In attendance:
Mayor S. Bierce, Aldermen B. Bergman, C. Brown, B. Dziwulski and R. Grosch. Aldermen J. Kara and J. Wamser were absent and excused.

Also in Attendance:
Attorney S. Riffle (arrived at 7:07 p.m.), Administrator S. Klein, DPW Director J. Weigel, Utility Manager J. Mueller, Lieutenant B. Ripplinger, and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Mayor Bierce called the meeting to order at 7:03 p.m.

2. Public Comment – None.

3. Consent Agenda
   3.1 Approval of Common Council Meeting Minutes Dated December 18, 2017.
   3.2 Approval of Common Council Meeting Minutes Dated January 15, 2018
   3.3 Approval of Accounts Payable Summaries
   3.4 Approve Bartender Licenses
   3.5 Concur with the Plan Commission (1/18/2018) to Approve the Conditional Use Permit for River Glen Church to Locate a Church at W229 N1400 Westwood Drive in a B-5 Commercial District (PWC 0959988004)
   3.6 Concur with the Plan Commission (1/18/2018) to Approve the 2050 Land Use/Transportation Plan for the Hillside/Glacier Neighborhood (Map 1)
   3.7 Concur with the Plan Commission (1/18/2018) to Approve the 2050 Land Use/Transportation Plan for the South Lake Neighborhood (Map 13)
   3.8 Concur with the Plan Commission (1/18/2018) to Approve the 2050 Land Use/Transportation Plan for the Meadowbrook Creek Neighborhood (Map 14)
   3.9 Concur with the Plan Commission (1/18/2018) to Approve the 2050 Land Use/Transportation Plan for the Northview Hills Neighborhood (Map 15)
   3.10 Approval of the Waukesha County/City of Pewaukee Agreement that would install EVP (Emergency Vehicle Pre-Emption) to the traffic signals planned to be installed as a part of the CTH JK & CTH KF Intersection Reconstruction this year.
   3.11 Common Council establishes the 2018 Sanitary Sewer Reserve Capacity Assessment (RCA) rate at $2,843.00 per RCA.

   Ms. Brown requested Items 3.1 and 3.6 be removed for discussion. Mr. Bergman requested Items 3.5 and 3.11 also be pulled.

   A motion was made and seconded, (B. Dziwulski, R. Grosch) to approve the remaining items on the consent agenda. Motion Passed: 4-For, 0-Against.

   3.1 Approval of Common Council Meeting Minutes Dated December 18, 2017.
   Ms. Brown stated she felt there was a typo in the minutes related to vote totals on page 3. She asked the Clerk to verify the information.

   A motion was made and seconded, (C. Brown, B. Dziwulski) to direct the Clerk to verify the minutes and make any necessary changes and approve based on her

findings and/or corrections. Motion Passed: 4-For, 0-Agaisnt.

3.5 Concur with the Plan Commission to Approve the Conditional Use Permit for River Glen Church to Locate a Church at W229 N1400 Westwood Drive in a B-5 Commercial District

Mr. Bergman noted representatives from the Church stated that there may be some activities on weeknights. He asked if the Business Plan of Operation was revised because the original document only indicated activity at that location on Saturday and Sundays. Ms. Tarczewski stated she was not aware of any revisions. Ms. Brown stated she requested Item #3.6 to be pulled for discussion in error. It was actually this item she wanted to discuss. She said she was concerned about potential parking issues since there were other businesses at this address and the parking lot will be over crowded. Mr. Bergman stated the Wednesday car show was specifically discussed in that regard.

A motion was made and seconded, (B. Bergman, R. Grosch) to approve the Business Plan of Operation and the Conditional Use for the River Glen Church and Item 3.6. Motion Passed: 4-For, 0-Against.

3.6 Concur with the Plan Commission to Approve the 2050 Land Use/Transportation Plan for the Hillside/Glacier Neighborhood

See discussion and motion above.

3.11 Common Council Establishes the 2018 Sanitary Sewer Reserve Capacity Assessment Rate at $2,843.00

Mr. Bergman stated he pulled this item because he had questions but feels they will be answered later in the agenda. **A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve the 2018 assessment rate for the sanitary sewer reserve capacity**. Motion Passed: 4-For, 0-Against

4. Presentation of Waukesha County Sheriff's Department 4th Quarter Status Report

Lieutenant Ripplinger was present for this item. He stated the Department is out in the subdivisions more per the direction of the Common Council and noted that calls for service are up by 200 calls over last year. He said they are seeing an increase of participants in the Community Service programs and they are about ready to launch the "Coffee with a Cop" program, which will get a deputy out into the public to mutually share information and address concerns.

5. Discussion and Possible Action Regarding **Resolution 18-02-01** Related to the Personal Property Palpable Error for QRS Group Previously Located at W238 N4719 Woods Edge Drive (Q004) and Rescind $183.55 in Taxes

This item will be taken up at the next meeting.

6. Discussion and Possible Action Regarding **Resolution 18-02-02** Related to the Personal Property Palpable Error of Blackhawk Industries Previously Located at N16 W23390 Stoneridge Drive Suite B (P305) and Rescind $639.86 in Taxes

This item will be taken up at the next meeting.

7. Discussion and Possible Action Regarding **Resolution 18-02-03** Amending the Final Resolution Levying Special Assessment on the Brittain-Czycz Property (PWC 0925-994-001)

Attorney Riffle stated last year this property was rezoned to create two parcels and then rezoned again to create four parcels which activated all the special assessments. The property owners now want it to go back to one parcel so as to reduce the special assessment charges owed. He said there is a provision in this resolution to charge them for the full assessment amounts even if they come back and subdivide the property after the sunset date on the original assessment agreement.

A motion was made and (C. Brown, B. Dziwulski) to approve Resolution 18-02-03.
Motion Passed: 4-For, 0-Agaisnt.

Mayor Bierce stated Ms. Brown has to leave the meeting early tonight and the items will be taken out of order to accommodate more pressing issues since we will be losing our quorum at that time.

16. Discussion and Possible Action to Appoint a Liaison to the Waukesha/Pewaukee Convention and Visitors Bureau (CVB)

Mayor Bierce stated he was approached by Tammy Tritz of the CVB because she felt there was some tension at the last Tourism Commission meeting where the budget was being discussed. She asked for a liaison to be appointed to their Board to open communication between the two entities. Mr. Klein stated it was in the CVB by-laws to have an alderman appointed. Ms. Brown stated she was not in favor of this. She doesn't want the appointed alderman to feel as if they would have to fight for things the CVB wants. She said there is only so much money that is available and she said everyone should abide by the rules. Ms. Brown noted that CVB was given money two years ago to hire a part-time employee that was never used and she wanted more. Ms. Brown noted that the Tourism Commission significantly cut her budget this year. Ms. Brown suggested someone other than a Council member serving on the Tourism Commission. No one expressed interest to appoint a liaison to the CVB Board. It was noted that Mr. Kara volunteered to serve if that was the decision of the Council. No action was taken.

17. Discussion and Possible Action to Appoint Gary Majeskie to the Joint Park & Recreation Board

Mayor Bierce stated Mr. Majeskie is an arborist in the City of Brookfield. He said he is waiting for Mr. Majeskie's resume before recommending his appointment. This item was table until that information is received.

18. Discussion and Possible Action to Disallow the Claim of BCF Construction Corp. Related to the Contract/Worked Performed at the Pewaukee Sports Complex

Attorney Riffle stated this contractor did not satisfactorily fulfil the terms of the contract to get grass growing out at the Sports Complex and City staff took over the project. The City withheld a portion of the payment and put their bonding company on notice. BCF Construction in return filed a notice of claim that we are in breach of the contract, which is the first preamble to starting a lawsuit. Attorney Riffle stated the City's insurance legal counsel has recommended that the City send out a notice of disallowance. He said it will start the statute of limitations clock and reduce the time BCF has to file a formal lawsuit down to six months from six years.

A motion was made and seconded, (B. Dziwulski, C. Brown) to send out a notice of disallowance to BCF Construction Corp. Motion Passed: 4-For, 0-Against.

19. Discussion and Possible Action to Disallow the Claim of BCF Construction Corp. Related to the Contract/Worked Performed for the Pewaukee Commerce Circle Manhole Repair and Sanitary Sewer Relay

    Attorney Riffle stated this is the same contractor and is basically the same story. He said there were issues with a manhole and three crushed sewer pipes going in to it. BCF was hired to reline and replace all three lines. BCF decided on its own that fixing only one pipe would be sufficient. Attorney Riffle stated Ruekert and Mielke reviewed that work and recommended to close out the project and only offer to pay them for the work they performed. Attorney Riffle stated the City's insurance legal counsel is recommending to send them a letter of disallowance. Ms. Brown asked if BCF would be allowed to bid on future projects. Attorney Riffle stated they are no longer a qualified bidder.

    A motion was made and seconded, (C. Brown, R. Grosch) to send out a letter of disallowance to BCF Construction Corp. Motion Passed: 3-For, 0-Agaisnt, 1-Abstain (B. Bergman).

15. Discussion and Possible Action to Authorize Staff to Pursue the Installation of a Street Light at the Intersection of Elmwood Drive & North Avenue

    Mr. Weigel stated last year an alderman was requested by his constituents to look into installing street lights at this location. It was always believed the City only had 14 street lights and it was a City policy not to install anymore. He said he actually found out that the City has 63 street lights and it is costing the City approximately $14 - $21 per light. He presented an inventory list from WE Energies. He said there is a request for a street light at Elm and North. He said other communities recommended street lights at major/collector streets, hopefully to show stop signs. Mr. Weigel stated he hasn't looked into the costs yet. He said it was last discussed back in 2012 and the request was denied. He said it appears that power is available at that location. The Council directed him to look into the matter further.

8. Discussion of the Financial Status of the Water Utility

    Mr. Weigel stated there are deep financial concerns even though the Water & Sewer Utility has $11 million in the bank. He said the Public Service Commission (PSC) regulates the water utility rates. They have questioned the viability of the reserve capacity assessments. Utilities are established on a rate basis vs. cash basis. He said the rates that we set have to satisfy more intensive looks, studies and modeling than just to pay the bills next year. He said the thought process has to change when looking at future projects.

9. Discussion and Possible Action to Implement the Collection of Water Pipe Special Assessments from Properties that have had the Water System Available for at Least Five Years

    Mr. Weigel stated the Utility has put millions of dollars of pipes into the ground. He said in most cases the projects have deferred assessments and don't require hook up. He said in some cases there are "forever dispensations". Our auditors have told us to stop this practice. The PSC can't understand how we operate that way. He said these improvements depreciate every year.

    Mr. Weigel stated that previously the Utility did not separate funds by water and sewer. Our auditing firm went back to the 1970's and determined the Water Utility has used about $5 million of the Sewer Utility's funds.

He asked the Common Council to concur with the Public Works Committee to enact a policy change to implement the collection of water pipe infrastructure special assessment payments upon a date-certain after the water has been installed.

10. Discussion and Possible Action to Implement Policies to Extend Municipal Water Infrastructure to Properties Only if the Special Assessments Become Payable Within an Established, Consistent Timeframe

    Mr. Weigel asked the Common Council to concur with the Public Works Committee to enact a policy change where the City would only consider the expansion or extension of municipal water into an area if those properties were required to pay the special assessments within a specific timeframe, such as five years. He said it would also require taking a harder look at new developments to determine their short term benefits vs. long term risks.

11. Discussion and Possible Recommendation to Establish a Formalized Reporting of Water and Sewer Financials to the Common Council or a Committee of Appropriate Expertise in the Evaluation of the Fiscal Impacts of Proposed Projects Prior to Authorization

    Mr. Weigel stated these aforementioned items are serious enough to have the Common Council review the status on a regular basis.

12. Discussion and Possible Action to Establish a Review Process of Development Proposals and the Impact on the Water Utility Prior to the Approval of Development at the Common Council

13. Discussion and Possible Action to Authorize the Water and Sewer Utility to Hire a Financial Consultant to Assist the Utilities to Determine Best Financial Practices and Policies in Operation of Rate Based Water and Sewer Utilities

    Mr. Weigel stated there was a need to do a sewer and water facility plan and they would like to have the aid of a consultant. Mr. Grosch asked if he had anyone in mind. Mr. Weigel stated Baker & Tilly have been at numerous utility conferences and seem to be knowledgeable on the subject. He added Ehlers is another. He said this is not a budgeted item.

    Ms. Brown stated she'd like to also discuss terms for people who have had the pipes in front of their homes for long periods of time and have not hooked up to the service or have paid for the pipes. She thought that would be more fair and equitable. Mr. Weigel stated Mr. Tormey and Mr. Swan from the Public Works Commission were against doing that.

    A motion was made and seconded, (R. Grosch, B. Dziwulski) to authorize the Water and Sewer Utility to put together a Request for Proposal (RFP) to determine the best financial practices and policies in operation of rate based water and sewer utilities. Motion Passed: 4-For, 0-Against.

14. Discussion and Possible Action to Authorize Staff to Obtain Proposals from Consultants to Prepare a Separate Water and Sewer Facility Plan

    Mr. Weigel stated this is very similar to above and is only a request for a RFP.

    A motion was made and seconded, (B. Dziwulski, R, Grosch) to authorize staff to prepare a RFP for a Water and Sewer facility plan. Motion Passed: 4-For, 0-Against.

Mayor Bierce stated this is going to be a difficult process if the City is going to go back on decisions made on past projects. Mr. Weigel stated having consistencies will lessen errors. Mr. Bergman voiced his concerns that this would cause issues with new developments and started asking follow up questions.

Ms. Brown left at 8:47 p.m. ending the quorum. No further discussion or action was taken.

20. Public Comment

21. Adjournment

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer