

Administrator/Clerk-Treasurer Paul Moderacki called the Village Board meeting to order on June 1, 2010 at 7:30 p.m.

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

Also present: Shawn Reilly, Village Attorney
Kurt Peot, Village Engineer
Fred Winchowky, Police Chief
Nick Weber, Library Director
Dean Falkner, WWTP Superintendent
Jon Cameron, Storm Water Utility Consultant

STATEMENT OF PUBLIC NOTICE

The meeting was posted and noticed according to law.

Election of Temporary Chairperson

Motion by Bakst/Johnson to elect Tr. Fickau to chair the meeting was unanimously approved.

Announcement of Closed Sessions pursuant to §§ 19.85 (d), Wis. Stats.

Fickau announced the Board would adjourn into closed session pursuant to §§ 19.85 (d) at the end of its meeting to discuss matters indicated on the meeting agenda.

Minutes of May 18, 2010

Motion by Bakst/Decker to approve the May 18, 2010 meeting minutes as presented passed unanimously.

Public Hearing re: Proposed Ordinance 827: An Ordinance to Repeal and Recreate Article IV of Chapter 86 of the Mukwonago Village Code Establishing a Storm Water Utility

Moderacki provided an overview of the proposed Storm Water Utility. Residents, Village staff, a representative of the School District and consultants from Ruckert & Mielke had spent 3.5 years studying the proposed utility and two committees had issued two major reports. The Village needed to increase its storm water detention capacity from 20% to 40% by 2013 to comply with DNR regulations and would have to build a \$2.4 million regional retention pond. The issue before the Board was how to pay for the pond, not whether to build the pond or not. The proposed utility would more fairly distribute the costs needed for storm water operations and improvements. Although single family homes only occupy 21.5% of the Village's total area that they currently shouldered 57.3% of the expenses. Creating a utility would permit the Village to charge institutional and other tax exempt entities with large impermeable surface areas for the storm water they contributed to the entire storm water collection and conveyance system, such as schools, the village, churches and other non-profits. Institutional entities occupy 25% of the Village's land.

Jim McCarthy, S10827890 Maple Ave. – He thinks the Village is going about it at the wrong time. He said he and other farmers are against it. He claimed the chemicals he uses stay in the ground.

Marilyn McCarthy, S10827890 Maple Ave. – She also disapproved.

Karen McCarthy, 1475 S. Rochester St. – Her family farms “a couple 1,000 acres,” and can’t afford such an increase. She said they apply only the chemicals they need and test for chemicals every four years. She claimed there is more chemical runoff from residential homes.

Mary Pires, 1128 Eastern Tr. – Complimented the Village for “being ahead of the curve” protecting the Mukwonago River, Phantom Lake and Fox River. She added she didn’t agree with forming a Storm Water Utility now because “no one’s had time to budget.” She claimed the Village raised property taxes “to the max” last December. She said it was not the time for a Utility.

Rich Hacker, from Engineered Pump Services Inc. – He saw no distinction between a tax and a user fee as proposed. He said State and Federal agencies have declared war on small businesses, that his company employed 38 people, most of whom live in the community, and they would not be happy if the company closed its doors.

Carl Goede, of River’s Edge Car Wash – He was opposed. He claimed all his storm water is captured by a storm water retention pond and the proposed utility was not good for the Village.

Roger Oldenburg, 107 Gemini Ct. – He was opposed.

Mike Krueger, 105 Gemini Ct. – He was glad the Village devoted four years studying the issue. He said trucks were the problem, not residences. He claimed Storm Water Utilities started in Florida 25 years ago and have become an economic monster in the State. He said he doesn’t want to see that happen in the Village.

Glenn Volkmann, 104 Park Ave., spoke on behalf of St. John’s Lutheran Church – The church property’s retention pond contains all water on the site.

Ann Oldenburg, 107 Gemini Ct. – She was opposed and thought taxes in the Village too high.

The hearing was closed at 8:05 p.m. after all present were given an opportunity to be heard.

Public Comments

Carl Goede said he had to spend \$25,000 to change his pole sign to a monument sign.

A resident on River Park Circle West said he had poor water quality. (Note: Utility staff and the Village engineer spoke with him after the meeting to address his concerns and suggested solutions.)

Committee Reports

A. Finance

1. Vouchers Payable

Motion by Bakst/Decker to approve payments in the amount of \$174,215.02 passed unanimously.

2. Authorization to Purchase Tractor

No action taken as the Village was not the high bidder.

B. Judicial

1. 2009-10 Temporary Class B Beer License application – June 17-20, 2010, Mukwonago Lions Club

Motion by Johnson/Decker to approve a Temporary Class B Beer License for the period June 17-20, 2010 for the Mukwonago Lions Club passed unanimously.

C. Protective Services

1. Paramedic Intercept Contract

Motion by Decker/Bakst to approve the proposed Paramedic Intercept contract with the Village of North Prairie passed unanimously. The contract will not be effective until approved by the Town of Mukwonago and Village of North Prairie.

2. Results of Drug Collection & Awareness Event

The Drug Collection and Awareness Event at the DN Greenwald Center on May 8, 2010 resulted in the collection of five 30-gallon drums of old drugs.

D. Ad-hoc Storm Water Advisory

1. Ordinance 827 – An ordinance to repeal and recreate Article IV of Chapter 86 of the Village Municipal Code establishing a Storm Water Utility

Tr. Fickau said he'd never seen anything more important and far reaching than this proposed legislation.

Tr. Bakst said he agreed, adding he thought the Board should step back until it is more thoroughly examined and find \$100,000 from savings or reserves for 2010.

Motion by Fickau/Bakst to postpone consideration of Ordinance 827 – An Ordinance to Repeal and Recreate Article IV of Chapter 86 of the Village Municipal Code Establishing a Storm Water Utility for three months passed unanimously.

Tr. Johnson said she felt it was wrong to adopt it at this time.

Tr. Penzkover asked Mr. Peot to review the alternatives that were considered and for the budget impact.

Mr. Peot said two ad-hoc committees had studied storm water issues. He said the first committee studied the entire range of options available to the Village, including SLAMM analysis, street sweeping, buffer strips, bio-retention, catch basin maintenance to determine the optimum mix of operational and public improvements needed for the Village to be in compliance with the required 40% storm water retention standard. He said the least costly and most effective were selected and recommended for adoption.

He said the rules were adopted by the US Environmental Protection Agency (EPA) beginning in 1970s and are similar to those required for surrounding communities due to the importance of the Mukwonago River and being in the Fox River watershed. He said the entire eastern half of Wisconsin is under the same rules.

Mr. Cameron said the second committee analyzed various funding options and alternatives (24 different scenarios) within three primary mechanisms: property taxes, special assessments or the proposed utility. He said the proposed utility was

recommended as the best method for funding capital improvements and on-going operations.

Mr. Peot said the Village can meet the 40% reduction standard by building a single "regional" pond. He said the utility would also provide a separate funding source to repay the cost of the capital improvement as well as operations, monitoring and maintenance of the overall Village system.

Tr. Fickau said he'd like the Board to meet as a Committee-of-the-Whole to discuss the proposed ordinance further before adopting it.

Moderacki pointed out a 90-day delay would not provide sufficient time to include charges on the Oct. 1 utility bills, if the ordinance is adopted and requested the Board move up its consideration to the August 17th meeting.

Amended motion by Fickau/Bakst to defer consideration of Ordinance 827 until August 17, 2010 and to schedule a Committee-of-the-Whole meeting to discuss the issue further passed unanimously.

Village Attorney

A. Approval of Changes to proposed Construction Manager Contract for Mukwonago Community Library Addition

Mr. Reilly reported he and Gilbane Construction had reached an agreement in principal over the working of the indemnity and liability clauses in the proposed Construction Manager Contract and no action was needed by the Board.

Village President

A. Village Appointments – Fox River Commission, Board of Building & Zoning Appeals

No action due to the absence of President Wagner. Ms. Pires volunteered for the Fox River Commission.

Convene into Closed Session

Motion by Decker/Bakst to convene into closed session pursuant to §§19.85 (1) (d) to discuss on-going negotiations related to purchasing the house at 515 Division St. and to discuss continuing negotiations for the purchase of land for a multi-use trail easement along CtH NN from St. John's Lutheran Church and to reserve the right to reconvene into open session at the conclusion of the closed session passed unanimously.

Tr. Fickau adjourned the meeting into closed session at 8:55 p.m.

Motion by Bakst/Decker to reconvene into open session passed unanimously at 9:17 p.m.

A. Compensation offer to owner of 515 Division St.

Motion by Bakst/Johnson to authorize the Village Attorney to make a purchase offer to the owner of 515 Division St. as set forth in the draft letter he discussed in closed session passed 5-1, with Tr. Decker opposed.

B. Easement Agreement between Village and St. John's Lutheran Church

Motion by Bakst/Decker to authorize the Village Attorney to draft an easement agreement with St. John's Lutheran Church for a multi-use trail as discussed in closed session passed 5-0-1, with Tr. Fickau abstaining.

Adjournment

Motion by Decker/Bakst to adjourn the meeting at 9:20 p.m. carried unanimously.

Village of Mukwonago
Waukesha and Walworth Counties, Wisconsin

Paul J. Moderacki
Administrator/Clerk-Treasurer