

## MINUTES OF THE REGULAR VILLAGE BOARD MEETING Wednesday, June 19, 2019

### Call to Order

The Village President was absent. The Village Clerk/Treasurer called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

### Roll Call

Board Members present: Jim Decker  
Darlene Johnson  
Roger Walsh  
Eric Brill  
Jay Vermeulen  
Jason Wamser

Board Member absent: Fred Winchowky, Village President

Also present: Ron Bittner, Public Works Director  
Mark Blum, Village Attorney  
Jerad Wegner, Village Engineer  
Judith Taubert, Clerk-Treasurer  
Diana Doherty, Finance Director  
Dave Brown, Utilities Director  
Kevin Schmidt, Police Chief  
John Weidl, Administrator/Economic Development Director

### Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

### Call for an acting Chairperson

The Clerk ask for nominations for an acting Chairperson.

Motion by Jason/Decker to nominate Darlene Johnson as acting Chairperson. There were no other nominations. Motion carried.

### Announcement of closed sessions

Acting Chair Johnson announced the Board will convene into closed sessions later in the meeting pursuant to Wis. Stat. **§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*) discussion of the Haase House zoning issues and discussion concerning enforcement for Fairwinds 5 subdivision electrical, cable and phone installation requirements and pursuant to Wis. Stat. **§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*) regarding evaluating the goals for the Village Administrator for 2019

### Public Hearings

- 1) Consideration **Resolution 2019-027** to amend the Final Assessment Resolution for a Special Assessment for a water main and lateral for the property at 318 Gibson Street, known as MUKV 1974-005 opened at 6:34p.m. Needs to be re-noticed. No one spoke. Closed at 6:36 p.m.

- 2) Consideration of an **Ordinance 963** to amend the Village Comprehensive Plan for property located at 255 E. Wolf Run (MUKV2013-995-007) to add a new Mixed Use overlay district opened at 6:37p.m.  
**Greg Petruski, 6090 S. Rosetree Pass, New Berlin, WI 53151-** explained the Senior Facility that he would like to build and why he is asking for a Mixed Use overlay district to the Comprehensive Plan. Closed at 6:40p.m.
- 3) Consideration of an **Ordinance 964** to amend the Village Comprehensive Plan for the Village of Mukwonago for Property located on CTH LO opened at 6:41p.m.  
**John Movrich, S99W30991 CTH LO, Mukwonago, WI 53149-**spoke regarding concerns with the birds and turtles that use that area for nesting and laying eggs. The land is a wet land and is concerned how they could build on that property.  
**Greg Petruski, 6090 S. Rosetree Pass, New Berlin, WI 53151-** spoke regarding the Lot is 22acres, only 7 acres buildable close to CTH LO, 15 acres in back are not buildable. Because of the groundwater want to build side by side on natural grade single story condos closed at 6:48p.m.

### Comments from the Public

**Joe Cincotta, Attorney for the Greenwalds, 400 E. Wisconsin Ave., Milwaukee, WI 53202** – read a summary of comments on behalf of the Greenwald Family regarding the Village taking a strip of land for a road and is asking the Village to reconsider that approach.

**Eric Warden, Rams Contracting, 20079 W. Main St., Lannon** – Will speak later  
**Ron Spear, 7947 Golden Bay Trail, Waterford, WI** - Doesn't feel the Greenwalds were given ample notice and they are willing to meet.  
Closed at 7:00p.m.

### Consent Agenda

A. To approve the minutes for May 15, regular Village Board meeting and the June 5, 2019 Special Village Board meeting carried.

#### B. Finance Committee

- 1) Vouchers payable batches
  - a. Payments batch – 2019-05 – US Bank - \$18,360.76
  - b. Payments batch - AP 05-2019-3 - \$61,773.71
  - c. Payments batch – AP 05-2019-4 - \$568,884.39
  - d. Payments batch – LibAP 05-2019 - \$26,600.58
  - e. Payments batch – WE 05-2019 – 39,028.50
  - f. Payments batch - Manuals – 05-2019 - \$145,905.94
- 2) **Ordinance No. 962** – Recommendation to Village Board to adopt **Ordinance No. 962** an ordinance to Amend Ordinance 78-2 (c) to reflect the collection of taxes on real property and Improvements on leased land from 3 installments under W.S.A 74.12 to 2 installments under W.S. A 11.

#### C. Judicial Committee

Recommend to the Village Board approval of the licenses listed below pending payment of any outstanding accounts and passing all required inspections.

- 1) Renewal of Class A Beer License  
**5 Star Stations, Inc.,** 1243 Fox River Court, Mukwonago, 53149  
301 Main Street, d/b/a Clark- Mukwonago, Agent – Victoria Smith

- 407 South Rochester Street, d/b/a Mukwonago Express Mart, Agent – Robin H Hernandez  
122 Arrowhead Drive, d/b/a 5 Star BP, Agent – Kori M. Grabowski  
**Genesis Gas, Inc.**, 4350 W. High View Dr., Franklin, 53132  
201 North Rochester Street, d/b/a Village Mini Mart, Agent – Manoj Gupt
- 2) Renewal Class A Beer and Liquor Combo  
**5 Star Stations, Inc.**, 1243 Fox River Court, Mukwonago, 53149  
909 Greenwald Court, d/b/a 5 Star Citgo, Agent – Denise M. Jones  
1060 North Rochester Street, d/b/a North Star Shell, Agent – Denise M. Jones  
**Aldi Inc. (Wisconsin)**, 9342 S. 13<sup>th</sup> St., Oak Creek, 53154  
111 East Wolf Run, d/b/a Aldi #46, Agent – Ricky Lee Minor  
**Main Street Liquor LLC**, 411 Main Street, Mukwonago, 53149  
411 Main Street, d/b/a Main Street Liquor, Agent - Martin M Johnson  
**Khasria Two Inc.**, 712-718 Main Street, Mukwonago, 53149  
712-718 Main Street, d/b/a Village Wine and Liquor, Agent – Harjinder S. Khasria  
**Kwik Trip Inc.**, PO Box 2107, La Crosse, 50602  
1212 North Rochester Street, d/b/a Kwik Trip #282, Agent – Valerie A Brezgel  
**Ultra Mart Foods, LLC**, PO Box 305103, Nashville, TN 37230-5103  
010 North Rochester Street, d/b/a Pick'n'Save #6384, Agent – Patrick T. Groves  
**Wal-Mart Stores East LP**, 702 SW 8<sup>th</sup> Street, Bentonville, AR 72716-0500  
250 East Wolf Run, d/b/a Wal-Mart Supercenter #1571, Agent – Michael R Sandelback  
**Walgreen Co.**, PO Box 901, Deerfield, IL 60015  
212 N. Rochester St., d/b/a Walgreens #07039, Agent – Brian M. Marinello
- 3) Renewal Class B Beer and Reserve Class B Liquor Combo  
**Boneyard Pub and Grille, LLC**, 215 Bay View Road Suite C  
215 Bay View Road Suite D, d/b/a The Boneyard Pub and Grille, Agent – James F. Jones  
**DAA Smokehouse LLC**, 627 Eastern Trail, 53149  
325 Bay View Road, Suites D/E, d/b/a David Alan Alan's Smokehouse & Saloon, Agent – Tina M. O'Bryan  
**El Pueblo Inc.**, W341S9275 Corner Court, Eagle, 53119  
355 Bay View Road, d/b/a Antigua Real, Agent – Marco V. Alarcon
- 4) Renewal Class B Beer and Liquor Combo  
**Blue Bay Inc.**, 927 Main Street, Mukwonago, 53149  
927 Main Street, d/b/a Blue Bay Restaurant, Agent – Vlaznim Islami  
**Community Post No. 375 of the American Legion**, PO Box 152, Mukwonago, 53149; 627 E Veterans Way, d/b/a American Legion Community Post #375, Agent – Michelle A Adams  
**FJ Partners LLC**, 122 W. Sunset Drive, Waukesha, 53189  
507 Main Street, d/b/a Sol de Mexico, Agent – Froylan J. Mauricio  
**Jay's Lanes, Inc.**, N8729 Pickeral Lake Rd, East Troy, 53120  
326 Atkinson Street, d/b/a Jay's Lanes, Agent – Jeffrey R. Jay  
**Perserverance Corp.**, 4764 Lindenwood Ct, New Berlin, 53151  
200 S Rochester St, d/b/a The Badger Burger Co., Agent – Mark A Weiss  
**Sandra M. Miller**, 701 Main Street, Mukwonago, 53149  
701 Main Street, d/b/a Sandy's Miller Time, Owner – Sandra M. Miller  
**Take A Big Bite**, 215 North Rochester Street, Mukwonago, 53149  
215 North Rochester Street, d/b/a Fork in the Road, Agent – Pau J Hennessy  
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- 5) Renewal Class B Beer and Class C Wine  
**Gus and J's**, 1015 E. Veterans Way, 53149  
1015 E. Veterans Way, d/b/a Mukwonago Family Restaurant, Agent – Gustavo Guterrez  
**Mario's Natural Roman Pizza**, 225 Bay View Rd #500, Mukwonago, 53149  
225 Bay View Rd #500, d/b/a Mario's Natural Roman Pizza, Agent – Charlene A Edwards
  - 6) **Ordinance No. 961** – To recommend to the Village Board to adopt Ordinance 961 an ordinance to amend Section 82-177 of the Village of Mukwonago Municipal Code regarding Snow Emergencies
- D. Downtown Development Committee
- 1) Update and possible discussion on reporting expectations, planned meeting schedule and organization, & electing a Chair and liaison
- E. Public Works Committee
- 1) To recommend to the Village Board to award the 2019 Pavement Rehabilitation contract to Parking Lot Maintenance, Inc.
  - 2) To recommend to the Village Board approval of Ruekert Mielke, Inc. Task Order- #2018-11A1 Amendment No. 1 for TID #5 Public Improvement construction related Services in the amount of \$18,650
  - 3) To recommend to the Village Board approval of TID #5 Phase 2 Public Improvements Change Order No. 4 in the amount of \$44,612.56
  - 4) Eric Warden from Rams Contracting, Inc. will discuss current site conditions and timeline and to approve request for the site to be substantially completed
  - 5) To approve a purchase requisition for a Zero Turn Commercial Mower for \$10,649 from Otter Sales & Service, Inc.
  - 6) To approve a purchase requisition for a 2019 Chevrolet 4WD, Dbl Cab Work Truck for \$40,244.50 from Lynch Chevrolet
  - 7) To approve a purchase requisition for a 2019 Chevrolet Traverse V6 FWD for \$28,622.50 from Lynch Chevrolet
  - 8) Notice of Resignation for Public Works Staff

Motion by Wamser/Vermeulen to approve the Consent Agenda items A-E minus the last item of #4 (Take a Big Bite) and Item D (Downtown Development Committee). Motion carried

Motion by Wamser/Vermeulen to approve the 2019/20 Renewal of Class B Beer and Liquor Combo for the Fork in the Road (Take a Big Bite). Walsh recused himself. Motion carried.

Motion by Walsh/Wamser to correct the Downtown Development Committee meeting time to be 6:00 p.m. Motion carried.

### **Committee/Commission Business**

*Discussion and Possible Action on the Following Items*

#### **A. Finance**

- 1) **Payments batch AP 06-2019-2 \$758,096.36**

Motion by Vermeulen/Decker to approve the payment batch carried

#### **B. Public Works**

- 1) **Approve the request by Rams Contracting Inc. for the site of TID #5 Phase 2 to be substantially completed**

Motion by Wamser/Decker to accept the Rams Contracting Inc. site for TID #5 Phase 2 to be substantially completed. Carried

## **New Business**

### **A. Health and Recreation Committee**

- 1) Special Event Permit for WILEORC (Wisconsin Injured Law Enforcement Officers Resource Council) at Field Park on July 27, 2019 – Law Enforcement Appreciation Day**

Motion by Decker/Wamser to approve the Special Event Permit for WILEORC. Carried

- 2) Special Event Permit for the Mukwonago Chamber of Commerce- Balloons Over Mukwonago- July 19, 20, 21, 2019, 6 a.m. – 10 p.m.**

Motion by Decker/Wamser to approve the Special Event Permit for Mukwonago Chamber of Commerce-Balloons Over Mukwonago with the fees waived for this year only. Carried

- 3) Special Event Permit for the John Movrich CFU Lodge 993- Croatian Picnic on 7/13/2019**

Motion by Decker/Wamser to approve the Special Event Permit for the John Movrich CFU Lodge 993 for the Croatian Picnic. Carried

### **B. Public Works**

- 1) Adopt Resolution 2019- 027: a final resolution amending the special assessment against the property at 318 Gibson Street known as MUKV 1974-005 and MUKV 1974-003**

Motion by Wamser/Decker to table this item carried

- 2) Adopt Resolution 2019-031: a resolution to approve the 2018 CMAR Compliance Maintenance Annual Report**

Motion by Wamser/Decker to adopt Resolution 2019-031 a resolution to approve the 2018 CMAR Compliance Maintenance Annual Report carried

- 3) Approve Developer's request for the implementation and funding of lime Stabilization for the TID #5, Super Product site**

Motion by Wamser/Decker to approve the Developer's request for the implementation and funding of lime stabilization for the TID #5, Super Product site carried

- 4) Approve the Purchase Requisition for picnic tables, benches and bike rack for \$17,556.40**

Motion by Wamser/Decker to approve the Purchase Requisitions for picnic tables, benches and bike rack for \$17,556.40 carried

- 5) Approve the Purchase Requisition for 18,620 Square Yards GSB-88 from Farhner Asphalt Sealers for \$21,414.00**

Motion Wamser/Decker to approve the Purchase Requisition for 18,620 sq.yards GSB-88 from Farhner Asphalt Sealers for \$21,414.00 carried

- 6) Requesting direction from the Village Board as to project priority and/or Investigating optional funding sources for LED Display Signs/Village Hall Generator**

Village Board agrees that the Generator for the Village Hall is a priority project

### **C. Planning**

- 1) Adopt Resolution 2019-28**

Motion by Wamser/Decker to adopt Resolution 2019-28: a resolution to approve the Site Plan and Architectural Review for the construction of an industrial building at 101 W. Boxhorn Drive, property known as part of Parcel #A477300002 Touchpad Electronics, Applicant carried.

- 2) Adopt Resolution 2019-29**

Motion by Wamser/Decker to adopt Resolution 2019-29: a resolution to amend the Site Plan (as approved by Resolution 2018-072) for ProHealth Care with regards to the parking areas at 240 Maple Avenue, property known as MUKV 2016-993-002, ProHealth Care, Applicant.

Brill recused himself. Motion carried

**3) Adopt Resolution 2019-30**

Motion by Wamser/Decker to adopt **Resolution 2019-30**: a resolution to approve the Site Plan and Architectural Review for construction of an industrial building at 101 W. Boxhorn Drive, Malcolm Drilling, applicant, subject to Item #2-I.-to clarify that the decorative fencing should be 8 ft. on the south side as approved by the Zoning Administrator and #7 should read the Phase two area shown on the site plan is approved, and Phase two asphalt area shall not be used until it has come back to the Planning Commission for an approval carried

**4) Adopt Ordinance No. 963**

Motion by Wamser/Decker to adopt **Ordinance No. 963** to amend the Village Comprehensive Plan for property located at 255 E. Wolf Run, known as MUKV 2013-995-007 to add a new Mixed-Use overlay district carried

**5) Adopt Ordinance No. 964**

Motion by Wamser/Decker to adopt **Ordinance No. 964** to amend the Village Comprehensive Plan for the Village of Mukwonago for property located on CTH LO carried. Johnson voted no.

**6) Discussion concerning the Fairwinds 5 subdivision electrical, cable and phone installation**

John Donovan spoke regarding the Fairwinds 5 subdivision installing the electrical, cable and phone pedestals in the wrong area and because of this error wants to make a donation to use for the playground. No action taken.

**Convene into Closed Session**

Motion by Decker/Walsh to convene into closed sessions at 7:50 p.m. pursuant to Wis.

**§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*) discussion of the Haase House zoning issues and discussion concerning enforcement for Fairwinds 5 subdivision electrical, cable and phone installation requirements and pursuant to Wis. Stat.

**§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*) regarding evaluating the goals for the Village Administrator for 2019

Motion by Decker/Walsh to adjourn closed session and reconvene into open session at 9:20 p.m. pursuant to Wis. Stats. **§19.85(2)** for possible additional discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda carried unanimously upon roll call vote. No action taken.

**Adjournment**

Meeting adjourned at 9.21 p.m.

Respectfully Submitted,

Judith A. Taubert  
Clerk-Treasurer