

**1. Call to Order**

President James Wagner called the Village Board meeting to order on July 20, 2010 at 7:31 p.m.

**2. Roll Call**

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

Also present:                 Fred Winchowky, Police Chief  
                                      Tom Brandemuehl, Public Works Supervisor  
                                      Paul Moderacki, Administrator/Clerk-Treasurer  
                                      Shawn Reilly, Village Attorney  
                                      Kurt Peot, Village Engineer  
                                      Bruce Kaniewski, Village Planner

**3. Pledge of Allegiance**

The Village Board recited the Pledge of Allegiance to the American flag.

**4. Statement of Public Notice**

The meeting was posted and noticed according to law.

**5. Announcement of Closed Session Pursuant to Wisc Stats 19.85(c)**

President Wagner announced that the Board will adjourn into closed session later in the meeting pursuant to Wisconsin Statute 19.85(c).

**6. Minutes of the June 1 and June 15, 2010 Board Meetings**

Motion by Fickau/Decker to approve the June 1 and June 15, 2010 meeting minutes as presented was carried unanimously.

**7. Reports**

**A. 2010 June Treasurer, Mileage, Police, and Library Reports**

**B. 2010 2<sup>nd</sup> Quarter Recycling Report**

**C. 2009 Mukwonago Police Department Annual Report**

President Wagner noted receipt of the Treasurer, Mileage, Police, and Library Reports for June 2010, the 2010 2<sup>nd</sup> quarter Recycling Report from John’s Disposal Service, and the 2009 Mukwonago Police Department Annual Report and placed them on file in the Clerk’s Office.

**8. Comments from the Public**

Thayne Odier, representative of the Mukwonago Museum – Notified the Board that the Museum had received another Community Development Block Grant in the amount of \$10,125. The money will be used towards new, more secure display cabinets for an exhibit. Since the museum cannot be brought up to ADA standards, some of the money

will also go towards a power point presentation to be brought to nursing homes and senior housing.

Dan Smith, 806 N. Rochester St. – Asked the Board to approve the Ben Smith extraterritorial Certified Survey Map (CSM)

Julie Zignego, 105 Armstrong Ct. – Asked the Board to approve the Smith extraterritorial CSM.

Ben Smith, 3631 S. 82<sup>nd</sup> St., Milwaukee – Asked the Board to approve his extraterritorial CSM as a conditional review. If the Board does not want to approve it, then he asked that the Board hold the approval until more information can be provided. He stated that he would be willing to waive the approval time period.

Josh Kiselicka, 933 Robins Ln. – Asked the Board to approve the Smith extraterritorial CSM.

Dan Iwanski, 102 Armstrong Ct. – Asked the Board to approve the Smith extraterritorial CSM.

Matt Smith, 804 N. Rochester St. – Asked the Board to approve the Smith extraterritorial CSM.

Angela Lord-Smith, 804 N. Rochester St. – Asked the Board to approve the Smith extraterritorial CSM.

Dennis Smith, 1043 Sundown Ct. – Wished that the Board would read the letter from the attorney and asked the Board to approve the Smith extraterritorial CSM tonight.

## 9. Committee Reports

### A. Finance

#### 1) 2009 Financial Audit Report

Motion by Bakst/Decker to accept the 2009 Financial Audit Report was carried unanimously.

#### 2) **Resolution 2010-13: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago**

Motion by Bakst/Decker to adopt Resolution 2010-13: A Resolution to Amend the 2010 Schedule of Fees for the Village of Mukwonago was carried unanimously.

#### 3) **Vouchers Payable**

Motion by Bakst/Decker to approve vouchers payable from various funds in the sum of \$884,726.46 was carried unanimously.

#### 4) **Request for Submission to Public Service Commission for Water Rate Increase**

Motion by Bakst/O'Bryan to authorize Ruekert and Mielke to submit an application to the Public Service Commission requesting a water rate increase was carried on a vote of 6 ayes and 1 nay (Johnson voted no).

### B. Health and Recreation

#### 1) **Possible Customized Play Structure in Mukwonago – Mark Oliver**

Item will remain in Committee.

#### 2) **Field Park Ball Field Lighting Project – Conceptual Lighting Design and Possible Bidding Options**

Item will remain in Committee.

#### 3) **Request for Closure of Small Farm Road for Block Party on August 3, 2010 – Kenneth Pileggi**

Motion by Penzkover/Johnson to authorize the closing of Small Farm Road from Plank Road to McKenzie Road on August 3, 2010 from 6:00 p.m. to 9:00 p.m. was carried unanimously.

**4) Use of Community Room on Weekends**

Item will remain in Committee.

**C. Judicial**

**1) Complaint on Snowmobile Noise and Request to Close Snowmobile Trails**

Item will remain in Committee.

**2) Ordinance No. 829: An Ordinance to Amend and Recreate Section 38 of the Village of Mukwonago Municipal Code Pertaining to Fire Prevention, Protection, and Control**

Motion by Johnson/Decker to adopt Ordinance No. 829: *An Ordinance to Amend and Recreate Section 38 of the Village of Mukwonago Municipal Code Pertaining to Fire Prevention, Protection, and Control* was carried unanimously.

**3) Ordinance No. 830: An Ordinance to Create Section 43 of the Village of Mukwonago Municipal Code Relating to Housing Discrimination**

Motion by Johnson/Decker to adopt Ordinance No. 830: *An Ordinance to Create Section 43 of the Village of Mukwonago Municipal Code Relating to Housing Discrimination* was carried unanimously.

**4) Consideration of 2010-11 Application for Original Class B Fermented Malt Beverage and Intoxicating Liquors License**

- **Veronica's Red Fox Restaurant LLC (Hector Macias Reyes – Agent), 1015 CTH NN East, d/b/a Veronica's Red Fox Restaurant**

Motion by Johnson/Decker to grant the 2010-11 original Class B Fermented Malt Beverage and Intoxicating Liquors license to Veronica's Red Fox Restaurant LLC (Hector Macias Reyes – Agent), 1015 CTH NN East, d/b/a Veronica's Red Fox Restaurant was carried unanimously.

**5) Consideration of 2010-11 Applications for Operator's License – Scott A. Baksic, Kimberly S. Beach, Morgan J. Brown, Peggy L. Champlin, Daniel P. Forrestal, Theresa M. Jacobson, Nicholas H. Johnson, Robert J. Jones, Lisa A. Langenbach, Kari R. Maloney, Andrew M. Moe, Mandie A. Nowak, Parvinder K. Phul, Abigail M. Schreiber, Jonathan A. Weiss, Tina M. White, Mary A. Zach**

Motion by Johnson/Decker to grant the 2010-11 renewal and new Operator's licenses to Scott A. Baksic, Kimberly S. Beach, Morgan J. Brown, Peggy L. Champlin, Daniel P. Forrestal, Theresa M. Jacobson, Nicholas H. Johnson, Robert J. Jones, Lisa A. Langenbach, Kari R. Maloney, Andrew M. Moe, Mandie A. Nowak, Parvinder K. Phul, Abigail M. Schreiber, Jonathan A. Weiss, Tina M. White, Mary A. Zach was carried on a vote of 5 ayes and 2 nays (Bakst and Wagner voted no).

**D. Personnel**

**1) Review All Water and Sewer Department Job Descriptions**

Motion was made by O'Bryan/Johnson to accept the job descriptions for Utility Director, Assistant Utility Director: Wastewater, Assistant Utility Director: Water, Utility Operator/Mechanic: Wastewater, and Operator/Mechanic: Water. Decker would like the lifting weight limit to be a range of 50-75 pounds. Staff shall confer with the safety director and verify what the proper lifting weight limit should be. Motion was carried unanimously.

2) **Resolution 2010-14: A Resolution Amending the Village of Mukwonago Salary and Wage Schedules for Certain Non Represented Full-Time Employees**

Motion by Johnson/Decker to adopt Resolution 2010-14: A Resolution Amending the Village of Mukwonago Salary and Wage Schedules for Certain Non Represented Full-Time Employees was carried on a vote of 6 ayes and 1 nay (Decker voted no).

3) **Employee Comp-time Policy**

Item will remain in Committee.

**E. Public Works**

1) **Update and Discussion of the Construction of a Salt Shed – DPW**

Item will remain in Committee.

2) **Request for Reduction in Utility Bill Charges Due to Broken Water Pipe – 955 Main St. Unit A – Jessica Zhu, Amazon Real Estate Management LLC**

Motion by Fickau/Decker to deny the request by Jessica Zhu, Amazon Real Estate Management LLC, for a reduction in the utility bill charges at 955 Main St. Unit A due to a broken water pipe was carried unanimously.

3) **Rip Rap at Storm Water Inlet in Field Park**

No action taken. Item can be removed from the agenda.

4) **Mukwonago River Dam Spillway History**

Motion by Fickau/Decker to authorize Ruekert and Mielke to develop a plan for the construction of a spillway at the Mukwonago River Dam was carried unanimously.

5) **CTH NN Multiuse Trail**

Motion was made by Fickau/O'Bryan to authorize Ruekert and Mielke to proceed with the design of the multi-use trail along CTH NN. Reilly would like to meet with two Trustees at a separate time to discuss the issue and asks that the motion not be approved tonight. Motion lost unanimously.

**10. Plan Commission**

**A. Extraterritorial Certified Survey Map for the Properties Known as MUKT 1980 088 and MUKT 1980 089, Located at W301S10258 Hillside Dr. in the Town of Mukwonago, and Owned by the Estate of William O. Bonney**

Motion was made by Fickau/Decker to accept the Plan Commission recommendation and approve the proposed Certified Survey Map pursuant to extraterritorial review for the combination of the properties known as MUKT 1980 088 and MUKT 1980 089, located at W301S10258 Hillside Dr. in the Town of Mukwonago, and owned by the Estate of William O. Bonney, into one lot. The approval shall be subject to the following conditions:

1. Prior to Village officials affixing signatures to the CSM, the Town of Mukwonago shall approve of the CSM.
2. Prior to Village officials affixing signatures to the CSM, written approvals of the Town of Mukwonago and Waukesha County shall be filed with the Village Clerk.

The third condition as set by the Plan Commission regarding the setback from the floodplain has been satisfied. Motion was carried unanimously.

**B. Extraterritorial Certified Survey Map for the Properties Known as PA395100003 and PA430300002, Located on Spleas Skoney Rd. in the Town of East Troy, and Owned by Benjamin J. Smith**

Motion was made by Penzkover/Decker to accept the Plan Commission recommendation and deny the proposed Certified Survey Map pursuant to extraterritorial review for the dividing of the property known as PA395100003 and

PA430300002, located on Spleas Skoney Rd. in the Town of East Troy, and owned by Benjamin J. Smith, into four lots. The Plan Commission found the application failed to address the policies and standards of the Village's Comprehensive Plan relating to adequate protection of persons and property and proper land use pattern. Additional information needed is as follows:

1. Submittal of plans regarding the design of the access road (width, pavement type, design of the pavement with base, etc.).
2. Submittal of a Homeowners Association Maintenance Agreement for responsibility of maintenance of the road.
3. Submittal of a written statement from Walworth County Planning indicating the plans for land use and access to neighboring properties have been approved.

A letter was received from the applicant's attorney, T. Michael Schober from Schober, Schober & Mitchell, S.C, requesting that the Village Board approve the request of land division with conditions to be reasonably satisfied as determined by the Village Planner or that the matter be tabled until the required additional can be provided. Johnson stated that the Board should consider the request to approve with conditions. Kaniewski was fine with either approving with conditions or postponing for more information. He stated that the main issue was the lack of a plan for the construction and long-term maintenance of the private driveway. Fickau asked who would enforce such a plan. Motion was carried on a vote of 4 ayes and 3 nays (Bakst, Decker, and Johnson voted no).

**C. Extraterritorial Certified Survey Map for the Property Known as PET1100045, Located at W715 Miramar Rd. in the Town of East Troy, and Owned by Gary Bengtsson**

Motion was made by Decker/Penzkover to accept the Plan Commission recommendation and approve the proposed Certified Survey Map pursuant to extraterritorial review for the dividing of the property known as PET1100045, located at W715 Miramar Rd. in the Town of East Troy, and owned by Gary Bengtsson, into two lots. The approval shall be subject to the following conditions:

1. Prior to Village officials affixing signatures to the CSM, both Town of East Troy and Walworth County shall approve of the CSM.
2. Prior to Village officials affixing signatures to the CSM, written approvals of the Town of East Troy and Walworth County shall be filed with the Village Clerk.

Motion was carried unanimously.

**D. Site Plan and Architectural Review of Proposed Funeral Home for the Property Known as MUKV 2009 968 and Located on the East Side of CTH ES Just North of Bay View Rd. – Russell Karasch, Keystone Funeral Home Design Build (Applicant) and Steve Schmidt, Schmidt & Bartelt, Inc. (Property Owner)**

Motion was made by Decker/Penzkover to accept the Plan Commission recommendation and approve the site plan and architectural review of the proposed funeral home for the property known as MUKV 2009 968 and located on the east side of CTH ES just north of Bay View Rd., and owned by Schmidt & Bartelt, Inc. The approval shall be subject to the following conditions:

1. Approval of the plans shall be subject to the submitted Site Plan with last revised date of July 13, 2010, submitted Floor Plan with last revised date of July 13, 2010, and the Exterior Elevations with last revised date of July 13, 2010.
2. Prior to the start of any site construction or issuance of a building permit, whichever occurs first, the following shall occur:

- a. The Village Engineer shall approve the Storm Water Management/Water Quality Plan.
  - b. The Village Engineer shall approve all site engineering plans.
  - c. A signed Storm Water Management Maintenance Agreement shall be submitted to the Village Clerk, subject to approval in form and substance by the Village Attorney and Village Engineer.
  - d. Submittal of any required Letter of Credit(s) for storm water management and/or construction or public improvements within the public right-of-way, in an amount and format as approved by the Village Attorney and Village Engineer.
  - e. Approval of the plans by the Fire Chief, which will include, but are not limited to, fire hydrant location, fire department connection location, and canopy clearance.
  - f. Approval of building plans by the Building Inspector.
  - g. Approval of Site Landscaping Plan and Site Exterior Lighting Plans by the Building Inspector and Village Planner. Approval of Site Landscaping Plan shall include landscaping surrounding external building mechanical equipment, with the location of the mechanical equipment shown on the building plans and landscape plan. Exterior mechanical equipment locations are subject to approval of the Building Inspector and Village Planner.
3. Prior to temporary occupancy issuance, if needed prior to final occupancy permit, the following shall occur:
- a. Submittal of an easement document providing Village access to the on-site fire hydrant and water main to the hydrant. Said easement shall be in a form and format as approved by the Village Attorney and Village Engineer, and shall be accepted by the Village Board.
  - b. Completion of all site grading and storm water management facilities in accordance with approved plans.
  - c. Completion of all exterior lighting in accordance with approved plans.
  - d. Completion of the building in accordance with approved plans and all applicable codes.
  - e. Completion of a hard parking surface, including installation of handicapped parking signs.
4. Prior to final occupancy permit, which shall be issued not later than 90 days after any temporary occupancy permit, the following shall occur:
- a. Completion of all items within Condition No. 3.
  - b. Completion of curbing, paving and striping of the entire parking area and drives, in accordance with approved plans.
  - c. Installation of all site landscaping.
5. Applicant has stated there will not be an outside dumpster for refuse. If needed in the future, any dumpster or refuse containers shall be enclosed in accordance with standards of the Zoning Ordinance, and reviewed and approved by the Building Inspector.
6. The size and design of the monument sign shown on the Site Plan shall be subject to approval of the Plan Commission, in accordance to sign design standards of the zoning ordinance. The site address shall be incorporated into the design of the sign. The Schmidt & Bartelt Shield on the face of the building canopy is part of the building architecture, and therefore does not need sign approval.
7. The depth of the parking stalls shall be reduced from 20 feet to 18 feet to reduce the amount of asphalt and water runoff.

8. The width of the sidewalk along the south side of the building shall be increased from 6 feet to 7 feet to allow better flow of pedestrians.

Motion was carried unanimously.

#### **11. Village Administrator**

##### **A. County-wide Mutual Aid Agreement with the Waukesha County Municipalities**

Motion by Fickau/Decker to approve the County-wide Mutual Aid Agreement with the Waukesha County Municipalities was carried unanimously.

##### **B. Acceptance of Emergency Assistance Program Grant Award of \$380,000 for the Dam Repairs Project**

Motion by Fickau/Decker to accept the Emergency Assistance Program Grant Award of \$380,000 for the Dam Repairs Project was carried unanimously.

#### **12. Village President**

##### **A. Reading and Signing of Proclamation for National Night Out – August 3, 2010**

Wagner read the proclamation declaring August 3, 2010 as National Night Out. Motion by Bakst/Decker to approve the signing of the proclamation declaring August 3, 2010 as National Night Out was carried unanimously.

##### **B. Appointments – Plan Commission Citizen Member and Board of Building and Zoning Appeals Second Alternate**

Item will remain on the agenda.

##### **C. Village President Announcements**

President Wagner reminded the Board that there will be a special Village Board meeting on Monday, August 2, 2010, at 7:00 p.m. to discuss the proposed Storm Water Utility.

#### **13. Convene into Closed Session**

Motion was made by Bakst/Fickau to convene into closed sessions at 8:48 p.m. pursuant to Wisconsin Statute **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) to discuss the Wastewater Superintendent/Utilities Director sick time benefits. Motion carried unanimously upon roll call vote.

Discussion held in closed session. Closed session adjourned at 9:10 p.m.

#### **14. Reconvene into Open Session**

Motion by Bakst/Decker to reconvene into open session was carried unanimously.

##### **A. Wastewater Superintendent/Utilities Director Sick Time Benefits**

No action taken.

#### **15. Adjournment**

Motion by Bakst/Decker to adjourn the Village Board meeting at 9:11 p.m. was carried unanimously.

Respectfully Submitted,

Steven A. Braatz, Jr.  
Deputy Clerk