

In attendance: Mayor S. Klein, Aldermen B. Bergman, S. Bierce, C. Brown, J. Wamser and R. Grosch. J. Kara was absent and excused. Also present were Clerk/Treasurer K. Tarczewski, DPW Director J. Weigel, Assistant Engineer M. Wagner, City Planner H. Clinkenbeard and Attorney S. Riffle.

- 1.0 Call to Order and Pledge of Allegiance - Mayor Klein called the meeting to order at 7:02 p.m.
- 2.0 Public Hearing Regarding the Five Fields Phase 3 Paving Project

Mr. Weigel stated the Five Fields Subdivision repaving project has been divided into 4 phases over a 2-year period. The third and current phase consists of Fieldside Drive on the north, Rough Hill Road on the south, the entrance at Littlefield, Woodstream Lane, Greenfield Lane and Greenfield Court. The project includes fixing failed or cracked curbs, catch basins or storm water inlets that need repair, removing all asphalt pavement, checking underlying gravel pavement, replacing as necessary and replacing the asphalt pavement.

He stated three bids were received and they were opened on May 19th. Payne and Dolan was the lowest qualified bidder at \$379,995.00.

Mr. Weigel stated in staying consistent with the City's street paving programs, the residential property owners' portion is capped. The 2016 rate is \$2,387.00 per unit. The assessment report and calculations have been prepared and the total project cost is \$493,993.50. He added \$162,316 or 32.8% will be assessed to the property owners, \$8,359.00 will be paid for by the Sanitary Sewer Utility, \$19,608.88 or 4% will be paid by the Storm Water Utility, and the remaining, \$303,709.62 or 61% will be on the general tax levy. Mr. Weigel noted that 61 property owners were notified of the anticipated assessment.

Ms. Brown asked about entries #38 and #23 for the Five Fields Homeowners Association. She wanted to know why they were being assessed differently than the Green Road assessment. Mr. Weigel noted there were different assessment methods and Green Road was based on the frontage foot assessment. Ms. Wagner also noted that property that Ms. Brown was referring to was zoned parkland and was not capped.

Mr. Bierce asked why there are Sewer & Water charges. Mr. Weigel stated there are catch basins and sanitary sewer manhole repairs that are needed.

Mr. Bergman asked when Harvest Lane will be taken care of. Mr. Weigel stated based on the age of the subdivision it will be done at a later time. Mr. Bergman also noted that of the 61 property owners that were notified a few were duplexes so there is a total of 68 assessable units. Mr. Bergman asked why this project was determined to be done by unit. Mr. Weigel stated it is policy to determine what is the most equitable based on unit, acreage, frontage foot, or any combination.

Jeff Snyder (N30 W23473 Greenfield Court) stated he owns a townhouse and thought it was unfair that he was being double-dinged for two units when he only has one tax key. He also said he didn't feel the road is in that bad of shape.

Russ Kollmansberger (N30 W23560 Greenfield Court) stated he doesn't believe the road needs to be resurfaced at this time. He said he felt it was in fairly good shape and could go about another 5 years. He urged the Council to show restraint and not approve this project.

He suggested the road should just be repaired when it needs to be repaired.

Tom Taft (N31 W23545 Woodstream Court) stated Mr. Weigel was referring to his street as 'Lane' and it is actually 'Court'. He added he was in favor of the road being done, but questioned whether or not they would be without access to their home at any given point. He asked if they would be allowed to park at Wagner Park. Mr. Weigel told him that the contract requires access to the roads all the time, but there may be a time when concrete curbs may need to cure for 3 – 4 days. It will be more of an inconvenience and he doesn't anticipate the need of off site parking.

Mary Taft (N31 W23545 Woodstream Court) asked if they would get notice of work. Mr. Weigel stated no, if a resident was concerned about any given day when the contractors were out at the site they will be given a phone number of the inspector to call.

Brian Thomas (N30 W23549 Greenfield Court) stated he also thought it was unfair that he was being assessed for two units. He stated he felt the road could last another 5-10 years with proper maintenance. Mr. Weigel stated the road was beyond the maintenance phase and would be a waste of money to fix it temporarily. Mr. Thomas requested a compromise be made on the scope of work for this project.

Ed Creamean (N30 W23470 Greenfield Court) stated he disagrees with the project and said all the road needs is to be repaired and feels this project is a total mistake. Mayor Klein stated there is an economy of scale to combine projects and if it is determined to not do this portion of the road based on the residents opinion it will cost more to postpone it and the full cost will be the responsibility of the property owner, the project would not be capped. Mr. Creamean stated he feels there are parking issues on this road that are more important the repaving it and said it should be addressed.

Mayor Klein closed the public hearing at 7:39 p.m.

Mayor Klein stated the Council heard that the property owners of Greenfield Court don't support the project. He said that street can't be separated out bided project, the Council would have to reject the entire bid and re-bid the project. Mr. Weigel stated the contract could be changed up to 15% of the cost, so if that portion of the project is 15% or less it could be removed, but he didn't think it was.

Mr. Bierce stated the City has done studies on the conditions of our roads and they show they are in poor shape. We have been working hard to repair them. He stated he was in favor of moving forward.

Ms. Brown stated she agrees with Mr. Bierce and said she believes the caps help the property owners.

Mr. Bierce stated it was his belief that Jeff and his entire staff are extremely capable and they know a lot a more about this subject and it is hard to argue with decades of experience. He added the Sheriff's Department is very professional and we are lucky to have them. He said, people need to be more respectful.

- 3.0 Discussion and Possible Action to Award the Five Fields Phase 3 Paving Project to the Lowest Qualified Bidder Payne & Dolan, Inc. Based on the Lowest Qualified Bid of \$379,995.00

A motion was made and seconded, (S. Bierce, C. Brown) to award the contract. Motion Passed: 5-For, 0-Agaisnt.

4.0 Public Comment

Gina Gresch (4693 Village Court - Nashotah) introduced herself as a candidate for Waukesha County Clerk in the upcoming fall election.

5.0 Consent Agenda – Action

- 5.1 Approval of Common Council Meeting Minutes Dated May 16, 2016
- 5.2 Accounts Payable Summaries
- 5.3 Bartender Licenses
- 5.4 Approval of **Ordinance 16-16** to Lower the Speed Limit on Wilhar Road and Busse Road to 25 MPH and Other Minor Changes (**Second Reading**)
- 5.5 Approval of **Ordinance 16-17** Regarding the Rezoning of the Holzhauer Property Located at N47 W22175 Weyer Road (PWC 0865991001) From RS-2 Single Family Residential to RS-1 Single Family Residential to Allow for Horses (**Second Reading**)
- 5.6 Approval of **Ordinance 16-18** Regarding the Rezoning of the Ba(en)2 Acres LLC Property Located at N8 W27947 Northview Road (PWC 0982997) From A-1 Agriculture to RS-1 Single Family Residential and RS-2 Single Family Residential (**Second Reading**)
- 5.7 Approval of Certified Survey Map PC #160421-1 for Ba(en)2 Acres LLC to Create Three (3) New Lots Located at N8 W27947 Northview Road (PWC 0892997)
- 5.8 Approval of **Ordinance 16-19** Regarding the Rezoning of the Jaeschke Property Located at W239 N3368 Pewaukee Road (PWC 0907997 & PWC 0907996) From RS-3 Single Family Residential to B-6 Mixed Use Business
- 5.9 Approval of the Certified Survey Map PC #160519-2 to Combine the Jannsen Office Property with Two (2) Vacant Lots (See 5.8 Jaeschke Property)
- 5.10 Approval of **Ordinance 16-20** Regarding the Rezoning of the Yench LLC/Mierow Property Identified as PWC 0885996 From RS-2 Single Family Residential to A-2 Agricultural (**Second Reading**)
- 5.11 Approval of the Certified Survey Map PC #160519-1 to Divide the Yench LLC/Mierow Property Into Three Lots
- 5.12 Approval of the Conditional Use Permit for PBB Pewaukee I LLC to Operate the Point Burger Bar Restaurant and Tavern Located at W229 N1400 Westwood Drive in the Former American TV Building (PWC 0959988004) with Recommended Contingencies (Plan Commission 5/19/2016)
- 5.13 Approval of the Request of Towne Realty for Re-Affirmation of Prior City Approval of the Preliminary Plat for the Woodleaf Reserve Development on Weyer Road (Plan Commission 5/19/2016)
- 5.14 Approval of Woodleaf Reserve Addition No. 1 Final Plat (Plan Commission 5/19/2016)
 - 5.14.1 Declaration of Protective Covenants, Conditions, Easements and Restrictions
 - 5.14.2 Amendment No. 1 to Storm Water Management Practices Maintenance Agreement
- 5.15 Approval of the Shoreland Mitigation Plan for the Property Located at N38 W27189 Parkside Road (PWC 0889035) as Requested by Matt Bogdanski with Recommended Contingencies (Plan Commission 5/19/2016)

Mr. Grosch asked that Item #5.5 be removed for discussion and Mr. Weigel asked that Items 5.6, 5.7, 5.9, 5.10, 5.11, 5.12, 5.14, 5.14.1 and 5.14.2 also be removed.

A motion was made and seconded, (S. Bierce, R. Grosch) to approve all the

remaining consent agenda items. Motion Passed: 5-For, 0-Against.

- 5.5 Approval of **Ordinance 16-17** Regarding the Rezoning of the Holzhauer Property Located at N47 W22175 Weyer Road (PWC 0865991001) From RS-2 Single Family Residential to RS-1 Single Family Residential to Allow for Horses (**Second Reading**)

Mr. Grosch stated upon review of the zoning code he doesn't believe the Holzhauer family will be allowed to have horses on their property because all the adjacent properties must be 5 acres or larger. Mayor Klein suggested that perhaps the Holzhauers would like this item tabled to allow them to determine whether or not they still want to move forward with their rezoning. A straw poll vote was taken whether or not the Council members would be in favor of the Holzhauers having horses on their property. Ms. Brown, Mr. Wamser, Mr. Bergman and Mr. Grosch were not. Mr. Bierce stated he was not in favor of telling the property owner what they can and can't do. The Clerk was directed to refund the Plan Commission fees due to our error on what would be acceptable.

A motion was made and seconded, (B. Bergman, J. Wamser) to table this item until the next meeting so that the City Attorney has time to review the matter further. Motion Passed: 5-For, 0-Against.

- 5.6 Approval of **Ordinance 16-18** Regarding the Rezoning of the Ba(en)2 Acres LLC Property Located at N8 W27947 Northview Road (PWC 0982-997) From A-1 Agriculture to RS-1 Single Family Residential and RS-2 Single Family Residential (second reading)
- 5.7 Approval of Certified Survey Map PC #160421-1 for Ba(en)2 Acres LLC to Create Tree (3) New Lots Located at N8 W27947 Northview Road (PWC 0982-997)

Mr. Baenen was present for these items. Mr. Weigel state he pulled this item from the consent agenda because the Waukesha County database shows there are wetlands on this site and they need to be delineated on the certified survey map. Mr. Baenen stated he is working on that but it won't be completed for approximately 5 weeks. He also stated if there was too much wetland that couldn't be stabilized he would no longer be interested in going through with the rezoning. Mr. Baenen also stated he was thinking about putting livestock on this property, but now doesn't know if that is possible based on the previous discussion.

Mr. Baenen stated he was willing to waive the time frame to allow for additional time to get the wetland delineation on the map. **A motion was made and seconded, (B. Bergman, R. Grosch) to approve the petitioner's request to waive the time frame and table Ordinance 16-18 and the proposed CSM until the petitioner submits a revised CSM with the delineated wetlands.** Motion Passed: 5-For, 0-Against.

