki explained the history and the interpretation of hard packed surface. Kaniewski explained extraterritorial reviews. Motion carried unanimously.

Site Plan and Architectural Review – LindenGrove

Motion by Winchowky/Johnson to accept the Plan Commission recommendation and approve the site plan and architectural review requested by LindenGrove for the construction of an addition to the existing building located at 837 CTH NN E with the following conditions carried unanimously:

1. Construction of the skilled nursing 15 bed addition and new parking lot shall be as shown in the plans submitted by the applicant prepared by Plunkett Raysich Architects, R. A. Smith International, Inc., and Seasonal Services, all dated May 11, 2012, on file in the office of the Village Clerk. The floor plan may be modified with the approval of the Supervisor of Inspections to conform to Fire Protection and Building Codes.
2. Prior to the start of any site construction for the new parking lot or site building site preparation, or issuance of a building permit for the addition, whichever occurs first, the following shall occur:
 - a. The Village Engineer shall provide written confirmation that construction for the addition and the new parking lot conforms to the Storm Water Management Ordinance in accordance with submitted plans.
 - b. A lighting plan for the parking lot expansions shall be submitted and subject to the approval of the Zoning Administrator.
 - c. A landscape plan showing the relocation or replacement of existing trees displaced by construction, as described on the submitted landscape plans, shall be submitted and subject to the approval of the Zoning Administrator.
 - d. The applicant shall submit all proper plans to obtain a building permit.
 - e. Written confirmation being provided to document that the Waukesha County Department of Public Works has been asked by the developer to construct a permanent emergency access drive to CTH ES.
3. Prior to temporary occupancy permit issuance for the addition, or if needed prior to final occupancy permit, the following shall occur:
 - a. Completion of all interior and exterior building construction in accordance with plans approved for building permit.
 - b. Completion of storm water management facilities, if needed, and proper grading for positive drainage away from the additions.
4. Prior to final occupancy permit, which the developer is required to secure no later than 90 days after any temporary occupancy permit, the following shall occur:
 - a. Completion of all items within Condition No. 3.
 - b. Completion of paving and striping of the new parking lot, in accordance with approved plans, including installation of approved parking lot lighting.
 - c. Completion of all site landscaping in accordance with the submitted landscape plan and the approved relocation or replacement landscape plan.

5. In the event there is approval for the permanent paved emergency access driveway from Waukesha County and the wetland delineation is such that a access drive can be constructed, then in that event, the developer shall construct the access drive within 18 months of receiving approval from the County.

Resolution 2012-14

Motion by Sellenheim/Fickau to accept the Plan Commission recommendation and adopt Resolution 2012-14: *A Resolution Declaring Approval by the Plan Commission and Village Board for an Addition of 13 Units to the Skilled Nursing Facility and Related Improvements to the Linden Grove Property at County Road NN East* carried unanimously.

Public Works Committee

Tarantino Request to Waive Bill

Motion by Penzkover/Johnson to deny the request by Karen Tarantino, 1120 Rainbow Ct., to waive bill related to bill correction of unmetered water usage due to faulty outside register and authorize her to set up a reasonable payment plan not to exceed two years that shall be followed and maintained at a current status carried unanimously.

New Business

Village Clerk

Update on 2012 Election Schedule and Processes

Braatz gave a brief summary of the 2012 election schedule year to date. No action taken.

Library Director

Update on Mukwonago Community Library Expansion Project

Weber gave a brief update on the Mukwonago Community Library Expansion Project. No action taken.

Village President

Consideration of Scheduling of a Second Village Board Workshop Meeting

Motion by Winchowky/Sellenheim to schedule a Village Board workshop meeting on August 1, 2012 at 5:00 p.m. carried unanimously.

Consideration of Scheduling of a Joint Village/Town Board Meeting

Meeting will wait until the budget meeting.

Consideration of Cancellation of July 3, 2012 Village Board Meeting

Motion by Winchowky/Sellenheim to cancel the regular Village Board meeting on July 3, 2012 carried unanimously. Motion by Winchowky/Decker to special Village Board meeting on July 3, 2012 at 5:00 p.m. to approve vouchers payable and any other necessary items carried unanimously.

Closed Session

Motion was made by Decker/Johnson to convene into closed session at 9:35 p.m. pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding the Chatterton, et al vs. Village of Mukwonago litigation, consider information provided by the Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the

development of the Orchards Subdivision, discussion with the Village Attorney regarding potential litigation involving CTH NN multi-use trail cost recovery, discussion with the Village Attorney regarding Well #7 conditions for building/conditional use, and update on the First Congregational Church of Mukwonago vs. Village of Mukwonago litigation. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Decker/Fickau to adjourn Closed Session and reconvene to open session at 10:56 p.m. carried unanimously.

Motion by Decker/Fickau to direct the Village Attorney and staff to send a letter to Orchards of Mukwonago Developer as discussed in closed session carried unanimously. Motion by Decker/Fickau to direct the Village Attorney to prepare a letter to the Town of East Troy regarding the Well #7 conditional use permit, reviewed by Village Administrator, Clerk, Utilities Director, and President as discussed in closed session carried unanimously. Motion by Decker/Fickau to authorize the Village Attorney to sign the stipulation and judgement pertaining to the Chatterton, et al vs. Village of Mukwonago litigation carried unanimously. Motion by Decker/Fickau to direct the Village Attorney to provide a counter offer to Bielienski Development regarding the CTH NN Multi-use trail construction as discussed in closed session carried unanimously.

Adjournment

Motion by Decker/Johnson to adjourn the Village Board meeting at 11:00 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Tuesday, July 3, 2012

Call to Order

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

Trustees present: Arnold Fickau
Darlene Johnson
Jim Decker
Fred Winchowky, President

Trustees Excused: Dennis O'Bryan
Mark Penzkover
Mike Sellenheim

Also present: Paul Moderacki, Administrator
Steven Braatz, Jr., Clerk-Treasurer

Approval of the Minutes for the June 19, 2012 Regular Board Meeting

Motion by Decker/Johnson to approve the minutes for the June 19, 2012 special Board meeting as presented carried unanimously.

New Business

Vouchers Payables

Motion by Decker/Johnson to approve the vouchers payable from various funds in the amount of \$358,115.53 carried unanimously.

2012-13 Applications for Operator's License for Liesl M. Bowey, Kari M. Maloney, Fritz T. Nehnevay, and Anita C. Sanders

Motion by Decker/Fickau to approve the 2012-13 applications for operator's license for Liesl M. Bowey, Kari M. Maloney, Fritz T. Nehnevay, and Anita C. Sanders carried unanimously.

Adjournment

Motion by Fickau/Decker to adjourn the Village Board meeting at 5:03 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, July 17, 2012

Call to Order

Village Clerk Steven A. Braatz, Jr. called the meeting to order at 7:34 p.m.

Roll Call

Trustees present: Arnold Fickau
Darlene Johnson
Mark Penzkover
Dennis O'Bryan
Mike Sellenheim

Trustees Excused: Jim Decker
Fred Winchowky, President

Also present: Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Dean Falkner, Utilities Director
Kurt Peot, Village Engineer
Steven Braatz, Jr., Clerk-Treasurer

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

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

Announcement of Closed Sessions

Acting President O'Bryan announced that the Board will convene into closed sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding potential litigation involving CTH NN multi-use trail cost recovery and to consider information provided by the Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision.

Approval of the Minutes for the July 3, 2012 Special Board Meeting

Motion by Fickau/Johnson to approve the minutes for the July 3, 2012 special Board meeting as presented carried unanimously.

Reports

Acting President O'Bryan noted the 2012 June Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports and the 2011 Annual Police Department Report 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 \$222,478.19
- B. Granting of Change of Agent for 2012-13 "Class A" Alcohol Beverage License for the Ultra Mart Foods, LLC, d/b/a Pick'n'Save #6384 to Patrick T. Graves
- C. Approval of 2012-13 Applications for Operator's License for Kyra E. Anderson, Cynthia M. Bakos, Danielle E. Brooks, Wanda M. Emery, Carolyn B. Fournier, Albert Frankenstein, Jena M. Garrett, Dylan D. Hanson, Robert J. Jones, Brooke A. Lehman, Peter J. Lux, Alexandra E. Marshall, Leila E. Mortimer, Alyssa M. Pena, Michael D. Schell, Lori Schwager, Rebecca J. Scuric, Tim J. St. John, Amanda S. Werner, Mark A. Voelz, and Thomas J. Vukelich
- D. Approval of 2012 Application for Temporary Class B Beer Licenses for Knights of Columbus on August 17, 2012 on the Premises located at St. James Parish, 830 CTH NN E
- E. Approval of 2012 Application for Temporary Class B Beer and Wine License for Mukwonago Area Chamber of Commerce on August 17, 2012 on the Premises located at 820 Main St.
- F. Approval of Revised Job Descriptions for Utilities Director, Assistant Utilities Director, and Utilities Operator/Mechanic
- G. Approval of Proration of Vesting of Sick-time Accumulation

Johnson requested the removal of items C and G from the Consent Agenda to be acted on separately. Motion by Fickau/Penzkover to approve the consent agenda as amended carried unanimously. Motion by Sellenheim/Penzkover to approve the 2012-13 applications for Operator's License for Kyra E. Anderson, Cynthia M. Bakos, Danielle E. Brooks, Wanda M. Emery, Carolyn B. Fournier, Albert Frankenstein, Jena M. Garrett, Dylan D. Hanson, Robert J. Jones, Brooke A. Lehman, Peter J. Lux, Alexandra E. Marshall, Leila E. Mortimer, Alyssa M. Pena, Michael D. Schell, Lori Schwager, Rebecca J. Scuric, Tim J. St. John, Mark A. Voelz, and Thomas J. Vukelich carried unanimously. Motion by Sellenheim/Penzkover to approve the proration of vesting of sick-time accumulation as listed in the Memo from the Village Administrator dated July 10, 2012 carried unanimously.

Committee/Commission Reports

Finance Committee

Use Act 102 Funds

Motion by Johnson/Sellenheim to accept the Protective Services Committee recommendation and approve the use of Act 102 funds to purchase a new gear washer for Mukwonago Fire Department contingent upon approval by the Town of Mukwonago carried unanimously.

Resolution 2012-18

Motion by Johnson/Fickau to adopt Resolution 2012-18: *Resolution Amending the 2012 Adopted Budget of the Fire/Ambulance Fund* carried unanimously.

Resolution 2012-19

Motion by Johnson/Penzkover to adopt Resolution 2012-19: *Resolution Amending the 2012 Adopted Budget of the General Fund* carried unanimously.

Resolution 2012-20

Motion by Johnson/Fickau to adopt Resolution 2012-20: *Resolution Amending the 2012 Adopted Budget of the Capital Equipment Fund* carried unanimously.

Resolution 2012-21

Motion by Johnson/Sellenheim to adopt Resolution 2012-21: Resolution Amending the 2012 Adopted Budget of the General Fund carried on a vote of 4 ayes and 1 nay (Johnson voted no). Clerk noted that a member cannot vote against a motion that member made. Motion by Sellenheim/Penzkover to reconsider the adoption of Resolution 2012-21: Resolution Amending the 2012 Adopted Budget of the General Fund carried on a vote of 4 ayes and 1 nay (Fickau voted no). Motion by Sellenheim/Penzkover to adopt Resolution 2012-21: Resolution Amending the 2012 Adopted Budget of the General Fund carried on a vote of 4 ayes and 1 nay (Johnson voted no).

Judicial Committee

Ordinance No. 861

Motion by Johnson/Fickau to adopt Ordinance No. 861: An Ordinance to Amend Sections 38-1 (5)(a), 38-35 (5), and 66-29 and Delete Section 66-3 of the Village of Mukwonago Municipal Code Pertaining to Burning of Yard Waste Within Village Limits with the word "created" changed to "amended" in the introduction sentence to each ordinance change carried unanimously.

Plan Commission

Resolution 2012-16

Motion by Sellenheim/Penzkover to adopt Resolution 2012-16: Conditional Use Permit for Pavilion Structure, Park View Middle School, 930 North Rochester Street, MUKV1964992 carried unanimously.

Resolution 2012-17

Motion made by Sellenheim/Penzkover to adopt Resolution 2012-17: Conditional Use Permit for the Operation of a Veterinary Clinic, Peter Defeo, Vetcor Professional Practices, LLC, 890 Main Street, MUKV2009994. Johnson asked if this is just a name change. Penzkover stated it is an ownership change, and the management will remain the same. Motion carried unanimously.

Protective Services Committee

Recommendation to Approve Emergency Action Plan

Motion by Fickau/Penzkover to approve the Emergency Action Plan with changes submitted carried unanimously.

Update on Status of Repairs of Ladder Truck

Fickau noted that the ladder truck had been out of service since April. It is now back in service. It is nearing the end of its life and options are being reviewed as to purchasing a new one, including a grant. Information only.

Public Works Committee

Award of Contract for Mukwonago River Dam Project

Motion by Penzkover/Sellenheim to award the contract for the Mukwonago River Dam Project to Staab Construction in the amount of \$227,000 carried unanimously.

New Business

Village Administrator

East Troy Railroad Repair of Cty Rd J Tracks

Moderacki stated the East Troy Railroad administrator submitted plans for improvements to the tracks. Information only.

Update on Chatterton Payment

The payment from the Chatterton litigation settlement has been made. Information only.

Village Clerk

2012-13 Election Inspector Appointments

Motion by Penzkover/Fickau to appoint Ken Artlip, Harold Casper, Rick Dehring, Susan Groh, Daniel Houk, Margaret Menzia, Arlene Otto, Richard Otto, Rebecca Phillips, Christopher Randolph, Theresa Steger, and Ken Werner as election inspectors for the 2012-13 election cycle carried unanimously.

Village President

Consideration of Rescheduling of a Second Village Board Workshop Meeting

The Village Board workshop meeting will be rescheduled to Thursday, August 16, 2012, at 4:00 p.m.

National Night Out Proclamation

After Acting President O'Bryan read the proclamation into record, motion by Fickau/Penzkover to endorse the proclamation recognizing August 7, 2012 as National Night Out carried unanimously.

Cancellation of August 7, 2012 Village Board Meeting

Motion by Fickau/Johnson to cancel the August 7, 2012 Village Board meeting to celebrate the National Night Out Event held at Field Park carried unanimously. A special Village Board meeting will be scheduled for August 7 at 5:00 p.m.

Closed Session

Motion by Penzkover/Johnson to convene into closed session at 8:24 p.m. pursuant to Wisconsin Statute **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding potential litigation involving CTH NN multi-use trail cost recovery and to consider information provided by the Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Johnson/Penzkover to adjourn Closed Session and reconvene to open session at 8:54 p.m. carried unanimously.

Motion by Fickau/Sellenheim to authorize the Village Attorney to proceed as discussed in closed session pertaining to CTH NN multi-use trail cost recovery carried unanimously. Motion by Johnson/Penzkover to authorize the hiring of Atty Stan Riffle as special counsel to the Village Board for the potential litigation in regards to the development of the Orchards Subdivision carried unanimously.

Adjournment

Motion by Fickau/Penzkover to adjourn the Village Board meeting at 8:55 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Tuesday, August 7, 2012

Call to Order

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

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

Trustee Excused: Mark Penzkover

Also present: Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Steven Braatz, Jr., Clerk-Treasurer

Announcement of Closed Session

President Winchowky announced that the Board will convene into closed sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision.

New Business

Request by Relay for Life of Mukwonago Planning Committee to Use Field Park on October 6, 2012 for Bark for Life Canine Event to Fight Cancer

Motion by Sellenheim/Johnson to approve the request by Relay for Life of Mukwonago Planning Committee to use Field Park on October 6, 2012 for Bark for Life Canine Event to Fight Cancer and to waive the park rental fee carried unanimously subject to the following conditions:

1. The applicant shall pay the normal park rental deposits of which will be refunded after a post event inspection by the Department of Public Works.
2. There shall be no dogs allowed in the pavilion.

Request by Adopted Kidz, Inc. to Waive Park Rental Fee for Use of Field Park on September 29, 2012

Motion by Sellenheim/Decker to approve the request by Adopted Kidz, Inc. to waive the park rental fee for the use of Field Park on September 29, 2012 carried unanimously subject to the following condition:

1. The applicant shall pay the normal park rental deposits of which will be refunded after a post event inspection by the Department of Public Works.

Vouchers Payable

Motion by Johnson/Decker to approve the vouchers payable from various funds in the amount of \$254,265.72 carried unanimously.

Approval of 2012-13 Applications for Operator's License for Daniel S. Bednarek, William J. Kaul, and Michele L. Nero

Motion by Fickau/Johnson to approve the 2012-13 applications for operator's license for Daniel S. Bednarek, William J. Kaul, and Michele L. Nero carried unanimously.

Closed Session

Motion by Fickau/Decker to convene into closed session at 5:07 p.m. pursuant to Wisconsin Statute **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding potential litigation involving CTH NN multi-use trail cost recovery and to consider information provided by the Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Sellenheim/Decker to adjourn Closed Session and reconvene to open session at 5:21 p.m. carried unanimously.

Motion by Winchowky/Decker to approve and authorize the Village Administrator to sign the Notice to Lot Owners document submitted by the Village Attorney subject to minor changes as deemed necessary by the Village Attorney carried unanimously.

Adjournment

Motion by Decker/Sellenheim to adjourn the Village Board meeting at 5:23 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, August 21, 2012

Call to Order

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

Roll Call

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

Also present: Jeff Stien, Fire Chief
Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Judy Taubert, Administrative Clerk I

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 sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(g)** pertaining to discussion with Village Attorney concerning possible litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision.

Approval of the Minutes

Motion by Fickau/Johnson to approve the minutes for the July 17, 2012 regular Board meeting and the August 7, 2012 special Board meeting as presented carried unanimously.

Reports

President Winchowky noted the 2012 July Treasurer, Vehicle, Police, Ambulance, Fire, 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
- B. Approval of 2012-13 Applications for Operator's License for Patricia A. Engelke and Delinda A. Quintero
- C. Adoption of **Resolution 2012-23**: 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

- D. Adoption of **Resolution 2012-24**: A Resolution Accepting the Caine Test Well Pumping Test Results and Recommendations
 - E. Accept Request by Heidi Horan to Temporarily Close Macintosh Way and Provide Barricades for Orchards Subdivision Block Party on September 15, 2012
 - F. Deny Request by Richard McNally to Waive Penalty on 2012 2nd Quarter Utility Bill for 1219 Riverton Drive Based on No Errors by Village Staff in Mailing the Utility Bill
- Motion by Fickau/Decker to approve the consent agenda as presented carried unanimously.

Committee/Commission Reports

Health and Recreation

Update on Born Learning Trail

Sellenheim gave an update on the Born Learning Trail. The installation of the trail at Miniwauken Park will be Saturday, September 22. It is being sponsored and paid for by Pro Health Care and coordinated by the United Way volunteers from 9-1. The ribbon cutting will be Wednesday, September 26 from 6-7 p.m. at Miniwauken Park.

Personnel Committee

Job Descriptions for Administrator, Clerk-Treasurer, Finance Director

Item held in Committee.

Appointment of Finance Director

Item held in Committee.

Resolution 2012-25

Item held in Committee.

Protective Services Committee

Possible Removal of Stop Signs at Blood St./Shore Dr., Spring/Lake Streets, and Spring St./Crestview Ln.

Fickau reported that there was a discussion and recommendation to leave in committee until more information has been received. Fickau asked that President Winchowky attend the next Protective Service Meeting. Meeting will be September 17, 2012 at 5:30 p.m. to be held in a separate meeting room at the Town Hall. The joint meeting with the Town will start at 6:00 p.m.

Mukwonago Police Department Computer Equipment Room and Call Center Office Remodel and Renovation Projects

Motion by Fickau/Johnson to award the contract for the Mukwonago Police Department Computer Equipment Room and Call Center Office Remodel and Renovation Projects to Campbell Construction in the amount of \$31,025.00 and add waiver of permit fees carried unanimously.

Possible Billing for Grass Fire on July 4, 2012 at Laurens Parkway

Motion by Fickau/Johnson to allow billing for the grass fire on July 4, 2012 at Laurens Parkway contingent on the Town also approving billing carried unanimously.

Public Works Committee

Resolution 2012-22

Motion by Penzkover/Fickau to adopt Resolution 2012-22: A Resolution Authorizing an Increase in the Sanitary Sewer Quarterly Fixed Charge. Decker asked if the increase is residential & commercial. O'Bryan replied yes. Johnson concerned regarding complaints that the water bills are going up. Fickau commented that it is the sewer charge that is going up not the water. Motion carried unanimously.

Orchard of Mukwonago Street Rehabilitation and Utility Adjustments Project

Motion by Penzkover/Sellenheim to award the contract for the Orchard of Mukwonago Street Rehabilitation and Utility Adjustments Project to Payne & Dolan in the amount of \$334,463.50 contingent on potential items to discussed in closed session. Reilly said to add that the contract not be delivered to contractor unless the Village President approves delivery depending upon results of negotiations. Motion carried unanimously

New Business

Village President

Vision and Mission Statements

Motion by Winchowky/Decker to approve the Vision Statement to read as follows, “ *A safe and enjoyable place to live, learn, work and play.*” and the Mission Statement to read as follows, “*To maintain a village atmosphere with city amenities through planned, sustainable growth and visionary leadership.*” carried unanimously.

Setting of Budget Workshop Dates

There will be a joint meeting with the town to discuss the Fire Department contract and revised agreement for joint rec program proposal. The Village will have a workshop on September 25th at 4:00 p.m. and Monday, October 1, 2012 at 5:00 p.m. If necessary, Tuesday, October 23, 2012 at 4:00 p.m.

Closed Session

Motion by Fickau/Decker to convene into closed session at 8:04 p.m. pursuant to Wisconsin Statute **§19.85(1)(g)** pertaining to discussion with the Village Attorney regarding potential litigation and/or strategy to be adopted in regards to the development of the Orchards Subdivision carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Sellenheim/Decker to adjourn Closed Session and reconvene to open session at 8:40 p.m. carried unanimously.

Motion by Winchowky/Johnson to direct the Village Attorney to contact the Developer and work through details of the agreement as discussed in closed session to come back at the September 18th meeting. Vote for direction passed with 6 ayes and 1 nay (O'Bryan voted no)

Adjournment

Motion by Winchowky/Decker to adjourn the Village Board meeting at 8:44 p.m. carried unanimously.

Respectfully Submitted,
Judith A. Taubert
Administrative Clerk I

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, September 4, 2012

Call to Order

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

Roll Call

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

Trustee excused: Jim Decker

Also present: Steve LaDue, Police Lieutenant
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Shawn Reilly, Village Attorney
Dean Falkner, Utilities Director
Nick Weber, Library Director
Cathy Millard, Accounting Tech

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 sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(e)** pertaining to the purchase of property for Well #7.

Approval of the Minutes

Motion by Fickau/Johnson to approve the minutes for the August 21, 2012 regular Board meeting as presented carried unanimously.

Comments from the Public

None.

Consent Agenda

- A. Approval of Vouchers Payable in the amount of \$195,020.10
- B. Approval of 2012-13 Applications for Operator's License for Shailesh Patel, Adam J. Staffeldt, and Tina M. White
- C. Approval of 2012 Application for Temporary Class B Beer Licenses for Sons of the American Legion Post #375 on September 15, 2012 on the Premises located at Field Park, 931 N. Rochester St.

Motion by Fickau/Penzkover to approve the consent agenda as presented carried unanimously.

New Business

Village Engineer

Dam Improvements – CDBG Grant Contract Approval

Motion by Penzkover/Sellenheim to approve the CDBG grant agreement between Waukesha County and the Village of Mukwonago for the Mukwonago Dam Improvement Project carried unanimously.

Closed Session

Motion by Fickau/Penzkover to convene into closed session at 7:35 p.m. pursuant to Wisconsin 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 the purchase of property for Well #7 carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Penzkover/Sellenheim to adjourn Closed Session and reconvene to open session at 7:52 p.m. carried unanimously.

Motion by Penzkover/Sellenheim to authorize the Village Attorney to proceed with the purchase of property for Well #7 as discussed in closed session and authorize the expense up to \$4,000 for incidentals carried unanimously.

Adjournment

Motion by O'Bryan/Sellenheim to adjourn the Village Board meeting at 7:53 p.m. carried unanimously.

Respectfully Submitted,

Cathy Millard
Accounting Tech

MINUTES OF JOINT MEETING
TOWN OF MUKWONAGO BOARD
VILLAGE OF MUKWONAGO BOARD
Monday, September 17, 2012 – 6:00 p.m.

Chairman Dubey called the Town Board to order at 6:08 p.m. and Steve Braatz called the Village Board to order at 6:08 p.m.

PRESENT:

TOWN: Chairman Dubey; Supervisors Boucher, Nicoson, Stefanowski, Topczewski; Kathy Karalewitz, Administrator/Clerk-Treasurer; Toby Monogue, Parks and Recreation Director.

VILLAGE: President Winchowky; Trustees Decker, Fickau, Johnson, O'Bryan, Penzkover, Sellenheim, Paul Moderacki, Administrator; Steve Braatz, Clerk-Treasurer; Diana Doherty, Finance Director; Tom Brandemuehl, Public Works Supervisor; Jeff Stien, Fire Chief.

ANNOUNCEMENT OF CLOSED SESSION

Chairman Dubey stated the Boards may go into closed session pursuant to Wis. Stats. 19.85(1)(c) regarding possible amendment for Fire Chief employee contract.

Motion by Supervisor Boucher, second by Supervisor Topczewski to strike items A, B, I and J from the agenda. Chairman Dubey and Supervisor Stefanowski voted "no". Supervisors Boucher and Topczewski voted "aye". Supervisor Nicoson abstained. Motion failed.

REQUEST BY ALEX WHITTOW TO RECONSIDER FIRE SERVICES BILL

Chairman Dubey read the letter dated July 31, 2012 from Alex Whittow regarding Fire Services bill.

TOWN: Motion by Supervisor Boucher, second by Supervisor Stefanowski to waive the \$621 charge for Mukwonago Fire Department services resulting from a minor accident that occurred on April 7, 2012. Chairman Dubey and Supervisor Topczewski, two (2) in all voted no. The rest, three (3) in all voted "aye"; motion carried.

VILLAGE: Motion by Trustee Fickau, second by Trustee O'Bryan to waive the \$621 charge for Mukwonago Fire Department services resulting from a minor accident that occurred on April 7, 2012. Trustee Penzkover voted "no" The rest, six (6) in all voted "aye"; motion carried.

Paul Moderacki to notify the billing company and have the bill withdrawn and notify the resident and the Town that EBIX has been notified.

REQUEST BY RYAN BIANKOWSKI TO RECONSIDER FIRE SERVICES BILL

Motion by Supervisor Boucher to deny the request to waive the fire services bill. Motion failed for lack of second.

TOWN: Motion by Supervisor Nicoson, second by Supervisor Stefanowski to waive the \$621 charge for Mukwonago Fire Department services resulting from a minor accident that occurred

on August 19, 2012. Supervisors Boucher and Topczewski, two (2) in all voted no. The rest, three (3) in all voted aye; motion carried.

VILLAGE: Motion by Trustee Sellenheim, second by Trustee Johnson to waive the \$621 charge for Mukwonago Fire Department services resulting from a minor accident that occurred on August 19, 2012. Trustees Decker, Fickau and Penzkover voted "no". The rest, four (4) in all voted "aye". motion carried.

Paul Moderacki to notify Ryan Biankowski the fee will be waived.

VILLAGE CONTRACTING WITH TOWN OF MUKWONAGO RECREATION DEPT
Trustee Sellenheim gave an overview of a phased in plan for a Joint Recreation Department between the Town and the Village. Discussion was held.

VILLAGE: President Winchowky asked for a vote on the concept from the Village Board. Seven (7) in all stated "yes" to the concept, subject to making the numbers work within the village budget and a written agreement between the Town and the Village.

TOWN: Chairman Dubey asked for a vote on the concept from the Town Board. Five (5) in all stated "yes" to the concept, subject to a written agreement between the Town and Village.

RESOLUTION AMENDING THE 2012 ADOPTED BUDGET OF THE GENERAL FUND

VILLAGE: Motion by President Winchowky, second by Trustee Decker to adopt the Resolution Amending the 2012 Adopted Budget of the Fire/Ambulance Fund. All ayes; motion carried.

TOWN: Motion by Supervisor Boucher, second by Supervisor Nicoson to adopt the Resolution Amending the 2012 General Fund by increasing operating expenses for the ambulance fund by \$3,984 and decrease the general fund surplus by \$3,984. All ayes; motion carried.

REVIEW OF EXPENDITURES AND REVENUES YEAR TO DATE

Diana Doherty gave a review of the revenues and expenditures year to date.

7:52 P.M. CLOSED SESSION

TOWN: Motion by Supervisor Topczewski, second by Supervisor Stefanowski to convene into closed session pursuant to Wis Stats 1985(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 possible amendment for Fire Chief employee contract. All ayes; motion carried.

VILLAGE: Motion by Trustee Penzkover, second by Trustee Sellenheim to convene into closed session pursuant to Wis Stats 1985(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 possible amendment for Fire Chief employee contract. All ayes; motion carried.

The Village Board and Town Board reconvened into open session for discussion and/or action concerning any items discussed in closed session and/or any unfinished item remaining on the agenda.

Motion by Supervisor Boucher, second by Supervisor Topczewski to waive the second year of probation for the Fire Chief and modify the annual salary to \$70,000 effective November 28, 2012. All ayes; motion carried.

Motion by Trustee Penzkover, second by Trustee Decker to waive the second year of probation for the Fire Chief and modify the annual salary to \$70,000 effective November 28, 2012. All ayes; motion carried.

2013 FIRE/AMBULANCE OPERATION AND CAPITAL BUDGETS

Chief Stien went through the requests of the 2013 Fire/Ambulance Operation and Capital Budgets.

REVIEW OF JOINT FIRE DEPARTMENT AGREEMENT REVISIONS

Kathy Karalewitz to get the correct version of the Joint Fire Department Agreement with revisions and work with Steve Braatz to set a joint meeting between the Town and the Village to review the Agreement.

ADJOURNMENT

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

Motion by Trustee Johnson, second by Trustee Decker to adjourn at 9:00 p.m. All ayes; motion carried.

Respectfully submitted,

Kathy Karalewitz
Administrator/Clerk-Treasurer
Town of Mukwonago

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, September 18, 2012

Call to Order

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

Roll Call

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

Also present: Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Paul Moderacki, Administrator
Nick Weber, Library Director
Kurt Peot, Engineer
Bruce Kaniewski, Planner
Steven Braatz, Jr., Clerk-Treasurer

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 sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(g)** to Consider Correspondence from the Village Attorney Concerning an Update on the First Congregational Church of Mukwonago vs. Village of Mukwonago Litigation and to Consider Correspondence from the Village Attorney Concerning Possible Litigation and/or Strategy to be Adopted in Regards to the Development of the Orchards Subdivision.

Approval of the Minutes

Motion by Fickau/Decker to approve the minutes for the September 4, 2012 regular Board meeting as presented carried unanimously.

Reports

President Winchowky noted the 2012 August Treasurer, Vehicle, Police, Ambulance, Fire, 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 \$162,916.06
- B. Approval of 2012-13 Applications for Operator's License for Daniel R. Becker, Sarah M. Hotz, David L. Schindler, and Ashley M. Suminski
- C. Approval of 2012-13 Application for Operator's License for Joseph R. Haines Based on Judicial Committee Recommendation

- D. Deny Request by Michael Oberthaler for Waiver or Reduction in 2012 2nd Quarter Utility Bill Sanitary Sewer Charge for 1000-02 CTH NN E Based on Public Works Committee Recommendation

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

Committee/Commission Reports

Finance Committee

Baker Tilly Contract

Motion by Johnson/Decker to approve the Confirmation of Understanding of Terms and Objectives of Services with Baker Tilly as Independent Auditors for Years Ended December 31, 2012-2014 carried unanimously.

Health and Recreation Committee

Request by Jack Armstrong to Convert Field Park Tennis Courts into Pickleball Courts

Item remains in Committee.

Judicial Committee

Ordinance No. 858

Motion made by Decker/Johnson to adopt Ordinance No. 858: *An Ordinance to Create Section 54-54 of the Village of Mukwonago Municipal Code Pertaining to the Prohibition of Misuse of Emergency Towers*. Chief Schmidt explained this ordinance allows the Police Department to issue tickets for the misuse of the blue-light emergency towers. Motion carried unanimously.

Personnel Committee

Job Descriptions

O'Bryan suggested amending the Finance Director job description to list the salary as to be determined. Motion made by O'Bryan/Sellenheim to approve the job descriptions for Administrator and Clerk-Treasurer as presented and the Finance Director job description as amended. Johnson stated there was discussion at the Committee regarding listing in these job descriptions which positions each department head supervises. However, each job description lists who the person reports to. Motion carried unanimously.

Resolution 2012-25

Motion by O'Bryan/Sellenheim to adopt Resolution 2012-25: *A Resolution Amending the Village of Mukwonago Wage Schedule for the Non-Represented Full-Time Accountant* carried unanimously.

Plan Commission

Extraterritorial Certified Survey Map for the Property located at W278S8855 Lakeside Dr. in the Town of Vernon, Owned by Roy Everett

Motion by Winchowky/Decker to accept the Plan Commission recommendation and approve the extraterritorial Certified Survey Map for the property located at W278S8855 Lakeside Dr. in the Town of Vernon, owned by Roy Everett subject to approvals by the Town of Vernon and Waukesha County carried unanimously.

YMCA Request to Amend the B-4 PUD Zoning Code

Motion by Sellenheim/Penzkover to accept the Plan Commission recommendation and authorize staff to make amendments to the sign requirements for buildings 55,000 square feet or greater carried on a vote of 6 ayes and 1 nay (Decker voted no).

Protective Services Committee

Report and Recommendation by the Police Department on the Possible Removal of Stop Signs at Blood St./Shore Dr., Spring/Lake Streets, and Spring St./Crestview Ln.

Item remains in Committee.

Public Works Committee

Field Park Project Sod Restoration

Motion by Penzkover/O'Bryan to award the restoration of sod to affected properties in the Field Park project to the best qualified contractor who also falls under the requirements of the contract with the costs of restoration deducted from the retainer of Merryman Excavation carried unanimously (Fickau abstained).

Closed Session

Motion by Penzkover/Decker to convene into closed session at 8:09 p.m. pursuant to Wisconsin Statute **§19.85(1)(g)** to Consider Correspondence from the Village Attorney Concerning an Update on the First Congregational Church of Mukwonago vs. Village of Mukwonago Litigation and to Consider Correspondence from the Village Attorney Concerning Possible Litigation and/or Strategy to be Adopted in Regards to the Development of the Orchards Subdivision carried unanimously upon roll call vote.

Discussion held in closed session. Motion by Johnson/Sellenheim to adjourn Closed Session and reconvene to open session at 8:25 p.m. carried unanimously.

Motion by Decker/Sellenheim to approve the settlement agreement between the Village of Mukwonago, More Fund LLC and MLG Real Estate 2002 LLC as discussed in closed session on a vote of 6 ayes and 1 nay (Penzkover voted no).

Adjournment

Motion by Decker/Penzkover to adjourn the Village Board meeting at 8:26 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, October 2, 2012

Call to Order

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

Roll Call

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

Also present: Nick Weber, Library Director
Jeff Stien, Fire Chief
Kevin Schmidt, Police Chief
Tom Brandemuehl, DPW Supervisor
Dean Falkner, Utilities Director
Ken Pileggi, Police Sergeant
Rob Buikema, Village Personnel Attorney
Steven Braatz, Jr., Clerk-Treasurer

Pledge of Allegiance

Boy Scout Tristan Wilson led the Village Board recited the Pledge of Allegiance.

Announcement of Closed Session

President Winchowky announced that the Board will convene into closed sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(c) and (e)** to Consider Administrative Contract and Performance Evaluation.

Approval of the Minutes

Motion by Fickau/Decker to approve the minutes for the September 18, 2012 regular Board meeting as presented carried unanimously.

Comments from the Public

None

Consent Agenda

- A. Approval of Vouchers Payable in the amount of \$123,009.62
- B. Approval of 2012-13 Applications for Operator's License for Dayna J. Danielson, Charu Gupta, and Nicholas V. Klokner
- C. Approval of 2012-13 Application for Class A Fermented Malt Beverage License for Genesis Gas Inc., Manoj Gupta (Agent), 201 N. Rochester St., d/b/a Village Mini Mart

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

Committee/Commission Reports

Finance Committee

Request from Village President to Authorize Donation to Pyramax Bank for Mukwonago Dog Park Fundraiser

Motion made by Johnson/Penzkover to authorize an expenditure of \$1,000 as a donation to the Mukwonago Dog Park Fundraiser for a proposed dog park in Mukwonago County Park and sponsored by Waukesha County. Fickau said \$1,000 was too strong and would prefer \$500. Sellenheim noted that many Village residents want a dog park and this would be showing support by the Village. Fickau stated that the park would not be that close. Motion carried on a vote of 6 ayes and 1 nay (Fickau voted no).

Closed Session

Motion by Decker/Johnson to convene into closed session at 7:51 p.m. pursuant to Wisconsin Statute **§19.85(1)(c) and (e)** to Consider Administrative Contract and Performance Evaluation.

Discussion held in closed session. Motion by Decker/Fickau to adjourn Closed Session and reconvene to open session at 9:27 p.m. carried unanimously.

Motion by Decker/Sellenheim to authorize the Personnel Attorney to proceed as discussed in closed session carried unanimously.

Adjournment

Motion by Decker/Johnson to adjourn the Village Board meeting at 9:28 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Tuesday, October 8, 2012

Call to Order

Village President Fred Winchowky called the meeting to order at 5:02 p.m.

Roll Call

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

Also present: Rob Buikema, Village Personnel Attorney
 Nancy Pirkey, Village Personnel Attorney
 Diana Doherty, Village Accountant
 Steven Braatz, Jr., Clerk-Treasurer

Motion by Fickau/O'Bryan to convene into closed session at 5:03 p.m. pursuant to Wisconsin Statute **§19.85(1)(c) and (e)** to Consider Administrative Contract and performance evaluation and compensation of Village Accountant and proposed appointment of Finance Director.

Discussion held in closed session. Motion by Decker/Johnson to adjourn Closed Session and reconvene to open session at 6:49 p.m. carried unanimously.

Motion by Decker/Sellenheim to direct the Personnel Attorney to proceed as discussed in closed session pertaining to the Administrative Contract and performance evaluation carried unanimously.

Motion by Decker/Johnson to appoint Diana Doherty as Finance Director with a salary to be determined carried unanimously.

Adjournment

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

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, October 16, 2012

Call to Order

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

Roll Call

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

Also present: Jeff Stien, Fire Chief
Kevin Schmidt, Police Chief
Jeff Belongia, Village Financial Advisor
Shawn Reilly, Village Attorney
Nick Weber, Library Director
Dean Falkner, Utilities Director
Bruce Kaniewski, Planner
Kurt Peot, Village Engineer
Steven Braatz, Jr., Clerk-Treasurer

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 sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(c) and (e)** to Consider Administrative Contract and Performance Evaluation.

Public Hearing

Public hearing for proposed ordinance to amend Section 100-155(l)(3)d. of the Municipal Code of the Village of Mukwonago pertaining to Planned Unit Developments within the B-4 Zone opened at 7:31 p.m. No one appeared for or against. Public hearing closed at 7:32 p.m.

Action Item: Ordinance No. 862

Motion made by Decker/Johnson to adopt Ordinance No. 862: *An Ordinance to Amend Section 100-155(l)(3)d. of the Municipal Code of the Village of Mukwonago Pertaining to Planned Unit Developments Within the B-4 Zone*. Reilly explained the only change was changing the square footage from 90,000 to 55,000. Motion carried unanimously.

Reports

President Winchowky noted the 2012 September Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports and the 3rd Quarter Recycling Report are available for public inspection in the Clerk's Office.

Presentation of Proclamations

After President Winchowky read the proclamation into record, motion by Johnson/Decker to endorse the proclamation recognizing November 2012 as Pancreatic Cancer Awareness Month carried unanimously.

After President Winchowky read the certificate of achievement into record, motion by Johnson/Decker to endorse the certificate to Austin Michael Kramer, Boy Scout Troop 26, 615 Minors Drive, for receiving the Eagle Scout Award carried unanimously.

Comments from the Public

None

Consent Agenda

- A. Minutes for the September 17, 2012 Joint Village/Town Board, October 2, 2012 Regular, and October 8, 2012 Special Meetings
- B. Approval of Vouchers Payable
- C. Approval of 2012-13 Applications for Operator's License for Spencer M. Kranz and Linda M. Rome
- D. Approval of Service Agreement with the Humane Animal Welfare Society of Waukesha County

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

Committee/Commission Reports

Finance Committee

Resolution 2012-27

Motion by Johnson/Decker to adopt Resolution 2012-27: *Resolution Amending the Bail Bond Schedule as Set by the Municipal Judge of the Village of Mukwonago Pertaining to Misuse of Emergency Tower* carried unanimously.

Resolution 2012-28

Motion by Johnson/Decker to adopt Resolution 2012-28: *Resolution Authorizing the Issuance and Sale of \$3,620,000 General Obligation Refunding Bonds (TID #3)* carried unanimously.

Health and Recreation Committee

Request by Jack Armstrong to Convert Field Park Tennis Courts into Pickleball Courts

Item remains in Committee.

Washington Park Development: Idea of Sponsoring a Playground at the Library Park by Joe and Karen McAdams

Item remains in Committee.

Park Planning Discussion for 2013 – Improvements/ Needs/ Priorities/ Comprehensive Outdoor Recreation Plan

Item remains in Committee.

Protective Services Committee

Report and Recommendation by the Police Department on the Possible Removal of Stop Signs at Blood St./Shore Dr., Spring/Lake Streets, and Spring St./Crestview Ln.

Item died in committee.

Request by Michelle Birnbaun to Reconsider a Fire Services Bill

Item remains in Committee.

Request by Kristin Karczewski to Reconsider a Fire Services Bill

Item remains in Committee.

Village of Palmyra Intercept Agreement

Motion made by Fickau/Johnson to approve the Agreement to Provide Paramedic Intercept Services between the Village and Town of Mukwonago and the Village of Palmyra. Johnson asked about the distance to Palmyra. Chief Stien noted that we would not pull our personnel off of duties within our jurisdiction and would decline the call. Motion carried unanimously.

Change in Paid-on-call Rates of Pay

Item remains in Committee.

Allowing Mukwonago Fire Department Officers onto Wisconsin Retirement System

Item will be placed on the joint Village/Town Board meeting.

Public Works Committee

Resolution Pertaining to Well #7 Operations and the Impact on Neighboring Properties

Motion made by Johnson/Decker to adopt Resolution 2012-29: *A Resolution to Adopt a Policy Pertaining to Well #7 and Potential Impacts on Neighboring Properties*. Decker asked what would happen if the property owner does not allow us to inspect their well. Reilly answered we will not inspect. Motion carried unanimously.

Proposal to Swap Utility Vehicles with Public Works Department and Sell Other Utility Vehicles

Motion made by Penzkover/Decker to authorize the selling of the one ton utility truck and use the proceeds to purchase a plow for the sewer utility. Johnson asked Falkner if there is a plow in mind. Falkner answered there is one but needs to get quotes. Motion carried unanimously.

New Business

Police Chief

Request by VFW to Install Flag Pole near Veterans Memorial on S. Rochester St.

Motion made by Decker/Sellenheim to approve the request by the VFW to erect a flag pole near the Veterans Memorial on S. Rochester St. O'Bryan asked if permits were going to be needed. Schmidt answered there will not be permits needed because there will not be any electric required. Motion carried unanimously.

Fire Chief

Peter Pirsch Fire Vehicle Donation

A resolution shall be created for the next meeting to authorize the Village Board to transfer ownership of the Peter Pirsch Fire Vehicle to the Mukwonago Fire Department Association.

Village Clerk

Election Inspector Appointment

Motion by Decker/Winchowky to appoint Kathy Bourget as election inspector for the 2012-13 election cycle carried unanimously.

2012 Population

Motion by Decker/Penzkover to accept the Village of Mukwonago 2012 population estimates of 7,281 for the Waukesha County portion and 109 for the Walworth County portion carried unanimously.

Village President

Cancellation of November 6, 2012 Village Board Meeting

Motion by Sellenheim/Johnson to cancel the regular Village Board meeting on November 6, 2012 due to the election carried unanimously.

Closed Session

Motion by Decker/Johnson to convene into closed session at 8:28 p.m. pursuant to Wisconsin Statute **§19.85(1)(c) and (e)** to Consider Administrative Contract and Performance Evaluation.

Discussion held in closed session. Motion by Decker/Johnson to adjourn Closed Session and reconvene to open session at 8:41 p.m. carried unanimously. No action taken on closed session item.

Adjournment

Motion by Johnson/Decker to adjourn the Village Board meeting at 8:42 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

**MINUTES OF THE SPECIAL JOINT VILLAGE BOARD
AND TOWN BOARD MEETING
Monday, October 22, 2012**

Call to Order

Town Chairman Dave Dubey and Village President Fred Winchowky called the Special Joint Town Board and Village Board meeting to order at 6:30 p.m.

Roll Call

Trustees present:

- Arnold Fickau
- Darlene Johnson
- Jim Decker
- Mark Penzkover
- Dennis O'Bryan
- Mike Sellenheim
- Fred Winchowky, President

Supervisors present:

- Ruth Ann Nicoson
- Lyle Boucher
- Tom Stefanowski
- Peter Topczewski
- Dave Dubey, Town Chairperson

Also present:

- Jeff Stien, Fire Chief
- Kathy Karalewitz, Town Administrator/Clerk-Treasurer
- Diana Doherty, Village Finance Director
- Steven Braatz, Jr., Clerk-Treasurer

Update on Dam Project

Penzkover gave an update. Project near completion and came in under budget.

Change in Paid-on-Call Rates of Pay

Village: Motion by O'Bryan/Decker to clarify the salary change for Fire Chief Stien to begin the pay period after October 28, 2012 carried unanimously.

Town: Motion by Boucher/Nicoson to clarify the salary change for Fire Chief Stien to begin the pay period after October 28, 2012 carried unanimously.

Chief Stien proposed a change to the rates of pay for paid-on-call personnel. He would like to pay average rates rather than separate rates for the different duties they provide. He would like to start it as soon as possible. Both Boards were in agreement but would like the Personnel Attorney to review to determine if it is legal to do. Item will be referred to Protective Services Committee.

Allowing Mukwonago Fire Department Officers onto Wisconsin Retirement System

Chief Stien proposed removing the restriction of hours for command staff to allow them the opportunity to go onto the Wisconsin Retirement System. Both Boards were in agreement but would like the Personnel Attorney to review to determine if it is legal to do.

Amended Joint Fire Department Agreement between the Village and Town of Mukwonago

Boucher presented the latest version of the amended Joint Fire Department Agreement between the Village and Town of Mukwonago. Town Attorney John Macy had reviewed it. Boards discussed and recommended changes regarding budgeting. Item will be referred to Protective Services Committee for final review.

Discussion regarding the 2013 Fire Department Budget

Chief Stien presented the proposed 2013 Fire/Ambulance revenue and expenditure budgets. Discussions included officer stipends for Chief extended absence, ambulance county collections, Ebix ambulance revenues, and proposed new ladder truck. Ebix revenues are down \$181,000 from prior year due to overestimation in the past. Discussion on funding of ladder truck included the possibility of a 10 year lease. Town needs to determine funding, and both Boards will discuss the need at their respective workshops the following night.

Adjournment

Motion by Winchowky/O'Bryan to adjourn the Village Board meeting at 9:30 p.m. carried unanimously. Motion by Nicoson/Stefanowski to adjourn the Town Board meeting at 9:30 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE SPECIAL VILLAGE BOARD MEETING

Tuesday, October 23, 2012

Call to Order

Village President Fred Winchowky called the meeting to order at 7:06 p.m.

Roll Call

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

Also present: Rob Buikema, Village Personnel Attorney
 Steven Braatz, Jr., Clerk-Treasurer

Motion by Decker/Sellenheim to convene into closed session at 7:07 p.m. pursuant to Wisconsin Statute **§19.85(1)(c) and (e)** for Discussion with Personnel Attorney of Status of Administrator Contract.

Discussion held in closed session. Motion by Decker/Fickau to adjourn Closed Session and reconvene to open session at 7:50 p.m. carried unanimously.

Motion by Decker/Sellenheim to accept the resignation by Paul Moderacki as Village Administrator pursuant to the terms discussed in closed session carried unanimously.

Adjournment

Motion by Decker/O'Bryan to adjourn the special Village Board meeting at 7:51 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

**MINUTES OF THE SPECIAL JOINT VILLAGE BOARD
AND TOWN BOARD MEETING
Tuesday, October 30, 2012**

Call to Order

Town Chairman Dave Dubey and Village President Fred Winchowky called the Special Joint Town Board and Village Board meeting to order at 5:30 p.m.

Trustees present:

- Arnold Fickau
- Darlene Johnson
- Jim Decker
- Mark Penzkover
- Dennis O'Bryan
- Mike Sellenheim
- Fred Winchowky, President

Supervisors present:

- Ruth Ann Nicoson
- Lyle Boucher
- Tom Stefanowski
- Peter Topczewski
- Dave Dubey, Town Chairperson

Also present:

- Jeff Stien, Fire Chief
- Kathy Karalewitz, Town Administrator/Clerk-Treasurer
- Diana Doherty, Village Finance Director
- Steven Braatz, Jr., Village Clerk-Treasurer

New Business

Financing for Proposed Fire Department Ladder Truck

Discussion on the Town financing of the proposed Fire ladder truck. No action taken.

Adjournment

Motion by Penzkover/Decker to adjourn the Village Board meeting at 6:30 p.m. carried unanimously. Motion by Nicoson/Stefanowski to adjourn the Town Board meeting at 6:30 p.m. carried unanimously.

Respectfully Submitted,

Kathy Karalewitz
Town Administrator/Clerk-Treasurer

MINUTES OF THE 2013 BUDGET HEARING AND SPECIAL VILLAGE BOARD MEETING

Thursday, November 15, 2012

Call to Order

Village President Fred Winchowky called the meeting to order at 7:00 p.m.

Roll Call

Trustees present: Arnold Fickau
Darlene Johnson
Jim Decker
Mark Penzkover
Mike Sellenheim
Fred Winchowky, President

Trustee Excused: Dennis O'Bryan

Also present: Bruce Kaniewski, Planner
Kurt Peot, Village Engineer
Jeff Stien, Fire Chief
Dean Falkner, Utilities Director
Kevin Schmidt, Police Chief
Tom Brandemuel, Public Works Supervisor
Nick Weber, Library Director
Diana Doherty, Village Finance Director
Steven Braatz, Jr., Clerk-Treasurer

Public Hearing – Proposed 2013 Budget

Public hearing opened at 7:31 p.m.

Clerk-Treasurer Steve Braatz and Finance Director Diana Doherty gave a presentation on the 2013 budget. Highlights include:

- Loss of an additional \$60,585 from State Transportation Aid and Shared Revenue.
- Loss of \$14,100 for Fire House Rent due to new Fire Department Agreement with Town.
- Shifted \$44,600 in smaller dollar, recurring equipment purchases from capital equipment fund to operating budgets to properly classify non-capital purchases that in the past have been included with capital purchases.
- Increase of \$129,470 in tax levy for Fire Department due to over estimation of ambulance revenues in prior years (\$98,670 reduction in Village share) and increase in expenditures (\$30,802) due to contractual salary and compensation increases and moving non-capital purchases to operations.
- Village-wide revaluation completed in 2012, causing the assessing costs to drop back to normal, a reduction of \$36,600 in expenditures from the 2012 budget.
- Employee contribution to pension increased from 5.8% to 6.85% of salary (excluding Police and Fire).
- Health insurance premiums increased 3.3% from the State insurance.
- Addition of \$34,350 in expenditures for joint venture/contract with Town of Mukwonago Recreation Department.
- Addition of \$45,000 in expenditure toward Economic Development to assist STH 83 SAC downtown redevelopment planning process.

- Addition of \$115,000 in revenue due to shifting \$50 of the \$167 garbage/recycling cost to residents who use garbage/recycling service as an annual fee. Combined with other aspects of the budget, this will result in a reduction of \$102,772 in the property tax levy for the Refuse Collection Fund.
- The property tax levy for Operations and Capital Purposes increased \$43,129 or .91% of the total levy.
- Total Tax Base for 2012 Taxes payable in 2013 is \$689,525,100, a decrease of \$67,151,100, or 8.89% over 2011.
- For Waukesha County properties, an owner of property whose assessment dropped more than 9.6% of the 2011 assessment would see a reduction in taxes.

Proposed two amendments:

FIRE DEPARTMENT FUND

- Reduction of \$6,782 out of salaries.
- Offsetting revenue - Reduction of \$6,782 out of ambulance county collections.

CAPITAL EQUIPMENT FUND

- Reduction of \$12,950 for street sweeper expense.
- Offsetting revenue - Reduction of \$ 12,950 from Transfer from Designated Funds.

Citizen Comments:

Elliot Bakst, 1212 Western Tr. – Spoke against the recycling fee. Wants the Board to promise not to add this fee.

Don Kazmier, 1210 Riverton Dr. – Spoke against the recycling fee.

Ryan Ziegler, 1330 Cider Ci. – Spoke against the recycling fee. Cannot deduct it on income taxes. Spoke in support of the Park and Recreation contract with the Town of Mukwonago.

Denis Madox, 980 Bay View Ci. – Spoke against the recycling fee. The Board should decrease expenditures.

Colleen Farmer, 1445 Applewood Ci. – Spoke against the recycling fee. Wants a more detailed budget on the Village website.

Donna Rush, 933 Kims Ln. – Spoke against the recycling fee. Presented a letter.

Mary Pires, 1128 Eastern Tr. – Complimented Clerk-Treasurer Braatz on the budget presentation. Wants a more detailed budget on the Village website. Concerned with the Park and Recreation contract with the Town of Mukwonago and the fact it is not being fully recouped by fees. Spoke against the removal of the \$14,000 fire house rent. Spoke against the recycling fee. Recommends the Board hold a referendum if it wants to increase taxes.

Steve Verduyn, 425 Andrews St. – Spoke against the recycling fee, Economic Development expenditure, salaries and compensation, and the purchase of two squad cars.

Molly Malkovich, 420 Andrews St. – Spoke against the recycling fee.

Dave Mades, 1214 Western Tr. – Spoke against the recycling fee.

Diane Magolan, 448 Ahrens Dr. – Asked about the Economic Development funding and the status of the work with the State DOT on STH 83.

Public hearing closed at 7:55 p.m.

New Business

Resolution 2012-32

Motion made by Johnson/Decker to adopt Resolution 2012-32: *A Resolution to Adopt the 2013 Annual Budget and Establish the 2012 Property Tax Levy for the Village of Mukwonago.* General Fund revenue amendments include decreasing General Property Taxes to \$2,009,513 and increasing Other Financing Sources to \$284,071. Fire/Ambulance Fund revenue amendment includes decreasing Public Safety to \$586,717. Fire/Ambulance Fund expenditure amendments include decreasing Fire Suppression to \$131,434 and decreasing EMS Service to \$291,457. Recycling Fund revenue amendments include increasing General Property Taxes to \$489,422 and decreasing Sanitation to \$98,630. Capital Equipment Fund revenue amendment includes decreasing Other Financing Sources to \$108,302. Capital Equipment Fund expenditure amendment includes decreasing Capital Equipment to \$231,699. Motion carried unanimously.

Adjournment

Motion by Fickau/Sellenheim to adjourn the Village Board meeting at 8:40 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, November 20, 2012

Call to Order

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

Roll Call

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

Trustee Excused: Jim Decker

Also present: Bruce Kaniewski, Planner
Kurt Peot, Village Engineer
Shawn Reilly, Village Attorney
Jeff Stien, Fire Chief
Dean Falkner, Utilities Director
Kevin Schmidt, Police Chief
Tom Brandemuel, Public Works Supervisor
Nick Weber, Library Director
Steven Braatz, Jr., Clerk-Treasurer

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Reports

President Winchowky noted the 2012 October Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports.

Comments from the Public

Craig Vertz, Mukwonago Braves Football, in recognition of their 30th anniversary, extended appreciation to the Village and the Department of Public Works for all they have done for the Braves organization.

Consent Agenda

- A. Minutes for the October 16, 2012 Regular and October 23, 2012 Special Meetings
- B. Approval of Vouchers Payable in the Amount of \$424,211.69
- C. Approval of 2012-13 Applications for Operator's License for Maria H. Carrillo, Sally J. Kilps, Kara H. Lemmer, Leanne M. Martens, Amy N. Neder, and Andrew J. Russell
- D. **Resolution 2012-34**: A Resolution Designating Public Depositories and Authorizing Withdrawal of the Village of Mukwonago Monies
- E. Write-off of Accounts Receivable Invoices:
 - Invoice #2754 in the amount of \$176.25
 - Invoice #2819 in the amount of \$410.00
 - Invoice #3124 in the amount of \$155.00
 - Invoice #3259 in the amount of \$197.05

Motion by Fickau/Johnson to approve the consent agenda as presented carried unanimously.

Committee/Commission Reports

Plan Commission

Industrial Park Railroad Spur

Mark Miller, VP Tax for Aptar, gave a presentation on what Aptar does and how a railroad spur would benefit them. Planner Kaniewski gave an overview on the process for installing a railroad spur in the industrial park. Engineer Peot identified possible easements and water main locations and gave technical information on the railroad spur.

Decker – Was absent but sent an email questioning if Aptar contacted Canadian National, if they need a switching engine, and whether or not Aptar has the freight volume that would interest Canadian National.

Fickau – Would like a long-term commitment and benefits from Aptar.

Johnson – Concerned about property values in the adjacent subdivision and the affect on the constituents.

Sellenheim – This is good for economic development and partnerships with local businesses.

O'Bryan – Concerned about the railroad crossing at McKenzie Road and the possible change in the quiet zone. Thinks it will benefit the industrial park.

Penzkover – We need to invest in the community. Concerned about private monies being spent on the spur with potential for ownership battles in the future.

Winchowky – When the industrial park was originally built, the intent was for the Village to install and pay for a railroad spur.

Motion by Penzkover/Sellenheim to authorize the Village staff to proceed with a public informational meeting with industrial park stakeholders pertaining to a potential industrial park railroad spur, start the design process of a railroad spur with Canadian National Railroad, Aptar and other businesses that desire to use the spur, and provide the Public Works Committee with cost estimates carried unanimously.

Resolution 2012-31

Motion by Fickau/Penzkover to adopt Resolution 2012-31: *A Resolution to Allow the Mukwonago YMCA, Inc. to Place a Logo on the East Side of its Building Pursuant to the PUD Zoning Code* carried unanimously.

Finance Committee

Dispute by Martin Zess

Motion by Johnson/Penzkover to deny the request by Martin Zess to waive final payment of Invoice #2715 for professional services rendered related to Meadow View Court carried unanimously.

Health and Recreation Committee

Update on Holz Parkway Eagle Scout Project

President Winchowky authorizes Trustee Sellenheim to sign off on the project.

Judicial Committee

Ordinance No. 862

Motion by Johnson/Fickau to adopt Ordinance No. 862: *An Ordinance to Amend Section 82-71 of the Village of Mukwonago Municipal Code Pertaining to the Operation of Motor Vehicles Within Parking Lots Held Out for Public Use* carried unanimously.

Personnel Committee

Request by Dean Falkner for Partial Funding of the Health Saving Account

Motion by O'Bryan/Sellenheim to amend Dean Falkner's employment contract to allow the placement of the monetary difference in premiums between his health insurance provider and the employer portion of the Village's lowest cost health insurance provider into a health savings account carried unanimously.

Public Works Committee

Daniel and Mary Krecklow Sod and Cost of Water Request

Motion by Penzkover/O'Bryan to deny the request by Daniel and Mary Krecklow, 230 Mac Arthur Dr., to have the reimburse them for watering the sod from the Field Park project carried unanimously (Fickau abstained).

Field Park Storm Water Pond Land Swap

Motion by Penzkover/O'Bryan to authorize the Village Attorney to proceed with swapping land with the Mukwonago Area School District for the Field Park Storm Water Pond carried unanimously.

Field Park Storm Water Pond Pre-Design Soil Borings and Bidding Documents

Motion by Penzkover/Sellenheim to authorize the Village Engineer to perform pre-design soil borings and prepare bidding documents for the Field Park Storm Water Pond not to exceed \$8,000 unanimously.

Resolution 2012-33

Motion by Penzkover/Fickau to adopt Resolution 2012-33: *A Resolution to Adopt a Policy Pertaining to Well #7 and Potential Impacts on Neighboring Properties* carried unanimously.

STH 83 Stakeholders Advisory Committee

Sellenheim gave an update on the STH 83 Joint State of WI DOT/Village Reroute Study Project Update and Stakeholder Advisory Committee Next Steps/Calendar.

New Business

Village Attorney

Ordinance No. 863

Motion by O'Bryan/Fickau to adopt Ordinance No. 863: *An Ordinance to Amend Sec. 26-2(a) of the Village of Mukwonago Municipal Code Pertaining to the Municipal Court* carried unanimously.

Village Engineer

Black Bear

Motion by Fickau/Penzkover to accept the Black Bear Commercial paving and storm sewer and Black Bear Residential sanitary sewer and water utilities carried unanimously.

Village President

Letter of Resignation

Motion by Winchowky/Fickau to accept the letter of resignation by Tom Kay from the Board of Building and Zoning Appeals carried unanimously.

Appointment of Board of Building and Zoning Appeals 1st and 2nd Alternate Members

Item will be on the next agenda.

Adjournment

Motion by Fickau/Sellenheim to adjourn the Village Board meeting at 9:05 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, December 4, 2012

Call to Order

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

Roll Call

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

Also present: Bruce Kaniewski, Planner
Kurt Peot, Village Engineer
Shawn Reilly, Village Attorney
Jeff Stien, Fire Chief
Dean Falkner, Utilities Director
Kevin Schmidt, Police Chief
Tom Brandemuel, Public Works Supervisor
Nick Weber, Library Director
Steven Braatz, Jr., Clerk-Treasurer

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 sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(g)** to consider correspondence from the Village Attorney concerning an update on the First Congregational Church of Mukwonago vs. Village of Mukwonago litigation.

Approval of the Minutes

Motion by Fickau/Decker to approve minutes for November 20, 2012 carried unanimously.

Comments from the Public

None.

Committee/Commission Reports

Finance Committee

Approval of Vouchers Payable

Motion by Johnson/Fickau to approve the vouchers payable in the amount of \$174,314.32 carried unanimously.

Amendment to Contract with Baker Tilly for Auditing Services

No action taken.

Investment Policy

Motion by Johnson/Decker to amend the invest policy to change the term "Administrator/Clerk-Treasurer" to "Finance Director" carried unanimously.

Personnel Committee

New EMT Pay Rates

Motion by O'Bryan/Sellenheim to approve the pay rate changes for EMT paid-on-call personnel as proposed by the Fire Chief carried unanimously.

New Business

Village Clerk

Potential Change in Meeting Times for Village Board Meetings

Village Board consensus to change future Village Board. No action taken.

Village President

Appointments

Motion by O'Bryan/Johnson to accept the Village President recommendation and appoint Jack Dexter, 312 Franklin St., as 1st Alternate to Board of Building and Zoning Appeals carried unanimously.

Closed Session

Motion by Winchowky/Decker to convene into closed session at 7:46 p.m. pursuant to Wisconsin Statute **§19.85(1)(g)** to consider correspondence from the Village Attorney concerning an update on the First Congregational Church of Mukwonago vs. Village of Mukwonago litigation.

Discussion held in closed session. Motion by Decker/Johnson to adjourn Closed Session and reconvene to open session at 7:50 p.m. carried unanimously. No action taken on closed session item.

Adjournment

Motion by Decker/Penzkover to adjourn the Village Board meeting at 7:51 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer

MINUTES OF THE REGULAR VILLAGE BOARD MEETING

Tuesday, December 18, 2012

Call to Order

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

Roll Call

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

Also present: Diana Doherty, Finance Director
 Jeff Stien, Fire Chief
 Tom Brandemuel, Public Works Supervisor
 Kevin Schmidt, Police Chief
 Shawn Reilly, Village Attorney
 Kurt Peot, Village Engineer
 Dean Falkner, Utilities Director
 Bruce Kaniewski, Planner
 Ken Pileggi, Police Lieutenant
 Steven Braatz, Jr., Clerk-Treasurer

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of Closed Session Pursuant to Wisc. Stats. 19.85 (1)(c)

President Winchowky announced that the Board will convene into closed sessions later in the meeting pursuant to Wisconsin Statutes **§19.85(1)(c)** pertaining to compensation for Clerk-Treasurer and other full-time and part-time Village employees as listed on Resolution 2012-36.

Reports

President Winchowky noted the 2012 November Treasurer, Vehicle, Police, Ambulance, Fire, and Library reports.

Comments from the Public

None.

Consent Agenda

- A. Minutes for the October 22, 2012 Joint Village/Town Board Meeting, November 15 Budget Hearing and Special Board Meeting, and December 4, 2012 Regular Meeting
- B. Approval of Vouchers Payable in the amount of \$190,308.35
- C. Approval of 2012-13 Application for Operator's License for Brandon M. Warren
- D. **Resolution 2012-35**: A Resolution to Establish a Snowmobile Route within the Limits of the Village of Mukwonago
- E. Approval of 2013 Application for Temporary Class B Beer Licenses for Knights of Columbus on January 19 and 25, 2013 on the Premises located at St. James Parish, 830 CTH NN E

Motion by Johnson/Decker to approve the consent carried unanimously.

Committee/Commission Reports

Finance Committee

Mileage and Other Business-related Reimbursements for Village Trustees

Motion by Johnson/Decker to direct Village staff to create a template for a Village Trustee Handbook, direct any current mileage requests to go through the normal voucher process, and direct any disputes to the entire Board for consideration carried unanimously.

Finance/Health and Recreation Committee

2013-15 Recreation Agreement

Motion by Sellenheim/Decker to approve the 2013-15 Recreation Agreement between Village of Mukwonago and Town of Mukwonago with the change of removing the final sentence on the first page carried unanimously.

Park and Field Use Policy

Motion by Sellenheim/Decker to approve the updated park and field use policy as amended by Finance Committee carried unanimously.

Resolution 2012-41

Motion by Sellenheim/Decker to adopt Resolution 2012-41: *A Resolution to Set the 2013 Schedule of Fees for the Village of Mukwonago* carried unanimously.

Plan Commission

Empire Industries, LLC Certified Survey Map

Motion by Johnson/Sellenheim to accept the Plan Commission recommendation and approve the certified survey map for the property located at 911-929 Empire Dr., Tax Key #MUKV1969988003, and owned by Empire Industries, LLC subject to the following conditions carried unanimously:

1. Prior to signing of the CSM by the Village and recording of said document, the connection between the buildings located on proposed Lots 1 and 2 shall be removed to the satisfaction of the Building Inspector. A permit shall be required from the Village Inspection Department for demolition.
2. Prior to signing of the CSM by the Village and recording of said document, the following shall occur.
 - A. A storm water maintenance agreement, subject to approval by the Village Attorney and Village Engineer, shall be approved by the Village Board and signed by all property owners' party to the agreement. The agreement shall be recorded with the CSM.
 - B. The CSM shall provide an Outlot for the detention basin accompanied by wording that the Outlot shall be in a fractional ownership of benefited properties. The wording shall be approved by the Village Attorney.
 - C. All necessary ingress/egress easements shall be shown on the CSM with wording as approved by the Village Attorney and the Zoning Administrator.
 - D. The Wisconsin State Plane coordinates of the referenced monuments shall be provided on the CSM as required by Chapter 45-95 of Village Municipal Code.

3. All conditions of approval shall be satisfied to allow recording of the CSM within 180 days of conditional approval of the CSM by the Village Board. Applicant may request one (1) 90 day extension from the Village Board for good cause.

Dam Failure Shadow

Motion by Winchowky/Decker to accept the Plan Commission recommendation and authorize staff to apply to Waukesha County Department of Parks and Land Use to create conservancy zoning within the dam failure shadow on certain lands located in the Town of Vernon carried unanimously.

Motion by Winchowky/Decker to accept the Plan Commission recommendation and direct staff to draft the appropriate revisions to the floodplain section of the zoning ordinance to add regulations for the dam failure shadow, schedule a public hearing at the Village Board level to consider the zoning ordinance amendment, begin the process of scheduling the public hearing at the Village Board level to establish the proper floodplain zones on the zoning map, and hold a public informational open house immediately before the public hearing to allow the public to review the maps and ask questions of staff carried unanimously.

Recommendation to approve the purchase of the Well #7 property

Item will remain on the agenda.

Recommendation to approve the agreement between the Village and the Caines

Item will remain on the agenda.

Protective Services Committee

Amended Joint Fire Department Agreement Between the Village and Town of Mukwonago

Item remains in Committee.

Request to Waive Fire Services Bills

Motion by Fickau/Penzkover to deny the requests by Michelle Birnbaun, Kristin Karczewski, Todd Condon, and Martha Kalczynski to reconsider fire services bills carried unanimously.

Request for Waiver of Ambulance Bill

Motion by Fickau/Penzkover to accept the request by Tommy Cole to waive 100% of the ambulance bill in accordance with the Charity Care Policy and contingent upon a similar approval by the Town of Mukwonago carried unanimously.

Fire Services Fee

Committee will be working on a policy regarding Fire Services Fees. Item remains in Committee.

New Mukwonago Fire Department Patch

Motion by Fickau/Decker to approve the new Fire Department Patch as presented contingent upon a similar approval by the Town of Mukwonago carried unanimously.

Public Works Committee

Industrial Park Railroad Spur

Motion made by Penzkover/Sellenheim to direct staff to begin required due diligence work for Industrial Park Railroad Spur not to exceed \$25,000. Decker asked if we contacted Canadian National Railway yet. Peot explained that they have been notified, but this work needs to be completed prior to submittal. Motion carried on a vote of 6 ayes and 1 nay (Fickau voted no).

Resolution 2012-40

Motion by Penzkover/O'Bryan to adopt Resolution 2012-40: A Resolution Adopting the 2013 Sanitary Sewer Utility Budget and 2013 Water Utility Budget carried unanimously.

STH 83 Stakeholders Advisory Committee

Village Reroute Study Project Update

Information only.

New Business

Village Engineer

Mukwonago River Dam Improvements Project

Motion by Penzkover/Sellenheim to approve Mukwonago River Dam Improvements Project Change Order No. 2 for a deduction of \$1,588.65 carried unanimously.

Village President

Walworth County Hazards Mitigation Plan Update

Motion by Decker/Fickau to appoint Fire Chief Jeff Stien as local representative for the Walworth County Hazards Mitigation Plan Update carried unanimously.

Cancellation of 1st January 2013 Village Board Meeting

Motion by Winchowky/Johnson to cancel the first meeting in January 2013 carried unanimously.

Closed Session

Motion by Sellenheim/Johnson to convene into closed session at 8:36 p.m. pursuant to Wisconsin Statute **§19.85(1)(c)** pertaining to compensation for Clerk-Treasurer and other full-time and part-time Village employees as listed on Resolution 2012-36.

Discussion held in closed session. Motion by Decker/Johnson to adjourn closed session and reconvene to open session at 9:29 p.m. carried unanimously.

Resolution 2012-36

Motion by O'Bryan/Sellenheim to adopt Resolution 2012-36: A Resolution Relating to Salary and Wage Schedules for Non-Represented Full-Time and Part-Time Employees carried unanimously.

Resolution 2012-37

Motion by O'Bryan/Sellenheim to adopt Resolution 2012-37: A Resolution Adopting a Wage Schedule Policy for Police Dispatcher/Clerk Employees carried unanimously.

Resolution 2012-38

Motion by O'Bryan/Sellenheim to adopt Resolution 2012-38: *A Resolution Adopting a Wage Schedule Policy for Department Of Public Works Crewperson Employees* carried unanimously.

Resolution 2012-39

Motion by O'Bryan/Sellenheim to adopt Resolution 2012-39: *A Resolution Adopting a Wage Schedule Policy for Clerk-Treasurer Office Employees* carried unanimously.

Motion by O'Bryan/Decker to approve an additional \$500 per month to Clerk-Treasurer Steven A. Braatz, Jr. beginning November 1, 2012 and expiring 30 days after the appointment of a Village Administrator carried unanimously.

Adjournment

Motion by Decker/Penzkover to adjourn the Village Board meeting at 9:32 p.m. carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.
Clerk-Treasurer