

Office of the Clerk/Treasurer

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

**COMMON COUNCIL
MEETING NOTICE AND AGENDA
Monday, October 18, 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 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*)
 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 [Klein]
 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 [Tarczewski]
 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 Sports Complex and Approving **Resolution 21-10-38** [Phalin].
 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 [Phalin]
 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*) [Wagner]
 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 [Wagner].
 10. Discussion and Possible Action to Re-Allocate \$7,500 from the Fieldhack Trail Extension Project to Maintenance of the Existing Trails [Wagner].

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 - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.
13. Adjournment

Kelly Tarczewski
Clerk/Treasurer

October 14, 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: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of Accounts Payable Listing Dated October 18th, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

A/P 10-18-2021

Check Date	Check	Vendor Name	Description	Amount
Bank 100 GENERAL FUND CHECKING				
10/08/2021	5 (S)	BUMPER TO BUMPER HARTLAND	BLD WIPER BLADES	34.57
			HWY FLUID FILM	35.16
			SW CREDIT	(69.73)
				<u>0.00</u>
10/01/2021	505 (E)	HUMANA	HEALTH INSURANCE CLEARING	92,774.10
10/11/2021	507 (E)	LEASING SERVICES		116.00
10/01/2021	511 (E)	ADP, LLC		385.31
10/04/2021	518 (E)	WI DEPT OF REVENUE/SALES TAX	SALES TAX DUE STATE	352.70
			SALES TAX DISCOUNT	(10.00)
				<u>342.70</u>
10/06/2021	519 (E)	DELTA DENTAL	DENTAL CLEARING	1,465.52
10/08/2021	520 (E)	DIVERSIFIED BENEFIT SERVICES, INC.	FLEX SPEND	452.03
10/05/2021	133070	CHAD JONES	FD TRAVEL	180.00
10/05/2021	133071	CHRIS SCHMITT	FD TRAVEL	180.00
10/05/2021	133072	JERRY NULLLINER	FD TRAVEL	180.00
10/06/2021	133073	CHAD JONES	FD TRAVEL	60.00
10/06/2021	133074	JERRY NULLLINER	FD TRAVEL	331.52
10/08/2021	133075	1ST AYD	P&R POLYLINERS	505.75
10/08/2021	133076	ALL CITY COMMUNICATIONS INC.	SW ANSWERING SERVICE	83.14
10/08/2021	133077	ALL-WAYS CONTRACTORS, INC	HWY TOPSOIL	90.00
			P&R TOPSOIL	150.00
			P&R TOPSOIL	360.00
				<u>600.00</u>
10/08/2021	133078	ALPHA OMEGA CLEANING, INC.	P&R JANITORIAL SERVICES	142.00
10/08/2021	133079	ANNA MAE M HURLEY	P&R PROGRAM REFUND	70.00
10/08/2021	133080	ARROW TERMINAL, LLC	HWY CABLE TIES	343.48
10/08/2021	133081	ASPEN HOMES	BLD 210305 OCCUPANCY BOND REFUND	500.00
10/08/2021	133082	AUCA CHICAGO MC LOCKBOX	HWY UNIFORMS	87.82
10/08/2021	133083	BADGER METER	SW BEACON HOSTING	244.80
10/08/2021	133084	BAKER TILLY MUNICIPAL ADVISORS LLC	SW FINANCIAL PLANS	2,140.50
10/08/2021	133085	BARTLETT, SCOTT	HWY SAFETY GLASSES REIMBURSEMENT	167.84
10/08/2021	133086	BATTERIES PLUS LLC	SW BATTERY	141.02
10/08/2021	133087	BEACHSIDE BOAT & BAIT	P&R PONTOON BOAT RENTAL	390.00
10/08/2021	133088	BEDROCK SEWER & WATER	SW INSTALL CURB STOP	5,407.00
			SW 2020 PROJECTS	5,925.00
				<u>11,332.00</u>
10/08/2021	133089	BROOKFIELD, TOWN OF	SW SEWER SERVICE	1,244.39
10/08/2021	133090	CENTEC SECURITY SYSTEMS	IT ANNUAL FIRE ALARM MONITORING RENEWAL	540.00
10/08/2021	133091	CHARLIE DWYER	BLD MILEAGE REIMBURSEMENT	123.20
10/08/2021	133092	CINTAS	HWY SAFETY RESTOCK	232.23
			HWY TRUCK KIT ANSI	260.55
			P&R SAFETY RESTOCK	26.99
				<u>519.77</u>
10/08/2021	133093	COREY OIL	HWY DIESEL EXHAUST FLUID	329.97
			HWY UNLEADED GASOLINE	570.12

Check Date	Check	Vendor Name	Description	Amount
			HWY CLEAR DIESEL	1,508.00
			HWY UNLEADED GASOLINE	551.55
			HWY CLEAR DIESEL	474.29
				3,433.93
10/08/2021	133094	D.F. TOMASINI, INC	SW REPAIR WATERMAIN BREAK	16,860.46
10/08/2021	133095	DEAN MICHAELIS	P&R BOOT REIMBURSEMENT	73.49
10/08/2021	133096	DIVERSIFIED BENEFIT SERVICES, INC.	OCT 2021 HRA ADMIN SERVICES	331.54
10/08/2021	133097	ELLIOTT ACE HARDWARE	HWY HEX WRENCH, HEX KEY	10.28
			SW POLY BRUSH	14.28
				24.56
10/08/2021	133098	ENER-CON, INC.	HWY BRUSH GRINDING, MOBILIZE GRINDER	2,000.00
10/08/2021	133099	FIRE DETECTION GROUP	P&R FIRE ALARM LABOR	321.50
10/08/2021	133100	FIRE SERVICE INC	FD REPAIRS	473.13
10/08/2021	133101	GREG AND LYNN STANTON	BLD 201394 EROSION BOND REFUND	2,000.00
10/08/2021	133102	HARTLAND OVERHEAD DOOR	FD REPAIR BROKEN HINGE ON DOOR	252.50
10/08/2021	133103	HAWKINS, INC.	SW CHEMICALS	2,291.00
			SW CHEMICALS	1,785.46
				4,076.46
10/08/2021	133104	HAYDEN MATHENY	ASR MILEAGE REIMBURSEMENT	84.00
10/08/2021	133105	HUMPHREY SERVICE PARTS, INC	SW AIR FILTER	14.58
10/08/2021	133106	JK LAWN SERVICE	SW LAWN SERVICE	183.00
			SW LAWN SERVICE	192.00
				375.00
10/08/2021	133107	JX ENTERPRISES, INC.	HWY OVAL SURFACE MOUNT, SUPER GLUE GEL	12.47
10/08/2021	133108	KAESTNER AUTO ELECTRIC CO.	HWY SHRINK TUBES, HD LUG, BLACK HD	510.48
10/08/2021	133109	KMB ELECTRIC	P&R ELECTRICAL WORK	6,787.16
10/08/2021	133110	LAKE PEWAUKEE SANITARY DISTRICT	SW SEWER SERVICE 3RD QTR	127,620.00
10/08/2021	133111	LANGE ENTERPRISES, INC	BLD TILES	303.92
10/08/2021	133112	LIFE-ASSIST INC	FD MEDICATION TAPE	120.00
10/08/2021	133113	LITHO-CRAFT	SW MAILING ENVELOPES	1,313.00
10/08/2021	133114	MARLO DENTICE	P&R PROGRAM REFUND	20.00
10/08/2021	133115	MENARDS	HWY SHACKLE SPA	17.96
			HWY VINYL TUBING, NYLON BARB,	17.97
			SW PVC ELBOW PIPES	6.02
			P&R SIMMONS WOODS SIGNS	11.98
				53.93
10/08/2021	133116	MID-AMERICAN RESEARCH CHEMICAL	HWY WASH N WAX, CLEANER	1,373.92
10/08/2021	133117	MRA	HR HARASSMENT PREVENTION TRAINING	966.00
10/08/2021	133118	MUNICIPAL LAW & LITIGATION GROUP S.	CT LEGAL FEES	9,119.80
10/08/2021	133119	NADINE MCMILLIAN	P&R FLAG FOOTBALL REFUND	49.00
10/08/2021	133120	NASSCO INC	P&R COMPACT BATTERY	3,270.00
10/08/2021	133121	NORTHERN LAKE SERVICE, INC	SW WATER TESTING	84.00
			SW WATER TESTING	63.00
			SW WATER TESTING	84.00
				231.00
10/08/2021	133122	OCCUPATIONAL HEALTH CENTERS OF THE	HR EXAMS	180.00
10/08/2021	133123	OFFICE COPYING EQUIPMENT, LTD	BLD SHARP MX3071 CONTRACT	63.97

Check Date	Check	Vendor Name	Description	Amount
			CRT SHARP MX3571 CONTRACT	15.70
			FD SHARP MX3070N CONTRACT	52.14
				131.81
10/08/2021	133124	OFFICE DEPOT	BLD PAPER	39.57
			SW BINDER CLIPS	6.69
			SW TAPE	7.64
			SW PASSWORD JOURNAL	7.09
				60.99
10/08/2021	133125	PORT-A-JOHN	P&R SEASONAL RESTROOM	96.00
			P&R SEASONAL RESTROOM	96.00
			P&R SEASONAL RESTROOM	96.00
			P&R SEASONAL RESTROOM	96.00
				384.00
10/08/2021	133126	PREMIUM WATERS, INC	CRT WATER	58.24
10/08/2021	133127	PUBLIC SERVICE COMMISSION OF WI	SW ADVANCE ASSESSMENT	2,674.85
10/08/2021	133128	RACHELLE AHO	ASR MILEAGE REIMBURSEMENT	84.00
10/08/2021	133129	RANDALL SCHMIDT	BLD 201055 EROSION BOND REFUND	2,000.00
10/08/2021	133130	REINDERS, INC.	P&R PVC PIPE BLEACHER PAD PROJECT	758.00
			P&R BELT	78.14
			P&R WHEEL ASM	220.34
				1,056.48
10/08/2021	133131	RHETT TUFF	ASR MILEAGE REIMBURSEMENT	168.00
10/08/2021	133132	ROB ELLIOT	P&R GOLF LESSONS	855.00
10/08/2021	133133	ROBERT KEWAN	IT MILEAGE REIMBURSEMENT	77.34
10/08/2021	133134	S&S WORLDWIDE	P&R SOFTEE HOCKEY PUCK	5.12
10/08/2021	133135	SCOTT AND AMANDA CURWICK	BLD 201093 EROSION BOND REFUND	2,000.00
10/08/2021	133136	SERWE IMPLEMENT MUNICIPAL SALES	HWY GROUND ROLLER BEARING, GROUNDROLLER,	1,028.80
10/08/2021	133137	SHAWNS DEER PICK UP	HWY DEER PICKUP	680.10
10/08/2021	133138	STATE OF WI	SW LOAN PAYMENT	3,587.24
10/08/2021	133139	STATE OF WI COURT FINES & ASSMTS	CRT STATES SHARE OF COURT COSTS AND ASSE	7,739.99
10/08/2021	133140	USA BLUEBOOK	SW GASKETS	32.20
10/08/2021	133141	VILLAGE OF PEWAUKEE	P&R SEPT 2021	13,252.62
			LIFEQUEST EMS COLLECTIONS SEPT 2021	32,218.68
				45,471.30
10/08/2021	133142	VISU-SEWER	SW VACTOR, WASTE DISPOSAL	2,730.00
10/08/2021	133143	WATER REMEDIATION TECHNOLOGY	SW BASE TREATMENT CHG	3,590.23
10/08/2021	133144	WAUKESHA CO TREASURER	CT 2021 3RD & 4TH QTR PARCEL TAX BILLING	6,604.08
			CRT COUNTY JAIL ASSESSMENTS & DRIVER IMP	2,702.82
				9,306.90
10/08/2021	133145	WAUKESHA WATER UTILITY	SW SEWER SERVICE CHARGE	23,825.25
10/08/2021	133146	WI DNR	SW CERTIFICATION RENEWAL DF	45.00
10/08/2021	133147	WISCONSIN LEGAL BLANK	BLD GREEN APPROVAL STICKERS	267.00
10/08/2021	133148	WONDERWARE MIDWEST	SW 2021 SUPPORT RENEWAL	4,190.00
10/08/2021	133149	VILLAGE OF PEWAUKEE	BLD SEPTEMBER VILLAGE PERMITS	2,353.30
10/11/2021	133150	AT&T CAROL STREAM IL	CH TELEPHONE	100.66
10/11/2021	133151	AUCA CHICAGO MC LOCKBOX	HWY UNIFORMS	87.82
			HWY UNIFORMS	87.82

Check Date	Check	Vendor Name	Description	Amount
				175.64
10/11/2021	133152	BATTERY SYSTEMS	HWY BATTERIES	313.54
10/11/2021	133153	BATZNER PEST CONTROL	P&R PEST CONTROL	68.00
10/11/2021	133154	BRIAN ANDERSON	HWY PARTS REIMBURSEMENT	201.29
			HWY TOOLS REIMBURSEMENT	251.96
				453.25
10/11/2021	133155	CHERRIE LARSON	P&R MESSY MESSY ART	259.20
10/11/2021	133156	COREY OIL	HWY UNLEADED GASOLINE	1,138.69
			HWY CLEAR DIESEL	792.46
				1,931.15
10/11/2021	133157	CUMMINS SALES & SERVICE	HWY CONNECTION ADAPTER	148.80
10/11/2021	133158	EHLERS	CT 2021 CONTINUING DISCLOSURE REPORTING	3,300.00
10/11/2021	133159	FABCON PRECAST, LLC	CT DPW GARAGE PAYMENT	54,000.00
10/11/2021	133160	HORNING MIDDLE SCHOOL	CH WREATHS	104.00
10/11/2021	133161	HUMPHREY SERVICE PARTS, INC	HWY AIR FILTER	13.45
			HWY 6G-8FFORX90M	48.88
			HWY FILTERS	124.61
				186.94
10/11/2021	133162	JASON AND ASHLEY STANGLER	SCA-D AND S201D REFUND SPECIAL ASSESSMEN	3,394.95
10/11/2021	133163	KIM KRUGMAN	P&R RENTAL REFUND	85.00
10/11/2021	133164	MACQUEEN EQUIPMENT	HWY #201 STREETSWEeper REPLACEMENT	257,947.00
10/11/2021	133165	MARY FIRNROHR	P&R TAI CHI SESSION 1	516.80
10/11/2021	133166	MATRIX TRUST COMPANY	CT LOAN REPAYMENT PAYDATE 10/8/21	50.00
10/11/2021	133167	MENARDS	HWY WASHERS AND SCREWS	12.76
10/11/2021	133168	MILLER-BRADFORD & RISBERG, INC	HWY STEEL AND SPRAY BAR	365.26
			HWY LAMP	135.00
				500.26
10/11/2021	133169	NATIONWIDE RETIREMENT SOLUTIONS	CT RETIREMENT PAYDATE 10/8/2021	1,904.09
10/11/2021	133170	OFFICE DEPOT	CT LETTER OPENER	3.69
			CT LETTER OPENER	6.58
			CT FOLDERS	4.52
				14.79
10/11/2021	133171	PAYNE & DOLAN	HWY ASPHALT	114.89
10/11/2021	133172	POMP'S TIRE SERVICE, INC.	HWY CARL MULTI TR	497.76
			HWY SCRAP DISPOSAL	76.00
				573.76
10/11/2021	133173	RYAN WESTON	DEER MANAGEMENT	50.00
10/11/2021	133174	SCHOOL DISTRICT OF MENOMONEE FALLS	P&R WARRENTS CRANBERRY FEST	792.00
10/11/2021	133175	SHERWIN-WILLIAMS	HWY PAINT	16.64
10/11/2021	133176	STACI JOERS	P&R COOKING WITH CLASS	360.00
10/11/2021	133177	WASTE MANAGEMENT	HWY	1,591.05
10/11/2021	133178	WAUKESHA CO REGISTER OF DEEDS	ENG IMAGES	4.00
10/11/2021	133179	WAUKESHA LIME & STONE CO.	HWY STONE	524.79
10/11/2021	133180	WESTERN CULVERT & SUPPLY	HWY CMPA BANDS	1,411.20

100 TOTALS:

Check Date	Check	Vendor Name	Description	Amount
Total of 118 Disbursements:				743,203.02

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

DATE: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of the Common Council Meeting Minutes Dated July 19th, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

CC Minutes 7-19-2021

In Attendance:

Mayor Steve Bierce, Aldermen B. Bergman, C. Brown, B. Dziwulski, R. Grosch, I. Clark, 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, Park & Recreation Director N. Phalin, Lieutenant M. Moonen, Lieutenant A. Sheckles 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 rise for the Pledge of Allegiance.

2. Public Comment – None.

3. Consent Agenda

3.1. Approval of the Accounts Payable Listing Dated July 19th, 2021

3.2. Approve Common Council Meeting Minutes Dated May 3rd, 2021

3.3. Approve Common Council Meeting Minutes Dated May 17th, 2021

A motion was made and seconded (J. Wamser, C. Brown) to approve the consent agenda items.

Motion Passed: 6-For, 0-Against.

4. Presentation by Baker Tilly Regarding the 2020 Financial Audit

Paul Frantz, Partner with Baker Tilly was present for this item. He noted the general fund is in a very healthy financial position. Mr. Frantz discussed the City's different fund accounts and long-term debt. He went over the Audits Insights letter and explained the three material weaknesses, which are included in the audit process. Mr. Frantz talked about two-way communication going forward with the December 31, 2021 audit.

Mr. Frantz thanked Nadine McMillian and Carol Sazama for their cooperation.

5. **PUBLIC HEARING** Regarding the Beer and Wine License Request of Urban Slopes and Naming Jared Masters as Agent

Mayor Bierce opened the public hearing.

AJ Haines (N34W23815 Adam Court) stated she has nothing against the business but does not understand why the establishment needs to serve beer and wine. She said the establishment is going to be at the entrance of a very nice subdivision and does not want liquor sold.

Bob Walters (N36W23663 Oak Hill Lane) said he is not opposed to the business but does not understand having a liquor license and felt it was not a functional part of the business. He said it is a very busy street and felt a liquor license would not add any value.

Cameron Woolf (N36W23499 Oak Hill Lane) stated he has nothing against the establishment except the location being next to his subdivision and childcare, an intersection without a light is tricky to navigate and felt alcohol can make it worse.

Brenda Woolf (N36W23499 Oak Hill Lane) stated she has the same concerns as everyone else.

Mayor Bierce closed the public hearing.

Discussion took place regarding the hours of operation and the Conditional Use Permit.

Ms. Brown asked if the liquor license allows for carry out. Ms. Tarczewski noted there are carry out options with regular bars so it would be treated the same. Ms. Brown noted it says Town of Pewaukee on the retail license application and will needs to be changed to the City.

Ms. Brown stated she hears the concerns from neighbors and residents. She felt it was challenging because the City does have bar locations in residential areas that are opened until 2:00 a.m. She said the City has always been understanding of residential areas and felt people were going there to ski, not to drink. Ms. Brown noted there is always a way to come back to Common Council if issues do arise.

Mr. Clark stated he lives in an area with bars and felt if there were issues, the license could be taken away. He stated he is in favor of the operational license.

Mr. Bergman stated he sees the concerns and agrees that the intersection can be challenging. He noted this is not a full-time bar and likes the fact that the license is a one-year revocable approval.

Mr. Dziwulski stated they are only serving beer and wine and not hard liquor. He noted he does not see an issue.

Mr. Grosch asked what type of environment it will be. Mr. Masters stated there is check in desk and seating for roughly six people. He noted it is not a destination spot for drinking.

Mr. Dziwulski asked if there will be carry-out. Mr. Masters stated he never thought about it and there was no need for carry-out.

Mayor Bierce asked if the City could make the license contingent on no carry-outs. Discussion took place regarding the Conditional Use Permit and making amendment changes.

Mr. Wamser does not see carry-outs as a problem and noted consumption would take place on premise.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the beer and wine license for Urban Slopes contingent on receiving a copy of the Wisconsin Seller's Permit and contingent upon changing the Conditional Use Permit to no carry-outs.

Mr. Fuchs stated the applicant will need to resubmit, have a notice published and go back to the Plan Commission for a recommendation to Common Council. Mr. Klein asked if this could just be a condition of the license and not the Conditional Use. Mr. Fuchs noted that the owner was not planning on carry-outs and since the license can be reviewed in a year or sooner by bringing back the Conditional Use. He asked if there was a comfort level to move forward and if issues come about, they could be addressed.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the beer and wine license contingent on receiving the Wisconsin Sellers Permit and the condition of the license as no carry-outs. Motion Passed: 5-For, 1-Against (B. Bergman).

6. Discussion and Possible Action regarding the potential fundraising for an all-inclusive playground and splash pad at the Pewaukee Sports Complex

Mr. Fuchs stated staff had been discussing an all-inclusive playground and splash pad at the Sports Complex. He noted the concept plan and marketing flier was in the packet. He recently spoke with a representative from McDonald Shafer, a private firm who does fund raising consulting. Mr. Fuchs stated he was contacted and met with a resident who asked if the City had plans for an all-inclusive playground and asked how she could get involved with a project like this. She also met with the Joint Park and Recreation Board and is working on putting together a resident group to help fundraise. He said she is also talking with Friends of the Pewaukee Parks. Mr. Fuchs stated he is looking for discussion on the location and if Common Council would be supportive of this type of project.

Mr. Phalin explained all-inclusive parks and what they include. He noted they are meant for people of all abilities, with or without special needs and can include different sensory options. He said the Sports Complex has the space and felt it would make a huge impact on the community.

Mayor Bierce stated this is something he would never vote against but asked if we were saddling taxpayers with a huge expense for a small sliver of the population.

Mr. Dziwulski stated an all-inclusive playground is good for every kid, special needs or not. He felt the splash pad would be used by a good majority of people in the City. He also noted that based off the Park and Recreation meeting, fundraising was going to be done.

Mr. Phalin stated they do not have the final project or price tag. He noted the first steps will be location, concept and allowing fundraising.

Mr. Fuchs stated he understands it is a large price tag, and that is why they are looking at multiple ways to fund it through fundraising, impact fees, sponsorship, or possible grants.

Mr. Grosch stated he is concerned about putting it in at the Sports Complex due to an issue with the County restricting access to the park by creating a turnaround at Hwy F. He asked about what kind of traffic it would generate, hours of operation and if additional staffing will be needed to take care of the splash pad.

Mr. Phalin stated the hours would be like other parks, 7am to 10pm, although the splash pad won't be turned on until probably 10:00a.m. He said there are additional staff requirements with a splash pad. He noted they had a call tomorrow morning to talk about two different types of splash pads. Mr. Phalin stated the splash pad will be operational four months out of the year and could use seasonal summer staff.

Mr. Wamser asked about the proximity to the baseball diamonds and if the baseball clubs had issues with the project. Mr. Phalin stated they did not have issues and he will have the conversation again before moving forward.

Mr. Dziwulski felt the location was perfect.

Mr. Bergman thought an exterior walking path was the priority. He had some concern about the continued staff and maintenance. He stated the City needs to be responsible with taxpayers' money. Mr. Klein noted the master plan did have playgrounds. Further discussion took place regarding a walking path around the Sports Complex

Ms. Brown feels an inclusive playground is a wonderful addition and it is a perfect location. She did not feel like the splash pad was necessary. She said her only concern is making sure there are adequate handicap parking spots.

Discussion took place regarding the difference between a splash pad and an all-inclusive playground.

Mr. Bergman asked if fundraising is outside of staff's ability. Mr. Klein noted he would caution against City staff doing the fundraising. He felt staff does not have the expertise. Mr. Fuchs agreed and had concerns with staff having the time to do fundraising. He noted the reason he contacted the company was to get information about the fees and services.

Discussion took place regarding citizens being involved in the planning and the importance of providing this type of park for residents.

Mayor Bierce asked if there were any objections with moving forward. There were no objections.

7. Discussion and Possible Action Regarding **Ordinance 21-06** Rezoning the Property Located at N6 W27539 Northview Road (PWC 0983-999-005) from Rs-1 Single-Family Residential to Rs-4 Single-Family Residential as Requested by Debra Aukofer

Mr. Fuchs stated items 7 & 8 were related to the same property. The petitioner wants to create three separate smaller lots. He said there were no recommended conditions for rezoning and staff recommended approval. The CSM has a condition that the lots will connect to public sewer, including the existing lot, and the applicant provides a conceptual plan for the amount of land disturbance that will occur.

Ms. Brown did not like Ordinance 21-06 and did not understand why it went from Mixed Residential to Industrial and thought it was to go from Rs-1 to Rs-4, but it states Mixed Residential District to M1 General Wholesaling on the Ordinance. Mr. Fuchs said it will be corrected to Rs-1 to Rs-4. Ms. Brown said one residential house was to be connected to the sewer through the City of Waukesha and asked how Waukesha would deal with three potential connections. She also asked if water had been discussed at the Plan Commission meeting. Mr. Fuchs stated the condition on the Certified Survey Map is that all three will connect to Waukesha sewer and a private well.

A motion was made and seconded (C. Brown, I. Clark) to approve Ordinance 21-06 rezoning the property located at N6 W27539 Northview Road from Rs-1 to Rs-4. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding a Certified Survey Map for Debra Aukofer for Property Located at N6 W27539 Northview Road (PWC 0983-999-005) for the Purpose of Dividing the Property Into Three Separate Lots

A motion was made and seconded (C. Brown, B. Dziwulski) to approve the Certified Survey Map for the property located at N6 W27539 Northview Road. Motion Passed: 6-For, 0-Against.

9. **PUBLIC HEARING**, Discussion and Possible Action Regarding a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Property Located at W225 N3131 Duplainville Road (PWC 0911-993-006) from Floodplains, Lowland & Upland Conservancy and Other Natural Areas, Medium Density Residential, and Government/Institutional to Government/Institutional

Mr. Fuchs stated items 9 & 10 are related to changing to Government/Institutional and rezoning from a A-2 and I-2 to I-2. He said the site plans were approved at the June 17th, 2021 Plan Commission meeting.

Mayor Bierce opened the public hearing and immediately closed it.

Mr. Wamser asked if there was a floodplain or lowland on that site. Mr. Klein stated there is no floodplain on the site, there is conservancy. And noted conservancy covers floodplain, lowland, and upland conservancy.

A motion was made and seconded (I. Clark, J. Wamser) to approve the Comprehensive Master Plan Amendment related to the property located at W225 N3131 Duplainville Road from Floodplains, Lowland and Upland Conservancy and Other Natural Areas, Medium Density Residential and Government/Institutional to Government/Institutional. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding **Ordinance 21-08** Rezoning the Property Located at W225N3131 Duplainville Road (PWC0911-993-006) from A-2 Agricultural and I-2 Rural Institutional to I-2 Institutional for the Purpose of Constructing a New DPW Garage and Recycling Yard for the City of Pewaukee

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve Ordinance 21-08 rezoning the property located at W225 N3131 Duplainville Road from A-2 Agricultural and I-2 Rural Institutional to I-2 Rural Institutional. Motion Passed: 6-For, 0-Against.

11. Discussion and Action Regarding the Woodleaf Reserve Addition #3 Final Plat Located on Weyer Road (PWC 0865-139 & PWC 0868-998)

Mr. Fuchs stated this was the final plat for Woodleaf Reserve Subdivision addition #3. It includes 34 lots and 1 outlot. He noted this was all lots conform to standards and the preliminary plat. He noted there are minor technical corrections and some adjustments to the setbacks. Mr. Fuchs recommended approval with the corrections

A motion was made and seconded (C. Brown, J. Wamser) to approve the final plat for Woodleaf Reserve Addition #3 contingent upon corrections and adjustments. Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Regarding Deer Haven Phase 2 Road Reconstruction Project

12.1 Accept the Final Engineers Report

12.2 **Resolution 21-07-25** Levying the Final Assessments

Ms. Wagner stated phase 2 of the Deer Haven Road reconstruction project has been finalized. She noted the final Engineer's report allocating funds to each of the projects and the resolution levying the final assessments to the property owners at the assessment paving cap.

A motion was made and seconded (B. Dziwulski, R. Grosch) to accept the final Engineers report and approve Resolution 21-07-25 levying the final assessments. Motion Passed: 6-For, 0-Against.

13. Discussion and Possible Action Regarding Steeplechase Phase 1 Road Rehabilitation Project

13.1 Accept the Final Engineers Report

13.2 Approve the Final **Resolution 21-07-26** Levying the Final Assessments

Ms. Wagner stated they are closing out phase 1 of the Steeplechase Road Rehabilitation Project. She noted the contractor payment has been finalized and allocated the cost between utilities for the project. She was asking to accept the final Engineer's report and approve the final resolution to levy the final assessments at the paving cap.

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the final Engineer's report and resolution 21-07-26 levying the final assessments. Motion Passed: 6-For, 0-Against.

14. Discussion and Possible Action for Reconsideration of the Sharing the Municipal Water Main Oversizing Cost with Westridge Builders for the Swan View Farms Development Phase 2

Ms. Wagner noted this item was discussed at the last Common Council meeting and the cost share request was denied. She said the developer requested it be brought back for reconsideration. Ms. Wagner noted instead of an 8-inch watermain through the subdivision, the developer would be installing a 12-inch watermain that will close the loop for the northeast quadrant of the City. Ms. Wagner noted there are many benefits to the City including cutting out 2,000 feet of main and additional fire protection. Ms. Wagner stated staff does support the cost share of \$52,000.00 for the project. She noted the additional cost would be paid through rates with the next rate case.

Ms. Brown noted it makes sense and felt it was greedy of the City not to reimburse the developer since he is saving the City money.

Mr. Grosch asked if the City asked him to change to the larger pipe. Ms. Wagner stated the 12 inch was part of the original development. She said the developer split it into two phases. Ms. Wagner noted the developer did not make the cost share request on phase 1 and is asking for it on phase 2.

Mr. Dziwulski stated he is in favor.

Carl Tomich of Westridge Builders stated it only takes an 8-inch to do the whole subdivision. He said the upsizing is benefiting the City and doesn't benefit the subdivision. Mr. Tomich commented he missed asking for it in phase 1 and is asking for the difference in the cost to upsize in phase 2. He said the developer's agreement states the City will fund oversizing by collecting assessments.

Ms. Wagner noted the request for cost sharing is allowed per the Ordinance for upsizing.

A motion was made and seconded (C. Brown, J. Wamser) to reimburse Westridge Builders for the upsizing of the watermain to benefit the City water. Motion Passed: 6-For, 0-Against.

15. Discussion and Possible Action Regarding the Last Mile Facility Escrow Agreement for Improvement to Roundy Drive and Roundy Circle to Support the Project.

Ms. Wagner stated the developer was required to make some intersection improvements as part of the development. The City is currently doing the rehabilitation of Roundy Drive, Roundy Circle and Paul Road and the developer asked if the City would include the intersection improvements in the paving project. She noted the City was agreeable if the developer paid for the design and improvements. Ms. Wagner noted the agreement outlines the arrangement, stating they would pay the value of engineering, construction, plus twenty percent, for a total of \$89,377.38. Ms. Wagner recommended approval of the agreement, contingent on final review by the City Attorney.

Mr. Bierce asked if the traffic study at the intersection was done. Ms. Wagner said the study was completed and traffic signals were not warranted at this time. She said the County concurred and asked for a dedicated turn lane, to be added.

Mayor Bierce stated he has a massive concern that the County is underestimating the amount of traffic. Ms. Wagner stated the County will monitor the situation to see if anything changes. Discussion took place regarding future improvements of the intersection and the traffic study.

A motion was made and seconded (C. Brown, B. Dziwulski) to approve the improvements to support the Last Mile facility and pass the general agreement for \$89,377.38. Motion Passed: 6-For, 0-Against.

16. Discussion and Possible Action Regarding Alderman Bergman's Letter of Resignation

Mayor Bierce noted that the City is losing Alderman Bergman. Discussion took place regarding options to fill the position. Mayor Bierce stated he would like to come to a consensus on how to move forward.

Ms. Brown felt that Mr. Bergman's position needs to be filled and it's important to have six people on the Common Council versus five.

Discussion took place regarding appointing someone to the position who would rerun again in April or hold a special election with the term lasting until 2024. Aldermen Ian Clark, Brian Dziwulski, Jerry Wamser and Colleen Brown felt the City should hold a special election. Alderman Brandon Bergman, and Ray Grosch felt the City should appoint someone.

A motion was made and seconded (D. Dziwulski, I. Clark) to authorize a special election for the vacant Alderman position in District #1 and authorizing the Mayor to sign Resolution 21-07-XX that will be drawn up by the Clerk. Motion Passed: 6-For, 0-Against.

17. Discussion and Possible Action to Appoint Members to Various Boards, Commissions and Committees

Mayor Bierce recommended the appointment of Courtney Long to the Bike and Pedestrian Path Planning Committee.

A motion was made and seconded (B. Bergman, R. Grosch) to concur with the Mayor's recommendation and appoint Courtney Long to the Bike and Pedestrian Path Planning Committee. Motion Passed: 6-For, 0-Against.

18. Public Comment – None.

19. Closed Session – You are hereby notified that the Common Council and staff of the City of Pewaukee will convene into closed session after all regular scheduled business has been concluded

and upon motion duly made and seconded and acted upon by roll-call vote as required under §19.85(1)(a), Stats. The purpose of the closed session is for the following:

- §19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is currently involved in specifically related to the High Pointe Centre.
- §19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining competitive or bargaining reasons require a closed session specifically related to the property located on Green Road / Duplainville Road.

You are further notified that at the conclusion of the Closed Session, the Common Council may convene into open session pursuant to 19.85(2), Stats., for possible additional discussion and action concerning any matters discussed in closed session and for adjournment.

A motion was made and seconded (B. Dziwulski, I. Clark) to go into closed session at 8:33 p.m.
Motion Passed Via Roll Call Vote 6-For, 0-Against.

A motion was made and seconded (B. Dziwulski, C. Brown) to approve Resolution 21-07-24 accepting the general settlement agreement and release between the City and High Point Centre LLC. Motion Passed: 6-For, 0-Against.

20. Adjournment

A motion was made and seconded (B. Bergman, R. Grosch) to adjourn the meeting from closed session at 8:49 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

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

DATE: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of Common Council Meeting Minutes Dated September 27th, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

9/27/2021 CC Minutes

In Attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Park & Recreation Director N. Phalin, Director of People and Culture K. Woldanski, 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

Mr. Clark attempted to apologize for missing the last meeting. Attorney Riffle noted it was not an appropriate use of public comment.

3. Consent Agenda

3.1. Approval of the Accounts Payable Listing Dated September 27th, 2021

3.2. Approval of the Common Council Meeting Minutes Dated September 13th, 2021

3.3. Approval of the Common Council Meeting Minutes Dated September 20th, 2021

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

4. Discussion and Possible Action to Reduce the Special Event Fees for the Christmas Fantasy House to Benefit the Ronald McDonald House

Ms. Tarczewski noted Gail Johnson from the organization was present. Ms. Tarczewski stated the application is for the Christmas Fantasy House to benefit the Ronald McDonald House. She said the event runs for seven days and falls into a higher rate of the City's event category totaling \$1,950.00. Ms. Tarczewski noted the organization is looking for a reduction in event fees.

Mayor Bierce asked what the fees cover. Attorney Riffle stated they cover the cost of services including special inspections, police services and other services provided by the City to support the event.

Ms. Brown noted the Ronald McDonald house does amazing things and felt the fees should be reduced to zero.

Mr. Dziwulski agreed.

Gail Johnson stated the Christmas Fantasy House is in its 28th year and its 8th year benefiting the Ronald McDonald House. She said each year they get full page coverage from the Journal Sentinel for the event. Ms. Johnson noted this is their first time in Pewaukee and will be using a private residence in the Swan View Farms Subdivision that was featured in the Parade of Homes. She said it will bring people to the City and people who tour the home will be provided a list of local business and restaurants which will promote Pewaukee. Ms. Johnson noted they will be shuttling guest from

Walmart. Ms. Johnson stated over the seven days they would expect 3,000-4,000 people, although with Covid they are not sure what to expect. She noted masks must be worn on the shuttle and in the home. She said some of the local businesses will be selling tickets to the event. All money made goes to the Ronald McDonald House. Ms. Johnson asked for consideration to reduce the fees.

Mayor Bierce asked what percentage collected goes towards the Ronald McDonald House and what goes towards the infrastructure of the organization. She stated three to four percent of the money collected goes towards staffing expenses.

Mr. Grosch asked if the money was used nationally or locally. Ms. Johnson said it stays locally.

A motion was made and seconded (J. Wamser, I. Clark) to reduce the special event fees down to zero dollars. Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action to Establish the 2022 Garbage and Recycling Fee Rate and Amendment of Yard Waste Pick Up Procedures

Nate Austin from Johns Disposal was present for this item. Ms. Wagner stated she is establishing the 2022 garbage rate. She noted the consumer price index and fuel index is what makes up the increase. She said there is a 1.65 percent increase in the fee which yields a garbage rate of \$165.00 per home. She noted they took out the credits for the County recycling and noted they are not in a financial place to continue previous credits. Ms. Wagner stated John's is requesting a 2.65 percent cap of the contract which yields a rate of \$166.00 per home.

Mr. Wamser commented about hydraulic fuel being leaked when cans are being emptied in his subdivision. He did note that Johns is doing a great job.

Ms. Brown noted she has noticed the same thing in her subdivision. She stated with gas prices increasing everyone is feeling the hurt. She felt a 2.65 percent increase probably is not enough to cover all of the increases. She noted with the garbage pickup issues Waukesha is dealing with, she felt fortunate the City is not in that situation. She said Johns does a wonderful job and doesn't feel the increase is too much to ask.

Ms. Wagner stated that Johns Disposal does yard waste pickup. She said it is not a very well used service and Johns is requesting that yard waste be called in for pick up the same way bulk pick up is done. Mr. Austin asked this start in the new year.

Discussion took place regarding staffing and the higher rate increase.

Mr. Grosch stated a few years ago Johns Disposal was at Common Council meeting and discussed converting their trucks or buying a new fleet that used natural gas. He asked if there was ever movement on that. Mr. Austin stated that was a contract item years ago and at the time they were very interested but never moved on it.

A motion was made and seconded (I. Clark, R. Grosch) to establish the 2022 garbage and recycling fee rate at \$166 and to amend the yard waste pick up procedures per the request of Johns Disposal. Motion Passed: 5-For, 0-Against.

6. Discussion and Possible Action Regarding Naming Rights and Values of Amenities at the Pewaukee Sports Complex Related to the Proposed All-Inclusive Playground and Splash Pad

Mr. Phalin stated the goal was to create naming rights and values assigned to different amenities at the Pewaukee Sports Complex. He said they worked with Parkitecture, a consulting firm from Madison who specializes in landscape, park design and park amenities. They recommended values that have been successful on recent projects throughout Wisconsin. Mr. Phalin noted the chart with naming rights and descriptions were in the agenda packet.

Mr. Fuchs stated they would like to put this information in front of potential donors, sponsors, and companies so they can move forward with the Sports Complex, playground, and splash pad.

Discussion took place regarding naming versus things that have not been built yet.

Further discussion took place regarding term versus perpetuity.

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the naming rights and values of amenities at the Pewaukee Sports Complex related to the proposed all-inclusive playground and splash pad. Motion Passed: 5-For, 0-Against.

7. Discussion and Action Regarding the Adoption of the 2021 Compensation Plan Created by Carlson Dettmann Consulting

Ms. Woldanski was present for this item. She noted she was following up from the presentation at the September 13th meeting. She said the current grade assignments were numbers and have now moved to letter gradings. She noted that some of the positions have a different grade then they did ten years ago and felt confident in what was proposed. Ms. Woldanski felt this would help with recruitment. Ms. Woldanski stated the numbers on the 2022 grade assignment are the actual market numbers for 2022 and there will not be an adjustment like there normally is.

Ms. Brown asked about the items in red. Ms. Woldanski stated it is the Battalion Chief's hours since they work 2,912 hours per year.

Ms. Brown commended Ms. Woldanski for doing a great job and keeping staff's payrates consistent.

A motion was made and seconded (I. Clark, B. Dziwulski) to adopt the 2021 compensation plan created by Carlson Dettmann Consulting. Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action to Reallocate \$1,500 for the Magmeter Replacement for the Trinity Lift Station

Ms. Wagner stated the City had budgeted \$8,500.00 for the replacement of the Magmeter and the total came in at \$9,289.00. Ms. Wagner asked to reallocate \$1,500.00 from the Control Panel Fund.

A motion was made and seconded (B. Dziwulski, R. Grosch) to reallocate \$1500.00 for the Magmeter replacement for the Trinity lift station. Motion Passed: 5-For, 0-Against

9. Discussion and Possible Action to Approve **Resolution 21-09-33** Reallocating Fire Department Funds to Purchase Handheld Radios

Mr. Klein stated the Motorola radios the County approved seven years ago have flaws in them and are not certified any longer. Milwaukee and Waukesha County negotiated with Motorola to cut the price of their newer radios in half.

A motion was made and seconded (C. Brown, I. Clark) to approve Resolution 21-09-33 reallocating Fire Department funds to purchase handheld radios. Motion Passed: 5-For, 0-Against.

10. Discussion and Possible Action to Make Appoints to Various Boards, Commissions and Committees
Mayor Bierce recommended the appointment of Jeff Kara to the Finance Committee.

A motion was made and seconded (J. Wamser, I. Clark) to concur with the Mayor's recommendations and appoint Jeff Kara to the Finance Committee. Motion Passed: 5- For, 0-Against.

11. Public Comment - None.

12. Closed Session – You are hereby notified that the Common Council and staff of the City of Pewaukee will convene into closed session after all regular scheduled business has been concluded and upon motion duly made and seconded and acted upon by roll-call vote as required under §19.85(1)(a), Stats. The purpose of the closed session is for the following:

§19.85(1)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically related to Spring Creek Church

You are further notified that at the conclusion of the Closed Session, the Common Council may convene into open session pursuant to 19.85(2), Stats., for possible additional discussion and action concerning any matters discussed in closed session and for adjournment.

A motion was made and seconded (B. Dziwulski, R. Grosch) to adjourn into closed session at 7:08 p.m. Motion Passed: 5-For, 0-Against by roll call vote.

13. Adjournment

A motion was made and seconded (B. Dziwulski, R. Grosch) to adjourn the meeting from closed session at 7:28 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.4.**

DATE: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of the Common Council Meeting Minutes Dated October 11th, 2021

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

10/11/2021 CC Minutes

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, Fire Chief K. Bierce, Park & Recreation Director N. Phalin, IT Director B. Kewan, Director of People and Culture K. Woldanski, City Planner & Community Development Director N. Fuchs, Library Director N. Champe, Clerk/Treasurer K. Tarczewski, Accountant C. Sazama, Payroll Specialist N. McMillian.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 6:00 p.m.

2. Public Comment - None.

3. Discussion and Possible Action Regarding the 2021-2022 Preliminary Financing Plan

Johnathan Schatz from Ehlers was present and discussed the City's current debt schedule and explained what the tax impact would be if the City was to borrow this year. The Council was in favor of moving forward and decided to act swiftly so that the borrowing could be done before other municipalities went to the market to attempt to get a more favorable rate. Mr. Schatz stated the borrowing would have to be done prior to the 2022 budget being adopted in order for it to benefit the 2022 budget. He said resolutions would be prepared for the next Common Council meeting.

4. Discussion of the 2022 Proposed Budget

Mr. Klein reported on the following information:

Levy and Tax Rate

- The proposed Tax Levy for 2022 is: \$10,331,629 – a 4.06% Levy increase
 - Without the proposed borrowing the Levy would be \$9,213,374 – a 5.55% decrease.
 - Due to the inability to use Utility Debt Service
 - Last year's Tax Levy was: \$9,928,842
 - The maximum Tax Levy allowed for 2022 is: \$10,331,629
- The City's 2022 Assessed Value increased by \$6.7 billion and is now \$36.3 billion
- The proposed Tax Rate for 2022 is: \$2.85 per \$1,000 of assessed value – 15.1% decrease from 2021.
- The proposed Fund Balance is 30.4% of Revenues. This is the balance after transferring \$1.3 million to the General Fund. Our stated goal is to keep the Fund Balance at about 25%. We will end 2021 with a projected balance of 35.8% or more (depending on project and equipment budgets that are not spent). This higher balance will present financial stability to Moody's for borrowing this year for road and facilities projects.

Revenues

- The General Fund Tax Levy decreased \$715,000 due to the inability to use the Utility's Debt Service.
- There is an increase of \$121,000 in the Room Tax revenues.
- There is a decrease of \$106,000 in State Transportation Aids.
- There is an increase of \$260,000 in Building Permits next year – based on the new developments that are underway.
- There is an increase of \$50,000 in the Fines and Forfeitures due to a projected increase in activity.
- There is a decrease of \$125,000 in Ambulance Runs due to more runs paid by Medicare.
- There is an increase of \$59,000 in Recreation Programs due to an increase in programs offered.
- There is an increase of \$44,000 in Contracted Fire Services with the Village – an increase of 3%.
- There is a decrease of \$250,000 in Interest on Investments.
- We no longer receive Recycling Aids from the County.

Expenditures

- There is an increase in Elections due to a gubernatorial election.
- There is an increase in City Hall Wages which will be transferred to Planning for the Zoning Code project
- There is a decrease in Employee Services due to the completion of the Compensation Study.
- There is a decrease in Assessor due to the reduction of staff with the completion of the revaluation.
- There is an increase in IT due to equipment replacements.
- There is a 2.2% increase in the Law Enforcement Contract.
- There is an increase in Highway Administration due to adding a full-time laborer and adding utility and equipment costs for the new DPW building.
- There is a decrease in the Boat Ramp – no replacement planned.
- There is an increase in the Recreation Programs for staffing the new programs.
- There is an increase in Planning for the Zoning Code Update.
- The Deer Management Program and Fireworks are in the Budget.

Capital

- The borrowing this year is to pay for acquiring the Trinity Academy and Quad land, the precast panels and steel for the new DPW building, and the Oak / Peninsula and Meadowbrook Road projects.

The Council members have a few questions. There was discussion regarding the deer control plan for 2022.

Mr. Klein stated salaries and benefits has always been the bulk of the budget. There was discussion regarding the new positions that were being proposed for next year.

The Highway Department wants a laborer. According to Ms. Wagner they are at the cusp of creating a new snowplow route. They think the Streets Supervisor could be more effective managing snowstorms if he wasn't out plowing with the rest of the crew. She

stated they hope to implement a dual crew leader so as not to be too taxing on one individual.

The Assessor was looking to add a permanent full-time staff member. It was mentioned that the revaluation was extremely successful, and they wanted to ensure the data is maintained properly moving forward. Mr. Klein mentioned that person could also assist with the Zoning Code project.

The Recreation Department is looking for a part-time recreation coordinator to help with the summer programs. Mr. Phalin stated this position would be offset by program fees. He mentioned that it is difficult to hire park summer staff because other local businesses were offering more pay.

The Fire Department is trying to balance staffing issues. Chief Bierce stated he use to have 102 paid-on-call firefighters, and he now only has eight on the payroll. He said his overtime budget is large to try to accommodate for staffing shortages. He said this shortage is statewide. He said he wants to maintain the level of service the City is accustomed to, but finds it difficult. He said all of the new developments are a challenge. Chief Bierce also stated the City's demographics are drastically changing and there is less direct-pay for services rendered. It is being paid by Medicare and Medicaid at a lesser rate. Chief Bierce also stated all the consolidated departments limit the number of mutual aid relationships. There was additional discussion regarding staffing. The Council members agreed that safety is important and would like to see him hire three additional full-time firefighters.

Ms. Brown stated the Finance Committee reviewed the budget and nothing struck them as out of line.

Mr. Klein stated staff will be looking at the capital equipment replacement schedule. It is believed more time can be gotten from the equipment.

Ms. Brown asked the Library Director about her budget. Ms. Champe stated she has been very frugal, and her budget is flat, but due to the equalized value the City is required to pay 77 percent of it. It was noted that the Village fell below their maintenance of effort requirement and would be contributing additional funding that most likely would be placed in the Library's capital improvement account.

Ms. Brown wanted to make it clear that her inquiry was not a personal attack but a budget issue. Every year the City's portion increases, driving the maintenance of effort amount higher and typically the City has been paying over the required amount. Ms. Brown voiced her concern over this matter.

There was discussion related to the City's general fund and whether to reduce it to 25 percent or leave it at where it currently sits at 30 percent. The Council decided to leave it where it was and reduce next year.

5. Public Comment - None.
6. Adjournment

A motion was made and seconded (I. Clark, C. Brown) to adjourn the meeting at 7:59 p.m.

Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.5.**

DATE: October 18, 2021

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

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*)

BACKGROUND:

Attached is an ordinance that repeals and recreates Section 11.04 of the City's Municipal Code. The ordinance adds regulations and restrictions related to the operations of short term rentals within the City.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve an ordinance to repeal and recreate Section 11.04 of the City's Municipal Code to incorporate regulations for short term rentals.

ATTACHMENTS:

Description

Ordinance 21-11

**AN ORDINANCE REPEALING SECTION 11.04 MOTELS, TOURIST CABINS & ETC.
AND RECREATING AND RENAMING SECTION 11.04 MOTELS, TOURIST CABINS & SHORT TERM RENTALS
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 Section 11.04 of the Municipal Code of the City of Pewaukee is hereby amended to read as follows:

11.04 HOTELS, TOURIST CABINS & SHORT-TERM RENTALS

(1) Purpose

- a. To ensure that the quality of short-term rentals operating within the City is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and parking and for an adequate level of maintenance;
- b. To determine the responsibilities of owners and property managers operating or managing these rental properties for tourists or transient occupants, including, but not limited to, the responsibility to expeditiously and personally respond to, stop, mitigate, or prevent the reoccurrence of unreasonable activities on, or conditions, uses or misuses of, these rental properties which adversely impact or substantially annoy, disturb, threaten, harm, offend or interfere with the residential uses, nature or values of other properties in the neighborhoods in which these rental properties operate, or with the comfort, health, enjoyment, security, life, health, or safety of others, or which substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any lane, street, road, bridge or other public or private way used by emergency vehicles or protective service personnel to gain access to property or a navigable body of water to provide services, (i.e., public nuisances);
- c. To protect the character and stability of all areas, especially residential areas, within the City of Pewaukee;
- d. To provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises;
- e. To require the provision of liability insurance in connection with the operation of short-term rentals so that persons on these properties, and the owners and occupants of adjacent properties, who suffer bodily injury or property damage arising from the condition or operation of the short-term rental, or from acts or omissions occurring thereon, are afforded a potential source of recovery to pay such damage claims; and
- f. To provide for the administration and enforcement hereof.

(2) Definitions

- a. **Clerk** - The City Clerk of the City of Pewaukee or designee.
- b. **Dwelling Unit** - One (1) or more rooms with provisions for living, cooking, sanitary and sleeping

facilities and a bathroom arranged for exclusive use by one (1) or more persons maintaining a common household. Dwelling units include residential, tourist rooming house, seasonal employee housing and dormitory units.

c. **Entity** - A corporation, investment company, limited partnership, limited liability partnership, limited liability company, cooperative association, unincorporated cooperative association, common law trust, or any other group or organization licensed to do business in this state.

d. **Guest Register** – the official record provided and kept by a Property Owner or Property Manager in which short-term rental guests are required to list their true names and addresses before being assigned sleeping quarters, pursuant to Wisconsin Administrative Code § ATP 72.16.

e. **Hotel** – All places wherein sleeping accommodations are offered for pay to transients as a part of a single building of five (5) or more rooms and all places used in connection therewith. The terms motel, tourist court, inn and similar phrases shall be construed as synonymous with hotel.

f. **License** - The Hotel or Short-Term Rental License issued under § 11.04.

g. **License Year** – The period from July 1st of each year to June 30th of the following year.

h. **Occupant** – Any person, over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit.

i. **Person** – An individual, group of individuals, or an entity.

j. **Property Manager** - Any person who is not the Property Owner and is authorized by the property owner, expressly or impliedly, to act as agent and as the local contact person on behalf of the property owner for one or more short-term rental, and to take remedial action and promptly respond to any violation of this chapter or the City Code relating to the licensed premises.

k. **Property Owner** – The owner of a short-term rental.

l. **Renewal License** – Any license issued under this Section 11.04 which will be or is in effect for the License Year immediately following a License Year for which the City Clerk issued a license under this chapter for the same short-term rental property.

m. **Short-Term Rental** - A residential dwelling that is offered for rent for a fee and for more than 6 consecutive days, fewer than twenty-nine (29) consecutive days, and no more than 180 days within any consecutive 365-day period as defined in Wisconsin Statutes § 66.0615(1)(dk).

n. **Tourist or Transient** – Any person who travels to a location away from their permanent address and occupies a temporary living accommodation for a period of time which is less than 30 consecutive days for vacation, pleasure, recreation, culture, business or employment.

o. **Tourist Cabin** – All other lodging places and tourist cabins and cottages other than hotels as herein defined wherein sleeping accommodations are offered for pay to tourist and transients.

(3) Tourist Cabins Prohibited.

No premises in the City of Pewaukee shall be used for the purpose of operating tourist cabins.

(4) Operation of Hotels.

- a. No hotels as herein defined shall be permitted to be erected or used for habitation of humans within the City of Pewaukee without first obtaining a permit therefore from the City Clerk as hereinafter provided.

- b. Hotel Permits.

Applications for hotel permits shall be made to the City Clerk upon forms to be provided for that purpose. No permit shall be issued unless such building complies in every respect with the statutes of the State of Wisconsin relating to hotels and restaurants and also complies with the rules and regulations of the Wisconsin State Department of Health and Social Services relating to hotels and tourists rooming houses. A license fee as shall be established from time to time by resolution of the Common Council shall be paid at the time of making the application, said fee to run from July 1 of each year to June 30 of the succeeding year. A fee for any fraction of the license year shall likewise be as established from time to time by resolution of the Common Council.

- c. Regulation by the City Common Council

- I. The owner and operator of any hotel within the City of Pewaukee shall at the time of registration of each guest require the driver of any motor vehicle using such premises to produce for inspection his driver's license. A record shall be kept for at least one (1) year by the operator of each hotel of the registration of each guest assigned accommodations upon said premises and the license number of each motor vehicle used by such guest in connection with such accommodations.
- II. The records of each such hotel relating to registration and use of said premises shall be open for inspection to members of the City Common Council the City Clerk and the City Building Inspector at all reasonable times.

(5) Operation of Short-Term Rentals.

- a. No person may maintain, manage or operate a short-term rental more than ten (10) nights each License Year without a short-term rental license. Every short-term rental shall be operated by a Property Owner or Property Manager.
- b. Each short-term rental Property Owner is required to have the following licenses, permits and inspections:
 - I. A state of Wisconsin Tourist Rooming House license.
 - II. A seller's permit issued by the Wisconsin Department of Revenue.
 - III. A license from the Waukesha County Parks and Land Use - Division of Environmental Health.
 - IV. A license from the City of Pewaukee issued pursuant to this chapter.
 - V. An inspection of the premise, prior to issuance of a license and renewal of a license, shall be completed by the City's Fire Inspector, Building Inspector, and Electrical Inspector, and the

property owner shall be subject to the minimum inspection fee for each inspection as dictated by the City's fee schedule.

c. Each short-term rental shall comply with all of the following:

- I. No residential dwelling unit may be rented for a period of six (6) or fewer consecutive days or more than twenty-nine (29) consecutive days, and no more than 180 days within any consecutive 365-day period.
- II. There shall not be excessive noise as prohibited by § 6.04 of the City Code, excessive fumes, glare, or vibration, any nuisance activities prohibited pursuant to Chapter 7 of the City Code, dogs at large as prohibited by § 11.05(3)(c) of the City Code, or trespass onto neighboring properties as prohibited by § 7.08 of the City Code.
- III. Name plates or other signage related to the short-term rental property shall not exceed one square foot. No other signage advertising the short-term rental is permitted on site.
- IV. The number of occupants shall not be more than allowed under Wisconsin Administrative Code Chapter ATCP 72 or any other state regulation, state statute, or local ordinance.
- V. Not less than one (1) on-site, off-street parking space shall be provided for every four (4) occupants, based upon maximum occupancy.
- VI. No recreational vehicles (RVs), campers, tents or other temporary lodging arrangements shall be kept on site in contrary to provisions set forth within the City's Zoning Code or be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
- VII. The short-term rental premises shall have functioning smoke detectors and carbon monoxide detectors pursuant to the requirements of Wisconsin Administrative Code Chapter SPS 321.
- VIII. The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short-term rental and shall provide written evidence of such insurance with the license application and renewal application forms.
- IX. The Property Owner or Property Manager of each short-term rental shall provide a guest register and require all guests to register their true names and addresses and rental time period(s) before being assigned sleeping quarters. The guest register shall be kept by the Property Owner or Property Manager and available for inspection for at least one (1) year, as required by the Wisconsin Administrative Code.
- X. Each short-term rental shall comply with this chapter's requirements and any other applicable state, county or local laws, codes, rules or regulations.
- XI. Certification of compliance: As a condition of issuance of a license under Section 11.04 of the City Code, the Property Owner or Property Manager shall certify in writing in each initial application and renewal application form that the short-term term rental property is in compliance with the terms and conditions of the license and this chapter.
- XII. Upon probable cause to believe that a violation of this chapter, or of a law, code, rule or regulation relating to buildings, housing, electrical, plumbing, heating, gas, fire, health, safety, environmental pollution, water quality, food or zoning has occurred or is occurring, the City Building Inspector, Fire Inspector or a local health officer may request that the Property Owner or Property Manager allow him or her, upon presenting proper identification, access to the short-term rental premises at any reasonable time for any of the following purposes:

1. to determine if there has been a violation of this chapter, or of a law, code, rule or regulation related to the short-term rental or its operation;
2. to determine compliance with previously written violation orders;
3. to examine and copy relevant documents and records related to the operation of the short-term rental; or
4. to obtain photographic or other evidence needed to enforce this chapter. As used in this subsection, “probable cause” means facts and circumstances within an officer’s knowledge and of which he or she has reasonably trustworthy information that are sufficient to warrant a reasonable officer in believing that a violation has been or is being committed. If consent is refused, the Building Inspector, Fire Inspector or health officer may apply for a special inspection warrant issued under Wisconsin Statutes § 66.0119, or other warrant, subpoena or order as may be necessary or appropriate.

d. Short-Term Rental License.

- I. The City Clerk shall issue a short-term rental license if an applicant demonstrates compliance with the provisions of Section 11.04 of the City Code. A short-term rental license is issued for one (1) License Year and may be renewed annually as provided in § 11.04(5)(f). The license shall contain the following information:
 1. The name of the Property Owner, with contact information including mailing address and a telephone number at which the Property Owner is available.
 2. The name of the Property Manager, with contact information including mailing address and a telephone number at which the Property Manager is available.
 3. The license term.
 4. The state of Wisconsin Tourist Rooming House license number.

e. Short-Term Rental License Procedure.

- I. All applications for a short-term rental license shall be filed with the City Clerk on forms provided by the Clerk. Applications must be filed by the Property Owner or the Property Manager. No license shall be issued unless the completed application form is accompanied by payment of the required application fee, which fee shall be non-refundable.
- II. Each application shall include the following information and documentation for each short-term rental unit in order to demonstrate compliance with all requirements of this chapter:
 1. The name of the Property Owner, with contact information including mailing address and a telephone number at which the Property Owner is available.
 2. A copy of the state of Wisconsin Tourist Rooming House license issued under Wis. Stat. § 97.605; or proof that such state license has been applied for, in which event a provisional short-term rental license may be issued under this chapter for a period of thirty (30) days but shall be conditioned upon the City Clerk’s receipt of a copy of such state license from the applicant within said thirty (30) day period, and if a copy of such state license is not received by the Clerk within said period, then such provisional license shall expire and be void at and after the end of said thirty (30) day period.
 3. A copy of a completed state of Wisconsin Lodging Establishment Inspection form dated within one (1) year of such inspection.

4. Written evidence of liability insurance as required by § 11.04(5)(c)(VII).
 5. A copy of a current Seller's Permit issued by the Wisconsin Department of Revenue.
 6. A diagram drawn to scale showing the location of buildings and the on-site, off-street parking area(s) designated for tenants and invitees on the premises.
 7. Designation of a Property Manager, unless the Property Owner is acting as the Property Manager, with contact information including mailing address and telephone number at which the Property Manager is available, and an affirmative statement that the Property Manager is authorized to act as agent and as the local contact person for the Property Owner with respect to operation of the short-term rental.
 8. Written certification by the Property Owner that the short-term rental meets the requirements of this chapter and applicable state and county laws, ordinances and regulations.
 9. For renewal licenses only, written certification that a guest register has been kept as required by the Wisconsin Administrative Code.
- III. Unless earlier revoked, each license shall run from July 1st of one year to June 30th of the following year and may be renewed for additional one (1)-year periods. The application fee shall be paid upon filing of the application. Any application that does not include all of the information and supporting documentation required by this chapter shall not be considered as complete.
 - IV. When the City Clerk determines that an application is complete and meets the requirements of this chapter, the Clerk shall approve the application and issue a short-term rental license (or, if applicable, a provisional short-term rental license) to the applicant. If the Clerk determines that the application is incomplete or does not meet the requirements of this chapter, the Clerk shall deny the application and inform the applicant, in writing, of the reason(s) why the application was denied and what action is needed to obtain approval of the application.
 - V. No short-term rental license (or, if applicable, a provisional short-term rental license) shall be issued or renewed if the applicant or short-term rental property has outstanding fees, taxes, special charges or forfeitures owed to the City.
 - VI. No short-term rental license (or, if applicable, a provisional short-term rental ordinance) shall be issued if the applicant or short-term rental property is found to be subject to one of the grounds for revocation as provided in § 11.04(5)(i)(IV).

f. **Renewal**

- I. Each application for renewal of a short-term rental license shall include updated information for the documentation on file with the City Clerk, and payment of the renewal fee. A renewal application must be filed with, and a nonrefundable renewal fee must be paid to, the Clerk at least ninety (90) days prior to the license expiration date to allow the City Clerk adequate time to review the application. The Clerk shall determine whether the information provided in the renewal application is complete and meets the requirements of this chapter. The Clerk may also request reports from the City Building Inspector, the Fire Inspector, the Sheriff's Department and other law enforcement agencies regarding any enforcement actions taken with respect to the short-term rental properties and operations, and their owners, tenants, occupants or visitors. The Clerk shall review the renewal application and may approve or deny the application after taking into consideration the number, frequency and/or severity of law

violations relating to the short-term rental property and operations, and its owner(s), tenant(s), occupant(s) or visitor(s), and whether such violations substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood. If after such consideration the Clerk determines not to renew the license, the Clerk shall notify the applicant in writing of the reason(s) for such decision, and the applicant's right to appeal the decision to the Common Council as provided in § 11.04(5)(i).

- II. No license shall be renewed if the short-term rental property is under an order issued by the Building Inspector or a local health officer, or his or her designee, to bring the premises into compliance with state, county or local laws, codes, rules or regulations.

g. Display of Permit.

Each license shall be displayed on the inside of the main entrance door of each short-term rental.

h. Appeal of Licensing Decisions; License Revocation; Appeal Procedure; Judicial Review.

- I. The City Clerk's decision to deny an initial short-term rental license or to deny renewal of a short-term rental license shall specify the reason(s) for such denial, in writing. Prior to the time for the renewal of the license, the City Clerk shall notify the licensee in writing of the City's intention not to renew the license and notify the licensee of his or her right to an appeal hearing as provided in § 11.04(5)(i)(II).
- II. The City Clerk's decision to deny an initial license or to deny renewal of a license may be appealed to the Common Council by filing a written appeal with the Clerk within twenty-one (21) calendar days (excluding legal holidays) after the date of mailing of the written notice of the City Clerk's decision denying such license or renewal license. The Common Council shall conduct a due process hearing and issue a written decision on the appeal within thirty (30) calendar days of the City's receipt of the written appeal, or the license shall be deemed granted. If the appellant appears at the hearing, he or she may produce and cross-examine witnesses, present relevant evidence, and be represented by counsel of his or her choosing, at his or her expense. If the Common Council finds the City Clerk's reason(s) for his or her decision sufficient, the decision shall be affirmed. If the Common Council finds the City Clerk's reason(s) for his or her decision insufficient, the decision shall be reversed, and the license shall be granted and issued. If the appellant does not appear at the hearing and the Common Council finds the City Clerk's reason(s) for his or her decision sufficient, the decision shall be affirmed. The Common Council's written decision on the appeal must specify the reason(s) for its determination. The City Clerk shall give written notice of the Common Council's decision to the applicant or licensee.
- III. A license may be revoked by the Common Council during the term of a License Year and following a due process hearing for one or more of the following reasons:
 1. Failure by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures or other debt owed to the City.
 2. Failure to maintain all required local, county and state licensing requirements.
 3. Any violation of local, county or state laws or regulations which, based upon their number, frequency and/or severity, and their relation to the short-term rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood.

- IV. Revocation. Any resident of or owner of property within the City may file a sworn written complaint with the City Clerk alleging one or more violations of § 11.04(5)(c) as grounds for revocation of a short-term rental license issued under this chapter. Upon the filing of the complaint, the Common Council shall notify the licensee of the complaint by certified mail and provide the licensee with a copy of the complaint. The notice shall direct the licensee to appear before the Common Council on a day, time and place included in the notice, not less than ten (10) days and not more than forty-five (45) days from the date of the notice and show cause why his or her license should not be revoked. The hearing shall be conducted as provided in § 11.04(5)(i)(II). If a license is revoked, the City Clerk shall give notice of revocation to the licensee by certified mail – return receipt requested. No part of the fee paid for any license so revoked may be refunded.
- V. Judicial Review. The action of the Common Council in granting or renewing, refusing to grant or renew, or revoking a license under this chapter may be reviewed by the Waukesha County Circuit Court upon appeal by the applicant, licensee, or a resident of or owner of property within the City. Such appeal shall be filed within thirty (30) days of the date of mailing by the City Clerk of the notice of the Common Council’s action granting or renewing, refusing to grant or renew, or revoking a license. The procedure on review shall be the same as in civil actions commenced in the circuit court pursuant to Wisconsin Statutes Chapters 801 to 807.

i. Penalties

- I. Any person who violates any provision of this chapter shall be subject upon conviction thereof to a forfeiture of not less than \$10 nor more than \$2,000 for each offense, together with the costs of prosecution. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense.
- II. The penalties set forth in this section shall be addition to all other remedies of injunction, abatement, or costs, whether existing under this chapter or otherwise.

j. Fees

Any person applying for an initial short-term rental license or renewing a license pursuant to this chapter shall be subject to the fees as established by resolution of the Common Council.

k. Severability.

The several sections of this Ordinance are 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 Ordinance.

This Ordinance shall become effective upon passage and posting.

Adopted this 18th day of October, 2021.

COMMON COUNCIL OF THE CITY OF PEWAUKEE

WAUKESHA COUNTY, WISCONSIN

Attest:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

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

DATE: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

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

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Resolution 21-10-36

RESOLUTION 21-10-36**RESOLUTION PROVIDING FOR THE SALE OF APPROXIMATELY
\$7,830,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2021A**

WHEREAS the City of Pewaukee, Waukesha County, Wisconsin (the "City") is presently in need of approximately \$7,830,000 for public purposes, including paying the costs of acquiring land for and constructing a DPW facility and constructing street improvement projects; and

WHEREAS it is desirable to borrow said funds through the issuance of general obligation promissory notes pursuant to Chapter 67, Wisconsin Statutes.

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

Section 1. Issuance of the Notes. The City shall issue its General Obligation Promissory Notes, Series 2021A in the approximate amount of \$7,830,000 (the "Notes") for the purposes above specified.

Section 2. Sale of the Notes. The Common Council hereby authorizes and directs that the Notes be offered for public sale. At a subsequent meeting, the Common Council shall consider such bids for the Notes as may have been received and take action thereon.

Section 3. Notice of Sale. The City Clerk/Treasurer (in consultation with Ehlers & Associates, Inc. ("Ehlers")) be and hereby is directed to cause notice of the sale of the Notes to be disseminated in such manner and at such times as the City Clerk/Treasurer may determine and to cause copies of a complete Notice of Sale and other pertinent data to be forwarded to interested bidders as the City Clerk/Treasurer may determine.

Section 4. Official Statement. The City Clerk/Treasurer (in consultation with Ehlers) shall cause an Official Statement to be prepared and distributed. The appropriate City officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Official Statement, such certification to constitute full authorization of such Official Statement under this resolution.

Adopted, approved and recorded October 18, 2021.

Steve Bierce
Mayor

ATTEST:

Kelly M. Tarczewski
City Clerk/Treasurer

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

DATE: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

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 [Tarczewski]

BACKGROUND:

The purpose of redistricting is to equal the population. When the Census was completed in 2010 the City's total population was 13,195 and the 2020 Census revealed the City's population increased by 1,999 individuals, bringing our total up to 15,914.

Please note that each ward can not have more than 2,100 people, so some tweaking to the wards had to be made.

Waukesha County shifted their boundary lines for the County Supervisory District leaving Ward 8 in both Districts. That is not allowed, so some people had to be shifted into another Ward.

Ward 4 is being proposed to shift into District #2 to help equalize the population among all three Districts so each of the Alderpersons have close to the same number of constituents. See attachment for details.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Resolution 21-10-37 Redistricting

RESOLUTION #21-10-37

A RESOLUTION TO REDISTRICT THE WARD BOUNDARIES AND COMBINE MUNICIPAL WARDS FOR VOTING PURPOSES IN THE CITY OF PEWAUKEE, WAUKESHA COUNTY WISCONSIN

WHEREAS, Wisconsin Statutes, Section 5.15 requires all cities, villages and towns with a population of 1,000 or more to establish municipal wards based on the results of the 2020 census; and

WHEREAS, Section 59.03(2)(b) of the Statutes requires that each County Board adopt and transmit to each municipal governing body in the county a tentative county supervisory district plan dividing the county into districts and designating the approximate location and population of each ward proposed to effectuate the division of the county into districts; and

WHEREAS, These laws require that each municipality designate by consecutive whole number, geographical description and population, the various wards to be created within the municipality;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City of Pewaukee, Waukesha County, State of Wisconsin, hereby adopts the wards described as follows (a ward plan map is attached):

WARD	DISTRICT	CENSUS BLOCKS	POPULATION
Ward #1	District #1	551332033081000, 551332033081001, 551332033081005, 551332033081006, 551332033081018, 551332033081019, 551332033082002, 551332033082003, 551332033082004, 551332033082005, 551332033082006, 551332033082007, 551332033082008, 551332033082009, 551332033082010, 551332033082011, 551332033082012, 551332033082013, 551332033082015, 551332033082016, & 551332033082017	1,802
Ward #2	District #1	551332008014004, 551332008014005, 551332008014006, 551332008014007, 551332008014008, 551332008014009, 551332008014010, 551332008014011, 551332008014012, 551332008014013, 551332008014014, 551332008014015, 551332033043006, 551332033044006, 551332033044016, 551332033044017, 551332033044018, 551332033044020, 551332033044021, 551332033044022,	2,018

		551332033044023, 551332033044024, 551332033044025, 551332033044026, 551332033044027, 551332033044028, 551332033044029, 551332033044030, 551332033044031, 551332033044032, 551332033044033, 551332033044034, 551332033044035, 551332033044036, 551332033044037, 551332033044038, 551332033044039, 551332033044040, 551332033044041, 551332033044042, 551332033082000, 551332033082001, 551332033082018, & 551332033082019	
Ward #3	District #1	551332032001003, 551332032001004, 551332032001005, 551332032001006, 551332032001007, 551332032001008, 551332032001009, 551332032001033, 551332032001034, 551332033031026, 551332033031035, 551332033031036, 551332033031037, 551332033031038, 551332033031040, 551332033031041, 551332033031043, 551332033031044, 551332033031045, 551332033031046, 551332033031047, 551332033031048, 551332033031050, 551332033032000, 551332033032001, 551332033032002, 551332033032003, 551332033032004, 551332033032005, 551332033032008, 551332033032009, 551332033032010, 551332033032012, 551332033032013, 551332033032014, 551332033032015, 551332033032016, 551332033032017, 551332033032021, 551332033032022, 551332033033000, 551332033033001, 551332033041010, 551332033041011, 551332033042014, 551332033042015, 551332033042016, 551332033042017, 551332033042019, 551332033042021, 551332033042022, 551332033042024, 551332033042026, 551332033042029, 551332033042041, 551332033042042, 551332033042043, 551332033042044 & 551332033042045	851
Ward #11	District #1	551332008014000, 551332008014001, 551332008014002, 551332008014003,	597

		551332033044007, 551332033044008, 551332033044009, 551332033044010, 551332033044011, 551332033044012, 551332033044013, 551332033044014, & 551332033044015	
Ward #4	District #2	551332032001018, 551332032001022, 551332032001023, 551332032001024, 551332032001025, 551332032001026, 551332032001027, 551332032001028, 551332032001031, 551332032001032, 551332032001036, 551332033052015, 551332033052016, 551332033052017, 551332033052018 & 551332033052019	897
Ward #5	District #2	551332032001010, 551332032001013, 551332032001014, 551332032001015, 551332032001016, 551332032001017, 551332032001021, 551332032001035, 551332032001037, 551332032001038, 551332032001039, 551332032001040, 551332032001041, 551332032001042, 551332032001043, 551332032001044, 551332032002000, 551332032002022, 551332033053000, 551332033053001, 551332033053002, 551332033053003, & 551332033053008	1,352
Ward #6	District #2	551332033052014, 551332033052021, 551332033052022, 551332033052023, 551332033052024, 551332033052025, 551332033052026, 551332033052027, 551332033052028, 551332033052029, 551332033052030, 551332033052031, 551332033052032, 551332033052033, 551332033052034, 551332033052042, 551332033052043, 551332033052044, 551332033052045, 551332033052046, 551332033052047, 551332033052048, 551332033052049, 551332033052050, 551332033052051, 551332033052053, & 551332033052054	1,781
Ward #7	District #2	551332031052000, 551332031052001,	1,611

		551332031052002, 551332031052003, 551332031052004, 551332031052005, 551332031052006, 551332031052007, 551332031052008, 551332031052010, 551332031052013, 551332031052016, 551332031052020, 551332031052024, 551332031052027, 551332031052028, 551332031072013, 551332031072014, 551332031072015, 551332031072016, 551332033053004, 551332033053005, 551332033053006, 551332033053007, 551332033053009, 551332033053010, 551332033053011, 551332033053012, 551332033053013, 551332033053014, 551332033053015, 551332033053016, & 551332033053017	
Ward #8	District #3	551332030002009, 551332033051022, 551332033052004, 551332033052009, 551332033052012, 551332033052020, 551332033052040, 551332033071009, 551332033071010, 551332033071011, 551332033071015, 551332033071016, 551332033071017, 551332033071018, 551332033071019, 551332033071020, 551332033071021, 551332033071023, 551332033071024, 551332033071025, 551332033071026, 551332033072000, 551332033072001, 551332033072002, 551332033072003, 551332033072004, 551332033072005, 551332033072006, 551332033072008, 551332033073006, 551332033073007, 551332033073008, 551332033073009, 551332033073010, 551332033073014, 551332033073016, 551332033073019, 551332033073021, 551332033073022, 551332033073023, 551332033073034, 551332033073035, 551332033073036, 551332033073037, 551332033073038, & 551332033073039	2,009
Ward #9	District #3	551332008013014, 551332008013015, 551332008014020, 551332008014021, 551332008014022, 551332008014023, 551332012011004, 551332012011005,	1,187

		551332012011006, 551332012011007, 551332012011008, 551332012011009, 551332012011010, 551332012011011, 551332012011012, 551332012011013, 551332012011014, 551332012011015, 551332012011017, 551332012011018, 551332012011019, 551332012011020, 551332012011021, 551332012011034, 551332012012005, 551332012012010, 551332028001006, 551332028001008, 551332028001009, 551332029011000, 551332029011001, 551332029011002, 551332029011003, 551332029011004, 551332029011005, 551332029011006, 551332029011007, 551332029011009, 551332029011011, 551332029011012, 551332029011020, 551332029012000, 551332029012003, 551332029012004, 551332030002000, 551332030002001, 551332030002002, 551332030002003, 551332030002004, 551332030002005, 551332030002006, 551332030002007, 551332030002008, 551332030002010, 551332030002012, 551332030002014, 551332030002015, 551332030002016, 551332030002019, 551332030002028, 551332030002029, 551332030002030, 551332030002037, 551332030002038, 551332030002039, 551332030002040, 551332030002041, 551332030002044, 551332030002045, 551332030002046, 551332033071022, 551332033072007, 551332033073000, 551332033073001, 551332033073002, 551332033073003, 551332033073004, 551332033073005, 551332033073011, 551332033073012, 551332033073013, 551332033073015, 551332033073017, 551332033073018, 551332033073020, 551332033073024, 551332033073025, 551332033073026, 551332033073027, 551332033073028, 551332033073029, 551332033073030, 551332033073031, 551332033073032, 551332033073033, 551332033073040, 551332033073041, 551332033081020, 551332033081021, 551332033081022,	
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		551332033081023, 551332033082014, 551332033082020, 551332033082021, 551332033082022, 551332033082023, 551332033082024, 551332033082025, 551332033082026, 551332033082027, 551332033082028, 551332033082029, & 551332033082030	
Ward #10	District #3	551332008013000, 551332008013001, 551332008013002, 551332008013003, 551332008013004, 551332008013005, 551332008013006, 551332008013007, 551332008013008, 551332008013009, 551332008013010, 551332008013011, 551332008013012, 551332008013013, 551332008014016, 551332008014017, 551332008014018, 551332008014019, 551332008014024, & 551332008014025	1,809

BE IT FURTHER RESOLVED, the following Aldermanic Districts and polling locations will be established:

DISTRICT #1	Consisting of Wards 1, 2, 3 and 11
--------------------	------------------------------------

WAGNER PARK located at N31 W23320 Green Road.

The returns will be processed as follows:

- **Odd Year Spring Elections** Wards 1, 2, 3 & 11 will be combined.
- **Even Year Spring Elections without County Board of Supervisor Race** Wards 1, 2, 3 & 11 will be combined.
- **Even Year Spring Elections with County Board of Supervisor Race** Wards 1, 2 & 11 will be combined, and Wards 3 will be separate. In the event there is no Primary for the County Board of Supervisor race, all wards will be combined.
- **Fall Elections** Wards 1, 2, 3 & 4 will be combined.

DISTRICT #2	Consisting of Ward 4, 5, 6 and 7
--------------------	----------------------------------

NEW VISION BRETHERN IN CHRIST CHURCH located at N14 W27995 Silvernail Road

The returns will be processed as follows:

- **Odd Year Spring Elections** Wards 4, 5, 6 & 7 will be combined.

- **Even Year Spring Elections without County Board Supervisor Race** Wards 4, 5, 6 & 7 will be combined.
- **Even Year Spring Elections with County Board of Supervisor Race** Wards 4, 5, 6 & 7 will be combined.
- **Fall Elections** Wards 4, 5, 6 & 7 will be combined.

DISTRICT #3	Consisting of Ward 8, 9 and 10
--------------------	--------------------------------

PEWAUKEE CITY HALL located at W240 N3065 Pewaukee Road

The returns will be processed as follows:

- **Odd Year Spring Elections** Wards 8, 9 & 10 will be combined.
- **Even Year Spring Elections without County Board of Supervisor Race** Wards 8, 9 & 10 will be combined.
- **Even Year Spring Elections with County Board of Supervisor Race** Ward 8 will be separate and Wards 9 & 10 will be combined. In the event there is no Primary for the County Board of Supervisor race, all wards will be combined.
- **Fall Elections** Wards 8, 9 & 10 will be combined.

BE IT FURTHER RESOLVED, that upon passage, a copy of this resolution shall be filed with the Waukesha County Clerk, within five days of its adoption and that this resolution shall remain in effect for each election until modified or rescinded, in accordance with Statute, or until a new division is made following the next federal decennial census.

This Resolution shall be in effect upon approval by the City of Pewaukee.

Dated this the 18th day of October, 2021 by:

Mayor Steve Bierce

Attest: _____
Kelly Tarczewski, Clerk/Treasurer

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

DATE: October 18, 2021

DEPARTMENT: Parks and Recreation

PROVIDED BY: Nick

SUBJECT:

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

BACKGROUND:

Pewaukee Sussex United has confirmed their interest in a donation to cover two irrigation based improvements that will install a larger main line for the Kifco sprinklers as well as an isolation valve that will allow the soccer side to operate independent of baseball. The total value of the donation is \$26,148.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Recommendation to accept the donation and recommend a budget amendment to utilize donated funds to complete these projects at Pewaukee Sports Complex.

ATTACHMENTS:

Description

Kifco Main Line

Isolation Valve

Resolution 21-10-38

Proposal
MILWAUKEE LAWN SPRINKLER CORP.
N60 W16180 Kohler Lane
Menomonee Falls, WI 53051
(262) 252-3880 FAX (262) 252-5379

PROPOSAL SUBMITTED TO		PHONE	Page No. 1 Of 1 Pages
Pewaukee Parks and Recreation		262-691-7275	October 7, 2021
STREET		JOB NAME	
W240 N3065 Pewaukee Road		Pewaukee Sports Complex New Main	
CITY, STATE and ZIP CODE		JOB LOCATION	
Pewaukee, WI 53072		N45 W23440 Lindsay Rd. - Pewaukee, WI	
ARCHITECT	DATE OF PLAN	CONTACT	FAX
Milwaukee Lawn Sprinkler Cor	8/26/2021	Dan Neubauer	0

WE PROPOSE hereby to furnish material and labor – complete in accordance with specifications below, for the sum of:

Twenty One Thousand Two Hundred Fifty Four Dollars and 00/100 cents--	dollars	\$21,254.00
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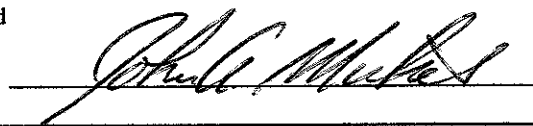
Payment to be made as follows:

Progress payments as required. Balance due Thirty (30) days after completion of project.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over an above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized

Signature



Note: This Proposal may be withdrawn by us if not accepted within

30 Days

We hereby submit specifications and estimates for: Irrigation System Installation - This proposal is based on irrigation plan and discussion with Dan Neubauer.

New Kifco Line – Includes approx. 1,200' of 3" mainline, 2-wire tracer wire, (15) new 1 ½" quick couplers with swing joints, ductile iron tees, to provide better supply for the Kifco units.

This quote is based on normal and usual construction conditions. Should rocky material, or other obstructions be discovered during construction, the condition will be brought to the customers attention and additional compensation be determined. This contractor is not responsible for damage to existing pipes, wire, etc. that are less than twelve (12") inches below ground, except for public utilities. Diggers Hotline will be notified by Milwaukee Lawn Sprinkler Corp. All efforts will be made to maximize your irrigation system. Plant material can and will obstruct coverage throughout the growing season. Irrigation systems have coverage limitations.

SPECIAL INSTRUCTIONS

Milwaukee Lawn Sprinkler Corp. will trench lines, backfill, power tamp and mound trench lines. Removal of excessive spoils and all trench re-seeding is to completed by others and is NOT included in this proposal.

Our Installation is Guaranteed for ONE YEAR from the Date of Completion and the Components are Guaranteed by the Manufactures balance of manufactures Warranty.

A FINANCE CHARGE OF 1 ¼% PER MONTH (18% PER YEAR) WILL BE ADDED TO ACCOUNTS 30 DAYS PAST DUE.

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDERS HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIAL FOR THE CONSTRUCTION ON THE OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR HAVE GIVEN THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE TO HIS MORTGAGE LENDER, IF ANY. BUILDER AGREES TO CO-OPERATE WITH THE OWNER AND HIS LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified, Payments will be made as outlined above. Date of Acceptance _____	Signature _____
	Signature _____

Proposal
MILWAUKEE LAWN SPRINKLER CORP.
N60 W16180 Kohler Lane
Menomonee Falls, WI 53051
(262) 252-3880 FAX (262) 252-5379

PROPOSAL SUBMITTED TO		PHONE	Page No. 1 Of 1 Pages
Pewaukee Parks and Recreation		262-691-7275	DATE
STREET		JOB NAME	October 7, 2021
W240 N3065 Pewaukee Road		Pewaukee Sports Complex New Main	
CITY, STATE and ZIP CODE		JOB LOCATION	
Pewaukee, WI 53072		N45 W23440 Lindsay Rd. - Pewaukee, WI	
ARCHITECT	DATE OF PLAN	CONTACT	FAX
Milwaukee Lawn Sprinkler Cor	8/26/2021	Dan Neubauer	0

WE PROPOSE hereby to furnish material and labor – complete in accordance with specifications below, for the sum of:

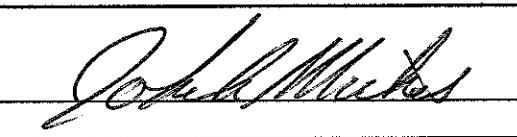
Four Thousand Eight Hundred Ninety Four Dollars and 00/100 cents-----	dollars	\$4,894.00
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Payment to be made as follows:

Progress payments as required. Balance due Thirty (30) days after completion of project.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over an above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature



Note: This Proposal may be withdrawn by us if not accepted within

30 Days

We hereby submit specifications and estimates for: Irrigation System Installation - This proposal is based on irrigation plan and discussion with Dan Neubauer.

Isolation valve is indicated on the drawing prepared by Milwaukee Lawn Sprinkler Corp. Milwaukee lawn Sprinkler Corp. will add an isolation valve to to the existing irrigation system to separate 3 1/2 fields from the rest of the system (soccer field quick couplers). Due to extremely shallow mainline, a quantity of four (4) 45 degree fittings will be used to drop the mainline to a depth that will allow the isolation valve to be set properly.

This quote is based on an adequate water supply availability. Should rocky material, or other obstructions be discovered during construction, the condition will be brought to the customers attention and additional compensation be determined. This contractor is not responsible for damage to existing pipes, wire, etc. that are less than twelve (12") inches below ground, except for public utilities.

SPECIAL INSTRUCTIONS

Our Installation is Guaranteed for ONE YEAR from the Date of Completion and the Components are Guaranteed by the Manufactures balance of manufactures Warranty.
A FINANCE CHARGE OF 1 1/2% PER MONTH (18% PER YEAR) WILL BE ADDED TO ACCOUNTS 30 DAYS PAST DUE.

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDERS HEREBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIAL FOR THE CONSTRUCTION ON THE OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR HAVE GIVEN THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE TO HIS MORTGAGE LENDER, IF ANY. BUILDER AGREES TO CO-OPERATE WITH THE OWNER AND HIS LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

Acceptance of Proposal- The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified, Payments will be made as outlined above. Date of Acceptance _____	Signature _____
	Signature _____

RESOLUTION NO. 21-10-38

**A RESOLUTION AUTHORIZING
2021 BUDGET AMENDMENT**

WHEREAS, the Common Council of the City of Pewaukee adopted the 2021 Budget at their meeting held November 16, 2020; and,

WHEREAS, Pewaukee Sussex United Soccer Club wishes to donate \$26,148 to go towards irrigation-based improvements at Pewaukee Sports Complex; and

WHEREAS, Pewaukee Sussex United Soccer Club is requesting the City to complete the improvements in 2021; and

WHEREAS, the Joint Park and Recreation Board discussed this at their October 13, 2021 Board meeting and are in favor of the project;

WHEREAS, this was not an anticipated project in 2021 and no funds were budgeted for the upgrades; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Pewaukee hereby authorizes the capital improvement expenditure to improve the irrigation system at the Pewaukee Sports Complex expenditure in the amount not to exceed \$26,148 with the funds being completely offset by the donations received and will be budget neutral.

PASSED and ADOPTED this 18th day of October, 2021.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, City Clerk

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

DATE: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

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 [Phalin]

BACKGROUND:

The 2021 budget includes \$27,896 for the access path and bleacher pad project. After the budget was approved, we received a CDBG grant in this amount. As the project started, we had to make changes regarding layout based on private lines and irrigation location requiring more concrete, irrigation pipe sleeves and irrigation rerouting. The project has a few remaining costs to be invoiced. The requested amendment is to approve up to \$55,792, which would cover the initial budget approval and the grant amount. The total impact to the budget will remain at \$27,896 after receiving the grant funds.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Resolution 21-10-39

RESOLUTION NO. 21-10-39

**A RESOLUTION AUTHORIZING
2021 BUDGET AMENDMENT**

WHEREAS, the Common Council of the City of Pewaukee adopted the 2021 Budget at their meeting held November 16, 2020; and,

WHEREAS, the Parks and Recreation Department budgeted \$27,896 for an access path and bleacher pad project at the Pewaukee Sports Complex in their capital budget; and

WHEREAS, the Parks and Recreation Department applied for and was granted a Community Development Block Grant in the amount of \$27,896 after the City's budget was approved; and

WHEREAS, changes to the project layout were required based on private lines and irrigation locations necessitating more concrete, irrigation pipe sleeves and irrigation rerouting; and

WHEREAS, it is anticipated there will be additional costs associated with this project before it is completed that are currently unknown; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Pewaukee hereby authorizes the capital improvement expenditure in the amount not to exceed \$55,792 for the access path and bleacher pad project.

PASSED and ADOPTED this 18th day of October, 2021.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, City Clerk

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

DATE: October 18, 2021

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

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*) [Wagner]

BACKGROUND:

The Woodleaf Reserve Phase 4 development construction began this past Spring and to date the work has involved extensive grading, pond installation, public utility (storm, sewer and water), and road (through first lift of asphalt) construction. We recommend the requested reduction. The remaining letter of credit value of \$110,216.16 is sufficient to complete the project.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Common Council approve the Second Reduction of Woodleaf Reserve Phase 4 Letter of Credit from \$458,854.80 to \$110,216.16 (Reduction of \$348,638.64).

ATTACHMENTS:

Description

Letter of Credit Reduction Request

Pay application supporting LOC Reduction

Wagner, Magdelene

From: David Tanner <DavidT@korndoerferhomes.com>
Sent: Thursday, September 23, 2021 4:11 PM
To: Wagner, Magdelene
Cc: Wolf Korndoerfer; 'mikekaerek@kaerekhomes.com'
Subject: Letter of Credit Reduction Request: Woodleaf Reserve Phase 4
Attachments: Super Western Pay App 3 (08.12.21).pdf

Good afternoon Maggie,

Woodleaf Investments, LLC is requesting a letter of credit reduction on Woodleaf Phase 4. The balance to complete for the project is \$34,000 (see attached pay request). Please put this item on the next agenda for formal action and confirm the revised letter of credit amount.

Thanks,

David Tanner

Director of Sales & Real Estate

Cell: (414) 651-0260



175 North Corporate Drive, Suite 130
Brookfield, WI 53045

7900 Durand Avenue, Building 10
Sturtevant, WI 53177

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 2020219-3

AUG 20 2021

To Owner: Karek Homes
11600 W. Lincoln Ave.
West Allis, WI 53227

Project: 20.02.019 Woodleaf Phase 4

Application No.: 3

From Contractor: Super Western, Inc.
N59W14601 Bobolink Ave.
Menomonee Falls, WI 53051

Via Architect:

Distribution to:
☐ Owner
☐ Architect
☐ Contractor

Contract For:

Contract Date:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached.

1. Original Contract Sum	\$1,532,205.25
2. Net Change By Change Order	\$31,842.00
3. Contract Sum To Date	\$1,564,047.25
4. Total Completed and Stored To Date	\$1,530,047.25
5. Retainage:	
a. 4.90% of Completed Work	\$74,910.26
b. 0.00% of Stored Material	\$0.00
Total Retainage	\$74,910.26
6. Total Earned Less Retainage	\$1,455,136.99
7. Less Previous Certificates For Payments	\$1,312,394.03
8. Current Payment Due	\$142,742.96
9. Balance To Finish, Plus Retainage	\$108,910.26

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	\$31,842.00	\$0.00
Total Approved this Month	\$0.00	\$0.00
TOTALS	\$31,842.00	\$0.00
Net Changes By Change Order	\$31,842.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Super Western, Inc.

By:  Date: 8/17/21

State of: Wisconsin
Subscribed and sworn to before me this 17th day of August 2021
Notary Public: Mary Ellen Kaveer
My Commission expires: 9/5/2021

County of: Waukesha
day of August



ARCHITECT'S CERTIFICATE FOR PAYMENT
In accordance with the Contract Documents, based on on-site observation and the data comprising the above application, the Architect certifies to the Owner that the Work of the Architect's knowledge, information, and belief, the Work has progressed as indicated, and the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 142,742.96

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

Page 2 of 2

Application and Certification for Payment, containing Contractor's signed certification is attached. In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

Application No.: 3
Application Date: 08/12/21
To: 08/12/21
Architect's Project No.:

Invoice #: 2020219-3 Contract: 20.02.019 Woodleaf Phase 4

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		E This Period In Place	F Materials Presently Stored	G Total Completed and Stored To Date	(G / C) %	H Balance To Finish (C-G)	I Retainage
			From Previous Application (D+E)							
5	Erosion Control Allowance	50,000.00	10,000.00		40,000.00	0.00	50,000.00	100.00%	0.00	
10	Restoration and Erosion Control - South	24,135.00	4,827.00		19,308.00	0.00	24,135.00	100.00%	0.00	
20	Tracking Pad - South	2,491.75	2,491.75		0.00	0.00	2,491.75	100.00%	0.00	
30	Strip Topsoil - South	21,455.75	21,455.75		0.00	0.00	21,455.75	100.00%	0.00	
40	Cut Fill - South	24,034.50	24,034.50		0.00	0.00	24,034.50	100.00%	0.00	
50	Handle Sewer Spoil - South	12,368.25	12,368.25		0.00	0.00	12,368.25	100.00%	0.00	
60	Subgrade Road - South	5,980.75	5,980.75		0.00	0.00	5,980.75	100.00%	0.00	
70	Replace Topsoil - South	20,460.75	0.00		20,460.75	0.00	20,460.75	100.00%	0.00	
80	Utility Package - South	483,718.00	483,718.00		0.00	0.00	483,718.00	100.00%	0.00	
90	Stone/Curb Asphalt - South	96,000.00	96,000.00		0.00	0.00	96,000.00	100.00%	0.00	
100	Final Asphalt - South	17,000.00	0.00		0.00	0.00	0.00	0.00%	17,000.00	
200	Restoration and Erosion Control - North	57,309.00	0.00		57,309.00	0.00	57,309.00	100.00%	0.00	
210	Tracking Pad - North	2,491.75	2,491.75		0.00	0.00	2,491.75	100.00%	0.00	
220	Strip topsoil - North	13,481.25	13,481.25		0.00	0.00	13,481.25	100.00%	0.00	
230	Cut/ Fill - North	14,216.50	14,216.50		0.00	0.00	14,216.50	100.00%	0.00	
240	Handle Sewer Spoil - North	73,685.25	73,685.25		0.00	0.00	73,685.25	100.00%	0.00	
250	Subgrade Road - north	5,980.75	5,980.75		0.00	0.00	5,980.75	100.00%	0.00	
260	Replace Topsoil - North	13,178.00	0.00		13,178.00	0.00	13,178.00	100.00%	0.00	
280	Utility Package - North	483,718.00	483,718.00		0.00	0.00	483,718.00	100.00%	0.00	
290	Stone, Curb/ Binder - North	93,500.00	93,500.00		0.00	0.00	93,500.00	100.00%	0.00	
300	Final Asphalt - North	17,000.00	0.00		0.00	0.00	0.00	0.00%	17,000.00	
PCO	Pending Change Order	0.00	0.00		0.00	0.00	0.00	0.00%	0.00	
CO-001	Change Order 1 - Laterals	31,842.00	31,842.00		0.00	0.00	31,842.00	100.00%	0.00	
Grand Totals		1,564,047.25	1,379,791.50		150,255.75	0.00	1,530,047.25	97.83%	34,000.00	74,910.26

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

DATE: October 18, 2021

DEPARTMENT: Public Works

PROVIDED BY: Magdelene Wagner

SUBJECT:

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 [Wagner].

BACKGROUND:

In accordance with Ordinance 5.04(2)(e), the Common Council is notified that the Director of Public Works has issued a temporary no parking on both sides of Century Farm Road approximately 4 homes east and west of N41W23710 Century Farm Road from November 1, 2021 to November 8, 2021. This temporary restriction was needed due to the Christmas Fantasy House Fundraiser occurring on the dates listed above and the concern that emergency vehicles would not be able to traverse the roadway if cars were parked on both sides of Century Farm Road and allow for the shuttle to safely operate in this area. This temporary order will expire at midnight on November 8, 2021.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 10.**

DATE: October 18, 2021

DEPARTMENT: PW - Streets

PROVIDED BY: Magdelene Wagner

SUBJECT:

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

BACKGROUND:

In the 2022 Budget, you may have noticed we added a new account for Trail Maintenance. This was a result of a review of our existing trails and realizing that we do not have funds allocated to maintain the existing trail system. In review of the existing trails that the City is responsible for, we noted several areas that need repair including some potholes, crackfilling, and some patches. The cost of these items is approximately \$7,500.00.

This work has been completed this year under our road maintenance fund as we had our Contractor here completing our regular road maintenance work and did not want to miss the opportunity to complete this work at the best price. As such, we are requesting to pay the trails portion of this work (\$7,500) through a reallocation of trail design funds.

FINANCIAL IMPACT:

Fieldhack Trail Extension was budgeted at \$150,000 which we previously reallocated \$75,000 to the Lindsay Road Trail Extension project. It is not anticipated that we will spend the full \$75,000 remaining on the Fieldhack Extension in 2021. Therefore, there would not increase in the budget to reallocate \$7,500 to the maintenance of the existing trails.

RECOMMENDED MOTION:

Common Council approve reallocating \$7,500 from the Fieldhack Trail Extension project to maintenance of the existing trails.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 11.**

DATE: October 18, 2021

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

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.

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION: