

In attendance:

Mayor Steve Bierce, Aldermen B. Bergman, B. Dziwulski, J. Kara, J. Wamser and R. Grosch (arrived at 6:48 p.m.). C. Brown was absent and excused.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director J. Weigel, Assistant Engineer M. Wagner, Utility Manager J. Mueller, Civil Engineer R. Wirtz, Fire Chief K. Bierce, Park & Recreation Director N. Phalin, IT Director B. Kewan, Director of People and Culture K. Woldanski, City Planner & Community Development Director N. Fuchs, City Assessor J. Siebers, Lieutenant B. Ripplinger, Lieutenant N. Ollinger, Library Director N. Champe, Accountant C. Sazama, Clerk/Treasurer K. Tarczewski and several staff members of the Water/Sewer Utility, Streets and Engineering Departments.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 6:03 p.m.

2. Public Comment - None.

3. Consent Agenda

3.1. Approval of the Common Council Meeting Minutes Dated October 21, 2019

3.2. Approval of the Common Council Meeting Minutes Dated November 4, 2019

3.3. Approval of Accounts Payable Listings

Mayor Bierce removed Item #3.1 because they have not been completed as of yet. **A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the remaining items on the consent agenda.** Motion Passed: 4-For, 0-Against.

4. Proclamation Recognizing Jeffrey Weigel, Public Works Director/City Engineer

Mayor Bierce read the proclamation honoring Jeff Weigel's 26 years of service to the City of Pewaukee.

5. **PUBLIC HEARING** Related to the 2020 Budget

Mayor Bierce opened the public hearing and since no one indicated an interest in speaking he immediately closed it. Mr. Klein stated some of the budget numbers were just finalized. He said the health insurance premiums went up six percent. Ms. Sazama stated she lowered the interest income due to the changes in the market. Mr. Bergman asked if there was enough money left over from the lower insurance premium to hire the Detective early. Mr. Klein stated there was not enough money to do that.

6. Discussion and Possible Action to Approve the 2020 Budget and Set Tax Rate

A motion was made and seconded (B. Bergman, J. Kara) to approve the 2020 budget as presented and establish the tax rate at \$3.351 per \$1,000 of assessed value.

Motion Passed: 4-For, 0-Against.

7. Update on Train Quiet Zone Study

Mr. Bergman stated he is receiving several complaints related to train horns in the middle of the night and inquiries related to establishing quiet zones and would like to set a deadline on when the study would be completed.

Mr. Weigel stated he asked for \$40,000 to complete six studies last year, but the Council only authorized half that amount and had not specified which study was to be completed. He said there are two different categories; the East/West which consists of three intersections that are covered by a state grant. He said the sealed corridor project has been delayed until December 2020 and would include the crossings at Parkside, Duplainville Road and Springdale Road. He said it wouldn't make any sense to do a study on these intersections until they have been updated. He said some of the tracks are shared with one of the Brookfields and Lisbon and they don't want to partner on the quiet zone projects. He said improving all six of the crossings would cost approximately \$900,000. Mr. Weigel stated this fall he contacted R.A. Smith, who previously did work on Weyer Road, to ask for a price on a summary report on where everything stands currently and how much it would cost to complete the project, including engineering design and application. Mr. Weigel said he has a similar letter out to Ruekert and Mielke who originally looked at the Green Road crossing. He said he asked both firms to give estimates to study the Watertown Road crossing, which would take care of the North/South crossings. Mr. Weigel stated the 2020 budget does not have any money in it for quiet zone construction. Mr. Weigel also noted there are increased challenges because we would be working with two different railroads. He also cautioned that creating a quiet zone at one intersection and not at the next probably won't accomplish much. He added the Waukesha County engineering staff want review rights to any projects proposed for Watertown Road.

8. Discussion and Possible Action to Reallocate IT Capital Funds from Server Replacements in the Amount of \$11,858.84 to Replace Microphones in the Common Council Chambers

Mr. Kewan stated the City replaced the audio equipment back in 2017 and the mute function no longer works. He said all microphones need to be replaced, including the electronics behind the switches at the cost of \$11,884. He noted there was money left over from the recent sewer upgrade project and the funds would just need to be reallocated.

A motion was made and seconded (B. Dziwulski, J. Kara) to reallocate \$11,858.84 in funds within the IT capital budget from the server replacement project to fund the replacement of the chamber microphones. Motion Passed: 4-For, 0 Against.

9. Report Related to Third Quarter Police Services

Lieutenant Ripplinger stated there wasn't anything out of the ordinary. He reported the EMS and Fire calls keep increasing and the OWI numbers doubled from last year. Lieutenant Ripplinger stated the business checks have increased as well. Lieutenant Ripplinger stated the Badges & Buddies archery program started on October 18th. He said the program has become self-sufficient. It is now being held at South Park and the equipment is owned by the City. He said they are able to host two sessions per day now. Lieutenant Ripplinger stated the seat belt grant was recently approved and shifts will go out starting this month and slowly ramping up during summer hours. Lieutenant Ripplinger also summarized a report he received from Captain Kasta regarding the Metro Unit and their activities.

10. Discussion and Possible Action to Approve the Release of the Prairie Grass Apartment Development \$5,000 Cash Escrow

Mr. Weigel stated the Prairie Grass apartment project is finishing up its two year warranty period. He said the City holds a \$5,000 cash deposit. He recommended the release of funds, less \$150.10 for outstanding bills owed to the City.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the release of the Prairie Grass cash escrow less the outstanding fees that were billed to the developer.

Motion Passed: 4-For, 0-Against.

11. Discussion and Possible Action to Approve the Valley Brook, Five Fields, and Kathryn Court / Foxwood Drive Preliminary Engineering Studies Beginning in 2019 and Reprogram Funds as Presented

Mr. Weigel stated they have been looking at these three drainage issues and there is money in the budget to get the engineering portion done without Council action. He said this is also a good time to get survey work done. He said they also tied that with an investigation within Five Fields. He said there is a drainage pipe that comes out of one of the ponds in the subdivision, goes in an easement to a pipe in the street, to the pond in the park. He said a resident in the area has stated his sump pump keeps running continuously. Mr. Weigel stated they would like to re-run the pipe if the Parks Department agrees. He asked the Council if they were comfortable authorizing the survey work to be done in 2019. He said it was an approved project in the 2020 budget. He said there is a drainage system in the area of Foxwood / Kathryn Court that runs off of Duplainville Road east around the Zignago property to the back side of Foxwood Lane and Kathryn Court and around to the north and east of the railroad track. He said there is a complaint from one of the residents that the water is not draining and is stagnant. The property owner states it is a health hazard due to the mosquitos. Mr. Weigel stated they have contacted AECOM, who performs computer modeling, and asked them to give us a proposal to evaluate this system. He said it would cost \$23,800 for the initial modeling work.

Mr. Weigel stated earlier this year the department identified over \$800,000 in storm water project funds that they would not be using this year, even though they were budgeted to be spent in 2019. He said they wanted to reserve those funds for the Emerald Acre project in case the bid came in higher than anticipated, but as it turns out, the bid came in lower than originally budgeted for. He said this resulted in \$885,000 of unspent money in the storm water fund projects for 2019.

Mr. Weigel request the reprograming of \$30,047 for the initial surveying for the Five Fields project and modeling work for the Foxwood Lane and Kathryn Court project so that his department can get started on these projects now versus waiting until 2020.

Mayor Bierce stated the first two projects, Five Fields and Valleybrook, make sense, but he doesn't understand how the Kathryn Court project got added. He said he thought the only project the storm water utility has attempted and finished was Kathryn Court. He said this is a citywide tax and he was uncomfortable that the only road that gets attention is the Mayor's road. He said he would personally like to see the project removed.

Mr. Dziwulski stated he was the one who went to Engineering to get this project added. He said he went to the individual's house and the water on that court drains towards his property and the storm sewer drains in his backyard and fills up the whole back section. He commented on when Zignago put in a berm and someone covered the drain out to Springdale. *(Mr. Grosch arrived at this time)*. Mr. Dziwulski stated they cannot use their backyard due to the amount of mosquitos. He said the storm

water management is not working for twelve houses in that area and feels \$23,000 would be well spent to find a solution.

Mr. Wamser stated the ditch is being filled with debris and needs to be cleaned. Mayor Bierce stated he hasn't witnessed that. Mr. Wamser stated Takoma Hills has issues as well. Mr. Weigel stated both of these projects are in the 2020 budget and he is just asking for permission to start earlier.

A motion was made and seconded (B. Dziwulski, J. Wamser) to authorize the Valley Brook, Five Fields, Kathryn Court and Foxwood Drive preliminary engineering studies to begin in 2019 and reprogram storm water funds in the amount \$30,047 as presented by staff.

Motion Passed: 5-For, 0-Against.

12. Discussion and Possible Action to Approve the Strategic Plan

Mr. Klein stated the last time he presented this item he tried to show the process the leadership team went through to devise this list. He said they included a listing of opportunities and challenges that may have come off the wrong way. Mr. Klein noted there aren't many changes from the last approved plan. He said the current plan is more of an action plan and items are broken down to track the progress made.

Mr. Grosch asked if it would be appropriate to receive yearly reports to track the progress. He said no progress was made related to the last strategic plan and the bike and pedestrian paths and perhaps a reminder of the City's intentions would ensure the necessary funding is set aside for the projects.

Mr. Klein stated the intention of the plan is to work the projects into the budget. He said ultimately it is the Council's decision on whether or not they get completed. Mr. Klein stated a report on the projects would be provided. He said he'd like to do this similar to how the County does their annual budget and have the various departments report their own progress and propose new projects for consideration.

Mr. Kara asked about the historic preservation plan. Mr. Klein stated this was the only thing new added to the plan. Ms. Tarczewski stated due to the issues the Village is going through with St. Mary's Church we thought we'd be proactive instead of reactive and determine whether or not any of our buildings have historic significance before there are any issues. Mr. Kara asked how staff reviews get tied into this. Mr. Klein stated it was important to get "buy-in" from staff by meeting with them every 90-days to discuss goals. Which translates into what they accomplished and ties into the pay for performance plan. Mr. Klein stated feedback it is meant to be a living plan that can be changed.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the strategic plan as submitted and direct the Administrator to give quarterly updates on the status of the initiatives. Motion Passed: 5-For, 0-Against.

It was noted that any new initiatives would be brought back to the Council for their approval.

13. Discussion and Possible Action Regarding **Resolution 19-12-24** Establishing the Fee Schedule for 2020

Ms. Tarczewski stated there were very minor changes made to the fee schedule. Mayor Bierce stated he had concerns related to launching boats. Lieutenant Ripplinger stated it was listed under Law Enforcement. Mr. Bergman stated it was listed as \$1,000 plus court costs and subsequent violations

would be \$2,000. Mayor Bierce asked if this was addressing barges. Lieutenant Ripplinger stated this is controlling commercial use of the barge. Mayor Bierce asked if it could be higher. Lieutenant Ripplinger stated it was at the discretion of the Council. He recommended the review of Chapter 25 as it pertains to penalties and fines. Mayor Bierce asked Lieutenant Ripplinger to discuss this matter with Judge Fuchs. Mr. Bergman suggested posting signage at the launch listing the fines. Lieutenant Ripplinger stated if damage is done at the launch, the Judge has the ability to assign restitution, but proving who is responsible could be a challenge. There was discussion to make the fine for a second violation more substantial because they should have known better.

Mr. Bergman asked why the impact fees when down. Mr. Klein stated these were the recommendations from the impact fee study.

Mr. Kara stated the fee schedule rarely changes from year to year. He asked what the basis is when setting these rates. He asked if we are trying to recover costs or a percentage of costs. He questioned the fees for a conditional use permit. Attorney Riffle stated the law is that we can recover the fair and approximate costs of what it takes the City to process those.

Ms. Wagner stated the storm water fee should be revised to \$120 per Equivalent Runoff Unit (ERU).

Mr. Kara asked about the \$500 fee plus court costs for an escort without a license. Attorney Riffle stated it is for individuals engaging in prostitution without a license. Lieutenant Ripplinger stated it was at the request of the Judge to add it to the fee schedule.

A motion was made and seconded, (B. Dziwulski, J. Wamser) to direct the Clerk to change the storm water fee to \$120/ERU and approve Resolution 19-12-24 with the correction.

Motion Passed: 6-For, 0-Against.

14. Public Comment - None.

15. 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 or is likely to become involved specifically related to the excessive assessment claim of CII Asset Management, LLC for the property located at N17 W24300 Riverwood Drive (PWC 0949-991-001).

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, J. Kara) to go into closed session at 7:32 p.m.

Motion Passed via roll call vote: 5-For, 0-Against.

16. Adjournment

A motion was made and seconded (B. Dziwulski, R. Grosch) to adjourn the meeting from closed session at 7:43 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer