

MINUTES OF THE REGULAR VILLAGE BOARD MEETING **Tuesday, October 18, 2016**

Call to Order

Village President Fred Winchowky called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Board Members present: Jay Vermeulen
Darlene Johnson
Jim Decker
Mark Penzkover
Kelly Klemme
Ken Werner
Fred Winchowky, Village President

Also present: Rebecca Alonge, Engineer
Jeff Belongia, Financial Advisor
Ron Bittner, Public Works Director
Steven Braatz, Jr., Clerk-Treasurer
Dave Brown, Utilities Director
Diana Doherty, Finance Director
Robert Harley, Supervisor of Inspections
Bruce Kaniewski, Planner/Zoning Administrator
Violet Razo, Engineer
Kevin Schmidt, Police Chief
John Weidl, Administrator/Economic Development Director

Pledge of Allegiance

The Village Board recited the Pledge of Allegiance.

Announcement of closed sessions

President Winchowky announced the Board will convene into closed sessions later in the meeting pursuant to Wis. Stat. **§19.85(1)(e)** for discussion and possible action involving the potential acquisition of property and sale of properties.

Presentation

April Reszka, Mukwonago Area Chamber of Commerce Director, was unable to be present to make the presentation for Business of the Month Award.

Comments from the Public

None.

Consent Agenda

- A. Approval of minutes for the September 20, 2016 regular meeting, October 4 and October 12, 2016 special meetings, and October 12 Joint Village Board and Town of Mukwonago Board meeting
- B. Approval of Vouchers payable batches:
 - 1) AP10-2016-1 \$189,936.88
 - 2) M-9-2016-1 \$173,150.23

3) AP10-2016-2 \$316,886.12

C. Approval to re-allocate funds previously budgeted for the outdoor performance structure to allow for soil borings in Indianhead park for the construction of an outdoor performance stage, not to exceed \$12,000

D. Authorization of the Public Works Director to apply to be certified as a Tree City USA for 2016 carried

Motion by Decker/Johnson to approve the consent agenda carried.

Committee/Commission Reports

Plan Commission

OMSA Development LLC

Motion by Penzkover/Werner to accept the Plan Commission recommendation and approve the Site Plan and Architectural Plan requested by Kevin Connor, DDS, OMSA Development LLC, for the construction of a single-story office building on the property located at 320 Bay View Rd., known as MUKV2009954001 subject to the following conditions carried:

1. Approval of the plans for the proposal to construct a structure for Oral and Maxillofacial Survey Associates at approximately 320 Bay View Road shall be subject to the package of plans submitted on behalf of the applicant by Design Unlimited to the Village of Mukwonago and on file in the office of the Village Clerk. Prior to commencement of any site construction or issuance of any building permit, final plans shall be reviewed and approved by the Supervisor of Inspections/Zoning Administrator, Fire Chief, Village Planner and Village Engineer. The final plans shall be modified to conform to all applicable Village codes and other conditions of approval; the floor plans may be modified with the approval of the Supervisor of Inspections to conform to Building and Fire Safety Codes and all plans may be further modified to conform to Village design standards. However, the basic layout of the site as depicted on the Layout Plan dated November 5, 2015 shall remain unchanged.
2. Prior to the start of any site construction or issuance of a building permit, whichever occurs first, the following shall occur:
 - a. Conformance with all terms and conditions of approval for the Conditional Use.
 - b. Completion of all required approvals as listed in Condition No. 1.
 - c. Approval of the plans by the Fire Chief, which may include, but are not limited to, the internal fire suppression system, external fire department connection location and hydrant locations.
 - d. Approval of building plans by the Building Inspector after receipt of approval of building plans by the State of Wisconsin.
 - e. Approval of building plans shall include appropriate locations of external mechanical equipment to be placed hidden from view of neighboring properties.
 - f. Recording of the 2-Lot Certified Survey Map.
 - g. Approval of the storm water maintenance agreement by the Village Board and the soil erosion plan by the Village Engineer.
3. Prior to temporary occupancy issuance, and if needed, prior to final occupancy permit, the following shall occur:
 - a. Completion of all site grading and storm water management facilities in accordance with final approved plans.
 - b. Completion of all exterior lighting in accordance with final approved plans.
 - c. Completion of the buildings in accordance with final approved plans and all applicable codes.

- d. Completion of a hard parking surface with concrete curb and gutter, including installation of handicapped parking signs and ramp in accordance with final approved plans.
- e. Completion of the dumpster enclosure.
4. Prior to final occupancy permit, which shall be issued not later than 90 days after any temporary occupancy permit, the following shall occur:
 - a. Completion of all items within Condition No. 3.
 - b. Completion of paving and striping of the entire parking area, in accordance with approved plans.
 - c. Installation of all site landscaping, in accordance with approved plans.

New Business

Engineer

OMSA Development LLC

Motion by Penzkover/Werner to approve the Storm Water Management Plan and Storm Water Maintenance Agreement subject to the following conditions carried:

Prior to issuance of an erosion control permit and any land disturbing activity beginning for the project:

1. Modify either the bio-retention details within the plans and/or storm water calculations to ensure consistency between the elevations and invert elevations listed within both the plans and storm water calculations. Provide both updated and final documents to our office.
2. Only a partial set of plans were included with the most recent storm water management plan submittal. The plans are dated October 12, 2015. Provide a complete set with a current date to be issued for construction and submitted as mentioned in comment No. 1 above.
3. Provide USLE spreadsheet computations for erosion control indicating that the design and proposed schedule of construction satisfy the 5 Ton/Acre/Year threshold required per Village Ordinance.
4. Provide contact information for erosion control issues to the Village Engineer prior to the start of work. Include name, phone number, mailing address, and email address for each of the following:
 - a. Owner
 - b. Designer
 - c. Contractor
 - d. On-site erosion control inspector
5. Provide the Village Engineer with copies of all approved storm water management documents and drawings compiled into one complete PDF with appropriate bookmarks. This must be done after we have had an opportunity to verify that the changes identified above have been properly addressed. The final copies of both the storm water management plan and the construction plans shall be stamped by a registered Professional Engineer licensed in the State of Wisconsin.
6. Execution of a Storm Water Maintenance Agreement by all parties and recording of same with the Register of Deeds. The Designer must review the list of exhibits, specifically Exhibits E and F and modify the titles to be consistent with the Exhibits as identified on page 1 of the agreement. In addition, since some of the changes requested above impact the exhibits within the agreement, this agreement and associated exhibits must be revised after we have had an opportunity to verify that the

changes identified above have been properly addressed. Once the document has been signed the Village will record the document and provide copies to all parties.

7. Provide acceptable copies of agreements which allow:
 - a. Discharge of runoff across the neighboring property to the regional pond,
 - b. The use of the regional pond,
 - c. Identify the agreed upon cost share between all the owners/users of the regional pond
 - d. A storm water maintenance agreement for the regional pond.
 - e. The Village will cause all agreements to be recorded with the property.
8. A Letter of Credit or other financial surety acceptable to the Village Attorney for the construction of the on-site bio-retention facilities. A copy of our letter of credit recommendation to Attorney Mark Blum is attached for reference.
9. Hold a preconstruction conference with representatives of the design team, the construction team, Village and utility staff to ensure all members of the design and construction team understand the Storm Water Management Plan.

During Construction:

1. Owner will maintain approved plans on-site and readily available to the Village erosion control inspector.
2. On-site approved plans must reflect current construction conditions and compliance with the Village ordinance.
3. On-site plans must reflect the current sequence of construction and all erosion and sediment control measures shall meet the Wisconsin Department of Natural Resources (DNR) Technical Standards.
4. Village ordinance requires the Clinic to inspect the erosion control measures once every 7 days and within 24 hours of a rainfall of 0.5 inches or greater. All inspection reports must be available on site and available to the Village at any time of day. Reports must contain the information required by the DNR.
5. Any construction within the public right-of-way, will conform to the Village Standard Specifications and Village standard details. A copy of the requirements and details has been provided to the Engineer and Contractor.
6. Owner will provide erosion control measures and restore any private utility company land disturbance resulting from providing utilities to this site regardless of location.
7. The water service will be installed with a minimum of 6 feet of cover and not more than 8 feet deep.
8. If a sanitary riser is necessary one shall not be constructed in the right of way.

Motion by Penzkover/Johnson to accept the letter of credit pertaining to the Storm Water Maintenance Agreement with OMSA Development LLC in the amount of \$40,194 subject to final review by the Village Attorney carried.

**Administrator/Economic Development Director
Economic development cooperation contract**

Motion by Penzkover/Johnson to postpone the Economic development cooperation contract between Waukesha County Center for Growth, Inc. and the Village of Mukwonago until the November Village Board meeting to hear a presentation from a representative from Waukesha County Center for Growth carried.

Public Works Director

Police Department Roof Project

Motion by Decker/Penzkover to accept the lowest bid for the Police Department Roof Project, and approve the contract with Performance Roofing Systems, Inc. for the base bid of \$38,656 carried.

Finance Director

2016 Budget Amendment

Motion by Penzkover/Vermeulen to adopt the resolution amending the 2016 adopted budget for the Parkland Site Fund carried.

Clerk-Treasurer

2015-16 weights and measures schedule of assessments and fees

Motion by Decker/Penzkover to approve the 2015-16 weights and measures schedule of assessments and fees carried.

Motion by Decker/Johnson to convene into closed session at 7:03 p.m. pursuant to Wis. Stat. **§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*) for discussion and possible action involving the potential acquisition of property and sale of properties carried unanimously upon roll call vote. Discussion held in closed session.

Motion by Decker/Johnson to adjourn closed session and reconvene into open session at 8:32 p.m. pursuant to Wis. Stats. **§19.85(2)** for possible additional discussion and/or action concerning any matter discussed in closed session and/or any unfinished item remaining on the agenda carried unanimously upon roll call vote.

Motion made by Penzkover/Werner to authorize the Village President to sign the offer to purchase land as discussed in closed session for the price listed in the negotiation memo from the seller's attorney, contingent on the Village Attorney approving the conditions and contingencies of the contract and any addenda, including a possible option to extend the offer beyond 12 months. The contingencies include financial, environmental, ALTA survey, creation of a Tax Incremental Finance district, and wetland delineation. Motion carried.

Adjournment

Meeting adjourned at 8:33 p.m.

Respectfully Submitted,

Steven Braatz, Jr.
Clerk-Treasurer