

In attendance: Mayor S. Bierce, Aldermen B. Bergman, C. Brown, J. Kara, J. Wamser and R. Grosch. Also present were City Administrator S. Klein, Clerk/Treasurer K. Tarczewski, DPW Director J. Weigel, Assistant Engineer M. Wagner and Attorney S. Riffle.

- 1.0 Call to Order and Pledge of Allegiance - Mayor Bierce called the meeting to order at 7:00 p.m.
- 2.0 Public Comment – None.
- 3.0 Consent Agenda – Action
 - 3.1 Approval of Common Council Meeting Minutes Dated May 1st, 2017
 - 3.2 Approval of Accounts Payable Summaries
 - 3.3 Approval of Bartender Licenses
 - 3.4 Approve **Ordinance 17-05** to Repeal and Recreate Section 5.03(3), 5.05 and to Create Section 5.09(3) of the City of Pewaukee Municipal Code Related to Official Traffic Map, Regulation of Heavy Traffic and Related Penalties (***second reading***)

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

- 4.0 Public Hearing for the Proposed Deer Haven Phase 1 Paving Project (RD-17-574110)

Mr. Weigel and Ms. Wagner were present for this item. They are proposing road work on Quail Hollow Road, Fox Den Court, Foxcroft Court and Foxcroft Drive. Mr. Weigel stated he was also recommending the alternate bid of a full depth asphalt removal and replacement of Quail Hollow Road in the amount of approximately \$20,000. He said the project will be assessed to those properties that benefit from the project defined as those properties that have driveways that connect to the street. He stated there is a cap for residential properties and the amount for 2017 is \$2,481.00 per unit. He added duplexes are considered 2 units. He anticipates construction to begin in June, completed this year and finalized next year about this time. He added property owners would have 10 years to pay off the assessment.

Mr. Weigel stated three bids were received and Payne & Dolan was the lowest qualified bid in the amount of \$261,047.50. Mr. Weigel stated the total project cost is \$378,661.14. \$188,556.00 will be special assessments paid by the property owners, the Water Utility will pay \$8,424.00 for repairs to water system, the Sewer Utility will pay \$68,276.00 for sanitary manholes and the Storm Water Utility will pay \$59,517.25 for catch basin repairs, leaving a balance of \$53,887.89 to be paid by the general tax levy.

Mayor Bierce opened the public hearing.

Jim Bojar (N26 W26312 Quail Hollow Road) stated he owns 2 duplexes on this street so he would be assessed for four units. He asked if the roads failed. Mr. Weigel said the road hasn't failed, the project is based on its current condition. He stated the City could possibly get another 5 years out of the road but it will be more expensive to replace it.

Mr. Bojar commented that the letter he received stated road paving costs are paid by the City of Pewaukee and road construction is recovered from special assessments. He asked if that

was separate. Mr. Weigel explained the different financial entities within the City and their funds.

Mr. Bojar argued that he only receives one tax bill and one utility bill and questioned why he isn't being special assessed in that same manner. Mr. Weigel stated the special assessment is based on per dwelling unit. He said it would be reasonable to assume that a duplex would have twice the traffic impact that a single family home would have.

Mr. Bojar said he would like the project to be pushed off. Mr. Weigel stated if the project is postponed the cap would be removed in the future. Mr. Weigel explained the history of the special assessments.

Jeff Somenske (N26 W26414 Quail Hollow Road) stated he also owns a duplex. He asked for clarification on policy that would remove the special assessment cap from the road project. Both Mr. Weigel and Attorney Riffle explained it that they don't want other taxpayers in the community to pay for a designated road. He also wanted to know why he is going to be charged for two units. Attorney Riffle stated it is reasonable to assess for use. He asked for data of the traffic patterns in that area. Mr. Weigel stated that would be too costly to do, that is why they rely on the Regional Planning Commission reports. That is why we treat everyone the same. Mr. Somenske stated he doesn't agree on how this is being done. He asked how much it would cost if they let the road deteriorate to failure. Ms. Wagner stated it would approximately cost 7 times more than the current proposed contract. He asked if it cost more to do it in phases verses all at once. Mr. Weigel stated it may, but there are other things to consider such as labor costs, asphalt prices, destruction within the neighborhood all at one time, budgeting and constructability.

Mr. Somenske asked if the City considered sealing or crack filling instead. Mr. Weigel stated it was past that phase. Ms. Wagner stated that should be done within the first 10 or 15 years.

Mr. Bojar asked what the simple interest rate is. Attorney Riffle stated the City typically charges 1% above what we can borrow the funds for.

Brianna Lindquist (N26 W26373 Quail Hollow Road) asked if it was possible to pay off the assessment early. The answer was yes. She also asked if she was to sell her property who pays for the remaining balance. She was told that typically it is required to be paid in full at the time of closing. Ms. Lindquist also requested an additional cap for duplexes.

Brian Bednarek (N26 W26373 Quail Hollow Road) wanted clarification on the billing cycle. Mr. Weigel stated he should receive the bill at the end of next summer and if he chooses to pay it off by October 31st, it won't go on his tax bill. Otherwise he will see the assessment on his tax bill with added annual interest. Mr. Bednarek stated this was going to be a financial burden on his family.

5.0 Discussion and Possible Action Regarding Award of the Deer Haven Phase 1 Paving Project to the Lowest Qualified Bidder, Payne & Dolan of Waukesha WI, Based on the Lowest Qualified Bid of \$261,047.50.

Mr. Weigel recommended award of the contract to Payne & Dolan in the amount of \$261,047.50 with the mandatory bid items 74, 75, 76 and in lieu of bid items 8, 11, 14, 17 and 62 shifting the partial overlay on Quail Hollow to include the complete removal and repaving in the amount of \$20,777.50 and to take advantage of the cost savings, approve the speed humps on Milkweed Lane as a work directive under the mandatory alternates. He said the total cost for the Deer Haven project is \$281,825.00.

A motion was made and seconded, (R. Grosch, B. Bergman) to concur with the City Engineers' recommendations and award the Deer Haven Phase 1 paving project (RDS 17574110) to the lowest qualified bidder, Payne & Dolan in the amount of \$281,825.00.

Motion Passed: 5-For, 0-Against.

- 6.0 Public Hearing Regarding the Class B Liquor License Request from Texas Hold On, Inc. D/B/A the Station Pub & Grill Located at W226 N3013 Duplainville Road (PWC 0914-981-001) and to Name Jason Zinda as Agent.

Mr. Jason Zinda and Mr. Gregory Zinda were present for this item. Ms. Tarczewski stated the petitioner is interested in acquiring the business and wanted reassurance for the Council that they could take over the original owner's liquor license. Mayor Bierce opened the public hearing and closed it immediately when no one expressed an interest to speak. Based on the information provided to the Common Council no one expressed any concerns about issuing a liquor license to the Zinda family.

- 7.0 Discussion and Possible Action Regarding the Request of Mug Shotz Bar & Grill Located at W270 N2793 Elm Avenue (PWC 0933-107) for a Special Event Permit to Hold an Outdoor Graduation Party on July 8th, 2017 from the Hours of 1 – 8 p.m.

Mr. Craig Werner was present for this item. The Council voiced their concerns over possible parking issues since he is proposing to put a tent up in his parking lot. Mr. Bergman stated he'd like to see the tent as close to the lake as possible. Mr. Werner stated he feels he will only lose 3 parking space.

A motion was made and seconded, (C. Brown, J. Kara) to approve the Mug Shotz Special Event Permit for July 8th, 2017 from the hours of 1-8 p.m. and allow music from 1-7 p.m. Motion Passed: 5-For, 0-Against.

Mr. Bergman reminded Mr. Werner to be sure there is proper clearance to allow for emergency vehicles on the road.

- 8.0 Discussion and Possible Action to Issue a Temporary Beer Permit to the Pewaukee Youth Baseball (PYB) to hold a Fundraising Event at Wagner Park Located at N31 W23320 Green Road (PWC 0908-993) on June 9th, 2017.

A motion was made and seconded, (B. Bergman, J. Kara) to issue a temporary beer permit to Pewaukee Youth Baseball (PYB) to hold a fundraising event at Wagner Park on June 9th, 2017. Motion Passed: 5-For, 0-Against.

****PLEASE NOTE:** At 8:32 p.m. City Hall lost power and the recorded audio after this point is not available.

- 9.0 Discussion and Possible Action on the Milkweed Lane Speed Hump Construction Bids and Possible Special Assessments

Mr. Weigel stated the cost to install speed humps would be \$13,390.00. He mentioned there are 62 dwelling units that would benefit from the installation. He said if the city was to charge special assessments for the project a public hearing would have to be held and the estimated cost per unit would be \$212. Mr. Weigel mentioned the assessment policy allows for a 10 year payment plan. Ms. Tarczewski stated she was against having this exist over a 10 year period for such a small amount.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve the speed hump

on Milkweed in the amount of \$13,390.00 as part of the Deer Haven Phase I paving project mandatory alternate bid #73 as proposed by Payne and Dolan and direct staff to put together an assessment roll and Engineer's report to determine if the project should be special assessed. Motion Passed: 3-For, 2-Against (C. Brown, J. Kara).

- 10.0 Discussion and Possible Action on the Proposed Close Out of the Commerce Circle Manhole Repair Contract

At this time Mr. Bergman stepped down from the dais noting that he had a personal interest in this item.

Mr. Weigel stated in 2012 the pipes and manhole were proposed to be repaired. BCF Construction completed 1/3 of the job. The remaining work was not completed, nor was it to the City's specifications. He recommended the City pay only for 1/3 of the project cost in the amount of \$11,767.00 and \$2,779.20 repair to the storm sewer.

A motion was made and seconded, (J. Wamser, R. Grosch) to approve the final payout for the Commerce Circle manhole repair contract in the amount of \$14,546.20 to BCF Construction. Motion Passed: 4-For, 0-Against, 1-Abstain (B. Bergman)

- 11.0 Discussion and Possible Action to Select the Common Council President

A motion was made and seconded, (J. Kara, R. Grosch) to select Colleen Brown as the Council President. Motion Passed: 5-For, 0-Against.

- 12.0 Discussion and Possible Actions Related to Appointments to Various Boards, Commissions and Committees of the City of Pewaukee

Mayor Bierce stated all of the citizen members whose terms were expiring have agreed to serve another term and he was recommending their reappointments. He also recommended Alderman Bergman be appointed to the Plan Commission. **A motion was made and seconded, (J. Kara, C. Brown) to concur with the Mayor's recommendations.** Motion Passed: 5-For, 0-Against.

- 13.0 Public Comment

George Evert (N45 W24434 Lindsay Road) stated he'd like speed humps installed on Lindsay Road. He said there are constant issues with people traveling on the road with excessive speeds and who are ignoring the stop signs. He said something needs to be done.

Bob Young (N27 W22207 Shadywood Court) stated he believes the Council's goals are safety and sustaining the growth of the community. He asked for assistance to address a zoning code violation on his street. He said there are several work vehicles parked at one of his neighbor's homes. Mr. Klein stated he would speak to Ms. Woldanski in the morning.

Edward Wierzbicki (N26 W26495 Foxcroft Drive) thanked the Council, the previous Mayor and the Engineering Department for assisting him with a landscaping issue that he had with a neighbor.

- 14.0 Adjournment

A motion was made and seconded, (J. Kara, C. Brown) to adjourn the meeting at 9:19 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,
Kelly Tarczewski – Clerk/Treasurer