

In attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, Public Works Director M. Wagner, Civil Engineer R. Wirtz,
Director of People and Culture K. Woldanski, City Assessor J. Siebers and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

Mayor Bierce called the meeting to order at 7:01 p.m.

2. Public Comment - None.

3. Consent Agenda

- 3.1. Approval of Accounts Payable Listing Dated January 20, 2019
- 3.2. Approval of Common Council Meeting Minutes Dated December 2, 2019
- 3.3. Approval of Common Council Meeting Minutes Dated December 16, 2019
- 3.4. Approval of Bartender Licenses

Mayor Bierce removed Item #3.2 because the minutes were not completed.

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

4. **PUBLIC HEARING** Regarding the Class B Liquor and Beer License Request of KNK Pewaukee, LLC Doing Business as Andrea's Red Rooster Located at N14 W22032 Watertown Road (PWC 0960-998-003) and Naming Natasha Koput as Agent

Ms. Tarczewski stated Dennis Barton is selling the business and she sees no issues with issuing the license to the applicants. Mayor Bierce opened the public hearing and no one indicated an interest in speaking so the public hearing was immediately closed.

Mr. Bergman commented on the amount of signs in front of the bar and stated they are not compliant with the City's sign ordinance. He said he'd like it to be a condition of the liquor license approval that their signs meet our ordinance and the excess signs should be removed. Attorney Riffle stated property compliance is a different issue.

Corry Koput was present and stated they would comply with the sign ordinance and have the extra signs removed. Mr. Klein stated everything but the main sign has to be removed. Mr. Koput said that wouldn't be an issue. He told the Council they will be looking into installing a digital board in the future.

A motion was made and seconded (B. Bergman, B. Dziwulski) to approve the liquor license of KNK Pewaukee, LLC conditioned upon the owners meeting the requirements of the sign ordinance or directing staff to apply the sign ordinance depending on what they find on site.

Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action regarding Bridlewood Apartments
 - 5.1 Approve and Accept the Dedication of Easements for the Municipal Sanitary Sewer and Municipal Water Main Installed as Part of the Green Road Townhomes Phase 1 Development By Continental XIV Fund Limited Partnership.
 - 5.2 Approve **Resolution 20-01-01** Accepting the Public Improvements of the Green Road Townhomes Phase 1 Development.

Ms. Wagner stated the Bridlewood Apartments were sold. While doing their due diligence, it was determined that the City of Pewaukee never accepted the improvements as part of the developer's agreement from the 1990's. She said passing the resolution will accept the public improvements and concludes the developer's agreement. She said it was also determined that when the original certified survey map was recorded it did not include the easements for public utilities that run through the property. She said the water main does not run in a straight line; it has multiple angles throughout the property and the sewer easement is in the back of the property. She said the City attorney reviewed the language and a few tweaks were made this morning. It was noted that the legal descriptions were not correct and need to be revised. Ms. Wagner stated the owners have not responded to the changes yet.

A motion was made and seconded (J. Wamser, B. Dziwulski) to follow staffs' recommendations, contingent upon the Attorney's final review of documents and any comments made by the owners. Motion Passed: 5-For, 0-Against.

6. Discussion and Possible Action Regarding the Agreement Assigning Rights and Liabilities for the Completion of the Woodleaf Reserve Addition #2 Subdivision

Ms. Wagner stated Homes by Towne is selling the Woodleaf Reserve subdivision to two approved developers who are within the subdivision. It was noted they started their own partnership. She said this agreement will assign all the original developer's agreements to the new developers as well as the cash deposit and liabilities for the final improvements in phase III. She said it is currently within the one year warranty period. Ms. Wagner stated there is also a cash deposit for the construction of ponds for a future construction phase. Ms. Wagner stated additional language pertaining to the storm water maintenance agreement may be needed to assign the agreement to the new developers.

It was noted that the new entity will be called Woodleaf Investments LLC and would consist of Kaerek Builders and Komdoerfer Builders.

Mr. Bergman asked about the lift station and whether or not there were still outstanding credits on it. Ms. Wagner stated Town Homes built the Overhill lift station and it expired in September of last year, so that portion of the 10-10 agreement has been closed.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the agreement contingent upon the City Attorney's final approval. Motion Passed: 5-For, 0-Against.

7. Discussion and Possible Action for Sharing the Municipal Sanitary Sewer Extension Cost with Westridge Builders for the Swan View Farms Development

Ms. Wagner stated Broken Hill subdivision basically surrounds the Swan View Farms development. She said there were issues in determining the best option for serving the new subdivision with sanitary sewer service. She said it was thought a portion could be served by the Overhill lift station and another

part of the subdivision could be served by the Broken Hill lift station. Ms. Wagner stated there is another area of the subdivision that is posing some issues related to topography and bedrock. She said they hired Ruekert and Mielke to do a study to determine the best way to service the area and they proposed two or three additional lift stations. Ms. Wagner stated the City is not in favor of this suggestion due to the amount of money it takes to maintain them. Staff reviewed the option further and felt one additional lift station would be the answer. She said another potential option would be to put in another wet well at Broken Hill with innovated hydraulics that would split the flow. She said the issue is the developer wants to get started right away and is not willing to wait. They want to have homes ready to sell by the end of the year. She said this was not enough time for the City to build a lift station.

Ms. Wagner stated they have talked to the developer and will allow them to build a temporary lift station that would serve approximately 85 homes they want to build. She said the temporary lift station could serve up to 200 homes. She stated there were other properties near that area that are also looking to develop.

Ms. Wagner stated the developer came to the City and said having the sanitary sewer go deeper into the bedrock would benefit the City and asked if the City was willing to cost share. She was told by the developer the cost estimate is an additional \$475,000 to go ten feet deeper. Ms. Wagner stated she questioned the numbers.

Mayor Bierce asked who would be paying for the permanent lift station. Ms. Wagner stated only the undeveloped parcels would eventually hook up to it and they would be paying for it through assessments. She said operation and maintenance rates would also pay for a portion of the lift station, but would have to be approved by the Public Service Commission (PSC).

Mr. Bergman asked for clarification on the following. He said what he heard was that the developer has submitted plans and the City approved his temporary lift station, which will serve this development by pumping to the Broken Hill lift station. He said the City is then looking at a regional plan to serve sewer in this region so we are asking the developer to lower the sewer by ten feet so we can put a future lift station in the Swan View Farms subdivision. Ms. Wagner stated that was correct.

Mr. Kara asked what the annual maintenance cost is for a lift station. Ms. Wagner talked about current issues with some of the pumps but did not give a dollar amount. Mr. Grosch asked what the estimated cost of the pumping station and interceptor was. She stated the cost of construction is approximately \$1 - \$1.5 million for the station itself. When adding the lines it could be a total of \$2 - \$2.5 million. She said in this case there will be wetland and environmental issues that will require working with the Department of Natural Resources (DNR). She said this sewer will also need final connection to the Victoria Station lift station, which will result in construction costs downstream for force mains and gravity.

Mr. Kara estimated the assessment amount in that area would be \$7,900 per property based on approximately 60 parcels. Mr. Klein stated that was no higher than in any other areas. He added there would be costs for the development of the lot and the sewer that goes into it.

A motion was made and seconded (B. Bergman, J. Wamser) to agree to cost share the additional depth of the sanitary sewer for the Swan View Farms development contingent upon staff review of the final construction bids and the agreement of terms to be drafted by the City

Attorney for execution by the developer and the City and the costs to be recovered by a special assessment of the benefited areas. Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action to Delay Construction and Re-Allocate 2020 Road Funds from Roundy's Industrial Park Phase 2 to Northview Road and Ishwane Court Sealing Projects

Ms. Wagner suggested delaying construction of Roundy's Industrial Park Phase 2 that consists of Roundy's Circle, Roundy's Drive and Paul Road, due to a water main relay project taking place in Paul Road. She said by delaying this project, the water main expenses could become part of the 2021 Public Service Commission (PSC) rate case as well as the Safe Drinking Water Loan rate case for the well treatment system on Northmound. She said this will eliminate the need to spend \$1 million of road construction funds this year.

Ms. Wagner stated she had other ideas on how to utilize the money to prolong the pavement of other roads. She suggested using sealants on Northview Road and Ishwane Court. She estimated the cost to be \$55,000 to \$75,000 and asked the Council to reallocate the funds.

A motion was made and seconded (B. Dziwulski, R. Grosch) to concur with staff recommendations and delay the Roundy's Industrial Park Phase 2 paving project to 2021 and reallocate \$75,000 of those funds for sealing projects on Northmound Road and Ishwane Court. Motion Passed: 5-For, 0-Against.

9. Discussion Regarding **Ordinance 20-01** (*First Reading*) Repealing Section 1.01(1)(d) Spending Cap and Referendum Requirements for Building and Public Works Projects

Mr. Klein stated this came to light while working on the facilities plan for the highway shop. He said the original ordinance in 2006 was created for political reasons after the recall election to placate the citizens' fears regarding government spending. He said other communities do not have ordinances like this. He asked Common Council to repeal it.

Mr. Klein said the cap amounts were never revised over the years and are outdated. Ms. Wagner concurred and said the ordinance has road projects capped at \$2 million dollars and construction costs have escalated over the years. She voiced her concerns regarding larger projects.

It was stated that Attorney Riffle would prepare the formal ordinance for the next meeting.

10. Discussion and Possible Action Regarding **Resolution 20-01-02** Rescinding Person Property Taxes Pursuant to Section 74.33(1)(d) for State Farm Mutual Auto Insurance Company (PWC S519) in the Amount of \$3.01

Ms. Tarczewski stated this business is no longer in the City of Pewaukee and shouldn't have received a personal property tax bill.

A motion was made and seconded (B. Bergman, R. Grosch) to approve Resolution 20-01-02 rescinding the personal property taxes for State Farm Mutual Auto Insurance Company in the amount of \$3.01. 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)(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 the City Assessor.

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. Kara, B. Dziwulski) to go into closed session at 8:29 p.m. Motion Passed via roll call vote: 5-For, 0-Against.

13. Adjournment

A motion was made and seconded (B. Dziwulski, B. Bergman) to adjourn the meeting at 9:01 p.m. from closed session. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer