

In attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, Fire Chief K. Bierce, IT Director B. Kewan, City Planner & Community Development Director N. Fuchs, Streets Superintendent M. Stevens and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 7:00 p.m.

2. Public Comment - None.

3. Consent Agenda

- 3.1. Approval of the Common Council Meeting Minutes Dated September 21, 2020
- 3.2. Approval of Common Council Meeting Minutes Dated November 16th, 2020
- 3.3. Approval of Accounts Payable Listing Dated January 18th, 2021

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

4. Discussion and Possible Action Regarding Proposed Amendments to the Declaration of Restrictions for the Swan View Farms Subdivision Located at Approximately W239 N4024 Swan Road (PWC 0871-996 and PWC 0871-999)

Mr. Fuchs stated the developer is proposing changes to the Swan View Farms Deed Restrictions. They are revising the legal description related to their storm water maintenance agreement. They are also revising their outlot descriptions, correcting them to match what is on their final plat. They are requesting future amendments be allowed to be reviewed and approved by staff. Mr. Fuchs stated staff does not have any concerns with the revisions.

Mayor Bierce stated he doesn't recall this ever being an issue with previous developers. Mr. Fuchs stated their deed restrictions specifically state any changes or amendments would require City approval.

Mr. Bergman stated they are typically handled at the staff level.

Attorney Riffle stated these are private restrictions. He said the only concern the City has is in regards to the grading and stormwater requirements. He said as long as staff recognizes that, he has no concerns with them handling the other items.

A motion was made and seconded (B. Bergman, J. Wamser) to approve the proposed deed restriction amendments and direct staff to handle deed restriction change requests in the future.

Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action to Proceed with the Design and Public Bidding of a New Department of Public Works Garage

Matt Stevens and Chief Bierce were present for this item, along with consultants Norman Barrientos and Tim Knepparth.

Mr. Klein stated there has been a long-standing need to update the Public Works garage due to its current condition. He said a planning study and needs analysis were completed. Mr. Klein showed the Council various design options. He stated option #5 is the preferred choice but requires purchasing land. He stated the site they have in mind would allow for access on Green Road and Duplainville Road. This site would also allow for future expansion. He said the estimated cost would be \$10.2 million, which includes refurbishing the existing garage for Parks use.

Mr. Kara voiced his displeasure that option #5 was not included in the 153-page report. Mr. Klein stated it is the same configuration as option #4 but just on a different site.

Mr. Grosch asked if the DPW was the only department that would move. Mr. Klein stated the Parks would use the existing DPW garage, but there are a number of issues that would need to be addressed, such as tuck-pointing the walls and repairing the leaky roof.

Mr. Kara stated the building does not meet code and no staff should be in it. Mr. Klein stated personnel could stay at Green Road and the building could be used as storage. Mr. Kara stated it is obviously a deficient space and clearly there is a better option.

Mr. Kara noted that Ehlers made a prediction that with borrowing \$10 million, the tax rate may go up \$0.41 per thousand for this project. Mr. Klein corrected him and stated that was for \$15 million in borrowing. He said the City is currently looking at borrowing \$15 million, which would include some funding for utility projects. He said Ehlers has been warning us that our debt services have been decreasing every year, which will affect the tax levy. Mr. Klein also stated the City is currently going through a revaluation and there is a possibility that the tax rate may go down and the burden would not be that extreme for our taxpayers.

Mr. Kara asked if a public information meeting is needed for this project. Mr. Klein responded that it is not required, but Mr. Kara asked if it would make sense to do it any way. Mayor Bierce agreed that it made sense and should be discussed further.

Mr. Bergman asked if demolition costs were considered as part of the borrowing. Mr. Klein stated that cost is relatively inexpensive and the buildings on the City Hall campus could be converted to cold storage. Ms. Wagner stated her only concern would be the potential for residual contamination issues that may have to be addressed.

Mayor Bierce questioned why there was a need for a third driveway onto Green Road. Mr. Klein stated the driveway for the utility building is tight up against the building and may pose an issue with the width of the plow trucks. Ms. Mueller stated the utility driveway is not suitable for the weight of the trucks. Ms. Wagner added if maintenance needs to be performed on the well, equipment is typically parked in the driveway. It would be a maintenance issue.

Attorney Riffle stated he was confident that the City would have access onto to Duplainville Road without any trouble. Mayor Bierce stated he would like to see access from both roads.

Mayor Bierce asked the Aldermen to weigh in on whether they felt it was necessary to have an informational meeting on the project.

Mr. Dziwulski stated he did not see the need to go to the public. He said there was a lot of thought put into this project and we went with the cheapest option. He thought it would only slow the process down.

Mr. Wamser stated he would like to present this project at an informational meeting at City Hall and allow people to attend in person.

Mr. Grosch felt having an informational meeting would be practical, but during the pandemic he recommended a Zoom meeting. He said it is a solid plan, but people should know about it if the City is spending that kind of money.

Mr. Kara stated he doesn't want to slow down the project. He said tonight was only about the design and public bidding aspect of the project. He said transparency is good and we should take it to the people. Mr. Kara stated there is a strong case that this project is necessary.

Attorney Riffle reminded the Council that they are currently having a public meeting that was noticed and if anyone had an issue, they could have attended the meeting. He said another 24-hour notice could be put out to discuss it more specifically as it pertains to cost.

Mayor Bierce stated he agreed with Mr. Dziwulski and did not think it was necessary. He said the Council was discussing it tonight.

Mr. Klein stated we could put it on our website. He also said this project will be brought back several times before awarding the bid. There will be plenty of time to engage the public.

Mr. Bergman felt there was a challenge with the Covid situation. He said the City needs to be diligent in getting the information out so constituents understand the price tag and how it will affect their tax situation. Ms. Wagner suggested putting it on Facebook.

A motion was made and seconded (B. Bergman, B. Dziwulski) to direct staff to proceed with design and public bidding as option #5. Motion Passed: 5-For, 0-Against.

6. Discussion and Possible Action Regarding **Resolution 21-01-02** Authorizing the Issuance and Sale of up to \$1,619,516 Sewerage System Revenue Bonds, Series 2021, and Provide for Other Details and Covenants with Respect Thereto

Ms. Wagner stated this is the clean water loan to pay for the phosphorous treatment project at the Brookfield plant. She noted closing will be next week. Mayor Bierce asked if this was the City's percentage of the big project in Brookfield, and Ms. Wagner confirmed it was.

Mr. Bergman asked if the amount is based off current usage or total capacity. Ms. Wagner noted it is the City's allocation of the plant which is 17.5 percent.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve Resolution 21-01-02 authorizing the issuance and sale of up to \$1,619,516 sewerage system revenue bonds, Series 2021, and provide for other details and covenants with respect thereto. Motion Passed: 5-For, 0-Against.

7. Discussion and Possible Action to Adopt the Sanitary Sewer Rate as \$150.00 Per REU Per Quarter

Ms. Mueller stated the City contracted with Ruekert and Mielke to do the rate review. She recommended a rate of \$150 per quarter be adopted. She noted the recommendation from the report was to initially

include a percentage of the RCA collections in the rate. Ms. Mueller recommended not including the RCA in the current rate.

Discussion took place regarding current and future rates.

Mr. Kara stated he thought 37 percent was a hefty increase at once. Attorney Riffle stated this is a reasonable increase.

Further discussion took place regarding assets and sustaining utilities.

A motion was made and seconded (B. Bergman, J. Kara) to increase the quarterly rate to \$141.00. Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action to Award Deer Haven Well #11 and Well #12 Rehabilitation and Pump Improvement Contract to the Lowest Qualified Bidder, Water Well Solutions, Inc. Based on the Lowest Qualified Bid of up to \$209,560.00

Ms. Mueller stated there was a planned maintenance project on the well. She said the lowest qualified bidder was Water Well Solutions, Inc with a base bid of \$128,260.00 and up to \$209,560.00, as a worse case scenario. Ms. Mueller noted the addendums were included in the award.

A motion was made and seconded (B. Dziwulski, R. Grosch) to award the Deer Haven Well #11 and Well #12 rehabilitation and pump improvement contract to the lowest qualified bidder, Water Well Solutions, Inc. based on the lowest qualified bid of up to \$209,560.00. Motion Passed: 5-For, 0-Against.

9. Discussion and Possible Action regarding Preliminary **Resolution 21-01-03** for the Joseph Road Reconstruction, Water Main Extension, Sanitary Sewer Extension, and drainage improvements

Ms. Wagner stated there is severe deterioration and the project was moved up in the road and sewer and water budget. She said there is no municipal water or municipal sewer available to the properties. Ms. Wagner noted the City is looking to extend water and sewer to the properties and make a loop connection. She noted this is a preliminary resolution for assessments and the project. This will authorize the City to begin design and extend funds to the project.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the preliminary resolution authorizing design and move to bid the project. Motion Passed: 5-For, 0-Against.

10. Discussion and Possible Action regarding Preliminary **Resolution 21-01-04** for the Meadowbrook Farms Phase 1 Subdivision Road Rehabilitation and Related Improvements

Ms. Wagner noted this is the first of four phases in Meadowbrook Farms subdivision. She said it's a road rehabilitation project with some minor utility repairs. Ms. Wagner is asking for authorization for the City to design and bid the project, with a public hearing to follow.

A motion was made and seconded (J. Kara, R. Grosch) to approve Resolution 21-01-04 for the Meadowbrook Farms Phase 1 Subdivision road rehabilitation and related improvements. Motion Passed: 5-For, 0-Against.

11. Discussion and Possible Action to Regarding the Condition of Well #5
 1. Adopt the Emergency **Resolution 21-01-05.**

2. Adopt the Comfort **Resolution 21-01-06** Declaring Official Intent to Reimburse Expenditures Related to the Rehabilitation of Well #5

Ms. Mueller stated there is a DNR consent order against Well #5. The City was looking to rehabilitate the well and discovered the well partially collapsed, she asked to establish an emergency to keep contract and bids on track to meet the compliance order. She said the utility budgeted \$100,000.00 in 2021 to rehab the well and replace the pump and motor. Ms. Mueller was unsure if it would cover all the cost. The contractor gave an estimate between \$25,000 - \$45,000 to break up the bridge in the well. Attorney Riffle stated the City is under order and the City would be fined if the repair is not completed.

A motion was made and seconded (B. Bergman, B. Dziwulski) to adopt Emergency Resolution 21-01-05. Motion Passed: 5-For, 0-Against.

Discussion took place regarding the comfort resolution if we exceed \$100,000.

A motion was made and seconded (B. Bergman, B. Dziwulski) to approve Comfort Resolution 21-01-06. Motion Passed: 5-For, 0-Against.

12. Public Comment - None.

13. 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)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically related to Hunters Ridge LLC v the City of Pewaukee.

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 (J. Wamser, R. Grosch) to go into closed session at 8:44 p.m. Motion Passed by Roll Call Vote: 5-For, 0-Against.

14. Adjournment

A motion was made and seconded (B. Dziwulski, J. Kara) to adjourn the meeting without going back into open session at 9:03 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted

Kelly Tarczewski
Clerk/Treasurer