

In Attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, 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) spoke about his ongoing lawsuit. He stated he filed a sanctions motion and after being told nothing was worthy of sanctions, the assessor withdrew his two-acre-per-cow rule, and they are giving him his full acreage of pasture. The only remaining issue is the undeveloped wooded area. He said he submitted for a summary of judgement and the judge denied it. The judge felt a fact finder needed to determine the facts and the credibility of the Assessor. He noted he has spent over \$22,000 so far. He said he filed a new witness list and will need to depose the City's Assessor, Administrator, Planner, Clerk, and Mayor to find out what the truth is.

3. Consent Agenda

- 3.1. Approval of the Common Council Meeting Minutes Dated June 20, 2022
- 3.2. Approval of Accounts Payable Listing Dated August 15, 2022
- 3.3. Release the Cardinal Meadow Early Grading Financial Guarantee in the Amount of \$100,000.00.

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the consent agenda. Motion Passed: 6-For, 0-Against.

4. Updated Financial Management Plan Presentation by Ehlers

Jonathan Schatz was present for this item and passed out a copy of the revised Financial Feasibility Plan. He noted he received favorable news that the City received a rating of Aa-1 from Moody's. Mr. Schatz noted the exhibits in the packet are based on estimated 2022 equalized values and the certified equalized will be available later this week. He reviewed the City's weaknesses and strengths and noted the report is very conservative. Mr. Schatz said the City's current debt drops off almost entirely within 10 years, not including the new issues in 2022. He discussed the tax impact for the debt analysis. He said the geo capacity analysis is currently at 9 percent usage and will be up to 29 percent after borrowings. Mr. Schatz stated he included comparisons of other communities of similar size showing fund balance per capita and Pewaukee is 2nd place. He said debt usage is low for the City and fund balance is high. Mr. Schatz said the levy limit projection was flagged last year as a concerning trend although this year looks better than last year. He noted levy limits continue to be a concern but will keep an eye on them.

Common Council had no questions.

5. Discussion and Possible Action Related to the Proposed Lindsay Road/Redford Boulevard (CTH F) Intersection Improvements

Mr. Fuchs stated the City received a petition with hundreds of signatures asking that the intersection improvements be reconsidered. He noted the County is underway with their planning and design of the R-cut.

Mr. Klein stated he reached out to the County Executive, and he would meet with the DPW Director. Mr. Klein noted he has not received any callbacks and that the County Executive is aware of our concerns.

Ms. Brown asked if there was a cost estimate to go from R-cut to signals. Ms. Wagner stated she does not have an estimate, although when the County discussed it before, they mentioned \$1 million to \$1.5 million to install. She said the City would be responsible for all maintenance costs. Ms. Wagner noted the traffic study did not warrant lights or meet the requirements for lights at this intersection and the County is going to rely on that study.

Ms. Brown noted this has been an issue for several years and noted the R-cut is 10 percent City funding with an estimate of \$132,000 with the grant and wanted to see where the City was at if we put lights in.

Mr. Vetterkind asked what the current schedule is and when it would take place. Ms. Wagner said the County has 90 percent plans designed and scheduled for bid in November with construction in 2023. Mr. Vetterkind also asked when the last study was done. Ms. Wagner noted it was completed in 2019 and finalized in 2020. She said there was projection for future growth in the area that the City asked them to include when the study was done.

Brandon Bergman (W279N2903 Rocky Point Road) with 2000 Development Corp said he is working on the development on the northeast corner of the intersection. He said he would like to work with the City of Pewaukee and the County to get a traffic control signal. Mr. Bergman noted the R-cut will greatly hamper and negatively affect the existing and proposed businesses in the immediate area. He said businesses will choose other buildings and sites, specifically Sussex Industrial Park. Mr. Bergman said not one person he spoke with was in favor of this R-cut. He stated safety is one of the biggest concerns with the R-cut. He asked the City of Pewaukee to inform Waukesha County that they no longer agree to support the R-cut at this intersection and would be willing to work together with the County and developers to construct a controlled traffic signal at the intersection.

Jeff Mierow said his family sold the park land to the City of Pewaukee and noted the thought of kids crossing the road is scary and he would like estimates on signals. He added that he spoke with a County Supervisor and was told safety never came up and would now vote against this.

Sue Booth (N44W22768 Bridge Street) shared a picture of her grandma that died in a passenger car while trying to cross Highway F at Lisbon Road before it became a controlled intersection. She said with Duplainville Road under construction the entire subdivision has been forced to use the intersection as an only option. She added during peak hours she has almost been hit every time while trying to make a u turn at Lisbon. Ms. Booth said the amount of time it takes to get to Waukesha Memorial can make a difference between life and death. She stated it takes several signal lights to get through the intersection onto Highway F due to all the paving companies, commercial vehicles, and semi-trucks from Quad graphics. She would like to see a controlled intersection and feels the value of

human life is far greater than any cost the City would have to put into this. Ms. Booth noted if the City does not do a controlled intersection, they should leave it as is. She said the biggest problem is during business hours and to put value on the cost versus the inconvenience and safety is wrong. She wants to see action.

Reece Robinson (N41W22812 Sunder Creek Drive) said he read thru the study done in 2020. He said one of the warrants said if the volume on Lindsay Road increased by 15 percent it would meet a warrant. He said the study was done during the pandemic and travel was very different. He noted there is new work in Woodleaf Reserve and that will increase traffic. He said we need to think to the future and put the pressure on the County.

Gordy Stickles (N43W22793 Victoria Street) stated his adult son, and his friends are bikers who like to travel from east of Redford crossing that intersection. He said they are adults and are afraid of that intersection.

Al Wickland (N42W22792 Beacon Court) said he avoids that area during rush hour.

Caitlin LaJoie said she works for a commercial developer that is looking at that area and feels a lighted intersection will help control truck traffic and pedestrian safety.

Angela Johnson (N43W22674 Bridge Street) is disappointed that the study is 90 percent completed and she is just able to speak about it now. She recommended the intersection be restudied and evaluated for the need for traffic signals. She noted there are only four R-cuts within the State of Wisconsin, and they are in rural areas and noted this is not a rural area.

Curt Spitzner (N42W22752 London Court) stated he is also disappointed. He said construction is sending more traffic to that intersection. He reached out to the County and received information that this intersection has one of the highest intersection crash rates along Waukesha County highways. His concern is the increased traffic. He asked if there is any opportunity to relieve traffic by letting people out of Sunder Creek or Victoria Station to get northbound. His other concern was what has happened since the study was concluded in 2020 and what the projects are for future traffic.

Mayor Bierce stated the Engineer is working on a way to funnel the traffic in other ways. He said people are using the road as if it is still a paved road and there is concern for the workers. Ms. Wagner noted the project will not be completed until the end of November. The bridge will be closed and out for two months after Labor Day. She said there will be no south bound traffic, so everyone will have to go north. Ms. Wagner said they are trying to open as much of the roadway as possible and while also trying to keep workers safe. Ms. Wagner stated the area is looking to be developed as industrial with over 200 lots projected on Lindsay Road and the Swan Road corridor. A full build out of Woodleaf Reserve is also projected and the potential for 20 lots on the east side of the railroad tracks. She said all of this was included in the study.

Joe Dittmer (N42W22832 Beacon Court) stated there is 2.8 miles of County Road F with a 55-mph speed limit. He said that is a rural speed limit, and a R-cut is a rural option. He would like to see the County lower the speed limit for a half mile at the north end up to Lindsay Road to 45 mph. And then install a regular signal with a pedestrian walkway. He feels it will help the City connect our residential areas with our parks.

Bill Lutzen (W226N4033 Country Lane) asked if anything was taken into consideration regarding the splash pad. He said the City will be surprised how large the population will be that will come. Ms. Wagner noted the City did consider future development for a splash pad and playground.

Kerri McCarthy (N39W22886 Brookside Court) stated 45 minutes have been added to the bus drive both to and from school. She said they are a baseball family and not once have they been able to use the park. She said she hears sirens at least once a day stopping at the intersection. She said for her it isn't the traffic, it's the deaths and the speed.

Gwenn Robinson (N41W22812) asked if we are required to follow the County if the City was willing to pick up the bill. Ms. Wagner stated it is a County intersection and they don't feel it warrants lights.

Attorney Riffle stated they should direct this to their County Supervisor.

Michael Ruka (W222N4798 Seven Oaks Drive) asked if the Glen at Wanaki subdivision was considered in the traffic study.

Dan Teske (W244N4512 Swan Road) stated there is a R-cut in Wisconsin Rapids in the rural area. He said this has been on the agenda three or four times and it's the County who doesn't want to do this. He asked how much it would cost the City of Pewaukee and taxpayers to drop this. Mayor Bierce stated we are not aware of how much the County has in. Ms. Wagner added the City would have to pay 100 percent of the design hours.

Rick Carr (W268N2433 Meadowbrook Road) agrees with the points that have been made, most particularly that there is a soccer park and sixteen-year-olds will be driving and dealing with the R-Cut and estimating speeds. He feels it is offensive to be told that they shouldn't be expressing their opinions and feels the City should tell the County we don't want it.

Peter Duvalé (W226N4085 Country Lane) stated he has safety concerns for his daughter and unless there is a controlled intersection, he will drive somewhere else.

Mr. Mierow stated he appreciates Scott's efforts of trying to work with the County. He asked if the citizens need to bond together and voice their concerns to the County. Mayor Bierce stated there is nothing more powerful than when citizens come in and express their opinions. Attorney Riffle noted that the truth is the City of Pewaukee does not control that road.

Sue Booth asked how we safely funnel people out of the neighborhood without impairing their ability to do the construction. She said if they hadn't closed the north side of Duplainville Road you could still get to Lisbon Road, but you aren't able to get out of the northside or southside of Duplainville Road. If they had left that area untouched until the other end was done, there would have been two ways to get out. She said they could have planned better.

Angela Johnson said she must take Duplainville Road to get to Camp Quad and has safety concerns crossing the intersection. She feels the construction could have been done in sections and she noted the roads are rough and it has done a number to her car.

Kristin Rennard (N43W22785 Victoria Street) said she never had a problem turning left onto Highway F and the fighting among neighbors is ridiculous.

Mayor Bierce stated when it is the safety of your children above yourself it is an emotional subject. He noted the City didn't proactively go after changing the intersection. He said when the decision was made to develop the land it added pressure to that intersection. The situation started when people in the neighborhood came to the City asking to do something because it was unsafe. Mayor Bierce said the City went to the County and they came back with a plan. He said no one loved the R-cut plan but the County said take it or leave it, this is all that was offered to us. He noted what talked the Council into it was the neighbors who said anything would be better than what it is. Mayor Bierce stated we are not the final authority.

Ms. Brown stated she has been here the entire time. She noted this has been on the agenda nine times in the last 2 ½ years. She said residents came 2 ½ years ago expressing the accidents and how unsafe the intersection is. She stated she is very familiar with the road. She noted that when residents came 2 ½ years ago the City acted quickly and got studies done. The County came back and said it did not qualify based off very specific factors. Ms. Brown felt it was better to do something rather than nothing. She said people preferred lights but in the end the R-cut was the option given to make things safer. Ms. Brown noted letters have been sent to the County, but ultimately, she has voted for the R-cut because that was the only option to make things safer.

Mr. Dziwulski stated this item has been discussed nine times and he does not like the insinuation that things were being done behind the residents' backs. He said agendas were posted and it is up to the residents to stay informed.

Mr. Vetterkind stated he would be in favor of taking it back to the County.

Mayor Bierce asked if Common Council would be comfortable with staff reaching out to the County with the message that Common Council is fully behind meeting to talk about changing the situation. And if the County continues to ignore us, staff would be allowed to draft a letter stating the City is no longer supportive of the plan and would not be participating.

Ms. Brown stated there was a signed agreement in June of 2021 stating the City agreed with what was proposed and the City would pay. She asked what Council agrees with and if the letter would include to stop working on the R-cut even if we don't get the lights. Mayor Bierce stated if the letter was sent stating in lieu of the County reaching out the City wanted to stop it if the City would do it under the knowledge that it would cost the taxpayers money.

Mr. Dziwulski asked if the R-cut is safer than having nothing and if the R-cut would be more dangerous. He believes the R-cut is safer. Mayor Bierce stated he has expressed that the R-cut was not safe. Mr. Reinbold stated if the DOT was brought in, they would say statistically they are safer. He added that Bluemound Road is paved with hybrid versions of R-cuts.

Ms. Brown asked if Common Council is saying 100 percent, we want lights, how can we force the County to put them in and in the meantime continue plans for the R-cut.

Mr. Klein stated the better option is to say the people came out, they are opposed to it, and we want a formal discussion to sit back down and reevaluate what the right thing to do is.

Ms. Wagner stated if it is put on hold the HISPA funding may be at risk. Mr. Klein said takeout putting it on hold and say we want to discuss it with the County again because the City has been approached by the residents. He said the meeting was held because a petition was brought forward and his request for a meeting has been ignored, but he felt the weight of the Council needed to be behind it.

Mr. Clark noted letters have been sent before and the County has not listened. He said he understands not getting the money back for future projects, but maybe this is the only way the County will listen. He said it is only going to work halfway unless the City knows we have legitimate citizen support. Mr. Klein stated we do not have control over the County's funding, it will only affect our funding.

Attorney Riffle stated there is a provision that we can stop it, but we would have to pay for everything.

Mr. Klein said he has never been told why they can't use the federal funding from the R-cut and funding from the local community to make up the difference to do signals.

A motion was made and seconded (C. Brown, B. Dziwulski) to send a letter to the County expressing the greatest interest of placing lights at the intersection, requesting a meeting with the County and attaching the petition to the letter. Motion Passed: 6-For, 0-Against.

6. Discussion and Possible Action Regarding Woodleaf Reserve Addition 4A to Approve **Resolution 22-08-25** Accepting Public Improvements

Ms. Wagner stated the resolution will accept the public improvements part of the developer's agreement.

A motion was made and seconded (C. Brown, R. Reinbold) to approve Resolution 22-08-25. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action to Approve **Resolution 22-08-26** to Reallocate Excess Borrowed Funds to the Paul Road, Roundy Drive, and Roundy Circle Project.

Ms. Wagner stated as part of the borrowing last year there were \$594,629.14 funds remaining. She said the funds can be reallocated and recommends putting the funds towards the Paul Road and Roundy's Drive project that was partially completed last year. She said it will finish up this year and it would close out that borrowing. Ms. Brown asked if it was 100 percent reimbursable. Ms. Wagner stated yes.

A motion was made and seconded (C. Brown, I. Clark) to approve Resolution 22-08-26. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action to Select the 2022 Trick-or-Treat Date

A brief discussion took place regarding trick or treat hours.

A motion was made and seconded (J. Wamser, I. Clark) to set the 2022 Trick-or-Treat hours to Saturday October 29th from 4:00 p.m. –7:00 p.m. Motion Passed: after Mayor Bierce broke the tie vote 3-For (Wamser, Clark, Vetterkind), 3-Against (R. Reinbold, B. Dziwulski, C. Brown).

9. Discussion and Possible Action Regarding Appointments to Various Board, Committees and Commissions

Mayor Bierce stated he had no appointments at this time.

10. Public Comment

Mr. Teske thanked the Common Council members for their service.

11. Adjournment

A motion was made and seconded (R. Reinbold, B. Dziwulski) to adjourn the meeting at 8:19 p.m.

Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer