

In attendance: Mayor S. Bierce (arrived at 6:50 p.m.), Aldermen B. Bergman, C. Brown, J. Kara, J. Wamser, and R. Grosch. Also present were Administrator S. Klein, DPW Director J. Weigel, Assistant Engineer M. Wagner, Clerk/Treasurer K. Tarczewski and Attorney S. Riffle (arrived at 6:55 p.m.).

- 1.0 Call to Order and Pledge of Allegiance – In the absence of Mayor Bierce, President Brown called the meeting to order at 6:05 p.m.

2.0 Public Comment

Clarence Ott (N31 W22207 Shady Nook) complained about the issues he was experiencing with his neighbors, John and Kelly Jones (W222 N3167 Shady Nook). He stated they put a berm in the city ditch which is preventing proper drainage. He stated they are doing home repairs without permits. He said Mr. Jones killed a deer in the back yard and got away with it. He voiced his concerns about a fuel tank being in Mr. Jones garage which is a fire hazard. He said Mr. Jones doesn't have an address posted. Mr. Ott also said Mr. McDermott has the same numbered address but lives on Shady Lane and he has issues with getting his mail delivered. He plead for assistance in dealing with these issues.

3.0 Consent Agenda – Action

- 3.1 Approval of Common Council Meeting Minutes Dated May 15, 2017
- 3.2 Approval of Accounts Payable Summaries
- 3.3 Approval of Bartender Licenses

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

4.0 Public Hearing Regarding the Proposed Five Fields Phase IV Paving Project (RD-17-574100)

Mr. Weigel and Ms. Wagner were present for this item. Mr. Weigel stated the subdivision is approximately 28 years old and the pavement has deteriorated to the point that they recommend a complete tear out of asphalt and replacement. They are also recommending the repair of broken or settled sections of curb & gutter and storm and water utility structures that need repair. He said two bids, from qualified contractors, were received and Stark was the lowest. Mr. Weigel stated all street projects are assessed back to the benefitted properties and they believe the most equitable way would be based on the acreage method. In dividing the total cost of the project by the number of acres it was determined the per acre cost would be \$9,443.97. He added there is a cap for residential properties and that amount is \$2,481.00. The property owners will have the option to pay over a 10-year period with interest.

Mr. Weigel reviewed the cost summary. He said the total project cost is \$776,167.41. \$360,681.57 will be assessable to the property owners, the Water Utility will pay \$5,102.50, the Sanitary Sewer Utility will pay for \$16,256.50 and the Storm Water Utility will pay for \$152,802.49 leaving a balance of \$242,324.36 which is non-assessable and be placed on the City's tax levy. Mr. Weigel stated the project would be completed this year and will be closed out next year at the earliest.

Mr. Kara asked if the acreage method was used for the first three phases. Ms. Wagner stated the first phase was based on the per unit method because it was entirely a residential area and

the other two phases were based on the front footage method due to the apartment buildings. Mr. Bergman asked if there were going to be issues with the Capitol Drive construction going on at the same time. Mr. Weigel stated there would be associated consequences but it was actually recommended by the Sheriff's Lieutenant to move forward because it would discourage traffic on Green Road. Mr. Grosch asked if the City was seeing any price savings. Ms. Wagner stated the asphalt prices are lower. Mr. Weigel stated the Council has the authority to approve or reject projects, but warned it has been the policy of the City that if rejected based on the majority opinion of the residents the residential cap would be removed if the project is considered in the future.

Debbie Kowalski from the Riley Joseph Company representing Hunters Ridge Apartments stated they were against the acreage method since they have several acres of property. She asked what the differences would be if other methods were used and asked how many houses were involved in the project. Mr. Weigel stated he would email the complete report to her. Ms. Wagner explained the three options of assessment methods; front footage, unit and acreage. She said there are a total of 272 units within this project, of which 59 are single family homes, 207 are apartment units and 6 are assisted living facility units. If the unit method was used the apartments would be expected to pay for 76% of the total cost of the project. She said the front footage was more fair but the assisted living center would be basically paying for 76 units and would be paying more than the apartments would have to pay. She said the acreage method seemed to be the most fair. She added the apartments are equivalent to 29% of the total units in the area and contract costs would come out to approximately 30% of the project.

Robert Hart (N27 W22216 Shady Nook Court) asked how the benefit for each place would be determined. He said he thought the frontage method would be more fair. Mr. Weigel stated if you just looked at the residential units in this project you'd have properties on a cul-du-sac who have a pie shaped lawn and very small frontage verses someone who lives on a corner lot and has two sides of property to consider the frontage. He added they use the road where the driveway accesses to determine the benefit. Mr. Hart said he feels a road is a benefit to everyone and it should be the responsibility of the city to maintain or repair. He said all repairs and maintenance should be put it on the general tax roll. Mr. Hart stated only 3-4 municipalities do it the way the City does it.

Mr. Klein stated the tax rate would double or triple if it was levied on the tax roll and that was the logic behind the decision to special assess properties and felt it was appropriate to cap the residential properties.

At this time Ms. Brown closed the public hearing.

5.0 Discussion and Possible Action to Award the Five Fields Phase IV Paving Project to the Lowest Qualified Bidder, Stark Pavement Corporation of Brookfield, WI, Based on the Lowest Qualified Bid of \$597,051.85.

Mr. Weigel recommended award of the contract to Stark Pavement in the amount of \$597,051.85. He said if it was the wish of the Council to postpone this project he instructed them to reject all bids. He said another option would be to award the contract but instruct staff to revisit special assessment options with the understanding if the costs are higher another public hearing will have to be held.

A motion was made and seconded, (J. Kara, J. Wamser) to award the Five Fields Phase IV paving project to the lowest qualified bidder, Stark Pavement Corporation of Brookfield, WI, based on their bid of \$597,051.85. Motion Passed: 5-For, 0-Against.

6.0 Public Hearing Regarding the Proposed Pewaukee Woods 2017 Paving Project (RD-17-574170)

Mr. Weigel and Ms. Wagner were present for this item. Mr. Weigel stated this is the same project that was proposed last year but Woodgate Court East & West were removed. He said it was still their opinion that those streets are in poor condition and need the work. He said the roads would include Paul Court, Paul Road from Pewaukee Road to Roundy Drive on the East, all of Creative Way, a segment of Woodgate Road from Paul Road north to the plated line that separates Pewaukee Woods from Pewaukee Woods North. He said the roads are approximately 25 years old. Mr. Weigel stated three bids were received and Stark Pavement was the lowest qualified bid bidder in the amount of \$620,114.00. He is recommending the acreage method of assessment in the amount of \$7,800.38 per acre. He noted it is down from last year's amount of \$7,867.84. He said none of these assessments are capped under the City's policy and the property owner will have 10 years to pay off the project with interest. Mr. Weigel stated that the Sewer Utility will be paying for \$20,937.80 of the project, the water utility will pay for \$15,540.20 and the storm water utility will pick up \$137,780.60. There will be no fees placed on the general tax levy, in fact the City will show a credit of \$132.80. He said the project will be completed this year, and the special assessment notices will go out in the summer of next year.

Ms. Brown opened the public hearing. Robert Hart representing St. Bartholomew Church stated he received the public hearing notice on Thursday and it was dated May 18 - May 22. Mr. Weigel stated there have been issues with the Waukesha Post Office. Ms. Wagner stated it was mailed to Milwaukee. He noted that last year he called the City's attention to the range number of the legal description being incorrect and it still hasn't been corrected. He stated there are no pot holes in industrial park, and noted the court is the worst. He questioned if the top coat was ever put on in that cul-du-sac. He added Paul Court is in need of repair but not at the cost the City is asking them to pay. Mr. Hart passed out a handout comparing the proposed properties effected by the assessment with the sizes of their acreage and frontages. Mayor Bierce arrived at this time (6:50 p.m.) and took control of the meeting. Mr. Hart stated he believes there is a more equitable way to assess this project, but stated he was not sure how that was to be done. He requested the project be delayed. Attorney S. Riffle arrive at this time (6:55 p.m.).

Jim Bast was also representing St. Bartholomew and stated the assessment lacks equity and it would be devastating for his church. He also mentioned their property consists of some wet land and he didn't feel it was appropriate to be assessed on land they can't use. Mr. Weigel stated it was mentioned during last year's public hearing and they looked at their certified survey map and determined 6.75 acres was what they would be assessed on.

Mayor Bierce closed the public hearing.

7.0 Discussion and Possible Action to Award the Pewaukee Woods 2017 Paving Project to the Lowest Qualified Bidder, Stark Pavement Corporation of Brookfield, WI, Based on the Lowest Qualified Bid of \$620,114.00.

Ms. Brown asked if the project would have to be cancelled if Paul Court was taken out. Mr. Weigel stated the Attorney would need to be consulted and have available all the details of the contract. Attorney Riffle stated if it was a substantial portion of the project it would have to be rebid. Mr. Weigel stated if the Council wanted to move forward with the project and remove Paul Court it would have to be contingent upon that being legal per the contract.

Mr. Kara asked the Engineers to explain their decision to use the acreage method. Mr. Weigel stated they try to find the most equitable manner. Ms. Wagner stated some of the properties had a small front footage but a larger building and acreage and that wasn't fair to the other property owners. She said typically smaller buildings have less of an impact and it would be unfair to use the unit method for that reason.

Mr. Bergman stated he is an owner and developer in this area and feels acreage is fair even though it will cost him more money.

Mr. Hart again urged the Council to find a more equitable formula.

A motion was made and seconded, (R. Grosch, J. Kara) to award the Pewaukee Woods 2017 paving project to the lowest qualified bidder, Stark Pavement Corporation of Brookfield, WI, based on their bid of \$620,114.00. Motion Passed: 3-For, 1-Against (C. Brown), 1-Abstain (B. Bergman).

- 8.0 Discussion and Possible Action to Consider the Request of Kwik Trip Located at W229 N2086 Redford Blvd (PWC 0958-979-016) to Sell Alcohol in their Store.

Mr. Klein stated it has always been the City Planner's belief that the sale of alcohol at gas stations was not appropriate. He stated this has been the unwritten policy since the early 80's. The Council had a brief discussion on this item and said the way it has been done previously may be putting local businesses at a disadvantage and they would possibly entertain changing it as long as they know what the gas stations are actually looking to sell.

- 9.0 Discussion and Possible Action Related to the Outdoor Entertainment Permit Requests Where Alcoholic Beverages are Sold/Consumed
- 9.1 Boomer's Sports Pub & Grill
 - 9.2 Curly's Waterfront
 - 9.3 Duplainville Station
 - 9.4 Edgewater of Pewaukee
 - 9.5 5 O'Clock Club
 - 9.6 Gina's Sports Dock
 - 9.7 Smokey's Musky Shop
 - 9.8 Waukesha Gun Club
 - 9.9 Wonderland Tap

The Common Council decided to take action on Item #9 as if it was a consent agenda item to approve the listed items in bulk so that they didn't have to be discussed individually. Mr. Bergman requested Item 9.1 be removed for discussion and Ms. Brown asked for Item #9.6 to also be removed.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve the remaining Outdoor Entertainment Permits on the list as recommended by the Plan Commission. Motion Passed: 5-For, 0-Against.

- 9.1 Boomer's Sports Pub & Grill

Mr. Klein reported that Mr. Pasadera told the Plan Commission that he always went to 10 p.m. even though his permit said 9 p.m. The Council acknowledged that his bar sits among a large residential area and there may be issues.

A motion was made and seconded (C. Brown, G. Wamser) to approve

Boomer's Outdoor Entertainment Permit and allow the music to go until 10:00 p.m. and keep track of any complaints so that it can be revised next year.

Motion Passed: 5-For, 0-Against.

9.6 Gina's Sports Dock

Ms. Brown stated there are issues in this area and would like to keep it consistent with the times the other bars in the area are doing. She recommended it be set at 9:00 p.m. like the Edgewater. Mr. Kara stated he didn't have a problem with how it is being proposed.

A motion was made and seconded, (R. Grosch, C. Brown) to approve the Outdoor Entertainment Permit but limit music to 9:00 p.m. on weekdays (Sunday – Thursday). Motion Passed: 4-For, 1-Against (J. Kara).

- 10.0 Discussion and Possible Action to Award the City Hall Improvements Project to the Lowest Qualified Bidder, Maas Brothers Construction of Watertown, WI, Based on the Lowest Qualified Bid of \$1,158,900.00

Mr. Klein stated \$1.3 million was budgeted for this project and no borrowing would be needed. The attorney still needs to review the contract and then construction can begin. It is believed the roof will be completed in August and the HVAC will take no later than October but the preconstruction meeting will determine the actual timeline. Mr. Klein noted that we are currently using a temporary HVAC system and it will be resold to another business when we're done with it.

A motion was made and seconded, (C. Brown, R. Grosch) to award the City Hall Improvements Project to the lowest qualified bidder, Maas Brothers Construction of Watertown, WI, in the amount of \$1,158,900.00. Motion Passed: 5-For, 0-Against.

- 11.0 Discussion and Possible Action to Permit the Bike & Pedestrian Planning Committee to Send a Letter to the Pewaukee School District Asking Them to Consider Budgeting for a Paved Path Along Their Soccer Field to Connect Coachman Drive

Mr. Grosch stated the Bike and Pedestrian Planning Committee is proposing various trails to the school grounds and would like the School District to consider budgeting for it in the future. He said it appears the kids are currently riding their bikes there on the grass. Ideally the Committee hopes to align trails with the neighboring communities.

A motion was made and seconded, (R. Grosch, J. Wamser) to grant permission to the Bike & Pedestrian Planning Committee to send a letter to the Pewaukee School District asking them to consider budgeting for a paved path along their soccer field to connect Coachman Drive to their property. Motion Passed: 5-For, 0-Against.

- 12.0 Discussion and Possible Action to Cancel the First Meeting in July Due to the Holiday.

A motion was made and seconded, (J. Kara, B. Bergman) to cancel the July 3rd, 2017 Common Council meeting due to the Holiday. Motion Passed: 5-For, 0-Against.

- 13.0 Reminder of 6:30 p.m. Start Time on June 19th to Train Council Members on How to Use NovusAgenda.

- 14.0 Public Comment - None.

15.0 Adjournment

A motion was made and seconded, (R. Grosch, C. Brown) to adjourn the meeting at 7:59 p.m. Motion Passed, 5-For, 0-Agaisnt.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer