

In attendance:

Mayor S. Bierce, Aldermen B. Bergman, C. Brown, B. Dziwulski, R. Grosch, J. Kara, and J. Wamser.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, City Planner N. Fuchs, and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Mayor Bierce called the meeting to order at 7:00 p.m.
2. Public Comment

Bill Nordstrom (W223 N4647 Seven Oaks Drive) stated he was there representing the other neighbors in the Woodleaf Reserve subdivision. He asked if the Council was planning on creating a quiet zone at the crossings on Weyer Road and Duplainville Road. He also called attention to the inaccuracies of the Department of Transportation (DOT) inventory form in regards to the train activity in the area. He said they list sixteen trains going through the area between the hours of 6 a.m. – 6 p.m. and zero between the hours of 6 p.m. - 6 a.m. and he said there were at least five that go through blowing their whistles. Mr. Nordstrom also voiced his concerns about the trains blocking the intersection for long periods of time and how that affects emergency vehicles. He asked what is being done.

Mayor Bierce stated unfortunately this item was not on the agenda so no discussion can take place.

Gerald Clocka (W273 N1582 Lakeview Drive) he stated he has concerns over the proposed density related to the Stenz development. He stated there are going to be 54 families squeezed into 18 buildings. He said that is going to change the character of the current single family subdivision. Mr. Clocka asked neighbors to sign a petition opposing the rezoning from agricultural to multi-family. He handed the documents to the City Clerk. He also stated he was aware of a letter written by the Lake Pewaukee Sanitary District (LPSD) voicing their concerns regarding the density and the water table.

Attorney Riffle stated staff is waiting for more information. He believes the topic will be tabled to another specific date and time. Mr. Klein stated it is very likely that the proposal will be changed.

3. Consent Agenda
 - 3.1. Approval of the Common Council Meeting Minutes Dated February 18, 2019
 - 3.2. Approval of Accounts Payable Listings

A motion was made and seconded, (B. Dziwulski, J. Kara) to approve the consent agenda items. Motion Passed: 6-For, 0-Against.

4. **PUBLIC HEARING** and Possible Action Regarding the Conditional Use for the Property Located on Golf Road and CTH G (PWC 0940-999-001) for the Purpose of Developing the Robert J. Stenz Family Trust Property Consisting of Two and Four-Family Residential Buildings Under the Rm-1 PUD Zoning Designation as Requested by Jim Forester

Mr. Fuchs stated staff is recommending this item be tabled. He said the Plan Commission, at their February meeting, tabled the review of their building and site plans which are related to the

conditional use. He said Lake Pewaukee Sanitary District (LPSD) and the applicant are working on the development and there may be changes and it is unknown how significant they may be. Mr. Fuchs commented that it was likely the project would go back to the Plan Commission in April and everything will be brought forward to the Common Council on May 6th.

Mr. Kara asked why LPSD is involved with determining what happens to this development. Mr. Fuchs stated they have to approve the sewer extension.

A motion was made and seconded, (J. Kara, R. Grosch) to table the Stenz / Forester conditional use public hearing to May 6th, 2019 at 7:00 p.m. and notifying those who previously received notification. Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action to Approve **Ordinance 19-09** (*Second Reading*) to Rezone the Property Located on Golf Road and CTH G (PWC 0940-999-001) from A-1 Agricultural, LC Lowland Conservancy & F-1 Floodplain District to Rm-1 PUD, LC Lowland Conservancy & F-1 Floodplain District for the Purpose of Allowing for Residential Development as Requested by Robert J. Stenz Family Trust

Mr. Fuchs recommended that this item also be tabled until the May 6th, 2019 Common Council meeting. Mr. Klein asked if the petitioner needed to ask for an extension. Attorney Riffle stated no. The petitioner indicated he had no objection to tabling this item to a later date.

A motion was made and seconded, (J. Wamser, B. Dziwulski) to table Ordinance 19-09 until May 6th, 2019. Motion Passed: 6-For, 0-Against.

6. **PUBLIC HEARING** and Possible Action Regarding the Conditional Use for the Property Located at W267 N2955 Peterson Drive (PWC 0930-025-001) for the Purpose of Replacing an Existing Boat House as Requested by Chris & Lisa Wills

Mr. Fuchs stated the petitioner wants to build a 598 square foot boathouse basically in the same location of the existing boathouse, they are just planning to push it back five feet from the high water mark which is a required setback for today's standards. He said City staff is still waiting for the Department of Natural Resources to review the plans and comment on the building. Mr. Fuchs stated he is confident in staffs' review of the City's ordinances that the requirements are being met subject to the conditions outlined in the staff report

Mayor Bierce opened the public hearing, Mr. Wills stated if they have to move the foundation back it would only need to be by two feet. They will then crush up the original foundation and use it as the gravel that the new foundation would be poured upon. Mayor Bierce closed the public hearing.

Mr. Kara asked if the neighbors had any concerns. Mr. Wills stated no one indicated there were concerns.

A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve the Conditional Use Permit subject to DNR approval and staff recommendations being met before issuing a building permit. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action to Approve **Ordinance 19-10** (*Second Reading*) to Rezone the Property Located at W267 N2920 Peterson Drive (PWC 0930-052-006 & PWC 0930-052-007)

from B-5 Highway District to Rs-7 Single-Family Residential for the Purpose of Combining Property and Building an Out-Building as Requested by Tom Knutson

Mr. Fuchs stated the applicant wants to rezone the property to the west of the 5 0'clock Club and a portion of the single family property to the west of that. It will correct a split-lot zoning issue. Mr. Fuchs stated once it is rezoned the applicant has a Certified Survey Map to combine the parcels and create an out-lot on the northern portion. He said he believes the future plan will be to attach that out-lot to the single family property to the north.

Ms. Brown asked if there were any tax implications by changing the zoning. Attorney Riffle stated that is up to the Assessor. Mr. Kara asked why the Knutsons are asking for this change. Mr. Fuchs stated it is to create a large lot on a single family parcel to build a garage in the future.

A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve Ordinance 19-10 subject to staff recommendations. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding the Certified Survey Map for the Property Located at W267 N2920 Peterson Drive (PWC 0930-052-006 & PWC 0930-052-007) for the Purpose of Combining the Properties and Creating an Out-Lot as Requested by Tom Knutson

Mr. Fuchs stated this was combining the two properties and creating an out-lot on the north end which is anticipated to be joined to the single family lot on the north.

A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve the Certified Survey Map contingent on staff recommendations. Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action Regarding the Certified Survey Map for the Property Located at W226 N2974 Duplainville Road (PWC 0914-992 & PWC 0914-993) for the Purpose of Combining Two Existing Parcels into a Single Lot for the Surf Prep Development as Requested by John Troudt

Mr. Fuchs stated at the Plan Commission meeting on September 20th, 2018, approval was given to build a 12,157 square foot industrial building conditioned upon returning with a certified survey map to combine the parcels which would resolve the internal property line issue, which will further take care of building setback and parking issues.

A motion was made and seconded, (J. Wamser, R. Grosch) to approve the certified survey map contingent upon staff recommendations. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding the Certified Survey Map for the Property Located at N45 W25171 Lindsay Road (PWC 0877-993-001) for the Purpose of Subdividing the Property as Requested by Linda Uebele (PWC 0877993001)

Mr. Fuchs stated this is a land division. Mrs. Uebele wants to take a single parcel and divide it into two separate lots for single family residential development. Staff is recommending approval with one condition related to the existing barn. He said the barn is located right up to the existing right-of-way and would be within needed future right-of-way. The applicant is requesting to keep it for the time being. Mr. Fuchs stated the condition is to require a development agreement which would allow the barn to remain unless lot #1 is either developed, sold or the City needs to widen Lindsay Road. He said it is non-conforming due to the setbacks.

Ms. Brown stated there seems to be other issues, such as getting sewer from the Village. She mentioned the property seems to be messy and needs to be cleaned up as well. Mr. Fuchs stated staff is working with the property owner on the cleanup and at this point no official enforcement proceedings were needed since the property owner is attempting to take care of the issues. He said before a building permit would be issued, staff would make sure the property is in compliance to zoning and property maintenance standards.

Mr. Kara asked if this item should wait until approval for sewer is granted by the Village. Mr. Fuchs stated it is his understanding that the property owner is speaking to the Village and an agreement has been made. He said another condition could be added to the CSM; requiring sewer from the Village before the CSM could be recorded.

A motion was made and seconded, (C. Brown, J. Kara), to approve the certified survey map contingent upon staff recommendations regarding an approved developer's agreement related to the barn and right-of-way, proper maintenance of the Uebele's two properties and the property owner securing an agreement with the Village for sewer services, and delegating staff to verify these conditions have been met. Motion Passed: 6-For, 0-Against.

11. Preliminary Discussion Regarding the Request of Briohn Builders to Vacate the Northmound Right-of-Way

Mr. Fuchs stated this request is due to a new proposed development of a 131,400 square foot industrial building in that area. The vacation would assist the property owner with their site plan and storm water management requirements.

He said the right-of-way vacation is a lengthy process and tonight was simply an explanation of the procedures that needs to take place. He said staff is not objecting to the vacation. The City has no anticipated future use of the entire current right-of-way.

A representative from Pinnacle Engineering was present for this item and explained the proposed cul-du-sac 'bulb' and the accesses that were being proposed. Attorney Riffle stated the title company would have to be contacted so that they could do the research on the land.

12. Discussion and Possible Action Regarding Preliminary **Resolution 19-03-04** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Steeplechase Phase II Subdivision Pavement Reconditioning and Related Facilities Under Section 66.0703, Wisconsin Statutes

A motion was made and seconded, (C. Brown, B. Dziwulski) to approve Resolution 19-03-04 declaring intent to exercise special assessment powers regarding the Steeplechase Phase II project. Motion Passed: 6-For, 0-Against.

13. Discussion and Possible Action Regarding Preliminary **Resolution 19-03-05** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Fox View Court Pavement Reconditioning and Related Facility Under Section 66.0703, Wisconsin Statutes

A motion was made and seconded (R. Grosch, B. Dziwulski) to approve Resolution 19-03-05 declaring intent to exercise special assessment powers regarding the Fox View Court project. Motion Passed: 6-For, 0-Against.

14. Discussion and Possible Action Regarding Contributing Funds to the 2019 Fireworks Display in the Village

There was discussion that this is a budgeted item and that the City is willing to match donations up to \$10,000 for the fireworks display.

15. Public Comment – None.

16. Adjournment

A motion was made and seconded, (B. Dziwulski, J. Kara) to adjourn the meeting at 7:56 p.m.

Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer