In Attendance:
Mayor Steve Bierce, Aldermen C. Brown, I. Clark, B. Dziwulski, R. Grosch (arrived at 6:25 p.m.), P. Vetterkind and J. Wamser.

Also in Attendance:
Attorney S. Riffle, DPW Director M. Wagner, Utility Manager J. Mueller, Park & Recreation Director N. Phalin, City Planner & Community Development Director N. Fuchs, City Assessor R. Tuff and Clerk/Treasurer K. Tarczewski. Administrator S. Klein absent and excused.

1. Call to Order and Pledge of Allegiance

   Mayor Bierce called the meeting to order at 6:00 p.m. and requested everyone stand for the Pledge of Allegiance.

2. Public Comment - None.

3. Consent Agenda
   - 3.1. Approval of the Common Council Meeting Minutes Dated November 8th, 2021
   - 3.2. Approval of the Common Council Meeting Minutes Dated November 15th, 2021
   - 3.3. Approval of the Accounts Payable Listing Dated November 15th, 2021
   - 3.4. Approval of the Accounts Payable Listing Dated December 6th, 2021
   - 3.5. Approval of **Resolution 21-12-44** Appointing Poll Workers for the City of Pewaukee

   Ms. Brown asked that item #3.5 be removed from discussion and stated she would be abstaining from item #3.1.

   A motion was made and seconded (I. Clark, B. Dziwulski) to approve the remaining items on the consent agenda. Motion Passed: 5-For, 0-Against.

   3.5 Approval of Resolution 21-12-44 Appointing Poll Workers for the City of Pewaukee

   Ms. Brown stated she helped in past elections and noticed that her name was listed in the resolution, and she said she wasn't sure she would be working again. Ms. Tarczewski stated she placed her name in the resolution to be able to use her if there was ever a shortage. Ms. Tarczewski stated she is not obligated to work if she doesn't want to.

   Ms. Brown noted there were more Democratic appointments than Republican. She asked if more names were submitted if they could be added. Ms. Tarczewski stated the deadline for the political parties to make their nominations was November 30th. She said if additional names were submitted, they would not have the party designation, but could potentially be used if there was a shortage of poll workers.

   A motion was made and seconded (C. Brown, I. Clark) to approve Resolution 21-12-44 Appointing Polling Workers. Motion Passed: 5-For, 0-Against.

4. Discussion and Possible Action Regarding the Well 5 Alternative Study

Jane Mueller and Ken Ward from Ruekert/Mielke were present for this item. Ms. Mueller stated the well had collapsed and there are very few alternate well sites and looking into alternative water main installation would be the other option. Ms. Mueller noted a study was completed by Ruekert and Mielke.

Mr. Ward summarized various route options and concluded the best option was on page 8 in the report. He noted it was not the cheapest option, but significantly increased the fire flows. Mr. Ward stated the well would be taken out of service and may not have to be abandoned.

Ms. Mueller noted the consent order states the City would comply by May of 2023 and thought it may be able to be used as an emergency back-up well. She said it has been out of service due to radium issues. Ms. Mueller stated the reservoir roof and well pump were replaced and could be used as an emergency backup well.

Discussion took place about not putting money into a non-reliable resource. Ms. Mueller stated instead of putting $3.4 million into the treatment system, it would go into constructing the water main.

Ms. Brown asked how it would be paid for. Ms. Mueller stated the City will apply for a Safe Drinking Water Loan.

A motion was made and seconded (C. Brown, J. Wamser) to approve alternative 1.2 for well #5. Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action Regarding a Revised Certified Survey Map for Debra Aukofer for Property Located at N6 W27539 Northview Road (PWC 0983-999-005) for the Purpose of Dividing the Property Into Two Lots

Mr. Fuchs stated this previously went before Common Council with three lots. He said the applicant now only wants two lots and needs to go through configuration. Mr. Fuchs noted staff is recommending approval with the same conditions including public sewer connection and final grading approval.

Ms. Brown asked about Northview Road construction. Mr. Fuchs noted Engineering will review the work within Northview Road.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve the revised Certified Survey Map. Motion Passed: 5-For, 0-Against.

6. Discussion and Possible Action Regarding a Naming Rights Agreement for the Proposed Splash Pad at the Pewaukee Sports Complex

Mr. Fuchs noted staff had been working with a Pewaukee resident for a $250,000.00 naming rights agreement with a term of 10 years. He said the proposed splash pad would be referred to as Garrison Splash Pad. Mr. Fuchs noted as part of the agreement, there will be signage adjacent to Lindsay Road and at the entrance of the splash pad and a groundbreaking ceremony will take place. Mr. Fuchs stated the resident will also have first rights to "renew" after ten years.

Ms. Brown asked about the timeframe. Mr. Phalin stated they are looking at 12-18 months of fundraising. He said the goal is Spring of 2023 and the 10-year term does not start until the park is opened.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the naming rights agreement. Motion Passed: 5-For, 0-Against.

7. Discussion and Possible Action Regarding **Resolution 21-12-45** for a 2021 Budget Amendment to Transfer $25,000 from Impact Fees to the Capital Equipment Fund, to be Spent in 2021 and 2022 for the Contract Services of Parkitecture and Planning, LLC for the Initial Design Phase of the All-Inclusive Playground and Splash Pad Project at the Pewaukee Sports Complex

   Mr. Fuchs stated this amendment is for the scope of service to start the initial design phase. He said the company will produce a concept plan for the design, a site plan and a better estimated cost of the project. Mr. Fuchs recommended this be paid for through impact fees.

   Mayor Bierce asked what would happen if the money was not raised and how the City would get the $25,000. back. Attorney Riffle stated the contribution will be made and it will not be returned. If the money is not raised but can be reallocated to name something else in the park.

   Mr. Fuchs stated the plan includes a variety of funding sources. He said the anticipated final cost is roughly $1.5 million.

   Discussion took place regarding impact fees and how they can be used. Ms. Brown supports the use of the impact fees for planning and design.

   A motion was made and seconded (C. Brown, I. Clark) to approve Resolution 21-12-45 transferring $25,000 from the impact fees to the capital equipment fund contingent upon the City Attorney's approval of Parkitecture and Planning contract. Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action Regarding the Request to Clean Out and Re-Establish Drainage in Springdale Estates within a Drainage Easement

   Ms. Wagner stated the Public Works Committee has previously discussed this. She said the City was approached regarding a drainage issue in backyards of homes in the area of Ridgewood Lane and Oakwood Lane with water pooling around an electrical and cable box. Ms. Wagner stated there are drainage easements throughout the subdivision that have not been maintained. She said there are encroachments, buildings, walls, and trees and over time it has created issues for drainage in the subdivision. Ms. Wagner noted this is not the first time the City has been out there, but the first time the City is looking to pursue something. She said it is a complicated and complex issue. Ms. Wagner would like Common Council on board with how the City proceeds. She said once the City starts, they will have to do them all and it will eventually carry over to other subdivisions that have the same issues. Ms. Wagner stated it is a lack of maintenance on the City's end.

   She said the City laid out a process and will hold an informational meeting with the subdivision. Ms. Wagner felt this project would be put into the 2023 budget. She said the Public Works Committee concurred with the process and is looking for Common Council's concurrence.

   Mr. Dziwulski stated all the storm water in Springdale Estates is sent back between the houses. He said residents are paying stormwater fees and the City has done nothing about it and now they have flooding. Mr. Dziwulski asked how storm water is handled in new subdivisions. Discussion took place on storm water design in new subdivisions

Mr. Grosch asked where the water will go. Ms. Wagner stated most of the area drains to the wetlands or the drainage ditch on Springdale Road The initial area the City would start with is backyard drainage easements from the west side of the subdivision to the east side to Springdale Road.

Ms. Brown asked if people have things in the right of way is it going to be the responsibility of the City to move a shed or replant plants. Ms. Wagner stated letters will be sent to request items to be removed by a certain time, The City will not replace trees and that is the City's right as the easement owners. Ms. Wagner noted all areas are on the plat and recorded at Waukesha County and are part of the owner's title reports.

Ms. Wagner asked Common Council to buy into the process the City is looking at and would like feedback. Mayor Bierce recommend Ms. Wagner come back with a script for the Council members and would like this to go as smooth as possible.

Ms. Brown stated the residents brought the issues to the City and want the City to fix it.

Mayor Bierce stated there are residents being affected a lot and hundreds of residents who are not being affected at all.

Discussion took place regarding annual storm water maintenance fees.

Mayor Bierce stated Common Council is supportive of the plan.

9. Discussion and Possible Action Regarding the Intersection of Green Road and Duplainville Road

   Ms. Wagner stated no discussion or action was needed. This item was placed on the agenda in error.

10. Discussion and Possible Action Regarding the 2022 Budget for the Water Utility and Sewer Utility

   Ms. Wagner stated the Water and Sewer operating budget was included as part of the budget hearing but it did not contain the capital projects.

   Mr. Grosch asked if the well would be abandoned. Ms. Mueller stated the City is hoping to reuse the reservoir. She said the DNR gives you time to abandon a well, but the City is looking to engineer and reuse. Ms. Mueller noted it is not included in the current capital budget. She said more than likely it will have to be abandoned and does not have a estimate at this time.

   Ms. Brown asked if there was a rate increase with the PSC. Ms. Mueller stated there was one in 2020 and there will be another one in 2022. Ms. Wagner noted the increase will reflect some of the current projects and the safe water loan.

   A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the Water and Sewer capital budget. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action to Release the Woodleaf Reserve Phase 5 Grading Agreement Cash Deposit

   Ms. Wagner stated Woodleaf Reserve phase 5 executed an early grading agreement with the City. Ms. Wagner stated they could not get their letter of credit in time and gave the City a cash deposit. She noted they now have their letter of credit and are asking for authorization to release the cash deposit since the City received the letter of credit.

A motion was made and seconded (C. Brown, I. Clark) to approve the release of the cash deposit. Motion Passed: 6-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 involved. Specifically related to excessive assessment claims regarding Parkside Arbor View for their Property Located at N26 W26511 College Avenue (PWC 0908-996) and Parkside Legacy for Their Property Located at W232 N3471 Hunters Ridge Road (PWC 0931-999-014)

    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, B. Dziwulski) to go into closed session at 7:09 p.m. Motion Passed: 6-For, 0-Against via roll call vote.

    A motion was made and seconded (B. Dziwulski, R. Grosch) to go back into open session at 7:21 p.m. Motion Passed: 6-For, 0-Against.

    A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the proposed settlement agreement presented by Attorney R. Braithwaite. Motion Passed: 6-For, 0-Against.

14. Adjournment

    A motion was made and seconded (B. Dziwulski, I. Clark) to adjourn the meeting at 7:22 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer