

In Attendance:

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

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 asked everyone to stand for the Pledge of Allegiance.

2. **Public Comment**

Richard Carr (W268 N2433 Meadowbrook Road) stated he previously filed an ethics complaint and the Ethics Board found nothing in his complaint that complied with the City's Ethics Code. He said the Board was advised in an email, "that murder, while certainly a crime, is not prohibited in the code of conduct under the City's Ethics Code". He said that the Ethics Code does not regulate lack of professionalism of a public official, nor does the Ethics Code regulate perjury, lack of professionalism in communicating with the public or generally acting in an unprofessional manner. He said he disagrees and that is why he filed a revised ethics complaint this afternoon explaining why perjury is a violation of the State's misconduct code 946.12(1) - (4). He handed out copies to the Common Council and suggested the Common Council might want to think about changing the Ethics Code. Mr. Carr stated Mr. Riffle is advising the Ethics Board. He said the Ethics Board is supposed to be impartial. He said Mr. Riffle is not impartial since he represents the City in the upcoming lawsuit related to his abusive process claim. Mr. Carr stated if Mr. Riffle is representing the City in the upcoming lawsuit, he can't be impartial in advising the Ethics Board.

Michael Lanois (N29 W27394 Peninsula Drive) stated he just received his special assessment notice for the 2021 water and street project. He said each household received a bill in the amount of \$17,200.03. He was adamant that a new street was not necessary and that it only needed to be capped. Mr. Lanois stated the City wanted to put in water, but nobody on Peninsula Drive wanted it. He said the City wanted to put in fire hydrants. He said for the last hundreds of years the Fire Department used to siphon water out of the lake, but evidently technology is no longer capable of doing that. He said his complaint was how this project was run through and jammed down their throats. He said he took a survey of his neighbors and only three people wanted the water and four people did not express an opinion one way or the other. The balance was against the water. He said the street only had three minor cracks in it. He said he assumed the billing was based on the footage of pipe, but in speaking to the Engineer, it was per house. He added that he spoke with his Alderman and was advised that when the Council voted, the Alderman for the district voted against the project and the other four Aldermen voted in favor of the project. He said the expense should be distributed equally by the foot not by the house. He added that he appreciates the efforts of Colleen and Ian.

3. **Consent Agenda**

3.1 **Approval of Accounts Payable Listing Dated September 18, 2023**

3.2 Approval of the Common Council Meeting Minutes Dated August 7, 2023

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

4. Discussion and Possible Action Regarding **Resolution 23-09-15** for Inclusion Under the Wisconsin Public Employer's Group Health Insurance Program

Ms. Woldanski stated the resolution is a necessary requirement for the State to accept us into the insurance program.

A motion was made and seconded (R. Reinbold, B. Dziwulski) to approve Resolution 23-09-15 for the inclusion under the Wisconsin Public Employer's Group Health Insurance Program.

Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action Regarding a **Resolution 23-09-16** Accepting a Land and Water Conservation Fund (LWCF) Grant for the All-Inclusive Playground Project at the Pewaukee Sports Complex in the amount of \$488,913

Mr. Phalin stated conversation around an all-inclusive playground started in the spring of 2021 and it was also brought to the Common Council at that time. He said in the fall of 2021, they received their first large donation from Rick Fury, who also received naming rights opportunities. Mr. Phalin said the City has had other successes through fundraisers and naming rights opportunities with local businesses. He added that Abby Lorenz, a friend of the community, has donated her time towards the project to find other local businesses potentially interested in donating. Mr. Phalin stated the City applied for a grant in 2022 and received no awards. The City reapplied in 2023 and was awarded a grant in the amount of \$488,913. Mr. Phalin noted the new total of funds is roughly \$1.1 million.

Mr. Fuchs stated the project is a little over halfway to the total project cost. He noted there is a list of projects in consideration for use of the AARPA funds. He added that staff prioritized the projects with the first priority being the solar initiative, and the second priority being the splash pad. Mr. Fuchs said once the cost of the solar project is narrowed down, he will come back to Common Council to look at dedicating the remaining funds to the splash pad project. He added that the City has two playgrounds planned at the Sports Complex and will come back to the City for a contribution of \$300,000. Mr. Fuchs requested a resolution to accept the grant.

Abby Lorenz (1224 N. Dousman Road, Oconomowoc) commended Nick Fuchs and Nick Phalin for their hard work on the plans and extended her gratitude to Rick Fury for his initial donation. She said she is committed to helping raise funds for the project and thinks it is wonderful for the community. She was pleased and very excited about the grant and recommended approval. She also thanked the City of Pewaukee for the opportunity to represent the Friends of the Pewaukee Parks.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve Resolution 23-09-16 accepting a grant for the all-inclusive playground. Motion Passed: 5-For, 0-Against.

6. Discussion and Possible Action Regarding a Storm Water Easement for Yench Road Culvert

Ms. Wagner stated the replacement of the culverts and the easement was to accommodate a request by the DNR. She said it will spread the water out into the wetlands. Ms. Wagner stated the land is owned by Lake Pewaukee Sanitary District and this will formalize the easement.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve the storm water easement for the Yench Road culvert project based on a favorable final review by the City Attorney and City Engineer. Motion Passed: 5-For, 0-Against.

7. Discussion and Possible Action to Award the Yench Road Culvert Replacements to the Lowest Qualified Bidder, UPI LLC, in the Amount of \$159,719.50

Ms. Wagner stated three culverts are failing at Yench Road. She said the projects were lumped into one project as one replacement. She said there were six bidders ranging from \$159,719.50 to \$297,965.00. She recommended awarding the project to UPI in the amount of \$159,719.50 and noted that there were adequate funds for this project in the budget.

Mr. Dziwulski asked why the numbers were so low compared to what was budgeted and if the City has worked with UPI in the past. Ms. Wagner stated the project was budgeted high, and the City has worked with UPI before.

A motion was made and seconded (B. Dziwulski, I. Clark) to award the project to UPI, LLC in the amount of \$159,719.50. Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action Establishing the 2024 Garbage and Recycling Collection Rates with Johns Disposal, and Moving Recycling Collection to Weekly

Ms. Wagner noted the City has been with Johns Disposal since 2015 under the current contract. She said the contract includes two price adjustments annually. One is based on the consumer price index and the other is the fuel index. She said there is a cap of no more than 2.65 percent increase on all collection costs. She said that increase results in a cost of \$183 per home, which also includes recycling and City Hall recycling. Ms. Wagner noted two additional recycling dumpsters were added to the City yard this year due to complaints from residents that dumpsters were too full. She said in discussions with residents and Johns Disposal, weekly recycling would be supported. Ms. Wagner noted it was brought to the Public Works Committee and they recommended moving to weekly recycling at a rate of \$210 per home.

Ms. Brown stated she has pushed for weekly recycling and feels it will reduce the need for bins at City Hall. She added it will also help with confusion on which week is a recycling week. Ms. Brown noted she doesn't like the increase and asked if the extra bins at City Hall added additional fees. Ms. Wagner said there is no charge for the City to have the bins.

A brief discussion took place regarding the increase and the up-the-drive service.

A motion was made and seconded (C. Brown, J. Wamser) to set the 2024 garbage and recycling collection rate at \$210 and establish weekly recycling, as well as sending out a standard letter to current "hardship" collections to require annual renewal. Motion Passed: 5-For, 0-Against.

9. Discussion and Possible Action to Awarding the Wagner Park Pond Retrofits to the Lowest Qualified Bidder, All Ways Contractors, Inc., in the Amount of \$164,767.00

Ms. Wagner stated the project was identified by the NR216 audit from the DNR. She said when the DNR came in they went to different areas in the community and identified long standing maintenance issues that needed to be addressed, including trees and brush growing along the edge of the ponds, storm sewer sections that have fallen off, and muskrats' erosion issues. Ms. Wagner stated the City received four bids and recommended approval of the bid to All Ways Contractors in the amount of \$164,767.

Mr. Reinbold asked if the price included the pond being dredged. Ms. Wagner stated an analysis was done and it was determined that dredging was not needed, but the edges will be cleaned up.

A motion was made and seconded (R. Reinbold, B. Dziwulski) to award the Wagner Park pond retrofits to the lowest qualified bidder, All Ways Contractors, Inc., in the amount of \$164,767.00 Motion Passed: 5-For, 0-Against.

10. Public Comment - None.

11. 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)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically related to the Joint Library Contract with the Village of Pewaukee.

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 (J. Wamser, B. Dziwulski) to go into closed session at 7:10 p.m. Motion Passed: 5-For, 0-Against by roll call vote.

A motion was made and seconded (R. Reinbold, I. Clark) to go back into open session at 7:52 p.m. Motion Passed: 5-For, 0-Against.

12. Adjournment

A motion was made and seconded (B. Dziwulski, I. Clark) to adjourn the meeting at 7:52 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasur