



Office of the Clerk/Treasurer

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-0770 Fax 691-1798

**COMMON COUNCIL
MEETING NOTICE AND AGENDA
Monday, November 8, 2021
6:30 PM**

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

-
1. Call to Order and Pledge of Allegiance
 2. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your District Alderperson prior to the meeting.
 3. Consent Agenda
 - 3.1. Approval of Common Council Meeting Minutes Dated October 4th, 2021
 - 3.2. Approval of Common Council Meeting Minutes Dated October 18th, 2021
 - 3.3. Approval of the Accounts Payable Listing Dated November 8th, 2021
 4. Discussion and Possible Action Regarding **Resolution 21-11-40** Authorizing the Issuance and Sale of \$7,830,000 General Obligation Promissory Notes, Series 2021A
 5. Discussion Regarding the Status of the Professional Services Agreement Between the City of Pewaukee and E-Plan Exam for Building Permit Plan Review Services [Fuchs]
 6. Discussion and Possible Action Regarding **Ordinance 20-12** Pertaining to Historical Preservation (*First Reading*) [Fuchs]
 7. Discussion and Possible Action Regarding **Ordinance 21-13** Repealing and Recreating Section 17.1300 of the Zoning Code Related to Public Hearing Notices (*First Reading*) [Fuchs]
 8. Discussion and Possible Action Regarding **Ordinance 21-14** Creating Section 17.0437 Establishing a Historic Preservation Overlay District in Chapter 17 Zoning Code (*First Reading*) [Fuchs]
 9. Discussion and Possible Action Regarding **Resolution 21-11-41** Authorizing the Establishment of a Trail Along Duplainville Road [Wagner]
 10. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.
 11. Adjournment

Kelly Tarczewski
Clerk/Treasurer

November 4, 2021

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.1.**

DATE: November 8, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of Common Council Meeting Minutes Dated October 4th, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

CC Minutes 10/4/2021

In Attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner Utility Manager J. Mueller, City Planner & Community Development Director N. Fuchs 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 requested everyone stand for the Pledge of Allegiance.

2. Public Comment

Richard Carr (W268 N2433 Meadowbrook Road) stated he attempted to go to Board of Review and his objection was waived to district court and felt he should have been heard. He said if his property was too complicated then the Board of Review should have waived it to court at that time. He said he should have had the right to explain his case. He felt the Council should know what is being said. He stated the Assessor claimed he owns six acres of pasture, and all the maps show almost nine acres. He noted he has not changed his operation in 16 years. He stated it was wrong for him not to be able to present his case to the Board of Review without it costing a minimum of \$3,000 - \$5,000.

3. Swear In Phil Vetterkind - Alderman District #1

Attorney Riffle swore in Alderman Phil Vetterkind.

4. Discussion and Possible Action to Approve the Accounts Payable Listing Dated October 4th, 2021

A motion was made and seconded (J. Wamser, R. Grosch) to approve the accounts payable listing dated October 4th 2021. Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action to Revisit the Common Council Meeting Minutes Dated December 21st, 2020 and September 20th, 2021 and Re-Approve

Mr. Clark stated he approved the meeting minutes in error and asked the Common Council to reapprove and he would abstain to follow proper procedures.

A motion was made and seconded (B. Dziwulski, J. /Wamser) to approve the Common Council Minutes dated December 21, 2020 and September 20, 2021. Motion Passed: 5-For, 0-Against, 1-Abstain (Clark).

6. **PUBLIC HEARING**, Discussion and Possible Action Regarding a Conditional Use Permit for Interstate Partners LLC to Construct a Multi-Family Apartment Development Located at N18 W22670 Watertown Road (PWC 0958-990-005 & PWC 0958-990-006) **PLEASE NOTE: PETITIONER WITHDREW APPLICATION**

Mayor Bierce stated the public hearing could not be held because the rezoning was not approved, and they are unable to obtain a conditional use permit. He said the petitioner withdrew their application and the issue is dead. Mayor Bierce noted the petitioner can come forward again.

7. Discussion and Possible Action to Approve the Knutson CSM Development Agreement and Establish the Amount of the Letter of Credit

Ms. Wagner stated the Certified Survey Map was to develop three lots along Peterson Drive. She said the developer needs to extend municipal water and sewer laterals to the properties in order to develop. She noted the developer's agreement allows the developer to install on the City's behalf. Ms. Wagner stated she received the recommendation for the letter of credit value and asked for approval of the developer's agreement and the value of letter of credit, conditioned upon the Attorney and City Engineer. Attorney Riffle stated there have been multiple proposed revisions requested, but they have not heard back from the developer regarding the revisions. He said unless they agree with the City's revisions, it will not be approved.

Ray Grosch asked what the revisions and discrepancies were. Ms. Wagner stated the packets included the redlines. Attorney Riffle stated they made over 40 edits that they made to the City's standard form, including protections of the City removing state and federal laws and infrastructure in the future. Discussion took place regarding an easement and water mains.

Mr. Dziwulski asked the amount. Ms. Wagner stated the total was \$167,568.24 which includes restoration

A motion was made and seconded (B. Dziwulski, I. Clark) to approve the Knutson Certified Survey Map development agreement contingent on requirements of the City Engineer and City Attorney, and establish the letter-of-credit in the amount of \$167,568.24 in a form approved by the City Attorney. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding **Ordinance 21-10** Rezoning Vacant Land Located on Yench Road (PWC 0885-996-006) from A-2 Agricultural to Rs-2 Single-Family Residential as Requested by Mierow / Yench LLC

Mr. Fuchs stated items #8 & #9 are related. He said the applicant is requesting Lots 1, 2 and 3 to be rezoned to Rs-2 and Lot 4 would remain A-2, LC and F-1. Mr. Fuchs noted the rezoning is consistent with the Comprehensive Master Plan. He said item #9 complies with their respective zoning districts. Mr. Fuchs recommended approval.

A motion was made and seconded (J. Wamser, I. Clark) to approve the rezoning of land located on Yench Road from A-2 to Rs-2. Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action Regarding a Certified Survey Map for Jeff Mierow / Yench LLC for Vacant Property Located on Yench Road (PWC 0885-996-006) for the Purpose of Creating Four Single-Family Lots

A motion was made and seconded (I. Clark, B. Dziwulski) to approve the Certified Survey Map for the vacant property located on Yench Road. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding a Certified Survey Map for the Badgerland Supply Property Located at W229 N2450 Homewood Court (PWC 0915-994-001 & PWC 0915-994-003) for the Purpose of Combining Two Existing Properties Into a Single Lot as Requested by

Mr. Fuchs stated the CSM applicant combined and enclosed some buildings on the existing property. During review, and because it operates as a single development it was recommended that the properties be combined into a single parcel. Mr. Fuchs recommended approval.

A motion was made and seconded (R. Grosch, I. Clark) to approve the Certified Survey Map for the Badgerland Supply property located at W229N2450 Homewood Court. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding a Certified Survey Map for the Property Located at W226 N4362 Duplainville Road (PWC 0867-994-001 & PWC 0867-994-002) for the Purpose of Building a Home on Lot 2 as Requested by Christian Hansen

Mr. Fuchs stated the Certified Survey Map is shifting a property line further south to create a smaller Lot 1 and removing an outlot designation to create a buildable parcel as Lot 2. The Certified Survey Map does result in two separate zoning districts on Lot 2. Mr. Fuchs noted as a condition, the applicant does need to come back for rezoning to eliminate the split zoning. Mr. Fuchs stated staff recommended approval. He said there are minor technical corrections that have been discussed with the applicant and they have no objections.

A motion was made and seconded (J. Wamser, I. Clark) to approve the Certified Survey Map subject to rezoning and the conditions in the staff report. Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Regarding Well No. 3 and Well No. 6 Electrical Service Upgrade and MCC Replacement

- 12.1 Award the Contract to the Lowest Qualified Bidder of Hogan Electric, Inc. in the Amount of \$267,612.00.

- 12.2 Adopt Comfort **Resolution 21-10-34**

Ms. Mueller stated there have been issues with wells #3 and #6 at the North Avenue facility. She said this is an effort to resolve the electrical surges. The contractor is looking to upgrade all MCCs and the electrical transformers on site. Ms. Mueller stated the lowest bidder was Hogan Electric in the amount of \$267,612. With Engineering and contingencies, the total was \$357,900. Ms. Wagner stated Utility had budgeted \$220,000 for the project. Since it exceeds the budgeted amount, it will include resolution 21-10-34 to add borrowing to complete the project.

Mr. Grosch asked if the solution was to replace the electrical hardware. Ms. Mueller stated it is a step towards the situation.

A motion was made and seconded (J. Wamser, R. Grosch) to adopt comfort Resolution 21-10-34 and award the lowest bidder, Hogan Electric, in the amount of \$267,612. Motion Passed: 6-For, 0-Against.

13. Discussion and possible action to adopt **Resolution 21-10-35** to extending the Refund Timeline for Hike/Bike Impact Fees.

Ms. Wagner stated when impact fees are collected, they need to be spent within ten years from date of collection. She said after reviewing the regulations for impact fees, there is a way to extend the period up to three years. Ms. Wagner said the City was on track to spend the money with the Northview Road project. Ms. Wagner noted the Northview Road project did not receive any bids and with Covid she felt

the City qualified for extenuating circumstances. Ms. Wagner stated the Northview Road project will be rebid in 2022 as part of a road project.

Discussion took place regarding mobilization costs.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve Resolution 21-10-35 to extend the refund timeline for the Hike/Bike impact fees. Motion Passed 6-For, 0-Against.

14. Discussion and Possible Action Regarding Adoption of a Historic Preservation Ordinance for the City of Pewaukee

Mr. Fuchs stated this is for discussion only. He noted that staff has put together a rough draft ordinance. He wanted to bring it forward for direction and to see if Common Council was interested in the ordinance. Mr. Fuchs noted it is within the City's Strategic Plan.

Attorney Riffle stated it is a statutory requirement to have the ordinance.

Mayor Bierce asked what it would do for the City. Discussion took place regarding properties being historic in nature and how it may benefit the property owner.

15. Discussion and Possible Action Regarding an **Ordinance 21-11** to Repeal and Recreate Section 11.04 of the City's Municipal Code to Incorporate Regulations for Short Term Rentals (*First Reading*)

Mr. Fuchs stated the ordinance addresses short-term rentals in the City of Pewaukee. He noted there are limitations, and the State has regulations regarding duration of a short-term rental which, is 6 to 28 days. He said the ordinance requires licenses, inspections, fees and room tax. Mr. Fuchs stated there are some restrictions, such as no RV parking and occupancy standards must meet state codes. The owner has to have proper insurance and keep a guest registration that gets filed with the Clerk's office.

Mayor Bierce asked if there will be a schedule of fees if this ordinance is enacted. Mr. Fuchs stated an amended fee schedule would be done.

Discussion took place regarding length and duration of stay.

16. Public Comment

Sue Rhodes (W223N2277 Meadowood Lane) stated she was concerned about full access on Elmwood Road.

17. Adjournment

A motion was made and seconded (P. Vetterkind, R. Grosch) to adjourn the meeting at 7:16 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.2.**

DATE: November 8, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of Common Council Meeting Minutes Dated October 18th, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

CC Minutes 10/18/2021

In Attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, City Planner & Community Development Director N. Fuchs, Parks and Recreation Director N. Phalin, Lieutenant A. Scheckles 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 Accounts Payable Listing Dated October 18th, 2021
- 3.2. Approval of the Common Council Meeting Minutes Dated July 19th, 2021
- 3.3. Approval of Common Council Meeting Minutes Dated September 27th, 2021
- 3.4. Approval of the Common Council Meeting Minutes Dated October 11th, 2021
- 3.5. Approval of **Ordinance 21-11** to Repeal and Recreate Section 11.04 of the City's Municipal Code to Incorporate Regulations for Short Term Rentals (*Second Reading*)

Ms. Brown asked that Item #3.5 be removed for discussion.

A motion was made and seconded (J. Wamser, R. Grosch) to approve the remaining items on the consent agenda. Motion Passed: 6-For, 0-Against.

- 3.5 Approval of Ordinance 21-11 to Repeal and Recreate Section 11.04 of the City's Municipal Code to Incorporate Regulations for Short Term Rentals

Ms. Brown stated she was not at the last Common Council meeting and asked for clarification on subset C on page 4 regarding residential units being rented for six or fewer consecutive days. She also asked if renting out three nights here and three nights there is considered short term rental and part of the agreement. Attorney Riffle stated the statute allows short term rental to a minimum of six days. He stated the City is trying to balance things based off the complaints received. Attorney Riffle noted it is an enforcement problem.

A motion was made and seconded (C. Brown, B. Dziwulski) to approve consent agenda item 3.5. Motion Passed 6-For, 0-Against.

4. Discussion and Possible Action Regarding **Resolution 21-10-36** Providing for the Sale of Approximately \$7,830,000 General Obligation Promissory Notes, Series 2021A

Mr. Klein stated this is the resolution to authorize the sale of the promissory notes as discussed at the last meeting.

A motion was made and seconded (C. Brown, J. Wamser) to approve Resolution 21-10-36.

Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action to Approve **Resolution 21-10-37** Redistricting the Ward Boundaries and Combine Municipal Wards for Voting Purposes within the City of Pewaukee

Ms. Tarczewski stated the purpose of redistricting is to equalize the population among the districts. She noted the City's population increased by almost 2,000 people since the 2010 Census and a couple of wards were over in population. She said Waukesha County changed the County Supervisory districts which caused the City to move residents from Ward #8 into Ward #9. She proposed making Ward #4 part of District #2, which would even out the population.

Mayor Bierce thanked Ms. Tarczewski, Mr. Klein, and Ms. Hurd for their hard work on the redistricting.

Discussion took place regarding the census blocks and how every ward needs to be consistent.

Mr. Grosch stated it makes sense to make Ward #4 a part of District #2 based on its location.

Ms. Brown expressed her concern about the 1,000 people added to her district.

A motion was made and seconded (I. Clark, B. Dziwulski) to approve Resolution 21-10-37.

Motion Passed: 6-For, 0-Against.

6. Discussion and Possibly Concurring with the Joint Parks and Recreation Board to Approve the Pewaukee Sussex United Contribution Towards Irrigation-Based Improvements at Pewaukee Sport Complex and Approving **Resolution 21-10-38.**

Mr. Phalin stated there were issues with the soccer side of the irrigation system at the Sports Complex. He said the Pewaukee/ Sussex United Soccer Club is in a transition period and would like to put funds directly towards the improvement. Mr. Phalin noted the donation should cover the entire improvement, which includes increasing the irrigation pipe from 1 1/2 inch to 3 inch and an isolation valve that separates the soccer side from the baseball side so it will operate independently.

Ms. Brown asked if the Sports Complex was on a well or City water, and if there would be an increase in water bills. Mr. Phalin stated it is City water and said based off the system in place, he does not expect to have to budget differently, but expects to utilize more of what has been budgeted.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve Resolution 21-10-38.

Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action Regarding **Resolution 21-10-39** Regarding a Budget Amendment for the Access Path and Bleacher Pad Project at the Pewaukee Sports Complex

Mr. Phalin stated the project was written into the 2021 budget and the initial bid came in higher. Mr. Phalin said after getting through the budget process, the City had applied for a Community Development Block Grant. The grant was received in the amount of \$27,896.00. He noted the request is an amendment for double, which includes the budgeted amount plus the grant funded amount. He said the budget impact should be equal to or less than the original budget proposal. Mr. Phalin noted the bleacher pad project is just about completed, with the exception of back filling and re-routing some irrigation.

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve Resolution 21-10-39.

Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action to Approve the Second Reduction of Woodleaf Reserve Phase 4 Letter of Credit from \$458,854.80 to \$110,216.16 (*A reduction of \$348,638.64*)

Ms. Wagner stated this is a standard reduction. She said Woodleaf Reserve is essentially done and will need to do their final surface next year. She noted the amount that is being left on the letter of credit will cover that cost if they don't complete it.

A motion was made and seconded (C. Brown, I. Clark) to approve the reduction of the Woodleaf Reserve Phase 4 letter of credit from \$458,854.80 to \$110,216.16. Motion Passed: 6-For, 0-Against.

9. Notification of Temporary No Parking on Century Farm Road from November 1, 2021 to November 8, 2021 to support the 2021 Christmas Fantasy House Fundraiser.

Ms. Wagner stated the Christmas Fantasy House will be shuttling people in. To allow the bus proper access, she is requesting no parking three to four houses on either side of the road. Ms. Wagner noted it will only be for the week.

10. Discussion and Possible Action to Re-Allocate \$7,500 from the Fieldhack Trail Extension Project to Maintenance of the Existing Trails.

Ms. Wagner stated she added maintenance of the trails to the 2022 budget. She said there are no funds allocated for maintenance of the trails. Ms. Wagner stated there is not a lot of maintenance, but they need to be maintained. She noted the \$7,500. will cover base patching, crack filling, fixing significant potholes and areas where there are some obstructions. Ms. Wagner noted she would like to complete it this year and requested to have the funds reallocated from the Fieldhack Trail Extension Project.

A motion was made and seconded (R. Grosch, J. Wamser) to approve reallocating \$7,500 from the Fieldhack Trail extension project to the maintenance of existing trails. Motion Passed: 6-For, 0-Against.

11. **Reminder:** The Regularly Scheduled Common Council Meeting for Monday, November 1st, 2021 has Been Moved to Monday, November 8th, 2021 at 6:30 p.m.
12. Public Comment - None
13. Adjournment

A motion was made and seconded, (B. Dziwulski, R. Grosch) to adjourn the meeting at 6:58 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.3.**

DATE: November 8, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of the Accounts Payable Listing Dated November 8th, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

A/P 11/8/2021

Check Date	Check	Vendor Name	Description	Amount
Bank 100 GENERAL FUND CHECKING				
10/31/2021	508(E)	WISCONSIN RETIREMENT SYSTEM	WRS GENERAL EMPLOYEES	34,591.64
			WRS FIRE EMPLOYEES	43,832.11
			WRS VOLUNTARY CONTRIBUTIONS	172.74
				78,596.49
10/12/2021	521(E)	GREAT WEST TRUST - WDC	DEFERRED COMPENSATION	2,620.00
			DEF COMP - ROTH 457	1,865.00
				4,485.00
10/13/2021	522(E)	DELTA DENTAL	DENTAL CLEARING	1,026.00
10/15/2021	523(E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	703.92
10/20/2021	524(E)	DELTA DENTAL	DENTAL CLEARING	1,729.55
10/22/2021	525(E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	321.24
10/29/2021	526(E)	WE ENERGIES	OCT 2021 GROUP BILL	11,975.22
10/26/2021	527(E)	MUTUAL OF OMAHA	BENEFITS - LIFE INSURANCE	66.98
			BENEFITS - LIFE INSURANCE	36.06
			COURT - LIFE INSURANCE	11.52
			ADMINISTRATOR - LIFE INSURANCE	8.86
			CLERK/TREASURER - LIFE INSURANCE	64.00
			EMPLOYEE SERVICES - LIFE INSURANCE	19.04
			IT - LIFE INSURANCE	16.96
			ASSESSOR - LIFE INSURANCE	30.24
			POLICE - LIFE INSURANCE	7.68
			FIRE ADMINISTRATION - LIFE INSURANCE	60.16
			FIRE PROTECTIVE SERVICES - LIFE INSURANCE	462.40
			BUILDING SERVICES - LIFE INSURANCE	44.32
			HIGHWAY - LIFE INSURANCE	131.09
			ENGINEERING - LIFE INSURANCE	86.08
			PARKS - LIFE INSURANCE	21.92
			RECREATION PROGRAM - LIFE INSURANCE	29.28
			PLANNER - LIFE INSURANCE	19.36
			BENEFITS - DISABILITY INSURANCE	101.50
			BENEFITS - DISABILITY INSURANCE	54.65
			DISABILITY INSURANCE	1,053.62
			LTD - FIRE UNION	613.39
			COURT - DISABILITY INSURANCE	16.87
			ADMINISTRATOR - DISABILITY INSURANCE	27.79
			CLERK/TREASURER - DISABILITY INSURANCE	96.58
			EMPLOYEE SERVICES - DISABILITY INSURANCE	27.79
			IT - DISABILITY INSURANCE	27.06
			ASSESSOR - DISABILITY INSURANCE	47.38
			POLICE - DISABILITY INSURANCE	9.61
			FIRE ADMINISTRATION - DISABILITY INSURANCE	83.37
			FIRE PROTECTIVE SERVICES - DISABILITY INSURANCE	109.17
			BUILDING SERVICES - DISABILITY INSURANCE	64.76
			HIGHWAY - DISABILITY INSURANCE	203.36
			ENGINEERING - DISABILITY INSURANCE	127.15
			PARKS - DISABILITY INSURANCE	31.70
			RECREATION PROGRAM - DISABILITY INSURANCE	45.60
			PLANNER - DISABILITY INSURANCE	27.79
			VOLUNTARY LIFE	943.00
				4,828.09

Check Date	Check	Vendor Name	Description	Amount
10/23/2021	528 (E)	AT&T	SCADA/TELEMETARY SCADA/TELEMETARY	116.14 116.15 <u>232.29</u>
10/22/2021	530 (E)	ADP, LLC		1,493.30
10/29/2021	532 (E)	WE ENERGIES		117.35 166.43 <u>283.78</u>
10/13/2021	533 (E)	LEASING SERVICES		167.85
10/18/2021	534 (E)	LEASING SERVICES		52.00 52.00 <u>104.00</u>
10/29/2021	535 (E)	LEASING SERVICES		324.00
10/27/2021	536 (E)	DELTA DENTAL	DENTAL CLEARING	1,526.92 380.64 <u>1,907.56</u>
10/29/2021	537 (E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	1,471.00
10/15/2021	538 (E)	ADP, LLC		396.76
10/29/2021	539 (E)	ADP, LLC		369.28
10/28/2021	540 (E)	GREAT WEST TRUST - WDC	DEFERRED COMPENSATION DEF COMP - ROTH 457	2,620.00 1,865.00 <u>4,485.00</u>
11/01/2021	541 (E)	HUMANA	HEALTH INSURANCE CLEARING	94,835.59
10/29/2021	542 (E)	WISCONSIN RETIREMENT SYSTEM	WRS GENERAL EMPLOYEES WRS FIRE EMPLOYEES WRS VOLUNTARY CONTRIBUTIONS	34,414.86 43,260.34 172.74 <u>77,847.94</u>
10/13/2021	545 (E)	US BANK		18,575.69
11/02/2021	547 (E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	646.60
11/03/2021	548 (E)	DELTA DENTAL	DENTAL CLEARING	1,786.60
11/01/2021	549 (E)	HUMANA	HEALTH INSURANCE CLEARING	94,835.59
11/02/2021	550 (E)	WI DEPT OF REVENUE/SALES TAX	SALES TAX DUE STATE SALES TAX DISCOUNT	236.07 (10.00) <u>226.07</u>
10/22/2021	133181	ADVANCE NAME PLATE & BADGE	CT NAME PLATE VETTERKIND	11.93
10/22/2021	133182	AIR ONE EQUIPMENT	FD SUPER VAC FD SOLUTION	758.00 94.00 <u>852.00</u>
10/22/2021	133183	AIRGAS USA	FD OXYGEN FD OXYGEN FD OXYGEN	150.92 219.24 131.39 <u>501.55</u>

Check Date	Check	Vendor Name	Description	Amount
10/22/2021	133184	ALEX MLACHNIK	DEER MANAGEMENT	500.00
10/22/2021	133185	ALI & HAMMAD LLC	FD SHIPPING	125.86
10/22/2021	133186	AT&T MOBILITY	FD MDC AIR CARDS	653.62
10/22/2021	133187	AUTO ZONE	FD WAX	47.40
10/22/2021	133188	BRIOHN BUILDING	BLD 201717 OCCUPANCY BOND REFUND	2,500.00
10/22/2021	133189	BUELOW VETTER BUIKEMA OLSON & VLIET	HR LEGAL FEES	235.00
10/22/2021	133190	CHERRIE LARSON	P&R KIDVENTURES SESSION 1	345.60
			P&R LEARN AND PLAY SESSION 1	224.00
				569.60
10/22/2021	133191	CHRIS SCHMITT	FD EXPENSE REIMBURSEMENT	472.85
10/22/2021	133192	COMPASS TITLE	SPEED HUMPS REFUND	47.44
10/22/2021	133193	CONWAY SHIELD	FD FACECAP	10.00
			FD SHIELDS	149.67
				159.67
10/22/2021	133194	DIGITAL OFFICE SOLUTIONS	BLD XEROX WC6605 CONTRACT AND METER CHGS	42.86
10/22/2021	133195	DIVERSIFIED BENEFIT SERVICES, INC.	OCTOBER 2021 FLEX ADMIN FEE	193.50
10/22/2021	133196	ELECTION SYSTEMS & SOFTWARE	ELECTION MACHINE BATTERIES	1,369.90
10/22/2021	133197	ELEVITY	IT MONITORING SUPPORT	4,494.50
10/22/2021	133198	FIRE SERVICE INC	FD REPAIRS	550.00
			FD REPAIRS	2,071.25
				2,621.25
10/22/2021	133199	FOCUS TITLE LLC	0981087 REFUND RCA ASSESSMENT	5,015.00
10/22/2021	133200	GALLS	FD MESH HAT STRAP	16.99
			FD UNIFORMS	64.98
			FD UNIFORMS	109.48
				191.45
10/22/2021	133201	GREAT LAKES TESTING	FD AERIAL APPARATUS INSPECTION	1,425.00
10/22/2021	133202	HEARTLAND BUSINESS SYSTEMS	IT NETWORK MONITORING SUPPORT	92.00
10/22/2021	133203	HOME DEPOT CREDIT SERVICE	P&R SUPPLIES	25.94
10/22/2021	133204	HORNER PLUMBING CO., INC.	FD BEMIS TOILETS	280.57
10/22/2021	133205	HURD, AMI	CT MILEAGE REIMBURSEMENT	15.68
10/22/2021	133206	JENNIFER SCHOLTKA	P&R ZUMBA GOLD SESSION 1	560.00
10/22/2021	133207	JK LAWN SERVICE	FD LAWN SERVICE	240.00
10/22/2021	133208	KWIK TRIP INC.	FD FUEL	3,750.91
10/22/2021	133209	LIFE-ASSIST INC	FD SAFETY RESTOCK	649.93
			FD SAFETY RESTOCK	583.17
				1,233.10
10/22/2021	133210	MARY REUSCHLEIN	P&R PROGRAM REFUND	50.00
10/22/2021	133211	MENARDS	CH TAX WINDOW SUPPLIES	268.42
			CH TAX WINDOW SUPPLIES	19.67
			P&R SIMMONS WOODS REPAIRS	231.79
			P&R BULBS FOR BATHROOM AT VILLAGE PARK	25.87
			P&R TOOLS	111.83
			P&R MISC TOOLS / FALL FROLIC	112.33
			P&R SUPPLIES	32.68
				802.59

Check Date	Check	Vendor Name	Description	Amount
10/22/2021	133212	NAPA	FD REPAIRS	19.66
			FD AMBO HEADLIGHTS	22.02
			FD AMBO HEADLIGHTS	33.03
				<u>74.71</u>
10/22/2021	133213	NATIONAL FIRE PROTECTION ASSOC	FD CFPE PRACTICE EXAM ONLINE	79.70
10/22/2021	133214	OFFICE COPYING EQUIPMENT, LTD	CT SHARP MX 7580N CONTRACT	269.02
10/22/2021	133215	OFFICE DEPOT	BLD OFFICE SUPPLIES	9.06
			CT TISSUE	20.98
				<u>30.04</u>
10/22/2021	133216	PREMIUM WATERS, INC	P&R WATER	37.99
10/22/2021	133217	PROHEALTH PHARMACY WAUKESHA	FD PHARMACY TRANSFERS	14.26
10/22/2021	133218	REBOUND	HR WELLNESS	7,650.00
10/22/2021	133219	SHIELD SOLUTIONS	FD PAIL GEAR CLEAN, PAIL VEHICLE WASH	351.50
10/22/2021	133220	SIGNS & LINES BY STRETCH	FD PRINTED SHIELD GRAPHICS	59.00
10/22/2021	133221	THE ROCK STONE AND LANDSCAPE SUPPLY	FD STONE	213.50
10/22/2021	133222	VERIZON	FD TELEPHONE	21.06
			FD TELEPHONE	64.42
				<u>85.48</u>
10/22/2021	133223	VILLAGE OF PEWAUKEE	NOVEMBER 2021 JOINT LIBRARY	69,572.91
10/22/2021	133224	WAUKESHA CO TECHNICAL COLLEGE	PERSONAL PROPERTY TAX CHARGE BACKS I447	6.36
			FD TRAINING	145.50
				<u>151.86</u>
10/22/2021	133225	WAUKESHA CO TREASURER	CT BALLOTS FOR SPECIAL ELECTION	90.00
10/22/2021	133226	WAUKESHA COUNTY TREASURER	PP TAX CHARGE BACKS COLLECTED I447 & S4	32.30
10/22/2021	133227	WAUKESHA SCHOOL DISTRICT	PP TAX CHARGE BACKS COLLECTED I447 & S42	172.47
10/22/2021	133228	WI DEPT OF JUSTICE-TIME	PLC TIME ACCESS CHARGE	180.00
10/22/2021	133229	MATTHEW HUSTING	WAUKESHA REFUND W/S 13363	1,558.11
10/28/2021	133230	A NEW LEAF TREE SERVICE LLC	HWY REMOVAL OF DEAD ASH TREES	800.00
10/28/2021	133231	AECOM TECHNICAL SERVICES, INC	ENG STORMWATER MGMT PLAN REVIEW	30,455.95
10/28/2021	133232	AIR ONE EQUIPMENT	FD KIT, RETAINER, CYLINDER BUMPER	49.75
			FD HELMET	183.45
				<u>233.20</u>
10/28/2021	133233	ALLMAX SOFTWARE INC	SW OPERATOR10 WATER SOFTWARE	6,400.00
10/28/2021	133234	ARC DOCUMENT SOLUTIONS LLC	ENG PLOT BOND	52.00
10/28/2021	133235	AUCA CHICAGO MC LOCKBOX	HWY UNIFORMS	93.30
			HWY UNIFORMS	87.82
				<u>181.12</u>
10/28/2021	133236	AUTO ZONE	FD CABIN AIR FILTER	38.18
10/28/2021	133237	BOND TRUST SERVICES CORP	DEBT PYMT	338,248.75
			PAYING AGENT FEE	400.00
				<u>338,648.75</u>
10/28/2021	133238	BUMPER TO BUMPER HARTLAND	HWY OIL AND STABILIZER	153.78
			SW CREDIT	(44.78)

Check Date	Check	Vendor Name	Description	Amount
				109.00
10/28/2021	133239	CINTAS	SW SAFETY RESTOCK HWY SAFETY RESTOCK	117.31 73.84
				191.15
10/28/2021	133240	CLEARWATER PLUMBING	P&R PARK TOILET VANDALISM	278.00
10/28/2021	133241	COREY OIL	HWY UNLEADED GASOLINE HWY CLEAR DIESEL HWY UNLEADED GASOLINE HWY CLEAR DIESEL	856.74 1,094.82 1,754.53 903.90
				4,609.99
10/28/2021	133242	COUNTY MATERIALS CORP	HWY COVER HWY JT SEAL	459.00 42.50
				501.50
10/28/2021	133243	CRACK FILLING SERVICE	P&R CRACK SEALING BALMER HWY CRACK SEALING PMT 1 HWY CRACK SEALING	4,000.00 24,840.00 24,750.00
				53,590.00
10/28/2021	133244	CRETEX SPECIALTY PRODUCTS	HWY FLAT RING, WHITE ADHESIVE HWY PRO-RING FLAT RING	1,272.00 832.00
				2,104.00
10/28/2021	133245	CUMMINS SALES & SERVICE	HWY FILTER, WASHER HWY FILTER, CONNECTION ADAPTER, WASHERS,	278.84 384.76
				663.60
10/28/2021	133246	DAN PLAUTZ CLEANING SERVICE	HR CLEANING	2,873.00
10/28/2021	133247	DIGGERS HOTLINE	SW SEPT 2021 FEES	551.30
10/28/2021	133248	GALLS	FD UNIFORM FD UNIFORM	103.99 316.97
				420.96
10/28/2021	133249	HAWKINS, INC.	SW LIQUID END, FOUR FUNCTION VALVE SW CHEMICALS	1,157.15 5,433.62
				6,590.77
10/28/2021	133250	HUMPHREY SERVICE PARTS, INC	P&R FILTERS HWY REPAIRS HWY REPAIRS HWY FILTERS HWY STRAP OIL FILTER	7.84 20.12 20.12 92.25 37.38
				177.71
10/28/2021	133251	INTERNATIONAL CODE COUNCIL	FD INSPECTORS LOOSE LEAF, TABS	854.83
10/28/2021	133252	J.H. HASSINGER, INC.	SW PAYMENT 1 FOR WELL 5 RESSERVOIR ROOF	3,325.00

Check Date	Check	Vendor Name	Description	Amount
10/28/2021	133253	JENSEN EQUIPMENT	HWY PROPANE	134.40
10/28/2021	133254	JOEL SMITH	SW BOOT REIMBURSEMENT	110.00
10/28/2021	133255	JOHN'S DISPOSAL SERVICE	CT YARD WASTE STICKERS ENG CONTRACTED GARBAGE	193.75 52,056.67 <u>52,250.42</u>
10/28/2021	133256	JX ENTERPRISES, INC.	HWY PARTS HWY PARTS FD CREDIT	305.27 136.99 (50.00) <u>392.26</u>
10/28/2021	133257	KMB ELECTRIC	HWY ELECTRICAL	515.33
10/28/2021	133258	LAFARGE AGGREGATES ILLINOIS, INC.	HWY STONE	25.75
10/28/2021	133259	LANGE ENTERPRISES, INC	P&R CAUTION WATER QUALITY SIGN VANDALISM	64.56
10/28/2021	133260	LIFE-ASSIST INC	FD SAFETY RESTOCK	270.24
10/28/2021	133261	MACQUEEN EQUIPMENT	HWY LATCH, BROOM HWY CLEVIS, WLDT SCREEN, WLDT HANDLE	761.32 952.74 <u>1,714.06</u>
10/28/2021	133262	MARIANNE HILTUNEN	ENG MILEAGE REIMBURSEMENT	127.68
10/28/2021	133263	MATRIX TRUST COMPANY	CT LOAN REPAYMENT PAYDATE 10/22/21	50.00
10/28/2021	133264	MENARDS	SW SUPPLIES FOR WELL 1 SW SUPPLIES FOR WELL 1 CH SUPPLIES CH ALUM TRIM CHANNL P&R SIGN POSTS P&R SOD CUTTER SPRINGS P&R SEATS P&R WOOD FOR BOARDWALK HWY 8FT HOSE CREDIT FOR SUPPLIES	44.73 59.82 114.74 8.99 74.06 14.87 39.98 57.48 18.49 (44.73) <u>388.43</u>
10/28/2021	133265	MILLER-BRADFORD & RISBERG, INC	HWY FILTER HWY BATTERY	865.00 142.59 <u>1,007.59</u>
10/28/2021	133266	MUNSON INC	P&R WAGNER CRACK FILL	2,639.00
10/28/2021	133267	NAPA	SW TRAN FLU QT DEXRON	9.74
10/28/2021	133268	NATIONWIDE RETIREMENT SOLUTIONS	CT RETIREMENT PAYDATE 10/22/21	1,904.09
10/28/2021	133269	OCCUPATIONAL HEALTH CENTERS OF THE	HR EXAMS	150.00
10/28/2021	133270	OFFICE COPYING EQUIPMENT, LTD	ENG SHARP 4070N CONTRACT	182.71
10/28/2021	133271	OFFICE DEPOT	CT PAPER TOWEL AND SOAP CT OFFICE SUPPLIES	981.67 28.91 <u>1,010.58</u>
10/28/2021	133272	PARKING LOT MAINTENANCE	P&R SPORTS COMPLEX BLEACHER PAD	40,850.00
10/28/2021	133273	POMP'S TIRE SERVICE, INC.	FD TIRES HWY TIRE SERVICE	701.22 442.94 <u>1,144.16</u>

Check Date	Check	Vendor Name	Description	Amount
10/28/2021	133274	PREMIUM WATERS, INC	HWY WATER	86.25
10/28/2021	133275	R.A. SMITH & ASSOC., INC.	SW SWAN VIEW LIFT	86.00
10/28/2021	133276	RUEKERT & MIELKE, INC.	SW CITY HALL ELEVATED TANK FOUNDATION	490.50
			SW WISPARK RESERVOIR CONSTRUCTION ADMIN	40.00
			SW NORTH AVE PUMP STATION PRE-DESIGN	12,297.65
			SW WELL STATION 5 ROOF REPAIR AND PUMP R	646.00
			SW WELL STATION 5 CONSTRUCTION ADMIN	459.00
			SW NORTHMOUND WATER MAIN STUDY	1,116.75
			SW SCADA SERVICE	510.00
			SW SCADA SERVICE WORK	2,500.00
				18,059.90
10/28/2021	133277	RUSS'S MULCH & TOPSOIL	P&R WOOD CHIPS	168.00
10/28/2021	133278	S&S WORLDWIDE	P&R HOCKEY SET	203.27
10/28/2021	133279	SHAWNS DEER PICK UP	HWY DEER PICKUP	624.00
10/28/2021	133280	SHERWIN INDUSTRIES	HWY MANHOLE PROTECTION RINGS	459.96
10/28/2021	133281	SHERWIN-WILLIAMS	HWY PAINT SUPPLIES	52.81
10/28/2021	133282	SHIELD SOLUTIONS	FD PRE SPOTTER FOR LAUNDRY	19.90
10/28/2021	133283	ST. BARTHOLOMEW'S EPISCOPAL CHURCH	P&R FACILITY RENTAL FEES	300.00
10/28/2021	133284	TIME FOR ME	P&R MUSIC MAKERS AND MORE	595.00
10/28/2021	133285	VERIZON	SW TELEPHONE/SCADA	333.82
			FD TELEPHONE	138.36
				472.18
10/28/2021	133286	VERLO MATTRESS OF DELAFIELD	FD MATTRESSES	3,909.75
10/28/2021	133287	VILLAGE OF PEWAUKEE	P&R UTILITY	601.40
			P&R UTILITY	639.72
			P&R UTILITY	51.88
				1,293.00
10/28/2021	133288	WACHTEL TREE SCIENCE	ENG TREE ANALYSIS	432.00
			ENG CONSULTING	500.00
				932.00
10/28/2021	133289	WAUKESHA CO FIRE CHIEF'S ASSOC	FD WCTFCA MEMBERSHIP	274.46
10/28/2021	133290	WAUKESHA CO TREASURER	FD NETMOTION, INTERGRAPH, USDD	4,190.97
			HWY RADIO SERVICES	84.70
			HWY PAVEMENT MARKING	2,418.50
			HWY PAVEMENT MARKING PAINT	114.32
				6,808.49
10/28/2021	133291	WI DEPT TRANSPORTATION	ENG DUPLAINVILLE ROAD DESIGN	1,528.30
10/28/2021	133292	WOLF PAVING	ENG PAYMENT 1 JOSEPH RD RECONSTRUCTION	302,403.79
10/28/2021	133293	WPRA	P&R MEMBERSHIP RENEWAL	150.00
			P&R ANNUAL CONFERENCE 2022	300.00
				450.00
10/28/2021	133294	XEROX CORPORATION	SW BASE CHG/METER USAGE	1,084.63
100 TOTALS:				

Check Date	Check	Vendor Name	Description	Amount
Total of 140 Disbursements:				1,411,761.13

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 4.**

DATE: November 8, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding **Resolution 21-11-40** Authorizing the Issuance and Sale of \$7,830,000 General Obligation Promissory Notes, Series 2021A

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Draft Resolution 21-11-40

RESOLUTION NO. 21-11-40

**RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF \$7,830,000 GENERAL OBLIGATION
PROMISSORY NOTES, SERIES 2021A**

WHEREAS, on October 18, 2021, the Common Council of the City of Pewaukee, Waukesha County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution"), providing for the sale of General Obligation Promissory Notes, Series 2021A (the "Notes") for public purposes, including paying the cost of DPW facility improvement projects and street improvement projects (the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, the City is authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Notes to pay the cost of the Project;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on November 8, 2021;

WHEREAS, the City Clerk/Treasurer (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale on November 8, 2021;

WHEREAS, the City has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that:

Section 1. Ratification of the Notice of Sale and Offering Materials. The Common Council hereby ratifies and approves the details of the Notes set forth in Exhibit A attached hereto as and for the details of the Notes. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Authorization and Award of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of SEVEN MILLION EIGHT HUNDRED THIRTY THOUSAND DOLLARS (\$7,830,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk/Treasurer or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2021A"; shall be issued in the aggregate principal amount of \$7,830,000; shall be dated December 1, 2021; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2022. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on March 1, 2029 and thereafter are subject to redemption prior to maturity, at the option of the City, on March 1, 2028 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

[If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Notes in such manner as the City shall direct.]

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2021 through 2030 for the payments due in the years 2022 through 2031 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2021A" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants

that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk/Treasurer or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk/Treasurer, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk/Treasurer or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the

performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Notes.

Section 13. Persons Treated as Owners; Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk/Treasurer shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk/Treasurer are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 14. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Notes allocable to the payment of issuance expenses to a financial institution selected by Ehlers at Closing for further distribution as directed by Ehlers.

Section 16. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk/Treasurer shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial

information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Mayor and City Clerk/Treasurer, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 18. Record Book. The City Clerk/Treasurer shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk/Treasurer are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk/Treasurer including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded November 8, 2021.

Steve Bierce
Mayor

ATTEST:

Kelly M. Tarczewski
City Clerk/Treasurer

(SEAL)

EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP

Mandatory Redemption Provision

The Notes due on March 1, ____, ____, and ____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on March 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)

For the Term Bonds Maturing on March 1, ____

<u>Redemption Date</u>	<u>Amount</u>
____	\$ ____
____	____
____	____ (maturity)]

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 5.**

DATE: November 8, 2021

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Discussion Regarding the Status of the Professional Services Agreement Between the City of Pewaukee and E-Plan Exam for Building Permit Plan Review Services [Fuchs]

BACKGROUND:

At their February 15, 2021 meeting, the Common Council approved a professional services agreement to allow state required building permit plan reviews to be completed by E-Plan Exam on behalf of the City.

As part of that discussion and approval, the Common Council requested that staff bring the item back in fall to discuss the status of that agreement.

From about July of this year through October, E-Plan Exam has reviewed 23 projects for the City and 10 for the Village. As a reminder, the City receives 10% of all plan review fees completed by E-Plan Exam for City projects and 65% of the 10% fee retained for Village reviews. As of October 31st, the City has received \$1,955.70 in review fees.

Staff will provide further discussion as needed at the meeting.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

No action needed

or

A motion as deemed appropriate by the Common Council

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 6.**

DATE: November 8, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding **Ordinance 20-12** Pertaining to Historical Preservation (*First Reading*)
[Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Ordinance 21-12

**AN ORDINANCE CREATING CHAPTER 27 HISTORIC PRESERVATION OF THE MUNICIPAL CODE OF
THE CITY OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN**

BE IT ORDAINED by the Common Council of the City of Pewaukee, Waukesha County, Wisconsin, that Chapter 27 of the Municipal Code of the City of Pewaukee is hereby created to read as follows:

SECTION 1:**27.00 HISTORIC PRESERVATION****(1) Purpose**

- a. Protect, enhance and perpetuate sites, structures and districts which represent or reflect elements of the city's, state's or nation's cultural, social, economic, political or architectural history.
- b. Stabilize and improve property values around and in historic districts.
- c. Foster civic pride in the beauty and accomplishments of the past.
- d. Promote historic sites, structures and districts for the education, pleasure and welfare of the people of the city.

(2) Definitions

- a. **ALTERATION** - Any act or process which changes one or more of the exterior features of a structure, including but not limited to the erection, construction, reconstruction, demolition or moving of any improvement.
- b. **ARCHITECTURAL SIGNIFICANCE** – the importance of a particular structure based on its design, materials, form, style or workmanship.
- c. **CERTIFICATE OF APPROPRIATENESS** - A statement verifying that the Commission has reviewed an application to allow the alteration, rehabilitation, construction, reconstruction or demolition of any improvement or historic structure upon a historic site or within an historic district; that the Commission has found the requested action to be appropriate to the general character of the historic site or historic district; and that the requested action may be taken subject to applicable building and zoning codes.
- d. **COMMISSION** - The Historic Preservation Commission created under this section. The Historic Preservation Commission shall serve as the City's review authority for historic districts, historic sites, and historic structures.
- e. **DEMOLITION** - Any act or process which destroys in part or in whole an improvement.
- f. **DEMOLITION BY NEGLECT** – Means the failure of property owner to maintain a structure or improvement.

- g. **HISTORIC DISTRICT** – An area designated by the Common Council, following the procedures set forth in this Chapter, that contains two or more historic improvements or sites.
- h. **HISTORIC SITE** – Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of humanity, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement, parcel, or part thereof, on which is situated a historic structure and any abutting improvement, parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- i. **HISTORIC STRUCTURE** – Any improvement which has a special character or special historic interest of value as part of the development, heritage or cultural characteristics of the City, state, or nation and which has been designated as a historic structure pursuant to the provisions of the chapter.
- j. **IMPROVEMENT** - Any building, structure, wall, fence, steps, paving, gate, sign, light, general arrangement of place or area, the kind, texture or quality of building material, landscaping or landscape architecture or work of art (not including painted murals) which may be erected upon or proposed to be erected upon any specific real estate.
- k. **NATIONAL HISTORIC DISTRICT** – A district that is listed on the National Register of Historic Places, as maintained by the National Park Service in the U.S. Department of the Interior.
- l. **PARCEL** – A portion of land having its own tax parcel identification number.
- m. **PRESERVATION RESTRICTION** - A right, whether or not stated in the form of a restriction, easement, covenant or condition in any deed, will or other instrument executed by or on behalf of the owner of the land or in any order of taking, appropriate to the preservation of areas, places, buildings or structures to forbid or limit acts of demolition, alteration, use or other acts detrimental to the preservation of the buildings, places or areas designated as a historic structure, historic site or within an historic district.
- n. **REHABILITATION** – means improving property through repair or alteration, making possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.
- o. **STATE HISTORIC DISTRICT** – A district that is listed on the State Register of Historic Places, as maintained by the Division of Historic Preservation at the Wisconsin Historical Society.

(3) Commission Membership

- a. **COMPOSITION.** The Historic Preservation Commission is hereby created, consisting of seven (7) regular members, who shall be the members of the City Plan Commission. Each member shall have, to the highest extent practical, a known interest in historic preservation. Four members are needed to establish a quorum.
- b. **STAFF.** The Zoning Administrator shall provide professional support to the Commission. The City Clerk's office shall provide administrative support to the Commission.

(4) Powers, Duties and Responsibilities of Commission.

The Historic Preservation Commission shall have and exercise the following powers, duties and responsibilities:

- a. Recommend to the Common Council that the city accept such gifts, grants and money as may be appropriate for the purposes of this chapter.
- b. Conduct a survey of city buildings, places or areas for the purpose of identifying those of historic, architectural and cultural significance and prepare an inventory of those buildings, places or areas identified.
- c. Recommend that the Common Council designate by ordinance certain places and areas as historic sites, historic structures, or historic districts.
- d. Determine an appropriate system of markers for designated historic sites, historic structures or historic districts.
- e. Prepare and publish maps and other descriptive material about the city's historic sites, historic structures and historic districts.
- f. Cooperate with and enlist the assistance of persons, organizations, corporations, foundations, public agencies, City Historical Society and the State Historic Preservation Officer in matters involving historic preservation, renovation, rehabilitation and reuse.
- g. Advise owners of historic sites or historic structures on physical and financial aspects of preservation, renovation, rehabilitation and reuse.
- h. Review and make decisions on applications for certificates of appropriateness and require the presentation of such plans, drawings, elevations and other information as may be necessary to make decisions.
- i. Make recommendations to the Common Council about the acquisition of preservation restrictions or conservation easements.
- j. Evaluate and comment on decisions by the Plan Commission, Public Works Committee and Zoning Board of Appeals affecting sites, structures or areas of historic significance.
- k. Seek and maintain certification of this chapter by the state and federal governments under 36 CFR 67; 16 USC 470a(c); § 44.44, Wis. Stats.; and the Wisconsin Administrative Code so that property owners are eligible for federal income tax credits for rehabilitation expenses, property owners are eligible to use the State Historic Building Code, the city can participate in decision making for inclusion in the State and Federal Registers of Historic Places and the Certified Landmark Program and so that the city can be eligible to apply for grants.
- l. Promulgate standards for architectural and site review for certificates of appropriateness.

(5) Commission meetings, records, notices and hearings.

- a. The Commission shall meet as needed. Notice and conduct of meetings shall comply with § 19.81 et seq., Wis. Stats.
- b. Records shall be kept and made available to the public pursuant to § 19.31 et seq., Wis. Stats.
- c. Commission decisions shall be by majority vote of those Commissioners present and voting. No action shall be taken by the Commission which directs a private owner to do or refrain

from doing any specific thing or which refuses to permit a private owner to do some specific thing, unless written notice is given to such owner and unless such owner shall have the opportunity to be heard at a public hearing.

(6) Standards for Designation.

A site, structure, or district may be designated for preservation as a historic site, historic structure or historic district if it:

- a. Has significant character, interest or value as part of the community's development or heritage;
- b. Is the site of an historic event with a significant effect upon society;
- c. Exemplifies the cultural, political, economic, social or historic heritage of the community;
- d. Portrays the environment in an era of history characterized by a distinctive architectural style;
- e. Embodies distinguishing characteristics of an architectural type or engineering specimen;
- f. Is the type of a designer whose individual work has significantly influenced the community's development;
- g. Contains elements of design, detail, materials, or craftsmanship which represents a significant innovation;
- h. By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on an historic, cultural, or architectural character;
- i. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood or community; or
- j. Archaeological importance. Has yielded or may be likely to yield information important in prehistory or history.

(7) Process for Designation.

- a. Application.
 - i. HISTORIC SITE OR HISTORIC STRUCTURE. The owner of a property may nominate that property for designation at any time by submitting a completed nomination form and any appropriate documentation. The application shall contain such information, plans and photos as requested by the Commission.
 - ii. HISTORIC DISTRICT. The nomination process for designation of a historic district shall be considered by the Commission upon receipt of a written petition signed by the owners of a majority of the parcels within the proposed district. Each parcel included in the proposed district shall be allowed one (1) vote, and all of the owners of the parcel must sign the petition for the parcel to be counted as a vote in favor. The geographic area shall be definable by natural or existing improved boundaries and shall constitute a visual sense of history within the boundaries. The petition shall be accompanied by an application containing such information, plans and photos as requested by the Commission.
- b. The Commission may itself initiate the designation of a historic site, historic structure, or historic district.
- c. Public Hearing.

- i. The Commission shall hold a public hearing upon each petition, and shall give notice to owners of property within 600 feet of the subject property in accordance with Section 17.1300 of the City's Zoning Code.
 - ii. At the public hearing the Commission shall view and hear all information presented to it pertaining to whether the proposed designation is appropriate. The Commission shall afford all persons the opportunity to present their views orally and in writing pertinent to the proposed designation. The Commission may make reasonable rules regulating the length and materiality of comments.
- d. Designation.
 - i. The Commission shall review all information presented to it pertinent to designation and shall provide its findings and conclusions, in the form of a motion and meeting minutes, indicating whether the proposal meets the criteria set forth in § 27(4) of this chapter. A copy said minutes shall be sent to the Common Council.
 - ii. If the Commission recommends designation, the City Clerk or Zoning Administrator shall forward said recommendation from the Commission requesting designation to the Common Council. Upon designation by ordinance of the Council, such structure, place or area shall be afforded the protection of this chapter as administered by the Commission.
- e. Pending Designation. After the date of submission of the petition to create a historic site, historic structure or an historic district or initiation of designation by the Commission, no permits shall be issued for property within the area of contemplated designation, and no person shall alter or demolish any building or site until the Council determines whether to designate the area as an historic district.
- a. Notice of Designation and Recording.
 - i. After designation, the office of the City Clerk shall notify all property owners within the boundaries of the historic district that the area has been designated as such and that an owner must possess a certificate of appropriateness before obtaining a building permit or otherwise materially affecting the exterior appearance by structural changes, changes of exterior surfaces or any exterior change requiring a building permit.
 - ii. A certified copy of the ordinance designating the district as historic shall be recorded in the office of the Register of Deeds.

(8) Certificate of Appropriateness.

- a. Prohibition. No alteration or improvement which is visible on the outside or demolition shall be done or allowed within a designated historic district or upon a historic site or historic structure unless a certificate of appropriateness has been issued by the Historic Preservation Commission. Further, no building permit or demolition permit shall be issued for any historic site or any historic structure until the Building Inspector is satisfied that a certificate of appropriateness has been issued.
- b. Criteria in granting a certificate of appropriateness. In reviewing an application for a certificate of appropriateness, the Commission shall consider the following factors:

- i. The appropriateness to the Historic District or to the historic site or historic structure of the proposed alteration or demolition.
 - ii. Whether such proposed alteration or demolition will further the purposes of this chapter.
 - iii. Proposed alteration or demolition for any historic site or historic structure from the visual perspective of the street, public way or public buildings.
 - iv. Reference to The Secretary of the Interior's Standards for Rehabilitation, as published in § 36 of the Code of Federal Regulations, Part 67, and as revised from time to time.
 - v. By further reference to such specific design standards as the Commission may require for the designation of the historic site, historic structure or historic district. Such specific standards shall relate to the historical significance; the architectural value; the unique design, arrangement, texture, material or color of the building, place or area in question; the relation of such improvement to similar improvements in the immediate surroundings; and the position of such improvement in relation to the street or public way and to other improvements.
 - vi. The Commission shall not deny a certificate of appropriateness whenever the applicant shows that the alteration or demolition will enhance or is consistent with the inherent historic value of the historic site, historic structure or of the historic district.
- c. Application. Certificate of appropriateness may be applied for from the office of the Building Inspector. The application shall contain such information as requested by the Commission and shall be accompanied by plans and renderings.
- d. Issuance of Certificate of Appropriateness.
- i. The Commission shall review completed applications presented to it for certificates of appropriateness at its regular monthly meetings and shall grant or deny the certificate. Upon granting a certificate, the office of the Building Inspector shall issue to the applicant a certificate of appropriateness.
 - ii. A certificate of appropriateness shall expire six months after the date of issuance, unless a Building Permit has been issued. Building, demolition or sign permits are separate from the certificate, and the applicant shall also secure such permits prior to commencing the work.
- e. Hardship.
- i. Even if a proposed alteration or demolition may be inappropriate owing to conditions especially affecting the structure involved, but not affecting the historic district generally, failure to issue a certificate of appropriateness will involve a substantial hardship which is not self-created, financial or otherwise to the applicant, and such certificate may be issued without substantial detriment to the public welfare and without substantial derogation from the purposes of this chapter, then the Commission may grant a certificate of appropriateness.

- ii. If, however, a proposed alteration or demolition is inappropriate and issuance of a certificate of appropriateness would cause substantial detriment to the public welfare or substantial derogation from the purposes of this chapter, but failure to issue would nonetheless involve a substantial hardship which is not self-created, financial or otherwise to the applicant, then the Commission may order a postponement of any alteration or demolition while it investigates alternatives to granting a certificate.
- iii. If after a reasonable period of time, not to exceed one year from the date of first denial of the certificate of appropriateness, no alternative agreement has been reached with the applicant, the Commission may issue a certificate of appropriateness for alteration or demolition of the building, place or area in question.
- iv. In granting a certificate of appropriateness in such circumstances, the Commission may prescribe any conditions or limitations that may minimize the adverse impact of the requested alteration or demolition.

(9) Regulation of Demolition.

- a. No person in charge of a historic structure, historic site, or improvement within a historic district shall be granted a permit to demolish such property without the written approval of the Common Council.
- b. Any application to the Building Inspector for a permit to demolish a historic structure, improvement on a historic site or improvement within a historic district shall contemporaneously be filed with the Commission. The Commission shall review the application and shall, within 90 days of the filing of that application, make a recommendation to the Common Council with respect to that demolition.
- c. Upon receipt of the recommendation of the Commission or if no recommendation is made, 90 days after the filing of the original application, the request for demolition shall be submitted for review and consideration by the Common Council. The Council shall make its decision respecting demolition within 120 days of the Council's receipt of the recommendation from the Commission or the expiration of the time period allowed for the Commission's review.
- d. In evaluating the petition for demolition, the Common Council shall consider the following:
 - i. The age and physical condition of the historic structure, improvement on the historic site, or improvement within a historic district.
 - ii. The cost of repairs of the historic structure, improvement on the historic site, or improvement within a historic district as compared to the fair market value of that improvement.
 - iii. Whether the denial of the demolition permit would result in the loss of all reasonable and beneficial use of or return from the property.
 - iv. Whether any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
 - v. The historic significance of the historic structure, improvement on a historic site, or improvement within a historic district.
- e. Upon approval of the petition for demolition by the Common Council, the Building Inspector shall issue the permit to demolish the property provided all other codes and City ordinances are complied with.

(10) Demolition by Neglect.

In order to promote the purposes of historic preservation, this subsection requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. The

requirements of this subsection are applicable only to properties in designated Historic Districts.

Owners or others having legal possession, custody or control of a property in Historic Districts shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur on such properties. It is a violation of the City's Ordinance to not remedy a condition of neglect within the period of time set by a final administrative determination, as described in Subsection b. below.

- a. Conditions of neglect include, but are not limited to, the following: 1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling or deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling; 2. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling; 3. Deterioration or crumbling of exterior plasters or mortars or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors; 4. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering; 5. Rotting, holes, and other forms of decay; 6. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling; 7. Deterioration that has a detrimental effect on the surrounding historic district or deterioration that contributes to a hazardous or unsafe condition; 8. Deterioration of fences, gates, and accessory structures.
- b. Procedure for Enforcement. Upon receipt of a complaint or upon observation, if the Zoning Administrator makes a preliminary determination that a property in a Historic District is being neglected, the Zoning Administrator shall inform the property owner of the preliminary determination and notify the Historic District Commission of the preliminary determination. The Zoning Administrator will seek remedial action by the property owner. If remedial action has not commenced within 30 days of initial notification, the City Planner, after consultation with the Historic District Commission, shall make a finding of violation.

In the event of a finding of violation and the corrective action specified in the notice is not instituted within the time allotted, the City may institute, perform and complete the necessary remedial work to prevent deterioration. Labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.

(11) When Building or Demolition Permit is Not Required.

When neither a building or demolition permit is required, if a proposed alteration or demolition constitutes a material change in the exterior appearance of a historic site or historic structure or of property within an historic district, then a certificate of appropriateness shall be required. Failure to receive a certificate prior to effecting such material change shall constitute a violation of this chapter.

(12) Ordinary Maintenance and Repairs; Public Safety Ex Post Facto.

Nothing in this chapter shall prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district, historic site or historic structure which does not involve a change in design, material, color or outward appearance as determined by the Zoning Administrator; prevent any alteration or demolition which the Zoning Administrator shall certify is required by public safety because of an unsafe or dangerous condition; nor prevent any alteration or demolition under a

permit issued by the Zoning Administrator prior to the date of petitioning for the creation of an historic district or prior to the date of designation of a historic site or historic structure.

(13) Voluntary Restrictive Covenants

The owner of any historic structure or site may, at any time following such designation of the property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the structure or site. The owner shall record such covenant in the office of the Waukesha County Register of Deeds and shall notify the City Assessor of such covenant and the conditions thereof.

(14) Amendments

A property owner or the City may seek an amendment of the designation of a property as a historic site, historic structure, or its inclusion in a historic district. Consideration of an amendment shall be commenced by written request filed with the Historic Preservation Commission. The notice and public hearing requirements for the establishment of a historic site, historic structure or historic district shall be followed with respect to consideration of the amendment. Following the public hearing, the Historic Preservation Commission shall make a recommendation to the Common Council regarding the amendment of the designation. The Common Council will then take final action on the amendment.

(15) Appeals

Should the Commission fail to recommend issuing a Certificate of Appropriateness or demolition permit due to the failure of the proposal to conform to the guidelines in this article, the applicant may appeal such decision to the Common Council within 45 days of the Commission's final decision. In addition, if the commission fails to recommend issuing a Certificate of Appropriateness or demolition permit, the commission shall work with the applicant for a period of 45 days following the date of denial in an attempt to obtain a certificate of appropriateness within the guidelines of this article. Nothing contained in this subsection shall be deemed to prevent the appeal of an earlier denial by the Commission, whether such appeal might occur during or after the 45-day period where the parties are required to cooperate as described immediately above.

(16) Violations and penalties.

No person who owns a structure or site proposed to be designated or designated as a historic structure or historic site or within an historic district shall personally or by another alter, demolish or construct a structure or site without complying with this chapter. All persons who violate this chapter shall be required to restore the structure or site to its condition prior to the violation and, in addition, be subject to the penalties contained in Chapter 25 of the City's Municipal Code.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This Ordinance shall take effect upon passage and posting.

Dated this ____ day of _____, 2021.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, City Clerk

Published this ____ day of _____, 2020.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 7.**

DATE: November 8, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding **Ordinance 21-13** Repealing and Recreating Section 17.1300 of the Zoning Code Related to Public Hearing Notices (*First Reading*) [Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Ordinance 21-13

ORDINANCE NO. 21-13**AN ORDINANCE REPEALING AND RE-CREATING SECTION 17.1300 OF THE CITY OF PEWAUKEE ZONING CODE RELATED TO PUBLIC HEARINGS NOTICES**

WHEREAS, The Common Council of the City of Pewaukee approved Ordinance 21-12 on November 15, 2021 creating Chapter 27 Historic Preservation of the Municipal Code; and,

WHEREAS, Ordinance 21-12 effects Chapter 17 – Zoning certain updates are required;

NOW, THEREFORE, The Common Council of the City of Pewaukee does hereby ordain that Section 17,1300 Public Hearings, of Chapter 17 - Zoning be repealed and re-created as follows:

SECTION 17.1300 PUBLIC HEARINGS

Notice of any public hearing which the Common Council, Plan Commission, Zoning Board of Appeals or Historic Preservation Commission is required to hold under the terms of this Ordinance, shall specify the date, time and place of said hearing, the legal and common property description, and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for two (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. The City Clerk shall also give at least ten (10) days prior written notice of such hearing to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed action, and in the event the appeal affects any lands in the F-1 Floodplain District, the City Clerk Office shall also give at least 10 days prior written notice of such hearing to the Wisconsin Department of Natural Resources.

SECTION 1: Severability

The several sections and portions of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of all other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 2: Effective Date

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 15th day of November, 2021.

CITY OF PEWAUKEE

Steve Bierce, Mayor

Attest:

Kelly Tarczewski, City Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 8.**

DATE: November 8, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding **Ordinance 21-14** Creating Section 17.0437 Establishing a Historic Preservation Overlay District in Chapter 17 Zoning Code (*First Reading*) [Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Ordinance 21-14

ORDINANCE NO. 21-14

AN ORDINANCE CREATING SECTION 17.0437 ESTABLISHING A HISTORIC PRESERVATION OVERLAY DISTRICT IN CHAPTER 17 ZONING CODE

WHEREAS, The Common Council of the City of Pewaukee approved Ordinance 21-12 on November 15, 2021 creating Chapter 27 Historic Preservation of the Municipal Code; and,

WHEREAS, Ordinance 21-12 effects Chapter 17 – Zoning certain updates are required;

NOW, THEREFORE, The Common Council of the City of Pewaukee does hereby ordain that Section 17.0437 HPO, Historic Preservation Overlay District, of Chapter 17 - Zoning be created as follows:

17.0437 HPO, Historic Preservation Overlay District

The purpose of the HPO District is to designate historic sites, historic structures or an area as an historic district and to effect and accomplish the provisions of Chapter 27 of the City's Municipal Code to: protect, enhance and perpetuate sites, structures and districts which represent or reflect elements of the city's, state's or nation's cultural, social, economic, political or architectural history; stabilize and improve property values around and in historic districts; foster civic pride in the beauty and accomplishments of the past; and promote historic sites, structures and districts for the education, pleasure and welfare of the people of the city.

- a. Permitted Principal and Accessory Uses
All permitted principal or accessory uses allowed within the underlying zoning districts are permitted.
- b. Conditional Uses
All conditional uses allowed within the underlying zoning districts and Section 17.0209c. are permitted as conditional uses.
- c. Lot Area and Width
Lot area and width shall conform to the requirements of the underlying zoning districts.
- d. Building Height and Size
Building height and area shall conform to the requirements of the underlying zoning districts.
- e. Setbacks and Yards
Setbacks and yards shall conform to the requirements of the underlying zoning districts.
- f. Off-street Parking and Loading Space

Off-street parking and loading spaces shall conform to the requirements of the underlying zoning districts or Section 17.0600d., whichever may be applicable.

g. Minimum Utility Service

Utility services shall be provided in conformance with the requirements of the underlying zoning districts.

h. Historic Preservation Commission review and approval

No permit to develop, construct, reconstruct, enlarge, or alter property in an HPO Overlay District shall be issued until the Historic Preservation Commission has reviewed the application or petition in accordance with the provisions of Chapter 27.

i. Designation of historic structures, historic sites, and historic districts

The Historic Preservation Commission may designate landmarks, landmark sites, and establish historic districts within the City in accordance with the provisions Chapter 27.

SECTION 1: Severability

The several sections and portions of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of all other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 2: Effective Date

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and adopted this 15th day of November, 2021.

CITY OF PEWAUKEE

Steve Bierce, Mayor

Attest:

Kelly Tarczewski, City Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 9.**

DATE: November 8, 2021

DEPARTMENT: PW - Engineering

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding **Resolution 21-11-41** Authorizing the Establishment of a Trail Along Duplainville Road [Wagner]

BACKGROUND:

Biannually the Wisconsin Department of Transportation (WisDOT) offers the Local Road Improvement Program for local municipalities. The 2022-2023 applications are due. The City normally only applies for the Municipal Street Improvement Less than 20,000 (MSILT). This program also offers a Municipal Street Improvement Discretionary (MSID) which is a competitive 50/50 match for funding. The City typically does not have a project which would qualify for this program. The State government added additional funding to a program called Municipal Street Improvement Supplemental (MSIS) for this funding cycle. This has a potential funding of 90/10.

With the construction of Duplainville Road for 2022, the City applied for the MSID funding. By completing the application for the MSID, this project is automatically entered into the MSIS program. We will hear back in February or March if we are awarded any funding from this program.

As part of the application process, they ask if Bike or Pedestrian facilities are on the project or will be added. Since we are adding the Trail along Duplainville Road, I selected yes. This then requires a resolution of support for the trail which is the resolution you are considering today.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Council approve the resolution authorizing the establishment of a trail along Duplainville Road.

ATTACHMENTS:

Description

Resolution 21-11-41

RESOLUTION 21-11-41**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A
DUPLAINVILLE ROAD TRAIL**

WHEREAS, the City of Pewaukee, Waukesha county, Wisconsin (the "City") owns and operates a roadway system and trail system (the "System") as a public entity; and

WHEREAS, the City has determine that the pavement of Duplainville Road is in need of reconditioning; and

WHEREAS; The Common Council of the City of Pewaukee has an adopted Bike/Pedestrian Plan which an off road trail is proposed along Duplainville Road; and,

WHEREAS, it has been determined that it is cost effective to construct the Duplainville Trail with the Duplainville Road construction work; and

WHEREAS, the City has passed Resolution 20-09-20 authorizing the construction of Duplainville Road Pavement Reconditioning, Trail Construction, and Related Facilities.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Common Council of the City of Pewaukee determines it is in the best interest of the City to construct the trail as part of the Duplainville Road Reconstruction project. Furthermore, the Common Council supports the installation of the trail.

SEVERABILITY

The several sections of this Resolution shall be declared to be severable. If any section shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Resolution.

Adopted this 8th day of November, 2021.

CITY OF PEWAUKEE

ATTEST:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer