

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 J. Weigel, Fire Chief K. Bierce, Assistant Chief Hoppe, Division Chief Cook, several other Fire Department Officers and staff, Park & Recreation Director N. Phalin (arrived at 9:27 p.m.), Director of People and Culture K. Woldanski (arrived at 9:27 p.m.), City Planner & Community Development Director N. Fuchs, Lieutenant B. Ripplinger, 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

Stephen Krings (N30 W26568 Peterson Drive) stated he reached out to his alderperson and City staff regarding the AirBNB that is operating on Peterson Drive. He said all he hears is “call the police”. He said he feels they have more to deal with than those complaints. He said this has been going on for a year and half. Mr. Klein stated there is a State law that allows for this activity. He said the City can’t be more restrictive.

Colleen Sheehy (N30 W26582 Peterson Drive) stated there are communities all over the country dealing with AirBNBs. She said there are safety issues and this home is being marketed to hold thirteen people. She voiced her concerns over the use of the bonfire pit. She said it was dangerously close to the house and there are density issues with the homes adjacent to it. The municipality should have guidelines to encourage responsible renters.

Tom Cotey (N30 W26576 Peterson Drive) stated the renters are not supervising their children and is cause for great concern. He said he has witnessed public urination which he feels is disrespectful to the people who live in that area.

Jeff Konkel (N30 W26550 Peterson Drive) stated he is concerned about the renters are patterning the other properties.

Mr. Krings stated the property is being rented out more than 80% of the time.

Lieutenant Ripplinger stated if there are issues with the garbage it should go through building inspection, but if there are issues with the bonfire or urination, the Sheriff’s Department should be notified while it is happening.

Attorney Riffle stated there are some guidelines under the State law. He said if it is really being rented out 80% of the year that is a violation of State law. The property owner can only rent it out a total of six months. He said the Sheriff’s Department can issue citations for violations.

3. Consent Agenda
 - 3.1. Approval of the Common Council Meeting Minutes Dated July 15, 2019
 - 3.2. Approval of Accounts Payable Listings
 - 3.3. Approval of Bartender License

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

4. Community Service Commendation Issued by the Pewaukee Fire Department

Chief Bierce state the Pewaukee Fire Department and the Village Police Department worked together to train over 250 teachers at Pewaukee High School related to the "Stop the Bleed" program. He said it is a proactive program designed to assist those that may experience some sort of trauma. Chief Bierce stated the Sheriff Department, Village Police Department and the Fire Department have been very proactive. He mentioned the Tactical Emergency Medical (TEM) training program. Chief Bierce stated they had a fundraiser and raised approximately \$30,000 to purchase the trauma kits for the schools. He also thanked the Common Council for their foresight and support over the years.

Chief Bierce and Assistant Chief Hoppe gave awards to Sergeant Nate Wright, Julie Budenhagen, Brett Markut, Jacob Bolt and Kerry Corrus of the Village Police Department. They also awarded Marvin Hendry, Tim Hetherington, Kevin McCartney and Eugene Sherman from the Pewaukee Fire Department the EMS Exceptional Duty Commendation medal. Lastly they presented Division Chief Cook with the Fire Officer Exceptional Duty Certificate.

5. Presentation Related to the Pewaukee Fire Department Strategic Plan and Accreditation Compliance Report

Chief Bierce stated a copy of the revised strategic plan and accreditation compliance report have been provided to the Council members. He said the strategic plan is based on current and forecasted community trends and needs. He stated the Pewaukee Fire Department is one of 230 fire departments in the nation that is fully accredited. He said the City's ISO rating is two. He said we are one of the top Fire Departments in the nation. He said their focus is the safety of the community.

Ms. Brown suggested possibly looking at a fire advisory committee. Chief Bierce stated he didn't feel that was necessary since there is good communication between the Village and the Fire Department. He said the Village contracts services and the City should control the budget.

6. Presentation of 2018 Audit Report

Mike Rotroff from Rotroff/Jeanson was present for this item. He stated the City is in great financial shape. He said it was another year where the City exceeded its revenue prediction and the expenses were less than budgeted. He said the general fund balance increased by approximately \$1.2 million. He said the fund balance is approximately 43% of a year's worth of revenues. He said the other funds are intended to be spent such as the Storm Water, Debt Service and construction funds. He said staff does a great job.

Mr. Rotroff stated the auditor who typically does the City's audit retired and therefore the firm can no longer do the City's audits. He said their firm has been doing the City's financials since 1978.

7. Presentation of the Police Services Quarterly Report

Lieutenant Ripplinger stated the statistics are status quo from last year. He said the department continues to do community service contacts and business checkups. He stated Badges and Buddies fishing will be ending soon and the sponsor picnic for the community programs is scheduled for August 20th. He said it will be held at the Sports Complex. Lieutenant Ripplinger said the Metro Drug

Unit did a highway interdiction program and remains busy. They will be sponsoring a drug take back program on October 26th here at City Hall. He said they were approved for some grants and it looks good for next year too. Lieutenant Ripplinger reported that Lieutenant Beal is retiring at the end of this year with 30 years of service. The Sheriff's Department will transition Lieutenant Nicholas Olinger in and Lieutenant Beal out around August 18th.

8. Discussion and Possible Action to Install No Parking Signs on the South Side of Northview Road Opposite South Park

Mr. Weigel state he received an email this past June inquiring about having "no parking" signs installed on Northview Road near South Park. He said he spoke with Lieutenant Ripplinger who noticed it on rare occasions. He said Ms. Woldanski had the same opinion. He said they sent letters to the residents in that area to inform them that the City was considering the "no parking" signs inviting them to comment. Mr. Weigel stated he heard from two residents; Mr. Kehoss who objects to the proposal and Robert and Shannon Gillen who support the proposal.

Ms. Brown believes this stems from the beer garden event. She said she doesn't feel that is an appropriate venue for that event. She added that she didn't feel it is necessary to have "no parking" signs posted. Mr. Dziwulski stated he didn't think the signs would be a deterrent.

No action was taken on this item.

9. Discussion and Possible Action Related to the Emerald Acres Flood Mitigation Project

- 9.1 Authorize the execution of the Temporary Construction Easement with Larson Properties Family Limited Partnership
- 9.2 Authorize Scheduling the Common Council Public Information and Comment Meeting on the Proposed Project
- 9.3 Conceptually Approve the Reprograming of \$885,000 of 2019 Storm Water Projects to Fulfill the Estimated Funds Necessary for Awarding a Construction Contract
- 9.4 Authorize Staff to Schedule the Bidding of this Project this Fall

Mr. Weigel stated this project has been ten years in the making, filled with various permitting and easements requirement challenges. He stated he is asking for several actions this evening. First he is looking for authorization for a temporary access easement across the Larson property. Secondly, since the project is more than \$2 million it requires a public information and comment meeting to be scheduled. Thirdly, he is requesting conceptual authorization to reprogram funds in the approximate amount of \$885,000 from the storm water projects account to this project account. He said currently the project budget is \$1.79 million with contingencies. He said the total project cost is estimated at \$2.67 million. Fourthly, authorization to go ahead and bid the project this fall.

A motion was made and seconded, (B. Dziwulski, J. Wamser) to authorize the temporary construction easement with Larson Properties Family Limited Partnership.

Motion Passed: 6-For, 0-Against.

Common Council members also agreed to schedule a public information meeting prior to a regular Common Council meeting starting at 6:00 p.m. None of the Common Council members indicated an issue with reprogramming the needed funds or having staff go out to bid for the project.

10. **PUBLIC HEARING**, Discussion, and Possible Action Regarding **Resolution 19-08-18** and **Ordinance 19-19** to Amend the Comprehensive Master Plan to Change the Year 2050 Land Use/Transportation Plan Use Designation for the Waukesha County Technical College for Property Located at N35 W255 Main Street (PWC 0925-998) From Transportation/Utilities to Government/Institutional

Mr. Fuchs stated there is an existing home on the north end of the WCTC property that they would like to use for an electrical apprentice training, therefore the zoning needs to be updated to accommodate the use. He said the only proposed site improvement is a walkway from the parking lot to the building. Mr. Fuchs stated the Plan Commission recommends approval contingent upon WCTC installing a barrier across the existing driveway.

Mayor Bierce opened the public hearing. No one came forward and he immediately closed the public hearing.

A motion was made and seconded, (J. Kara, B. Dziwulski) to approve the amendment to the comprehensive master plan. Motion Passed: 6-For, 0-Agains.

11. Discussion and Possible Action Regarding **Ordinance 19-18** to Rezone the Property Located at N35 W255 Main Street (PWC 0925-998) From Rs-3 Single-Family Residential to I-1 Urban Institutional for the Purpose of Training Electrical Apprentices in a Residential Building at the Request of the Waukesha County Technical College

A motion was made and seconded, (J. Kara, R. Grosch) to concur with the Plan Commission and rezone the property to I-1 Urban Institutional as long as the conditions are met.

Motion Passed: 6-For, 0-Against.

12. **PUBLIC HEARING** and Discussion and Possible Action Regarding **Resolution 19-08-17** and **Ordinance 19-17** Amendment to the Comprehensive Master Plan to Change the Year 2050 Land Use/Transportation Plan Use Designation for the Robert J. Stenz Family Trust Property Located at the Northwest Corner of Golf Road and Meadowbrook Road (PWC 0940-999-001) From Low - Medium Density Residential and Flood Plains, Lowland and Upland Conservancy, and Other Natural Areas to Medium-Density Residential and Flood Plains, Lowland and Upland Conservancy, and Other Natural Areas

Mr. Fuchs stated Items 12 -14 are related to this development. He commented this project was before Common Council on June 3rd and the request was denied. He said the applicant revised his plan and has reapplied. Mr. Fuchs stated the use is the same and the density was reduced by changing buildings 9 & 10 from four units to two units and increased the green space by shortening the cul-du-sac by ten feet. Mr. Fuchs stated Plan Commission and staff recommended approval. At this time Mayor Bierce opened the public hearings on both items 12 and 14.

Lynn Voss (W273 N1525 Lakefield Drive) stated she was concerned that there are no sidewalks in this area and the kids ride bikes on the road. She said traffic will be increased. She said it is a large development and is concerned over the lack of green space. She said animals will lose their homes. Ms. Voss stated there are water issues in the area. She stated she was confused on how we got here, after action was already taken on this development. She said she doesn't see how that is right.

Gerald Glocka (W273 N1582 Lakefield Drive) asked why the Council was revisiting this request. He said Mr. Klein told him the developer is welcome to raise the issue whenever he wants. Mr. Glocka

asked what recourse the residents have to get a better result. Mr. Glocka stated he objects to this development because it is too dense. He voiced his concerns related to the increased traffic flows, and the decrease in property value and water issues. He asked Common Council to vote 'no'.

David Crawford (N17 W27310 Lakefield Drive) stated he read the June 3rd meeting minutes and had concerns. He said the homes along Lakefield Drive do have water problems and flooding is an issue. He said Dan Scardino said there was a need for condominiums in the mid/high level range. He said he searched this and there are plenty of condos currently on the market. He said a different realtor told him single family development is needed. He said Mr. Bergman stated a single family development would not work. He asked how Mr. Bergman came to that opinion. Mr. Crawford stated Mr. Bergman said, "...it is a tool to get development..." Mr. Crawford stated it seems the City is bending the rules instead of sticking to what is sensible for the community. He projected the assisted living facility would bring in 100 people into the area daily. He said he was in favor of single family development in the area, but just not at this density.

Terry Brooks (W273 N1640 Lakefield Drive) said the focus of this development has been land use, not the quality of life. He said the Plan Commission's recommendation is one dimensional. He asked the Common Council to vote 'no'.

Rita Nell (N16 W27380 Riverland Drive) asked why they are here again since the project was voted against already. She said none of their previous issues have been addressed. She asked Common Council to vote 'no'.

Bret Estes (W275 N1555 Riverland Drive) stated he did research regarding property values comparing multi-family developments against single-family as well as what happens when group homes are developed near residential areas. He said there are approximately 50 research papers from 1970-1990 related to subsidized housing. In 2000 there was a paper written about property values decreasing once a group home is developed. Another study in 2017 indicates an increase of crime within 1,000 feet of assisted living facilities and multi-family housing. He said another research paper in 2019 indicates homes within a 1/2 mile of a nursing home significantly decrease in property value for single family homes. He said only one resident is going to benefit from this development and urged the Common Council to vote 'no'.

Jessica Grandlich (W273 N1542 Riverland Court) stated she continues to have the same concerns as last time. She said this plan is too dense. She asked since when do we care about the profit of one individual over the citizens of Pewaukee. She said there are no sidewalks and will be a safety issue. Ms. Grandlich stated the traffic will increase and there will be more noise and crime. She said she doesn't want random people driving through their subdivision. She said this development will decrease the value of their home. She asked Common Council to vote against this plan.

Kurt Dunbar (W273 N1542 Riverland Court) stated he feared the clear cutting would affect the tree buffer and would ruin the eco system. He said soil will be covered with pavement which would cause increased water concerns for the area. He said this property has been listed for four years and it is overpriced that is why the developer needs to put so much into this area to be profitable. He asked the Common Council to not sacrifice the safety and integrity of the neighborhood and vote 'no' against the rezoning.

Chad Osmanski (W73 N1591 Lakefield Drive) stated there haven't enough changes to the development proposal to change the original vote. He said safety, high density and traffic is a concern. He urged the Common Council to vote 'no'.

Tim Effertz (N16 W27500 Riverland Drive) stated he is concerned with the increase of traffic that this development will bring. He said the new proposal hasn't changed much. He said it is nice to have a relatively safe and quiet neighborhood. Mr. Effertz stated the medical facility will increase traffic and possibly increase crime. He asked the Common Council to vote 'no'.

Susan Glocka (W273 N1582 Lakefield Drive) said she is not against development on that land but she'd like the Council to consider that they were told it would be single family homes. She asked the Common Council to vote 'no' to the multi-family development.

Tony Zanon from Pinnacle Engineering was present with the Developer Jim Forester. Mr. Zanon stated they were back because there were changes made to their plan. He said they went before the Plan Commission five to six times and changes were made at their direction. He said they wanted all Common Council members present to determine the outcome of the development so that they could get everyone's feedback. He further summarized all the changes that were made and how they worked with the Lake Pewaukee Sanitary District for sewer capacity. He said they will follow all DNR and City regulations related to storm water. He addressed the traffic and safety issues. He said two other developers previously considered this site but couldn't make it work.

Dan Scardino from Point Real Estate stated it is always difficult to develop next to an adjacent development. Change is difficult. He said he has worked with the property owner for the past four years. He said they tried to meet with the neighbors to address concerns. He addressed the storm water issues and said it would be released slower. He said the developer has created bigger setbacks than required. He said if single family homes were developed in this area near the freeway they would most likely be lower-end homes. He said the developer is putting in higher end condos. He said he hopes the neighbors realize what the ramifications are either way.

Mr. Glocka asked how a single family homeowner would say they are too close to the freeway but a condo owner would be okay with it. He said a single family owner would take care of their home and the continuity of the neighborhood.

An unknown woman stated she was told the long range plan for that area was single family development. She said she built on good faith.

Gailyn Crivello (W274 N1596 Riverland Drive) stated her house is assessed at \$500,000 and doesn't consider it to be a low income home. She said the access to the freeway has been important to her family. She said people are using the access road to avoid traffic and accidents on the freeway.

Mrs. Glocka stated her neighborhood is in that same area and they had no issues purchasing near the freeway. She said the realtor indicated that the neighborhood doesn't want progress in that area, she said that was unfair. She said they aren't opposed to development but asked the Common Council to keep the continuity of the neighborhood as single family.

Mayor Bierce closed the public hearing at this time. Mr. Grosch asked what the storm water pond capacity is. Mr. Weigel stated they are designed to the 2/10/50/100 years with correlating release rates. He said the flow factors pre-settlement vs development. He said they don't hold it all in, they detain it and release at a slower rate.

