

**In attendance:**

Mayor Steve Bierce, Aldermen B. Bergman, C. Brown, B. Dziwulski, R. Grosch, J. Kara, and J. Wamser.

**Also in Attendance:**

Attorney S. Riffle, Administrator S. Klein, DPW Director/Engineer J. Weigel, Assistant Engineer M. Wagner, Civil Engineer R. Wirtz, 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 7:00 p.m.

2. Public Comment - None.

3. Consent Agenda

- 3.1. Approval of the Common Council Meeting Minutes Dated August 19, 2019
- 3.2. Approval of the Common Council Meeting Minutes Dated September 16, 2019
- 3.3. Approval of Accounts Payable Listings
- 3.4. Approval of Bartender License

Mr. Dziwulski asked that Item #3.2 be removed from the consent agenda. Mr. Kara stated he didn't attend that meeting and was going to abstain from those minutes.

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

**A motion was made and seconded, (C. Brown, J. Wamser) to approve the meeting minutes dated September 16, 2019.**

Motion Passed: 4-For, 0-Against, 2-Abstain (J. Kara, B. Dziwulski)

4. Emerald Acres Storm Water Project Public Information Meeting

It was noted that there was no one in the audience attending the meeting for this item. Mr. Weigel stated the Emerald Acres flood mitigation plan covers approximately 263 acres. He said there is a culvert from 1902 that the Railroad wants the City to take over. After doing some analysis, it needs to be replaced with three large pipes. He stated the Railroad will probably fill and shut down the current pipe because it is a structural risk.

Mr. Weigel stated the original study was done in 2012. It determined that crossing the Gustave Larson property would make the most sense, but they were opposed to that. He said alternate routes were studied. It was determined the best option would be putting three large pipes under the railroad tracks, around the property and connecting to a larger pipe that would carry the water downstream. Gustave Larson has given the City permission to go ahead with this plan. Mr. Weigel estimated it would be a \$2.4 million project. He stated the project has gone out for bids and the bid opening is next week.

The railroad is requiring the City to hire their flag men to monitor the tracks so that they do not have to be closed.

There was no action taken on this item.

5. Discussion and Possible Action to Authorize City Engineering Staff to Apply for State of Wisconsin Local Road Improvement Grants (LRIP) for the Municipal Street Improvement (MSI) Program and the Multimodal Local Supplement (MSL) Program

Mr. Weigel stated there is a resolution requiring the Council to give approval prior to applying for grants. He said there are two grants available. The first is the LRIP grant which is offered every other year. He said we'd be going up against 19 other communities. He stated he would like to use the funds for the Busse Road bridge replacement project. He said if awarded, it could be up to 90% of the project cost. Mr. Weigel stated the deadline is October 31<sup>st</sup>.

The second is the MSL grant and he would like to use it for a bike trail project which would consist of paving the shoulders of Duplainville Road between Green Road and Lindsay Road. He anticipates receiving \$25,000 if the grant is approved, but said there are no guarantees. Mr. Weigel stated the deadline is December 6<sup>th</sup>.

**A motion was made and seconded, (R. Grosch, B. Dziwulski) to authorize City Engineering staff to submit grant requests for LRIP and MSL as presented.** Motion Passed: 6-For, 0-Against.

6. Authorize City Engineering Staff to Submit Notices of Intent (NOI) for Potential Loans from the State Loan Programs for Safe Drinking Water Loan Program for the Well 5 Radium Mitigation Project and for the Clean Water Fund Program for our Portion of the Brookfield Treatment Plant Phosphorus Removals, Both Planned for 2020

Mr. Weigel stated the City of Brookfield anticipates installing phosphorus filters in 2020 at the cost of \$8 million. He said the City is responsible for approximately 20% of the costs. Mr. Weigel reported the City of Brookfield will be seeking a State Clean Water Fund (CWFP) loan and suggested the other participating communities could apply independently for their portion of the project. Mr. Weigel also stated that the Water Utilities Well #5 radium filtration project may also be eligible for the Safe Drinking Water Fund loans.

Mr. Weigel stated his research shows a possible interest rate of only 1.76%. He said if we were interested we would have to file a notice of intent to apply by the end of the month. He stated Ruekert and Mielke could assist in the application process for roughly \$500 each. He said they have to name a responsible agent of the Council and recommended that it be the Director of Public Works. He said in January the State will acknowledge requests and rank them.

**A motion was made and seconded, (B. Bergman, J. Kara) authorizing the Engineering staff to hire Ruekert and Mielke to prepare the notification of intent for \$500 each and to authorize the Director Public Works to execute the documents.** Motion Passed: 6-For, 0-Against.

7. **PUBLIC HEARING**, Discussion and Possible Action Regarding a Conditional Use Permit for the Physical Therapy and Balance Center Located at W229 N1416 Westwood Drive (PWC 0959-988-008) for the Purpose of Operating an Outpatient Physical Therapy Clinic

Mr. Fuchs stated physical therapy is not listed as a permitted use in the B-5 District. The applicant is requesting a Conditional Use permit. He said there are no exterior or site changes other than signage. Mr. Fuchs said staff sees no adverse impact to adjacent properties or other tenants within the building and recommended approval with no conditions. The Mayor opened the public hearing. Attorney Riffle stated staff should provide evidence as to why this is in the best interest. Matt Gibbons, the owner

of Fyzical Therapy and Balance, was present for this item. He said balance in itself is under served. He said it fits well with the other family friendly businesses in the area. Mr. Fuchs stated the Plan Commission recommended approval. Mayor Bierce closed the public hearing.

**A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the conditional use permit for Fyzical Therapy and Balance Center for the purpose of operating an outpatient physical therapy clinic.** Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action to Withdraw the Special Assessment in the Amount of \$2,069.19 for the Cromwell Hills Cemetery Located on Swan Road (PWC 0873-989) Which has been Abandoned and is Believed to have been put in the Care of the City of Pewaukee

Mr. Klein stated there are different records that exist that claim different people own the property. He said since there is this uncertainty and it would cost more to determine who owns it, it might make more sense to remove the assessment from the rolls. Mr. Weigel stated the City Assessor's office received a letter back in March of 2001 from the Historical Society stating that the land was abandoned. He said the family has the right to reclaim it at any time. Attorney Riffle stated we include City owned properties in the assessment roll but never issue bills, except for the utilities and parks. Ms. Wagner stated the County has George Evert as partial owner of the property, but he is claiming he is not the owner. Attorney Riffle stated the issue is whether or not a special benefit conferred upon the cemetery by a road improvement. Mr. Evert stated all the graves were removed according to the Waukesha Historical Society. He said the limestone headstones disintegrated and there is nothing there anymore. Ms. Tarczewski stated that doesn't mean the bodies were relocated.

**A motion was made and seconded (J. Kara, R. Grosch) to remove George Evert from the special assessment related to this property.** Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action to Authorize the Expenditure of \$5,460 from the Capital Equipment Fund to Purchase an Additional DS200 Voting Machine

Ms. Tarczewski stated she did not budget enough money in her 2019 budget for this new equipment. She reminded the Council that there were several capital equipment items that were recently uncommitted and therefore funds were available.

**A motion was made and seconded (J. Wamser, B. Dziwulski) to authorize the Clerk to use \$5,460 from the Capital Equipment Fund to purchase an additional voting machine.**

Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding the Appointments to Various Boards, Commissions and Committees

Mayor Bierce had no new appointments at this time.

11. Public Comment – None.

12. Adjournment

**A motion was made and seconded, (J. Kara, R. Grosch) to adjourn the meeting at 7:48 p.m.**

Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski  
Clerk/Treasurer