

In Attendance:

Mayor Steve Bierce, Aldermen C. Brown, I. Clark, R. Grosch, P. Vetterkind, and J. Wamser. Alderman B. Dziwulski was absent and excused.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, City Planner & Community Development Director N. Fuchs, and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 6:30 p.m. and asked everyone to stand for the Pledge of Allegiance.

2. Public Comment - None.

3. Consent Agenda

3.1 Approval of the Common Council Meeting Minutes Dated February 21st, 2022

3.2 Approval of the Accounts Payable Listing Dated March 7th, 2022

3.3 Approve **Ordinance 22-03** (*Second Reading*) Related to Outdoor Entertainment Permit Revisions

A motion was made and seconded (J. Wamser, C. Brown) to approve the items on the consent agenda. Motion Passed: 5-For, 0-Against. Alderman Clark noted he was abstaining from Item 3.1.

4. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Meadowbrook Farms Phase 2 Road Rehabilitation Project

4.1 Accept the preliminary engineering report and special assessments.

4.2 Award the contract to the lowest qualified bidder, Wolf Paving, in the amount of \$934,842.75.

Ms. Wagner noted this is the second of four projects in Meadowbrook Farms Subdivision. Ms. Wagner stated Sawgrass Lane and Cattail Court need repair and the current Paser rating is 4-5. She noted a pavement rating of ten would be a brand-new road. She said this is midpoint and where they like to do repairs and to maintain them economically. Ms. Wagner mentioned as part of the project spot curb repairs, sewer manholes, water valve repairs and storm sewer inlets will be repaired. Ms. Wagner noted there was unusual cracking of the stormwater pipes, which could lead to pipe failure. As part of the project the City is going to line the storm sewer pipes to prevent replacement. She said the total cost of the project is \$1,215,295.58 including engineering, administration, and construction costs. The City's portion is \$545,161.83 for roadway and 50 percent of curb repairs. Storm water utility will be paying \$608,649.60, water utility for spot repairs on the valves is \$8,331.83 and sewer utility is \$53,152.32

Ms. Wagner stated the project was bid in February and four competitive bids were received. She noted the lowest qualified bidder was Wolf Paving in the amount of \$934,842.75. Ms. Wagner also noted all properties within the area are residential and qualify for the paving cap of \$3005.00. She said the road assessment will be done as a unit method and the road assessment for each property is \$9912.03, which is substantially above the paving cap. Ms. Wagner stated there is one

outlot that is co-owned by all the lots within the Meadowbrook Farms plat. She said the assessment was split between the 100 lots for an additional assessment of \$30.05 for each property. Ms. Wagner expects the assessments to be levied in 2023 and may be paid in full or over ten years as a charge on the tax bill. She noted that interest still needs to be determined and the City will be borrowing for the project.

Mayor Bierce opened the public hearing.

Thomas Fischer (W268 N2091 Shooting Star Road) asked about the other two phases of the project and when the other half of Shooting Star Road would be completed. He also asked how the phases were determined because his road is the oldest. Ms. Wagner stated Shooting Star Road is anticipated for bidding next year. She said the projects started north and worked south so there was no construction traffic on newly paved roads. Mr. Fischer asked about the rate of increase and if it would remain the same for the next two phases. Ms. Wagner stated the paving cap increases by a construction cost index and is published by the American City and County who track the construction cost through the industry.

Steve Baudo (W265 N2086 Sawgrass Land) asked if the outlot is the pond and why some owners are only paying the \$30.05. Ms. Wagner stated the pond is the outlot. She said the properties paying the \$30.05 are paying for their share of the outlot because they were in phase 1 or are in phases 3 & 4 and will receive their assessments then. Mr. Baudo asked what happens if a property owner sells. Ms. Wagner stated it could be worked out with the new owner and would have to be paid at the time of sale.

Mayor Bierce closed the public hearing.

A motion was made and seconded (I. Clark, R. Grosch) to approve item 4.1 and accept the preliminary engineering report and special assessment. Motion Passed: 5-For, 0-Against.

A motion was made and seconded (I. Clark, R. Grosch) to approve item 4.2 and award the contract to Wolf Paving in the amount of \$934,842.75. Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action Regarding Duplainville Road Acquisition
 - 5.1 Accept and Approve Appraisals of Eight (8) Permanent Utility Easements as Detailed in the Summary Appraisal Reports Prepared by Single Source, Inc.
 - 5.2 Authorize the Offering Price for the Acquisition to the Property Owners.
 - 5.3 Approve **Resolution 22-03-09** Pertaining to the Relocation Order for the Duplainville Road Bridge Replacement.

Ms. Wagner stated this resolution was previously approved back in December of 2021. She said she wasn't aware that the Department of Transportation requires it to be filed at the County Clerk's office within 20-days from when it was passed. Ms. Wagner stated this resolution needs to be reaffirmed so that it can be appropriately filed.

Ms. Wagner stated Single Source performed the appraisals on the properties that the City needs easement from.

A motion was made and seconded (R. Grosch, C. Brown) to accept the appraisals from Single Source and authorize them to approach the property owners and offer them an

additional 45% above the appraisal price to acquire the land needed for the utility easements, and affirm and approve Resolution 22-03-09 pertaining to the relocation order for the Duplainville Road bridge replacement. Motion Passed: 5-For, 0-Against.

6. Discussion and Possible Action to Award Northview Road Sidewalk Construction to the Lowest Qualified Bidder, Wolf Paving Company Inc., in the Amount of \$100,324.00.

Ms. Wagner stated the Northview Road project went to bid in 2021 and received no bids. It was then bid as part of Meadowbrook phase II. She said the sidewalk will start at the corner of Northview Road and Meadowbrook Road and will extend to South Park. Ms. Wagner noted the total cost of the project is estimated at \$130,421.20 and \$200,000 was budgeted as part of the 2022 budget. She said the City will use impact fees from bike and pedestrian towards the project. Ms. Wagner asked Common Council to award the contract to the lowest qualified bidder, Wolf Paving Company, in the amount of \$100,324.00

Ms. Brown asked how and where the sidewalk will specifically connect to South Park. Ms. Wagner said it would be adjacent to the parking lot into the center drive aisle. She noted Mr. Phalin needs to determine the exact location. Ms. Brown noted the parking lot is overly crowded during little league and is concerned someone will use it as a parking spot. Ms. Wagner said she will speak with Mr. Phalin about her concern and the connection location.

Discussion took place regarding whose responsibility snow removal is.

A motion was made and seconded (R. Grosch, P. Vetterkind) to award the Northview Road sidewalk construction project to the Wolf Paving Company in the amount of \$100,324.00.

Motion Passed: 5-For, 0-Against.

7. Discussion and Possible Action Regarding Release of the Woodleaf Reserve Phase 5 Grading Only Letter of Credit in the Amount of \$701,623.68.

Ms. Wagner noted Woodleaf phase 5 came in last year for a grading only developer's agreement and letter of credit to fill the subdivision. She said they have received full approval of the development and requested the release of the grading only letter of credit.

A motion was made and seconded (I. Clark, C. Brown) to release the grading letter of credit for Woodleaf Reserve Phase 5 in the amount of \$701,623.68. Moton Passed: 5-For, 0-Against.

8. Discussion and Possible Action Regarding the Lindsay Road/Redford Boulevard Pedestrian Crossing.

Mr. Klein noted with the construction of Lindsay Road and Duplainville Road he has concerns about the bike paths and does not feel the R-cut is safe. He recommended going back to the County to get it signalized or not do the bike path. He noted there are 390 homes in that area with young families and he was concerned about safety.

Mayor Bierce agreed and did not like the idea.

Ms. Brown stated the residents in Victoria Station told the City it was dangerous, and they cannot cross the expressway. It wasn't specifically to go to the park. Ms. Brown stated she was the only one who disagreed with the bike path going across Highway F. She agreed with the R-cut, but not for the bike path. She noted she agrees with a bike path to get to the park but across Highway F is not safe.

Mr. Grosch stated the City got pushed into the R-cut because the County didn't want to put signals in.

Ms. Wagner noted the City does not meet the warrants for the lights. She said there is not enough bicycle or pedestrian traffic to justify it.

Mr. Klein noted what is proposed now is not safe and doesn't feel like the City should go ahead with it.

Ms. Brown noted that in four years there were 27 accidents at that intersection and feels its way too dangerous to promote crossing with or without lights.

Mayor Bierce feels the R-cut is ridiculous and is in favor of opening this up and going back to the County. He feels the safety issue and what the City wants is not being addressed.

Mr. Grosch feels traffic needs to slow down as they approach the intersection.

Ms. Wagner noted all these items were previously discussed. She said the warrants at the intersection were not met and Lindsay Road did not have the same volume of traffic as other lights down that corridor. She noted even if the City offered to pay 100 percent, the County would not do lights. We have asked to have the speed limit reduced and was told no. The R cut is being paid 90 percent through federal funding. She was told if the City does not move forward with the improvements the City would not get another HSIP at the intersection for the safety concerns. If the City does not do the R-cut, the pedestrian crossing could be removed and the City would be responsible for paying back 100 percent of the design cost to the County. Discussion took place regarding the agreement with the County.

Mr. Vetterkind stated if the bike path does not get put in there is no way to cross. Discussion took place regarding placements of the bike paths. Ms. Wagner stated she understands the concerns. She noted there was strong support for the trail on Duplainville Road during public hearings. Ms. Wagner stated the plan shows putting the trail in on Duplainville Road to connect all the subdivisions and bring them to a safe location connecting to the park.

Attorney Riffle noted if the City Engineer felt it was prudent to put in a crossing that would be the direction the City would go unless the City wants to authorize and direct the City Administrator to go back to the County.

Discussion took place regarding the safety grant and a reconstruction project.

Mr. Wamser asked about a tunnel. Ms. Wagner stated you could not do a tunnel due to the creek and flood plain.

Mayor Bierce stated it was worth taking one more shot at it and directed Mr. Klein to go back to the County.

A motion was made and seconded (R. Grosch, J. Wamser) to direct the City Administrator to reach out to Waukesha County to see what could be done with the pedestrian and bike crossing path. Motion Passed: 3-For, 2-Against (C. Brown and I. Clark).

9. Discussion and Possible Action Regarding the Northmound Industrial Development
 - 9.1 Termination of the Dynamic Compaction Development Agreement.
 - 9.2 Approve the Amendment to the Developer's Agreement.

Ms. Wagner stated there was bad fill on the site and a dynamic compaction was done. She noted they would like to terminate the developer agreement and close the details. Ms. Wagner added

they want to amend the current development agreement for the road and storm sewer improvements. She noted the development is in the one-year guarantee window until November of 2022. She said they would like to amend a couple of sections in the agreement which would allow them to sell the property. Ms. Wagner is asking for approval of the amendment contingent on the City Attorney and City Engineer's approval. Attorney Riffle stated there had been concerns about a well near the property due to bedrock and that it could create problems with the foundation. He said they paid for the City to monitor the facilities and it was completed with no impact. Attorney Riffle felt it was fair and reasonable that the City releases them from the agreement.

A motion was made and seconded (I. Clark, R. Grosch) to approve the amendment to the Development agreement and terminate the Dynamic Compaction Development Agreement contingent on City Attorney and City Engineer review and approval. Motion Passed: 5-For, 0-Against.

10. Discussion and Possible Action to Enact the 2022 Spring Weight Limits.

Ms. Wagner stated annual spring weight limits go into effect when the roads start moving and frost comes out of the ground. Weight limits are for no greater than 6 tons. She said it typically last for two weeks depending on ground and weather conditions. Ms. Wagner was originally looking to enforce the weight limits from March 14- March 25, 2022. She said weather conditions have changed and she is looking to push the dates back. Ms. Wagner is asking for the ability to enact weight restriction on the City's behalf as conditions arise.

Attorney Riffle stated State statute allows her that authority already. Although it has been past practice to come to Common Council, she would like get authority, which is already in the law.

A motion was made and seconded (J. Wamser, R. Grosch) to give authority to the DPW Director to enact the 2022 spring weight limits when she deems appropriate. Motion Passed: 5-For, 0-Against.

11. Discussion and Possible Action to Approve the Special Event Permit for Farmers' Market at Christ Evangelical Lutheran Church Located at W40 N3103 Pewaukee Road on Wednesdays from June 1st through September 28th, 2022 and Consider Waiving Fees

Ms. Tarczewski stated this would be the second year for this farmers market event and last year the fees were waived. She noted Chief Bierce and Lieutenant Moonen reviewed the request and had no issues with the event.

A motion was made and seconded (J. Wamser, C. Brown) to approve the special event permit for Christ Evangelical Lutheran Church's Farmers Market and waive all fees. Motion Passed: 5-For, 0-Against.

12. Public Comment

Saad Sirohey (W265 N2224 Sawgrass Lane) said he received a notice that the roads were going to be repaved and felt the sum was quite large. He asked why there was such short notice and why it was excluded to certain property owners.

Attorney Riffle recommended he speak to Ms. Wagner after the meeting.

13. Adjournment

A motion was made and seconded (I. Clark, R. Grosch) to adjourn the meeting at 7:38 p.m.

Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer