

Office of the Clerk/Treasurer

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-0770 Fax 691-1798

**COMMON COUNCIL
MEETING NOTICE AND AGENDA
Monday, February 21, 2022
6:30 PM**

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

-
1. Call to Order and Pledge of Allegiance
 2. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your District Alderperson prior to the meeting.
 3. Consent Agenda
 - 3.1. Approval of the Common Council Minutes Dated February 7th, 2022
 - 3.2. Approval of the Accounts Payable Listing Dated February 21th, 2022
 4. Proclamation Presentation to Mr. Rick Fuhry for his Generous Contribution Towards the Splash Pad at the Sports Complex [Fuchs/Phalin]
 5. Discussion Regarding **Ordinance 22-03** (*First Reading*) Related to Outdoor Entertainment Permit Revisions [Fuchs]
 6. Discussion and Possible Action Regarding Woodleaf Reserve Phase 5 [Wagner]
 - 6.1 Developers Agreement Amendment
 - 6.2 Establish the Value of the Letter of Credit
 7. Discussion and Possible Action Regarding the Relocation **Resolution 22-02-03** for Busse Road Bridge Replacement [Wagner]
 8. Discussion and Possible Action Regarding the Bluemound Water Main Extension Project [Wagner / Mueller]
 - 8.1 Comfort **Resolution 22-02-04** Declaring Intent to Reimburse Expenditures
 - 8.2 Preliminary **Resolution 22-02-05** Declaring Intent to Exercise Special Assessment Powers
 - 8.3 Safe Drinking Water Loan Comfort **Resolution 22-02-06** Declaring Intent to Reimburse
 - 8.4 **Resolution 22-02-07** Authorizing M. Wagner to Represent the City of Pewaukee
 9. Discussion and Possible Action Regarding **Resolution 22-02-08** Disallowing the Peckarsky Claim [Rifle]
 10. Discussion and Possible Action to Appoint Brandon Bergman and Lloyd Bertram to the Fire Commission [Mayor Bierce]
 11. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.

12. Adjournment

Kelly Tarczewski
Clerk/Treasurer

February 17, 2022

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.1.**

DATE: February 21, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of the Common Council Minutes Dated February 7th, 2022

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

CC Minutes 2.7.2022

In Attendance:

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

Also in Attendance:

Attorney L. Martell, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, 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

Richard Carr (W268 N2433 Meadowbrook Road) stated he was currently in litigation with the City over his property assessment and has exhausted \$7,000 and is just in the discovery phase. He stated at the advice of the City's attorney, the Board of Review immediately waived his case to Circuit Court before hearing any evidence. He formally requested that Common Council direct the Board of Review to hear all agricultural cases and if it is too difficult for the Board to make a determination, it should then be waived to Circuit Court.

3. Consent Agenda

3.1. Approval of Common Council Meeting Minutes Dated January 17th, 2022

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

A motion was made and seconded (J. Wamser, R. Grosch) to approve the consent agenda.

Motion Passed: 6-For, 0-Against.

4. **PUBLIC HEARING**, Discussion and Possible Action Regarding a Conditional Use Permit for the Property Located at N30 W23383 Green Road Unit E & F (PWC 0913-998-003) for the Purpose of Operating a Dance Studio and Prop Storage and Rental Business as Requested by the Brookfield Center for the Arts

Mr. Fuchs stated the Conditional Use Permit is for two existing units that will be combined to operate a dance studio and prop rental business. Mr. Fuchs noted there will only be interior changes and is recommending approval.

Mayor Bierce opened the public hearing and immediately closed it.

Ms. Brown was disappointed that the petitioner did not show up for the meeting. Mr. Fuchs noted that he spoke to the broker and did ask for a representative to be present. Mayor Bierce agreed with Ms. Brown.

A motion was made and seconded (B. Dziwulski, P. Vetterkind) to approve the Conditional Use Permit for the property located at N30W22383 Green Road Unit E & F. Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action Regarding **Ordinance 22-01** Rezoning the Property Located on Duplainville Road (PWC 0868-994) from A-1 Agricultural, A-2 Agricultural, UC Upland Conservancy and F-1 Floodplain to Rs-6 Single-Family Residential, UC Upland Conservancy and F-1 Floodplain as Requested by H & F Properties
6. Discussion and Possible Action Regarding a Certified Survey Map for the Property Located on Duplainville Road (PWC 0868-994) for the Purpose of Creating Two New Lots as Requested by H & F Properties

Items 5 & 6 were discussed at the same time.

Mr. Fuchs stated the rezoning and Certified Survey Map would create two single family properties which will be rezoned to Rs-6 and Upland Conservancy. He noted staff is recommending any area of wetland outside the floodplain to be zoned LC- Lowland Conservancy. Mr. Fuchs stated the property is 121 acres and they are looking to create a 9.16 and 7.46-acre property for single-family development. Staff is recommending approval of both applications with a few contingencies. Mr. Fuchs recommended the wetland area near the homes be field delineated prior to recording the Certified Survey Map. He noted there is a condition in the staff report to remove an existing access that crosses the creek on the property and can be revised with DNR approval. Mr. Fuchs added that since the meeting, a letter from the DNR stated the access can remain, if there are any changes it would have to go through the DNR. He said there is also a condition for a 90-foot width requirement. The only other condition is to have the wording revised to not allow further development or land divisions on the south end of property unless there is full access and non-restricted crossing over the railroad track. Mr. Fuchs added a revision was sent to the applicant to add access easement through the property.

A motion was made and seconded (J. Wamser, I. Clark) to approve the rezoning per the staff recommendations for items 5 and 6. Motion Passed: For-6, 0-Against.

7. Discussion and Possible Action Regarding **Ordinance 22-02** Rezoning the Property Located at N8 W27947 Northview Road (PWC 0982-997) from Rs-1 Single-Family Residential, Rs-2 Single-Family Residential and A-1 Agricultural to Rs-2 Single-Family Residential, LC Lowland Conservancy and UC Upland Conservancy for the Purpose of Subdividing the Property to Create Five Single-Family Lots as Requested by Michael Baenen / Ba(en)2 Acres
8. Discussion and Possible Action Regarding a Certified Survey Map for the Property Located at N8 W27947 Northview Road (PWC 0982-997) for the Purpose of Dividing the Property Into Two Lots and One Outlot as Requested by Michael Baenen / Ba(en)2 Acres, LLC
9. Discussion and Possible Action Regarding a Certified Survey Map for the Property Located at N8 W27947 Northview Road (PWC 0982-997) for the Purpose of Creating Four Lots for a Single-Family Home Development as Requested by Michael Baenen / Ba(en)2 Acres

Items 7, 8 and 9 were discussed at the same time.

Mr. Fuchs stated the rezoning and Certified Survey Map is to create five lots and one outlot. He noted the First Certified Survey Map is for two lots and one outlot, the second Certified Survey Map will be divided into four lots. He stated staff recommended approval subject to the conditions in item 9 of the second Certified Survey Map, which includes final grading, storm water management review and approval by the Engineering Department, approval of access to Northview Road and signage placed on each property identifying natural resource areas to be kept undisturbed.

Mayor Bierce stated his only concern was the water issues that have been heavily scrutinized. Mr. Fuchs said lot configuration was an issue due to the irregularly shaped parcels. He noted it was discussed at the last Plan Commission meeting and it was recommended for approval.

Ms. Wagner stated the concerns were brought up by the property across the street due to the drainage issues they have and they were concerned the project would increase their flooding issues. She said the property being developed has had standing water in the field for many years. Ms. Wagner stated when a pond is developed, existing conditions must be met. She said runoff will be the same and more controlled, and that runoff from the hill and other properties will be rerouted to the ditch, downstream of the property that had flooding issues. Ms. Wagner felt confident with the storm water management plan and recommended approval.

Mr. Clark asked who was responsible for maintaining the storm water systems. Ms. Wagner stated it is the property owner's responsibility and noted there will be a maintenance agreement with the four lots. She said if they do not take care of it, the City will do the maintenance and the property owners will be billed back 100 percent of the cost.

Ms. Brown asked if the City would be liable for flooding if a property owner came back with water issues. Ms. Wagner stated there is a bypass and an emergency overflow. She said all grading plans are reviewed and the master plan includes a side lot swale. Ms. Wagner noted there is language in the Certified Survey Map regarding the City's liability. Attorney Martell stated a property owner would have to show the City was negligent in the design. Ms. Brown asked what assurance we have regarding damage to Northview Road with heavy trucking and use. Ms. Wagner stated pictures will be taken ahead of construction and then reviewed once construction is completed. She said they will be putting in a driveway and the permit will have some provisions. Ms. Wagner stated the biggest concern will be with the trucks coming on and off when they are filling the lots. If there is damage, they would have to repair the roadway.

Mr. Vetterkind asked if it there would be a single builder or multiple builders. Mr. Fuchs stated it could be multiple builders since the property owner will be selling the lots to individual buyers.

A motion was made and seconded (Dziwulski, J. Wamser) to approve items 7, 8 and 9. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action to Establish the 2022 Residential Paving Assessment Cap at \$3,005.00 Per Parcel / Home

Ms. Wagner stated she was setting the paving cap for 2022 and noted the Construction Index increased 9.03 percent which brings the cap to \$3,005.00.

Ms. Wagner stated in 1986 the Town of Pewaukee did an analysis of what it would cost taxpayers if 100 percent of roads were funded out of the tax levy versus if they paid assessments for the roadways. She said the Town Board decided at the time that it was more economical for taxpayers if the roads were paid through assessments but wanted to cap the residential properties. She said the cap was established at what a mill and overlay would cost. Ms. Wagner stated as the cost of projects have increased the residential cap covers about 10 to 15 percent of the construction cost and hasn't kept up with what was originally intended and the construction costs today.

Mr. Clark asked if the City would be interested in a new study.

Additional discussion took place regarding the assessment practices and history.

Ms. Wagner noted Green Road and Paul Road were done more than 20 years ago. She said policy strives to get 20 years out of the life of the road. Ms. Wagner stated the City pushes to do crack filling and surface treatments to stretch the life of a road.

A motion was made and seconded (B. Dziwulski, I. Clark) to establish the 2022 residential paving assessment cap at \$3,005.00 per parcel/home. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding the Meadowbrook Farms Phase 2 Subdivision Road Rehabilitation and Related Improvements

11.1 Preliminary **Resolution 22-02-01** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Meadowbrook Farms Phase 2 Subdivision Repaving and Related Facilities Under Section 66.0703 Wisconsin Statutes

11.2 Comfort **Resolution 22-02-02** Declaring Official Intent to Reimburse Expenditures

Ms. Wagner asked for approval of two resolutions. The project will include milling the pavement, storm sewer improvements and watermain and manhole improvements. She noted this is the second of four phases.

A brief discussion took place regarding acreage assessments.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve both resolutions related to the Meadowbrook Farms Phase 2 road rehabilitation project. Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Regarding the Town of Lisbon Water Service request [Wagner]

Ms. Wagner stated the Town of Lisbon asked the City of Pewaukee to serve certain areas of their community. She said before anything can happen Common Council needs to determine whether the City wants to serve outside of our boundaries. Ms. Wagner noted the Public Works Committee decided they did not have a problem with doing a study to explore the opportunity. She stated there is a long dead-end north of Capitol Drive through Wyndemere Subdivision. Discussion took place regarding the looping of the watermain system. Ms. Wagner stated the City's intent within the next two years is to extend through Balmer Park and close the water system loop. Ms. Wagner said if we were to extend utilities to the Town of Lisbon, it would extend the long dead end, which is concerning to the Water Department if there is a break. She said some of the things the City needs to ensure before the City would pursue this is look at our capacity and existing system and determine if we have the excess capacity to serve Lisbon customers. The second issue is pressure concerns within the system with the grade change, and because of the dead end there is a potential for water quality issues if the water sits in the pipes. Ms. Wagner noted that a potential positive may be a location for a water tower or a well site in Lisbon if the City needed additional capacity.

Discussion took place regarding the areas the Town of Lisbon is looking for the City to serve.

Ms. Wagner stated there would be a Intermunicipal Agreement regarding the funding of the study. Once those come back there would be more discussion to decide if the City would take this on as a community and water system.

Mr. Grosch commented that the Town of Lisbon has an agreement with the Village of Sussex, and the Village of Menomonee Falls has a water system on the east side of Townline Road and the Village of

Sussex abuts to a new development. He felt like it was a questionable situation and asked who would maintain the mains and provide maintenance. Ms. Wagner stated they do have a contract with Sussex and ultimately the Town of Lisbon is looking to incorporate and eventually have a water system. She has not asked specifically who would be running the system and said that is the next step once the studies are done and if we have the capacity to serve them. She noted if it gets to the point that the City is operating the system, a staff analysis will need to be done to see if we can handle the extra workload.

Discussion took place regarding possible benefits to the City of Pewaukee.

Mr. Dziwulski felt it was a good idea to look into and thinks it is smart for neighboring communities to work together. He felt the City needs to get their questions answered first.

Discussion took place regarding water capacity and the study.

A motion was made and seconded (B. Dziwulski, R. Grosch) to direct the Public Works Director to contact the Town of Lisbon to see if they would be willing to pay for a water study to see if supplying water to them would be feasible. Motion Passed: 6-For, 0-Against.

13. Discussion and Possible Action to Issue a Temporary Wine Permit to Christ Evangelical Lutheran Church Located at W240 N3103 Pewaukee Road to Hold a Potluck Dinner with Wine & Chocolate Pairing on Saturday, February 12, 2022

Ms. Tarczewski stated staff had no concerns regarding the event and recommended approval of the temporary permit.

A motion was made and seconded (I. Clark, J. Wamser) to approve the temporary permit. Motion Passed: 6-For, 0-Against.

14. Public Comment

Ms. Mueller mentioned to the Council that the speeding issue on Milkweed Lane had improved because a total open cut was done to replace a water lateral.

15. Adjournment

A motion was made and seconded (B. Dziwulski, R. Grosch) to adjourn the meeting at 7:43 p.m. Motion Passed: 6-for, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.2.**

DATE: February 21, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of the Accounts Payable Listing Dated February 21th, 2022

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

A/P 2-21-2022

Check Date	Check	Vendor Name	Description	Amount
Bank 100 GENERAL FUND CHECKING				
02/04/2022	7 (S)	HUMPHREY SERVICE PARTS, INC	HWY FELT SEAL HWY CLAMP HWY CM HEAD LIGHT	87.08 20.90 (107.98) <u>0.00</u>
02/11/2022	8 (S)	HUMPHREY SERVICE PARTS, INC	SW FILTERS HWY CM HEAD LIGHT	20.37 (20.37) <u>0.00</u>
02/04/2022	650 (E)	BOND TRUST SERVICES CORP	AGENT FEE	0.00 V
02/04/2022	651 (E)	WI DEPT OF REVENUE/SALES TAX	SALES TAX DUE STATE SALES TAX DISCOUNT	583.40 (10.00) <u>573.40</u>
02/11/2022	652 (E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	1,011.79
02/09/2022	653 (E)	DELTA DENTAL	DENTAL CLEARING	2,802.80
02/04/2022	654 (E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	1,199.88
02/04/2022	655 (E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	5,074.99
02/09/2022	657 (E)	GREAT WEST TRUST - WDC	DEFERRED COMPENSATION DEF COMP - ROTH 457	2,928.08 1,985.00 <u>4,913.08</u>
02/04/2022	658 (E)	ADP, LLC		465.00
02/03/2022	661 (E)	WE ENERGIES		23,895.00
02/11/2022	662 (E)	WE ENERGIES		4,893.32
			AUDIT ACCOUNTS PAYABLE	1,346.93 <u>6,240.25</u>
02/04/2022	663 (E)	ADP, LLC		348.67
02/04/2022	134084	AARONIN STEEL SALES, INC.	HWY REPAIRS HWY REPAIRS	121.36 25.44 <u>146.80</u>
02/04/2022	134085	ADAM LAPP	2021 PROPERTY TAX REFUND	230.86
02/04/2022	134086	AIRGAS USA	FD OXYGEN FD OXYGEN	157.87 188.30 <u>346.17</u>
02/04/2022	134087	ALEJANDRO VARGAS	2021 PROPERTY TAX REFUND	2,366.40
02/04/2022	134088	AMY FRYMAN	2021 PROPERTY TAX REFUND	293.95
02/04/2022	134089	AUCA CHICAGO MC LOCKBOX	HWY UNIFORMS HWY UNIFORMS	88.98 88.40 <u>177.38</u>
02/04/2022	134090	BADGER OIL EQUIPMENT	CH NOZZLE REPAIR DIESEL PUMP REPAIR UNLEADED NOZZLE	280.00 292.00 <u></u>

Check Date	Check	Vendor Name	Description	Amount
				572.00
02/04/2022	134091	BOND TRUST SERVICES CORP	AGENT FEE	0.00 V
02/04/2022	134092	BRANDON ARPS	2021 PROPERTY TAX REFUND	636.02
02/04/2022	134093	CINTAS	SW SAFETY RESTOCK	143.36
02/04/2022	134094	COREY OIL	HWY CLEAR DIESEL	3,019.24
			HWY UNLEADED GASOLINE	783.88
			HWY CLEAR DIESEL	439.08
				4,242.20
02/04/2022	134095	DANIEL & ASHLEY ROSS	2021 PROPERTY TAX REFUND	5,483.11
02/04/2022	134096	ELLIOTT ACE HARDWARE	P&R BRUSHES	18.16
			P&R BRUSHES	4.84
			FD FAUCET AND DISHWASHER ELBOW	25.98
			HWY FASTNERS	5.67
				54.65
02/04/2022	134097	FIRE SERVICE INC	FD REPAIRS	1,600.00
02/04/2022	134098	GRAINGER	HWY SAFETY GLASSES	31.56
			HWY DISPOSABLE RESPIRATORS	160.00
				191.56
02/04/2022	134099	HENRI MARTIG	2021 PROPERTY TAX REFUND	103.88
02/04/2022	134100	INTERNATIONAL INSTITUTE OF	CT ANNUAL MEMBERSHIP FEE	175.00
02/04/2022	134101	J&L TIRE AND SERVICE CENTER	FD BALANCE TIRES	64.00
02/04/2022	134102	JAKE & LAUREN EVANS	2021 PROPERTY TAX REFUND	8.60
02/04/2022	134103	JENSEN EQUIPMENT	HWY CONSTRUCTION REAMER	208.00
			HWY CHAINSAW	625.00
				833.00
02/04/2022	134104	JESSICA & KATHRYN PONTIOUS	2021 PROPERTY TAX REFUND	400.21
02/04/2022	134105	JOHNSTONE SUPPLY	CH POLICE GARAGE HEATING SENSOR	19.78
02/04/2022	134106	LEASING SERVICES	COPIER LEASE-FIRE DEPT	223.50
02/04/2022	134107	LEEJEAN WILLIAMS	2021 PROPERTY TAX REFUND	141.38
02/04/2022	134108	LIFE-ASSIST INC	FD IV SET	76.00
			FD SAFETY IV	33.75
			FD SYRINGE	104.50
			FD SAFETY RESTOCK	361.23
			FD SAFETY RESTOCK	213.50
				788.98
02/04/2022	134109	MACLEAN ENTERPRISES, LLC / FENCEGUA	P&R FENCE GUARD	7,000.00
02/04/2022	134110	MARYANN KACZOR	2021 PROPERTY TAX REFUND	152.60
02/04/2022	134111	MATRIX TRUST COMPANY	LOAN REPAYMENT PD 1/28/22	50.00
02/04/2022	134112	MENARDS	P&R VACUUM PLUG	2.49
			P&R BLADES AND BATTERIES	74.04
			P&R BLADES AND BRUSHES	83.23
			P&R FLEXLOCK	119.00
			HWY SCREWDRIVER, ACCESSORIES, FREEZER BA	29.75
			HWY POST MOUNT, SCREWS, ZINC	116.70
				425.21
02/04/2022	134113	MICHAEL & KATHRYN WEIMER	2021 PROPERTY TAX REFUND	1,537.45

02/16/2022 09:43 AM		CHECK REGISTER FOR PEWAUKEE		Page: 3/7
User: MCMILLIAN		CHECK DATE FROM 02/03/2022 - 02/16/2022		
DB: City Of Pewauke				
Check Date	Check	Vendor Name	Description	Amount
02/04/2022	134114	MOTION & CONTROL ENTERPRISES LLC	HWY CRIMP HOSE ASSY	208.70
02/04/2022	134115	MOTOROLA	FD REMOTE SPEAKER	1,105.00
02/04/2022	134116	NANCY SOELLNER	2021 PROPERTY TAX REFUND	199.39
02/04/2022	134117	NAPA	FD RIVETS	13.86
02/04/2022	134118	NASI & CORA VINCA	2021 PROPERTY TAX REFUND	69.79
02/04/2022	134119	NICHOLAS SCHMIDTKE	2021 PROPERTY TAX REFUND	355.29
02/04/2022	134120	OFFICE COPYING EQUIPMENT, LTD	FD SHARP MX3071 CONTRACT	38.51
02/04/2022	134121	OFFICE DEPOT	CH PAPER ROLL	7.02
			CH TISSUE AND LINERS	645.22
			CH TOWEL AND SOAP	221.16
			CT PENS	10.62
			P&R PAPER	9.06
				893.08
02/04/2022	134122	PEGGY LONIELLO	2021 PROPERTY TAX REFUND	259.52
02/04/2022	134123	PREMIUM WATERS, INC	HWY WATER	53.25
02/04/2022	134124	ROBERT GILBERT LLC	2021 PROPERTY TAX REFUND	595.45
02/04/2022	134125	T/A TRUCK PAINTING, INC.	FD REPAIRS	360.00
02/04/2022	134126	TRIPLE CROWN PRODUCTS	SW CLOTHING	432.23
			HWY CLOTHING	459.85
			SW ITEM CREDIT	(41.28)
				850.80
02/04/2022	134127	USA BLUEBOOK	SW CALGAS	281.36
02/04/2022	134128	VILLAGE OF PEWAUKEE	JAN 2022 BUILDING PERMITS	1,950.62
02/04/2022	134129	WALTER & MEGAN POWELL	2021 PROPERTY TAX REFUND	355.87
02/04/2022	134130	WASTE MANAGEMENT	HWY RECYCLING	1,877.15
			HWY RECYCLING	66.61
				1,943.76
02/04/2022	134131	WATER WELL SOLUTIONS	DEER HAVEN WELL FINAL PMT	69,106.75
02/04/2022	134132	WAUKESHA CO TECHNICAL COLLEGE	FD TRAINING	174.00
02/04/2022	134133	WAUKESHA CO TREASURER	IT ANNUAL HOSTING FEE GIS	400.00
02/04/2022	134134	WI DEPT OF REVENUE	ASSESSOR RECERTIFICATION	20.00
02/04/2022	134135	WILLIAM & JULIE MCRAE	2021 PROPERTY TAX REFUND	174.07
02/04/2022	134136	BOND TRUST SERVICES CORP	AGENT FEE	400.00
			AGENT FEE	400.00
				800.00
02/09/2022	134137	WAUKESHA CO REGISTER OF DEEDS	FIVE FIELDS #4	0.00 V
02/09/2022	134138	WAUKESHA CO REGISTER OF DEEDS	DUPLAINVILLE BRIDGE	30.00
02/09/2022	134139	WAUKESHA CO REGISTER OF DEEDS	FIVE FIELDS #4	25.00
02/11/2022	134140	1ST AYD	FD SUPPLIES	1,016.67
02/11/2022	134141	AECOM TECHNICAL SERVICES, INC	ENG STORMWATER MGMT PLAN REVIEW	7,658.70
02/11/2022	134142	AIRGAS USA	FD OXYGEN	81.64
02/11/2022	134143	ALL CITY COMMUNICATIONS INC.	SW ANSWERING SERVICE	54.05
02/11/2022	134144	ARC DOCUMENT SOLUTIONS LLC	ENG PLOT BOND ROLLS	36.50
02/11/2022	134145	AT&T CAROL STREAM IL	CH TELEPHONE	112.63
02/11/2022	134146	BADGER METER	SW BEACON HOSTING	1,500.03
02/11/2022	134147	BATTERY SYSTEMS	SW D-CORES	200.24
			SW B-CORES	145.87
				346.11
02/11/2022	134148	BEDROCK SEWER & WATER	SW INSTALL COUPLINGS AND MAINTENANCE	9,273.75

Check Date	Check	Vendor Name	Description	Amount
02/11/2022	134149	BREDAN MECHANICAL SYSTEMS	IT HVAC INSPECTION	1,389.00
02/11/2022	134150	BUELOW VETTER BUIKEMA OLSON & VLIET	HR LEGAL FEES	180.00
02/11/2022	134151	CHALLENGE ISLAND GREATER MILWAUKEE	P&R REC PROGRAM	206.40
02/11/2022	134152	CHARLIE DWYER	BLD MILEAGE REIMBURSEMENT	135.14
02/11/2022	134153	CHERRIE LARSON	P&R LITTLE ARTISTS PROGRAM	201.60
02/11/2022	134154	COLBY CONSTRUCTION	BLD 200804 OCCUPANCY BOND REFUND	500.00
02/11/2022	134155	CONLEY MEDIA	PUBLICATION FEES	285.63
02/11/2022	134156	CORE & MAIN LP	SW LOWER ROD	850.00
02/11/2022	134157	DEAN EPPLER	BLD MILEAGE REIMBURSEMENT	22.82
02/11/2022	134158	DIGGERS HOTLINE	PREPAYMENT	1,050.80
02/11/2022	134159	DIVERSIFIED BENEFIT SERVICES, INC.	FEB HRA	330.31
02/11/2022	134160	ELECTION SYSTEMS & SOFTWARE	CT MAINTENANCE	227.50
02/11/2022	134161	ELLIOTT ACE HARDWARE	FD SCREWS, AERATOR BN	43.57
			FD CLR REMOVER	33.98
			FD KEY	3.67
			FD BLEACH	19.95
			SW COUPLINGS	5.36
			SW VALVES, ADAPTERS, FAUCETS	46.94
			SW SPECIAL ORDER SUPPLIES	159.90
			SW BUCKET, HAMMER	48.97
			FD CM AERATOR BN	(6.59)
				355.75
02/11/2022	134162	EMERGENCY LIGHTING & ELECTRONICS	FD BATTERY CHARGER	1,909.22
			FD TAHOE SUPPLIES	19,174.57
				21,083.79
02/11/2022	134163	EQUAL RIGHT DIVISION	P&R WORK PERMIT	7.50
02/11/2022	134164	FAYE SHEEHAN	P&R PROGRAM REFUND	63.00
02/11/2022	134165	FIRE DETECTION GROUP	CH FIRE ALARM INSPECTION	618.00
02/11/2022	134166	FLYOVER PRODUCTIONS LLC	P&R TRAINING	150.00
02/11/2022	134167	FREEMAN NEWSPAPERS, LLC.	CH NEWSPAPER	252.00
02/11/2022	134168	GARY KLINKA	BLD TRAINING	450.00
02/11/2022	134169	GRAINGER	P&R MOTOR	58.26
			SW VALVE	437.54
			SW CM VALVE	(26.34)
				469.46
02/11/2022	134170	GREGG MARTIN INSTRUMENTATION	SW MAGMETER DIAGNOSTICS	560.00
02/11/2022	134171	HAWKINS, INC.	SW CHEMICALS	3,402.60
02/11/2022	134172	HOGEN ELECTRIC	SW WELL 3&6 PMT 1	24,265.85
02/11/2022	134173	HYDROCORP	SW CROSS CONNECTION INSPECTION	1,171.00
02/11/2022	134174	IMEG CORP	ENG BUSSE ROAD BRIDGE REPLACEMENT	2,660.00
02/11/2022	134175	INTERNATIONAL CODE COUNCIL	FD DUES	145.00
02/11/2022	134176	J.F. AHERN COMPANY	FD BLD MAINT	298.50
02/11/2022	134177	JENNIFER SCHOLTKA	P&R ZUMBA GOLD	504.00
02/11/2022	134178	JENSEN EQUIPMENT	FD BAND SAW BLADE	19.97
			SW JACKET	74.91
				94.88
02/11/2022	134179	JERRY'S AUTOMOTIVE SERIVCE LLC	SW TIRE	320.99
02/11/2022	134180	JOHN'S DISPOSAL SERVICE	ENG GARBAGE	53,470.85
02/11/2022	134181	KATIE VITALBO	P&R REFUND FOR SUPPLIES	83.69
02/11/2022	134182	KNOX COMPANY	FD WIFI ANTENNA	1,047.00
02/11/2022	134183	KORNDORFER HOMES	BD Bond Refund	500.00

Check Date	Check	Vendor Name	Description	Amount
02/11/2022	134184	LIFE-ASSIST INC	FD SAFETY RESTOCK	468.46
02/11/2022	134185	MARJORY PETERSON	P&R PROGRAM REFUND	63.00
02/11/2022	134186	MARY FIRNROHR	P&R TAI CHI	353.60
02/11/2022	134187	MATRIX TRUST COMPANY	LOAN REPAYMENT PD 2/11/22	50.00
02/11/2022	134188	MENARDS	P&R BOLT CUTTER	56.98
			SW GLOVES	119.98
				176.96
02/11/2022	134189	MICHAEL WIEDENHOEFT	2021 PROPERTY TAX REFUND	199.39
02/11/2022	134190	MIDWEST METER INC.	SW METERS	11.00
02/11/2022	134191	MUNICIPAL LAW & LITIGATION GROUP S.	LEGAL FEES	7,352.80
			LEGAL FEES	282.50
				7,635.30
02/11/2022	134192	NATIONWIDE RETIREMENT SOLUTIONS	RETIREMENT PD 2-11-22	2,034.09
02/11/2022	134193	NORTHERN LAKE SERVICE, INC	SW WATER TESTING	63.00
			SW WATER TESTING	92.00
			SW WATER TESTING	253.00
			SW WATER TESTING	92.00
			SW WATER TESTING	69.00
			SW WATER TESTING	69.00
				638.00
02/11/2022	134194	OFFICE COPYING EQUIPMENT, LTD	BLD SHAPR MX 3071 CONTRACT	76.11
			CT SHARP 7580N CONTRACT	150.96
			ENG SHARP MX4070N CONTRACT	272.39
				499.46
02/11/2022	134195	OFFICE DEPOT	CT CALCULATOR	64.49
			ENG OFFICE SUPPLIES	108.35
			ENG OFFICE SUPPLIES	55.79
			SW OFFICE SUPPLIES	5.88
			SW CM OFFICE SUPPLIES	(5.88)
				228.63
02/11/2022	134196	OLIVIA LYNGAAS	CRT REFUND OVERPMT	391.00
02/11/2022	134197	PARKITECTURE & PLANNING	P&R ALL-INCLUSIVE PLAYGROUND DESIGN	3,070.00
02/11/2022	134198	PITNEY BOWES GLOBAL	CT RENTAL	21.00
02/11/2022	134199	POMP'S TIRE SERVICE, INC.	P&R TIRES	986.72
02/11/2022	134200	R&R INSURANCE SERVICES	WORKERS COMP INSTALLMENT 3-1-22	20,224.00
02/11/2022	134201	ROHDE, PETER	FD MEMBERSHIP REIMBURSEMENT	45.00
02/11/2022	134202	ROTROFF JEANSON & CO.	CT PREPARE 1099S	471.49
02/11/2022	134203	RUEKERT & MIELKE, INC.	ENG WOODLEAF CONSTRUCTION	1,379.23
			ENG WOODLEAF PH 5	790.86
			ENG SHADY LANE SHADY NOOK DESIGN AND BID	3,536.55
			ENG OAK STREET & PENINSULA	587.42
			ENG LAKEWOOD BAPTIST CHURCH CONSTRUCTION	682.42
			ENG PAUL ROAD WATER MAIN RELY	1,654.32
			ENG STEEPLECHASE PH 2	201.00
			ENG SWAN VIEW FARMS CONSTRUCTION REVIEW	790.86
			ENG SWAN VIEW CONSTRUCTION REVIEW	5,227.45
			ENG GLEN AT PARKWAY RIDGE CONSTRUCTION	682.42
			ENG ZIGNEGO CONSTRUCTION	274.20

Check Date	Check	Vendor Name	Description	Amount
			ENG MEADOWBROOK FARMS PH 1 CONSTRUCTION	1,404.90
			ENG PEWAUKEE SOUTH INDUSTRIAL CONSTRUCTI	384.30
			ENG WATERS CONSTRUCTION REVIEW	682.42
			ENG GREENLAND SUB CONSTRUCTION	384.30
			ENG ROUNDY CIR EAST CONSTRUCTION OBSERVA	429.20
			ENG CENTURY FENCE CONSTRUCTION OBSERVATI	456.08
			ENG MEADOWBROOK FARMS PH 2	9,086.66
			ENG HILL N DALE DRAINAGE DESIGN	1,031.00
			SW BLUEMOUND RD WATER MAIN SURVEY	20,237.16
			SW CITY HALL ELEVATED TANK	406.25
			SW WATER DISTRIBUTION WOODLEAF PH 5	712.00
			SW NORTH AVE PUMP STATION	8,742.25
			SW WELL STN PUMP 5	153.00
			SW BLUEMOUND RD MAIN	10,943.19
			SW SCADA	1,616.80
				72,476.24
02/11/2022	134204	SCHWAAB, INC	CT STAMP PADS	65.83
02/11/2022	134205	SHERWIN-WILLIAMS	P&R PAINT	68.62
			P&R PAINT	83.36
				151.98
02/11/2022	134206	SHIELD SOLUTIONS	FD HOSE END FOAMER	174.00
			FD VEHICLE WASH	359.50
				533.50
02/11/2022	134207	SKIPPER BUD'S	BADGES AND BUDDIES	3,578.92
02/11/2022	134208	SOPER GRADING & EXCAVATING LLC	OAK & PENINSUALA PMT 7	167,617.64
02/11/2022	134209	Strand Associates, Inc	ENG DUPLAINVILLE RD RECONSTRUCTION SURVE	1,179.39
			ENG DUPLAINVILLE RD RECONSTRUCTION DESIG	11,772.46
			ENG LINDSAY RD SURVEY	1,700.23
			ENG LINDSAY ROAD TRAIL DESIGN	12,624.45
				27,276.53
02/11/2022	134210	UNIFIRST CORP	FD MATS	80.50
02/11/2022	134211	US POSTAL SERVICE-PEWAUKEE	SW MARKETING MAIL	65.00
02/11/2022	134212	VERIZON	FD AIR CARDS	42.12
02/11/2022	134213	VILLAGE OF PEWAUKEE	P&R JAN 2022	10,157.00
			JANUARY LIFEQUEST COLLECTIONS	27,191.05
			CT JOINT LIBRARY MARCH 2022	70,049.25
			SW SEWER SERVICE CHG	20,010.38
				127,407.68
02/11/2022	134214	WATER REMEDIATION TECHNOLOGY	SW BASE TREATMENT CHG	3,812.88
02/11/2022	134215	WAUKESHA CO TREASURER	ENG COMMUNITY COMPOST PROGRAM	8,862.21
			ENG 2021 HOUSEHOLD HAZARDOUS WASTE PROGR	1,371.49
				10,233.70
02/11/2022	134216	WAUKESHA WATER UTILITY	SW JAN 2022 SEWER SERVICE CHG	25,026.80
02/11/2022	134217	WISCONSIN CENTRAL	SW PIPELINE	300.00
02/11/2022	134218	WISCONSIN DEPARTMENT OF	HR EXAMS	209.00
02/11/2022	134219	WOLDANSKI, KELLEY	CH OPERATING SUPPLIES REIMBURSEMENT	43.04
02/11/2022	134220	ARROWHEAD SCHOOL DISTRICT	FEB SETTLEMENT 2021 TAX ROLL	6,778.89
02/11/2022	134221	HAMILTON SCHOOL DISTRICT	FEB SETTLEMENT 2021 TAX ROLL	223,218.04

Check Date	Check	Vendor Name	Description	Amount
02/11/2022	134222	PEWAUKEE SCHOOL DISTRICT	FEB SETTLEMENT 2021 TAX ROLL	4,417,377.04
02/11/2022	134223	RICHMOND SCHOOL DISTRICT	FEB SETTLEMENT 2021 TAX ROLL	13,224.65
02/11/2022	134224	WAUKESHA CO TECHNICAL COLLEGE	FEB SETTLEMENT 2021 TAX ROLL	272,926.77
02/11/2022	134225	WAUKESHA CO TREASURER	FEB SETTLEMENT 2021 TAX ROLL	1,521,654.19
02/11/2022	134226	WAUKESHA SCHOOL DISTRICT	FEB SETTLEMENT 2021 TAX ROLL	2,819,437.13

100 TOTALS:

(3 Checks Voided)

Total of 153 Disbursements: 10,043,735.29

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 4.**

DATE: February 21, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Proclamation Presentation to Mr. Rick Fuhry for his Generous Contribution Towards the Splash Pad at the Sports Complex [Fuchs/Phalin]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Proclamation

City of Pewaukee Proclamation

A PROCLAMATION IN RECOGNITION OF RICHARD P. “Rick” FUHRY

Whereas, the City of Pewaukee plans to construct a splash pad in conjunction with an all-inclusive playground at the Pewaukee Sports Complex located at N45W23440 Lindsay Road, Pewaukee, Wisconsin; and

Whereas, the Pewaukee Sports Complex is a focal point of the City’s Park System, where the City has made substantial investments to improve the park, and continued investment is needed to provide additional recreational amenities; and

Whereas, the City of Pewaukee Common Council determined a need and benefit to the City to pursue construction of a splash pad and is seeking donations and sponsorships to assist in the funding of said project; and

Whereas, a splash pad will enhance the quality of life for residents and the surrounding area by providing not only a community gathering space for families, but an amenity specifically designed to allow children of all abilities to play together; and

Whereas, Mr. Rick Fuhry proposed sponsorship of the splash pad to honor his late nephew Garrison Adams in a generous act of philanthropy and to cherish those memories of Garrison and his love of the water; and

Whereas, with the acceptance of this \$250,000 sponsorship offer, the splash pad will be exclusively referred to as Garrison’s Splash Pad for a period of ten years from the date opened; and

Whereas, the City of Pewaukee values and supports individuals willing to give back to the community and recognizes the significance of this sponsorship towards the splash pad project...

Now, Therefore, Be It Proclaimed, that the City of Pewaukee Mayor and Common Council, on behalf of all of the Citizens of Pewaukee, Wisconsin, hereby thank Mr. Rick Fuhry for his generous gift and sponsorship of Garrison’s Splash Pad at the Pewaukee Sports Complex.

Presented to the City of Pewaukee Common Council this 21st day of February, 2022

Colleen Brown
Common Council President

Steve Bierce
Mayor

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 5.**

DATE: February 21, 2022

DEPARTMENT: Planning

PROVIDED BY:

SUBJECT:

Discussion Regarding **Ordinance 22-03** (*First Reading*) Related to Outdoor Entertainment Permit Revisions [Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Ordinance 22-03

ORDINANCE NO. 22-03

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 11.02
OF THE CITY OF PEWAUKEE CODES AND ORDINANCES
PERTAINING TO OUTDOOR ENTERTAINMENT**

WHEREAS; City of Pewaukee staff recently reviewed the outdoor entertainment permit process and have recommended various changes; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Pewaukee Waukesha County, Wisconsin, hereby ordains as follows:

SECTION 1:

11.02 Outdoor Entertainment of the City of Pewaukee municipal code is repealed and recreated to read:

11.02 OUTDOOR ENTERTAINMENT

- (1) No commercial establishment may allow entertainment such as music, whether recorded or live, amplified or not; television; games or sporting activities, outside an enclosed structure without receiving approval of a Business Plan of Operation by the City Zoning Administrator. All uses and events shall comply with these standards:
 - a. Outdoor uses and events shall be limited to 150 people or less. Uses and events for more than 150 people shall require a Special Event Permit under Section 11.07.
 - b. Hours of outdoor activities shall be between 10:00 a.m. and 10:00 p.m. Sunday through Thursday and 10:00 a.m. and 11:00 p.m. Friday and Saturday.
 - c. Sufficient restroom facilities and parking shall be provided as approved by the Zoning Administrator.
 - d. Uses and events shall not disrupt or adversely affect traffic on adjacent public streets or interfere with access for emergency services.
- (2) Existing uses with approved Outdoor Entertainment Permits may continue such uses under the same terms of the most recently approved Permit with no further approvals. Any modifications to the operations of such uses shall require approval of or an amendment to a Business Plan of Operation.
- (3) Temporary allowance for special, limited occurrences to provide activities outside an enclosed structure during a specified period may be approved by the Common Council. The Common Council may impose restrictions on such uses.
- (4) VIOLATIONS. Any person providing outdoor entertainment without an approved Business Plan of Operation, Special Events Permit or in violation of the terms of either shall be subject to the penalties in Chapter 25 of the City of Pewaukee Codes.

(5) REVOCATION. The Common Council may revoke the Business Plan of Operation for outdoor entertainment uses where such uses are deemed to adversely affect the adjacent property owners or the general public. Excessive noise levels, parking or traffic problems, complaints, and other such issues shall be grounds for immediate revocation of Permit.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances the terms of which are in conflict with the provisions of this ordinance, are hereby repealed as to those terms that are in conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be in effect and in full force from and after its passage and publication or posting as provided by law.

Dated this 21st day of February 2022.

CITY OF PEWAUKEE

ATTEST:

Steve Bierce, Mayor

Kelly Tarczewski, City Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 6.**

DATE: February 21, 2022

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding Woodleaf Reserve Phase 5 [Wagner]

BACKGROUND:

Development that involve the construction of public infrastructure require a development agreement and letter of credit. The Woodleaf Reserve Phase 5 subdivision development is the final phase of the Woodleaf Reserve Subdivision and consists of 33 single family lots. The subdivision has public infrastructure for roads, sanitary sewer, water main, and storm sewer which will be installed to support the development of the parcel.

The attached construction cost spreadsheet indicates the cost is \$1,760,027.88. After adding 20% as required in our Ordinances, the recommended value of the letter of credit be established by the Common Council at \$2,112,033.46.

FINANCIAL IMPACT:

All City costs are paid by the Developer. Long term financial impacts were not reviewed.

RECOMMENDED MOTION:

We recommend the Common Council approve the Woodleaf Reserve Phase 5 Development Agreement, contingent upon any requirements of the City Attorney and City Engineer, and establish the initial amount of the letter of credit at \$2,112,033.46 in a form approved by the City Attorney.

ATTACHMENTS:

Description

Draft Developer's Agreement

LOC Verification

12/16/21

~~THIRD-FOURTH~~ AMENDMENT TO DEVELOPER'S AGREEMENT
FOR
THE WOODLEAF RESERVE SUBDIVISION IN THE
CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN
FOR THE PURPOSES OF
DEVELOPMENT OF WOODLEAF RESERVE ADDITION #~~34~~

THIS ~~THIRD-FOURTH~~ AMENDMENT TO DEVELOPER'S AGREEMENT ("~~Third-
Fourth~~ Amendment") is made this _____ day of _____, 202~~0~~2 and amends that certain Developer's Agreement dated June 10, 2013, as amended by a First Amendment to Developer's Agreement dated September 8, 2015, ~~and~~ the Second Amendment to Developer's Agreement dated July 24, 2018, ~~and the Third Amendment to Developer's Agreement dated _____, 2021~~ (collectively hereinafter, "Developer's Agreement") by and between ~~Pewaukee-Sunder Fields~~ Woodleaf Investments, LLC ("Developer"), and the City of Pewaukee ("City") for the Woodleaf Reserve Subdivision ("Woodleaf Reserve"). All capitalized terms, unless otherwise indicated, will have the meaning set forth in the Developer's Agreement.

WITNESSETH

WHEREAS, ~~the original Developer~~ Pewaukee Sunder Fields LLC (the "Original Developer") has sold their interest in the Woodleaf Reserve Project ~~and assigned their rights and liabilities described in the Agreement Assigning Rights and Liabilities for the Completion of The Woodleaf Reserve Addition #2 Subdivision dated January 27, 2020~~ to Woodleaf Investments, LLC.

WHEREAS, Woodleaf Investments, LLC is requesting approvals from the City for Woodleaf Reserve Addition #~~34~~, which will consist of ~~331~~ lots, as the Developer as defined below in this ~~Third-Fourth~~ Amendment to the Developer's Agreement.

WHEREAS, the Developer and City entered into the Developer's Agreement for the purposes of outlining the terms and conditions by which the Developer would divide and develop Woodleaf Reserve for residential purposes; and

WHEREAS, the Developer and City intend to abide by the Developer's Agreement including as to those terms of the Developer's Agreement which have been modified, changed, added, deleted or modified in any way by this ~~Second-Fourth~~ Amendment or any future amendment to the Developer's Agreement; and

WHEREAS, it is the intent of the parties that Woodleaf Reserve be developed in multiple phases and that the Developer's -Agreement shall be modified at such time the Developer and City agree to commence development of each additional phase; and

WHEREAS, the Developer now desires to develop the ~~next-final~~ phase of Woodleaf Reserve into what is to be called "Woodleaf Reserve Addition #~~34~~" ("Addition #~~34~~") and the legal description of Addition #~~34~~ is attached as ~~Exhibit 4N~~; and

12/16/21

WHEREAS, the Developer desires to construct the Improvements and create final plats for Addition #4 in two phases; one phase will be identified as "Addition #4A" and the other phase will be identified as "Addition #4B". The Addition #4A limits include Lots 153-172 and Lot 183 ("Addition #4 Limits") and the Addition #4B limits include Lots 173-182 ("Addition #4B Limits") as shown on **Exhibit O**. This Fourth Amendment shall provide for the development of Addition #4A and Addition #4B unless otherwise noted; and

WHEREAS, the Developer and City desire to enter into this ~~Third-Fourth~~ Amendment in order to ensure that the Developer will make and install all public improvements which are reasonably necessary for Addition #~~34~~ and further that the Developer shall dedicate the Addition #~~34~~ public improvements to the City, provided that said public improvements are constructed to City specifications, ordinances, standards, and in accordance with the Developer's Agreement and this ~~Third-Fourth~~ Amendment, without cost to the City.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and previously set forth in the Developer's Agreement, the parties hereto agree as follows:

DEVELOPER'S COVENANTS

The Improvements and Grading Plans dated May 29, 2013 completed by RA Smith National and attached as Exhibit C to the Developer's Agreement, had previously been updated to depict the Improvement and Grading Plan of Addition #1, and are now further updated to reflect the Improvement and Grading Plan of Addition #2, and are now further updated to reflect the Improvement and Grading Plan of Addition #3, and are now further updated to reflect the Approved Site Construction Plans for Woodleaf Reserve Phase V, attached hereto as **Exhibit JOP** ("Addition #~~34~~ Plans"). Addition #~~34~~ shall consist of ~~33~~1 single family lots and is depicted as a portion of the preliminary plat formerly known as the Fields at Valley Wood, a copy of which is attached as Exhibit D to the Developer's Agreement. The single family lots and outlots of Addition #~~43~~ are shown in relation to the overall development of Woodleaf Reserve on the attached **Exhibit KPQ**. ~~The balance of Woodleaf Reserve, consisting of 32 lots, shall continue to be shown as unplatted lands for expansion of the final plat as approved and recorded with the Waukesha County Register of Deeds Office. Exhibit M depicts the future phases of Woodleaf Reserve based on the previously approved preliminary plat for Woodleaf Reserve and its future phases.~~ The Developer shall construct and install the Improvements for Addition #~~43~~ and shall pay all costs associated with the Improvements pursuant to the Plans, the Developer's Agreement, this ~~Third-Fourth~~ Amendment and any subsequent modifications or amendments to the Developer's Agreement. The following references specifically applicable to, and related solely to, Addition #~~34~~ shall be added to the applicable sections of the Development Agreement. (NOTE: The Section heading names and roman numerals set forth below track the Developers Agreement, but the paragraph numbering and lettering may not match the existing numbering and lettering already in the Developer's Agreement.)

12/16/21

SECTION I. IMPROVEMENTS (Addition #43):

A. PUBLIC STREETS: The Developer hereby agrees that:

1. Prior to the start of construction of the public streets of Addition #34, the Developer shall provide to the City written certification from the Developer's Engineer or Surveyor that all public street plans are in conformance with all federal, state, county and City specifications, regulations and ordinances, and written proof from the City Engineer evidencing review and approval of said plans.
2. The first lift of the public streets within Addition #34A will be completed and presented to the City no later than November 1, 2022 or as extended by the City and agreed upon by the Developer. The first lift of the public streets within Addition #4B will be completed and presented to the City no later than June 1, 2023 or as extended by the City and agreed upon by the Developer.
3. The final lift of asphalt in Addition #4 shall be placed on all public streets after at least one (1) winter season, but not later than October 15, 2024 unless extended by the City and agreed upon by the Developer.

B. SANITARY SEWER: The Developer hereby agrees that:

1. A Reserve Capacity Assessment for Sewer in the amount of \$3,028.00 (2020 rate) as adjusted annually, is payable for each Residential Equivalent Connection proposed in accordance with the rules and standards of the City prior to the issuance of a building permit for each Lot.

C. WATER: The Developer hereby agrees that:

1. A Reserve Capacity Assessment for water in the amount of \$4,885.00 (2020 rate) is payable for each Residential Equivalent Connection proposed in accordance with the rules and standards of the City prior to the issuance of a building permit for each Lot. The Reserve Capacity Assessment may be adjusted annually from time to time.

D. SURFACE AND STORM WATER DRAINAGE: The Developer hereby agrees that:

1. The site grading and construction of surface and storm water drainage facilities for Addition #34A and Addition #4B shall be completed separately and accepted individually by the City before any building permits are issued within each Addition #3. The Developer previously constructed the retention/detention facilities of Woodleaf Reserve relative to Addition #34 and the City had previously approved the as-built construction drawings of the pond, s identified as the "Existing West Pond 1" on the Addition #4 Plans, that ~~are~~ is a part of the retention/detention facilities. The

12/16/21

City and Developer understand that grading and/or outlet piping with Addition #3, modifications need to be made to the "Existing East Pond 1" and "Dry Detention Pond 2 and that surface drainage and storm water sewer piping will need to be completed as shown on the Addition #4 Plans installed as approved as a part of the previously approved engineering plans as attached as Exhibit C of the Developer's Agreement dated June 10, 2013 for Woodleaf Reserve.

E. GRADING, EROSION AND SILT CONTROL: The Developer hereby agrees that:

1. All disturbed areas shall be restored to the satisfaction of the City Engineer. Any financial guarantee held by City will not be released until the City Engineer is satisfied that no further erosion measures are required.

SECTION II. TIME OF COMPLETION OF IMPROVEMENTS (Addition #3):

~~The first lift of asphalt of the public streets within Addition #3 will be completed and presented to the City no later than November 1, 2021 or as extended by the City and agreed upon by the Developer. Future roadway improvements for future Phases will be addressed and agreed upon by future amendment to the Developer's Agreement.~~

~~The final lift of asphalt shall be placed on all public streets of Addition #3 after at least one (1) winter season, but no later than October 15, 2022 unless extended by the City and agreed upon by the Developer. Future roadway improvements for future Phases will be addressed and agreed upon by future amendment to the Developer's Agreement.~~

SECTION III. FINAL ACCEPTANCE (Addition #34):

Throughout the Developer's Agreement, various stages of the development will require approval by the City. "Final Acceptance" as used herein, however, shall be the ultimate acceptance of all of the Improvements in the completed development on a Phase by Phase basis inclusive of Addition #34A and Addition #4B, with the exception of the final lift of asphalt on the public streets, and shall be granted specifically by resolution of the City Council. Final Acceptance shall be granted when substantial completion occurs, as determined by the City Council pursuant to the definition of substantial completion set forth in Wisconsin Statutes Section 236.13(2)(a)2, as amended by 2017 Wisconsin Act 243. Granting Final Acceptance does not relieve the Developer of any obligations of the terms of the Developer's Agreement, or this Third-Fourth Amendment for uncompleted Improvements, and does not constitute a waiver, in particular, of the Developer's obligation to complete the surface course of the public streets or any other Improvements or obligations that may be outstanding at the time that Final Acceptance is granted for Addition #34A or Addition #4B.

SECTION VII. GUARANTEES OF IMPROVEMENTS (Addition #34):

- A. GUARANTEE. The Developer shall guarantee after Final Acceptance, the public improvements and all other Improvements described in the Developer's Agreement within

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Section I or as addressed in this ~~Third-Fourth~~ Amendment specific to Addition #~~34A and Addition #4B~~, against defects due to faulty materials or workmanship, provided that such defects appear within a period of one year from the date of Acceptance of the Improvements ~~and or~~ within a period of 14 months from the date of substantial completion, ~~whichever is earlier~~, which time period shall be deemed the "Guarantee Period" ~~for each Addition individually~~. "Substantial Completion" is defined as the date of installation of the binder course of asphalt for ~~either Addition #34A or Addition #4B~~. The Developer shall pay for any damages to City property and/or Improvements resulting from such faulty materials or workmanship during the Guarantee Period. Wisconsin law on negligence shall govern such situations. If the Developer fails to cure or pay for any damages or defects to City property and/or Improvements, and the City is required to draw against the financial guarantee on file with the City, the Developer is then required to replenish said drawn funds up to the aggregate amount of (100%) percent of the costs associated with any unfinished Improvements and up to (10%) of the total cost of all Improvements.

B. MAINTENANCE PRIOR TO ACCEPTANCE.

1. All Improvements shall be maintained by the Developer during the Guarantee Period so they conform to the approved Plans and specifications at the time of Substantial Completion of the Improvements of Addition #~~34A and Addition #4B~~.
2. Street sweeping and dust suppression shall be done by the Developer upon a regular basis as needed to ensure a reasonably clean and safe roadway until Substantial Completion of the Improvements within Addition #~~34~~.

SECTION X. FINANCIAL GUARANTEE (Addition #3):

Prior to the execution of this ~~Second-Fourth~~ Amendment by the City, the Developer shall file with the City a cash deposit, letter of credit or subdivision bond, setting forth terms and conditions in a form approved by the City Attorney in the amount as approved by the City Engineer as a guarantee that the Developer will perform all terms of this ~~Second-Fourth~~ Amendment no later than one (1) year from the signing of this ~~Second-Fourth~~ Amendment except as otherwise set forth herein. The initial cash deposit, letter of credit or subdivision bond, will be in an amount as approved by the City Engineer for the guarantee of Addition #~~24A and Addition #4B~~ Improvements and all costs associated with the Improvements of Addition #~~24~~. Such cash deposit, letter of credit or subdivision bond, will be in place with the City prior to the start of any construction activities within or for Addition #~~34~~. ~~The cash deposit, letter of credit or subdivision bond, shall be adjusted prior to the construction of any future Phases to an amount approved by the City Engineer for the guarantee of such future Phases, in addition to any outstanding guarantees for prior Phases.~~ If at any time:

- A. The Developer is in default of any aspect of this ~~Third-Fourth~~ Amendment, or

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- B. The Developer does not complete the installation of the Improvements within the time periods as set forth herein unless otherwise extended by this Fourth ~~Third~~ Amendment or by action of the City, or
- C. The letter of credit or subdivision bond on file with the City is dated to expire within the next sixty (60) days and has not been extended, renewed or replaced, or
- D. The Developer fails to maintain a cash deposit, letter of credit or subdivision bond in an amount approved by the City Engineer, and in a form approved by the City Attorney, to pay the costs of Improvements related to Addition #34, then Developer shall be deemed in violation of this ~~Third~~ Fourth Amendment and the City shall have the authority to draw upon the cash deposit, letter of credit or subdivision bond.

The amount of the cash deposit, letter of credit or subdivision bond may be reduced by resolution of the City as the Improvements of Addition #34A and Addition #4B are completed by the Developer, provided that the remaining cash deposit, letter of credit or subdivision bond is sufficient to secure completion of the remaining Improvements of Addition #34 pursuant to the deposit methodology set forth in this Section X.

The lending institution providing the letter of credit or the insurance company providing the subdivision bond, shall pay to the City all sums available for payment under the letter of credit or subdivision bond upon demand, subject to the terms and conditions set forth therein, and upon its failure to do so, in whole or in part, the City shall be empowered in addition to its other remedies, without notice or hearing, to impose a special charge for the amount of said completion costs, upon each and every Lot ~~in the development~~ within Addition #34, payable with the next succeeding tax roll.

The letter of credit or subdivision bond shall further be available to pay for removal of any Improvements of Addition #34 that have been constructed and intended for public use, but have not been utilized due to abandonment of the development of Addition #34 for a period of five (5) years. If the City accepts the Improvements of Addition #34 by resolution prior to the end of this five year period, this stipulation shall be null and void.

SECTION XI. BUILDING AND OCCUPANCY PERMITS:

- A. The Developer has prepared appropriate deed restrictions as noted on the Final Plat and also noted in the document of Declarations of Protective Covenants, Conditions, Easements and Restrictions for Woodleaf Reserve, as amended for the inclusion of Addition #1, and as amended for inclusion of Addition #2, and as amended for inclusion of Addition #3, which are approved by the City, filed with the City Clerk and recorded with the Register of Deeds.

SECTION XIII. MISCELLANEOUS REQUIREMENTS (Addition #34):

- A. PARK AND PUBLIC SITE DEDICATION FEES:

12/16/21

The payment of the Park and Public Site Dedication Fee is no longer the responsibility of the Developer. This fee is assessed at the time of building permit application for each of the Lots within Addition #~~34~~. The payment of the fee is the responsibility of the owner who is seeking and has applied for the specific building permit.

SECTION XXI. PRELIMINARY PLAT AND FINAL PLAT CONDITIONS (Addition #3):

The Developer acknowledges that Woodleaf Reserve is subject to a conditional preliminary plat approval and a conditional final plat approval of each respective Phase by the City. The Developer further agrees that it is bound by these conditions. A copy of the conditional preliminary plat approval for Woodleaf Reserve as attached and incorporated as Exhibit B of the Developer's Agreement, and the conditional final plat approval for Addition #~~34~~A and Addition #4B ~~is~~are to be incorporated herein as **Exhibit ~~L~~R and Exhibit S respectively**. If there is a conflict between the conditions as set forth in the conditional approvals and the terms of this ~~Third~~Fourth Amendment, the more restrictive shall apply.

12/16/21

All other terms, conditions, rights and obligations of the Developer's Agreement not changed or amended by this ~~Third~~ Fourth Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer and the City have caused this ~~Third~~ Fourth Amendment to be signed by their appropriate officers in three original counterparts the day and year first above written.

Woodleaf Investments, LLC
By:

Mike Kaerek, Managing Member

STATE OF WISCONSIN)
)ss.
COUNTY OF _____)

Personally came before me this _____ day of _____, _____, the above named Mike Kaerek, Managing Member of Woodleaf Investments, LLC., to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
My commission expires: _____

Woodleaf Investments, LLC
By:

Wolf Korndoerfer, Managing Member

STATE OF WISCONSIN)
)ss.
COUNTY OF _____)

Personally came before me this _____ day of _____, _____, the above named Wolf Korndoerfer, Managing Member of Woodleaf Investments, LLC., to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
My commission expires: _____

12/16/21

CITY OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

Steve Bierce, Mayor

Kelly Tarczewski, Municipal Clerk

STATE OF WISCONSIN)
)ss.
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, _____, the above named Steve Bierce, Mayor and Kelly Tarczewski, Municipal Clerk, of the above-named municipal corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such individual and Municipal Clerk of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of said municipal corporation by its authority and pursuant to the authorization by the Governing Body of the CITY of Pewaukee from their meeting on the _____ day of _____, _____.

NOTARY PUBLIC, STATE OF WI
My commission expires: _____

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit ~~IN~~ – Legal Description
Exhibit ~~JO~~ – Depiction of Addition #4A and Addition #4B
Exhibit P – Approved Addition #3 ~~Site~~ Construction Plans for Woodleaf Reserve Phase V including Grading,
Utilities and Paving
Exhibit ~~QPK~~ – Depiction of Location of Addition #34 as it relates in Relation to the Overall Woodleaf Reserve
dDevelopment of Addition #3

12/16/21

Exhibit RL – Final Plat of Addition #34A– To follow completion of Subject Lands improvements

~~Exhibit S – Final Plat of Addition #4B– To follow completion of Subject Lands improvements~~

~~Exhibit M – Depiction of Expansion Lands following development of Addition #3~~

12/16/21

Exhibit FN
Legal Description of Addition #34

-11-

12/16/21

Exhibit O
Depiction of Addition #4A and Addition #4B

Formatted: Centered

-12-

12/16/21

Exhibit ~~J~~^{OP}

Approved Site Construction Plans for Woodleaf Reserve Phase V ~~for Addition #3~~

12/16/21

Exhibit [R](#)
Final Plat for Woodleaf Reserve Addition #[34A](#)
(to be inserted at time of approved Final Plat by the City)

-15-

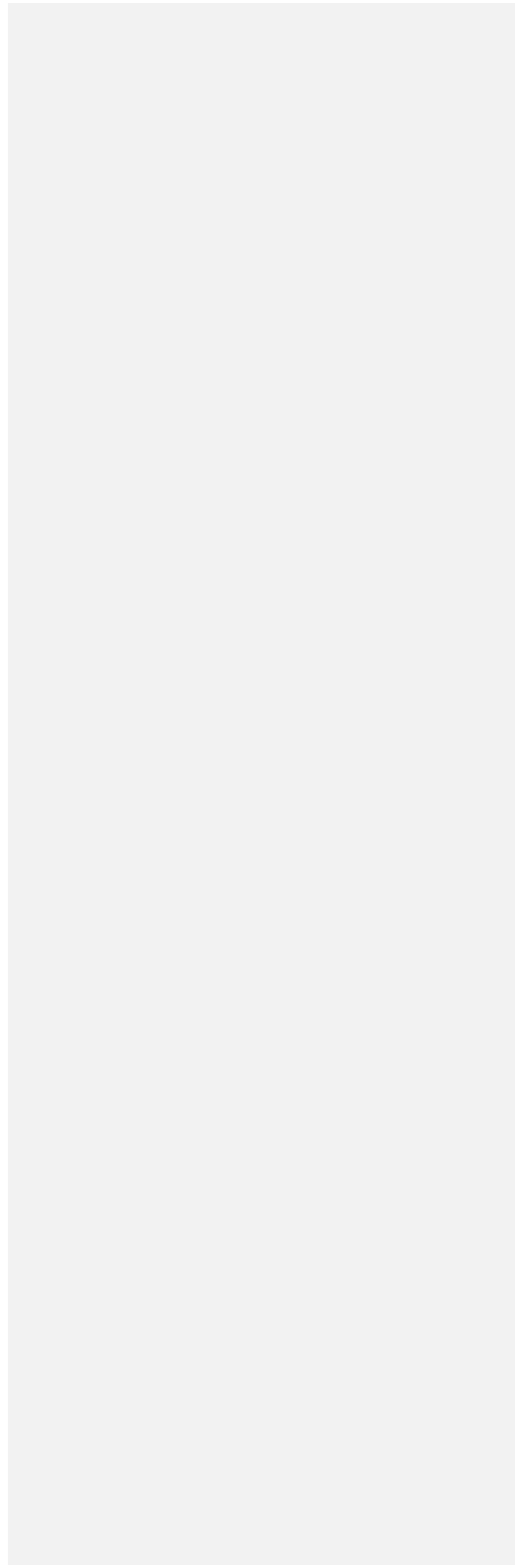
12/16/21

Exhibit S
Final Plat for Woodleaf Reserve Addition #4B
(to be inserted at time of approved Final Plat by the City)

-16-

12/16/21

Exhibit M
Depiction of the future phases for Woodleaf Reserve



-17-

WOODLEAF PHASE 5 - UPDATED 10.1.21



Super Western, Inc

N59 W14601 Bobolink Avenue

Menomonee Falls, WI 53051

Contact: JOSH REGENT-SMITH

Phone: 262-252-5995

Fax: 262-252-5397

Quote To:

Phone:

Fax:

Job Name:

Date of Plans:

Revision Date:

ALL ITEMS TIED UNLESS A CALL IS MADE TO DISCUSS

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
5	MOBILIZATION	1.00	LS	55,025.00	55,025.00
10	TRACKING PAD	1.00	EACH	2,765.00	2,765.00
20	STRIP TOPSOIL	21,000.00	CY	3.20	67,200.00
30	CUT/FILL	33,000.00	CY	4.85	160,050.00
40	HANDLE SEWER SPOIL	15,000.00	CY	3.95	59,250.00
50	HANDLE BORROW	48,500.00	CY	3.20	155,200.00
60	SUBGRADE ROAD	1.00	LS	9,962.00	9,962.00
70	BACKFILL CURB	1.00	LS	4,196.00	4,196.00
80	SAND FOR POND BOTTOM	600.00	CY	45.25	27,150.00
90	REPLACE TOPSOIL	11,000.00	CY	3.01	33,110.00
	SUBTOTAL - GRADING PACKAGE				\$573,908.00
200	SILT FENCE	3,600.00	LF	1.25	4,500.00
205	TOPSOIL STOCKPILE	1.00	LS	2,000.00	2,000.00
210	ORANGE CONSTRUCTION FENCE	375.00	LF	2.00	750.00
220	DITCH CHECKS	14.00	EACH	100.00	1,400.00
230	BERM AND SWALE RESTORATION	3,400.00	SY	1.50	5,100.00
240	INLET PROTECTION	4.00	EACH	175.00	700.00
250	PERIMETER STRAW LOGS	1,500.00	LF	5.00	7,500.00
260	E-MAT CLASS I TYPE A	7,955.00	SY	1.50	11,932.50
270	SEED/FERT/MULCH LOTS	57,364.00	SY	0.50	28,682.00
280	SEED/FERT/MULCH ROW	10,375.00	SY	0.35	3,631.25
290	ISLAND RESTORATION	2.00	EACH	1,500.00	3,000.00
295	TRM MATTING	295.00	SY	5.00	1,475.00
	SUBTOTAL - EROSION CONTROL AND RESTORATION				\$70,670.75
300	8" SANITARY	1,605.00	LF	155.00	248,775.00
305	6" SANITARY LATERALS	1,318.00	LF	135.00	177,930.00
310	6" RISERS	21.00	VF	230.00	4,830.00
315	48" SANITARY MII	155.00	VF	230.00	35,650.00
320	8" WATERMAIN	1,680.00	LI	85.00	142,800.00

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
325	8" GV	7.00	EACH	2,000.00	14,000.00
330	HYDRANT ASSEMBLY	6.00	EACH	5,500.00	33,000.00
335	6" HYDRANT LEAD	82.00	LF	90.00	7,380.00
340	1 25" PE WS	1,386.00	LF	70.00	97,020.00
345	12" RCP STORM	1,143.00	LF	58.00	66,294.00
350	24" RCP STORM	721.00	LF	78.00	56,238.00
355	RCP ENDS	4.00	EACH	1,100.00	4,400.00
360	CURB INLETS	25.00	EACH	2,385.00	59,625.00
365	STORM MH	9.00	EACH	2,325.00	20,925.00
370	8" PERFORATED PIPE	240.00	LF	70.00	16,800.00
	SUBTOTAL - UTILITY INSTALL.				\$985,667.00
400	5" BASE COURSE - (3/4" TB)	5,700.00	SY	4.25	24,225.00
410	5" BASE COURSE (1.25" TB)	5,700.00	SY	6.50	37,050.00
420	30" MOUNTABLE CURB AND GUTTER	3,765.00	LF	15.45	58,169.25
430	ASPHALT BINDER	5,700.00	SY	11.80	67,260.00
440	30 VF CURB AND GUTTER AT ISLANDS	635.00	LF	22.00	13,970.00
450	ASPHALT SURFACE COURSE	5,700.00	SY	7.00	39,900.00
460	INTERIM INLET	25.00	EACH	1,000.00	25,000.00
470	ASPHALT WEDGE REMOVAL	1.00	LS	7,200.00	7,200.00
	SUBTOTAL - ASPHALT AND CURB				\$272,774.25
800	UNDERCUT ALLOWANCE	1.00	LS	23,000.00	23,000.00
810	CLEANUP AFTER UTILITIES	1.00	LS	6,130.00	6,130.00
820	ALLOWANCE FOR PERMANENT EROSION CONTROL	1.00	LS	20,000.00	20,000.00
	SUBTOTAL - ALLOWANCE			\$29,130.00	\$49,130.00
GRAND TOTAL					\$1,861,479.25

JAB

NOTES:

TOPSOIL SALE WILL BE HANDLED BY SUPER WESTERN AT COMPLETION OF PROJECT. OWNER WILL RECEIVE A CREDIT EQUAL TO THE REVENUE RECEIVED FOR THE SALE OF THE TOPSOIL.

HIGHLIGHTED ITEMS ~~WILL NEED TO BE REMOVED FROM CONTRACT AND HANDLED BY OWNER.~~
ARE HOESBY

NO BOND INCLUDED.

EARTHWORK CALCULATIONS ATTACHED.

EROSION CONTROL PACKAGE ^{HAS BEEN} CAN BE SUBSTITUTED BY OWNER, BUT OWNER ^{WILL} WOULD HAVE TO HOLD CONTRACT AND PAYMENT FOR WHO THEY CHOOSE.

BORROW FIGURED TO DUMPED AND PLACED, NOT STOCKPILED

NO BOND INCLUDED.

PROPOSAL BASED OFF PLANS DATED 8/9/21

ASPHALT SURFACE NUMBER EXPECTED TO BE INSTALLED IN 2023 AND IS CONSIDERED BUDGETARY DUE TO VOLATILITY OF OIL MARKET

Super Western Shall Remove All Erosion Control AT NO COST TO OWNER.

Certificate Of Completion

Envelope Id: 90FEA04115C143F98232032D8044A0A6
 Subject: Please DocuSign: Woodleaf V Super Wester Contract
 Source Envelope:
 Document Pages: 11
 Certificate Pages: 5
 AutoNav: Enabled
 Envelopeld Stamping: Enabled
 Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Completed

Envelope Originator:
 Daniel Scardino
 19000 W Bluemound Rd
 Brookfield, WI 53045
 ds@pointre.com
 IP Address: 12.18.237.74

Record Tracking

Status: Original
 10/19/2021 4:50:13 PM

Holder: Daniel Scardino
 ds@pointre.com

Location: DocuSign

Signer Events

Mike Kaerek
 mikekaerek@kaerekhomes.com
 Member
 Security Level: Email, Account Authentication
 (None)

Signature

DocuSigned by:
 Mike Kaerek
 5478AACC07306499

Signature Adoption: Pre-selected Style
 Using IP Address: 98.100.202.170

Timestamp

Sent: 10/19/2021 4:52:54 PM
 Viewed: 10/19/2021 4:54:35 PM
 Signed: 10/19/2021 4:54:52 PM

Electronic Record and Signature Disclosure:

Accepted: 12/9/2016 10:56:13 AM
 ID: 3069773b-777e-4fea-a0f7-03c0be730cbb

Wolf Korndorfer
 wolfk@korndorferhomes.com
 Vice President
 Korndorfer Homes
 Security Level: Email, Account Authentication
 (None)

DocuSigned by:
 Wolf Korndorfer
 D0537CF1124E103434

Signature Adoption: Pre-selected Style
 Using IP Address: 98.144.151.75

Sent: 10/19/2021 4:52:54 PM
 Viewed: 10/26/2021 11:21:00 AM
 Signed: 10/26/2021 11:21:24 AM

Electronic Record and Signature Disclosure:

Accepted: 10/26/2014 9:14:04 AM
 ID: 4ba8c3d9-8d03-4eb4-9199-5a16bbf4d9dc

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Joseph A Bukovich
 jb@pointre.com
 Security Level: Email, Account Authentication
 (None)

COPIED

Sent: 10/19/2021 4:52:54 PM

Electronic Record and Signature Disclosure:

Accepted: 10/19/2021 1:38:52 PM
 ID: ebb877bd-3800-42fa-8325-0dc27f895e99

Witness Events

Signature

Timestamp

BLAZE LANDSCAPE CONTRACTING, INC.
W180 N5325 MARCY ROAD
MENOMONEE FALLS, WI 53051
262-252-3188 OFC
262-252-4358 FAX
SALES@BLAZELANDSCAPE.COM

JOB PROPOSAL

10/7/2021

SUBMITTED TO:
WOODLEAF INVESTMENTS LLC
% JOE BUKOVISH
19000 W BLUEMOUND ROAD
BROOKFIELD, WI 53045

JOB LOCATION:

WOODLEAF RESERVE
PHASE V

We hereby submit specifications and estimates for landscaping to include:

- Silt Fence Installed @ \$1.25/l.f. Approximately 3,600 l.f.—Cost \$4,500
- Orange Construction Fence Installed @ \$2/l.f. Approximately 400 l.f.—Cost \$800
- Straw Wattles Ditch Checks Installed @ \$5/l.f. Approximately 280 l.f.—Cost \$1,400
- Perimeter Straw Logs 1,500 l.f. @ \$5/l.f.—Cost \$7,500
- Inlet Protections Installed @ \$175 Each; Approximately (4). —Cost \$700
- Berm & Swale Restoration—Seed, Fertilize, & Fabric—Approximately 3,400 sq.yds. @ \$1.50/sq.yd.—Cost \$5,100
- Seed, Fertilize, & NA Green S75BN @ \$1.50/sq.yd. Approximately 7,955 sq.yds. —Cost \$11,932.50
- Seed, Fertilize, & NA Green C350 @ \$5/sq.yd. Approximately 300 sq.yds. —Cost \$1,500
- Seed, Fertilize, & Mulch Lots 57,364 sq.yds. @ \$0.50/sq.yd.—Cost \$28,682
 - Winter Stabilization—Seed, Fertilize, & Flexterra (Winter Tack) 57,364 sq.yds. @ \$0.95/sq.yd.—Cost \$54,495.80
- Seed, Fertilize, & Mulch ROW Approximately 10,375 sq.yds. @ \$0.35/sq.yd.—Cost \$3,631.25
 - Winter Stabilization—Seed, Fertilize, & Flexterra (Winter Tack) 57,364 sq.yds. @ \$0.95/sq.yd.—Cost \$9,856.25
- Temp Seed Stockpiles @ \$1,200 Each (2)—Cost \$2,400
- Island Restoration (2) @ \$1,500 Each. —Cost \$3,000
 - Winter Stabilization Seed, Fertilize, & Flexterra (Winter Tack) @ \$3,000 Each. —Cost \$6,000
- Pewaukee Erosion Control Allowance. —\$20,000
- ✕ ~~TOTAL CONTRACT WITHOUT WINTER CHARGES: \$71,145.75~~
- ✕ ~~Erosion Control Removal. —Cost \$3,500~~
- ✕ ~~STABILIZATION AND EROSION CONTROL WORK PERFORMED DURING THE WINTER MONTHS SHALL BE INVOICED AT THE WINTER STABILIZATION FIXED PRICE LISTED ABOVE FOR THE ACTUAL WORK PERFORMED ON A UNIT COST BASIS.~~

We hereby propose to furnish labor and materials in accordance with the above specifications. The above prices do not include state sales, which will be added to billing invoice. Payment draws to be made for work completed. Billing completed on quantity installed.

Submitted By:
Blaze Selestow
Blaze Landscape Contracting, Inc.
10/7/2021

Accepted By:

DocuSigned by:
Wolf Korndorfer

10/26/2021

Signature

Date

WOLF KORNDORFER, Co-MANAGING MEMBER

DocuSigned by:

Mike Karezek

10/23/2021

DocuSigned by:

MICHAEL J. KAREZEK, Co-MANAGING MEMBER DATE

PLEASE SIGN AND RETURN ONE COPY TO OUR OFFICE; KEEP THE OTHERS FOR YOUR RECORDS.

OK

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 2021222-1

Owner: Woodleaf Investments LLC Project: 2102 022 Woodleaf Phase 5

Application No.: 1
 Distribution to:
 Owner ☐ Architect ☐ Contractor ☐
 Period To: 1/28/2022
 Project Nos:
 Contract Date:

Contractor: Super Western361 Via Architect
 N59W14601 Bobolink Ave.
 Menomononee Falls, WI 53051

Instruct For:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

1. Original Contract Sum	\$1,861,479.25
2. Net Change By Change Order	\$0.00
3. Contract Sum To Date	\$1,861,479.25
4. Total Completed and Stored To Date	\$176,707.50
5. Retainage:	
5.00% of Completed Work	\$8,835.38
0.00% of Stored Material	\$0.00
6. Total Retainage	\$8,835.38
7. Total Earned Less Retainage	\$167,872.12
8. Less Previous Certificates For Payments	\$0.00
9. Current Payment Due	\$167,872.12
10. Balance To Finish, Plus Retainage	\$1,693,607.13

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Super Western361

By:  Date: 2/1/22

State of Wisconsin
 Subscribed and sworn to before me this
 Notary Public: Mary Ellen Klaver
 My Commission expires: 9/15/2025

County of: Washburn
 day of: February



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief, the Work has progressed as indicated. The quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 167,872.12

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By:  Date: 2/9/22

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total Approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
Net Changes By Change Order	\$0.00	

CONTINUATION SHEET

Page 2 of 3

Application and Certification for Payment, containing contractor's signed certification is attached.

Tabulations below, amounts are stated to the nearest dollar, see Column I on Contracts where variable retainage for line items may apply.

Application No. : 1

Application Date : 01/28/22

To: 01/28/22

Architect's Project No.:

Contract : 2102.022 Woodleaf Phase 5

Invoice # : 2021222-1

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		E This Period In Place	F Materials Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Balance To Finish (C-G)	I Retainage
			From Previous Application (D+E)						
5	Mobilization	55,025.00	0.00		27,512.50	0.00	27,512.50	27,512.50	
10	Tracking Pad	2,765.00	0.00		2,765.00	0.00	2,765.00	0.00	
20	Strip Topsoil	67,200.00	0.00		50,400.00	0.00	50,400.00	16,800.00	
30	Cut/Fill	160,050.00	0.00		96,030.00	0.00	96,030.00	64,020.00	
40	Handle Sewer Spoil	59,250.00	0.00		0.00	0.00	0.00	59,250.00	
50	Handle Borrow	155,200.00	0.00		0.00	0.00	0.00	155,200.00	
60	Subgrade Road	9,962.00	0.00		0.00	0.00	0.00	9,962.00	
70	Backfill Curb	4,196.00	0.00		0.00	0.00	0.00	4,196.00	
80	Sand for Pond Bottom	27,150.00	0.00		0.00	0.00	0.00	27,150.00	
90	Replace Topsoil	33,110.00	0.00		0.00	0.00	0.00	33,110.00	
300	8" Sanitary	248,775.00	0.00		0.00	0.00	0.00	248,775.00	
305	6" Sanitary Lateral	177,930.00	0.00		0.00	0.00	0.00	177,930.00	
310	6" Risers	4,830.00	0.00		0.00	0.00	0.00	4,830.00	
315	48" Sanitary MH	35,650.00	0.00		0.00	0.00	0.00	35,650.00	
320	8" Watermain	142,800.00	0.00		0.00	0.00	0.00	142,800.00	
325	8" Gate Valve	14,000.00	0.00		0.00	0.00	0.00	14,000.00	
330	Hydrant Assembly	33,000.00	0.00		0.00	0.00	0.00	33,000.00	
335	6" Hydrant Lead	7,380.00	0.00		0.00	0.00	0.00	7,380.00	
340	1.25" PE WS	97,020.00	0.00		0.00	0.00	0.00	97,020.00	
345	12" RCP Storm	66,294.00	0.00		0.00	0.00	0.00	66,294.00	
350	24" RCP Storm	56,238.00	0.00		0.00	0.00	0.00	56,238.00	
355	RCP Ends	4,400.00	0.00		0.00	0.00	0.00	4,400.00	
360	Curb Inlets	59,625.00	0.00		0.00	0.00	0.00	59,625.00	
365	Storm Manhole	20,925.00	0.00		0.00	0.00	0.00	20,925.00	
370	8" Perforated Pipe	16,800.00	0.00		0.00	0.00	0.00	16,800.00	
400	5" Base Course (3/4" TB)	24,225.00	0.00		0.00	0.00	0.00	24,225.00	
410	5" Base Course (1.25" TB)	37,050.00	0.00		0.00	0.00	0.00	37,050.00	
420	30" Mountable Curb and Gutter	58,169.25	0.00		0.00	0.00	0.00	58,169.25	
430	Asphalt Binder	67,260.00	0.00		0.00	0.00	0.00	67,260.00	
440	30VF Curb and Gutter Islands	13,970.00	0.00		0.00	0.00	0.00	13,970.00	
450	Asphalt Surface Course	39,900.00	0.00		0.00	0.00	0.00	39,900.00	
460	Interim Inlet	25,000.00	0.00		0.00	0.00	0.00	25,000.00	

CONTINUATION SHEET

Page 3 of 3

Application and Certification for Payment, containing contractor's signed certification is attached. Tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

Application No.: 1
Application Date: 01/28/22
To: 01/28/22
Architect's Project No.:

Invoice #: 2021222-1 Contract : 2102.022 Woodleaf Phase 5

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		E This Period In Place	F Materials Presently Stored (Not in D or E)	G Total Completed and Stored To Date (D+E+F)	H Balance To Finish (C-G)	I Retainage
			From Previous Application (D+E)						
470	Asphalt Wedge Removal	7,200.00	0.00		0.00	0.00	0.00	7,200.00	
800	Undercut Allowance	23,000.00	0.00		0.00	0.00	0.00	23,000.00	
810	Cleanup After Utilities	6,130.00	0.00		0.00	0.00	0.00	6,130.00	



SUPER WESTERN, INC.

An Equal Opportunity Employer

PARTIAL WAIVER OF LIEN

February 7, 2022

For value received, I/we hereby waive all rights and claims for lien on land
and on buildings about to be erected, being erected, erected, altered or repaired and to the appurtenances thereunto,
for: Woodleaf Investments LLC (Owner),
by: Super Western, Inc (Contractor),
for: Labor, equipment, and/or materials
same being situated in Waukesha County, State of Wisconsin, described as:

Woodleaf Reserve Phase 5

SWI #21-02-022

for all labor performed, and for all material furnished for the erection, construction, alteration or repair of said buildings and
appurtenance of \$167,872.12 upon receipt of the same.

Mary Ellen Kiefer
Super Western, Inc

ROAD BUILDERS • EARTH WORK • GRADING • BUILDING EXCAVATION

N59 W14601 BOBOLINK AVENUE • MENOMONEE FALLS, WI 53051

PHONE: (262) 252-5995 • FAX: (262) 252-5397

SUPERWESTERN.COM

BLAZE LANDSCAPE CONTRACTING INC

W180N5325 Marcy Rd
Menomonee Falls, WI 53051 US
+1 2622523188
SALES@BLAZELANDSCAPE.COM
www.blazelandscape.com

Invoice**BILL TO**

WOODLEAF INVESTMENTS LLC.
% JOE BUKOVISH
19000 W BLUEMOUND ROAD
BROOKFIELD, WI 53045

SHIP TO

WOODLEAF INVESTMENTS LLC.
% JOE BUKOVISH
19000 W BLUEMOUND ROAD
BROOKFIELD, WI 53045

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
16580	12/09/2021	\$4,725.00	01/08/2022	Net 30	

DESCRIPTION	QTY	RATE	AMOUNT
SILT FENCE INSTALLED.	1	4,500.00	4,500.00T

THANK YOU FOR YOUR BUSINESS!

SUBTOTAL 4,500.00
TAX (5%) 225.00
TOTAL 4,725.00
BALANCE DUE

\$4,725.00

ok
JAB ✓
12/20/21
WOODLEAF II EROSION
CONTROL.

ACCEPTED PAYMENT METHODS: CASH, CHECK, ONLINE PAYMENT THROUGH QUICKBOOKS.

BLAZE LANDSCAPE CONTRACTING, INC. DOES NOT ACCEPT ACH OR CREDIT CARD PAYMENTS, OR WIRE TRANSFERS AT THIS TIME.

Page 28 of 29

PLEASE CALL OUR OFFICE AT 262-252-3188, OPT. 4 IF YOU HAVE ANY PAYMENT QUESTIONS!

WAIVER OF LIEN

.....12/21/2021.....

For value received, we hereby waive all rights and claims for lien on land and on buildings about to be erected, being erected, erected, altered or repaired and to the appurtenances thereunto,

for **WOODLEAF INVESTMENTS LLC**..... (Owner) ,

byBlaze Landscape Contracting, Inc.....(Subcontractor) ,

forEROSION CONTROL INV#16580.....

same being situated in ..**Waukesha**.. County, State of Wisconsin, described as:

.....**WOODLEAF RESERVE PHASE V**.....

for all labor performed and for all material furnished for the erection, construction, alteration or repair of said building and appurtenances, and none other.

..........

... Blaze Landscape Contracting, Inc.....

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 7.**

DATE: February 21, 2022

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding the Relocation **Resolution 22-02-03** for Busse Road Bridge Replacement [Wagner]

BACKGROUND:

During the design of the Busse Road bridge reconstruction, it was determined the existing bridge is located outside of the existing right of way. During the preliminary design and subsequent alternatives, it was determined the bridge would be replaced in the existing location at the request of the property owners along Busse Road. Replacing the bridge in its current location, right of way is required and a temporary easement is required for access to the property during construction.

This resolution begins the acquisition process which includes a title search, easement document, and an appraisal. Once the appraisal is approved by the Council, we will approach the property owners regarding the right of way. The property owner is aware this acquisition will occur from the previous alternative discussions on the bridge location.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Common Council approve the relocation resolution.

ATTACHMENTS:

Description

Resolution 22-02-03

Exhibit A-1 ROW Plat

Exhibit A-2 ROW Legal

Exhibit A-3 TLE Legal

COMMON COUNCIL – CITY OF PEWAUKEE
RESOLUTION #22-02-03

RELOCATION ORDER OF THE CITY OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN
(Busse Road Bridge Replacement)

NOW COMES the City of Pewaukee, Waukesha County, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with §32.05(1), Wisconsin Statutes, for the purposes of the within described public improvement project and it is also a determination of necessity for that project in accordance with §32.07(2), Wisconsin Statutes.
2. That the City of Pewaukee hereby determines that it is a necessary and public purpose to construct public improvements as shown on the maps attached hereto, made a part hereof and marked Exhibit “A-1” through “A-3”.
3. That said public improvements (bridge replacement) will be built as set forth on the maps which are annexed to this Relocation Order as Exhibits “A-1” through “A-3” and are incorporated herein.
4. That the sites of said public improvements (bridge replacement) are contained in Exhibits “A-1” and “A-3” which are incorporated herein; that the legal descriptions to said site are attached hereto, made a part hereof and marked Exhibits “A-2” and “A-3”.
5. That the City of Pewaukee will acquire permanent easements or right of way for public improvements (bridge replacement) as indicated on Exhibits “A-1” through “A-3”.

Passed and approved this 21st day of February, 2022.

I hereby certify that on this 21st day of February, 2022, the within Relocation Order was adopted by a vote of ____ ayes to ____ nays by the Common Council of the City of Pewaukee, Waukesha County, Wisconsin.

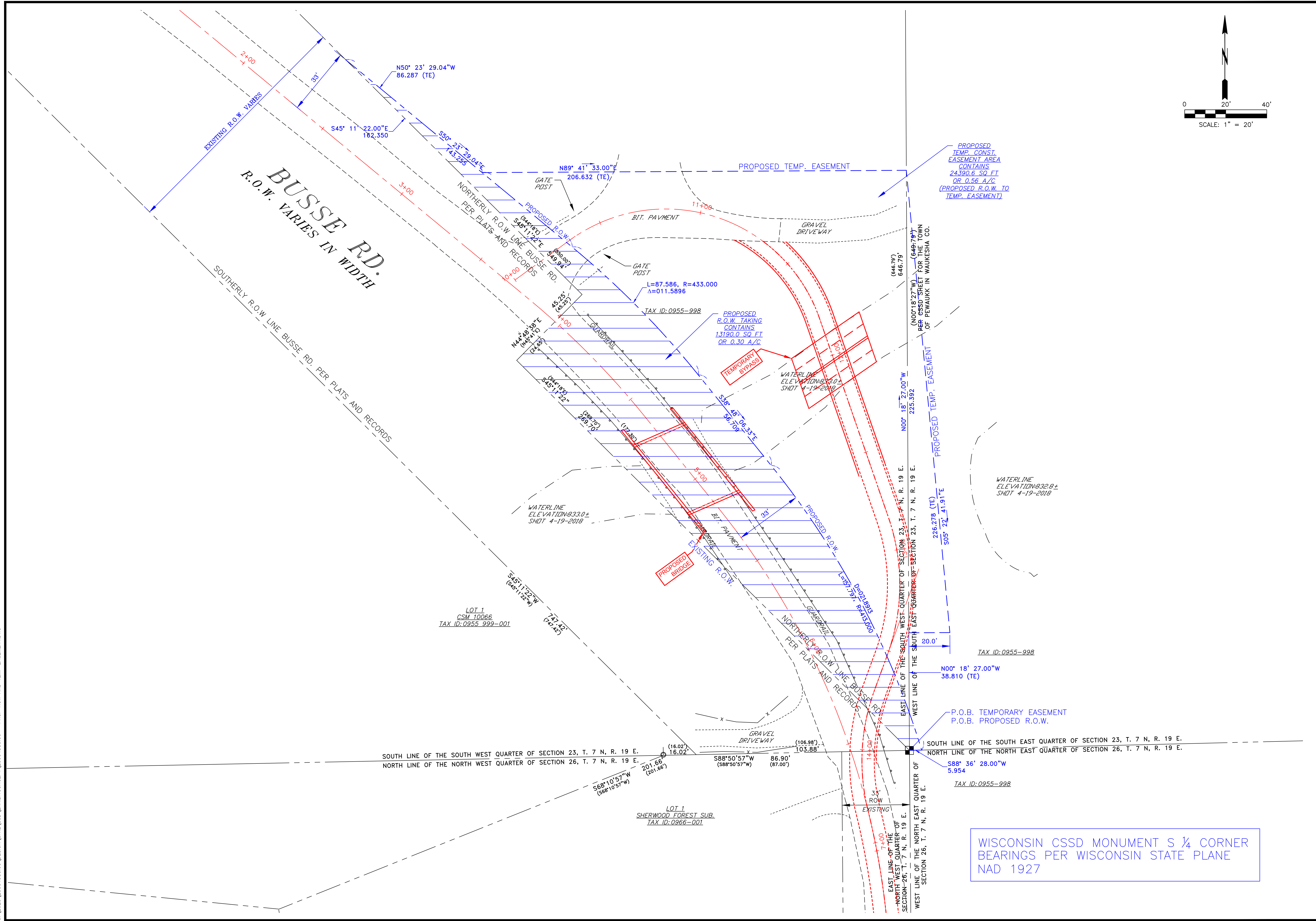
APPROVED: CITY OF PEWAUKEE

Steven Bierce, Mayor

ATTEST:

Kelly Tarczewski, Clerk

Wednesday, December 15, 2021 10:03:29 PM
G:\2020\2004380.00\DESIGN\CIVIL\3D EXHIBIT\CONCEPT\2004380.00 - PROP ROW AND TEMP EASEMENT.DWG



REVISIONS	
No.	DESCRIPTION

4860 GRAND AVENUE
GURNEE, IL 60031
PH: 847.338.7100
www.imegcorp.com
Illinois Design Firm Registration #184-000973

BUSSE ROAD BRIDGE PEWAUKEE, WISCONSIN	
PROPOSED R.O.W. AND TEMP. EASEMENT	

IMEG Project No:
20004380.00

File Name:
2004380.00 - PROP ROW AND
TEMP EASEMENT.dwg

© COPYRIGHT 2021
ALL RIGHTS RESERVED

Field Book No: N/A

Drawn By: PEA

Checked By: TEM

Date: 12/15/2021

1

Sheet 1 of 1

Proposed Row Legal Description:

That part of the Southeast 1/4 and the Southwest 1/4 of Section 23, Township 7 North, Range 19, East of the Third Principal Meridian, Waukesha County, Wisconsin, described as follows:

Beginning at the South 1/4 Corner of said Section 23, Township 7 North, Range 19, East of the Third Principal Meridian: Thence N 88°36'28" E, on the South line of the Southeast 1/4 of said Section 23, 5.95 feet; Thence Northwesterly along a curved line, concave to the Southwest, having a radius of 413.00 feet, an arc length of 157.80 feet, (whose chord bears N 27°51'22" W, 156.84 feet), to a point of tangent; Thence N 38°48'06" W, 56.71, feet to a point of curve; Thence Northwesterly along a curved line, concave to the Southwest, having a radius of 433.00 feet, an arc length of 87.59 feet, (whose chord bears N 44°35'48" W, 87.44 feet), to a point of tangent; Thence N 50°23'29" W, 143.26 feet, to a point that intersects the existing Northerly Right-of-Way line of Busse Road; Thence S 45°11'22" E, along the exiting said Northerly Right-of-Way line, 162.35 feet; Thence following the existing Northerly Right-of-Way, S 44°48'38" W, 45.25 feet; Thence S 45°11'22" E, 269.70 feet, to the point of beginning. In Waukesha County, Wisconsin.

Containing: 13,190 S.F.+/-, (0.30 Ac.+/-)

Affects: Tax ID No. 0955-998

Temporary Construction Easement (TE) - Legal Description:

That part of the Southeast 1/4 and the Southwest 1/4 of Section 23, Township 7 North, Range 19, East of the Third Principal Meridian, Waukesha County, Wisconsin, described as follows:

Beginning at the South 1/4 Corner of said Section 23, Township 7 North, Range 19, East of the Third Principal Meridian: Thence N 00°18'27" W, on the West line of the Southeast 1/4 of said Section 23, 38.81 feet; Thence N 89°41'33" E, 20.00 feet; Thence N 05°22'42" W, 226.28 feet, to a point on said West line of the Southeast 1/4 of Section 23, 264.20 feet North of the South 1/4 corner of said Section 23; Thence S 89°41' 33" W, 206.63 feet, to a point on the proposed Northerly Right-of-Way line of Busse Road; Thence N 50°23'29" W, along said Proposed Northerly Right-of-Way line, 86.29 feet, to a point that intersects the existing Northerly Right-of-Way line of Busse Road; Thence S 45°11'22" E, along the exiting said Northerly Right-of-Way line, 162.35 feet; Thence following the existing Northerly Right-of-Way, S 44°48'38" W, 45.25 feet; Thence S 45°11'22" E, 269.70 feet, to the point of beginning. In Waukesha County, Wisconsin.

Containing: Gross Area (TE): 37,580.6 S.F. +/-, (0.86 Ac.+/-)
-Prop ROW: 13,190 S.F.+/-, (0.30 Ac.+/-)
Net Area (TE): 24,390.6 S.F.+/-, (0.56 Ac.+/-)

Affects: Tax ID No. 0955-998

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 8.**

DATE: February 21, 2022

DEPARTMENT: PW - Water/Sewer

PROVIDED BY: Magdelene Wagner/Jane Mueller

SUBJECT:

Discussion and Possible Action Regarding the Bluemound Water Main Extension Project [Wagner / Mueller]

BACKGROUND:

As you may recall, the Water Utility is under a consent order for Well #5 for Combined Radium exceeding the allowable limits. The Public Works Committee and the Common Council decided the best way to address this consent order is to create a water main loop from Busse Road to Saratoga Drive which creates a secondary feed to this area of our water system. This allows the Utility to remove Well #5 from operation and provide adequate water service and fire protection to this area.

The Utility is planning to apply for a Safe Drinking Water Loan for this project. This requires the comfort resolution (specific to the loan) and the authorizing resolution.

The project will be providing water to properties that currently do not have access to municipal water. As part of the project, we will provide this service and as such, need a preliminary resolution to assess the properties their share of the water main improvements. The second comfort resolution is for any interim borrowing the Utility needs until the Safe Drinking Water Loan is approved.

FINANCIAL IMPACT:

The Water Utility will be borrowing for this project which is currently estimated at \$3,600,000. Applying for the Safe Drinking Water Loan will yield a low interest loan from the State for the project.

RECOMMENDED MOTION:

Council approve the 4 resolutions for the Bluemound Water Main Extension project.

ATTACHMENTS:

Description

Alternative 1

Resolution 22.02.04

Resolution 22.02.05

Resolution 22.02.06 Safe Drinking Water Loan

Resolution 22.02.07 Representative



Exhibit 2

**Northmound Drive
Water Main Alternative 1**

City of Pewaukee

Legend

Proposed Main

— 8"

- - 12"

Existing Supply, Pumping & Storage Facilities

● Well

■ Repump Tank

▲ Hydrant

Existing Water Main

- - - 6"

— 8"

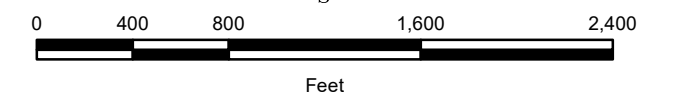
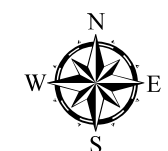
- - - 10"

- - - 12"

▨ Pressure Boosting Recommended

□ CITY OF PEWAUKEE

□ CITY OF WAUKESHA



RESOLUTION NO. 22-02-04

**RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES
BLUEMOUND WATER MAIN EXTENSION PROJECT**

WHEREAS, the City of Pewaukee, Waukesha County, Wisconsin (the "City") owns and operates a municipal water system (the "System") as a public utility; and

WHEREAS, the City expects to receive a loan (the "Loan") to finance the Project and expects to issue tax exempt bonds (the "Bonds") to the Program in evidence of the Loan; and

WHEREAS; it is necessary, desirable, and in the best interests of the city to seek interim financing to fund project costs until the Loan becomes available and the Bonds can be issued.

Section 1. Expenditure of Funds. The City shall make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The City hereby officially declares its intent to reimburse said expenditures with proceeds of the Bonds for the Bluemound Water Main Extension work.

Section 3. Unavailability of Long-Term Funds. No funds for payment of the Project from sources other than the Bonds are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Resolution shall be made available for public inspection at the City office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including Subchapter II of Chapter 19, and shall remain available for public inspection until the bonds are issued.

Section 5. Effective Date. This Resolution shall be effective upon its adoption and approval.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Pewaukee hereby authorizes the construction of the Bluemound Water Main Extension Project.

Adopted this 21st day of February 2022.

CITY OF PEWAUKEE

ATTEST:

Steve Bierce, Mayor

Kelly Tarczewski, City Clerk

RESOLUTION 22-02-05
PRELIMINARY RESOLUTION
DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS
AUTHORIZING THE CONSTRUCTION OF BLUEMOUND WATER MAIN
EXTENSION, AND RELATED FACILITIES
UNDER SECTION 66.0703, WISCONSIN STATUTES

WHEREAS, the Department of Natural Resources has issued a consent order for Well #5 for exceedance of the Combined Radium maximum contaminant levels in 2019; and

WHEREAS, The Common Council of the City of Pewaukee has determined that the looping water main is the best long term solution to address the consent order; and

WHEREAS, The Common Council of the City of Pewaukee has determined that all property owners abutting the Bluemound Water Main Extension should share in the cost of such improvements, and

NOW, THEREFORE, BE IT HEREBY RESOLVED: That the Common Council of the City of Pewaukee determines that it is in the best interest of the City and in the exercise of its police power under Section 66.0703, Wisconsin Statutes, to levy special assessments upon the following described property for special benefits conferred upon such properties by the improvements of the water main extension:

Bluemound Road, from Busse Road easterly to Saratoga Drive, approximately 6,300 feet, and;

Before such improvements are made, the City Engineer is directed to prepare a report consisting of:

- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed water main improvements.
- c. A schedule of the proposed assessment against each affected parcel and a statement that all property is benefited.
- d. The formula for assessing.

The exact amount of the assessment and the method of permitted payments will be determined at the public hearing, prior to the Final Resolution.

Upon receiving the report of the City Engineer, the Clerk shall publish a Class I notice to be given stating the nature of the proposed work, the general boundary lines of the proposed assessment district, a small map and the place and time at which the report can be inspected and the time of the public hearing for interested parties to appear and comment. The Clerk shall also mail the notices to the post-office address of every interested party at least 10 days before the hearing. The public hearing shall be held at the City Hall, W240 N3065 Pewaukee Road not less than 10 and not more than 40 days after such publication.

SEVERABILITY

The several sections of this Resolution shall be declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Resolution.

ADOPTED THIS 21st Day of February, 2022.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly M. Tarczewski, Clerk/Treasurer

RESOLUTION NO. 22-02-06

**RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE
EXPENDITURES FOR SAFE DRINKING WATER FUND PROGRAM
BLUEMOUND WATER MAIN EXTENSION SYSTEM IMPROVEMENTS**

WHEREAS, the City of Pewaukee, Wisconsin hereinafter referred to as (the "Municipality") owns and operates a water supply system hereinafter referred to as (the "System") as a public utility, and

WHEREAS, the Municipality plans to construct a water main extension along Bluemound Road as an alternate to the Well #5 Water Supply System Improvements (the "Project"); and

WHEREAS, the Municipality expects to finance the Project on a long-term basis through the issue of tax-exempt bonds (hereinafter referred to as the "Bonds"); and

WHEREAS, because the Bonds will not be issued prior to March of 2023, the Municipality must provide interim financing to cover the cost of the Project, which costs will be incurred prior to receipt of the proceeds of the Bonds; and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to advance moneys from its funds on hand on an interim basis to pay the costs of the Project until the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pewaukee that:

Section 1. Expenditure of Funds. The Municipality will make expenditures as needed from its funds on hand to pay the costs of the Project until Bond proceeds become available.

Section 2. Declaration of Official Intent. The Municipality hereby officially declares its intent under Treasury Regulation Section 1.150-2 to reimburse said expenditures with proceeds of the Bonds, the principal amount of which is not expected to exceed \$3,600,000.

Section 3. Unavailability of Long-Term Funds. No funds or payment of the Project from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Municipality pursuant to its budget or financial policies.

Section 4. Public Availability of Official Intent Resolution. This Declaration of Official Intent is a public record, which shall be maintained in the files of the Municipality and is available for public inspection pursuant to subchapter II of Chapter 19 of the Wisconsin Statutes, and shall remain available for public inspection until the Bonds are issued.

Section 5. Effective Date. This resolution shall be effective upon its adoption and approval.

Approved this 21st day of February, 2022.

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, City Clerk

Vote: Aye _____
Nay _____
Abstain _____
Absent _____

Posted: _____, 2022

RESOLUTION NO. 22-02-07

**RESOLUTION ACKNOWLEDGING
MAGDELENE WAGNER, P.E., DIRECTOR OF PUBLIC WORKS,
AS AUTHORIZED REPRESENTATIVE FOR THE CITY OF PEWAUKEE
BLUEMOUND WATER MAIN EXTENSION IMPROVEMENTS
AND ALL RELATED ACTIVITIES**

WHEREAS, the City of Pewaukee, Waukesha County, Wisconsin (the "Municipality") plans to undertake a Water Main Extension Improvements (the "Project"); and

WHEREAS, it is necessary, desirable, and in the best interests of the Municipality to designate one person as representative for the Project;

NOW, THEREFORE, BE IT RESOLVED that the City of Pewaukee Council hereby acknowledges and appoints Magdelene Wagner, P.E., Director of Public Works, as the authorized representative for the City of Pewaukee anticipated Bluemound Water Main Extension Improvements project and related activities as follows:

- 1) Authorized representative to the Wisconsin Department of Natural Resources including all technical and financial matters for the Bluemound Water Main Extension Improvements project.
- 2) Authorized representative to the Environmental Protection Agency.
- 3) Authorized representative to any and all departments, agencies of corporations involved, currently or in the future, with the City of Pewaukee Bluemound Water Main Extension Improvements project.

Presented by: _____
City Councilperson

Seconded by: _____
City Councilperson

ADOPTED THIS 21st Day of February, 2022.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly M. Tarczewski, Clerk/Treasurer

I, Kelly Tarczewski, City Clerk of the City of Pewaukee do hereby certify that the above Resolution was duly adopted by a vote of _____ in favor and _____ opposed of the City Council of the City of Pewaukee on the 21st day of February, 2022. I further certify that the above Resolution was duly posted by me in 3 public places likely to give notice of its content on the _____ day of February, 2022.

Kelly Tarczewski, City Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 9.**

DATE: February 21, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding **Resolution 22-02-08** Disallowing the Peckarsky Claim [Riffle]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Peckarsky Claim

Resolution 22-02-08



DAVIS &
PLEDL, S.C.

VICTORIA DAVIS DAVILA (414) 488-1351
ROBERT THEINE PLEDL (414) 488-1354
1433 N. WATER STREET - SUITE 400
MILWAUKEE, WISCONSIN 53202
WWW.DAVISANDPLEDL.COM

October 26, 2021

Pewaukee City Clerk
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

Re: Notice of Claim by Peter Peckarsky – Announced Candidate for U.S. Senate.

Dear City Clerk:

We represent Peter Peckarsky who is an announced candidate for U.S. Senate. This letter accompanies a Notice of Claim regarding the manner in which your municipality processes and counts absentee ballots. Your municipality has provided by ordinance that all absentee ballots will be canvassed by the municipal board of absentee ballot canvassers at a Central Count Absentee Ballot site according to the Wisconsin Elections Commission website <http://elections.wi.gov/index.php/clerks/guidance/central-count-absentee> (accessed October 25, 2021).

As part of the Central Count procedure, Wis. Stat., §7.52(3)(a) requires the canvassers to mark each ballot with the poll list number and to record either the elector's name or number on the poll list. Both the ballot and poll list are public records. Anyone may access the ballots and poll lists to determine how the individual voted. This violates the Wisconsin Constitution's guarantee of a secret ballot in all elections. Art. III, §3.

We are prepared to file a legal action challenging the constitutionality of the portion of Wis.Stat., §7.52(3)(a) that requires identifying information on centrally counted absentee ballots. We trust that your elected officials and election staff will consider modifying your procedures to eliminate the unconstitutional practice of placing identifying information on centrally counted absentee ballots. Please let us know us if there is any change in status. That will determine whether your municipality will be involved in any future litigation.

Thank you for your attention to this matter.

Very truly yours,

Robert Theine Pledl

RECEIVED
NOV 24 2021
OFFICE OF THE
CLERK/TREASURER

NOTICE OF CLAIM

To: Pewaukee City Clerk
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

Re: Claim of Peter Peckarsky – Announced Candidate for U.S. Senate

Circumstances of Claim

1. The purpose of this Notice of Claim submitted pursuant to Wis. Stat., §893.80 is to challenge the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat., §7.52(3)(a).

2. Article III, §3 of the Wisconsin Constitution states: "All votes shall be by secret ballot."

3. Ballots canvassed at polling places, including absentee ballots, are processed and counted without placing upon the actual ballot any number or other information that identifies the person who cast that ballot.

4. Wis.Stat., §7.52(1)(a) authorizes municipalities to adopt an ordinance providing that all absentee ballots will be canvassed at a Central Count Absentee Ballot site.

5. Wis.Stat., §7.52(3)(a) requires municipalities that choose the central count procedure to mark each absentee ballot with information which reveals the true identity of each voter who submits an absentee ballot. It states:

The board of absentee ballot canvassers shall mark the poll list number of each elector who casts an absentee ballot on the back of the elector's ballot. The board of absentee ballot canvassers shall then deposit the ballot into the proper ballot box and enter the absent elector's name or poll list number after his or her name on the poll list.

6. Absentee ballots marked with the voter's poll list number are public records, and poll lists that contain the voter's name are public records. Wis. Stat., §19.35. Anyone can access those records to determine how someone voted.

7. The requirement in Wis.Stat., §7.52(3)(a) that information identifying each absentee voter be marked on each ballot as part of the Central Count procedure is unconstitutional because it denies voters the right to cast a secret ballot that is guaranteed by Article III, §3 of the Wisconsin Constitution.

Relief Sought

8. Central Count municipalities should modify their procedures to insure that no identifying information is marked on absentee ballots.

9. Claimant intends to file a legal action seeking a declaratory judgment that the portion of Wis.Stat., §7.52(3)(a) which requires identifying information on absentee ballots is unconstitutional.

10. Claimant also intends to seek both a preliminary injunction and a permanent injunction prohibiting Wisconsin municipalities from utilizing at any future elections a Central Count procedure for absentee ballots that violates the secret ballot requirement in the Wisconsin Constitution.

Date: October 26, 2021

DAVIS & PLEDL, SC
Attorneys for Claimant Peter Peckarsky



By: Robert Theine Pledl
Wisconsin State Bar No. 1007710
1433 N. Water Street – Suite 400
Milwaukee, WI 53202
TEL 414-488-1354
FAX 414-978-7282
Email rtp@davisandpled.com

RESOLUTION NO. 22-02-08

**RESOLUTION DISALLOWING CLAIM SUBMITTED
BY PETER PECKARSKY RECEIVED NOVEMBER 24, 2021**

WHEREAS, on November 24, 2021, the City received the attached alleged “Notice of Claim by Peter Peckarsky – Announced Candidate for U.S. Senate” (the “Claim”) (Exhibit A);

WHEREAS, Wis. Stat. sec. 893.80(1d) sets forth:

(1d) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

WHEREAS, the Claim submitted does not comply with the requisite notice provisions set forth above;

WHEREAS, the Claim does not provide the address of the claimant and no mailing address can be ascertained by the City of Pewaukee for Peter Peckarsky;

WHEREAS, the Common Council of the City of Pewaukee, Wisconsin (“City”), has on the date hereof determined pursuant to Wis. Stat. sec. 893.80(1g), to disallow the Claim, if any, and to provide notice to Davis & Pledl, S.C., attorneys for Peter Peckarsky, of the disallowance.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Pewaukee that the proper City officials are hereby authorized and directed to disallow the following demand for alleged damages against the City of Pewaukee:

CLAIMANT:

Peter Peckarsky
(for damages allegedly incurred
by the City's compliance with
Wis. Stat. sec. 7.52(3)(a)).

DATE OF ALLEGED LOSS:

Unspecified

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to inform the attorneys for the Claimant by certified mail at the law offices of Davis & Pledl, S.C., 1433 N. Water Street – Suite 400, Milwaukee, WI 53202 of the disallowance of the claim, if any, and the fact that the Claimants have six (6) months from the date of service of the notice of disallowance to appeal pursuant to Wis. Stat. sec. 893.80(1g).

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of this resolution and notice of disallowance of the claim, if any, to the appropriate insurance carrier and legal counsel for the City of Pewaukee.

Dated at Pewaukee, Wisconsin, this 21st day of February, 2022.

APPROVED:

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, City Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 10.**

DATE: February 21, 2022

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Appoint Brandon Bergman and Lloyd Bertram to the Fire Commission [Mayor Bierce]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Bertram Letter

Lloyd Bertram

Waukesha, WI 53188

(262)

Honorable Mayor Bierce;

My Name is Lloyd Bertram. I am a Pewaukee resident and wish to express my interest in a position on the Fire Commission. I recently retired after spending 35 years in the fire service. I began my career as a volunteer in my hometown. In 1989 I was hired by the City of Franklin where I worked for 21 years starting as a firefighter paramedic working my way up to assistant chief. In 2010 I was hired by the City of New Berlin as the chief, a position I held until I retired in July of 2020.

My wife Michelle and I have been residents of Pewaukee since 2015. We enjoy living in this community. I feel my background makes me a strong candidate for this position and would offer perspective to many issues commonly managed by the Fire Commission. Thank you for considering my request. I look forward to discussing any questions or concerns you may have if you chose to nominate me for this position.

Respectfully,

Lloyd Bertram