

In attendance: Mayor S. Bierce, Aldermen B. Bergman, J. Kara, J. Wamser, and R. Grosch. C. Brown was absent and excused. Also present were City Administrator S. Klein, Clerk/Treasurer K. Tarczewski, DPW Director J. Weigel, Utility Superintendent J. Mueller, and Attorney S. Riffle.

1.0 Call to Order and Pledge of Allegiance - Mayor Bierce called the meeting to order 7:01 p.m.

2.0 Public Comment – None.

3.0 Consent Agenda – Action

3.1 Approval of Common Council Meeting Minutes dated April 3, 2017

3.2 Approval of Accounts Payable Summaries

3.3 Approval of Bartender Licenses

3.4 Approval of **Resolution 17-05-04** Related to Public Record Requests

3.5 Approval of Commercial Dog Kennel License for Dogtopia to Operate a Dog Daycare Business at W238 N1700 Rockwood Drive (PWC 0954-998-016) at the Request of Kevin Blackmore (PC 4/20/2017)

3.6 Approval of Hobby Kennel License for Nancy Guerrero to Keep Five (5) Dogs on Her Property Located at N10 W23512 Nottingham Drive (PWC 0966-007) (PC 4/20/2017)

3.7 Approval of **Ordinance 17-04** to Amend Sub-Section 17.0404c, A-2 Agricultural District, Conditional Uses of the City Zoning to Add Sub-Section (7) (PC 4/20/2017) (*second reading*)

3.8 Approve the Recommendation from Statewide Services, Inc. to Deny Insurance Claim #WM000672700105 of Equian (on the behalf of Hilbert Co. LLC and/or Auto-Owners Insurance) for Loss Sustained at W229 N1870 Westwood Drive (PWC 0959-988-007) on January 5, 2017.

3.9 Approve the Recommendation from Statewide Services, Inc. to Deny Insurance Claim #WM000672700104 of Auto-Owners Insurance (on behalf of Hilbert Co. LLC) for Loss Sustained at W229 N1870 Westwood Drive (PWC 0959-988-007) on November 28, 2016.

Alderman Kara asked that Items 3.4, 3.5, 3.6 and 3.7 be removed for discussion.

A motion was made and seconded, (B. Bergman, R. Grosch) to approve the remaining items on the consent agenda. Motion Passed: 4-For, 0-Agaisnt.

3.4 Approval of Resolution 17-05-04 Related to Public Records Requests

Mr. Kara asked if this was something new. Ms. Tarczewski stated this document is updated annually to reflect the changes in elected officials and staff.

A motion was made and seconded, (J. Kara, B. Bergman) to approve Resolution 17-05-04. Motion Passed: 4-For, 0-Agaisnt.

Mr. Kara asked if the next three items were discussed at the last Plan Commission. Mr. Klein stated they did and all were recommended for approval.

- 3.5 Approval of Commercial Dog Kennel License for Dogtopia to Operate a Dog Daycare Business at W238 N1700 Rockwood Drive (PWC 0954-998-016) at the Request of Kevin Blackmore (PC 4/20/2017)

A motion was made and seconded, (J. Kara, R. Grosch) to approve the Commercial Dog Kennel License for Dogtopia. Motion Passed: 4-For, 0-Against.

- 3.6 Approval of Hobby Kennel License for Nancy Guerrero to Keep Five (5) Dogs on Her Property Located at N10 W23512 Nottingham Drive (PWC 0966-007) (PC 4/20/2017)

Mr. Wamser asked about this item. He thought there were issues that prompted this request. Mr. Klein stated this has been an ongoing issue for a few years. The homeowner acknowledges changes will be made. She will not walk her dogs on the streets, she will take the dogs to a dog park for exercise and she has a fenced in yard. Staff will monitor the situation and will report any further issues. **A motion was made and seconded, (J. Kara, B. Bergman) to approve the Hobby Kennel License for Ms. Guerrero.** Motion Passed: 4-For, 0-Against.

- 3.7 Approval of **Ordinance 17-04** to Amend Sub-Section 17.0404c, A-2 Agricultural District, Conditional Uses of the City Zoning to Add Sub-Section (7) PC 4/20/2017)

Mr. Klein stated this ordinance would allow for conditional uses to have certain animals. It allows the Plan Commission to make decisions that they couldn't before. Mr. Kara stated the ordinance seems to be very limited or specific. Mayor Bierce noted that the ordinance should read, "*keeping of animals and apiaries*" not aviaries. **A motion was made and seconded (R. Grosch, J. Kara) to approve Ordinance 17-04, changing aviaries to apiaries.** Motion Passed: 4-For, 0-Against.

- 4.0 Discussion and Possible Action to Approve the Conditional Use Permit for Hard Knocks Laser Tag Franchise to Operate a Recreation Facility Within the Old American TV Building Located at W229 N1400 Westwood Drive (PWC 0959-988-004) and Allow for the Serving of Alcohol with Conditions.

Mr. Klein stated this went before Plan Commission and they recommended approval. He noted the petitioner's plan has a slightly segregated area to keep underage customers away from the alcohol.

A motion was made and seconded, (R. Grosch, J. Wamser) to approve the conditional use permit for Hard Knocks Laser Tag franchise to operate a recreation facility within the building located at W229 N1400 Westwood Drive and allow for the serving of alcohol with conditions. Motion Passed: 4-For, 0-Against.

- 5.0 Public Hearing Regarding the RESERVE Class B Liquor and Beer License Request of Hard Knocks Located at W229 N1400 Westwood Drive (PWC 0959-988-004) and to Name Carey Catania as Agent

Ms. Tarczewski stated she took an inventory of the current licenses issued and noticed there was still one regular liquor license that could be issued. There was discussion relate to the importance of keeping alcoholic beverages out of the hands of the minors. Mayor Bierce opened the public hearing, and noting that no one wished to speak, he immediately closed it.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve the regular Class B Liquor and Beer License for Hard Knocks located at W229 N1400 Westwood Drive and to name Carey Catania as Agent. Motion Passed: 4-For, 0-Against.

- 6.0 Discussion and Possible Action to Approve the Revisions to the Outdoor Entertainment Permit for the Point Burger Bar Located at W229 N1400 Westwood Drive Suite A (PWC 0959-988-004) to Allow for Classic Cars to be Displayed on their Leased Property One Day Per Week from May – Through the First Week in September.

Mr. Klein stated this item went to Plan Commission and they recommended approval. There were concerns that were worked out. It was noted that absolutely no carry-ins of alcoholic beverages would be tolerated and it must be purchased through the licensed facility.

Mr. Ward was present for this item and stated they will not be issuing wrist bands because they felt it was too easy to slip them off the customers' wrists and give to others. They will check identification instead.

A motion was made and seconded, (J. Wamser, R. Grosch) to approve the revisions to the outdoor entertainment permit for the Point Burger Bar to allow for classic cars to be displayed on their leased property one day per week from May through the first week in September. Motion Passed: 4-For, 0-Against.

- 7.0 Public Hearing Regarding the Revisions to the Class B Liquor License of Point Burger Bar Located at W229 N1400 Westwood Drive – Suite A (PWC 0959-988-004) to Update Their Current Premise Description.

Mr. Klein stated this is for the event in Item #6 which would allow Point Burger Bar to serve alcohol in their parking lot during the dates specified in their outdoor entertainment permit. Mayor Klein opened up the public hearing, and noting that no one wished to speak, he immediately closed it.

A motion was made and seconded, (B. Bergman, J. Kara) to approve the premises description revisions related to the Point Burger Bar's Class B Liquor License.

Motion Passed: 4-For, 0-Against.

- 8.0 Discussion and Possible Action to Approve the Special Event Permit to Hold a Classic Car Show at the Point Burger Bar Located at W229 N1400 Westwood Drive Suite A (PWC 0959-988-004) on Wednesday Evenings from May 24th to September 6th and Possibly Reduce Permit Fees.

Ms. Tarczewski stated the petitioner is looking to hold a classic car show in their parking lot on Wednesday evenings and is asking for a reduction in the permit fees. She stated there has been past practices where fees were reduced down \$1,500 for multi-day events.

A motion was made and seconded, (R. Grosch, J. Wamser) to approve the special event permit to hold a classic car show in the Point Burger Bar parking lot on Wednesday evenings from May 24th to September 6th and reduce the permit fee to \$1,500.00 with the contingency that the City can bill Point Burger Bar for the actual costs of servicing this event if they exceed \$1,500 and would require payment within 30 days.

Motion Passed: 4-For, 0-Against.

- 9.0 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 on July 8th to Hold an Outdoor Graduation Party from the Hours of 1 – 8 p.m.

It was noted that there was no representative from Mug Shotz present. Ms. Tarczewski stated

there were concerns regarding the parking situation since they want to put up a tent up in their parking lot. Ms. Tarczewski stated there is also \$391.65 in fees that would need to be collected. **A motion was made and seconded, (J. Wamser, R. Grosch) to table this discussion.** Motion Passed: 4-For, 0-Against.

- 10.0 Discussion Regarding **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 (*first reading*)

Mr. Weigel was present for this item. He stated the City Attorney requested the ordinance be restructured to avoid issues that may come if there were any appeals on a Circuit Court level. Mr. Weigel stated all of Green Road was added. Attorney Riffle recommended approval.

Mr. Kara noted in Section C there was a typo. It referenced “*vehicles traveling in the Village*” and it needs to be corrected.

- 11.0 Discussion and Possible Action Regarding the Request of Wisconsin Department of Transportation (DOT) to Allow Limited Night Construction on the STH 190 (Capitol Drive) 2017 Construction Project.

Mr. Weigel stated the project includes replacing the bridge over Redford Blvd. They want to drop the bridge at night when there is less traffic in the area.

A motion was made and seconded, (B. Bergman, J. Kara) to approve the request of the Wisconsin Department of Transportation (DOT) and allow limited night construction on Capitol Drive. Motion Passed: 4-For, 0-Against.

- 12.0 Discussion and Possible Action Related to the Young Scholars Development Located at W240 N2687 Pewaukee Road (PWC 0924-995) (Southwest Quadrant at the Intersection of Pewaukee Road & Watertown Road)

- 12.1 Approval of Certified Survey Map PC#170420-1 (Plan Commission 4/20/17) and Naming the Street Venture Drive
- 12.2 Approval of the Development Agreement
- 12.3 Establish the Amount of the Letter of Credit or Cash Escrow

Mr. Weigel stated there is a need for a standard developer’s agreement because a public street is being constructed and is to be dedicated to the City as well as municipal water and some storm water. He said the Plan Commission recently recommended approval of the Certified Survey Map which subdivides the parcel and identifies the public street right-of-way and designates the street as Venture Drive. Mr. Weigel handed out the latest version of the developer’s agreement as prepared by the city attorney, which meets all of our requirements. He also asked that the letter of credit be established at \$425,000.

Mr. Kara asked about constructing the building at the same time as they work on the public street. Mr. Weigel stated it is addressed in the developer’s agreement and allows for this activity as long as the City has access to the structure in case of emergency and the road meets the requirements set forth by the Fire Chief which will support fire apparatus as well as having sufficient water supply in case of emergencies.

The attorney for Enventure stated he was under the impression they would get their building permit once the letter of credit was submitted. After discussion, it was determined that was premature, there are several issues to address, of which are the storm water management plan and the site plan. Mr. Weigel stated the storm water management plan is currently being reviewed and the consulting engineering firm is

expected to return it on May 17th. Mr. Weigel stated he was not in favor of the contractor doing any early grading either since it will cause ordinance issues and problems with the DNR.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve the Certified Survey Map PC#170420-1, naming the street Venture Drive, approval of the developer's agreement contingent upon the final approval of the City Attorney of final form of the developers agreement and Engineering staff and establish the letter of credit in the amount of \$425,000. Motion Passed: 4-For, 0-Against.

13.0 Discussion and Possible Action to Determine How to Fill the Aldermanic Vacancy in District #3

The Council members expressed their concerns with appointing an alderman. They didn't want to take away the freedom of choice of our citizens. Ms. Tarczewski stated if an election was called this evening the clock would start running immediately and the election would have to be held within the next 62 – 77 days. She said nomination papers would be due on May 16th and if a primary election was needed it would be scheduled for June 13th and the actual election would be held on July 11th. She noted that she prepared a resolution that could be approved tonight if that was what the council wanted to do.

A motion was made and seconded, (J. Kara, B. Bergman) to approve Resolution 17-05-05 calling a special election to fill the vacancy of the aldermanic seat in District #3.

Motion Passed: 4-For, 0-Against.

14.0 Discussion and Possible Action to Allow for an Early Start Grading Permit for the Vogelsang Development Located at N29 W22775 Marjean Lane (PWC 0914-001)

Mr. Weigel stated this was late addition to the agenda. The plans are so very close to meeting the requirements and only a minor change is needed. He supports the early start permit for the site grading.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve the early start grading permit for the Vogelsang Development located at N29 W22775 Marjean Lane.

Motion Passed: 4-For, 0-Against.

15.0 Public Comment - None.

16.0 Adjournment

A motion was made and seconded, (R. Grosch, J. Kara) to adjourn the meeting at 9:34 p.m. Motion Passed: 4-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer