

In attendance:

Mayor S. Bierce, Aldermen B. Bergman, C. Brown, B. Dziwulski, R. Grosch, J. Kara, and J. Wamser.

Also in Attendance:

Attorney P. Alexy, Administrator S. Klein, DPW Director J. Weigel, Fire Chief K. Bierce, Assistant Chief M. Hoppe, IT Director B. Kewan, Lieutenant B. Ripplinger, and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Mayor Bierce called the meeting to order at 7:02 p.m.
2. Public Comment - None.
3. Consent Agenda
 - 3.1 Approval of Common Council Meeting Minutes
 - 3.1.1 Meeting Minutes Dated November 20, 2017
 - 3.1.2 Meeting Minutes Dated December 4, 2017
 - 3.2 Approve Accounts Payable Listings
 - 3.3 Approve Bartender Licenses
 - 3.4 Authorize Submitting the Emerald Acres Flooding Alternative Analysis to DNR with the Preferred Option as the Original Project Scope Alternative (Table 2)
 - 3.5 Award of the Annual Sewer Cleaning Contract

A motion was made and seconded, (J. Wamser, B. Dziwulski) to approve the consent agenda. 6-For, 0-Against. Mr. Kara noted he was abstaining from 3.1.1

4. Swear In Pewaukee Fire Department Lieutenants

Chief Bierce and Chief Hoppe were present for this item. They recognized the promotions of three paramedic firefighters to Lieutenants. Chief Bierce noted their numerous hours of various training and experience as well as their many years of service to the Pewaukee community.

Tim Hetherington, Brandon Pierson, and Mark Delaney were sworn in as Lieutenants.

5. Acceptance of Pewaukee Firefighters' Auxiliary Donation

Division Chiefs Dekan and Rohde were present for this item and presented Chief Bierce and the Pewaukee Fire Department with a check in the amount of \$8,000 for thermal imagining cameras.

6. Discussion and Possible Action to Approve **Resolution 17-12-17** Establishing the 2018 Fee Schedule

Mr. Kara stated in the future he'd like the fee schedule to be a part of the budget process. He wants to compare the revenues to the expenses as well as get justification for the fees charged.

A motion was made and seconded, (J. Kara, J. Wamser) to approve Resolution 17-12-17 establishing the 2018 fee schedule. Motion Passed: 6-For, 0-Against.

7. Public Hearing Regarding the Class A Beer and Wine License for Stoneridge Market Located at W240N1485 Pewaukee Road and Possible Action to Approve the Licensed and Appoint Sukhdeep Garcha as Agent

Ms. Tarczewski stated there is a new owner of the Stoneridge Market and he was interested in selling beer and wine. She said everything was in order and there were no concerns. Mayor Bierce opened the public hearing. Ms. Enters (N35 W22442 Wethersfield Court) supported the issuance of a license to the gas station. The petitioner said a few words. Mayor Bierce closed the public hearing after no one else expressed an interest in speaking.

A motion was made and seconded, (C. Brown, B. Dziwulski) to approve the beer and wine license for Stoneridge Market. Motion Passed: 6-For, 0-Against.

8. Discussion and Action to Concur with the Recommendation of the Public Works Committee (12/7/17) to Establish Two Tiers (Districts) Within the City.

Mr. Weigel was present for this item. He said the two rate tier related to sanitary sewer rates only. He said the City of Pewaukee does the billing not only for our service area but also for the Lake Pewaukee Sanitary District (LPSD), and some Village of Pewaukee services that are provided to our residents. He said after some investigation it was determined that it was not necessary to have one uniform rate if different rates could be justified. Mr. Weigel stated the City of Waukesha charges more than the City's rates and the LPSD charges less.

Mr. Weigel stated the Public Works Committee discussed this topic and concurred with staff recommendations that it would be more equitable to establish two sanitary sewer rates. He said one rate would be for the customers south of I-94 that are in the Waukesha service area and one for the remainder of customers. They further recommended passing the Waukesha costs with no additional administrative charges. Mr. Weigel stated this would affect parts of Cloverland Farms, Arrowhead Trails, University Heights, and Rolling Hills.

There was additional extensive discussion. Mr. Kara suggested a blended rate for everyone in the City would be more equitable. Mr. Wamser stated he didn't feel it was fair to subsidize other users for the services they receive. Mayor Bierce agreed. Ms. Brown stated it was unfair that the City of Waukesha controls this area of service and that they are passing the rates on to others.

A motion was made and seconded, (R. Grosch, J. Wamser) to concur with the recommendation of the Public Works Committee and establish a two-tier fee schedule for sanitary sewer rates. Motion Passed: 4-For, 2-Against. (J. Kara and C. Brown).

9. Discussion and Possible Action to Designate the Common Council as the "General Authority" of the Water Utility for PSC Reporting

Mr. Weigel stated as a Town, the Pewaukee Sanitary District #3 existed. It was a stand-alone entity that had the full authority over the Sewer/Water Utility. It had the ability to hire, fire, and establish policies. Mr. Weigel stated when we became a City, the Sanitary District ceased to exist and operated as a Commission in name with all the authority given to the Common Council. He said the ordinance states that it isn't actually a Commission but a Committee, meaning the management is through City Administration and the budget. The Committee has the ability to make recommendations that could be acted upon by the Common Council. He said the Water Utility is required to make an annual report and as part of that report it has to stipulate who is "in charge". Mr. Weigel requested formal action to recognize the Common Council having general authority over the Utility.

A motion was made and seconded, (B. Bergman, B. Dziwulski) to name the Common Council as the general authority of the Water Utility for PSC reporting purposes. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action to Authorize the Application Process for a Department of Natural Resources (DNR) Deer Nuisance Permit

Mr. Klein stated the deer management study group met. He said the make-up of the group include two representatives from the DNR; one being a Warden and the other being a Wildlife Biologist, Lieutenant Ripplinger, two people from the Rocky Point neighborhood, Tom Koepp from the LPSD and Rick Carr who has enough acreage on his property that would allow for hunting, and himself. The DNR was in agreement that there is an overpopulation of deer within the City of Pewaukee and it is a nuisance. The DNR stated they were willing to issue nuisance permits, not only to the City but to residents that have more than 5 acres of land. Basically the permits could be turned around in a week's time. Mr. Klein was asking for permission to apply for the permits to have extra tags at no cost that could be handed out to hunters.

There was also discussion among the group regarding the importance of enforcing the “no feeding” ordinance which the Sheriff’s Department could handle. Mr. Klein stated the DNR has a pamphlet that could be used to get the message out too.

Mr. Klein asked the attorney what liability the City potentially has for issuing nuisance tags to individuals. Mr. Klein also noted that the City’s hunting ordinance is too restrictive, according to the DNR, and it will need to be updated. He said there is no distance for bow hunting as long as you get the property owner’s permission to hunt on their property.

Mr. Klein stated there was discussion on how to get more citizen involvement. The group suggested that hunters could earn buck tags if they first killed three doe. He stated the meat all has to be tested for Chronic Wasting Disease (CWD). He said the group will monitor and determine if additional steps need to be taken and if the initiative needs to go citywide or not.

George Evert (N45 W24434 Lindsay Road) voiced his concerns regarding the killing of female deer in spring due to pregnancy. Mr. Klein stated the DNR was pushing for the hunting in the winter months to address this issue.

A motion was made and seconded, (B. Dziwulski, J. Kara) authorizing the application process for a DNR Deer Nuisance permit. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding **Ordinance 18-01** Repealing and Recreating Portions of Section 6.035 of the Municipal Code Concerning Residency Restrictions for Sex Offenders

Mr. Klein stated this ordinance change is at the advice of The City attorney’s office and is the first reading. Mr. Klein stated the map would need to be updated and the distance would have to be dropped down to 750 feet from schools, daycares and parks.

Ms. Brown asked about the Residence Board and whether or not there was any criteria required for these people to serve. She also commented that the recommended board make-up was comprised of only three people and she had concerns that only three people were making such a determination.

Attorney Alexy stated the provision of having a Residence Board appeal process ensures the offender is not “banished” or receives additional punishment for a previous offense.

Ms. Brown asked that this item not be placed in the consent agenda at the next meeting to allow for additional discussion.

12. Discussion and Action to Concur with the Plan Commission (11/16/2017) Approve Certified Survey Map (CSM) PC #171019-1 for the Gene Brittain Property Located on Bluemound Road (PWC 0925-994-002 & PWC 0925-994-003)

Mr. Klein stated this property was recently rezoned to two-family contingent upon the approval of the CSM. Mr. Klein said Mr. Weigel noted the setbacks were incorrectly noted on this map and would need to be revised to 45 feet from the road. He recommended approval contingent upon the correction being made.

A motion was made and seconded, (B. Bergman, R. Grosch) to approve Certified Survey Map PC #171019-1 contingent upon correcting the setbacks from the road from 40 feet to 45 feet. Motion Passed: 6-For, 0-Against.

13. Public Comment – None.
14. 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:
 - 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 as authorized under §19.85(1)(g), Stats., specifically with regard to the City’s Contract with John’s Disposal.

- Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session as authorized under §19.85(1)(e), Stats. , specifically regarding First Offers for the Hill'n Dale Flood Easements and the Shady Lane Sewer and Water Easement acquisitions.

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. Kara, R. Grosch) to adjourn into closed session at 8:36 p.m.

Motion Passed by Roll Call Vote: 6-For, 0-Against.

15. Adjournment

A motion was made and seconded, (B. Dziwulski, J. Kara) to adjourn the meeting from closed session at 8:54 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer