

President James Wagner called the Village Board meeting to order on April 20, 2010 at 7:30 p.m.

Trustees present: Arnie Fickau
 Elliot Bakst
 Jim Decker
 Mark Penzkover
 Dennis O’Bryan
 Darlene Johnson
 James Wagner, Village President

Also present: Jeff Rolfe, Fire Chief
 Fred Winchowky, Police Chief
 Tom Brandemuehl, Public Works Supervisor
 Paul Moderacki, Administrator/Clerk-Treasurer
 Nick Weber, Library Director
 Kurt Peot, Village Engineer
 Bruce Kaniewski, Village Planner
 Dean Falkner, Wastewater Superintendent
 Chris Hahn, Firefighter/Paramedic
 George Jozwiak, Fire Department Captain

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 the April 6, 2010 Board Meeting – Motion by Bakst/Decker to approve the April 6, 2010 meeting minutes as presented was carried unanimously.

Treasurer, Mileage, Police, Fire and Library Reports for March 2010 and 1st Quarter 2010 Recycling Report from John’s Disposal Service – President Wagner noted receipt of the Treasurer, mileage, Police, Fire and Library Reports for March 2010 and the 1st Quarter 2010 Recycling Report from John’s Disposal Service and placed them on file in the Clerk’s Office.

Presentation of Mukwonago Fire Department Medal of Valor to Chris Hahn and George Jozwiak – President Wagner presented a plaque to Firefighter/Paramedic Chris Hahn and Fire Department Captain George Jozwiak for their actions on February 21, 2010 in rescuing seven snowmobilers who had fallen through the ice on Phantom Lake. Fire Chief Rolfe presented Medals of Valor, State Senator Mary Lazich presented a plaque, and another plaque was presented from State Representative Scott Gunderson.

COMMENTS FROM THE PUBLIC

Brian Marinello, Store Manager for Walgreens #07039 – Read letter explaining alcohol sale security issues and requested that the Board approve the alcohol license for the store.

Jay Christiansen, Mukwonago Jr. Indians Baseball Club – Presented upgrades to Miniwaukan Park Fields #5 and #6 to the Health and Recreation Committee earlier in the evening and will be on hand if there are any questions.

Mark Olver, 506 C S. Rochester St. – Requested that the Village look into a community funded play structure. Item referred to Health and Recreation Committee.

Paul Moderacki, Village Administrator – Introduced newly hired WWTP Supervisor Dean Falkner to the Board.

COMMITTEE REPORTS

Finance

Vouchers Payable – Motion by Bakst/Fickau to approve vouchers in the sum of \$227,614.20 was carried unanimously.

Resolution 2010-11: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies – Motion by Bakst/Decker to adopt Resolution 2010-11: *A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies* was carried unanimously.

Update on Walworth County Equalized Value including Wisconsin Dept. of Revenue Determination and Solution – Item remains in Committee.

Health & Recreation

Request to Improve Miniwaukan Park Fields #5 and #6 – Installation of Fence, Bullpen Area, and Backstop – Paul Hennessy, Jr. Indians Baseball Club – Motion by Penzkover/Decker to approve the installation of a fence and foul pole contingent upon the approval of all applicable permits was carried unanimously. Motion by Penzkover/Decker to approve the installation of a bullpen and backstop contingent upon the approval of all applicable permits was carried unanimously.

Request for a Community Funded Park – Mark Olver – Item remains in Committee.

Award of Bid for Miniwaukan Canoe Launch Project – Motion by Penzkover/O'Bryan to award the bid for the Miniwaukan Canoe Launch project to Siegler Grading & Excavating LLC in the amount of \$27,986.00 was carried unanimously.

Discussion and Possible Recommendations Regarding the Replacement of Field Park Ball Diamond Light Poles, Electric Service and Lights – Penzkover gave an update. The old lights, transformers, and all related equipment have been removed, and they are waiting on PCB testing on the transformer oil to determine if there may be additional costs related to the disposal of the oil. Some people looked at the existing poles and determined that they cannot likely be re-used for new lighting. Committee would like to contact a lighting vendor to do a conceptual lighting plan for the field.

Judicial

Approval of Application for 2009-10 Operator's License – Scott P. Hemken, Mandie A. Nowak – Motion by Johnson/Decker to approve the application for a 2009-10 Operator's License for Scott P. Hemken and Mandie A. Nowak was carried unanimously.

Consideration of 2010 Applications for Temporary Class B Beer License – June 12-13, July 17-18, August 21-22, September 11-12, 2010 – American Legion Post 375 – Motion by Johnson/Decker to approve the 2010 applications for Temporary Class B Beer License for

American Legion Post #375 for June 12-13, July 17-18, August 21-22, and September 11-12, 2010 was carried unanimously.

Consideration of Application for 2009-10 Class A Fermented Malt Beverage and Intoxicating Liquor License – Walgreens Co. (Brian Marinello, Agent) – 212 N. Rochester St. – d/b/a Walgreens #07039 – Motion by Johnson/Decker to approve the application for a 2009-10 Class A Fermented Malt Beverage and Intoxicating Liquor License for Walgreens Co., Brian Marinello – Agent, 212 N. Rochester St., d/b/a Walgreens #07039 was carried on a vote of 4 ayes and 3 nays (O’Bryan, Penzkover, and Wagner voting no).

Complaint on Snowmobile Noise and Request to Close Snowmobile Trails – Christopher Logan – Discussion only. Judicial Committee met with Sgt. Pileggi and a resident of Minors Homestead about snowmobiles disturbing the peace late at night this past winter. Sno-snoops will be notified, but is basically unenforceable unless the Police Dept. buys snowmobiles.

Personnel

Consideration of Contracted Planning Services – Motion by O’Bryan/Bakst to approve the contract for planning services with BK Planning Strategies contingent upon a final review of Ruekert & Mielke as planners was carried unanimously.

Public Works

Update and Discussion of the Construction of a Salt Shed – DPW – DPW Supv Brandemuehl is reviewing. Item remains in Committee.

Review and Consideration of Approval of Draft Wastewater Facility Plan Prior to Submittal to Wisc DNR – There will be a public hearing on May 18, 2010. No action taken.

Consideration and Recommendation of Approval of Field Park Project Change Order No. 1 – Motion by Fickau/Decker to approve Change Order #1 for the Field Park Paving and Utilities project, increasing the contract price \$116,370.76 due to the installation of larger size diameter storm sewer and structures along Roberts Dr. and Park View Ln., was carried unanimously.

Consideration of Notification to Field Park project Residents of Estimated Costs for Sanitary Lateral Replacements – Information only. No action taken.

Consideration of Merryman’s Credit to Remove Sewer Televising from Field Park Project Contract – There would not be a cost savings. Information only. No action taken.

Police Dept. Request for Additional Street Light by New Hydrant on MacArthur Drive (Near Millers Pharmacy) – Fickau noted that there is plenty of light in the area at this time. He would like to see reflective tape placed on the fire hydrant. Motion by Fickau/Decker to deny the request for an additional street light near the fire hydrant on MacArthur Dr. near Miller pharmacy was carried on a vote of 6 ayes and 1 nay (Bakst voting no).

PLAN COMMISSION

Consideration of Certified Survey Map – Division of Property located on Empire Dr. and East side of Holz Parkway – Randy Wright, Empire Industries LLC – Item is still in Commission. No action taken.

Black Bear Development Agreement – Item is still in Commission. No action taken.

Access Easement to Black Bear Lift Station – Item is postponed until the next meeting.

Modifications to the Black Bear Site Plan for Grading Site, Directions of Two Pads, Lift Station Location – Item is still in Commission. No action taken.

Request from Developer of Black Bear to be Allowed to Deposit Fill – Motion was made by Fickau/Bakst to accept the Plan Commission recommendation to accept the request by the developer for the Black Bear project to deposit fill on the property with the following conditions:

1. The Chapter 30 permit shall be modified and approved.
2. The NR216 permit shall be approved.
3. The Village Engineer shall approve the grading, erosion control, and storm water plan.

Motion was carried unanimously.

Consideration of Certified Survey Map – Black Bear Development on the East End of Black Bear Blvd. – Charlie Miller, Citizens Bank of Mukwonago – Item is still in Commission. No action taken.

VILLAGE CLERK

Approval of April 6, 2010 Municipal Canvass Report – Motion by Decker/Fickau to accept the Village of Mukwonago Certification of the Board of Canvassers for the election held on April 6, 2010 was carried unanimously.

2010 New Municipal Officials Workshop – League of Wisconsin Municipalities and 2010 Regional Dinner Meeting – League of Wisconsin Municipalities – Board Members received copies of the 2010 New Municipal Officials Workshop and the 2010 Regional Meetings sponsored by the League of Wisconsin Municipalities. Members are to let the Clerk know of their attendance no later than April 27, 2010.

VILLAGE PRESIDENT

2010 Appointments – Motion by Fickau/Bakst to accept the Village President's recommendation to re-appoint the following members to the various Boards and Commissions was carried unanimously:

Plan Commission

Citizen Member: Joseph Abruzzo (term ending 2013)

Board of Building and Zoning Appeals

Regular Member: Dan Klappa (term ending 2013)

Regular Member: Terry Kelly (term ending 2013)

Joint Fire Commission

Village Board Member: Dennis O'Bryan (term ending 2011)

Police Commission

Citizen Member: Thomas Stobber (term ending 2013)

Citizen Member: James Naybert (term ending 2013)

Library Board

Village Appointment: John Bronk (term ending 2013)

Village Appointment: Jeri Posekany (term ending 2013)

School Representative: Shawn McNulty (term ending 2013)

Motion by Johnson/Penzkover to accept the Village President's recommendation to appoint the Village Clerk, Village President Wagner, and Trustees Fickau, Bakst, and Decker to the Board of Review, with Trustees O'Bryan, Penzkover, and Johnson serving as alternates, was carried on a vote of 6 ayes and 1 nay (Fickau voting no). Motion by Bakst/Decker to accept the Village President's recommendation to appoint the following Trustees to the various Village Board subcommittees was carried unanimously:

Finance Committee – Bakst (Chair), Fickau, O'Bryan

Public Works Committee – Fickau (Chair), O’Bryan, Decker
Personnel Committee – O’Bryan (Chair), Johnson, Bakst
Protective Services Committee – Decker (Chair), Penzkover, Bakst
Health and Recreation Committee – Penzkover (Chair), Johnson
Judicial Committee – Johnson (Chair), Decker

CLOSED SESSION

Motion was made by Decker/Bakst to convene into closed session at 8:35 p.m. pursuant to Wisconsin Statute 19.85 (1)(d) – 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. Consideration of Compensation to Offer to Owner of 515 Division St.
- B. Proposed Extension of Lease Agreement with Crown Castle

Motion carried unanimously upon roll call vote.

Discussion held in closed session.

Motion by Bakst/Johnson to adjourn closed session at 9:01 p.m. was carried unanimously. Motion by Fickau/Decker to reconvene into open session was carried unanimously.

Consideration of Compensation to Offer to Owner of 515 Division St. – Motion by Bakst/Johnson to proceed with negotiations for the offer to purchase to the owner of 515 Division St. as discussed in closed session was carried unanimously.

Proposed Extension of Lease Agreement with Crown Castle – Motion by Johnson/Fickau to accept the terms of the extension of the lease agreement with Crown Castle as set forth in the e-mail from Attorney Reilly to Village president Wagner and Administrator Moderacki dated April 15, 2010 was carried unanimously.

Motion by Fickau/Bakst to adjourn the Village Board meeting at 9:03 p.m. was carried unanimously.

Steven A. Braatz, Jr.
Deputy Clerk