

In Attendance:

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

Also In Attendance:

City Planner & Community Development Director N. Fuchs, Park & Recreation Director N. Phalin, Clerk/Treasurer K. Tarczewski, DPW Director M. Wagner and Director of People & Culture K. Woldanski.

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 Common Council Meeting Minutes Dated September 19, 2022

3.2. Approval of the Common Council Budget Workshop Meeting Minutes Dated October 10, 2022

3.3. Approval of the Accounts Payable Listing Dated November 7, 2022

A motion was made and seconded (J. Wamser, I. Clark) to approve the consent agenda. Motion Passed: 6-For, 0-Against.

4. **PUBLIC HEARING** Related to the 2023 Budget and Setting the City's Tax Levy

Mr. Klein noted there have been two changes since the budget workshop. He said the assessed value went up by \$78 million and health insurance went up 14 percent. Mr. Klein noted the City has been conservative on other estimates. He said the City can always make up over the next year or get a budget transfer if needed. He noted there have been no other changes since the budget workshop.

Mayor Bierce opened the public hearing. No one expressed interest in speaking so he immediately closed the public hearing.

Mayor Bierce noted Common Council will approve the budget on Wednesday, November 9th at 5:30 p.m.

5. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use Permit for Keith Tubin for Property Located at N37 W26745 Kopmeier Drive (PWC 0894-014) for the Purpose of Constructing a Boathouse

Mr. Fuchs noted Plan Commission recommended approval of the 84 square foot boathouse at the October 20, 2022, meeting with the condition that the applicant remove some concrete on the property to stay within the lot coverage requirements. He stated Plan Commission recommended it not be metal and said the applicant will remove the metal siding and replace with LP smart side.

Mayor Bierce opened the public hearing.

Dan Reik spoke on behalf of his in-laws Charles and Clare Schweitzer (N37W26731 Kopmeier Drive). He said his in laws are neighbors with the property, He said there is already 1700 square feet of garage space which includes a 1100 square foot garage that was built a few years ago. He added there is no need to build an additional structure. He noted it is not a boathouse but a shed and stated based off dimensions a boat will not fit in the structure. He said per City ordinance variances are only granted in situations where it will not create a substantial detriment to the adjacent property. He feels this boat house will greatly impact his in laws enjoyment of their property and recommended that the variance be denied.

Mayor Bierce closed the public hearing.

Mayor Bierce noted there are concerns with what a boat house is and isn't. He stated this one qualifies as a boathouse.

Mr. Reinbold asked if the property owner took down the existing shed that was to be removed. Mr. Fuchs said he thought it was verified and the City will make sure it has been removed prior to issuing anything else, along with verifying the concrete has been removed.

Ms. Brown noted she wishes the property owner would have come to the Plan Commission meeting. She said it was challenging because it is not very big and to put things in there will be difficult but calling it a boat house versus a shed gets it closer to the lake. Ms. Brown noted there is a lot of stuff on the property that could be used to store things.

Attorney Riffle stated to approve a Conditional Use Permit the burden is on the applicant. They must show that it meets all the criteria under the ordinance to allow it.

Mr. Fuchs read the definition of a boathouse per the staff report. He noted if a building can fit a watercraft, he interprets it as it meets the broad definition, which is why staff did not object and recommended approval.

Mr. Clark asked if the homeowner stated what type of watercraft they intended to store in the building. Mr. Fuchs said he did not recall. Mr. Clark felt until the City knows what he intends to store in the building it cannot be considered a boathouse and should be denied. Attorney Riffle noted he did not agree.

Mr. Vetterkind asked if the homeowner would have to reapply if it is denied. Attorney Riffle stated yes. Mr. Fuchs stated there would be a waiting period before they can come back.

A brief discussion took place regarding the structure sitting in the driveway during the waiting period.

A motion was made and seconded (J. Wamser, I. Clark) to deny the Conditional Use Permit for the property located at N37W26745 Kopmeier Drive for the purpose of building a boathouse. Motion Passed: 6-For, 0-Against.

Mr. Klein questioned the definition of a boathouse and asked where we go with this. He noted a paddle board and small kayak would fit in the structure. Mr. Klein feels we need to give the Planner more direction.

Attorney Riffle stated the City is very loose about the new Conditional Use law. He noted the petitioner should be at the hearing telling why they meet all the criteria under the law, not the Zoning Administrator. He said this is a lesson we need to learn.

Mr. Fuchs noted the County does have a minimum size, although he intentionally did not propose a minimum size.

Ms. Brown stated his letter said it was a prebuilt boathouse and thought it originally stated shed. She felt it was a switch of words to get what he wanted.

6. Discussion and Possible Action Regarding the Final Plat for Woodleaf Reserve Addition No. 5 (PWC 0865-992 & PWC 0865-175)

Mr. Fuchs stated Phase 4 consisted of 11 lots along the Timber Court extension. He noted it meets substantial conformance with the Preliminary Plat and all lots meet requirements. He added there are no conditions and staff recommends approval.

A motion was made and seconded (B. Dziwulski, R. Reinbold) to approve the Final Plat for the Woodleaf Reserve (Addition #5). Motion Passed: 6-For, 0-Against

7. Discussion and Possible Action Regarding **Ordinance 22-22** Rezoning the Vacant Land Located on Green Road (PWC 0914-987) from M-6 Mixed Industrial to M-2 Limited Industrial for the Purpose of Developing a 150,000 Square Foot Industrial Building (*Previously Recommended for Approval at the 12/19/2019 Plan Commission Meeting*) as Requested by Interstate Partners
8. Discussion and Possible Action Regarding **Ordinance 22-23** Rezoning the Property Located on Green Road (PWC 0914-980) from Rs-3 Single-Family Residential to M-2 Limited Industrial for the Purpose of Developing a 150,000 Square Foot Industrial Building (*Previously Recommended for Approval at the 12/19/2019 Plan Commission Meeting*) as Requested by Interstate Partners
9. Discussion and Action Regarding a Certified Survey Map for Interstate Partners for Property Located on Green Road for the Purpose of Combining Two Existing Parcels (PWC 0914980 & PWC 0914987)

Items 7, 8 and 9 were discussed at the same time.

Mr. Fuchs stated the items are all related around the proposed construction of an industrial building. He noted the applicant reduced the size of the building. Mr. Fuchs stated Plan Commission recommended approval of the Rezoning and Certified Survey Map and approved the site and building plan application for the development.

Mr. Reinbold asked if there was a more detailed landscaping plan. Mr. Fuchs noted there is a condition that the landscaping plan be submitted to staff for final approval. Mr. Reinbold also asked about additional truck traffic signage from Highway F to Highway 164. Mr. Fuchs stated the applicant is willing to add additional signage if Common Council requested it.

A brief discussion took place regarding truck traffic.

A motion was made and seconded (J. Wamser, P. Vetterkind) to approve Items 7, 8 and 9. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding the Award of the 2022 Sewer Cleaning Contracts

Ms. Wagner stated the City received three bids for sewer cleaning. She noted the City tries to clean out a third of the system annually. She said the lowest bidder was Visu-Sewer in the amount of \$87,073.59. She recommended approval and award of that contract.

Mr. Vetterkind asked if the City has a relationship with the company. Ms. Wagner noted they are a local company and do it every year and noted they do it as fill in work.

A motion was made and seconded (B. Dziwulski, R. Reinbold) to approve the 2022 sewer cleaning contracts. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding the Gun Club Lift Station Rehabilitation Project

11.1 **Resolution 22-11-44** Declaring Official Intent to Reimburse Expenditures for Clean Water Fund Program.

11.2 **Resolution 22-11-45** Acknowledging Authorized Representative for the City of Pewaukee.

11.3 **Resolution 22-11-46** Intent of Reimburse Expenditures for the Gun Club Lift Station Rehabilitation Project

Ms. Wagner stated the lift station across from the Gun Club is reaching end of life due to capacity, maintenance, and pumping issues. She noted the City is looking to do either rehabilitation or replacement of the lift station. Ms. Wagner noted the City is applying for a Clean Water Loan Fund.

Ms. Brown asked if the City is fining the facilities who are gumming up the lift stations. Ms. Mueller noted the company that had some questionable practices has installed a pre-treatment facility and a lot of the grease from that facility has been taken care of. She said a lot of homeowners contribute to the grease issues.

A motion was made and seconded (I. Clark, B. Dziwulski) to approve the Gun Club Rehabilitation Project. Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Regarding Resolution 22-11-47 Pertaining to the Bluemound Road Water Main Loop Relocation Order

Ms. Wagner stated the City needs to acquire permanent easements for access and utility easements where the infrastructure is going to be placed on private property. She said the relocation order starts the process for the properties in question.

Mr. Wamser asked how many properties are being included. Ms. Wagner stated four.

Ms. Brown asked the cost. Ms. Wagner stated she will not know until she receives the appraisals.

A motion was made and seconded (I. Clark, P. Vetterkind) to approve Resolution 22-11-47. Motion Passed: 6-For, 0-Against.

13. Discussion and Possible Action Regarding Ordinance 22-21 (First Reading) Amending Section 6.02 of the Municipal Code Related to an Exception to Allow for a Geese Management Program

Mr. Fuchs stated the Pewaukee Golf Club requested hunting geese on the property. He noted staff drafted an ordinance if Council would like to approve it. Mr. Fuchs mentioned it was on a previous

agenda and Council wanted the City Attorney to review it. He noted the Attorney has reviewed the ordinance and it mimics the deer management program. Mr. Fuchs added the City Attorney did make a change to specifically reference the tax key number of the golf course where the hunting will occur.

Ms. Brown voiced her concern regarding the lack of representation from the golf course to address the council and be available for questions.

A motion was made and seconded (B. Dziwulski, J. Wamser) to waive the second reading and to approve Ordinance 22-11-47. Motion Failed 0-For, 6-Against.

14. Public Comment – None.

15. Adjournment

A motion was made and seconded (B. Dziwulski, L. Clark) to adjourn the meeting. Motion Passed: 6-For, 0-Against

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer