

President Wagner called the Village Board meeting to order on January 15, 2008 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST, and WAGNER. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, Supv of Inspections Hankovich, and Engineer Peot.

Moved by Fickau and seconded by Hogan to approve the minutes of the December 18 and 27, 2007 Board meetings as presented. Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire & Library reports for December 2007 were placed on file in the Clerk's Office.

## COMMENTS FROM THE PUBLIC

***UWM Class Overview – US/Austria Small Community Analysis – Christine Scott-Thompson*** – Christine Scott-Thompson presented a study between the University of Wisconsin-Milwaukee and Austrian architectural students. The students are comparing an Austrian city with Mukwonago in regards to community design and architectural analysis.

***Presentation of George Washington Birthday Party Celebrating Home Town Heroes Sponsored by Laflin/St. James Masonic Lodge – Owen Williams*** – Item will be revisited when Mr. Williams shows up.

## COMMITTEE REPORTS

### Finance

***Vouchers Payable*** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$129,841.14; Fire/Amb \$20,463.18; TID #3 \$4,771.00; Fire Designated \$3,872.00; Recycling \$600.40; Capital Equip \$15,766.63; Library \$57,713.66; 2004 GO \$124,207.83; Storm Water \$235.00; Water \$18,356.48; Sewer \$20,325.32; Tax Escrow \$8,266.94; Parkland \$2,304.15. Motion carried without a negative vote.

***Resolution 2008-01: A Resolution to Amend the 2008 Schedule of Fees for the Village of Mukwonago*** – Moved by Pires and seconded by Hogan to approve Resolution 2008-01 for the increase in the Garbage/Recycle Fee. The Property Record Maintenance Fee increase is tabled. Motion carried without a negative vote.

### Judicial

***2007-08 Applications for Operator's Licenses – Andrew J. Braun, Melinda S. Swain*** – Moved by Bakst and seconded by Hogan to approve the 2007-08 Applications for Operator's License for Andrew J. Braun and Melinda S. Swain. Motion carried without a negative vote.

***2008 Application for Temporary Class B Beer License – January 25, 2008 – Knights of Columbus*** – Moved by Bakst and seconded by Hogan to approve the 2008 Application for Temporary Class B Beer License for the Knights of Columbus on January 25, 2008. Motion carried without a negative vote.

### Personnel

***Request for Bob Harley to Teach the State Electrical Journeyman's Exam – Building Inspection Dept.*** – Inspector Bob Harley will be teaching a class in April for the electricians union. The Committee unanimously approves and endorses the honor of teaching this class.

### Public Works

**Letter from Sheldon Hanneman, 420 Augusta Dr., Regarding Grievance/Complaint on Charges on Utility Bill for Watering Lawn during Non-Summer Months** – Moved by Fickau and seconded by Fennel to not change the summer sewer break calculation and to deny the request by Sheldon Hanneman for a waiver of the sewer charge on the utility bill for 420 Augusta Dr. Motion carried without a negative vote.

**Mukwonago Shoreline Stabilization Project** – Project is moving along in design and phase. The Phantom Lakes Management District (PLMD) is looking at sharing in the cost.

**Private Well Guaranty for Homes on YMCA Camp Road, Second Well Test on the Caine Property** – Was brought before the Committee by Steve Todd, PLMD, for discussion purposes only.

**Mukwonago 2007 Vulnerability Assessment** – Every three years, there is a study done for the Wisc DNR of the Village wells to test vulnerability of possible contaminations.

**Proposal to Complete a Storm Water Utility Feasibility Study** – Moved by Fickau and seconded by Pires to approve the proposal for a Storm Water Utility Feasibility Study. Motion carried without a negative vote.

**Shores Sewer Rehabilitation** – There is a small section of sewer in the Mukwonago Shores Subdivision that needs to be re-lined. The project will be bid out along with the McKenzie project.

**Driveway Approach Special Assessment – 415 Shore Dr. – Mukwonago Shores Phase 1** – Rupert Timm, 415 Shore Dr., agreed to split the assessment with the Village.

#### **VILLAGE ATTORNEY**

**Letter of Credit – Black Bear Residential Phase 1** – Moved by Fennel and seconded by Bakst to create a letter of credit for the Black Bear Residential Phase 1 development in the amount of \$393,183.60. Motion carried without a negative vote.

**Software Acquisition and License Agreement and Software Support Agreement for Phoenix Dispatch System** – Reilly reviewed the Key Power contracts from Muskego, Wauwatosa, and Waukesha. He inserted portions of the Muskego and Waukesha contracts into Mukwonago's contract. He read those changes as well as changes that Key Power requested. Moved by Fennel and seconded by Hogan to approve the Software Acquisition and License Agreement and Software Support Agreement with Key Power for the Phoenix Dispatch System. Motion carried on a vote of 5 ayes and 2 nays (Fickau and Pires voting no).

#### **VILLAGE ENGINEER**

**Storm Water Management and Erosion Control Inspections** – Peot stated that changes need to be made to the storm water and erosion control ordinances to update the specification of who can do the inspections, the references to Technical Standards rather than Best Management Practices, and the way the fees are charged. The current fee is based on the area, not the number of times the site is inspected. The current ordinance allows the Village to pass on Professional Service fees. Moved by Fickau and seconded by Bakst to authorize the Village Attorney to update to the storm water and erosion control ordinances. Motion carried without a negative vote.

**Enforcement of Storm Water Ordinance on Grasch Site Located on CTH ES and Phantom Woods Road** – Peot sent a letter to Joe Grasch giving him a specific timeline stating when he needs to give the Village an erosion control plan and comply with the storm water management ordinance. Moved by Fennel and seconded by O'Bryan to allow the

Supervisor of Inspections/Zoning Administrator to impose citation penalties as stated in the erosion control and storm water management ordinances on the property owned by Joe Grasch and located on CTH ES and Phantom Woods Rd. Motion carried without a negative vote.

### **VILLAGE PRESIDENT**

***Walworth Countywide Natural Hazards Mitigation Plan – Memorandum of Understanding, Representative Appointment*** – Moved by Pires and seconded by Fennel to sign the Memorandum of Understanding for the Walworth Countywide Natural Hazards Mitigation Plan. Motion carried without a negative vote. Moved by Fennel and seconded by Fickau to appoint Fire Chief Jeff Rolfe or his designee to be the representative appointment for the Walworth Countywide Natural Hazards Mitigation Plan. Motion carried without a negative vote.

***Election Officials and Historic Preservation Commission Appointments*** – Moved by Bakst and seconded by Fennel to appoint Jerome Gallo, Kathy Zautner, and Bob Zautner as election officials for 2008-2009. Motion carried without a negative vote.

### **COMMENTS FROM THE PUBLIC**

***Presentation of George Washington Birthday Party Celebrating Home Town Heroes Sponsored by Laflin/St. James Masonic Lodge – Owen Williams*** – Owen Williams, Master of the Laflin Lodge, gave a presentation on George Washington Birthday Party Celebrating Home Town Heroes to be held at the Mukwonago High School on February 22, 2008. There will be a spaghetti dinner, a program, and an essay contest.

### **CORRESPONDENCE**

***SEWRPC Planning Report No. 53: A Regional Broadband Telecommunications Plan for Southeastern Wisconsin*** – On file in the Clerk's Office.

### **NEW BUSINESS**

***Time Warner Permit – Installation of Cable TV – Blood St.*** – Moved by Fickau and seconded by Hogan to approve the Time Warner permit for the installation of Cable TV on Blood St. Motion carried without a negative vote.

Moved by Fennel and seconded by Fickau and carried to adjourn at 8:30 pm. Motion carried without a negative vote.

Steven A. Braatz, Jr.  
Village Clerk

Clerk Braatz called the Village Board meeting to order on February 18, 2008 at 7:35 p.m. Members present: PIRES, HOGAN, O'BRYAN and BAKST. Member excused: FICKAU, FENNEL and WAGNER. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, Attorney Reilly, Planner Kaniewski, and Engineer Peot.

Moved by Pires to nominate Bakst as acting President. Motion died for lack of a second. Moved Bakst and seconded by Hogan to appoint O'Bryan as acting President. Motion carried without a negative vote.

Moved by Bakst and seconded by Hogan to approve the minutes of the January 15, 2008 Board meeting with the following correction: under New Business, "We Energies" should be "Time Warner." Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire & Library reports for January 2008 were placed on file in the Clerk's Office.

Retired Administrator/Clerk-Treasurer was presented a Certificate of Commendation for his 23 years of service to the Village of Mukwonago as Clerk-Treasurer and Administrator/Clerk-Treasurer.

The Building Inspection and the Recycling/Waste Reduction Reports for 2007 were placed on file in the Clerk's Office.

## COMMENTS FROM THE PUBLIC

**Lakeland Animal Shelter – Kristin Perry** – Will be on the next agenda.

Debra Chapman, owner of 350 CTH NN E Unit 2 – Requested a refund in taxes due to an error in calculating 2007 assessment. Item is on the agenda under Finance Committee.

## COMMITTEE REPORTS

### Finance

**Vouchers Payable** – Not completed due to change in meeting date. Will be handled at a later date.

**Resolution 2008-03: A Resolution to Amend the 2008 Schedule of Fees for the Village of Mukwonago (Increase in Property Record Maintenance Fees, Various Building Permit Fees, Heating Permit Fees)** – Moved by Pires and seconded by Hogan to approve Resolution 2008-03: A Resolution to Amend the 2008 Schedule of Fees for the Village of Mukwonago. Motion carried without a negative vote.

**Request for Credit on Real Estate Taxes Due to Over-assessment – MUKV 1963.999.042 – Debra Chapman** – Attorney Reilly does not feel that it is a palpable error, and the assessor does not state as much in the letter to Clerk Braatz dated February 5, 2008. It is a dispute of value. Complainant did not appear before Board of Review. Moved by Pires and seconded by Hogan to table the issue for more information from Assessor Munson. Motion carried without a negative vote.

**Claim on Excessive Assessment – MUKV 2015.003, MUKV 2015.004, MUKV 2015.005, MUKV 2015.006, MUKV 2015.007, MUKV 2015.021, MUKV 2015.022 – Water's View Investments, LLC and Water's End Investments, LLC** – Complainant did appear before Board of Review and was asked to provide income information so the assessor could place an appropriate value on the properties. Complainant refused to supply the information. Without

supporting documentation, the Board of Review sustained the Assessor's value. Moved by Bakst and seconded by Pires to deny the claim for excessive assessment by Water's View Investments, LLC and Water's End Investments, LLC for properties in Legend Meadows. Motion carried without a negative vote.

***Request to Waive Fee for Planner Service – Sandy Miller*** – Moved by Pires and seconded by Bakst to waive the fee to Sandy Miller for a sign review done by the planner in the absence of Supv of Inspections Hankovich. An adjustment will be made on the building permit. Motion carried without a negative vote.

### **Judicial**

***2008 Application for Temporary Class B Beer License – February 24, 2008 – Knights of Columbus*** and ***2008 Application for Temporary Class B Beer and Wine License – February 27, 2008 – St. James Parish*** – Moved by Bakst and seconded by Hogan to approve the 2008 Application for Temporary Class B Beer License for the Knights of Columbus for February 24, 2008 and the 2008 Application for Temporary Class B Beer and Wine License for the St. James Parish for February 27, 2008. Motion carried without a negative vote.

***2007-08 Applications for Operator's Licenses – Nicole E. Adamek, Jeffrey M. Adler, John W. Beyer, Brian P. Cieszynski, Kathleen A. Faraca, Curtis M. Howell, Lisa M. Ludke, Jacqueline R. Robinson*** – Moved by Bakst and seconded by Hogan to approve the 2007-08 Applications for Operator's License for Nicole E. Adamek, Jeffrey M. Adler, John W. Beyer, Brian P. Cieszynski, Kathleen A. Faraca, Curtis M. Howell, Lisa M. Ludke, Jacqueline R. Robinson. Motion carried without a negative vote.

### **Personnel**

***Virchow Krause Study of Administrative Office*** – The cost study was approved in December and not to exceed \$15,000. The quote came in at \$15,500. Upon learning of the December decision, Virchow Krause lowered the quote to perform work not to exceed \$15,000. The study will begin immediately.

***Review of Department Head Compensation – Hankovich, Rolfe, and Braatz*** – Hogan reported on the discussions from the department heads at the Personnel Committee.

***Hiring of Deputy Clerk – Clerk's Office*** – Clerk-Treasurer Braatz presented a letter to and notified the Board of the urgency of hiring a Deputy Clerk. The Personnel Committee and the Village President would like the Virchow Krause study of the Clerk's Office personnel to be completed before a Deputy Clerk is hired. The Clerk's Office is very backed up in work and there is no one to back up statutory responsibilities of the Village Clerk in the case of absence or disability. Braatz asked the Board to allow some overtime for the Clerk's Office staff if a Deputy Clerk is not allowed to be hired. Moved by Bakst and seconded by O'Bryan to allow overtime for the Clerk's Office staff. The overtime shall not exceed 20 total hours per week up to April 11, in which the overtime will be reviewed again. Motion carried without a negative vote.

### **Protective Services**

***Phoenix System Software for the Fire Station*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Richard Semrow*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – William Biondi*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Christine Behl*** – Item is in committee.

**Request to Discount/Waive Ambulance Bill – Constance Bodilly** – Item is in committee.  
**Request to Discount/Waive Ambulance Bill – Roger Blakely & Ann Creach** – Item is in committee.

**Discussion of Intercept Fees to Big Bend/Vernon Fire Dept.** – Item is in committee.

**Child Safety Seat Summary for 2007** – Chief Winchowky gave a report on the Child Safety Seat Program in 2007.

### **Public Works**

**Change Order #8 – Wastewater Treatment Facility Upgrade 2006** – Moved by O'Bryan and seconded by Bakst to approve Change Order #8 for the WTF Upgrade 2006 project. Peot will research to see if this is a close out change order. Motion carried without a negative vote.

**Change Order #1 – Mukwonago Interceptor Rehabilitation** – Moved by Hogan and seconded by O'Bryan to approve Change Order #1 for the Mukwonago Interceptor Rehabilitation project. Motion carried without a negative vote.

### **PLAN COMMISSION**

**Extraterritorial CSM Review – East Shore Dr., Town of East Troy – Paul Reidl, Sr., John Reidl, Jr., Frances Reidl** – Moved by Pires and seconded by Bakst to accept the Plan Commission recommendation to approve the extraterritorial CSM review for Paul Riedl for property on East Shore Dr. Motion carried without a negative vote.

### **VILLAGE ATTORNEY**

**Lease of Water Tower Space – Cricket Communications** – Reilly asked the Board if they want to pursue a lease agreement with Cricket Communications for the placement of an antenna on the south water tower. Rent will be in the \$18,000 to \$18,400 range. Moved by Bakst and seconded by Pires to authorize the Village Attorney to pursue a lease agreement with Cricket Communications for an amount of \$18,100 for 2008 plus a 4% increase per year. Motion carried without a negative vote.

**Letter of Credit Reduction – Minors Homestead Add #3** – Moved by Bakst and seconded by Hogan to accept the letter of credit reduction for Minors Homestead Add #3 to the amount of \$714,896.80. Motion carried without a negative vote.

**Extension of Irrevocable Letter of Credit – Black Bear Commercial Development** – Moved by O'Bryan and seconded by Hogan to accept the request to extend the Irrevocable Letter of Credit for the Black Bear Commercial Development to February 6, 2009. Motion carried without a negative vote.

**2007 Assessment Error on MUKV 1978.998.002 – Minors Homestead LLC** – The assessment for the property known as parcel number MUKV 1978.998.002 and owned by Minors Homestead LLC was incorrectly assessed for \$16,000,000. It was supposed to be assessed as \$1,600,000. Reilly stated that it is clearly a palpable error. The owner did not notify the Village of the error after he received the assessment notice in August 2007. He notified the Village of the error after the Board of Review that was held in September 2007 and after he received the tax bill in December 2007. Due to the error, the tax bill was \$258,803.93 when it should have been \$25,885.12. The Village must pay the remaining \$232,918.81. Reilly presented a draft of the resolution that will concern this matter. The resolution will be on the next agenda.

## VILLAGE CLERK

***Resolution 2008-05: A Resolution Opposing the Passage of 2007 Assembly Bill 649*** – AB 649 is a proposal to prohibit water and sewer utilities from collecting delinquent water and sewer bills by placing them on real estate tax bills as tax liens. Moved by O'Bryan and seconded by Hogan to approve Resolution 2008-05: A Resolution Opposing the Passage of 2007 Assembly Bill 649. Motion carried without a negative vote.

## VILLAGE PRESIDENT

***Letter Announcing Retirement of Library Director Kathleen McBride*** – McBride's final day will be May 31, 2008. Library Board accepted the letter of retirement. Placed on file in the Clerk's Office.

***Election Officials and Historic Preservation Commission and Library Board Appointments*** – Moved by Bakst and seconded by Hogan to accept the Acting Village President's recommendation for the appointments of Rosanne Day, Mary Kirchhoff, Diane McKee, Barbara Pallan, Mary Patz, and Marcy Rottman as election officials for the 2008-2009 term. Motion carried without a negative vote.

## CORRESPONDENCE

***Letter from Virchow Krause & Co. Regarding New Auditing Standards*** – Placed on file in the Clerk's Office.

## NEW BUSINESS

***Resolution 2008-02: A Resolution Adopting the Mukwonago Community Library Board Bylaws*** – Moved by Bakst and seconded by Hogan to approve Resolution 2008-02: A Resolution Adopting the Mukwonago Community Library Board Bylaws. Motion carried without a negative vote.

***We Energies – 735 Pinehurst Dr., 911 Pinehurst Dr.*** – Moved by Hogan and seconded by Pires to approve the We Energies permits for 735 Pinehurst Dr. and 911 Pinehurst Dr. Motion carried without a negative vote.

Brandemuehl notified the Board that the Public Works Department is out of salt and almost out of sand/salt mix.

Moved by Bakst, seconded by Pires, and carried to adjourn at 9:05 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on March 4, 2008 at 7:30 p.m. Members present: PIRES, HOGAN, O'BRYAN, FENNEL, BAKST and WAGNER. Member excused: FICKAU. Also present: Police Chief Winchowky, and Attorney Reilly.

Moved by Fennel and seconded by Hogan to approve the minutes of the February 18, 2008 Board meeting as presented. Motion carried without a negative vote.

## COMMENTS FROM THE PUBLIC

**Lakeland Animal Shelter – Kristin Perry** – Perry brought brochures to pass out. She is the shelter manager. Also present were Russell and Sally Kraus, board members of the shelter. The shelter is located in Delavan and is the animal control contact for Walworth County. They have a seven (7) day hold period before the animals are placed for adoption, humane officer for cruelty investigations and other services they want the Village Board to be aware of. Perry asked for input from the Village and support for their capital campaign.

**Gilbert Yerke, Waukesha County District 25 Supervisor Candidate** – Yerke is running for Waukesha County Board District 25. He wanted to remind the Village Board Members to vote.

**Tom Jones – 401 Lois St.** – Jones stated that he is disappointed with the Mukwonago Shores project regarding the drain tiles in the curb areas. Water is sitting in the middle of the road which is now like an ice skating rink. The job is not done but residents still have to pay.

**Steve Brunette – 436 Park Place Ln.** – Brunette stated that he is not happy with his tax bill. He spoke with Dennis Vedder in the Assessor's Office was told that he will get to the bottom of it. Brunette said he doesn't know what to do. Tom Jones told Brunette that when you see the assessment you still don't know what your taxes will be.

## COMMITTEE REPORTS

### Finance

#### **Request for Credit on Real Estate Taxes Due to Over-assessment – MUKV 1963.999.042**

– **Debra Chapman** – Pires stated that she and Hogan talked with Keith Munson from National Appraisal and found that there was no palpable error made. It was concluded that the only remedy was for Chapman to attend the Board of Review. The Finance Committee recommends denying the claim, but will have National Appraisal reassess next year. Moved by Pires and seconded by Hogan to deny the request for credit on the 2007 real estate taxes for MUKV1963.999.042. Motion carried without a negative vote.

**Vouchers Payable** – Moved by Pires and seconded by Hogan to approve the following vouchers: Village \$41,661.62; Fire/Amb \$15,053.17; Recycling \$27.42; Capital Equip \$3,601.52; Library \$8,647.55; 2004 GO \$1,635.00; Water \$70,107.53; Sewer \$23,276.69; Taxroll \$1,270,327.44. Motion carried without a negative vote.

#### **Request to Waive Building Permit Fees for the Construction of a Wheelchair Ramp at 621 Grand Avenue**

– Moved by Pires and seconded by Hogan to deny the request to waive the building permit fees of \$50.00. Pires stated that the VFW needs to build a ramp to comply with the American Disabilities Act. The VFW has already paid \$300.00 to go to the Board of Building and Zoning meeting for a hearing. Pires and Hogan spoke with Supervisor of Inspections Hankovich regarding being consistent with other non-profits in the Village who did not get the permit fees waived. Wagner stated that there were other fees waived, for example the American Legion and the Lion's Club. Pires said that they made direct gifts to the

Village Parks. Wagner commented that he would pay the fee himself, not allowing the VFW to have to pay for it. Attorney Reilly stated that these were only fees for the stairway not a whole house, where the building permit fees would be much higher. Hogan mentioned that the fees were not waived for the Rotary House, but Wagner said there was intent to sell the property for a profit. Motion lost on a vote of 5 nays and 1 aye [Pires voting 'yes']. Moved by Fennel and seconded by O'Bryan to waive the building permit fees for VFW Post 7221 for the construction of a wheelchair ramp. Motion carried on a vote of 5 ayes and 1 nay [Pires voting 'no'].

### **Judicial**

***2008 Application for Temporary Class B Beer and Wine License – March 8, 2008 – St. James School*** – Moved by Bakst and seconded by Fennel to approve the 2008 Application for Temporary Class B Beer and Wine License for the St. James School for March 8, 2008. Motion carried without a negative vote.

### **Personnel**

***Update on Firefighter Negotiations*** – Hogan stated this is only an update. There have been four (4) sessions so far. All have agreed upon policy issues. Remaining to negotiate are economic issues; vacations, insurance, sick leave and compensation. The next meeting is March 27, 2008.

### **Protective Services**

***Phoenix System Software for the Fire Station*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Richard Semrow*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – William Biondi*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Christine Behl*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Constance Bodilly*** – Item is in committee.

***Request to Discount/Waive Ambulance Bill – Roger Blakely & Ann Creach*** – Item is in committee.

***Discussion of Intercept Fees to Big Bend/Vernon Fire Dept.*** – Item is in committee.

***Charity Care Policy for Ambulance Bills*** – Item is in committee.

### **VILLAGE ATTORNEY**

***Approval to Exercise Option for Caine Well Site*** – Reilly advised the Village Board of the terms of the Agreement with the Caines regarding the well site. He indicated that it is his understanding that the Board desires to proceed with the purchase/lease of the land in order to install the well on the property. Reilly indicated that to proceed, the Village needs to exercise the option to purchase the well site. The Village is required to pay the Caine's \$7,500.00 to exercise the option to purchase the property. Then, the Village will apply for a Conditional Use permit from Walworth County [Shawn Reilly] and the Town of East Troy. Closing on the lease of the property should be in approximately 60 days. Moved by O'Bryan and seconded by Fennel the approval to exercise the option to purchase and to pay the Caines \$7,500.00. Motion carried without a negative vote.

***Resolution 2008-04: A Resolution Acknowledging Palpable Error in the 2007 Assessment Roll, Authorizing a Budget Adjustment to Appropriate Funds for the 2007 Taxes, and Requesting a Charge-back of Taxes to Other Taxing Jurisdictions*** – Reilly stated he is still working on it and would like it on the next Village Board agenda.

***Resolution 2008-06: A Resolution for the Village's General Fund to Pay for a Portion of the Special Assessments Levied Against Specific Benefited Properties for Mukwonago Shores Paving and Utilities-Phase 1*** – Reilly handed out final copy where three (3) properties will be credited. Moved by Fennel and seconded by Hogan to approve Resolution 2008-06 for the Village's General Fund to credit three (3) properties at 410 Field Street, 329 Andrews Street, and 415 Shore Drive for a portion of the special assessment levied for the Mukwonago Shores Paving and Utilities-Phase 1 project. Motion carried without a negative vote.

#### **VILLAGE ENGINEER**

***Approval of Utility Plans for Black Bear Residential Development*** – Village Engineer Peot not present. Item is held until next Village Board meeting.

***Intergovernmental Agreement Between the Village of Mukwonago and Waukesha County for Storm Water Education Program Services*** – Since Peot is not present, Reilly recommends to go through the county, who is putting it together and will ultimately be recommended to sign, but Peot should give his opinion. Item is held until next Village Board meeting.

#### **VILLAGE PRESIDENT**

***Election Officials and Historic Preservation Commission and Library Board Appointments*** – Moved by Bakst and seconded by Hogan to accept the Village President's recommendation for the appointments of Jean Brocker as an election official and Rose Ann Kelly as a deputy chief election official for the 2008-2009 term. Motion carried without a negative vote. Wagner will look at the HPC and Library Board appointments at a later date.

#### **NEW BUSINESS**

***Time Warner Permit – Installation of Cable TV – Mukwonago Drive*** – Moved by Hogan and seconded by O'Bryan. Motion carried without a negative vote.

Moved by Fennel, seconded by O'Bryan, and carried to adjourn at 8:10 pm.

Cathy Millard  
Acting Clerk/Recorder

President Wagner called the Village Board meeting to order on March 18, 2008 at 7:30 p.m. Members present: FICKAU, PIRES, HOGAN, FENNEL, O'BRYAN, BAKST and WAGNER. Also present: Police Chief Winchowky, Fire Chief Rolfe, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, and Engineer Peot.

The following correction to the March 4, 2008 minutes was noted: Under Finance Committee reports, Vouchers Payable, the motion was seconded by Hogan. Moved by Fickau and seconded by Hogan to approve the minutes of the January 15, 2008 Board meeting as corrected. Motion carried without a negative vote. The Treasurer, Mileage, Police, Fire & Library reports for February 2008 were placed on file in the Clerk's Office.

## **COMMENTS FROM THE PUBLIC**

**Steve Brunette, 436 Park Place Ave.** – His house is less than 800 square feet, and he believes he is overtaxed.

## **COMMITTEE REPORTS**

### **Finance**

**Vouchers Payable** – Moved by Pires and seconded by Fickau to approve the following vouchers: Village \$38,298.14; Fire/Amb \$236,613.47; Recycling \$38,271.60; Library \$7,307.45; Water \$12,225.65; Sewer \$2,442.48; Taxroll \$3.00. Motion carried without a negative vote.

**Request for Credit on Real Estate Taxes Due to Over-assessment – MUKV 1975.975 – Steve & Diane Brunette** – Item is held in Committee. National Appraisal Corp. is researching.  
**Police Capital Purchase – Light Bar – Chief Winchowky** – Police budgeted \$1,750 in Capital equipment to purchase a light bar. While at a conference, Ltd. LaDue came across a deal for four new/near-new light bars for \$3,000. The light bars are the kind that most police departments are using, and they use less energy because they are LED lights. Moved by Pires and seconded by Bakst to allow the purchase of four light bars in the amount of \$3,000.00. \$1,750.00 will come from capital equipment fund, while the remaining \$1,250.00 will come from the Police donations fund. Motion carried without a negative vote.

### **Judicial**

**2007-08 Application for Original Class B Beer and Liquor License – Lake Rock, Incorporated (Tracey Hewett, Agent), 715 Main Street, d/b/a Lakeside Restaurant** – Moved by Bakst and seconded by Fennel to approve the 2007-2008 Application for Original Class B Beer and Liquor License for Lake Rock Inc. (Tracey Hewett, Agent), at 715 Main St., Lakeside Restaurant. The approval is contingent upon the sale of the property by March 31, 2008, and the applicant obtaining the required conditional use permit. Motion carried without a negative vote.

### **Public Works**

**Request to Waive a Portion of Sewer Charge of 4<sup>th</sup> Quarter Utility Bill for Park View Middle School Due to Leak – Robert Kraus, Mukwonago Area School District** – Committee reviewed past consumptions for the same quarter, and found some consumptions higher than the 2007 4<sup>th</sup> quarter amount. Moved by Fickau and seconded by Fennel to deny

the request to waive a portion of the sewer charge of the 2007 4<sup>th</sup> quarter utility bill for Park View Middle School. Motion carried without a negative vote.

***Request to Waive Penalty Due to Non-Delivery of Utility Bill by Post Office – Kathy Kraus, Dairy Queen*** – Moved by Fickau and seconded by Fennel to deny the request to waive the penalty of the 2007 4<sup>th</sup> quarter utility bill for Dairy Queen. Motion carried without a negative vote.

***Mutual Use of Front End Loader*** – Issue has been taken care of.

***Grand Avenue Sewer Repair*** – A portion of the sewer on Grand Ave. has collapsed and needs repair. Project will be bid out along with other sewer repair projects as one bid and project.

***Renewal Fee for Backflow Prevention Valve Inspector's License for Eric Tank*** – Moved by Fickau and seconded by Hogan to allow the payment of the fee of \$180 for the four year Backflow Prevention Valve Inspector's License for Eric Tank. If he were to end employment with the Village of Mukwonago within 2 years, he shall pay the Village for the license fee at a prorated amount. Motion carried without a negative vote.

***Test Core of Pavement Wedges*** – Engineer is checking into the test cores.

***Armoring of Maple Avenue Ditch*** – Item is in Committee.

## PLAN COMMISSION

***Certified Survey Map Review – Lot Line Adjustment – W322 Cty Rd. L – Alan & Elizabeth Nicoson*** – The property owners will be petitioning the Village of Mukwonago to detach .04 acres from the Village to the Town of East Troy.

***Extraterritorial CSM Review – East Shore Rd., Town of East Troy – Gregory Stein*** – Moved by Fennel and seconded by Hogan to accept the Plan Commission recommendation to approve the extraterritorial CSM review for property located on East Shore Dr. and owned by Gregory Stein. Motion carried without a negative vote.

***Existing Second Driveway Request – 331 CTH NN W – Citizens Bank*** – The Plan Commission approved the second driveway approach that is existing on the back of the property located at 331 CTH NN W.

## VILLAGE ATTORNEY

***Resolution 2008-04: A Resolution Acknowledging Palpable Error in the 2007 Assessment Roll, Authorizing a Budget Adjustment to Appropriate Funds for the 2007 Taxes, and Requesting a Charge-back of Taxes to Other Taxing Jurisdictions*** – Moved by Fickau and seconded by Pires to approve Resolution 2008-04. Motion carried without a negative vote.

## VILLAGE ENGINEER

***Approval of Utility Plans for Black Bear Residential Development*** – Moved by Fickau and seconded by Hogan to approve the utility plans for the Black Bear Residential development. Motion carried without a negative vote.

***Intergovernmental Agreement Between the Village of Mukwonago and Waukesha County for Storm Water Education Program Services*** – Moved by Fickau and seconded by Hogan to accept the Intergovernmental Agreement between the Village of Mukwonago and Waukesha County for Storm Water Education Program Services. Motion carried without a negative vote.

**VILLAGE PRESIDENT**

***Historic Preservation Commission and Library Board Appointments*** – Clerk will check into what appointments are needed.

**NEW BUSINESS**

***We Energies – 1340 Orchard View Ln.*** – Moved by Fickau and seconded by Fennel to approve the We Energies permits for 1340 Orchard View. Motion carried without a negative vote.

Moved by Fickau, seconded by Fennel, and carried to adjourn at 7:58 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on April 15, 2008 at 7:30 p.m. Members present: FICKAU, JOHNSON, HOGAN, FENNEL, O'BRYAN, BAKST and WAGNER. Also present: Police Chief Winchowky, Fire Chief Rolfe, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, and Engineer Peot.

The Board welcomed new trustee Darlene Johnson. Moved by Wagner and seconded by Hogan to approve **Resolution 2008-07: Resolution Extending Appreciation to Village Trustee Mary Pires**. Motion carried without a negative vote.

Moved by Fickau and seconded by Fennel to approve the minutes of the March 18, 2008 Board meeting as presented. Motion carried without a negative vote.

The Treasurer, Mileage, Police, Fire & Library reports for March 2008 and the 1<sup>st</sup> Quarter 2008 Recycling Report from John's Disposal Service were placed on file in the Clerk's Office. The 2007 Public Library Annual Report and the 2007 Mukwonago Police Department Annual Report were placed on file in the Clerk's Office.

### COMMENTS FROM THE PUBLIC

**Presentation of and Request for Approval of Stenciling of Storm Water Drains – Scott Murphy, Mukwonago Ecology Club** – Elaine Blessman, Mukwonago Ecology Club, presented sample stencils of signs the club would like to paint on most or all of the storm drains to warn people that the water flows into the lake or river and no to put toxins down the drain. The project is a County funded project. The club would elicit the assistance of local organizations, such as the boy scouts, to help with the painting. The project is set to take place on May 3, 2008. Peot and Brandemuehl will be contacts for the project. The project will help bring Mukwonago into compliance with storm water runoff requirements and education. Moved by Bakst and seconded by Fennel to approve the request by the Mukwonago Ecology Club to stencil warning signs onto storm water drains. Motion carried without a negative vote.

**Tom Jones, 401 Lois St.** – Presented pictures showing water problems in his backyard due to the Mukwonago Shores Phase 2 project. He would like the Board to take action.

**Diane Brunette, 433 Wahl Ave.** – Presented pictures of divots in the road blobs of rubber coming up. She would like it fixed.

### OLD BUSINESS

**Address Clarification – 436 Park Place Lane and 433 Wahl Ave. – Steve & Diane Brunette** – Diane Brunette explained that her address was changed to 433 Wahl Ave. in 2004, when the address has always been 436 Park Place Ln. The reason for the change is that Park Place Lane is not a Village street, and the County 911 system does not recognize it. She gets mail to both addresses, but UPS will not deliver to the Park Place Ln. address. A Village dispatcher recently called to determine the correct address for the Village's 911 system. Winchowky stated that both addresses are in their system. Peot noted that the Post Office will deliver to either address because they are local and know the house. However, the USPS database will only show 433 Wahl Ave., which is the official address. He also noted that if Park Place Ln. were paved and widened to match Village driveway requirements and easements were obtained, then they would receive a Shore Dr. address. As it stands now, the official address for this house is 433 Wahl Ave.

## COMMITTEE REPORTS

### Finance

***Request for Credit on Real Estate Taxes Due to Over-assessment – MUKV 1975.975 – Steve & Diane Brunette*** – The Committee met with Brunette and the Village Assessor. The 2007 taxes cannot be opened back up, but the assessment for the 2008 taxes will be changed.

***Vouchers Payable*** – Moved by Fickau and seconded by Hogan to approve the following vouchers: Village \$88,618.44; Fire/Amb \$19,335.42; TID #3 \$3,255.75; Recycling \$38,589.81; Capital Equip \$5,397.04; Library \$12,854.97; 2004 GO Note \$117,822.18; Storm Water \$3,966.78; Water \$43,079.13; Sewer \$121,953.12; Parkland \$423.00. Motion carried without a negative vote.

***Payment for Virchow Krause Village Hall Operation Review*** – Moved by Fickau and seconded by Fennel to authorize payment of the Virchow Krause bill for the Village Hall Operation Review. Motion carried without a negative vote.

***Other*** – Fickau notified the Board that the Fire Chief presented the payment for the new engine that the Fire Dept. is purchasing. It is budgeted as a capital item, and the contract would need to be signed. Jeff stated that they picked this company because they were willing to accept the old engine as a trade-in, and delivery was paid for. He and Bob Pickard, DPW mechanic, drove down to Alabama to look at it, and Pickard was satisfied with it.

### Health and Recreation

***Request to Plant a Tree in Field Park in Memory of Henry Buchholz – Sandy Halbrucker, Hank's Transportation Co.*** – Hank's Transportation would like to plant an oak tree in Field Park in memory of Henry Buchholz. They will meet with DPW Sup Brandemuehl to figure out where to put it.

***Status of Stewardship Grants for Miniwaukan Park and Minor Park Projects*** – Item is in Committee.

***Status of the Shoreline Stabilization Project in Indianhead Park*** – Item is in Committee.

### Judicial

***2008 Application for Temporary Class B Beer License – May 17, 2008 – Mukwonago Historical Society*** – Moved by Bakst and seconded by Fickau to approve the 2008 Application for Temporary Class B Beer License for the Mukwonago Historical Society for May 17, 2008. Motion carried without a negative vote.

***2007-08 Applications for Operator's License – Justin R. Angelier, Cliff E. Beckman, Jr., Donlea P. Berg, Robin R. Faith, Lucas T. Mallon, Fritz T. Nehnevay, Bambi T. Robinson, Michele M. Scherkenbach*** – Moved by Bakst and seconded by Hogan to approve the 2007-08 Applications for Operator's License for Justin R. Angelier, Cliff E. Beckman, Jr., Donlea P. Berg, Robin R. Faith, Lucas T. Mallon, Fritz T. Nehnevay, Bambi T. Robinson, Michele M. Scherkenbach. Motion carried without a negative vote.

### Protective Services

***Phoenix System Software for the Fire Station*** – Item will be discussed at budget time and can be removed from the agenda.

***Charity Care Policy for Ambulance Bills*** – Item is in Committee.

**Request to Discount/Waive Ambulance Bill – Richard Semrow** – Item is in Committee.  
**Request to Discount/Waive Ambulance Bill – William Biondi** – Item is in Committee.  
**Request to Discount/Waive Ambulance Bill – Christine Behl** – Item is in Committee.  
**Request to Discount/Waive Ambulance Bill – Constance Bodilly** – Item is in Committee.  
**Request to Discount/Waive Ambulance Bill – Roger Blakely & Ann Creach** – Item is in Committee.  
**Discussion of Intercept Fees to Big Bend/Vernon Fire Dept.** – Item is in Committee.

### **Public Works**

**Armoring of Maple Avenue Ditch** – Issue is being worked with the Engineer and Public Works.

**Drainage Problems on Properties that abut Honeywell Road – Kathie Reimesch, 1311 Mukwonago Dr.** – Issue was turned over to Ruckert & Mielke to see if a solution can be found.

**Request to Waive Penalty Due to Non-Delivery of Utility Bill by Post Office – Roger Schankey, 118 Small Farm Rd.** – Item is in Committee.

**Request to Change a Regular Street Parking Spot to a Handicapped Parking Spot in Front of 111 Atkinson St. – Joan Zachow, The Anatomy Shop Physical Therapy Services** – Item referred to Judicial Committee.

**Renewal of Municipal Agreement to Provide for the Sharing of Water with the Village of East Troy** – Moved by Hogan and seconded by Fickau to approve the renewal of the Municipal Agreement to Provide for the Sharing of Water with the Village of East Troy. The name of the Water Supervisor shall be changed to Supervisor Ivan Zarembo's name. Motion carried without a negative vote.

**Change Order No. 3 – Mukwonago Shores Paving and Utilities – Phase 1** – The change order is for the close out of the contract with C.W. Purpero, Inc. for the Mukwonago Shores Phase 1 Paving and Utilities project. There was a net decrease of \$239,377.47. Moved by Fickau and seconded by Hogan to approve Change Order No. 3 for the Mukwonago Shores Phase 1 Paving and Utilities project. Motion carried without a negative vote.

### **PLAN COMMISSION**

**Extraterritorial CSM Review – Town of Mukwonago – S110W30410 YMCA Camp Rd. – Timothy & Lori Markowski** – Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve the extraterritorial CSM for the property located at S110W30410 YMCA Camp Rd. and owned by Timothy & Lori Markowski. Motion carried without a negative vote.

### **VILLAGE ATTORNEY**

**Resolution 2008-08: Resolution Ordering an Assessor's Plat in the Village of Mukwonago** – The resolution is to order a plat for the Plank Road area to set the lot lines. Moved by Fickau and seconded by Johnson to approve **Resolution 2008-08: Resolution Ordering an Assessor's Plat in the Village of Mukwonago**. Motion carried without a negative vote.

### **VILLAGE CLERK**

**Insurance Claim from Sewer Backup – James & Beth Ferwerda, 953 Meadowview Lane** – Moved by Hogan and seconded by Fickau to deny the insurance claim for 953 Meadowview Ln. Motion carried without a negative vote.

**Approval of April 1, 2008 Municipal Canvass Report** – Moved by Fennel and seconded by Bakst to accept the April 2, 2007 Municipal Canvass Report. Motion carried without a negative vote.

**2008 New Municipal Officials Workshop – League of Wisconsin Municipalities and 2008 Regional Dinner Meeting – League of Wisconsin Municipalities** – Board Members received copies of the 2008 New Municipal Officials Workshop and the 2008 Regional Meetings sponsored by the League of Wisconsin Municipalities. Members are to let the Clerk know of their attendance no later than April 18, 2008.

**Proclamation for Municipal Clerks Week – May 4-10, 2008** – Moved by Fennel and seconded by Johnson to approve the signing of the Proclamation for Municipal Clerks Week from May 4 to May 10, 2008. Motion carried without a negative vote.

## **VILLAGE PRESIDENT**

**Acceptance of Letter of Resignation from Historic Preservation Commission – Roberta Boczkiewicz** – Moved by Fennel and seconded by Hogan to accept the letter of resignation from Historic Preservation Commission by Roberta Boczkiewicz. Motion carried without a negative vote.

**Appointments** – Moved by Fickau and seconded by Hogan to accept the Village President's recommendation for the following appointments:

### **Village Board Subcommittees**

Finance Committee – Bakst (Chair), Fickau, Hogan

Public Works Committee – Fickau (Chair), O'Bryan, Fennel

Personnel Committee – Hogan (Chair), O'Bryan, Bakst

Protective Services Committee – O'Bryan (Chair), Fennel, Bakst

Health and Recreation Committee – Fennel (Chair), Johnson

Judicial Committee – Johnson (Chair), Hogan

### **Library Board** – Term expiring 2011

Johnson (Village Board Member), Shawn McNulty (School Representative)

### **Plan Commission** – Term expiring 2011

John Bronk (Citizen Member)

### **Board of Appeals** – Term expiring 2011

Kate Graczyk and Dave Mades (Regular Members), John Somers (1<sup>st</sup> Alternate)

### **Fire Commission** – Term expiring 2009

O'Bryan (Village Board Member)

### **Police Commission** – Term expiring 2011

Donna Rush, Robert Posekany

### **Tourism Commission** – Term expiring 2011

Michele Dretzka, Patti Muraczewski (Citizen Members), William Kasch and Bharat Shah (Business Members)

### **Historic Preservation Commission Adhoc Committee**

Hogan, Joe Hankovich, Roberta Boczkiewicz

### **Weed Commissioner** – Term expiring 2010

Wayne Craig  
**Forester** – Term expiring 2010  
Tom Brandemuehl  
**Village Attorney** – Term expiring 2010  
Shawn Reilly

Historic Preservation Commission, Economic Development Committee, and the Library Board Citizen Member appointments will be on hold until further notice. Motion carried without a negative vote. Moved by Hogan and seconded by Fickau to accept the Village President's recommendation for the appointments of Tom Brown, Jane Sockrider, and Bob Sockrider as election officials for the 2008-2009 term. Motion carried without a negative vote. Moved by Fickau and seconded by Hogan to accept the Village President's recommendation for the appointments of Wagner, Clerk Braatz, Bakst, O'Bryan, and Fennel as 2008 Board of Review Members. Fickau, Hogan, and Johnson will be alternates. The Board of Review first meeting will be May 12. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to accept the Village President's recommendation for the appointment of Tom Jones as Fox River Commission Village Member. Motion carried without a negative vote.

## **CORRESPONDENCE**

***Letter of Intent to Purchase of Property from the Village of Mukwonago – Seaquist Closures*** – Seaquist Closures is looking to purchase 5 acres of adjacent property from the Village of Mukwonago for an expansion. They intend to use 1.3 acres for the expansion, leaving the remaining 3.7 acres as green space. This item was discussed by the Plan Commission on April 14, and the Commission was in favor. The intent of the industrial park was to create jobs and add tax base. The Village would not want to block a business of that size from growing. The Village Board agrees with the Plan Commission and is in favor. The item will be presented to the Economic Development Committee on April 17.

***Notice of Informational Hearing and Complete Application for Proposed Grading – Black Bear Development*** – On file in the Clerk's Office.

## **NEW BUSINESS**

***We Energies Permit – 625 Augusta Dr.*** – Moved by Fennel and seconded by Hogan to approve the We Energies permits for 625 Augusta Dr. Motion carried without a negative vote.

Wagner notified the Board that he has been working to get a traffic signal installed at the intersection of STH 83 and CTH LO. That should be installed later this year. He also noted that he has been working with Centurytel on getting the Wi-Fi internet put into the Village. So far, there will be receiver set up in Field Park for access in the park for Maxwell Street Days and Summerfeste. Wagner also notified the Board that he will be setting up a workshop to go over some topics some time in the next few weeks.

Moved by Fickau, seconded by Hogan, and carried to adjourn at 8:40 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on May 6, 2008 at 7:30 p.m. Members present: FICKAU, HOGAN, FENNEL, JOHNSON and WAGNER. Member excused: BAKST. Member absent: O'BRYAN. Also present: Police Chief Winchowky, Fire Chief Rolfe, DPW Supv Brandemuehl, WWTP Supv West, and Attorney Reilly.

Moved by Fickau and seconded by Hogan to approve the minutes of the April 15, 2008 Board meeting as presented. Johnson noted that the minutes state that the Ecology club would be stenciling storm sewers on May 6, 2008. They actually did it on April 26, due to a conflict on May 6. Motion carried without a negative vote.

### **COMMENTS FROM THE PUBLIC**

***Report from Mukwonago Chamber of Commerce Economic Development Committee Offering Partnership and Support of Village of Mukwonago Development*** – Kevin Czaiki, Centurytel, represented the Mukwonago Chamber of Commerce Economic Development Committee (EDC). The EDC has been attending Plan Commission meetings for more than a year. They take the information from those meetings and relay them to residents and business owners in Mukwonago. They have talked to the City of Delafield leaders as well as the Main Street Program director for Pewaukee to gather information on possibilities for Mukwonago. The EDC would like positive turns in the downtown. They would like to work with the Village Board in offering support for positive development. They are also concerned with the possible widening of STH 83. They are proponents for hiring an Administrator or Planner. Wagner stated that it has been the Board's position not to widen STH 83. He referenced a number of future DOT plans, and the Village is not mentioned in there.

Cheryl Berg, Berg Construction, 461 River Crest Ct. – Has a bigger stake in Mukwonago with her business. Her economic stability involves Village Board actions. She met with the DOT and they stated that they approved a study to go through and look at the needs for STH 83. Their goal is to work with the Village.

### **COMMITTEE REPORTS**

## **Finance**

***Vouchers Payable*** – Moved by Fickau and seconded by Hogan to approve the following vouchers: Village \$57,952.81; Fire/Amb \$14,342.27; TID #3 \$990.00; Capital Equip \$103,701.65; Library \$11,777.09; 2004 GO Note \$14,580.15; Storm Water \$11,140.14; Impact Fees \$5,500.00; Water \$34,662.50; Sewer \$12,952.44; Tax Escrow \$1,755.58; Parkland \$1,328.28. Motion carried without a negative vote.

***Request to Purchase Equipment with Act 102 Funds – Fire Department*** – Rolfe requested to purchase two toughbooks computers, a GPS system, wireless broadband cards from Verizon, and other related equipment from the Act 102 funds given by the State. There is approximately \$13,500 in the fund now, and the purchases will be \$12,137.43. With the purchase of the toughbooks, the ambulances, the engine and the Fire Chief vehicle will all have the computers. The GPS system will work with the new Police Dept. CAD system for better location of the vehicles. Moved by Fickau and seconded by Fennel to allow the purchase of two toughbooks computers, a GPS system, and other related equipment with Act 102 funds. There will be an annual cost for the broadband wireless cards of \$2,380.91 that will come from the regular Fire/Ambulance budgets in future years. Motion carried without a negative vote.

***Request for Reimbursement of the Installation of Exit Lights at 830 Swan Dr. – Kevin Sinnett, Instrument Development Corp.*** – The Building Inspector informed the Committee that since there was a change in tenant, the building needed to be brought up to code. Moved by Fickau and seconded by Fennel to deny the request from Kevin Sinnett, Instrument Development Corp. for reimbursement for the purchase of exit lights at 830 Swan Dr. Motion carried without a negative vote.

***Request for Credit Card – Inspection Department*** – Moved by Fickau and seconded by Hogan to allow the Inspection Department to receive a credit card. The Department shall follow the Credit Card Use Policy. Motion carried without a negative vote.

***Resolution 2008-09: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies*** – Moved by Fickau and seconded by Hogan to approve ***Resolution 2008-09: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies***. Motion carried without a negative vote.

## **Health and Recreation**

***Request to Use Village Property Located at STH 83 and CTH ES to Display Flowers – May 16-17, 2008 – Mukwonago Chamber of Commerce Tourism Committee*** – Chairman Fennel notified the Chamber that is they had permission to place a flower wagon on the Village property located at STH 83 and CTH ES.

***Request for Letter of Support for Wisconsin DNR Grant Application – Phantom Lakes Management District*** – Fickau noted that he had a problem with the amount of trouble the Phantom Lakes Management District has given the Village with regards to the new well drilling. Fennel stated that they do cut the weeds along the shore of the Village portion of Phantom Lake. Moved by Fennel and seconded by Hogan to approve the creation of a letter of support of the Phantom Lakes Management District for the Wisconsin DNR grant application in the pursuit to refurbish their weed harvester and conveyor. Motion carried on a vote of 3 ayes and 2 nays (Fickau and Wagner voting no).

## **Judicial**

***2008 Application for Temporary Class B Beer License – July 12, 2008 – CFU John Movrich Lodge 993*** – Moved by Johnson and seconded by Hogan to approve the 2008 Application for Temporary Class B Beer License for July 12, 2008 for the CFU John Movrich Lodge 993. Motion carried without a negative vote.

***2008 Applications for Temporary Class B Beer License – June 7-8, July 19-20, August 16-17, September 13-14, 2008 – American Legion Post 375*** – Moved by Johnson and seconded by Hogan to approve the 2008 Applications for Temporary Class B Beer License for June 7-8, July 19-20, August 16-17, and September 13-14, 2008 for the American Legion Post 375. Motion carried without a negative vote.

***2007-08 Applications for Operator's License – Lynn M. Hamby, Maninder Kaur, Clifford T. Wozniak, Eric Zingsheim*** – Moved by Johnson and seconded by Hogan to approve the 2007-08 Applications for Operator's License for Lynn M. Hamby, Maninder Kaur, Clifford T. Wozniak, and Eric Zingsheim. Motion carried without a negative vote.

## **Protective Services**

***City of Waukesha Technical Rescue Service Intergovernmental Agreements for Village and Town of Mukwonago*** – Moved by Fennel and seconded by Fickau to approve the 2008 renewal of the City of Waukesha Technical Rescue Service Intergovernmental Agreements for Village and Town of Mukwonago. Motion carried without a negative vote.

***Charity Care Policy for Ambulance Bills*** – Item is in Committee.

***Request to Discount/Waive Ambulance Bill – Richard Semrow*** – Item is in Committee.

***Request to Discount/Waive Ambulance Bill – William Biondi*** – Item is in Committee.

***Request to Discount/Waive Ambulance Bill – Christine Behl*** – Item is in Committee.

***Request to Discount/Waive Ambulance Bill – Constance Bodilly*** – Item is in Committee.

***Request to Discount/Waive Ambulance Bill – Roger Blakely & Ann Creach*** – Item is in Committee.

***Discussion of Intercept Fees to Big Bend/Vernon Fire Dept.*** – Issue is taken care of and can be removed from the agenda.

***Speed and Aggressive Driving Enforcement for 2008*** – Police Department received a grant from the Wisconsin DOT in the amount of \$10,000.00 for Speed and Aggressive Driving Enforcement for 2008.

## **VILLAGE ATTORNEY**

***Centurytel Power & Space Agreement for WiFi in Field Park*** – Kevin Czaiki, Centurytel, presented a basic Power and Space Agreement. Centurytel will be placing a box on the roof of the pavilion in Field Park for the purposes of providing Wireless Internet Fidelity (WiFi) in the park. Centurytel customers could get on for free, but other customers would have one hour free of low speed, then pay for different levels of speed and time. Centurytel would need access inside the pavilion one time to hook up power. They would maintain the box. They would not pay rent. The agreement needs to be amended and will be on the next agenda.

***Lease Agreement for Well on Caine Property*** – Moved by Fickau and seconded by Hogan to approve the Lease Agreement for Well on the Caine Property. Motion carried without a negative vote.

***Ordinance No. 811: An Ordinance to Delete Section 100-751 Thru 100-755 and to Create Section 34-121 Thru 34-125 of the Village of Mukwonago Municipal Code Pertaining to***

**Construction Site Erosion Control** – Moved by Fennel and seconded by Hogan to approve **Ordinance No. 811**: *An Ordinance to Delete Section 100-751 Thru 100-755 and to Create Section 34-121 Thru 34-125 of the Village of Mukwonago Municipal Code Pertaining to Construction Site Erosion Control.* The title of the ordinance shall be amended to include Section 34-126. Motion carried without a negative vote.

**Cricket Lease Agreement** – The item will be held until the next meeting.

#### **VILLAGE PRESIDENT**

**Proclamation for National Safe Boating Week – May 17-23, 2008** – Moved by Fickau and seconded by Hogan to approve the signing of the Proclamation for National Safe Boating Week from May 17 to May 23, 2008. Motion carried without a negative vote.

**Library Board Appointment** – The item will be held until the next meeting.

#### **CORRESPONDENCE**

**Letter Regarding Memorial Day Procession and Ceremonies – American Legion Post 375** – Board members wishing to attend the Procession and/or Ceremonies should let Fickau and Clerk Braatz know.

**Letter from Governor Doyle Regarding Emerald Ash Borer Awareness Week – May 18-24, 2008** – On file in the Clerk's Office.

#### **NEW BUSINESS**

**We Energies Permit – 512 Fairwinds Ct., 809 Pinehurst Dr.** – Moved by Fennel and seconded by Hogan to approve the We Energies permits for 512 Fairwinds Ct. and 809 Pinehurst Dr. Motion carried without a negative vote.

Brandemuehl noted that the park buildings were painted recently. The Village purchased the paint and the Mukwonago Lions Club provided the volunteers to paint. A letter should be sent to club thanking them for the time.

Moved by Fennel, seconded by Fickau, and carried to adjourn at 8:59 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on May 20, 2008 at 7:30 p.m. Members present: FICKAU, JOHNSON, HOGAN, FENNEL, O'BRYAN, BAKST and WAGNER. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, and Engineer Peot.

President Wagner announced that the Village Board would convene into closed session pursuant to State Statute 19.85(1) (e) near the end of the regular meeting.

Moved by Fickau and seconded by Hogan to approve the minutes of the May 6, 2008 Board meeting as presented. Motion carried without a negative vote.

The Treasurer, Mileage, Police, Fire and Library reports for April 2008 were placed on file in the Clerk's Office.

### **COMMENTS FROM THE PUBLIC**

Lee Hau, 561 Baron Rd. – Expressed concern and looking for direction for drainage issues, sump pump discharging, drain tiles in the utility easements in Meadow Park Estates.

### **COMMITTEE REPORTS**

#### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Hogan to approve the following vouchers: Village \$65,323.64; Fire/Amb \$16,693.21; TID #3 \$6,500.00; Recycling \$39,145.33; Capital Equip \$78,000.53; Library \$2,444.23; 2004 GO Note \$247.50; Water \$14,234.27; Sewer \$121,953.12; Tax Escrow \$627,999.06. Motion carried without a negative vote.

#### **Health and Recreation**

Fennel notified the Board that there will be an anonymous person planting flowers in Miniwaukan Park.

***Request for Use of Miniwaukan Park for Block Watch Party and Waiver of Fees – Kenneth Johnson and Brenda Hau, Meadow Park Estates Block Watch*** – Moved by Fennel and seconded by Bakst to allow the use of Miniwaukan Park for a Meadow Park Estates Block Watch Party on June 28, 2008. The park use fees shall be waived. Motion carried without a negative vote (O'Bryan and Johnson abstained).

#### **Judicial**

***Report Expressing Concerns over Increased Police Contacts at Phantom Pub Regarding Violent Incidents and Review of Renewal Application for 2008-09 Alcohol Beverage License and 2008 Application for Renewal Class B 6-Month Beer License – Mukwonago Womens Softball League, Ryan Scheffler (Agent), Minor Park*** – The licensee for Phantom Pub & Bait Shop was put on notice from the Judicial Committee on May 12, 2008 that violent acts will not be tolerated. Reilly notified the Board that in order to revoke or not renew an alcohol beverage license, a hearing must be held. Moved by Johnson and seconded by Fennel to approve the renewal of the Class B Beer and Reserve Class B Liquor licenses for Phantom Pub & Bait Shop LLC (Catherine A. Relish, Agent), 809 Main St., and the 6-Month Class B Beer license for Mukwonago Women's Softball (Ryan Scheffler, Agent), Minor Park. Motion carried without a negative vote.

### **Personnel**

***Results of Village Administration Operations Review by Virchow Krause*** – Ed Henschel, Virchow Krause, provided a summary report of the Mukwonago Village Hall Operations Review. The study is on file in the Clerk's Office. Trustees are to e-mail Hogan and Wagner questions to provide to Mr. Henschel and for the Personnel Committee to discuss and consider.

### **Public Works**

***Request to Waive Penalty Due to Non-Delivery of Utility Bill by Post Office – Roger Schankey, 118 Small Farm Rd.*** – Moved by Fickau and seconded by Fennel to deny the request to waive penalty by Roger Schankey, 118 Small Farm Rd., due to non-delivery of utility bill by the Post Office. Motion carried without a negative vote.

***Drainage Problems on Properties that abut Honeywell Road – Kathie Reimesch, 1311 Mukwonago Dr.*** – The Committee is waiting for the Engineer to come back with a recommendation. Item is in Committee.

***Drainage Problems on Properties Located on Baron, Small Farm, and McKenzie Roads – Lee Hau, 561 Baron Rd.*** – Item is in Committee.

***Request to Waive Village Requirement to Have a Minimum of 6 Feet Horizontal Offset from the Edge of the Multi-Use Path That Will be Constructed Along the West Side of STH 83 from CTH NN to Black Bear Blvd.*** – Moved by Fickau and seconded by Fennel to waive the Village requirement to have a minimum of 6 feet horizontal offset from the edge of the multi-use path that will be constructed along the west side of STH 83 from CTH NN to Black Bear Blvd. Motion carried without a negative vote.

***Request for Street Light in the 800 Block on Main St.*** – Moved by Fickau and seconded by Hogan to approve the request for We Energies to install a street light at the 800 block of Main St. on Pole #63-3090 located on the west side of the street between 809 Main St. and the residence to the north. Motion carried without a negative vote.

***Discussion of Lighting and Funding in Pump House*** – The funding will come out of the WWTP repair budget.

### **PLAN COMMISSION**

**Ordinance No. 812:** ***An Ordinance to Detach Certain Property from the Village of Mukwonago*** – The Town of East Troy attorney may want a Class 1 notice to be published. Moved by Fennel and seconded by Fickau to accept the Plan Commission recommendation to approve **Ordinance No. 812:** ***An Ordinance to Detach Certain Property from the Village of Mukwonago***, detaching a small piece of land behind W322 Cty Rd. L to the Town of East Troy. Motion carried without a negative vote.

***Review of Architectural Plan – Construction of a Church – 410 CTH NN W – St. John's Lutheran Church*** – Moved by O'Bryan and seconded by Bakst to accept the Plan Commission recommendation to approve the architectural plans for the construction of a church for St. John's Lutheran Church, 410 CTH NN W. The approval are subject to the conditions set forth in the letter from the planner dated May 16, 2008. Motion carried without a negative vote (Fickau abstained).

***Resolution 2008 – 10: Resolution of Necessity for the Installation of Traffic Controls Signals at the Intersection of Eagle Lake Street, North Rochester Street and Pearl Avenue*** – Moved by Fickau and seconded by Bakst to accept the Plan Commission recommendation to approve ***Resolution 2008 – 10: Resolution of Necessity for the Installation of Traffic Controls Signals at the Intersection of Eagle Lake Street, North Rochester Street and Pearl Avenue***. Motion carried without a negative vote.

#### **VILLAGE ATTORNEY**

***Centurytel Power & Space Agreement for WiFi in Field Park*** – Moved by O'Bryan and seconded by Fickau to approve the Centurytel Power and Space Agreement for WiFi in Field Park. The agreement shall include language to make Centurytel liable for its own negligence in case someone is injured due to the negligence of Centurytel or its subcontractors. Motion carried without a negative vote.

***Cricket Lease Agreement*** – Moved by Bakst and seconded by Johnson to approve the Cricket Lease Agreement. The approval is contingent upon the following: 1) The receipt of a letter from the Village Engineer stating that the plans are fully approved and 2) Reimbursement of Village professional fees. Motion carried without a negative vote.

***Proposal for IFAS Media for the North Aeration Tank at Sewer Plant – Cost of \$309,935.00*** – Moved by Fickau and seconded by Hogan to approve the proposal for IFAS Media to install a north aeration tank at the Sewer plant for a cost of \$309,935.00. The proposal shall include language stating that the sewer supervisor and the Village Engineer shall approve all necessary equipment needed to install the tank. Motion carried without a negative vote.

***Request to Install Generator at CTH NN Water Tower Site – Verizon Wireless*** – Moved by Fickau and seconded by O'Bryan to approve the request by Verizon Wireless to install a generator at the CTH NN water tower site. The approval is contingent upon the following: 1) The receipt of the final revised stamped paper drawings and 2) Reimbursement of Village professional fees. Motion carried without a negative vote.

#### **VILLAGE ENGINEER**

***Acceptance of Bid for 2008 Sanitary Sewer Rehab Program*** – Referred to the Public Works Committee.

#### **VILLAGE PRESIDENT**

***Library Board Appointment*** – Moved by Fennel and seconded by Hogan to accept President Wagner's recommendation to approve the appointment of Richard Hill to the Library Board with the term ending at the end of 2008. Motion carried without a negative vote.

#### **CORRESPONDENCE**

***E-mail from Waukesha County Supv Gilbert Yerke Regarding to the Possible Closing of STH 83 during 2011 Road Project*** – General discussion on the closing of STH 83 during the 2011 Wisc DOT road project.

***Letter from Wisc DOT Regarding Reconstruction of Intersection of CTH LO and STH 83*** – General discussion on the reconstruction on the intersection of CTH LO and STH 83. Wisc DOT is also going to be looking at the intersection of CTH ES and STH 83.

Moved by Fennel and seconded by Fickau to adjourn at 8:57 p.m. into closed session pursuant to State Statute 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 – Offer to Purchase Property from the Village of Mukwonago – Seaquist Closures. Motion carried unanimously upon roll call.

Motion to reconvene into open session at 9:09 p.m. by Fennel and seconded by Fickau. Motion carried unanimously.

***Offer to Purchase Property from the Village of Mukwonago – Seaquist Closures*** – Moved by Fickau and seconded by Fennel to approve the sale of property in the industrial park to Seaquist Closures. The approval includes the following conditions: 1) The sale shall include the removal of the existing right-of-way from the subject property to Swan Dr. and 2) The sale may not occur until the approval of the architectural and landscape plans for the addition to Seaquist Closures. Motion carried without a negative vote.

Moved by Fickau, seconded by Bakst, and carried to adjourn at 9:10 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on June 3, 2008 at 7:31 p.m. Members present: FICKAU, BAKST, HOGAN, FENNEL, O'BRYAN, JOHNSON and WAGNER. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv West, and Attorney Reilly.

Moved by Fickau and seconded by Hogan to approve the minutes of the May 20, 2008, Board meeting as presented. Motion carried without a negative vote.

## **COMMITTEE REPORTS**

### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Hogan to approve the following vouchers: Village \$51,618.53; Fire/Amb \$3,108.28; TID #3 \$815.50; Recycling \$3,270.00; Library \$4,854.65; 2004 GO Note \$25,434.95; Storm Water \$1,610.50; Water \$31,858.43; Sewer \$13,528.28; Tax Escrow \$1,755.58; Parkland \$6,848.19. Motion carried without a negative vote.

### **Judicial**

***Request for Change of Agent for 2007-08 Alcohol Beverage License – Ultra Mart Foods, LLC (Craig A. Brown – Agent), 1010 North Rochester Street, d/b/a Pick'n'Save #6384*** – Moved by Johnson and seconded by Fennel to approve the request to change the agent for Ultra Mart Foods, LLC, 1010 N. Rochester St., d/b/a Pick'n'Save #6384, to Craig A. Brown. Motion carried without a negative vote.

***2008-09 Application for Alcohol Beverage Licenses*** – Moved by Johnson and seconded by Hogan to approve the 2008-09 alcohol beverage license renewal applications as submitted on the List of Alcohol Beverage License Renewals dated 5-30-08. Motion carried without a negative vote.

### **Protective Services**

***Discussion of Intercept Fees to Big Bend/Vernon Fire Dept.*** – Committee is waiting for additional paperwork from Chief Rolfe. Item is in Committee.

***Charity Care Policy for Ambulance Bills*** – Town Atty. John Macy is reviewing the Charity Care Policy. Item is in Committee.

***Request to Discount/Waive Ambulance Bills – Richard Semrow, William Biondi, Christine Behl, Constance Bodilly, Roger Blakely & Ann Creach, Kate Nowicki*** – Item is in Committee until Charity Care Policy is approved.

***Ordinance Regarding Ambulance Billing*** – Item is in Committee.

## **CORRESPONDENCE**

***2008 Wisconsin Community Water and Sewer Rate Survey from Ruekert & Mielke*** – On file in the Clerk's Office.

***2006-2008 Local Roads and Streets Council Biennial Report from Wisc DOT*** – On file in the Clerk's Office.

***2007 Annual Community Benefits Report from Pro Health Care*** – On file in the Clerk's Office.

## **NEW BUSINESS**

***We Energies Permit – 746 Pinehurst Dr.*** – Moved by Fennel and seconded by Hogan to approve the We Energies permits for 746 Pinehurst Dr. Motion carried without a negative vote.

The summer sessions will begin for the Village Board. The Board will only meet on the 3<sup>rd</sup> Tuesday for July, August, and September unless something urgent comes up. Chief Winchowky reminded the Board that Maxwell Street Days and Summerfeste are coming up, so the Village will be busy.

Moved by Fickau, seconded by Hogan, and carried to adjourn at 7:42 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on June 17, 2008 at 7:30 p.m. Members present: FICKAU, JOHNSON, FENNEL, O'BRYAN, BAKST and WAGNER. Member excused: HOGAN. Also present: Police Chief Winchowky, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, Engineer Peot, and Planner Kaniewski.

Moved by Fickau and seconded by Bakst to approve the minutes of the June 17, 2008 Board meeting as presented. Motion carried without a negative vote.

The Treasurer, Mileage, Police, Fire and Library reports for May 2008 were placed on file in the Clerk's Office.

### **COMMENTS FROM THE PUBLIC**

Catherine Relish, 809 Main St., owner of Phantom Pub & Bait Shop – Expressed concerns about Officer Robert Melo trying to shut her business down.

Tom Jones, 401 Lois St. – Expressed thanks to Tom Brandemuehl, DPW Supervisor, for all his hard, tireless work and dedication to his job. Came in during the weekend to clean storm drains of debris. Jones also stated that his landscaping has not been done, and his son's driveway has not been done in the Oakland Ranch project.

President Wagner called a point of order.

### **CORRESPONDENCE**

***Letter from Jason & Sarah Szejn Requesting Consideration of Amendment to Zoning Code to Allow Additional Square Footage for Storage Space Through the Use of a Sub-Level Garage*** – Sarah Szejn, 1245 Bear Pass #3, will be building a house in Minor's Homestead. She and her husband requested a sub-level garage below the regular garage, but the ordinance only allows for garages no larger than 960 square feet. She requests to have the ordinance changed to allow for sub-level garages. It will reduce the number of out-buildings. Referred to Zoning Administrator/Supervisor of Inspections Hankovich.

### **COMMITTEE REPORTS**

#### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Fickau to approve the following vouchers: Village \$175,486.35; Fire/Amb \$24,255.60; Fire Designated \$30,000.00; Recycling \$38,952.42; Library \$6,527.43; Storm Water \$1,000.00; Impact Fees \$1,638.00; Water \$7,885.57; Sewer \$14,199.87; Parkland \$17,000.00. Motion carried without a negative vote.

#### **Judicial**

***Request to Change a Regular Street Parking Spot to a Handicapped Parking Spot in Front of 111 Atkinson St. – Joan Zachow, The Anatomy Shop Physical Therapy Services*** – Referred to DPW Supervisor. Brandemuehl noted that adding a handicap spot would change the street, and the ramp may not fit on the sidewalk because the sidewalk is too close to the building.

***Request for Temporary Extension of Premises for Class B Beer and Liquor License – July 12, 2008 – Catherine Relish, Phantom Pub & Bait Shop, 809 Main St.*** – Moved by

Johnson and seconded by O'Bryan to deny the request for a temporary extension of premises for the "Class B" license at Phantom Pub & Bait Shop, 809 Main St. Motion carried without a negative vote.

**Review of Renewal Application for 2008-09 Operator's Licenses – Joanne J. Gardner-Monroe** – Moved by Johnson and seconded by Fennel to approve the 2008-09 Operator's License Application for Joanne J. Gardner-Monroe. Motion carried without a negative vote.

**Review of Applications for 2008-09 Operator's Licenses** – Moved by Johnson and seconded by Fennel to approve the 2008-09 Operator's License Applications for those applicants on the submitted list dated 6-16-08. Motion carried without a negative vote.

**Delegation of Authority for Village Clerk to Issue Temporary Class B (Picnic) Beer and Wine Licenses** – The Judicial Committee decided to keep the authority to grant Temporary Class B (Picnic) Beer and Wine Licenses.

### Personnel

**Virchow-Krause Study – Planning for Implementation and A Potential Contract for Further Work Following the Virchow-Krause Study** – Moved by Bakst and seconded by O'Bryan to approve retaining the services of Virchow-Krause to conduct a study and search to find a person to fulfill the most important needs of the Village. The contract for the work shall not exceed \$14,500.00. Motion carried without a negative vote.

### Public Works

**Drainage Problems on Properties that abut Honeywell Road – Kathie Reimesch, 1311 Mukwonago Dr.** – Committee is waiting for numbers from Ruckert & Mielke, and the item remains in Committee.

**Drainage Problems on Properties Located on Baron, Small Farm, and McKenzie Roads – Lee Hau, 561 Baron Rd.** – Trustee O'Bryan is working with the concerned parties to come up with a solution.

**Drainage Problems on Properties Located in Minor's Homestead Subdivision** – Ruckert & Mielke is looking at the issue, and the item remains in Committee.

**Request for Subdivision Block Party – Patrick McGinnis, Minor's Homestead Homeowners Association** – Moved by Fickau and seconded by Fennel to approve the request by Patrick McGinnis to hold a subdivision block party in Minor's Homestead on June 28, 2008. The party will be held in the road on Minor's Dr. west of the intersection with Fritz Way. Minor's Dr. will be barricaded beginning at the intersection. The residents know to keep the road accessible for emergency vehicles. Motion carried without a negative vote.

**Request for Approval of Driveway Approach Installed without Village Inspection – Culver's Restaurant** – Moved by Fickau and seconded by Bakst to approve the request to keep the installed concrete driveway approach in from the new parking lot at Culver's Restaurant, 1090 N. Rochester St., to Marshview Dr. The approval is contingent upon the Village receiving a letter from the owners of Culver's Restaurant stating that they approve the driveway approach and if it fails, they will be responsible for the cost to repair it. Motion carried without a negative vote.

**Conversion of STH 83 to a Connecting Highway** – The State DOT has requested that the Village take over maintenance responsibility of a portion of STH 83, with increased aids. Peot is doing more research, and the item remains in Committee.

**Change Order #1 – Oakland Ranch Area Paving and Utilities** – The increase is for \$17,123.25, but when the final numbers come in, that increase will be reduced significantly. Moved by Fickau and seconded by Fennel to approve Change Order #1 for the Oakland Ranch Area Paving and Utilities project. Motion carried without a negative vote.

**Acceptance of Bid and Discussion of Funding – 2008 Sanitary Sewer Rehab Project** – The recommendation letter has not been given to the Village from Reukert & Mielke, yet. The Treasurer assured the Committee that there is enough money to cover the project. Moved by Fickau and seconded by Fennel to give authority to President Wagner to sign the contract for the recommended bidder for the 2008 Sanitary Sewer Rehab Project. The approval is contingent upon the recommendation of Ruekert & Mielke. Motion carried without a negative vote.

**Resolution 2008-11: A Resolution in Compliance with the Compliance Maintenance Annual Report of the Department of Natural Resources** – Moved by Fickau and seconded by Fennel to approve **Resolution 2008-11: A Resolution in Compliance with the Compliance Maintenance Annual Report of the Department of Natural Resources**. Motion carried without a negative vote.

#### **VILLAGE ATTORNEY**

**Cricket Lease Agreement** – Atty. Reilly noted that this will be the last piece of equipment that can be placed on the tower before more support is needed on the bottom of the tower. The Village will need to spend money to add concrete or other kinds of support at the bottom of the tower if they wish to place anymore of their own equipment on it. Moved by Fickau and seconded by Bakst to approve the Cricket lease agreement to place equipment on the north water tower. Motion carried without a negative vote.

**Letters of Credit – Black Bear Development** – Moved by Fickau and seconded by Fennel to approve the extension of the letter of credit for the commercial portion of the Black Bear Development. Motion carried without a negative vote.

#### **VILLAGE PRESIDENT**

**Acceptance of Letter of Resignation from Board of Building and Zoning Appeals – Kate Graczyk** – Moved by Bakst and seconded by Fennel to accept the letter of resignation by Kate Graczyk from the Board of Building and Zoning Appeals. Motion carried without a negative vote.

**Board of Building and Zoning Appeals Appointment** – Moved by Fickau and seconded by Bakst to appoint 2<sup>nd</sup> Alternate Jim Decker to the vacant regular member position on the Board of Building and Zoning Appeals. Motion carried without a negative vote.

Wagner thanked all parties involved in the Mukwonago River dam issue last week. Chief Rolfe will be updating the Emergency Action Plan based on these events. Letters shall be sent out to those parties thanking them for their assistance.

Moved by Fickau, seconded by Bakst, and carried to adjourn at 8:16 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on July 15, 2008 at 7:30 p.m. Members present: FICKAU, BAKST, HOGAN, FENNEL, O'BRYAN, JOHNSON and WAGNER. Also present: Police Lt. LaDue, Fire Chief Rolfe, DPW Supv Brandemuehl, WWTP Supv West, Attorney Reilly, Engineer Genellie, and Planner Kaniewski.

Moved by Fickau and seconded by Bakst to approve the minutes of the June 17, 2008 Board meeting as presented. Motion carried without a negative vote.

The Treasurer, Mileage, Police, Fire and Library reports for June 2008 were placed on file in the Clerk's Office. The 2007 Annual Fire Department Report, 2007 Annual Drinking Water Quality Report, and the 2008 2<sup>nd</sup> Quarter Recycling Report from Johns Disposal were placed on file in the Clerk's Office.

## COMMITTEE REPORTS

### Finance

***Vouchers Payable*** – Moved by Bakst and seconded by Hogan to approve the following vouchers: Village \$75,403.24; Fire/Amb \$17,747.59; TID #3 \$500.00; Recycling \$38,752.00; Library \$4,614.69; 2004 GO Note \$37,098.97; Water \$10,241.56; Sewer \$8,135.48; Parkland \$142.50. Motion carried without a negative vote.

***Letter from Leadership Menomonee Falls Requesting Financial Supports for the Humane Animal Welfare Society (HAWS)*** – Committee recommended not to offer financial support for the Humane Animal Welfare Society (HAWS).

***Resolution 2008-12: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies*** – Moved by Bakst and seconded by Fennel to approve ***Resolution 2008-12: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies***. Motion removed by Bakst. Item will remain in committee.

### Health & Recreation

***Fall Fest Discussion – Barb Cowsert, Mukwonago Area Chamber of Commerce*** – Information only. Mukwonago Chamber of Commerce Fall Fest will be on Saturday, September 20, 2008, from 10:00 am to 4:00 pm.

***Request to Waive of Park Use Fee – Mukwonago Fire Dept.*** – Moved by Fennel and seconded by Hogan to waive the park usage fee for the use of Field Park by the Mukwonago Fire Dept on August 23, 2008. Motion carried without a negative vote.

### Judicial

***Review of Applications for 2008-09 Operator's Licenses*** – Moved by Johnson and seconded by Fennel to approve the 2008-09 Operator's License Applications for those applicants on the submitted list dated 7-9-08. Motion carried without a negative vote.

### Protective Services

***Discussion of Intercept Fees to Big Bend/Vernon Fire Dept.*** – Can be removed from the agenda.

***Charity Care Policy for Ambulance Bills*** – Will be handled with the ordinance regarding ambulance billing.

***Request to Discount/Waive Ambulance Bills – Richard Semrow, William Biondi, Christine Behl, Constance Bodilly, Roger Blakely & Ann Creach, Kate Nowicki*** – Item remains in Committee.

***Ordinance Regarding Ambulance Billing*** – The Town of Mukwonago attorney drafted an ordinance for the Town’s approval, adding in a paragraph regarding charity care and a section regarding billing for auto accidents. Moved by O’Bryan and seconded by Fennel to direct the Village Attorney to review the ordinance that was submitted by Atty. John Macy for Town of Mukwonago approval, modify that ordinance to be placed in the Village of Mukwonago Municipal Code, and draft an ordinance. Motion carried without a negative vote.

***Update and Overview of Mukwonago River/Phantom Lake Dam Concerns*** – Information only. Based on the events with the dam, the Emergency Action Plan will be revised and updated. Item remains in Committee.

### **Public Works**

***Drainage Problems on Properties that abut Honeywell Road – Kathie Reimesch, 1311 Mukwonago Dr.*** – Item remains in Committee.

***Drainage Problems on Properties Located in Minor’s Homestead Subdivision*** – Ruckert & Mielke is looking at the issue, and the item remains in Committee.

***Conversion of STH 83 to a Connecting Highway*** – Item remains in Committee.

***Request to Waive a Portion of the Sewer Charge for 2<sup>nd</sup> Quarter 2008 Utility Bill Due to Watering of New Lawn – Greg & Sheryl Reed, 609 Two Rivers Dr.*** – Committee recommended denying the request to waive a portion of the sewer charge for Greg and Sheryl Reed, 609 Two Rivers Dr.

***Erosion of a Portion of East Troy Railroad Tracks near Phantom Lake Due to High Lake Levels*** – Referred to the East Troy railroad.

***Discussion of Possible Future Projects*** – Information only. Committee discussed possible future projects with the Village Clerk for future borrowing.

***Request to Waive Permit Fee for River Park Antenna Tower Installation*** – The Committee turned down the request from the Sewer Dept. Supervisor to waive the building permit fee for the installation of an antenna tower.

***Request for More Flexible Hours for Weekend Schedule*** – Item remains in Committee.

### **PLAN COMMISSION**

***Ordinance No. 812: An Ordinance to Detach Property from the Village of Mukwonago (Nicoson Detachment)*** – Moved by O’Bryan and seconded by Bakst to accept the Plan Commission recommendation to approve **Ordinance No. 812: An Ordinance to Detach Property from the Village of Mukwonago (Nicoson Detachment)**. Motion carried without a negative vote.

***Resolution 2008-13: Resolution to Discontinue Unimproved Road – Mukwonago Industrial Park*** – Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve **Resolution 2008-13: Resolution to Discontinue Unimproved Road – Mukwonago Industrial Park**. Motion carried without a negative vote.

***Extraterritorial Review of Certified Survey Map – Town of East Troy – N9071 E. Miramar Dr. – Michael & Janis Seebruch*** – Moved by Fickau and seconded by Hogan to accept the Plan Commission recommendation to approve the extraterritorial CSM for the property located at N9071 E. Miramar Dr. Motion carried without a negative vote.

**Discussion and Potential Recommendation to the Board of Building and Zoning Appeals for Action Regarding the Home Depot Lack of Compliance with Terms and Conditions of the Conditional Use Permit for Outside Storage and Display** – The Plan Commission discussed with representatives from Home Depot the lack of compliance with the approved conditions from the conditional use permit including outside display and storage. Most of the problems have been cleaned up. The store manager will work with the Zoning Administrator to come up with an updated plan for possible changes to the existing conditions.

**Discussion and Potential Recommendation to the Board of Building and Zoning Appeals for Action Regarding the Wal-Mart Lack of Compliance with Terms and Conditions of the Conditional Use Permit for Outside Storage and Display** – Wal-Mart has not been complying with the approved conditions from the conditional use permit including outside display and storage. The Zoning Administrator will meet with Wal-Mart representatives to rectify the issue.

#### **VILLAGE ATTORNEY**

**Letter of Credit – Black Bear Development** – Moved by Fennel and seconded by Hogan to approve the letter of credit for the Black Bear Residential Development. Motion carried without a negative vote.

**Letter of Credit Reduction – The Orchards Phase I** – Moved by Hogan and seconded by Fickau to approve a reduction in the letter of credit for The Orchards of Mukwonago Phase 1 subdivision to \$162,360.00. Motion later amended to include a condition that the approval is contingent upon the Village Engineer receiving the lien waivers for Phase 1. Motion carried without a negative vote.

**Letter of Credit Reduction – The Orchards Phase II** – Moved by Fickau and seconded by Hogan to approve a reduction in the letter of credit for The Orchards of Mukwonago Phase 2 subdivision to \$85,200.00. The approval is contingent upon the Village Engineer receiving the lien waivers for Phase 2. Motion carried without a negative vote.

#### **VILLAGE ENGINEER**

**Acceptance of Bid – Mukwonago River Shoreline Stabilization Project** – The low bidder was C.W. Purpero in the amount of \$69,952.00. O’Bryan stated that the Village had problems with C.W. Purpero with a past project. Eng. Genellie stated that C.W. Purpero is the general contractor, and most of the work will be done by subcontractors. Moved by Fennel and seconded by Bakst to accept the bid from C.W. Purpero in the amount of \$69,952.00 for the Mukwonago River Shoreline Stabilization Project. Motion carried on a vote of 4 ayes and 3 nays (Hogan, O’Bryan, and Johnson voting “No”).

#### **VILLAGE PRESIDENT**

***Proclamation for National Night Out – August 5, 2008*** – President Wagner read the proclamation into record. Moved by Fennel and seconded by Hogan to approve the signing of the proclamation for National Night Out on August 5, 2008. Motion carried without a negative vote.

***Board of Building and Zoning Appeals Appointment*** – Moved by Bakst and seconded by Hogan to appoint Sarah Szejn to the vacant 1<sup>st</sup> Alternate member position on the Board of Building and Zoning Appeals. Motion carried without a negative vote.

## **NEW BUSINESS**

***We Energies Permit – 784 Medina Dr.*** – Moved by Fickau and seconded by Bakst to approve the We Energies permits for 784 Medina Dr. Motion carried without a negative vote.

Moved by Fickau, seconded by O'Bryan, and carried to adjourn at 8:22 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on August 5, 2008 at 7:30 p.m. Members present: FICKAU, BAKST, HOGAN, FENNEL, O'BRYAN, JOHNSON and WAGNER. Also present: Police Chief Winchowky and Attorney Reilly.

President Wagner announced that the Village Board would adjourn into closed session pursuant to State Statutes 19.85(1)(e) and 19.85 (1)(g) at the close of the regular meeting.

Moved by Fickau and seconded by Bakst to approve the minutes of the July 15, 2008 Board meeting as presented. Motion carried without a negative vote.

## **COMMITTEE REPORTS**

### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Hogan to approve the following vouchers: Village \$90,205.97; Fire/Amb \$19,343.49; TID #3 \$6,373.57; Recycling \$277.05; Library \$8,309.02; 2004 GO Note \$15,005.91; Storm Water \$3,666.00; Water \$48,675.36; Sewer \$39,469.47; Tax Escrow \$1,826.46; Parkland \$3,059.00. Motion carried without a negative vote.

***2007 Financial Audit Report*** – Moved by Bakst and seconded by Fickau to approve and accept the 2007 Financial Audit Report of the Village of Mukwonago. Motion carried without a negative vote.

### **Judicial**

***2008-09 Renewal Application for Class B Beer and Class C Wine License – 225 Bay View Rd., Suite 500 – Mario's Natural Roman Pizza, Matthew Reitman (Agent)*** – Moved by Johnson and seconded by Fennel to approve the 2008-09 Renewal Application for Class B Beer and Class C Wine License for Mario's Natural Roman Pizza, Matthew Reitman (Agent) at 225 Bay View Rd., Suite 500. Motion carried without a negative vote.

## **NEW BUSINESS**

***We Energies Permit – 406 Fritz Way*** – Moved by Fickau and seconded by Hogan to approve the We Energies permits for 406 Fritz Way. Motion carried without a negative vote.

Moved by Bakst and seconded by Fennel to convene into closed session pursuant to State Statutes:

- A. 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 – Acquisition of a Permanent Limited Easement Needed in Order to Install Traffic Lights at the Intersection of STH 83 and CTH LO
- B. 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 – Discussion of the Lawsuit Filed Against the Village by Water's View and Water's End and Consideration of a Settlement

Motion carried unanimously upon roll call.

Moved by Fickau and seconded by Hogan to adjourn from closed session. Motion carried without a negative vote. Moved by Fennel and seconded by Bakst to reconvene into open session. Motion carried without a negative vote.

***Acquisition of a Permanent Limited Easement Needed in Order to Install Traffic Lights at the Intersection of STH 83 and CTH LO*** – Moved by Fennel and seconded by Fickau to authorize the Village Attorney to compensate Randy and Laura Cramer in the amount of \$2,250 for the acquisition of a portion of the property located at 407 N. Rochester St. for the purpose of permanent limited easement. Motion carried without a negative vote.

Moved by Fickau, seconded by Hogan, and carried to adjourn at 7:45 pm.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Special Joint Village and Town Board meeting to order on August 19, 2008 at 6:00 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
John Hogan  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Member excused: Dale Fennel

President Wagner announced the Village and Town Boards would adjourn into closed section for Discussion of Negotiations of the Firefighters Union pursuant to State Statutes:

- A. 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
- B. 19.85(1)(e), Deliberating or Negotiating the Purchase of Public Properties, the Investment of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session

Moved by O'Bryan and seconded by Fickau to convene into closed session at 6:01 p.m. for Discussion of Negotiations of the Firefighters Union pursuant to State Statutes:

- A. 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
- B. 19.85(1)(e), Deliberating or Negotiating the Purchase of Public Properties, the Investment of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session

Motion carried unanimously upon roll call.

Moved by O'Bryan and seconded by Fickau reconvene into open session at 6:45 p.m. Motion carried unanimously upon roll call.

Moved by O'Bryan, seconded by Fickau, and carried to adjourn at 6:45 p.m.

James O. Wagner  
Village President

President Wagner called the Village Board meeting to order on August 19, 2008 at 7:30 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
John Hogan  
Dennis O'Bryan  
Darlene Johnson  
James Wagner  
Member excused: Dale Fennel

Also present: Fred Winchowky, Police Chief  
Tom Brandemuehl, DPW Supervisor  
Shawn Reilly, Attorney  
Kurt Peot, Engineer  
Bruce Kaniewski, Planner

President Wagner announced the Village Board would adjourn into closed session pursuant to State Statutes 19.85(1)(e), Deliberating or Negotiating the Purchase of Public Properties, the Investment of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session – Authorization for to Citizen's Bank and Hannah Home Health Care for easements for signal lights.

***Public Hearing on Special Assessment for Installation and Improvement for Sanitary Sewer, Water Main, Road Reconstruction and Drainage Improvements – Mukwonago Shores Phases 2 and 3*** – started at 7:30 p.m. President Wagner apologized to the individuals present for the hearing since the letter to the property owners stated the Public Hearing Notice started at 7:00 p.m. when it actually started at 7:30 p.m. Kurt Peot, Engineer for the Village, provided a summary of the Engineer's Report and the special assessment process. Mr. Peot noted that there were two errors in the Engineer's Report: for Parcel 71, an incorrect owner was named, and the engineer's report shows an assessment for a concrete driveway at 119 Park Place Ln. but it is actually a privately installed driveway. Mr. Peot stated that approx. 25% of the total project costs are recovered thru special assessment and the remaining costs are paid by the Village. Comments from public as follows:

1. Karen Kuckenbecker, 410 Wahl Avenue – Inquired as to whether pavement is done and also indicated that manholes are set low in the road. She indicated that her car bounces when she drives over the manholes. Mr. Peot explained that the pavement is done and that manholes were purposely put in at an elevation lower than the street to allow for snowplows to drive over them.
2. Doug Hoppe, 522 Wahl Avenue – Also upset about manholes. Wanted to know when punch list will be done. Mr. Peot indicated that the manhole in front of Mr. Hoppe's house has been fixed. The punch list is not complete, but is working on having a contractor complete the punch list. Mr. Hoppe also indicated he wants the silt fence removed and the ditch is not complete.
3. Dan Walsh, 519 Wahl Avenue – Commented that the assessments are substantial and how are individuals to pay for these. Mr. Peot explained that the Village Board normally allows a ten-year repayment plan.

4. Sue Cox, 448 Wahl Avenue – Ms. Cox indicated that when contractors were doing Lake Street, she saw the cement trucks wash the contents of the mixers into the storm sewer twice. She also indicated that she wants a fifteen to twenty-year repayment plan due to the economy. She also commented that the drinking water was different. The Village President indicated that Ivan should stop by her house to check her water.
5. Paul Binder, 423 Meacham Street – He inquired as to why he received a driveway assessment. This was an issue that pertained to adding of flares onto some driveways. Mr. Peot indicated this is an issue for the Board to decide as to whether to charge for flares added to driveways. The cost is approximately \$70.00 to \$150.00 for each driveway that had flares added to it. Mr. Binder commented that his neighbors have been dumping sump pumps into the road on Meacham St.
6. Tom Dantzman, 425 Meacham Street – Also commented that an icing issues has been created due to individuals having their sump pumps dumping into the road. He also commented that there are issues to be included in the punch list. There is a pine tree with marks on it, and he wants the tree either fixed or removed. He also indicated that the concrete apron has problems, and that there is a swale that was poorly constructed between 423 and 425 Meacham Street. He also indicated that 5% interest is too much, and the Village cannot charge that amount.
7. Cheryl Dewey, 138 Park Place Avenue – She indicated that she did not receive black dirt in the front of her yard when the landscaping was done, and that the sod has died because of the dirt. She also indicates that she is on a curve, and the water is not draining from the curve.
8. Troy Klinger, 436 Atkinson Street – He indicated that the lawns are bad and the water main valve is three inches higher than his yard, and it then gets hit by the lawnmower. He also indicated that the asphalt abutting his old driveway and the new asphalt is cracking.
9. Cathy Humcke-Peterson, 201 West Side Avenue – She indicated she is part of two phases and wondered how does the payment work for that. She was advised that she would have two separate bills. She also indicated that her landscaping is bad.
10. Danielle Birdeau, 308 Lois Street – She indicated his driveway is cracked, and was concerned as to what the improvements would do to his property tax values. She was advised that the work done would not have a direct immediate impact upon property values. Property values are determined based upon the sale price of homes in the area. If the sale price of the homes go up, her assessed value will go up.
11. Tom Jones, 401 Lois Street – He indicated that he thinks the assessment is high. He indicated that property owners are paying greater than one million dollars, and he does not think the Village is paying the larger share. He also indicated that the landscaping is poor.
12. Joe Calvey, 214 Park Avenue – Mr. Calvey indicated that he does not live in the district, but he questioned who decided to go with the contractor that was chosen.
13. Jim Winter, 139 Lake Street – He indicated that there are many landscaping complaints and that property owners are being charged too much. He indicated that the front yard is all dead grass and no top soil was included. He also indicated that the interest is too high.

Public Hearing closed at 8:40 p.m.

**Public Hearing to Vacate an Unnamed Unworked Road Located in the Mukwonago Industrial Park** – Started at 8:40 p.m. No public comments were received. Public Hearing was closed at 8:41 p.m.

**Minutes of the August 5, 2008 Board Meeting** – Moved by Fickau and seconded by Hogan to approve the minutes of the August 5, 2008 Board Meeting as presented. Motion carried without a negative vote.

## **VILLAGE PRESIDENT**

The Village President indicated that the treasurer, mileage, police, fire and library reports for July 2008 were on file in the Clerk's Office.

## **COMMENTS FROM THE PUBLIC**

There were no comments from the Public.

## **COMMITTEE REPORTS**

### **Finance**

Moved by Bakst and seconded by Hogan to approve the following vouchers: General Fund \$52,067.24; Fire/Ambulance Fund \$14,801.52; TID #3 – General \$1,468.75; Recycling Fund \$38,755.40; Library Services Fund \$6,043.82; 2004 60 Note \$12,648.95; Storm Water Utility \$5,162.85; Water Utility Fund \$14,132.90; Wastewater Utility Fund \$13,635.63; Tax Escrow Agency Fund \$885,113.33; Parkland Site Fund \$8,500.54. Motion carried without a negative vote.

### **Judicial**

**Approval of Application for 2008 Temporary Class B Beer and Wine Licenses – September 6 & 7, 2008 – St. James Parish/School** – Moved by Johnson and seconded by Fickau to approve the application for a Class B Beer and Wine License for St. James Parish/School for September 6 and 7 with the condition that the application be for Village of Mukwonago and not the Town of Mukwonago. Motion carried without a negative vote.

**Approval of Applications for 2008-09 Operator's Licenses – Jeffrey M. Edson, Kathleen A. Faraca, Kristine J. Fehly, Carly J. Meister, Barbara A. Wood, Matthew R. Yeager** – Moved by Johnson and seconded by O'Bryan to approve the Operator's Licenses for Jeffrey M. Edson, Kathleen A. Faraca, Kristine J. Fehly, Carly J. Meister, Barbara A. Wood and Matthew R. Yeager. Motion carried without a negative vote. John Hogan abstained as to approving or disapproving Operator's License for Barbara Wood.

**Proposed Ordinance Regarding Neighborhood Electric Vehicles** – Moved by Johnson and seconded by Hogan to have the Clerk put into Ordinance form the proposed Ordinance regarding neighborhood electric vehicles, with the condition that the vehicles would also be permitted to use S.T.H. 83 and the Ordinance being referred back to Judicial prior to it coming to the Village Board. Motion carried. Fickau voted against the motion.

**Discussion of Unsecured Alcohol Beverage Displays on Licensed Establishments** – Johnson indicated that this was for information purposes. No action was taken. Johnson indicated that the self-checkout issue with the stores has been addressed. The clerk has to verify the age of anyone self-checking out liquor and the stores have set up all registers to not allow any liquor sales after 9:00 p.m.

### **Personnel**

**Performance Evaluation for Steve Braatz, Jr., Clerk-Treasurer** – Mr. Hogan indicated that a performance evaluation has been conducted and that detailed feedback has been provided to Mr. Braatz. He indicated that the committee avoided goal setting and salary issues.

### **Protective Services**

**Ordinance No. 813: An Ordinance to Amend Section 38-4 of the Municipal Code of the Village of Mukwonago to Require Reimbursement for Ambulance and Rescue Services, Including Technical Rescue Services and Vehicular Accident Fire Calls** – Item is to postponed and acted upon at the next meeting.

**Resolution 2008-17: A Resolution Establishing Fees for Ambulance, Fire and Rescue Services for the Village of Mukwonago Pursuant to Section 38-4 of the Municipal Code of the Village of Mukwonago** – Item is to postponed and acted upon at the next meeting.

**Updates and Revisions to the Emergency Action Plan** – The letter from FEMA which was sent to the Village President was given to Trustee O'Bryan.

### **Public Works**

**Request to Waive a Portion of the Sewer Charge for 2<sup>nd</sup> Quarter 2008 Utility Bill Due to Watering of New Lawn – Greg & Sheryl Reed, 609 Two Rivers Drive** – Moved by Fickau and seconded by Bakst to deny waiving a portion of the sewer charge for the 2<sup>nd</sup> quarter for Greg & Sheryl Reed, 609 Two Rivers Drive. Motion carried without a negative vote.

**Drainage Problems on Properties that Abut Honeywell Road – Kathie Reimesch, 1311 Mukwonago Drive** – Explanation provided that the homes in this area were built approximately twenty-five years ago and the area experienced an extremely wet spring. Ruckert-Mielke has looked at the situation. The ditch could be reworked at a cost of \$40,000 for one section and \$60,000 for another section. Discussion occurred. The Village Board determined this is an item that will need to be discussed at the time that the budget is determined for next year. There was no motion made.

**Drainage Problems on Properties Located in Minor's Homestead Subdivision** – This item is to stay on the agenda. The Village Engineer, Kurt Peot, provided a summary. He indicated that there are complaints of wet basements and sump pumps draining. He also indicated that there are likely isolated pockets of groundwater.

**Conversion of STH 83 to a Connecting Highway** – This item is to be removed from the agenda. It will be placed back on the agenda if the State Department of Transportation brings the issue back to the Village.

**Request for More Flexible Hours for Weekend Schedule** – The consensus was that this is to be turned over to Department heads.

**Letter from Roger Donnie Regarding High Usage on Water/Sewer Bill at 1203 Western Trail** – Moved by Fickau and seconded by O'Bryan to deny the request for the reduction for the water/sewer bill at 1203 Western Trail. Motion carried without a negative vote.

**Request for Reimbursement for Expenses Incurred while Building a Home at 210 Plank Road During Plank Road Project – Mark Marzion, Marzion Homes & Realty** – Moved by Fickau and seconded by O'Bryan to deny all claims for reimbursement for expenses at 210 Plank Road during Plank Road Project. Motion carried without a negative vote.

**Request for Reimbursement for Blown Lawn Mower Tire Due to Driving Over Water Utility Marker Flag – Alex Siefert, 802 Main Street** – Moved by Fickau and seconded by

O'Bryan to deny the request for reimbursement. Motion carried. Johnson voted against the motion.

***Non-Standard Street Lighting Work Request from We Energies – Black Bear Boulevard*** – This is to be held for the agenda for the next meeting.

***125 Park Place Avenue Restoration Issues*** – Mr. Kurt Peot provided his comments. He indicated that a property owner requested restoration to property. The property owner indicated that hydrant flushing allegedly caused damage to their lot. Kurt Peot spoke to Ivan, Brian and Randy. None of them have any recollection of stating that the Village would repair damage to the lot or any recollection of there being a problem. This matter is to be held to the next meeting. Public Works Committee will likely discuss again.

***Change Order #2 – Miniwaukan Park Walking Trail*** - Moved by Fickau and seconded by O'Bryan to approve Change Order #2 subject to receiving a lien waiver for payment in full from Berg Construction. Motion carried without a negative vote.

***Performance Evaluation for Ivan Zaremba, Water Supervisor*** – No action taken.

## **PLAN COMMISSION**

***Discussion of Responsibilities and Future of the Economic Development Committee*** – Village Attorney to write an Ordinance as directed at the last meeting.

***Discussion of Responsibilities and Future of the Historic Preservation Commission*** – Item will remain in Commission.

***Extraterritorial Review of Certified Survey Map – Town of Mukwonago – W303 S10577 Phantom Woods Road – Andrew Maney*** – Moved by Fickau and seconded by Bakst to approve extraterritorial review of Certified Survey Map. Motion carried without a negative vote.

***Discussion and Potential Recommendation of Action in Regards to Whether the Village can Prohibit Agricultural Activity on Land Zoned for Commercial Use*** - Moved by Bakst and seconded by Johnson to enforce a Zoning Ordinance in the Business District to not allow any use that is not permitted, especially agricultural. Motion carried without a negative vote.

***Amendment to Floodplain and Shoreland Ordinance*** - Bruce Kaniewski, Village Planner, provided comments. Mr. Kaniewski indicated that this matter would have to come back for a Public Hearing in October.

***Conceptual site Plan Review – Seaquist Closures*** – No action taken.

***Offer to Sell Property to Seaquist Closures*** – Moved by O'Bryan and seconded by Hogan to approve the Offer to Sell industrial park property to Seaquist Closures. Motion carried without a negative vote.

## **VILLAGE ATTORNEY (Item taken out of order)**

***Resolution 2008-15: Final Resolution Authorizing the Levying of Special Assessments against Benefited Property – For Mukwonago Shores Paving and Utilities – Phases 2 & 3 Project*** – Village Board discussed issue at length. Village Board decided to postpone this matter so that it is placed upon next year's tax bill, not the coming year's tax bill. Also, consensus was that payment plan would allow fifteen years repayment, and the interest is to be 1% over borrowing costs. Village Board also indicated that the charge for adding the flares on driveway aprons should be removed and corrections to be made to Engineers Report as discussed by village Engineer. The resolution will be acted on at the second November Village Board meeting, the Engineer will correct the engineer's report, and the resolution will be changed to reflect 15 annual installments instead of ten.

***Resolution 2008-16: A Resolution to Discontinue an Unnamed, Unworked Right-of-Way and Attach the Land to Village Owned Property*** – Moved by Hogan and seconded by Fickau to approve Resolution 2008-16. Motion carried without a negative vote.

#### **VILLAGE CLERK**

***Resolution 2008-14: A Resolution to File the Recycling Grant to Responsible Units and Recycling Efficiency Incentive Grant Application*** – Moved by O'Bryan and seconded by Fickau to approve Resolution 2008-14. Motion carried without a negative vote.

***2008 Population Estimates for Waukesha and Walworth Counties*** – Short discussion regarding the issues. The population estimates are on file with the Village Clerk's office. No action taken.

#### **VILLAGE PRESIDENT**

***Acceptance of Letter of Resignation from Plan Commission – Ruth Townsend*** – Moved by Hogan and seconded by Bakst to accept the letter of resignation from Ruth Townsend from the Plan Commission. Motion carried without a negative vote.

***Plan Commission and Board of Building and Zoning Appeals Appointments*** – To be held until next meeting.

**CONVENE INTO CLOSED SESSION PURSUANT TO STATE STATUTES 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 – AUTHORIZATION FOR PAYMENT TO CITIZENS BANK AND HANNAH HOME HEALTH CARE FOR EASEMENTS FOR SIGNAL LIGHTS** – Motion made at 9:45 p.m. Moved by Bakst and seconded by Fickau to convene into closed session at 9:45 p.m. pursuant to state statutes 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. Motion carried without a negative vote (roll call vote). Discussion held in closed session. Moved by Hogan and seconded by Johnson to adjourn the closed session at 9:50 p.m. Motion carried without a negative vote.

**RECONVENE INTO OPEN SESSION** – Moved by Hogan and seconded by Johnson to reconvene into open session at 9:50 p.m.

***Authorization for Payment to Citizens Bank and Hannah Home Health Care for Easement for Signal Lights*** – Moved by O'Bryan and seconded by Johnson to authorize payment of \$250.00 for easements for signal lights to Citizens Bank and \$250.00 to Hannah Home Health Care. Motion carried without a negative vote.

Moved by O'Bryan, seconded by Johnson, and carried to adjourn at 9:53 p.m.

Shawn N. Reilly  
Village Attorney (Acting Clerk)

Village Clerk Steven A. Braatz, Jr. called the Village Board meeting to order on September 16, 2008 at 7:30 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
John Hogan  
Dale Fennel  
Dennis O'Bryan  
Darlene Johnson

Member excused: James Wagner

Also present: Fred Winchowky, Police Chief  
Ken Pileggi, Police Sergeant  
Jeff Rolfe, Fire Chief  
Tom Brandemuehl, DPW Supervisor  
Marilyn West, WWTP Supervisor  
Shawn Reilly, Attorney  
Bruce Kaniewski, Planner  
Kurt Peot, Engineer  
Violet Razo, Planner  
Nick Weber, Library Director

Moved by Hogan and seconded by Bakst to nominate Trustee O'Bryan as Acting Village President. Motion carried without a negative vote.

Acting President O'Bryan announced the Village Board would adjourn into closed session pursuant to State Statutes 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 – Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations.

***Minutes of the August 19, 2008 Special and Regular Board Meetings*** – Moved by Fickau and seconded by Bakst to approve the minutes of the August 5, 2008 Special and Regular Board Meeting as presented. Motion carried without a negative vote.

The treasurer, mileage, police, fire and library reports for August 2008 were on file in the Clerk's Office.

## **COMMENTS FROM THE PUBLIC**

There were no comments from the Public.

## **COMMITTEE REPORTS**

### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Hogan to approve the following vouchers: General Fund \$77,046.54; Fire/Ambulance Fund \$24,123.71; TID #3 – General \$1,769.25; Recycling Fund \$39,154.33; Library Services Fund \$7,230.64; 2004 60 Note

\$83,454.44; Storm Water Utility \$1,050.50; Water Utility Fund \$7,970.34; Wastewater Utility Fund \$22,165.83; Tax Escrow Agency Fund \$6,300.75; Parkland Site Fund \$2,824.43. Motion carried without a negative vote.

**Resolution 2008-18: A Resolution to Certify that the Village Shall Provide for and Allow the Library to Expend No Less than the County Rate in the Prior Year** – Moved by Bakst and seconded by Fickau to adopt **Resolution 2008-18: A Resolution to Certify that the Village Shall Provide for and Allow the Library to Expend No Less than the County Rate in the Prior Year.** Motion carried without a negative vote.

**Resolution 2008-12: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies** – Moved by Bakst and seconded by Fickau to adopt **Resolution 2008-12: A Resolution Designating Public Depository and Authorizing Withdrawal of the Village of Mukwonago Monies.** Motion carried without a negative vote.

### **Health and Recreation**

**Request to Update Section 58-33 (4)b. to allow Therapy Dogs in Field Park During Maxwell Street Days and Summerfest – Barb Beier** – Referred to Judicial Committee.

### **Judicial**

**Approval of 2008 Temporary Class B Beer License – September 20, 2008 – American Legion Post 375** – Moved by Johnson and seconded by Hogan to approve the application for a 2008 Temporary Class B Beer License for the American Legion Post 375 for September 20, 2008. Motion carried without a negative vote.

**Approval of Applications for 2008-09 Operator's License – Chad G. Anderson, Sandra L. Cornell, Mattie S. Holt, Hannah M. Lartz, Jonathan P. Miller, Leila E. Mortimer, Amanda E. Nordentoft, Barinder S. Sagar, Joseph J. Scherer, Michele M. Scherkenbach, Sohinder Singh, Lauren K. Yunker** – Moved by Johnson and seconded by Fickau to approve the applications for 2008-09 Operator's License for Chad G. Anderson, Sandra L. Cornell, Mattie S. Holt, Hannah M. Lartz, Jonathan P. Miller, Leila E. Mortimer, Amanda E. Nordentoft, Barinder S. Sagar, Joseph J. Scherer, Michele M. Scherkenbach, Sohinder Singh, and Lauren K. Yunker. Motion carried without a negative vote.

**Ordinance No. 814: An Ordinance to Create Sections 82-272 and 82-273 of the Village of Mukwonago Municipal Code Pertaining to the Use of Neighborhood Electric Vehicles** – Moved by Johnson and seconded by Fennel to adopt **Ordinance No. 814: An Ordinance to Create Sections 82-272 and 82-273 of the Village of Mukwonago Municipal Code Pertaining to the Use of Neighborhood Electric Vehicles** contingent upon the approval of the Wisconsin Department of Transportation. Motion carried without a negative vote.

### **Personnel**

Hogan notified the Board of several other issues. The Committee met twice, once with Ed Henschel from Virchow Krause, regarding the search for an Administrator/Clerk-Treasurer. The full Board will become involved in October. The Committee had an initial meeting with the Police Chief regarding upcoming negotiations with the Police and Dispatcher unions. The Committee also met regarding the Fire Fighter's union negotiations. Both sides have presented counterproposals.

**Resolution 2008-19: A Resolution Relating to the Village of Mukwonago Wage Schedule for the Water Department Supervisor** – Referred to Public Works Committee.

### **Protective Services**

**Ordinance No. 813: An Ordinance to Amend Section 38-4 of the Municipal Code of the Village of Mukwonago to Require Reimbursement for Ambulance and Rescue Services, Including Technical Rescue Services and Vehicular Accident Fire Calls** – Moved by O'Bryan and seconded by Fickau to adopt **Ordinance No. 813: An Ordinance to Amend Section 38-4 of the Municipal Code of the Village of Mukwonago to Require Reimbursement for Ambulance and Rescue Services, Including Technical Rescue Services and Vehicular Accident Fire Calls**. Motion carried without a negative vote.

**Resolution 2008-17: A Resolution Establishing Fees for Ambulance, Fire, and Rescue Services for the Village of Mukwonago Pursuant to Section 38-4 of the Municipal Code of the Village of Mukwonago** – Moved by O'Bryan and seconded by Bakst to adopt **Resolution 2008-17: A Resolution Establishing Fees for Ambulance, Fire, and Rescue Services for the Village of Mukwonago Pursuant to Section 38-4 of the Municipal Code of the Village of Mukwonago**. Motion carried without a negative vote.

**Request to Discount/Waive Ambulance Bills – Charity Care Policy – Richard Semrow, William Biondi, Christine Behl, Constance Bodilly, Roger Blakely & Ann Creach** – Moved by O'Bryan and seconded by Fickau to discount or waive ambulance bills for Richard Semrow, William Biondi, Christine Behl, Constance Bodilly, Roger Blakely and Ann Creach in accordance with Section 38-4 of the Municipal Code of the Village of Mukwonago as amended by Ordinance 813. Motion carried without a negative vote.

**Updates and Revisions to Emergency Action Plan** – Item will stay in Committee.

**Discussion and Recommendation Regarding Payment of Paramedic Intercept Fees from 2007 – Big Bend-Vernon Fire Board** – Bills paramedic intercept fees from 2007 are being sent back to the Big Bend-Vernon Fire Department because they were not received by the Village in a timely manner.

**Update on Traffic Safety Program (HVE)** – Chief Winchowky notified the Board that part of the money from the grant was used to purchase a speed monitor that has been placed outside of the Police Department.

### **Public Works**

**Drainage Problems on Properties Located in Minor's Homestead Subdivision** – Everything was built to correct specifications of the subdivision. Item can be removed from the agenda.

**Non-Standard Street Lighting Work Request from We Energies – Black Bear Blvd.** – Moved by Fickau and seconded by Fennel to approve two lights on Marshview Dr. with Option B. A new request from We Energies will be received for approval. Motion carried without a negative vote.

**125 Park Place Avenue Restoration Issues** – If the owners wants the work done, they shall submit a request it of the Committee. Item can be removed from the agenda.

**Decision on Status and Possible Removal of the Andler House on Division St.** – DPW Supervisor will be getting quotes for demolishing the Andler house on Division St. The Fire Dept. may be able to practice burn a portion of the inside of the house. Item will stay in Committee.

## **PLAN COMMISSION**

**Site Plan and Architectural Review – Phantom Woods Rd. and CTH ES – Mukwonago Remodeling** – The applicant submitted conceptual plans and will be coming back to the Commission with full plans.

**Extraterritorial Review of Certified Survey Map – Town of East Troy – W322 Cty Rd L – Nicoson Family Trust** – Moved by Fickau and seconded by Fennel to approve the Extraterritorial Certified Survey Map for W322 Rd L owned by the Nicoson Family Trust. Motion carried without a negative vote.

## **VILLAGE ENGINEER**

**Oakland Ranch - Defective Concrete** – Engineer Peot gave a presentation of concrete defects in some of the driveways and curbs in the Oakland Ranch and West Side, Gibson, Spring, and Lake Street projects. He asked the Board for guidance. The engineers should attempt to receive a credit from the contractor to be applied to individual assessments.

## **VILLAGE ATTORNEY**

**Authorization for Village President and Village Clerk to Sign Documents to Transfer Property to Seaquist** – Moved by Fickau and seconded by Hogan to adopt **Resolution 2008-20**: *A Resolution Authorizing the Sale of Land to Seaquist Closures, LLC*. Motion carried without a negative vote.

## **VILLAGE PRESIDENT**

**Plan Commission and Board of Building and Zoning Appeals Appointments** – Item to remain on agenda.

Moved by Fennel and seconded by Fickau to convene into closed session at 8:27 p.m. pursuant to state statutes 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 – Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations. Motion carried upon roll call vote. Discussion held in closed session. Moved by Bakst and seconded by Fennel to adjourn the closed session at 8:58 p.m. Motion carried without a negative vote.

Moved by Fickau and seconded by Bakst to reconvene into open session at 8:58 p.m.

**Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations** – No action taken.

Moved by O'Bryan, seconded by Johnson, and carried to adjourn at 8:59 p.m.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on October 7, 2008 at 7:30 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
John Hogan  
Dale Fennel  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Also present: Fred Winchowky, Police Chief  
Jeff Rolfe, Fire Chief  
Tom Brandemuehl, DPW Supervisor  
Shawn Reilly, Attorney  
Nick Weber, Library Director  
Joe Hankovich, Supervisor of Inspections/Zoning Administrator

Wagner announced the Village Board would adjourn into closed session pursuant to State Statutes 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 – Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations.

***Minutes of the September 16, 2008 Board Meeting*** – Moved by Fickau and seconded by Hogan to approve the minutes of the September 16, 2008 Board meeting as presented. Motion carried without a negative vote.

**COMMENTS FROM THE PUBLIC** (*Taken before Board convened into closed session*)

Gilbert Yerke, Waukesha County Supervisor – Gave update on the County budget, which includes a .3% increase. Spoke about Wisc Dept of Transportation work to be done on STH 83 in 2011. Urged the Board to look at the impact of Village businesses and to take action as necessary.

**COMMITTEE REPORTS**

**Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Hogan to approve the following vouchers: General Fund \$69,253.73; Fire/Ambulance Fund \$19,850.06; TID #3 – General \$453.75; Other Designated Fund \$12,421.38; Recycling Fund \$42,390.62; Capital Equipment Fund \$9,067.99; Library Services Fund \$12,370.86; Water Utility Fund \$36,250.58; Wastewater Utility Fund \$31,903.52; Tax Escrow Agency Fund \$131,783.94. Motion carried without a negative vote.

**Judicial**

***Approval of Applications for 2008-09 Operator's License – Nina M. Lindenburg, Delinda A. Quintero, Thomas J. Vukelich*** – Moved by Johnson and seconded by Hogan to approve

the applications for 2008-09 Operator's License for Nina M. Lindenburg, Delinda A. Quintero, and Thomas J. Vukelich. Motion carried without a negative vote.

**Approval of 2008 Temporary Class B Beer License – October 17, 2008 – Knights of Columbus** – Moved by Johnson and seconded by Fickau to approve the application for a 2008 Temporary Class B Beer License for the Knights of Columbus for October 17, 2008. Motion carried without a negative vote.

**Approval of 2008 Temporary Class B Beer License – October 19, 2008 – St. James Parish/School** – Moved by Johnson and seconded by Fickau to approve the application for a 2008 Temporary Class B Beer License for the St. James Parish/School for October 19, 2008. Motion carried without a negative vote.

### **Protective Services**

**Updates and Revisions to Emergency Action Plan** – Item will stay in Committee.

**Waukesha County Trunked Radio System Budget – Conversion from Analog System to Digital and Request for Funding** – Item will stay in Committee.

**Request to Discount/Waive Ambulance Bills – Charity Care Policy – Maria Capello, Taranjit Phul** – Item will stay in Committee.

**Review of Ambulance Charges** – Item will stay in Committee.

### **VILLAGE PRESIDENT**

**Plan Commission and Board of Building and Zoning Appeals Appointments** – Item to remain on agenda.

### **NEW BUSINESS**

**We Energies – Road Crossing at Black Bear Blvd** – Moved by Fickau and seconded by Hogan to approve the We Energies permit for a road crossing at Black Bear Blvd. Motion carried without a negative vote.

**We Energies Permit – 1358 Cider Ci., 322 Grand Ave., 742 Pinehurst Dr.** – Moved by Fennel and seconded by Fickau to approve the We Energies permits for 1358 Cider Ci., 322 Grand Ave., and 742 Pinehurst Dr. Motion carried without a negative vote.

Moved by Bakst and seconded by Fennel to convene into closed session at 7:40 p.m. pursuant to state statute 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 – Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations. Motion carried upon roll call vote. Discussion held in closed session. Moved by Fennel and seconded by O'Bryan to adjourn the closed session at 8:00 p.m. Motion carried without a negative vote. Moved by Fickau and seconded by Bakst to reconvene into open session at 8:00 p.m.

**Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations** – Moved by Bakst and seconded by Fickau to authorize the Village Attorney to proceed with the enforcement of the zoning code in regards to agricultural use in business zoning with a filing with circuit court and/or citations. Motion carried without a negative vote.

Moved by Fickau, seconded by Fennel, and carried to adjourn at 8:02 p.m.

Village of Mukwonago  
Waukesha and Walworth Counties, Wisconsin

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on October 21, 2008 at 7:30 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
John Hogan  
Dale Fennel  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Also present: Jeff Rolfe, Fire Chief  
Fred Winchowky, Police Chief  
Tom Brandemuehl, DPW Supervisor  
Nick Weber, Library Director  
Shawn Reilly, Attorney  
Kurt Peot, Engineer  
Bruce Kaniewski, Planner  
Marilyn West, WWTP Supervisor

Wagner announced the Village Board would adjourn into closed section pursuant to State Statutes:

- C. 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 – Department Head Compensation - Fire Chief, Jeff Rolfe
- D. 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 – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

***Minutes of the October 7, 2008 Board Meeting*** – Moved by Fickau and seconded by Bakst to approve the minutes of the October 7, 2008 Board meeting as presented. Motion carried without a negative vote.

The treasurer, mileage, police, fire and library reports for September 2008 and the 3<sup>rd</sup> quarter 2008 recycling report are on file in the Clerk's Office.

### **COMMENTS FROM THE PUBLIC**

Ebby Nixon, representative of the St. James 8<sup>th</sup> Grade Class – Gave a report of a recycling project the class is working on to improve recycling in the Village. They took a tour of John's Disposal recycling plant. They would like to put up posters throughout the Village encouraging people to recycle. They would like to see recycle bins in Field Park.

Tom Jones, 401 Lois St. – Thanked Tom Brandemuehl for getting the Shoreline Stabilization Project in Indianhead Park going. The project turned out very nice. Also thanked Melissa Steinbach and Steve Brunner from Ruckert & Mielke for their work on the project. The Fox River Commission is having a meeting this Friday on the 2009 budget. They would like to

know if the Village has any projects to be done. Also spoke about the misaligned driveway at his son's house on Oakland Avenue. Would like to know if the Village Board will have it fixed. Peot stated that he will look at it and have it fixed.

## **COMMITTEE REPORTS**

### **Public Works**

***I-43 Detour Route Due to Wisc DOT Construction Work on I-43 (Item taken out of order)*** – Phil Bain, Wisc DOT, gave a presentation of work to be done on I-43 between STH 83 and STH 164. The DOT would like to use CTH ES and Holz Parkway as an alternate route. They will take pictures and do inspections of Holz Parkway before and during the project. DOT needs the Village's approval, and any demands and concerns should be included in the paperwork.

### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Fickau to approve the following vouchers: General Fund \$49,324.10; Fire/Ambulance Fund \$11,617.09; TID #3 – General \$783.75; Capital Equip Fund \$7,610.00; Library Services Fund \$4,130.49; 2004 GO Note \$17,767.18; Storm Water Utility \$1,829.00; Water Utility Fund \$11,119.19; Wastewater Utility Fund \$351,812.59; Tax Escrow Agency Fund \$586.52; Parkland Site Fund \$2,080.76. Motion carried without a negative vote.

### **Health and Recreation**

***Request to Increase in Garbage and Recycling Service Per-Unit Rates, Yard Waste Rates and Commercial Dumpster Rates – John's Disposal Service*** – A representative from John's Disposal Service was not at the meeting. Item will be held in Committee. Fennel noted that there will be a block party on Two Rivers Ct. and Two Rivers Dr. later in October, and the residents notified the Police and Fire Departments so emergency vehicles will be able to access the streets.

### **Judicial**

***Approval of Application for 2008-09 Operator's License – Jeffrey M. Adler*** – Moved by Johnson and seconded by Hogan to approve the application for 2008-09 Operator's License for Jeffrey M. Adler. Motion carried without a negative vote.

***2008-09 Application for Original Class A Beer License – Khasria, Incorporated (Harjinder S. Khasria, Agent), 710 Main Street, d/b/a Village Pumper Two*** – Moved by Johnson and seconded by Fickau to approve the 2008-09 Application for Original Class A Beer License – Khasria, Incorporated (Harjinder S. Khasria, Agent), 710 Main Street, d/b/a Village Pumper Two. Motion carried without a negative vote.

***Request to Update Section 58-33 (4)b. to allow Therapy Dogs in Field Park During Maxwell Street Days and Summerfest – Barb Beier*** – The original ordinance was created at the request of the American Legion. Johnson spoke with Legion Commander Lester Jacobs. Jacobs was fearful that other people would see the therapy dog in the park and think that they could bring their dogs in, too. Moved by Johnson and seconded by Fennel to deny the request Barb Beier to amend Ch. 58-33 (4)b. to allow therapy dogs in Field Park during Maxwell Street Days and Summerfest. The motion is based on the recommendation from the American Legion. Motion carried without a negative vote.

### **Personnel**

**Resolution 2008-19: A Resolution Relating to the Village of Mukwonago Wage Schedule for the Water Department Supervisor** – Moved by Hogan and seconded by Bakst to adopt  
**Resolution 2008-19: A Resolution Relating to the Village of Mukwonago Wage Schedule for the Water Department Supervisor.** Motion carried without a negative vote.

### **Public Works**

**Decision on Status and Possible Removal of the Andler House on Division St.** – Brandemuehl is working on getting cost estimates for the removal of the Andler House on Division St. to be included in the 2009 budget.

**Request to Waive a Portion of the Sewer Charge for 2<sup>nd</sup> and 3<sup>rd</sup> Quarter 2008 Utility Bill Due to Watering of New Lawn – Greg & Sheryl Reed, 609 Two Rivers Dr.** – Moved by Fickau and seconded by Fennel to deny the request by Greg & Sheryl Reed, 609 Two Rivers Dr., to waive a portion of the sewer charge for the 2<sup>nd</sup> and 3<sup>rd</sup> quarter 2008 utility bill due to watering of a new lawn. Motion carried without a negative vote.

**Oakland Ranch - Damage to tree on 430 Cedar Street** – The owner of the property was not at the Committee meeting. Peot stated that it did not appear that there was construction work done that far into the property. He also stated that the tree went dormant early, and that the owner should wait until Spring to see if the tree is still alive. If the tree is dead, then the owner can proceed with filing a claim.

**Change Order #1 – Sanitary Sewer Rehab Project** – Moved by Fickau and seconded by Fennel to approve Change Order #1 for the Sanitary Sewer Rehabilitation Project. Motion carried without a negative vote.

### **PLAN COMMISSION**

**Black Bear – Developer’s Agreement, Access Easement to Lift Station, and Other Developer Documents** – The Plan Commission voted to approve a permanent easement between the Village Board and the Wisconsin Department of Natural Resources for access along the Wisc DNR road off of STH 83 to the future lift station in the Black Bear Development. Since the actual easement is not in front of the Board, no motion is necessary at this point.

### **VILLAGE PRESIDENT**

**Plan Commission and Board of Building and Zoning Appeals Appointments** – Moved by Bakst and seconded by Fickau to accept the Village President’s recommendation to appoint Jamie Vega to the vacant position on the Plan Commission. Motion carried without a negative vote.

### **CORRESPONDENCE**

**2007 Annual Report from SEWRPC** – On file in the Clerk’s Office.

### **NEW BUSINESS**

**We Energies Permit – 1358 Cider Ci., 322 Grand Ave., 742 Pinehurst Dr.** – Moved by Fennel and seconded by Fickau to approve the We Energies permit for 920 Pinehurst Dr. Motion carried without a negative vote.

Moved by Fennel and seconded by Johnson to convene into closed session at 8:19 p.m. pursuant to state statutes:

- A. 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 – Department Head Compensation - Fire Chief, Jeff Rolfe
- B. 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 – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

Motion carried upon roll call vote. Discussion held in closed session. Moved by Fennel and seconded by Fickau to adjourn the closed session at 9:09 p.m. Motion carried without a negative vote.

Moved by Hogan and seconded by Fickau to reconvene into open session at 9:09 p.m.

***Department Head Compensation - Fire Chief, Jeff Rolfe*** – No action taken.  
***Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations*** – No action taken.

Moved by Bakst, seconded by Hogan, and carried to adjourn at 9:10 p.m.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on November 18, 2008 at 7:30 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
Dale Fennel  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Member Excused: John Hogan

Also present: Jeff Rolfe, Fire Chief  
Fred Winchowky, Police Chief  
Tom Brandemuehl, DPW Supervisor  
Nick Weber, Library Director  
Shawn Reilly, Attorney  
Kurt Peot, Engineer  
Bruce Kaniewski, Planner

Wagner announced the Village Board would adjourn into closed section pursuant to State Statutes:

- E. 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 – Department Head Compensation - Fire Chief, Jeff Rolfe
- F. 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 – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

**Public Hearing: Consideration of an Ordinance to Amend Sections 100-271 thru 100-280 of the Municipal Code of the Village of Mukwonago** – Public hearing opened at 7:31 p.m. No one spoke for or against. Public hearing closed at 7:32 p.m.

**Minutes of the October 21, 2008 Board Meeting** – Moved by Fickau and seconded by Bakst to approve the minutes of the October 21, 2008 Board meeting as presented. Motion carried without a negative vote.

The treasurer, mileage, police, fire and library reports for October 2008 are on file in the Clerk's Office.

### **COMMENTS FROM THE PUBLIC**

Marilyn McCarthy, S108W27690 Maple Ave. – Inquired about farming of lands in business areas. President directed her to Zoning Administrator Hankovich.

## COMMITTEE REPORTS

### Finance

**Vouchers Payable** – Moved by Bakst and seconded by Fickau to approve the following vouchers: General Fund \$72,994.01; Fire/Ambulance Fund \$16,330.21; TID #3 – General \$1,500.00; Recycling Fund \$42,096.00; Library Services Fund \$11,184.61; 2004 GO Note \$106,839.61; Water Utility Fund \$10,120.64; Wastewater Utility Fund \$21,388.47; Parkland Site Fund \$2,362.84. Motion carried without a negative vote.

**Request to Waive Chargeback of Professional Service Fees – Morris Development LLC** – Moved by Bakst and seconded by Fickau to deny the request to waive the chargeback of professional fees to Morris Development. Motion carried without a negative vote.

### Health and Recreation

**Request to Increase in Garbage and Recycling Service Per-Unit Rates, Yard Waste Rates and Commercial Dumpster Rates – John's Disposal Service** – The Committee met with representatives from John's Disposal Service. The requested fee increases for garbage and recycle collection will be lowered to cost of living level. Item will be held in Committee.

### Judicial

**Approval of Applications for 2008-09 Operator's License – Joyce L. Anderson, Rebecca L. Rugg, Courtni L. Schindler, Eric M. Zingsheim** – Moved by Johnson and seconded by Fickau to approve the applications for 2008-09 Operator's License for Joyce L. Anderson, Rebecca L. Rugg, Courtni L. Schindler, and Eric M. Zingsheim. Motion carried without a negative vote.

**Request to Amend Section 82-192 to Include No Parking Along the East Side of STH 83 from CTH LO to Washington Ave.** – The Committee requested Police Chief Winchowky to conduct a traffic study of the affected area. Item will be held in Committee until the study is complete.

### Protective Services

**Updates and Revisions to Emergency Action Plan** – This is a continuing project and will remain in Committee.

**Waukesha County Trunked Radio System Budget – Conversion from Analog System to Digital and Request for Funding** – Information only to let the Board know what to expect in the future.

**Request to Discount/Waive Ambulance Bills – Charity Care Policy – Maria Capello, Taranjit Phul** – Moved by O'Bryan and seconded by Fennel to approve the discounting and/or waiving of fees for ambulance bills in accordance with the charity care policy. The bills for Maria Capello will be reduced by 55%, and the bills for Taranjit Phul will be reduced by 100%. Motion carried without a negative vote.

**Review of Ambulance Charges** – Fees will be reviewed in the beginning of 2009.

**Proposal to Raise CPR Fees for Use of CPR Equipment** – Item will be held in Committee.

**Purchase of Rescue Manikin Act 102 Funds** – Committee approved the spending of Act 102 funds to purchase rescue manikins in an amount not to exceed \$1,000.

### Public Works

**Fox River Commission Scope of Work Proposal for Stream in River Park Estates** – Item will be held in Committee.

**Minor Homestead Subdivision Ground Water Issues** – According to the Village Engineer, the subdivision was built as designed. Item can be removed from the agenda.

**Request for Non-Standard Street Lighting – Marsh View Dr. – We Energies** – Moved by Fickau and seconded by Bakst to approve the request from We Energies for non-standard street lighting on Marsh View Dr. The request is for Option B. The developer shall pay the installation fee. Motion carried without a negative vote.

Fickau stated that he received a list of projects that could be funded by the Fox River Commission budget.

## **PLAN COMMISSION**

**Ordinance No. 815: An Ordinance to Amend Portions of Section 100-29 and to Amend and/or Create Sections 100-271 Through 100-282 of the Village of Mukwonago Municipal Code Pertaining to Floodplain and Shoreland-Wetland Zoning** – Moved by Fennel and seconded by O'Bryan to accept the Plan Commission recommendation to adopt **Ordinance No. 815: An Ordinance to Amend Portions of Section 100-29 and to Amend and/or Create Sections 100-271 Through 100-282 of the Village of Mukwonago Municipal Code Pertaining to Floodplain and Shoreland-Wetland Zoning**. Motion carried without a negative vote.

**Discussion and Potential Direction Regarding Current Provisions of the Zoning Ordinance that Controls the Number of Bedrooms Per Unit in Multi-Family Developments (R-3 And R-10 Districts), and the Use of Planned Development (R-4) Zoning for Residential Developments** – Item was discussed at Plan Commission. No action needed.

**Extraterritorial Review of Preliminary Plat – Pine View Estates – Town of Mukwonago** – Moved by Fennel and seconded by O'Bryan to accept the Plan Commission recommendation to certify a no objection to the extraterritorial review of the preliminary plat for Pine View Estates in the Town of Mukwonago. The certification shall be subject to the following conditions: 1) Fire Chief Jeff Rolfe shall be provided the opportunity to review the plat at the Town level to ensure that the design of the subdivision and the ultimate public improvements enhances public safety, and 2) As the subject property is tributary to the Mukwonago River, the Village shares a concern with the Town that all requirements of the State of Wisconsin and Waukesha Storm Water Management and Water Quality regulations are met. Motion carried without a negative vote.

**Black Bear CSM** – Item is tabled until the Village Attorney requests it to be put back on the agenda.

**Black Bear Residential Developers Agreement** – Item is tabled until the Village Attorney requests it to be put back on the agenda.

**Access Easement from the DNR to the Village for Pump Station Property** – Item is tabled until the Village Attorney requests it to be put back on the agenda.

**Storm Water Management maintenance Restrictions for BlackBear Residential** – Item is tabled until the Village Attorney requests it to be put back on the agenda.

**Public utility Easements from BlackBear Developer to Village** – Item is tabled until the Village Attorney requests it to be put back on the agenda.

**Easements from MFD for Sewer Main** – Item is tabled until the Village Attorney requests it to be put back on the agenda.

## VILLAGE ATTORNEY

**Update on 2007 Assessment Error on MUKV 1978.998.002 – Minors Homestead LLC – Wisc DOR Response** – The Wisconsin Dept. of Revenue (DOR) notified the Village Clerk that they denied our request for a chargeback of real estate taxes due to a palpable error in assessment. The DOR states that the error did not affect the equalized value. This item will be discussed in closed session at the next meeting.

## VILLAGE CLERK

**Insurance Claim from Bodily Injury Due to Broken Swing Set in Field Park – Tammy Mazur** – Moved by Bakst and seconded by Fickau to accept the insurance company's recommendation to deny the insurance claim from Tammy Mazur regarding bodily injury due to a broken swing set in Field Park. Motion carried without a negative vote.

**Insurance Claim from Damage to Vehicle Due to Windblown Tree Limbs in Field Park During Maxwell Street Days – Robert Gross** – Moved by Bakst and seconded by Fickau to accept the insurance company's recommendation to deny the insurance claim from Robert Gross regarding damage to a vehicle due to windblown tree limbs in Field Park during Maxwell Street Days. Motion carried without a negative vote.

## VILLAGE PRESIDENT

**Board of Building and Zoning Appeals Appointments** – Item will remain on agenda.

## NEW BUSINESS

**Time Warner Permit – Installation of Cable TV – Perkins Dr.** – Moved by Fennel and seconded by Fickau to approve the Time Warner permit for installation of cable TV on Perkins Dr. Motion carried without a negative vote.

**We Energies Permit – 723 Division St.** – Moved by Fickau and seconded by Bakst to approve the We Energies permit for 723 Division St.. Motion carried without a negative vote.

Moved by Fennel and seconded by O'Bryan to convene into closed session at 7:58 p.m. pursuant to state statutes:

- C. 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 – Department Head Compensation - Fire Chief, Jeff Rolfe
- D. 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 – Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

Motion carried upon roll call vote. Discussion held in closed session. Moved by Fennel and seconded by Johnson to adjourn the closed session at 8:20 p.m. Motion carried without a negative vote.

Moved by Fickau and seconded by Bakst to reconvene into open session at 8:20 p.m.

**Department Head Compensation - Fire Chief, Jeff Rolfe** – Moved by Bakst and seconded by Fennel to increase the 2009 salary of the Fire Chief by the terms as approved by the Town of Mukwonago. Motion carried without a negative vote.

**Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations** – No action taken.

Moved by Fennel, seconded by Bakst, and carried to adjourn at 8:22 p.m.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on December 2, 2008 at 7:30 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
John Hogan  
Dale Fennel  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Also present: Jeff Rolfe, Fire Chief  
Fred Winchowky, Police Chief  
Tom Brandemuehl, DPW Supervisor  
Shawn Reilly, Attorney

Wagner announced the Village Board would adjourn into closed section pursuant to State Statutes:

- G. 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:
  - 1) Administrator/Clerk/Treasurer - Terms of Job Offer
- H. 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:
  - 1) Recovery of Lost 2007 Tax Revenue due to Assessment Error MUKV 1978.998.002 – Minors Homestead LLC
  - 2) Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

***Minutes of the November 18, 2008 Board Meeting*** – Moved by Fickau and seconded by Bakst to approve the minutes of the November 18, 2008 Board meeting as presented. Motion carried without a negative vote.

## **COMMITTEE REPORTS**

### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Fickau to approve the following vouchers: General Fund \$11,725.64; Fire/Ambulance Fund \$2,503.90; Recycling Fund \$4.25; Library Services Fund \$4,909.57; Water Utility Fund \$24,389.27; Wastewater Utility Fund \$6,220.86; Tax Escrow Fund \$1,755.62. Motion carried without a negative vote.

### **Judicial**

***Approval of Applications for 2008-09 Operator's License – Sharon M. Basaldua, Amanda N. Busack, Russell L. Conway, Beverly M. Seidl*** – Moved by Johnson and seconded by Fickau to approve the applications for 2008-09 Operator's License for Sharon M. Basaldua, Amanda N. Busack, Russell L. Conway, and Beverly M. Seidl. Motion carried without a negative vote.

## **Personnel**

***Tentative Agreement with Mukwonago Police Association*** – Atty Rob Buikema presented the tentative agreement between the Village of Mukwonago and Mukwonago Professional Policemen’s Association. Moved by Hogan and seconded by Fennel to accept the agreement between the Village of Mukwonago and Mukwonago Professional Policemen’s Association reached on November 11, 2008. Motion carried without a negative vote.

## **Protective Services**

***2009 Waukesha County Joint Powers Agreement*** – Moved by O’Bryan and seconded by Fennel to approve the 2009 Waukesha County Joint Powers Agreement with the Village of Mukwonago. Motion carried without a negative vote.

***Waukesha Fire Department Technical Rescue Contract*** – Moved by O’Bryan and seconded by Hogan to approve the 2009 Waukesha Fire Department Technical Rescue Contract. Motion carried without a negative vote.

## **VILLAGE PRESIDENT**

***Board of Building and Zoning Appeals Appointments*** – Moved by Fickau and seconded by Hogan to accept the Village President’s recommendation to appoint Tom Danzman to the office of Board of Building and Zoning Appeals 2<sup>nd</sup> Alternate. Motion carried without a negative vote.

Moved by Bakst and seconded by Johnson to convene into closed session at 7:45 p.m. pursuant to State Statutes:

- A. 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:
  - 1) Administrator/Clerk/Treasurer - Terms of Job Offer
- B. 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:
  - 1) Recovery of Lost 2007 Tax Revenue due to Assessment Error MUKV 1978.998.002 – Minors Homestead LLC
  - 2) Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

Motion carried upon roll call vote. Discussion held in closed session. Moved by Johnson and seconded by Hogan to adjourn the closed session and reconvene into open session at 8:53 p.m. Motion carried without a negative vote.

***Administrator/Clerk/Treasurer - Terms of Job Offer*** – Moved by Bakst and seconded by Fennel to approve the contract with corrections as stated in closed session. Motion carried without a negative vote.

***Recovery of Lost 2007 Tax Revenue due to Assessment Error MUKV 1978.998.002 – Minors Homestead LLC*** – Moved by Bakst and seconded by Fennel to authorize the Village Attorney to expend up to \$500 for advise from outside counsel. Motion carried without a negative vote.

***Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations*** – No action taken.

Moved by Fickau, seconded by Bakst, and carried to adjourn at 9:00 p.m.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board special meeting to order on December 4, 2008 at 7:00 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
Dale Fennel  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Member Excused: John Hogan

Also present: Fred Winchowky, Police Chief  
Tom Brandemuehl, DPW Supervisor

Public hearing for 2009 budget was opened at 7:01 p.m.

Mary Pires, 1128 Eastern Tr. – Glad to see that the trustees made sure State limits were met, so the Village will receive the full amount of shared revenue. Also glad that the deferred spendings for capital equipment were spent. Concerned about using reserved funds. A couple hundred thousand dollars were used last year, and again this year. This budget does raise taxes. The Village of Mukwonago is always in the top of the pack in taxes. This is a bad economy, and it would be more respectful to the citizens to lower the taxes. Think of businesses, too. Restructuring Village services is necessary. The State budget is a mess. Asks the trustees to follow guidelines that are good for the citizens; do not follow the examples of the State. (*Wagner stated that the tax rate is lower this year. Clerk Braatz stated that \$100,000 of fund balance was used for the 2008 budget, and this year only \$98,298 will be used for the 2009 budget.*)

Public hearing closed at 7:10 p.m.

## **NEW BUSINESS**

**Resolution 2008-21: A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; General Fund** – Moved by Fickau and seconded by Bakst to adopt **Resolution 2008-21: A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; General Fund.** Motion carried without a negative vote.

**Resolution 2008-22: A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Fire/Ambulance Fund** – Moved by Fennel and seconded by Johnson to adopt **Resolution 2008-22: A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Fire/Ambulance Fund.** Motion carried without a negative vote.

**Resolution 2008-23: A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Debt Fund** – Moved by Bakst and seconded by Fickau to adopt **Resolution 2008-23: A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of**

*the Village of Mukwonago for 2009; Debt Fund.* Motion carried without a negative vote.

**Resolution 2008-24:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Recycling Fund* – Moved by Fennel and seconded by Johnson to adopt **Resolution 2008-24:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Recycling Fund.* Motion carried without a negative vote.

**Resolution 2008-25:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Library Fund* – Moved by Bakst and seconded by Johnson to adopt **Resolution 2008-25:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Library Fund.* Motion carried without a negative vote.

**Resolution 2008-26:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Storm Water Utility Fund* – Moved by Fickau and seconded by Bakst to adopt **Resolution 2008-26:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Storm Water Utility Fund.* Motion carried without a negative vote.

**Resolution 2008-27:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Tax Incremental District Fund* – Moved by Fennel and seconded by Bakst to adopt **Resolution 2008-27:** *A Resolution Appropriating the Necessary Funds for the Operation of the Government and Administration of the Village of Mukwonago for 2009; Tax Incremental District Fund.* Motion carried without a negative vote.

**Resolution 2008-28:** *A Resolution to Set the 2009 Schedule of Fees for the Village of Mukwonago* – Moved by Bakst and seconded by Fickau to adopt **Resolution 2008-28:** *A Resolution to Set the 2009 Schedule of Fees for the Village of Mukwonago.* Motion carried without a negative vote.

Moved by Fickau, seconded by Fennel, and carried to adjourn at 7:14 p.m.

Steven A. Braatz, Jr.  
Clerk-Treasurer

President Wagner called the Village Board meeting to order on December 16, 2008 at 7:30 p.m.

Members present: Arnie Fickau  
Elliot Bakst  
John Hogan  
Dale Fennel  
Dennis O'Bryan  
Darlene Johnson  
James Wagner

Also present: Fred Winchowky, Police Chief  
Marilyn West, WWTP Supervisor  
Shawn Reilly, Attorney  
Kurt Peot, Engineer

Wagner announced the Village Board would adjourn into closed session pursuant to State Statutes:

- I. 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 - Administrator/Clerk/Treasurer - Discussion of Potential Candidates and Requirements *and* 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
  - 1) Discussion of Status of Firefighter Union Bargaining
- J. 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:
  - 1) Recovery of Lost 2007 Tax Revenue due to Assessment Error MUKV 1978.998.002 – Minors Homestead LLC
  - 2) Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

**Public Hearing: Public Hearing on Special Assessments for Installation of Improvements for Sanitary Sewer, Water Main, Road Reconstruction, and Drainage Improvements – Mukwonago Shores Phases 2 & 3** – Public hearing opened at 7:33 p.m.  
Doug Hoppe, 522 Wahl Ave. – Wanted to know if he is on the punch list of items to be done yet. Concerned about water coming up between the curb and gutter and the effect it would have when the water freezes. There is a ditch to fill in. Discussed the storm sewer grates. Feels the manhole covers are too low.  
Dan Walsh, 519 Wahl Ave. – Has over 200 feet of frontage and his assessment is almost \$17,000. Feels there should be a maximum amount for property owners.  
Jodie Schoepe, mother owned 141 Shore Dr. but is now sold – Asked if the amount from August was still correct, and asked about payment.  
Pat Ricklefs, 230 Shore Dr. – Asked about the amount. Sod has dead spots.

Cathy Humcke-Peterson, 201 West Side Ave. – Asked about the amount. Punch list complaints did not get done.

Fred Ramge, 124 Park Place Ave. – Asked about payments for the special assessments. Complained about the road grade.

Dan Walsh, 519 Wahl Ave. – Asked if the Board was still considering 15-year installments. Public hearing closed at 7:54 p.m.

***Minutes of the December 2, 2008 Board Meeting, December 4, 2008 Budget Hearing, and the December 11, 2008 Special Meeting*** – Moved by Fickau and seconded by Bakst to approve the minutes of the December 2, 2008 Board meeting, December 4, 2008 budget hearing, and the December 11, 2008 special meeting as presented. Motion carried without a negative vote.

The treasurer, mileage, police, fire and library reports for November 2008 are on file in the Clerk's Office.

#### **VILLAGE ATTORNEY** (taken out of order)

***Letter of Credit Reduction – Fairwinds*** – Item held until next meeting.

***Resolution 2008-15: Final Resolution Authorizing the Levying of Special Assessments against Benefited Property – For Mukwonago Shores Paving and Utilities – Phases 2 & 3 Project*** – Moved by Fennel to approve ***Resolution 2008-15: Final Resolution Authorizing the Levying of Special Assessments against Benefited Property – For Mukwonago Shores Paving and Utilities – Phases 2 & 3 Project*** as presented. Motion died for lack of a second. Moved by Bakst and seconded by Hogan to approve ***Resolution 2008-15: Final Resolution Authorizing the Levying of Special Assessments against Benefited Property – For Mukwonago Shores Paving and Utilities – Phases 2 & 3 Project*** with an amendment of 15 (fifteen) years to the term of payment. Motion carried on a vote of 6 ayes and 1 nay (Fennel voted no).

#### **COMMITTEE REPORTS**

##### **Finance**

***Vouchers Payable*** – Moved by Bakst and seconded by Hogan to approve the following vouchers: General Fund \$100,589.93; Fire/Ambulance Fund \$13,684.16; TID #3 General \$4,168.00; Other Designated Fund \$500.00; Recycling Fund \$38,868.80; Capital Equip Fund \$5,954.07; Library Services Fund \$1,633.95; 2004 GO Note \$8,713.87; Storm Water utility Fund \$693.00; Water Utility Fund \$26,828.58; Wastewater Utility Fund \$10,477.65; Parkland Site Fund \$62,477.65. Motion carried without a negative vote.

***Letter of Intent to Purchase Wing Plow*** – Moved by Hogan and seconded by Fickau to approve the signing of the purchase agreement between the Village of Mukwonago and Lakeside International Trucks for the purchase of a wing plow. The delivery and payment will occur in 2009. Motion carried without a negative vote.

##### **Health and Recreation**

***Request to Increase in Garbage and Recycling Service Per-Unit Rates, Yard Waste Rates and Commercial Dumpster Rates – John's Disposal Service*** – The prices for the garbage and recycling service per-unit rates will be increased by 5.6% rather than the 8% initially requested. Moved by Fennel and seconded by Hogan to approve the request to

increase the garbage and recycling service per-unit rates from John's Disposal Service. Motion carried without a negative vote.

### **Judicial**

***Approval of Application for 2008-09 Operator's License – Kimberly A. Bourdo*** – Moved by Johnson and seconded by Hogan to approve the application for 2008-09 Operator's License for Kimberly A. Bourdo. Motion carried without a negative vote.

### **Personnel**

***Approval of Job Description – WWTP Laboratory Manager (taken out of order)*** – Moved by Bakst and seconded by Fennel to put the approval for the job description for the WWTP Laboratory Manager on hold until the new Administrator/Clerk-Treasurer takes over and looks over the job description. Motion carried without a negative vote.

***Tentative Agreement with Mukwonago Clerk/Dispatchers Association*** – Atty Rob Buikema presented the tentative agreement between the Village of Mukwonago and Mukwonago Clerk/Dispatchers Association. Moved by Hogan and seconded by Bakst to accept the agreement between the Village of Mukwonago and Mukwonago Clerk/Dispatchers Association reached on December 9, 2008. Motion carried without a negative vote.

***Resolution 2008-29: A Resolution Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees and Part-Time Employees*** – Moved by Hogan and seconded by O'Bryan to adopt **Resolution 2008-29: A Resolution Relating to Village of Mukwonago Salary and Wage Schedules for Non-Represented Full-Time Employees and Part-Time Employees**. Motion carried on a vote of 6 ayes and 1 nay (Fickau voted no).

### **Public Works**

***Request for Adjustment to Driveway Assessment – Mukwonago Shores Phases 2 & 3 – Dennis & Nancy Ward, 209 Shore Dr.*** – No action taken.

***Change Order #1 – CTH NN/CTH EE Intersection Improvements*** – Moved by Fickau and seconded by Bakst to approve Change Order #1 for the CTH NN/CTH EE Intersection Improvements. Motion carried without a negative vote.

***Fox River Commission scope of work proposal for stream in River Park Estates*** – Discussion on work proposed and probable funding by the Fox River Commission to take care of erosion problems in the River Park Estates subdivision. No action taken.

***Change Order #1 – Shoreline Stabilization Project*** – Moved by Fickau and seconded by Hogan to approve Change Order #1 for the Shoreline Stabilization Project. Motion carried without a negative vote.

***Certificate of Substantial Completion – Shoreline Stabilization Project*** – Moved by Fickau and seconded by Hogan to accept the Certificate of Substantial Completion for the Shoreline Stabilization Project. Motion carried without a negative vote.

***Honeywell Road Drainage Improvements to McDivitt Lane – Discussion of Funding*** – Moved by Hogan and seconded by Fennel to approve the 2009 budgeting for the re-grading of the drainage ditch along Honeywell Road. The funding will be included in a bond issue. Motion carried without a negative vote.

**State/Municipal Agreement and Cost Share with Wisc Dept. of Transportation – 2011 STH 83 Reconstruction Project** – Moved by Fickau and seconded by Fennel to approve the signing of the State/Municipal Agreement and Cost Share with the Wisconsin Department of Transportation for the 2011 STH 83 Reconstruction Project. Motion carried without a negative vote.

**Fence at Black Bear Lift Station** – Moved by Fickau and seconded by Hogan to approve the purchase of a chain link fence around the Black bear lift station unless another party wishes to pay the difference to upgrade to a fancier fence. Motion carried without a negative vote.

**Resolution 2008-30: A Resolution Adopting the 2009 Sewer Budget and 2009 Water Utility Budget** – Moved by Fickau and seconded by O'Bryan to adopt **Resolution 2008-30: A Resolution Adopting the 2009 Sewer Budget and 2009 Water Utility Budget**. The sewer rate will be increased from \$5.85 to \$6.00 per thousand gallons of water used. Motion carried without a negative vote.

## VILLAGE PRESIDENT

**Appointment of Administrator/Clerk-Treasurer** – Item held until next meeting.

## NEW BUSINESS

**We Energies – 614 Valhalla Dr.** – Moved by O'Bryan and seconded by Fickau to approve the We Energies permit for 614 Valhalla Dr. Motion carried without a negative vote.

Moved by O'Bryan and seconded by Fennel to convene into closed session at 8:56 p.m. pursuant to State Statutes:

- C. 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 - Administrator/Clerk/Treasurer - Discussion of Potential Candidates and Requirements *and* 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
  - 1) Discussion of Status of Firefighter Union Bargaining
- D. 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:
  - 1) Recovery of Lost 2007 Tax Revenue due to Assessment Error MUKV 1978.998.002 – Minors Homestead LLC
  - 2) Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations

Motion carried upon roll call vote. Discussion held in closed session. Moved by Fennel and seconded by Bakst to adjourn the closed session at 9:35 p.m. Motion carried without a negative vote. Moved by Fickau and seconded by Fennel to reconvene into open session at 9:35 p.m. Motion carried without a negative vote.

**Discussion of Status of Firefighter Union Bargaining** – No action taken.

***Recovery of Lost 2007 Tax Revenue due to Assessment Error MUKV 1978.998.002 – Minors Homestead LLC*** – No action taken.

***Update on Enforcement of the Zoning Code Concerning Business Property Conducting Farming Operations*** – No action taken.

Moved by Fennel, seconded by Johnson, and carried to adjourn at 9:36 p.m.

Steven A. Braatz, Jr.  
Clerk-Treasurer