Ms. Brown asked if there was any storm water retention planned for the area where the memory facility is proposed. Mr. Weigel stated water would go downhill and it either has to be incorporated in this development as being proposed or taken care of themselves prior to be released. He said it is conceptual at this time. Ms. Brown asked if there would be flood issues. Mr. Weigel stated it is the same design standard and you build to the theoretical storms to contain it, but Mother Nature could send you something heavier. Ms. Brown asked if the proposed berms would cause more flooding issues for the properties already having issues. Mr. Weigel stated berms block flow. Mr. Zanon stated they don't have berms along the west. He said they have moved buildings away from the west property line and will build a swale to divert the water into their storm water ponds. He said the outlot on the far south end does not have its own storm water and it will go down in a swale system into a storm water pipe that is sized for a 100 year storm and will pipe down to three storm water ponds on the far north end, south of the wetland, and will be directed for northerly discharge. It will have appropriate over flows.

Mr. Zanon addressed the traffic concerns and stated an analysis was completed.

Ms. Brown stated the development is very dense and she had major concerns, including safety issues and is not in favor of this development.

Mr. Bergman stated as a member of the Plan Commission they have negotiated changes to this development because they have heard the concerns of the neighbors. He said the Plan Commission and staff members have recommend approval of this development several times. He said he felt this development makes sense for this location. He said this land is on a corner lot bordered by a busy Meadowbrook Road and busy Golf Road and a busy freeway. He said having a denser residential area transitioning to a busy road is a common planning tool, he said this is a good location for this development. He asked the Common Council to look at the elevations of this project. He asked them to look at the quality of the units, he said this was not a cheap development. He said this development is trading quality for density. He said with the amount of infrastructure needed for this project, density is need to make it work. Mr. Bergman also commented on the earlier comment of Mr. Crawford, he said the comment he originally made was regarding why the City has PUDs. He said he was in favor of the development.

Ms. Brown state the Plan Commission does a great job at making sure high quality development comes to Pewaukee with great detail, but the Common Council members represent the residents in their district.

Mr. Dziwulski stated he feels they are high quality units but the density is too much.

Mr. Grosch asked if the developer was considering installing a bike or pedestrian trail so that people could easily access the Lake Country Trail. Mr. Klein stated there was discussion but nothing was finalized at this time.

A motion was made and seconded, (R. Grosch, J. Wamser) to amend the comprehensive master plan and change the zoning to allow for the residential development as requested by the Stenz Family. Motion Failed: 3-For, 3-Against (B. Dziwulski, J. Kara, C. Brown). Mayor Bierce broke the tie vote by voting against the motion.

13. Discussion and Possible Action Regarding **Ordinance 19-18** Rezoning the Property Located on Golf Road and CTH G (PWC 0940-999-001) from A-1 Agricultural, LC Lowland Conservancy &

F-1 Floodplain District to Rm-1 Multiple-Family Residential, LC Lowland Conservancy & F-1 Floodplain District for the Purpose of Allowing for Residential Development as Requested by the Robert J. Stenz Family Trust

No action was taken on this item since there was no change made to the Comprehensive Master Plan.

14. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use and Site and Building Plans for the Robert J. Stenz Family Trust Property Located at the Northwest Corner of Golf Road and Meadowbrook Road (PWC 0940-999-001) as Requested by Jim Forester for the Purpose of Constructing 46-Unit Condominium Development and a 38-Unit Conceptual Assisted Living/Memory Care Facility

No action was taken on this item since there was no change made to the Comprehensive Master Plan.

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

Mayor Bierce had no new appointments at this time.

16. Discussion and Possible Action on Either Cancelling the September 2nd Common Council Meeting or Rescheduling it Due to the Labor Day Holiday

After a brief discussion the meeting on September 2nd is tentatively cancelled unless something comes up.

17. Discussion and Possible Action to Select the Trick-or-Treat Date and Time for 2019

A motion was made and seconded, (B. Dziwulski, C. Brown) to set the 2019 Trick-or-Treat date and time to Sunday, October 27th from 4-6 p.m. Motion Passed: 5-For, 1-Against (B. Bergman)

18. Public Comment – None.

19. 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)(g): Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically related to BCF Construction and the Sports Complex Development and Spring Creek Church

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, (B. Dziwulski, B. Bergman) to go into closed session at 9:29 p.m. Motion Passed Via Roll Call Vote: 6-For, 0-Against.

20. Adjournment

A motion was made and seconded, (J. Wamser, J. Kara) at 9:59 p.m. to adjourn the meeting from closed session. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,
Kelly Tarczewski – Clerk/Treasurer