

In Attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner Utility Manager J. Mueller, City Planner & Community Development Director N. Fuchs and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 6:30 p.m. and requested everyone stand for the Pledge of Allegiance.

2. Public Comment

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

3. Swear In Phil Vetterkind - Alderman District #1

Attorney Riffle swore in Alderman Phil Vetterkind.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Discussion took place regarding mobilization costs.

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

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

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

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

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

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

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

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

Discussion took place regarding length and duration of stay.

16. Public Comment

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

17. Adjournment

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

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer