

In Attendance:

Mayor S. Bierce, Aldermen C. Brown, I. Clark, B. Dziwulski, R. Reinbold, P. Vetterkind and J. Wamser.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Director of People and Culture K. Woldanski and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 6:30 p.m. and asked everyone to stand for the Pledge of Allegiance.

2. Public Comment - None.

3. Consent Agenda

- 3.1 Approval of the Accounts Payable Listing Dated December 5, 2022
- 3.2 Approve Common Council Meeting Minutes Dated August 15, 2022
- 3.3 Approval of Common Council Meeting Minutes Dated October 17, 2022

A motion was made and seconded (B. Dziwulski, R. Reinbold) to approve the items in the consent agenda. Motion Passed: 6-For, 0-Against.

4. Discussion with Sergeant Twelmeyer from the Village of Pewaukee Police Department Regarding the Needs of the Lake Patrol and Possible Action to Fund and Authorize the Purchase of an Utility Terrain Vehicle (UTV)

Sergeant Twelmeyer was present for this item. Sergeant Twelmeyer stated Lake Patrol is responsible for policing the winter ordinances on Pewaukee Lake. He said the current ATVs are well past their life expectancy and require annual maintenance. He noted the upkeep is roughly \$1,000 per unit, per year. Sergeant Twelmeyer recommended taking the two ATVS into one UTV unit. He said it would require less maintenance cost and take up less space. He noted you can put two officers on one apparatus. Sergeant Twelmeyer stated the UTV can also be used for more than just ice patrol and will be a multi-purpose asset.

Mayor Bierce stated he was concerned about going from three ATV's down to one UTV and that the City would be shortchanging the needs of residents. Sergeant Twelmeyer stated the Village traded theirs in and felt that having more than one would be over kill and does not see the benefit of having two units. Mayor Bierce asked if it is something that could be shared with the Fire Department. Sergeant Twelmeyer stated the Fire Department has a six-wheeler and their own apparatuses.

Mr. Reinbold asked about a backup plan and if it would be worth keeping one ATV for emergency situations or other events instead of trading it in. Sergeant Twelmeyer liked the idea, but the thought behind getting a brand new one is that there wouldn't be issues or problems with a new unit. He said it is also weather dependent. If it doesn't get cold enough it won't get used on the ice, and he reiterated that it can be used year-round.

Mr. Wamser noted it would not get much for a trade in. He recommended adding fuel stabilizer.

Ms. Brown stated she was on the same page as Mr. Reinbold in the fact of looking at a new one and not having to worry about breakdowns. She is concerned that two communities are purchasing the bulk of the machine but only one community has the events. Mr. Klein noted it will be used to get officers to boats instead of using personal vehicles. She felt it would be nice to have a backup machine, but if a backup plan is in place that is fine. Sergeant Twelmeyer stated they work very close with the Fire Department and noted if Common Council felt strong about it, they could hang on to the unit.

Mr. Reinbold asked if it has been ordered and if an extended warranty would be purchased. Sergeant Twelmeyer stated it has been in stock and noted it comes with a five-year warranty.

Ms. Brown asked if there was money available in contingency. Mr. Klein stated yes.

A motion was made and seconded (C. Brown, I. Clark) to trade in both ATV's and use money from contingency to pay for the remainder. Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action Regarding a Request by Interstate Partners to Remove Weight Limit Restrictions Along Green Road Between Redford Boulevard (Highway F) and Duplainville Road

Ms. Wagner noted Interstate Partners is asking to have restrictions removed on Green Road where they are looking to develop a parcel. She said the future planning and land between Redford Boulevard and Duplainville Road has been discussed with the City Planner. She said since it is going to be industrial rather than residential, it makes sense to remove the current restrictions. Ms. Wagner noted the weight restriction would remain in place from the Redford Boulevard ramp to Highway 164. She said to accommodate truck traffic, there would need to be some redesign of the intersection. Ms. Wagner added she would look to Interstate Partners or an area wide assessment for the improvements. She stated there was no ordinance at this point but wanted Common Council's thoughts about removing the weight restrictions.

Mayor Bierce asked if the weight restriction was to keep trucks out of a residential neighborhood or because the road cannot handle the weight. Ms. Wagner stated it is largely to keep trucks out of the residential neighborhoods. She stated the original land use for Duplainville Road to Highway 164 was residential, which is the reason for the weight restriction. Ms. Wagner noted future plans are industrial.

Mr. Wamser asked if an acceleration lane would be put in on Redford Boulevard heading south or a wider area to merge. Discussion took place regarding merging onto Redford Boulevard with the speed limit.

Mr. Reinbold stated there are issues at both ends of the ramp. Ms. Wagner stated she would have to discuss the top of the ramp intersection with Waukesha County.

Further discussion took place regarding options of getting to Redford Boulevard.

Interstate Partners offered to pay for the modification and signage just after the Highway F ramp.

Ms. Wagner noted that the formal ordinance to lift the weight restriction is not on the agenda. She said she can draft it but wanted to know if Common Council would support.

A motion was made and seconded (C. Brown, P. Vetterkind) to approve the request of Interstate Partners contingent on discussion with the City Engineer and the County to see how much it would cost to redesign. Motion Passed: 5-For, 1-Against (R. Reinbold).

6. Discussion and Possible Action to Approve **Ordinance 22-25** Related to Chapter 5 Traffic specifically Speed Limits on Northview Road (*First Reading*)

Ms. Wagner stated staff recently did repairs on Northview Road and noted the 45 MPH speed limit has created unsafe working conditions on the roadway. She said it has become more of an urban-type roadway with multiple driveways coming out onto Northview Road. Ms. Wagner felt it was prudent that the speed limit be reduced from 45 MPH to 35 MPH from Meadowbrook Road to the City limits.

A motion was made and seconded (C. Brown, I. Clark) to waive the second reading and approve Ordinance 22-25 reducing the speed limit on Northview Road. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action to Waive the Second Reading and Approve **Ordinance 22-26** Related to Chapter 5 Traffic specifically Speed Limits on Duplainville Road (*First Reading*)

Ms. Wagner noted in June she came to Common Council to reduce speed limits to 25 mph due to excessive speed during construction. Ms. Wagner stated the road is complete and the bridge has opened and the City would like to reestablish the speed limits that were part of the Ordinance prior to construction. She asked Common Council to adopt the ordinance and waive the second reading. Ms. Wagner noted the speed limits will be 45 mph from Victoria Street north to Weyer Road and 35 mph from Victoria Street south to Redford Boulevard.

A brief discussion took place regarding how much under the original speed can be reduced without going to the State for approval.

Mr. Dziwulski felt 35 mph is a good speed.

Ms. Wagner stated there was a request to reduce the speed limit on the northern part from 45 mph to 35 mph. She said she would like the Sheriff's Department to do a speed study in the area before making the change and would like to run it through normal channels. Ms. Wagner stated she wanted to speak with the Sheriff's Department and Fire Chief to make sure they don't have any concerns. She said she would then take it to the Public Works Committee. Attorney Riffle recommended not going back to anything other than what the speed limit was before unless a study is done.

Mayor Bierce asked if the speed limit needs to be changed within a certain time frame. Ms. Wagner stated she would like to do the studies before making the change. She noted that 25 mph is too slow for the area and feels people would exceed the speed limit. Ms. Wagner recommends the City go through the proper channels to change it from 45 mph to 35 mph.

Mr. Klein asked if there had been a request to lower the speed limit. Ms. Wagner stated there was a request from a resident.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve Ordinance 22-26 and waive the second reading. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action to Approve **Ordinance 22-27** Related to Chapter 5 Traffic Specifically Temporary Speed Limits (*First Reading*)

Ms. Wagner stated the ordinance is being proposed so the City does not have to go through the formal ordinance code to reduce the speed limit during construction periods in the future. She said it allows

her to reduce the speed limit on a temporary basis during construction with a notification to Common Council.

A motion was made and seconded (P. Vetterkind, I. Clark) to waive the second reading and approve Ordinance 22-27 authorizing the DPW Director to make temporary changes to the speed limits during construction projects. Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action Regarding Release of the Pewaukee South Industrial Grading and Stockpiling of Fill Material Letter of Credit in the Amount of \$189,450.00

Ms. Wagner noted Briohn Builders grading and filling operations have been completed and restoration has been done. She recommended the release of the financial letter of credit guarantee contingent upon receipt of the as-built storm water facility and executed stormwater maintenance agreement.

A motion was made and seconded (I. Clark, B. Dziwulski) to release the letter of credit in the amount of \$189,450.00. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action to Release of the Northmound Industrial Development Letter of Credit in the Amount of \$15,000.00

Ms. Wagner stated the development completed the public improvements and the site has been restored. She noted the one-year guarantee period has elapsed and recommended the release of the remaining letter of credit.

A motion was made and seconded (B. Dziwulski, J. Wamser) to release the Northmound Industrial Development letter of credit. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding an Access Easement for Certified Survey Map (CSM) 4227 Located at W225N4250 Duplainville Road (PWC 0868-997-001)

Ms. Wagner stated when Common Council adopted CSM 12351 creating two lots on the north side of CSM 4227 there was a restriction that there would be no access or further land divisions of lot one or two for the area south and west of the creek with out Common Council approval and full nonrestrictive railroad access being provided. She said the house on CSM 4227 does not have full access rights across the railroad and trains will sit and block the driveway for extended periods of time. Ms. Wagner stated the property owner has tried working with the railroad to resolve the issue to no avail. She noted this is causing issues with the sale of the home. The property owner is asking to allow an access easement across the two lots he created as part of CSM 12351. Ms. Wagner stated it would be restrictive-only to allow access to the one existing home. She said permits would be needed if any improvements are done to the existing access drive. She stated staff supports allowing the access to be created with the restrictions.

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the access easement contingent City Attorney and City Engineer review and approval. Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Regarding Swan View Farms
 - 12.1 Approve the Escrow Agreement for Cash Deposit to Replace the Letter of Credit.
 - 12.2 Release the Remaining Letter of Credit in the Amount of \$15,000.
13. Discussion and Possible Action Regarding Swan View Farms Phase 2

- 13.1 Approve the Escrow Agreement for Cash Deposit to Replace the Letter of Credit.
- 13.2 Release the Remaining Letter of Credit in the Amount of \$110,000.

Items 12 and 13 were discussed at the same time.

Ms. Wagner stated the developer would prefer to replace the letter of credits with a cash escrow. She said the City Attorney reviewed the agreements and is agreeable and the City has no objection. Ms. Wagner noted once the cash deposit is received and executed the remaining letter of credit will be released.

A motion was made and seconded (I. Clark, P. Vetterkind) to approve items 13.1 and 13.2 contingent on Attorney review. Motion Passed 6-For, 0-Against.

- 14. Discussion and Possible Action Regarding **Ordinance 22-28** Related to Sex Offender Residency Requirements (*First Reading*)

Attorney Riffle noted in the late 1990's when the sex offender residency ordinance was done, it stated if you were convicted of a sex offense you could only move back if you originally lived here. He stated there was a recent lawsuit saying the information in studies were no good and all ordinances with former domicile requirements should be thrown out. He said a new resolution and ordinance can be done but it must start after the date it was last enacted. Attorney Riffle noted Council will receive documents with the information. Mayor Bierce stated it can be discussed once Council gets their information from Attorney Riffle.

- 15. Discussion and Possible Action Regarding the Reserve Liquor Licenses and Potentially Making Them Available to Surrounding Communities

Mayor Bierce noted the City has seven liquor licenses available. Attorney Riffle stated the formula to calculate the number of licenses the City is allowed, is based off population. He said with the added population, the number of reserve Class B licenses authorized in 2022 is 11. Mayor Bierce asked if the City needs to apply for the licenses. Attorney Riffle stated you don't have to apply, and the City Clerk has the right to issue them. He added the City is allowed to sell them to adjacent municipalities.

Mayor Bierce stated a trustee from the Village approached him stating they do not have extra licenses and are looking to build more of an entertainment district at the lakefront. Ms. Tarczewski noted four were issued and the City has seven licenses. Attorney Riffle stated by law the City has to charge \$10,000 to sell a license.

Mr. Reinbold asked if the license was gone once purchased. Attorney Riffle stated once it is purchased, it comes off the list.

- 16. Discussion and Possible Action to Approve **Resolution 22-12-53** Establishing the 2023 Fee Schedule

There was no discussion regarding this topic.

A motion was made and seconded (I. Clark, R. Reinbold) to approve Resolution 22-12-53 establishing the 2023 fee schedule. Motion Passed: 6-For, 0-Against.

- 17. Discussion and Possible Action Regarding the Proclamation Declaring December 16, 2022 Princess Delaney Krings Day

Mayor Bierce stated this young girl has an aggressive form of brain cancer and there is a community movement to show support to her and her family.

A motion was made and seconded (P. Vetterkind, R. Reinbold) to approve the proclamation honoring Delaney Krings. Motion Passed: 6-For, 0-Against.

18. Public Comment - None.

19. 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)(c): Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility specifically related to employee compensation.

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 (B. Dziwulski, I. Clark) to go into closed session at 4:45 p.m. Motion Passed: 6-For, 0-Against via a roll call vote.

A motion was made and seconded (B. Dziwulski, P. Vetterkind) to go back into open session at 7:48 p.m. Motion Passed: 6-For, 0-Against.

20. Adjournment

A motion was made and seconded (I. Clark, R. Reinbold) to adjourn the meeting at 7:51 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer