

In Attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Chief Engineer of Streets and Development M. Gabby 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

Dan Ladwig (N37 W26980 Kopmeier Drive) stated Canadian Pacific Railroad dropped some train cars in his yard and asked if Canadian Pacific provided any type of report related to the root cause of the incident and what they are doing to prevent future occurrences. Mr. Ladwig asked if other intersections would be discussed for potential quiet zones as part of this evening's agenda. Mayor Bierce suggested Mr. Ladwig discuss these issues with the City's DPW Director, Maggie Wagner.

3. Discussion and Possible Action to Approve the Accounts Payable Listing Dated February 6, 2023

A motion was made and seconded (J. Wamser, I. Clark) to approve the accounts payable listing dated February 6, 2023. Motion Passed: 6-For, 0-Against.

4. Discussion and Possible Action Regarding the Possible Creation of a Puppy Mill Ordinance

Ms. Brown noted she received emails from Mr. Pooler regarding puppy mills and the creation of a puppy mill ordinance in the City of Pewaukee.

Mason Pooler (N14 W27583 Silvernail Road) asked the Council to consider adopting a puppy mill ordinance. He stated if the City would pass such an ordinance, we would be one of ten other municipalities. He noted an ordinance would not impact any current established business within the City. Mr. Pooler stated there were three reasons he was requesting consideration of such an ordinance. One, dogs in puppy mills are treated inhumanely, two, they are exposed to diseases, which can pose a public health hazard, and three, the consumer aspect. He stated it is important for the City to protect its residents and pets and feels the ordinance would do that.

Shannon Sandercock (W244 N4429 Swan Road) stressed how important the ordinance is to prevent inhumane pet stores entering the City. She added awareness needs to be raised to the puppy mill crisis. She noted the Village of Pewaukee felt strong enough to pass the ordinance and would like the City to pass it also.

A representative from Bailing out Benji was also in attendance in case there were any questions.

Mayor Bierce asked where people can get a dog besides the Human Society if there are no pet stores. Ms. Sandercock stated there are responsible breeders who breed them humanely and there are rescues.

Discussion took place regarding purchasing from breeders versus pet stores.

Ms. Brown asked if there are any Wisconsin communities that don't have pet stores. Ms. Sandercock stated the ten communities who have ordinances do not have pet stores. She noted places may have pet stores but only sell supplies and services.

A brief discussion took place regarding areas in Wisconsin where animals are being sold inhumanely.

Mayor Bierce stated the City doesn't typically do preventive maintenance on ordinances. Mr. Klein felt it makes the most sense at the state level. Attorney Riffle stated he would be happy to research it and come up with an ordinance that would be supportive of current law.

Mr. Dziwulski didn't like the verbiage in section two.

The Common Council decided to have Attorney Riffle look into it. No action was taken.

5. Discussion and Possible Action Regarding an Offer to Donate Approximately 2.35 Acres of Land Located to the South of Springdale Park (PWC 0915-994-002)

Mr. Klein stated he was asked if the City would take over a piece of land adjacent to land around Springdale Park. Ms. Wagner noted per the original CSM, the lot was originally tied to the northern lot on the other side of the tracks. She said the City needs to see if they used this lot for green space. She is not sure when the 40 percent green space came into existence. Ms. Wagner said research needs to be done before the land could be accepted.

A motion was made and seconded (R. Reinbold, P. Vetterkind) to accept the donation of land as long as it doesn't negatively affect the adjacent parcel's green space requirements. Motion

Passed: 6-For, 0-Against.

6. Discussion and Possible Action Regarding the Final Plat for Cardinal Meadow Subdivision (PWC 0928-980)

Ms. Wagner stated the Cardinal Meadow Final Plat was approved at Plan Commission contingent on the binder course of asphalt being installed. Ms. Wagner supports the contingency but noted that she recently learned WE Energies is having issues with transformers due to supply chain issues. She said the other contingency would be that the transformers are installed and electric and gas service to the parcels must be done prior to execution of the Final Plat.

John Donovan from Bielinski Homes stated WE Energies does not have enough transformers and pedestals. He said WE Energies indicated their new policy will be that transformers will be put in when there is an application for a building permit. He said this will tie builder's hands if a contingency states to hold off on the Final Plat until transformers and pedestals are installed.

Discussion took place regarding building permits and occupancy permits without power.

A motion was made and seconded (J. Wamser, B. Dziwulski) to table this item until clear and precise information is obtained from WE Energies. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action Regarding a Request by Interstate Partners to Remove Weight Limit Restrictions Along Green Road Between Redford Boulevard (Highway F) and Duplainville Road.

Ms. Wagner stated she contacted Waukesha County regarding the intersection at the County F ramp and Redford Boulevard. She noted she included the email from Waukesha County. She said the County cannot formally react to it since they don't have all the information. She said in general the intersection does not have a high accident rate and the geometry of the intersection appears to be good. The County suspects if there is going to be a large amount of truck turning movements, the length of the tappers will not be adequate. Ms. Wagner noted per the County, the ramp and Redford Boulevard have no weight restrictions and they have no intentions of funding improvements. She added that the County suggested the City require the completion of a TIA for the intersection.

Ms. Wagner stated the City does not object to opening the weight restriction with the contingency of additional signage, road improvements and the TIA being completed. She added the developer has pointed out that if you leave from the west they can legally go to the ramp and leaving from the east would require them to go to Duplainville Road. Ms. Wagner noted Common Council could restrict all truck turning movements using Duplainville Road. She added the final analysis that was done looked at the intersection of Duplainville Road and Green Road. She said trucks making turning movements would be traveling into oncoming traffic. Ms. Wagner stated to correct that, the City would have to acquire right-of-way, which would require the whole intersection to be extremely wide. She said an alternative would be to open Green Road to Highway 164 which has an intersection that can support truck traffic without any improvements to the intersection. Ms. Wagner noted from a traffic analyst's standpoint, it is the safest way for truck turning movements in the corridor.

Discussion took place regarding possible hazards when making an east bound to south bound turn onto Duplainville Road.

Ms. Brown asked if there was any way to restrict the size of a truck since it seems to be a length problem and not a weight issue. Attorney Riffle stated he is not aware of any statutory provisions saying a municipality can limit the length of a vehicle. Ms. Brown also asked about the client moving into the building. Caroline Brzezinski with Interstate Partners stated the tenants current plan for trucking is roughly 40 trucks a day, none of which are 53-foot trucks. Mayor Bierce stated he thought they must be able to access the building regardless of weight restrictions. Ms. Wagner noted they must take the shortest route in and out on the weight restricted roadway. Ms. Brzezinski said if trucks leave the west entrance by the City's ordinance, they can access the ramp. She stated the City is going to have this issue with each of the new developments along this road. Ms. Brzezinski suggested the City hold off and wait for the land to the west to be developed.

There was additional discussion regarding the usage of Highway F and the neighborhoods' concerns.

Mr. Vetterkind asked if they could use Highway F if nothing is done. Ms. Wagner stated only if they leave using the west entrance.

Ms. Brown stated she would want signage. She stated she doesn't want the tenants to go up Green Road to Hwy F.

A motion was made and seconded (C. Brown, J. Wamser) to keep the current weight restrictions for this development and have Interstate Partners work with the Engineering Department to add signage to the entrance ramp and restrict going past the ramp on Green Road. She asked Ms. Wagner if she thought that would be sufficient.

Ms. Wagner recommended adding improvements be made to the Green Road ramp intersection because it is not adequate for truck traffic.

Attorney Riffle stated you cannot order them to put signs up. They are simply asking for the weight restrictions to be removed.

Ms. Brzezinski stated if the weight restrictions are removed the improvements to the intersection would have to be considered. She stated they were willing to add the signage as an act of goodwill to ensure no one from their building went beyond that point.

Mr. Klein noted if the motion is approved, it would incur a lot of cost due to improvements that need to be made.

Mayor Bierce asked Interstate Partners if they would reconsider reconfiguring the ramp if the weight limit restriction is lifted. John Heller from Interstate Partners said yes.

Mr. Heller stated they were seeking a solution to the weight limit restrictions, so they met with Ms. Wagner. He said she asked them to make improvements to the turning radius. He said their engineer drafted a drawing widening the radius of the intersection per her request. He said in exchange for the weight limit restrictions to be lifted from Duplainville Road to the ramp they would be willing to make these improvements. Mr. Heller also suggested adding solar powered signage with flashing lights so that people could not mistakenly continue to go down past Alderman Reinbold's subdivision. He stated there were no conditions made during the building approval process that would require tenants to make only right turns. He stated they can leave the east drive and go to the ramp.

Ms. Brown rescinded her motion and Mr. Wamser rescinded his second.

Discussion took place regarding eliminating the weight limit.

A motion was made and seconded (C. Brown, J. Wamser) to open the weight restriction to Hwy F from Green Road, contingent on having Interstate Partners improve the intersection with signage.

Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding Establishing Quiet Zone Crossing for the Canadian Pacific Railroad, Specifically Springdale Road (CTH SR), Duplainville Road, and Watertown Road (CTH M)

Ms. Wagner stated the City of Brookfield reached out asking if the City of Pewaukee would be interested in partnering with them on a quiet zone on Springdale Road. She said the County does not object and would permit work in the right-of-way but will not participate in the cost of the quiet zone. Ms. Wagner noted it was not in the current budget. She said it was brought to the Public Works Committee and they agreed to move forward with it. As a staff, they considered Duplainville Road since it would provide a quiet zone for the east half of the community and Canadian Pacific would have a long stretch of quiet zone crossings. Ms. Wagner added they are looking at Weyer Road and Green Road as quiet zones. Ms. Wagner noted they added Watertown Road so that way the whole east half of the community will be a quiet zone.

Ms. Wagner asked for the Council's support of the quiet zone and to complete the studies. She noted the estimated cost of each study could be between \$45,000 and \$60,000, plus the cost of improvements. She added the work will be done in 2023 and repayment to the City of Brookfield will be done in 2024. Ms. Wagner stated she did not have estimates for the other studies. She recommended the studies be completed for Springdale Road, Duplainville Road and Watertown Road crossings, splitting the cost with City of Brookfield for Springdale Road and reallocating funds from

the road fund balance. She noted the only crossing that would be the City's responsibility is Parkside Road, which could be considered when the Village looks at their crossings on the west side.

Discussion took place regarding improvements that need to be made for quiet zones and cost.

Dan Ladwig (N37W26980 Kopmeier Drive) said he was happy to hear the east side of the City and Village are being attended to and asked why the west side isn't being done at the same time. Mayor Bierce stated they are so far apart and thought once the Village got to that point, the City would join them.

A motion was made and seconded (B. Dziwulski, P. Vetterkind) to authorize the three studies, to split the Springdale Road study with Brookfield and funding to be reallocated from the road fund balance. Motion Passed: 5-For, 1-Against (Brown).

9. Discussion and Possible Action Regarding the Revocable Agreement Authorizing Occupancy of Right of Way for Swan View Farms Development

Ms. Wagner noted the developer of Swan View Farms is bringing this back to the Common Council due to the trees within the right of way, the conduit that was placed in the roadway without permits and the electrical to feed the lights in the islands. She noted Common Council asked for a plan to show where the electrical conduit and trees were located and to wrap it into the Revocable agreement authorizing occupancy of right of way. She noted the developer did provide the plan and she added additional language to clarify the responsibilities between the developer and future HOA. Ms. Wagner stated there are two options, one is to order the trees and conduit be removed from the right of way or enter into the revocable agreement outlining the responsibilities between the HOA and the City. Ms. Wagner stated phase one of the tree inventory was completed so the City would request the information be provided so the City has a complete tree inventory of trees located within the right-of-way.

Mayor Bierce asked what would happen if the HOA disbanded. Ms. Wagner stated she addressed that in the agreement. She said if any work was needed it would be assessed back to the property owner and they would waive their right to a public hearing, and it would be a special charge on the tax bill.

Ms. Brown questioned if a tree could be replanted if it dies in the development. Ms. Wagner said if a tree dies in the right-of-way, they will need to get a permit from the City. Ms. Brown also asked if there were any other additions to Swan View. Mr. Klein noted this was the last phase in the development unless they bought the land to the east. Ms. Brown asked Ms. Wagner of the two options what her preference would be. Ms. Wagner stated it is not ideal but felt trees add value. She added the City does have the protection in the agreement to do whatever is needed to be done within the right-of-way and not be responsible for any cost. She said it also states they are responsible for locating anything placed in the right-of-way. Ms. Wagner stated she would lean toward executing the agreement and allowing the trees to remain.

A representative from Blaze Landscapers stated a common pedestal was put in but was unsure if the electric box in phase two was in the right-of way. He noted all electrical lighting for the trees are low voltage and will not be marked. He added the pedestal will have a GFI outlet next to it and City workers would not have to worry about any safety issues.

A motion was made and seconded (P. Vetterkind, R. Reinbold) to approve Option 2. Motion Passed: 6-For,0-Against.

10. Discussion and Possible Action Regarding City Entrance Signage and City Logo on Street Signs

Ms. Wagner stated Alderman Wamser and the Public Works Committee are requesting City of Pewaukee signs at the entrances and exits in and out of the community. She said they would be put at major points which would include 40 locations. Ms. Wagner stated the 24x30 inch signs would cost approximately \$5,000, or \$125 per sign, plus labor for highway staff to install. Ms. Wagner added the City would need to apply for permits to install them on County roads.

Ms. Wagner also stated staff would like to add the City logo to street signs. She said there are approximately 450 road name signs, and it would cost about \$34,000 plus labor. She said the City recently replaced all the signs and the Public Works Committee recommended adding the logo to future road signs.

Ms. Wagner added that City staff would like to change the logo. A discussion took place regarding options for changing the logo.

A motion was made and seconded (J. Wamser, R. Reinbold) to approve Welcome to the City of Pewaukee entrance signage without the logo, except for the circumference of the Village. Motion Passed: 6-for, 0-Against.

11. Discussion and Possible Action Regarding **Resolution 23-02-01** to Designate the Public Works Committee as the Tree Board in Accordance with the Tree City USA Requirements

Ms. Wagner stated Common Council previously directed staff to pursue the Tree City Designation. She said there are four standards that need to be met before applying. Ms. Wagner noted there will be an Arbor Day proclamation in April and a tree planting at the DPW yard. She said the City needs to designate a Tree Board and recommended the City execute the designation of the Public Works Committee as the Tree Board for the City in preparation of the Tree City USA designation.

Ms. Brown asked when designation would happen. Ms. Wagner stated after the City designates the Tree Board and the Arbor Day proclamation, the City can put in for the application. She noted it is an annual application that is done at the close of the year.

A motion was made and seconded (B. Dziwulski, P. Vetterkind) to approve Resolution 23-02-01 to designate the Public Works Committee as the Tree Board. Motion Passed 6-For, 0-Against.

12. Discussion and Possible Action to Establish the 2023 Residential Paving Assessment Cap at \$3,206.00 Per Parcel / Home

Ms. Wagner stated the annual raising of the paving cap increased by 6.7 percent and the new cap for paving projects will be \$3206. per parcel/home.

A motion was made and seconded (C. Brown, B. Dziwulski) to approve the 2023 residential paving assessment cap at \$3,206.00 per parcel/home. Motion Passed: 6-For, 0-Against.

13. Public Comment - None

14. Adjournment

A motion was made and seconded (B. Dziwulski, R. Reinbold) to adjourn the meeting at 8:36 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer