

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

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

Trustee Excused: Jim Decker

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

### **STATEMENT OF PUBLIC NOTICE**

The meeting was posted and noticed according to law.

President Wagner announced there would be a closed session at the end of the meeting pursuant to Wisconsin §19.85(1)(e) and §19.85(1)(g).

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

**COMMENTS FROM THE PUBLIC** – None

### **COMMITTEE REPORTS**

#### **Finance**

***Vouchers Payable*** – Motion by Bakst/Fickau to approve accounts payable vouchers from various funds in the sum of \$193,928.01 was carried unanimously.

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

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

#### **Protective Services**

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

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

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

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

### **Village Attorney**

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

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

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

### **VILLAGE PRESIDENT**

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

### **CLOSED SESSION**

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

1. 19.85(1)(e) Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session
  - A. Negotiations with the Village of Big Bend Relating to a Letter from James Soneberg, Big Bend Village President, Requesting Assistance to Establish a Village of Big Bend Fire Department
  - B. Potential Purchase of Properties by Village
  - C. Extension of Lease Agreement with Crown Castle
  - D. Preliminary Discussions on Negotiations for 2011-2013 Contract for Firefighter/Paramedic Union
2. 19.85 (1)(g) – Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved
  - A. Village of Mukwonago vs. Greenwald Family Limited Partnership

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

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

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

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

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

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

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

Paul J. Moderacki  
Administrator/Clerk-Treasurer  
SABJ