

In Attendance:

Mayor Bierce, Aldermen C. Brown, I. Clark, B. Dziwulski, R. Reinbold, and P. Vetterkind.
Mr. Wamser was absent and excused.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, 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 6:31 p.m. and asked everyone to stand for the Pledge of Allegiance.

2. Public Comment - None.

3. Consent Agenda

3.1. Approval of the Accounts Payable Listing Dated October 17, 2022

3.2. Approval of the Common Council Meeting Minutes Dated September 6, 2022

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

4. Discussion and Possible Action to Approve **Resolution 22-10-32** Adopting the Waukesha County All Hazard Mitigation Plan

Mr. Klein stated this is formally recognizing something the City has always been involved in even though we don't have many hazards. He said it is totally run by the County.

Ms. Brown questioned if the dates were correct. Staff stated they would verify.

A motion was made and seconded (C. Brown, B. Dziwulski) to approve Resolution 22-10-32. Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action to Allow for a WE-Energies Easement on the Property Owned by the City of Pewaukee on Oak Street (PWC 0934-021) to Bring Utilities to Green Dragonfly Island as Requested by Stephen Green

Mr. Fuchs stated staff received a request from Mr. Green asking for an easement on the property to allow WE Energies to extend power to the island. WE Energies is just looking for some indication that the City would consider allowing an easement before they do a cost assessment or feasibility study. He said at this time there isn't a lot of information to review. He said the City Engineer wants to make sure there is no interference with future shoreline projects. Mr. Fuchs stated Mr. Green has not indicated any future development of the island at this time.

Attorney Riffle stated granting easements to WE Energies is normal.

Mr. Klein stated this is slightly different because something most likely will have to be done at the shoreline. He said we have to make sure whatever they propose to install doesn't limit the City from working on the shoreline.

Attorney Riffle stated the City wants to look at and comment on the easement so that we can reserve any rights that we have.

Mr. Green showed the Council where WE Energies was planning on providing the power to. He said they currently have an easement on the Perchon property but only for overhead lines. He said he doesn't think the City would want to see that happen. He said from the City's property the line is proposed to go under the lake.

Attorney Riffle asked if Mr. Green was operating by generator. Mr. Green responded he has a solar unit and Wisconsin weather is not always reliable.

Mr. Klein stated this request is just to look into the feasibility of running power to the island. The actual easement would come back to Council for review.

Mayor Bierce wanted it made clear to Mr. Green that the City will not be incurring any of the costs associated with this potential project.

Attorney Riffle stated staff should be directed to analyze the proposed easement and present it to the Council for consideration. He stated he would then review the agreement. The Council agreed with these recommendations.

6. Discussion and Possible Action to Change Boomer's Agent to Paul Kolaga

Ms. Tarczewski stated Tyler Pasadera passed away and the family would like to appoint a new agent to represent the business until it can be sold.

A motion was made and seconded (B. Dziwulski, I. Clark) to appoint Paul Kolaga as the agent to Boomer's. Motion Passed: 5-For, 0-Against.

7. Discussion and Possible Action Regarding the Revocable Agreement Authorizing Occupancy of Right of Way for Swan View Farms Development

Ms Wagner stated Phase I of Swan View Farms was completed two years ago and Phase II is mostly completed. She stated before they did the surface paving, they cut into pavement to install conduit to provide power to the islands. In addition to that more landscaping was done and was planted within the City's right-of-way. She said this was also an issue in Phase I and they were told they need to get permission in the future, which they did not do. Ms. Wagner stated the conduit under the roadway causes issues for the future maintenance of the roadways and anytime any locating gets done for private utilities. Legally that needs to be located and that is nothing staff would be doing. Ms. Wagner stated she discussed this with the developer, and he thought he was doing the right thing by creating something beautiful, stating the lighting and landscaping would create a focal point for the subdivision. Ms. Wagner stated the only way she thought that could remain is if he would sign an agreement stating the City is not responsibly to maintain any of the conduit, electricity or landscaping within the right-of-way. She added if it gets damaged or needs to be torn out for any reason the City would not be responsible for paying for any of that work or repairing or replacing any of it. It will also protect us from the requirement of locating any of the conduits or electrical lines and puts the responsibility onto the Homeowners' Association (HOA). It will also protect the City from any

plowing or maintenance issues pertaining to those trees. She stated if any trimming needs to be done it will be billed back to the HOA.

Ms. Wagner stated the developer was not available and he instead sent a representative from Blaze who did the work. She mentioned that they did supply the compaction testing of the trenching before the road was paved to make sure they would not be compromised in the future.

Ms. Wagner played aerial video of the plantings provided by the developer.

Attorney Riffle stated the agreement allows the City to rip out the improvements if we have any concerns.

Mr. Reinbold stated the City has other subdivisions with lit islands, so he assumed it was the same agreement with those HOAs. Ms. Wagner stated most of those improvements were put in without the City's knowledge. She said this agreement doesn't necessarily exist for all those situations.

Mr. Vetterkind stated he was annoyed that the developer did it again without the City's permission.

Ms. Brown stated it seems like a common theme that the developer does what they want and comes back and asks for forgiveness if caught. She said a tree is difficult to hide in a right-of-way and there are a great deal of solar options to light up the entrance. She voiced her concern regarding the roads being the City's responsibility and if the electrical fails they will have to cut into our roads again. Ms. Wagner stated they can pull the wiring out of the conduit. Ms. Brown stated she struggles with the HOA concept. She asked how long they last because residents typically don't know who oversees their HOA.

Mr. Reinbold stated the common areas are typically the HOA's responsibility. Mayor Bierce asked what would happen if the HOA dissolved. Mr. Reinbold stated the HOA pays the WE Energies bill. If it were to dissolve the power would be turned off.

Ms. Brown noted that a Victoria Station homeowner planted trees on top of storm sewer and was told they needed to be moved.

Mr. Dziwulski noted his concern about setting a precedent.

Mr. Vetterkind asked if there was a way to get a record drawing of what is there. That way in the future the City knows what is there and will protect against future issues.

Ms. Wagner stated plantings were done at the entrance boulevards and island in the back of the Phase 2. She said the bulk is at the entrance to the subdivision. Ms. Brown asked if there is right of way within the subdivision between lots or behind lots. Ms. Wagner stated there are easements and outlots with storm sewer and a private easement with sewer laterals. She said the only right-of-way is to the west for future connections.

Discussion took place regarding planting trees and landscape plans.

Mayor Bierce noted that it will come back to Common Council to give the developer a chance to come up with an inventory.

8. Discussion and Possible Action Regarding the **Meadowbrook Farms Phase 4** Subdivision Road Rehabilitation and Related Improvements
 - 8.1 Preliminary **Resolution 22-10-36** Declaring Intent to Exercise Special Assessment Powers

Authorizing the Construction of Meadowbrook Farms Phase 4 Subdivision Repaving and Related Facilities Under Section 66.0703 Wisconsin Statutes

8.2 Comfort **Resolution 22-10-43** Declaring Official Intent to Reimburse Expenditures

Ms. Wagner noted this is a preliminary resolution which allows to assess for future roadway projects. She noted it will be constructed in 2024. Ms. Wagner said this project was two years out in 2024. She asked to pass a comfort resolution in case the City needs to borrow for the project. She noted it is currently rated a 5.

Ms. Brown asked how they get assessed since they are private roads. Ms. Wagner stated it will be similar to Green Road. She said an area assessment is done for these types of roadways. She added when there is a wide variance of land use they use area or front footage.

A motion was made and seconded (B. Dziwulski, P. Vetterkind) to approve Resolution 22-10-36 and Resolution 22-10-43. Motion Passed: 5-For, 0-Against.

9. Discussion and Possible Action Regarding the **Watertown Road** Road Rehabilitation, Drainage Improvements, Sanitary Sewer Extension, Trail Construction, Utility Improvements and Related Improvement

9.1 Preliminary **Resolution 22-10-37** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Watertown Road Rehabilitation, Drainage Improvements, Trail Construction, Sanitary Sewer Extension, Utility Improvements, and related facilities Under Section 66.0703 Wisconsin Statutes

9.2 Comfort **Resolution 22-10-42** Declaring Official Intent to Reimburse Expenditures

Ms. Wagner stated this is in the paving program for design in 2023 and construction in 2024. She noted it will be a reconstruction not a rehabilitation, which will allow the City to remove the spring weight limit restrictions. She noted there is development in the area and the City will be extending sanitary sewer as part of the project. Ms. Wagner stated the Bike and Pedestrian plan calls for a multi-use path to be installed and will also be done during this project. She added the comfort resolution allows for expenditures to be reimbursed.

Mr. Dziwulski asked if the bike path would run along the road. Ms. Wagner stated they have not determined exactly where the trail will land. She said they will look at that as part of the design. She noted the City's part of Watertown Road is from Springdale Road to North Avenue.

Discussion took place regarding placement of the trail and the County's plan to reconfigure the Watertown Road and North Avenue intersection.

Ms. Brown stated she was not completely on board with the service area on the map. She said it does not look like a lot of assessment area for the city to access for the sewer. She asked about the old GE complex and if it was served by sewer. Ms. Wagner noted it was sold and is served by sewer. Ms. Wagner noted sewer would service lands to the west of North Avenue up to Elmwood. Ms. Brown noted she does not want this to be a taxpayer funded project. Ms. Wagner said the only reason the City is looking at the sewer extension is because of the reconstruction of the roadway. Ms. Wagner noted the road rating is between a 4 and 5.

Mr. Dziwulski asked if the City would expand it to four lanes from Springdale Road to North Avenue. Ms. Wagner noted she does not know what the County's long-term plans are.

A brief discussion took place regarding four lane roadways.

A motion was made and seconded (P. Vetterkind, I. Clark) to approve Resolution 22-10-37 and Resolution 22-10-42. Motion Passed: 5-For, 0-Against.

10. Discussion and Possible Action Regarding **Takoma Hills Subdivision** Road Rehabilitation, Drainage Improvements, Utility Improvements and Related Facilities
 - 10.1 Preliminary Resolution **22-10-33** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Takoma Hills Subdivision Road Rehabilitation, Drainage Improvements, Utility Improvements and Related Facilities Under Section 66.0703 Wisconsin Statutes
 - 10.2 Comfort **Resolution 22-10-34** Declaring Official Intent to Reimburse Expenditures

Ms. Wagner noted this was another road project. She said it was talked about five years ago as part of a flood mitigation project. She said the roads are in a condition where the project cannot be delayed and will be done in 2023. Ms. Wagner stated there is a consultant doing a review of a flood project that Mr. Wirtz is working on. She said there are also utility and drainage improvements that will need to be done.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve Resolution 22-10-33 and Resolution 22-10-34. Motion Passed: 5-For, 0-Against

11. Discussion and Possible Action Regarding the **Sherwood Forest Subdivisions** and **Busse Road** Pavement Rehabilitation, Drainage, Municipal Water Main Extension, Municipal Sewer Extension, and Related Facilities
 - 11.1 Preliminary **Resolution 22-10-38** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Sherwood Forest Subdivisions and Busse Road Pavement Rehabilitation, Drainage, Municipal Water Main Extension, Municipal Sewer Extension, and Related Facilities Under Section 66.0703 Wisconsin Statutes
 - 11.2 Comfort **Resolution 22-10-39** Declaring Official Intent to Reimburse Expenditures

Ms. Wagner noted Sherwood Forest has had some emergency overlays to hold off while the City looks for sanitary sewer alternatives. She said they are working on internal designs for the subdivision and how to best serve the area. She said the City would extend municipal water and municipal sewer to the area as part of the road project and any necessary drainage improvements. Ms. Wagner noted there is \$100,000 budgeted in 2023 for design and construction in 2024. She added the areas where the overlay was done are road rated about a 3 but reaching end of life. Otherwise the roads are rated a high 1 to 2. Ms. Wagner said a pazer reading is done every year and then a color-coded map is created. She noted she could share that with Council.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve Resolution 22-10-38 and Resolution 22-10-39. Motion Passed: 5-For, 0-Against

12. Discussion and Possible Action Regarding the **Woodland Village Subdivisions** Pavement Rehabilitation, Drainage, Municipal Water Main Extension, Municipal Sewer Extension, and Related

Facilities

- 12.1 Preliminary **Resolution 22-10-40** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of Woodland Village Subdivisions Pavement Rehabilitation, Drainage, Municipal Water Main Extension, Municipal Sewer Extension, and Related Facilities Under Section 66.0703 Wisconsin Statutes
- 12.2 Comfort **Resolution 22-10-41** Declaring Official Intent to Reimburse Expenditures

Ms. Wagner stated this is located southwest region of the community. She said the municipal sanitary sewer service is located within LPSD service district. She said the City has been working with LPSD to coordinate how it would be served. Ms. Wagner noted this is a road project and will also need drainage improvements done. She said there is money for design in the 2023 budget and noted bringing water to the area is not definite.

Ms. Brown said the roads are terrible and she has waited for over 45 years for them to be repaired. She doesn't want the project delayed due to LPSD being in the middle of an overview of their water system and because the City is so intent on getting water to the area.

Ms. Wagner noted there will be alternatives as to how the City can moved forward with water service.

A motion was made and seconded (Vetterkind, Dziwulski) to approve Resolution 22-10-40 and Resolution 22-10-41. Motion Passed: 5-For, 0-Against.

13. Discussion and Possible Action Regarding the Preliminary **Resolution 22-10-35** Declaring Intent to Exercise Special Assessment Powers Authorizing the Construction of **Meadowbrook Farms Phase 3** Subdivision Road Rehabilitation and Related Improvements under Section 66.0703 Wisconsin Statutes

Ms. Wagner noted Phase 3 will be constructed in 2023. She said the speed humps that were installed may be a challenge to reinstall or cut around. Ms. Wagner expects requests for more speed humps. She said Lieutenant Moonen did a speed study and the traffic count has tripled since the apartments went in. Ms. Wagner noted this project was borrowed for so there is only a preliminary resolution for this project.

A motion was made and seconded (P. Vetterkind, R. Reinbold) to approve Resolution 22-10-35. Motion Passed: 5-For, 0-Against.

14. Discussion Regarding Strategic Priorities from the 2019-2024 Strategic Plan; Specifically, the Following Goals:
 - 14.1 Fully Develop and Implement Engagement Activities with the Common Council.
 - 14.2 Proactively Engage, Inform and Build Relationships with City Residents and Businesses.

Mr. Klein stated this came up when the strategic plan upgrade was done in 2019. He said people desired more interaction with the Council and to do more with the public. He noted what is being proposed is a 1/2-time position. Mr. Klein asked how much interest there is, what is being heard from citizens and if there was anything more needed from staff to engage with Council.

Mr. Dziwulski stated staff has been very responsive. He doesn't want to add something that doesn't make a lot of sense. He noted there is a way for people to learn things, but they don't want to.

Ms. Brown said she has never felt stifled by staff, always gets a phone call back and feels comfortable reaching out. She said when engaging relationships with residents she feels they come out of the blue. She lets them know that everything is online, and it is not Council's job to keep them informed that things are happening. She said the only thing she would like to change is the assessment policy. Ms. Wagner noted there is a minimum ten-day notice. Ms. Tarczewski noted major projects are included in the tax letter and Ms. Wagner stated Water and Sewer sends out a newsletter twice a year.

Mr. Clark stated he has residents who have limited internet access or are unfamiliar with internet usage and have inquired about resuming printed notices and meeting minutes. Ms. Tarczewski noted that minutes are in the newspaper.

Mr. Dziwulski feels things have been done as part of the Strategic Plan. Ms. Brown also felt things have been done and feels Council is engaging the public. She would agree to add those things to the Strategic Plan.

15. Notification that the 2023 Budget Public Hearing will be held on Monday, November 7, 2022

Mr. Klein stated the public hearing for the 2023 budget will be held on Monday, November 7, 2022.

16. Public Comment - None.

17. 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)(c): Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility specifically related to employee compensation for 2023.

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 (C. Brown, R. Reinbold) to go into closed session at 8:07 p.m. Motion Passed Via Roll Call Vote: 5-For, 0-Against.

18. Adjournment

A motion was made and seconded (B. Dziwulski, I. Clark) to adjourn the meeting from closed session at 8:37 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer