In Attendance:
Mayor Steve Bierce, Aldermen C. Brown, R. Grosch, P. Vetterkind, and J. Wamser. I. Clark and B. Dziwulski were absent and excused.

Also in Attendance:
Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, City Planner & Community Development Director N. Fuchs, Assistant Chief M. Hoppe and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

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

2. Public Comment - None.

3. Consent Agenda
   3.1 Approval of the Common Council Minutes Dated February 7th, 2022
   3.2. Approval of the Accounts Payable Listing Dated February 21st, 2022

   A motion was made and seconded (J. Wamser, R. Grosch) to approve the consent agenda. Motion Passed: 4-For, 0-Against.

4. Proclamation Presentation to Mr. Rick Fuhry for his Generous Contribution Towards the Splash Pad at the Sports Complex

   Mr. Fuchs invited Mr. Fuhry to the front and read the proclamation created in his honor. Mr. Fuhry expressed his gratitude and thanked the City for the opportunity to be a part of the planning of the splash pad.

5. Discussion Regarding **Ordinance 22-03** *(First Reading)* Related to Outdoor Entertainment Permit Revisions

   Mr. Fuchs stated the current outdoor entertainment permit is reviewed annually by Plan Commission and Common Council before approval. Mr. Fuchs noted staff is proposing to amend that and have a onetime review and approval with a Business Plan of Operation. He said it would be a more efficient process and it would eliminate the need for staff to mail out permits each year. Ms. Brown asked if it would come to Common Council if significant changes were requested. Mr. Fuchs stated changes would need to be applied for and they would be done as a staff review and all annual permits would be eliminated.

6. Discussion and Possible Action Regarding Woodleaf Reserve Phase 5
   6.1 Developers Agreement Amendment
   6.2 Establish the Value of the Letter of Credit

   Ms. Wagner stated this is the final phase of the Woodleaf Reserve Subdivision. She recommended the letter of credit value at $2,112,033.46 contingent on staff review. Ms. Wagner noted her and Attorney Rifle reviewed it and said it was in the packet for signature.

A motion was made and seconded (C. Brown, J. Wamser) to approve the Developers Agreement and establish the value of the letter of credit. Motion Passed: 4-For, 0-Against.

7. Discussion and Possible Action Regarding the Relocation **Resolution 22-02-03** for Busse Road Bridge Replacement

   Ms. Wagner stated during design of the bridge replacement it was discovered that the bridge was out of the right-of-way. She said after discussion, it was decided that the bridge would be replaced in its existing location. She stated it is to the point where it needs to be finalized and the resolution will allow the City to acquire the land it currently sits in. She noted the property owner is in favor of this. Ms. Wagner asked to pass the Relocation Resolution so the City can start the acquisition process. Mr. Grosch asked if any land will be exchanged. Ms. Wagner said there is no determination on whether it will be vacated or who the land will belong to. Ms. Wagner stated it was a separate process and if it comes up it will come to Common Council. Attorney Riffle noted if the original owner can be determined, it is divided.

   A motion was made and seconded (J. Wamser, R. Grosch) to approve relocation Resolution 22-02-03. Motion Passed: 4-For, 0-Against.

8. Discussion and Possible Action Regarding the Bluemound Water Main Extension Project
   - 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

   Ms. Wagner stated the City is under a content order due to Well 5 radium issues. She said the City has been through the process of deciding what to do with the well. The City concluded it is not a viable long term well. Ms. Wagner noted the City opted to maintain a watermain loop to provide additional service to the area. She noted they are in the process of design to complete the looping down Bluemound Road. She noted the City will apply for a Safe Drinking Water loan for the project. She said the water main extension will service some properties and the City will be adopting a resolution to move forward with the special assessments. Ms. Wagner asked Common Council to approve four different resolutions. Mr. Grosch asked if the alternative design is under the river. Ms. Wagner stated she is working with the DNR and it looks like the best option is an open cut that will go across the river and railroad tracks.

   A motion was made and seconded (R. Grosch, P. Vetterkind) to accept and approve the recommendation of the Public Works Director. Motion Passed: 4-For, 0-Against.

9. Discussion and Possible Action Regarding **Resolution 22-02-08** Disallowing the Peckarsky Claim

   Attorney Riffle filed a notice of claim wanting the City Clerk to not follow a statute because he felt it was unconstitutional. He said it was referred to the City's insurance carrier appointed lawyer who advised the City to disallow the claim and it will shorten the time for the lawsuit. Attorney Riffle recommended the City follow the recommendation of the insurance lawyer. Mayor Bierce asked if other clerks received this claim. Attorney Riffle stated a few clerks in the area received the same notice.

A motion was made and seconded (C. Brown, J. Wamser) to concur with the insurance company's recommendations and disallow Mr. Peckarsky's claim. Motion Passed: 4-For, 0-Against.

10. Discussion and Possible Action to Appoint Brandon Bergman and Lloyd Bertram to the Fire Commission

    Mayor Bierce stated Chief Bierce recommended these two individuals and asked that the Council appoint them. Ms. Brown asked if there was any conflict of interest related to Mr. Bertram. Assistant Chief Hoppe stated no. He said the Fire Department sees Mr. Bertram's life experience as a benefit. He is aware of operations and feels he will be fair and honest in incidents where there may be issues.

    A motion was made and seconded (J. Wamser, R. Grosch) to appoint Brandon Bergman and Lloyd Bertram to the Fire Commission. Motion Passed: 4-For, 0-Against.

11. Public Comment - None.

12. Adjournment

    A motion was made and seconded (C. Brown, R. Grosch) to adjourn the meeting at 6:54 p.m. Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer