

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