- 5.9 Approval of the Certified Survey Map PC #160519-2 to Combine the Jannsen Office Property with Two (2) Vacant Lots

Mr. Weigel stated the CSM that was in tonight's packet is not the final version

and should not be signed. The Department of Transportation wants the driveway moved to the newly acquired property. The petitioner is aware of this request and is okay of the change. **A motion was made and seconded, (B. Bergman, J. Wamser) to table this item until the new CSM is received and reviewed by professional staff.** Motion Passed: 5-For, 0-Against.

- 5.10 Approval of **Ordinance 16-20** Regarding the Rezoning of the Yench LLC / Mierow Property Identified as PWC 0885-996 From RS-2 Single Family Residential to A-2 Agricultural
- 5.11 Approval of the Certified Survey Map PC #160519-1 to Divide the Yench LLC / Mierow Property into Three (3) Lots

Mr. Weigel stated there are storm water management issues that need to be addressed. He recommended not approving these items until the engineer has time to review. **A motion was made and seconded, (B. Bergman, J. Wamser) to table Items 5.10 & 5.11.** Motion Passed: 5-For, 0-Against.

- 5.12 Approval of the Conditional Use Permit for PBB Pewaukee I LLC to Operate the Point Burger Bar Restaurant and Tavern Located at W229 N1400 Westwood Drive in the Former American TV Building (PWC 0959-988-004) with Recommended Contingencies

Mr. Weigel noted an important condition was not listed on the conditional use permit as discussed at the Plan Commission meeting. He stated he is requesting payment of Reserve Capacity Assessment (RCA) for sewer and water based on the new use and updating the original use of the building because they will be using more water and sewer than before.

Mayor Klein stated another issue was brought up and needs to be discussed. It was noted that during a fire inspection the petitioner was building a patio which was not discussed previously or approved by the Plan Commission as part of their conditional use. **A motion was made and seconded, (S. Bierce, J. Wamser) to deny the conditional use permit and send the petitioner back to the Plan Commission for further discussion.** Motion Passed: 3-For, 2-Against (Brown, Bergman).

- 5.14 Approval of Woodleaf Reserve Addition No. 1 Final Plat
 - 5.14.1 Declaration of Protective Covenants, Conditions, Easements and Restrictions
 - 5.14.2 Amendment No. 1 to Storm Water Management Practices Maintenance Agreement

Jim Doering was present for this item. Mr. Weigel reported the paving for the subdivision was completed on Friday, which was a condition for the final approval of the plat. He also recommended approval of the amendment to the Storm Water Management Practices Maintenance Agreement contingent upon approval of professional staff. **A motion was made and seconded, (B. Bergman, C. Brown) to approve the Woodleaf Reserve Addition No. 1 final plat, the declaration of protective covenants, conditions, easements and restrictions as well as the first amendment to the storm water management practices**

maintenance agreement contingent upon professional staff approval. Motion Passed: 5-For, 0-Against.

- 8.0 Discussion and Possible Action Related to the Request of Doug and Kim Kiser Owners of the Property Located at N16 W24990 Bluemound Road (PWC 0951994) for Reimbursements Associated with the Construction of a Clay Dam on the Private Sanitary Sewer Lateral

This item was taken out of sequence. Doug & Kim Kiser were present for this item. Mayor Klein stated underground water near the lake is very common when the sewer was put in. Mr. Weigel stated when the lateral was installed the water wasn't in the trench and it occurred months later. Mr. Weigel stated the Kisers put in the damn and it has been effective, but reminded the Council members that this is a damn on a private lateral and it has to be determined if the City is going to pay for it. It is believed the water is coming into the trench after the sewer line went in. Ms. Brown stated she does not want the City to be liable for any repairs in the future. Attorney Riffle was directed to prepare a release. Mr. Weigel also stated this property was recently placed on a Plan Commission agenda for approval for conceptual improvements. He asked if it would be unreasonable to ask for our money back if it sells within a certain amount of time. Mr. Kiser stated he had no knowledge that a developer was interested in his property. **A motion was made and seconded, (J. Wamser, B. Bergman) to approve the requested reimbursement of \$3,960.00 to be taken out of the sewer utility funds, contingent upon receiving a signed release drafted by the City's attorney.** Motion Passed: 5-For, 0-Against.

- 6.0 Discussion and Possible Action Regarding the 2015 Audit Report

Mike Rotroff from Rotroff Jeanson and Company was present for this item. He reviewed the 2015 audit report and stated the City was in excellent financial condition.

- 7.0 Discussion and Possible Action to Authorize the City to Apply for a Public Service Commission (PSC) Water Rate Case and Revisit the Reserve Capacity Assessment (RCA) Study

Mr. Weigel stated the Public Service Commission (PSC) prefers this review to be done every 3-5 years. The last rate case was in 2013. We had to identify all the collections of water and sewer reserve capacity assessments and track the projects they were collected for since their inception of the utility (1972). The rate case needs to be done again and most likely the rates will increase which will be determined by the PSC. The cost of this project is uncertain and the process will take approximately 6-8 months. Mr. Rotroff added the PSC does not like our assessment policy. They don't like it when we collect through the rates and by special assessments. They would prefer the City collecting impact fees.

A motion was made and seconded, (R. Grosch, B. Bergman) to authorize the City to apply for a water rate case and revisit the reserve capacity assessment.

Motion Passed: 5-For, 0-Against.

- 10.0 Discussion and Possible Action to Reprogram Storm Water Funds

This item was taken out of sequence. Mr. Weigel stated additional expenditures were found that would meet the criteria of the 2013 borrowing agreement and requested \$3,220.00 be reprogrammed to the storm water fund. **A motion was made and seconded, (C. Brown, B. Bergman) to approve the reprogramming of storm water funds in the amount of \$3,220.00 to close out the borrowing saving account.** Motion Passed: 5-For, 0-Against.

- 11.0 Discussion and Possible Action to Appoint Members to the Various Boards, Commissions &

Committees

Mayor Klein suggested the following individuals to serve; Plan Commission: Steve Bierce, Public Works Committee: Jerry Wamser, Tourism Committee: Colleen Brown and Jerry Wamser and the Brian Dziwulski as the citizen member, Park & Recreation: Jeff Kara, Finance Committee: Brandon Bergman & Colleen Brown, HR Committee: Ray Grosch & Jeff Kara, Lake Patrol Advisory Board: Brandon Bergman, Lake Management Advisory Committee: Ray Grosch, Alcohol Licensing Committee: Steve Bierce and the Library Board: Jeff Kara.

A motion was made and seconded, (J. Wamser, C. Brown) to confirm the Mayor's appointments to the various boards, commissions and committees.

Motion Passed: 5-For, 0-Against.

A motion was made and seconded, (J. Wamser, C. Brown) to accept the recommendation of the Mayor and appoint the individuals as noted above. Motion

Passed: 5-For, 0-Against.

12.0 Public Comment – None.

9.0 Discussion and Possible Action Regarding Reprogramming Storm Water Funds to Change the Drainage Swale Reconstructed by the Lakewood Baptist Church on the Property Located at W279 N1551 Riverland Court

Mr. Weigel stated there was a swale between the two properties. The church's designer decided the swale needs to be dropped another foot and the City approved the plan and feels the project was done well. The neighbors aren't happy with the finished product, they feel it is now a "cliff". There was discussion to have City staff soften the slope of the swale within our easement. Mr. Weigel stated the funds should be taken out of the storm water utility since it is a ditching issue if it is approved. No action was taken on this item other than directing City staff to wait and see what it looks like after the grass grows in.

13.0 Adjournment – **A motion was made and seconded, (C. Brown, R. Grosch) to adjourn the meeting at 9:32 p.m.** Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer