

In Attendance:

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

Also in Attendance:

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

1. Call to Order and Pledge of Allegiance

In the absence of Mayor Bierce, Council President C. Brown called the meeting to order at 7:00 p.m. and requested everyone stand for the Pledge of Allegiance.

2. Public Comment - None.

3. Consent Agenda

3.1. Approve Accounts Payable Listing Dated December 21st, 2020

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the consent agenda. Motion Passed: 5-For, 0-Against.

4. Discussion and Possible Action Regarding **Ordinance 20-12** Amending Section 17.0900f to Include Multi-Family Residential Buildings and Creating Section 17.0900g Related to Increasing the Height of Single-Family and Two-Family Residential Buildings to 3-Stories or 45-Feet if the Structure is Located No Closer than 40-Feet to Another Structure

Mr. Fuchs stated the City was approached by several residential builders who had concerns with the City's building height standard and the way the City measures it. They felt some homes being built in Swan View Farms subdivision will exceed the City's standards and stated homes in Broken Hill subdivision were permitted to be built and they exceed the standards. Mr. Fuchs said staff did some comparisons with other communities and everyone measures a bit differently. He noted staff thought it would be best to keep the City's building height definition as is but add in a provision that would allow Plan Commission to increase the building height if they felt it was appropriate. Mr. Fuchs stated the current ordinance reads three stories or 45 feet and would like to add "and have to have a 40-foot building separation". Mr. Fuchs noted it would be a good time to add multi-family in subsection F, which would give Plan Commission the ability to increase the height to six stories with the approval of the Fire Chief. He stated the Plan Commission did recommend approval of both of these changes.

Ms. Brown voiced her concerns. She did not find it necessary and stated the City is 90 percent built out. Other neighborhoods have built beautiful, strong, functional homes and stay within building codes. She suggested getting a variance if someone would like a bigger home. She noted there is talk about revamping near the lake and feels the last thing the City of Pewaukee wants to see is a 6-story building on Pewaukee Lake and would not be in favor of this change.

Attorney Riffle recommended not considering the possibility of a variance for a change in height of structures contrary to the City's ordinances. He said he can't think of any justification making height a hardship.

Mr. Bergman stated these are authorizations that are allowed by the Plan Commission. If someone is requesting a difference in height, they would have to come to the Plan Commission for approval. Mr. Fuchs concurred additional height requests would need Plan Commission approval. Mr. Bergman explained home heights are determined by looking at the midpoint of the side elevation.

Attorney Riffle stated the revised language written on the current ordinance is not sufficient and the Council should only act upon an actual ordinance spelling out the changes. He also voiced his concern related to the provisions of “F” regarding delegating the decisions of variances related to height to the Plan Commission. He said due to Act 67 it would be hard to say no. Attorney Riffle requested the opportunity to discuss this matter with the City Planner prior to the Council acting on this item.

Attorney Riffle stated he understands the provision of “G” related to the grade differential. He said he could prepare the ordinance and Council could direct the Mayor to sign it. Mr. Kara was agreeable to this suggestion.

A motion was made and seconded (B. Bergman, B. Dziwulski) to direct the City Attorney to draft an ordinance that includes language in “G” and omit language in “F” related to multi-family residential and allow mayor to execute the document.

There was additional discussion whether or not to bring this item back before Council or authorize the Mayor to execute the document right away. Mr. Fuchs stated there is time to bring it back as, the builder wants to pull their permits in February.

Attorney Riffle stated the ordinance will put together exactly how the changes have been presented. The Council members stated as long as it was just “G” they were okay with authorizing the Mayor to sign the document and it didn’t need to be brought back.

Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action Regarding a Certified Survey Map for the Century Fence Company Located at Approximately 1300 Hickory Street in Order to Combine 2.07 Acres of City of Pewaukee Vacant Land With an 11.43 Acre Parcel in the Village of Pewaukee (PWC 0921-997-003 & PWV 0921-995)

Mr. Fuchs stated Century Fence is looking to combine two properties; one which is in the Village, and one that is in the City. He noted the Certified Survey Map will need to be approved by both communities. The plan is to utilize the City portion as outdoor storage. Mr. Fuchs stated this is for land combination only and they will need to come back with detailed plans requesting approval for the use and improvements. He noted the Certified Survey Map does need some technical corrections. The existing lot line needs to be marked as the lot line to be removed, the wetland setback needs to be accurately noted, the Plan Commission Secretary needs to be revised and the legal description needs to be revised.

Attorney Riffle stated he has no concerns about combining the Village and City properties into one, but stated he does not want the property owner to think they have a zoning right to do whatever they want. Mr. Bergman stated the applicant was aware of that. Attorney Riffle noted the issue would be if they have a principal structure on the lot and whether or not it crosses municipal lines.

A motion was made and seconded (J. Kara, R. Grosch) to recommend approval of the certified survey map combining the two properties contingent upon the approval of the Village of Pewaukee and subject to the corrections previously noted by the City Planner being made prior to being recorded at the Waukesha County Register of Deeds. Motion Passed: 5-For, 0-Against

6. Discussion and Possible Action Regarding a Recommendation to the Wisconsin Geographic Names Council Related to a Proposed Name Change to Rename "Wilson's Island" to "Green Dragonfly Island" as Proposed by Property Owner Stephen Green

Stephen Green was present for this item.

Mr. Fuchs stated the City received the application from the DNR. They asked if we had any recommendations related to the application. Mr. Fuchs stated our response could be to approve, to reject or no recommendations. He noted the deadline to respond is February 3rd.

Mr. Wamser stated this is bypassing the island's historical significance. He said the name has been Wilsons Island before he was born.

Mr. Dziwulski stated he does not have a problem with the name change and people will call it what they want to call it. The City should not stand in his way.

Mr. Green stated Wilsons Island is not the actual name for the island and anyone who has ever owned it has named it something differently. He said it was noted as "The Big Island" or "Rains Island" based on Miller Filmore's legal description in his 1847 land grant. He felt Green Dragonfly Island makes sense because the island is the habitat for the green dragonflies in all stages of development.

Mr. Bergman stated the County's website shows it listed as Wilson's Island and asked if they were getting that from the Wisconsin Geographic Name Council. Mr. Fuchs stated there is a plat map for the island consisting of 16 lots and the subdivision plat is called Wilsons Island.

Mr. Grosch noted he does not have an objection to the name change and felt it should be up to the owner to call the island what he wants.

Mr. Fuchs noted if Common Council chooses not to act, the DNR would move forward to render their own determination without the City's input.

A motion was made and seconded (B. Dziwulski, R. Grosch) to recommend to the Wisconsin Geographic Name Council changing the name of the island to Green Dragonfly Island. Motion Passed: 3-For, 2-Against (J. Wamser, B. Bergman).

7. Discussion and Possible Action to Approve the First Reduction of the Glen at Parkway Ridge Letter of Credit from \$1,437,453.34 to \$380,504.85 (a reduction of \$1,056,948.49)

Ms. Wagner stated the developer finished construction of all items except for the final lift of asphalt and minor restoration. She recommended the reduction of the letter of credit which would be sufficient to complete the rest of the project.

A motion was made and seconded (B. Dziwulski, R. Grosch) to reduce the Glen at Parkway Ridge letter of credit down to \$380,504.85. Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action Regarding a Public Works Mutual Aid Agreement During the COVID 19 Pandemic

Ms. Wagner stated the Village President approached the City regarding snow plowing operations specifically if there was a staffing shortage due to the pandemic. She said Stan drafted an agreement that would last the length of the pandemic and afterwards would be null and void. Ms. Wagner stated the Village has not had the opportunity to review the document yet.

There were several questions raised about the agreement. Mr. Bergman asked if we looked into hiring part-time staff. Mr. Dziwulski asked why any damage caused would be the responsibility of the municipality it took place in. Ms. Brown asked how the end of a pandemic would be determined. Attorney Riffle stated he was unsure and that is why the agreement can be terminated at any time, by either side.

Mr. Klein stated the Village Public Works Director isn't in favor of the agreement and from the sound of it, either are most of the Village Board members. It was thought that there already was an agreement of some sort, but it was determined that was solely for natural disasters, not illness. Ms. Wagner stated there will be various challenges.

Mr. Kara asked what the staffing size of each community was. Ms. Wagner stated the City has ten normal plow routes with ten drivers but we can manage with about seven people if needed. She said the Village has five guys with one or two back up drivers in smaller trucks.

Mr. Klein suggested that we wait for the Village to approve the agreement first before we make that decision.

No action was taken on this item.

8. Public Comment - None.

9. Closed Session – You are hereby notified that the Common Council and staff of the City of Pewaukee will convene into closed session after all regular scheduled business has been concluded and upon motion duly made and seconded and acted upon by roll-call vote as required under §19.85(1)(a), Stats. The purpose of the closed session is for the following:

- §19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically with regard to division of costs associated with the potential acquisition of land and/or easements for utility purposes from property located at W223 N3251 Shady Lane.

You are further notified that at the conclusion of the Closed Session, the Common Council may convene into open session pursuant to 19.85(2), Stats., for possible additional discussion and action concerning any matters discussed in closed session and for adjournment.

A motion was made and seconded (B. Dziwulski, J. Kara) to go into closed session at 8:09 p.m.

Motion Passed: 5-For, 0-Against by roll call vote.

11. Adjournment

A motion was made and seconded at 8:33 p.m. to adjourn the meeting while still in closed session.

Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer