

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

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

Absent and excused: Arnie Fickau

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

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

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

Minutes of Feb. 2, 2010

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

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

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

Public Comments – none.

Committee Reports

A. Finance

1. Vouchers Payable

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

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

Motion by Bakst/Decker to authorize purchase of three CPR monitors for a total cost of

\$198,025 through the Assistance to Firefighters Grant and to use funds from the sale of old monitors to lower the Village's out-of-pocket cost to a total of \$6,390 carried unanimously

3. Utility Bill write-offs

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

B. Health & Recreation

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

2. Park/Facility Naming Policy

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

C. Judicial

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

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

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

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

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

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

D. Public Works

1. Minor Estates Drainage Issue – remained in Committee.

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

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

4. Proposed Water Tower lease to Open Range Communications

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

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

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

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

6. WWTP Sludge Handling Report

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

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

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

8. Proposed DPW Salt Shed - remained in Committee.

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

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

E. Plan Commission

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

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

Village President

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

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

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

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

3. Appointments

a. Village Board

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

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

c. Library Board – no action on this item.

d. Plan Commission

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

e. Board of Building and Zoning Appeals

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

Closed Session

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

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

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

Reconvene into Open Session

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

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

Adjournment

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

Paul J. Moderacki
Administrator/Clerk-Treasurer