

In attendance:

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

Also in Attendance:

Attorney V. Anderson, Administrator S. Klein, Assistant Engineer M. Wagner, Fire Chief K. Bierce, 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 - None.

3. Consent Agenda

- 3.1. Approval of the Common Council Meeting Minutes Dated October 21, 2019
- 3.2. Approval of the Common Council Meeting Minutes Dated November 18, 2019
- 3.3. Approval of Accounts Payable Listings
- 3.4. Approval of Bartender License
- 3.5. Approval of **Resolution 19-12-25** Appointing Poll Workers for 2020 and 2021

Mayor Bierce removed the meeting minutes dated November 18, 2019 because they were not completed. Mr. Kara asked that the Item # 3.1 be removed for discussion.

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

3.2 Approval of the Common Council Meeting Minutes Dated October 21, 2019

Mr. Kara noted there were some typographical and grammar errors that need attention.

A motion was made and seconded (J. Kara, B. Bergman) to approve the meeting minutes dated October 21, 2019 after they have been carefully reviewed and corrected. Motion Passed: 6-For, 0-Against.

4. A Proclamation Recognizing Lisa Bergersen, Previous Human Resource Director

Mayor Bierce read the proclamation honoring Ms. Bergersen's contributions as the City's Human Resource Director.

5. Concur with Plan Commission to Approval the Request for a Kennel License for Darnel & Armand Villarreal to Keep Five Dogs as Pets on Their Property Located at W227 N2901 Duplainville Road (PWC 0914-975)

Mr. Fuchs stated the Plan Commission recommended approval of this license subject to review and possible revocation if any credible complaints related to the dogs are brought to the City's attention. Mr. Kara stated City staff recommended denying this request, yet the Plan Commission still approved the request. Mr. Fuchs stated the applicant was present at the meeting to discuss the complaints that the City received. The Plan Commission was satisfied with applicants' responses and did receive

complaints PC was comfortable with applicants responses. Does not meet ratio dogs to property. Brown, right to revoke? Yes.

A motion was made and seconded (B. Dziwulski, J. Wamser) based on recommendations. Motion Passed: 6-For, 0-Against.

6. Discussion and Possible Action Regarding **Ordinance 19-26** Rezoning the Property Located at W239 N2492 Pewaukee Road (PWC 0919-991 & PWC 0919-995) From Rs-4 Single-Family Residential, A-2 Agricultural, I-1 Urban Institutional & LC Lowland Conservancy to Rm-3 Multi-Family Residential (Except for Areas Zoned LC District Which Shall Remain LC) for the Purpose of Developing a Multi-Family Senior Living Facility at the Request of The Waters Senior Living Management, LLC (Applicant) and the Kopecky Family Irrevocable Trust, Stephen T. Hagedorn and Karen E. Polansky (Property Owners)

Mr. Fuchs 6, 7, 8, 9 & 10 11 5 apartment units, 16 units of memory care, side by side. Access private drive from watertown road, another access from Hawks Meadow. Underground parking and surface parking. impact wetland and XX with conditions. Applicants agree with the conditions. Applicant is present. John Hunsicker and Debbie Tomczyk land attorney. Nine months, 48 page PowerPoint presentation. Developer, owner operator based out of MN, 12 properties up and running, high quality senior living services and amenities. Pennsylvania. Oak Creek Drexel Town square, just open. Rental model, month by month, agent place model with no services, but could upgrade to them if needed. Custom built. residential quality vs xx. 22 acre site. not skilled nursing. Amendment to comp plan and land use, rezoning lower density to high density residential. Hawks Meadow residents concerned feel they have addressed the major concerns. 4 story to 3 story building, added additional access points, main entrance on Watertown Road. 131 senior living units, twin home senior cottages, Plan commission asked for changes, road B convert from public to private road, changed cottage structure, too much XX, put in access control gate non local traffic moving south bound. To reduce traffic. future parking, setbacks changed, tried to preserve woodland as much as possible, crosses wetland and disturb some trees. Density similar to across Pewaukee Road. Traffic improvements to channel everyone out to Pewaukee Road, spoke to the DOT. Connected to Talon Drive. Low traffic use. 50 single family homes. 9 units per net acre... max is 12. Working with staff related to textures and colors. Conditional use permit – capped at 40 want 115, # of parking of spaces 2 units per unit, building max height. 40 per the ordinance, evolved to higher service, can't amortize with that level. sweet 125 - 175. Parking spaces 1.55 instead of 2, under 40 feet from grade level 35 foot, fully sprinkled. Property taxes, for profit, will be paying taxes, PILOT agreement. CSM request. Mr. Grosch overview 8 - 30 employees, executive, marking sales, dining staff, concierge, and care director or health and well being, activity director, few people on night staff, kitchen 3 meals a day. No transportation, pay good wages and base on the market area. Mr. Wamser access to Pewaukee Road and Hawks Meadow, controlled - acceleration, deceleration lanes. Need to make it a safe intersection. Applicant met with the DOT not requiring a traffic study. Controlled intersection? up to the DOT. Cottage only. trying to address concerns from Hawks Meadow. Ms. Brown private and dedicated streets, sidewalks, yes want to create connectivity. inside the right of way, easement they will be responsible for maintenance. Gates, emergency access. willing to do it and will make it work. WE have to deal with the crossing and will be dealt with. Bergmen concerned about deliveries, restricted to regular vehicle it is for emergency vehicles only. Kara single family vs multi family ratio? We have enough. Klein within and balanced, more single family development proposed... How is Drexel going, open in April & May, 50% leased out. 136 units, takes 3 years to fill. Mayor Bierce opened the public hearing. Steve Kopecky Hanover Hill Road - Sussex. represent family. Thanked everyone to review and consider. owned the land 1931 5

generations, working farm. Extensive developments in the area, selling the property to the waters philosophy assist people comfort senior environment excellent option for this land. No one else wished to speak. Public hearing was closed. No additional phase? No. Land to the east is developed. Bergman requesting they follow the same storm water, it is acceptable. Deal with an early grading situation? Don't think so. Conditioned on other approvals. Mr. Fuchs reviewed the conditions. Mayor Bierce, include copy of shared agreement for shared drive, private agreement request a copy.

A motion was made and seconded (B. Bergman, B. Dziwulski) .Motion Passed: 6-For, 0-Against.

7. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use and Site and Building Plans for The Waters Senior Living Management, LLC for Property Located at W239 N2492 Pewaukee Road (PWC 0919-991 & PWC 0919-995) for the Purpose of Developing Housing for the Elderly or Assisted Living Housing Units Under Pewaukee Ordinance 17.0416(c)(2)

A motion was made and seconded (B. Dziwulski, J. Wamser) contingent. Motion Passed: 6-For, 0-Against.

8. **PUBLIC HEARING**, Discussion and Possible Action Regarding **Resolution 19-12-27** and **Ordinance 19-25** Related to a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for The Waters Senior Living Management, LLC for Property Located at W239 N2492 Pewaukee Road (PWC 0919-991 & PWC 0919-995) From Medium Density Residential, Office/Commercial and Floodplains, Lowland & Upland Conservancy and Other Natural Areas to High Density Residential and Floodplains, Lowland & Upland Conservancy and Other Natural Areas

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve Resolution 19-12-27 and Ordinance 19-25. Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action Regarding the Preliminary Certified Survey Map for The Waters Senior Living Management, LLC for Property Located at W239 N2492 Pewaukee Road (PWC 0919-995)for the Purpose of Creating Two Lots and Dedicating Public Rights-Of-Way

A motion was made and seconded (B. Dziwulski, R. Grosch) Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding the Certified Survey Map for The Waters Senior Living Management, LLC for Property Located at W239 N2492 Pewaukee Road (PWC 0919-991 & PWC 0919-995)for the Purpose of Creating Three Lots

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

11. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use Permit for Mental Health America of Wisconsin to Operate a Peer Run Respite for Veterans Within a Single-Family Home Located at W252 N4304 Sussex Street (PWC 0880-997)

Mayor Bierce 3rd discussion, legal couldn't have discussion. Mr. Fuchs reviewed. Mayor Bierce opened the public hearing. keep to the changes.

Ms. Niemow asked what the property owner submit? a copy was given

Ozzy Broadhead, New Berlin, master counselor work for the Vet Center. Army Iraq, full supports the respite. MHA worked with. Waupun, fishing/hunting 3 day trip, respite, take a break. amazing community and welcomed the veterans. Milwaukee Vet Center supports.

Paula Verite 1231 West Lorraine street Appleton, director Iris place open 5 years, support of neighbors, council and police department. meet quarterly with advisory board, no issues with violence or drug abuse. Neighborhood on site of local church near grade school. 7 nights. come and go, work, school treatment. Warm and welcoming and neighbors accepting. biggest issues, smoke alarm burnt bacon, medical issues.

Susan Gain Lindsay Road submitted speaking broadly and ambiguously, what are they going to provide. How do we do checks and balances.

David Edge N4468 Sussex Street Vietnam veteran... quasi judicial links to references in packet. Open discussion. Zoning CBRF no one resides there they are there temporarily. Conditional use permit supported by fact, not many facts vague. The respite location, denied March - community based or community reside. Those facilities provide care. CBRF vs respite. not licensed or regulated.

Statements in original request.

Experimental veterans only respite. not in residential areas. Trained to kill. traffic volume, shot gun range, 1.8 stone quarry, 3.6 Waukesha air port, 15 feet from hunting grounds. Negative factor. No security. Deny request, residents concerns, well being of veterans themselves.

HOUSE OF HORRORS. own website,

Bob Cury president of Dry Hoch, 12 -15 years worked with 22,000 live in waukesha county, respite doing a better job working with the veterans. Respite is voluntary. issues from coming home. resources. get away from environment. 100,000 working never had issues with society. Asked for consideration.

Tom Nienow (sussex street) october 21st meeting, 2 police calls made at Iris calls actually 32 most are medical checks more than minor incidents. Look into all the calls. Quests can have quests, more people revolving and stresses parking situation. Don't think the location is ideal.

Brad Brandt (olde Dairy Drive) where do the people go, not questioning helping veterans this just isn't the place. year round hunting adjacent to the property. 1st in the nation in single family home.

Angelina Edge Sussex Street don't agree with going into a residential home. Respite handbook page 43, admittance check... 159 page sex offender policy, check the registry? Arrival of guests, Drug tests and bag checks. Guns store off site. in Narcan going to be onsite. policies don't back anything up. Mandated reporting? Interviewing someone to work as a peer question? Acid in face in Milwaukee. MHS? not willing to risk family's safety, vote to deny.

Brian Michels, detail of letters. Peer respite handbook, unaffiliated with HMA, Population serving is "any veteran" facing self identifying with issues and getting care and would benefit them. Appleton, or Madison. not Milwaukee. At least advanced enough to realize... path of recovery. Doesn't do anyone any good to close the door on them. fill those gaps have a place to go, before crisis. support from other veterans who have gone through. Benefits. no barriers. person centered serve. Letter previous

rentals lease, will not be an AirBNB at the time. Contacted Nienow, list of concerns, but domain name wrong. Never heard back from her until PC meeting. Not affiliated with other organizations or respites. Police contact with other respites, significant # of calls, most are welfare checks. Homeless wouldn't be eligible. noting compromise safety. Menomonee - seeze and disist. Application, same CBRF limited by capacity limited to parking. 4 down to 3 capacity. Over site, monthly advisory council meetings. weekly staff meetings, community advisors. No statutory stated in minutes... meet quarterly with other respites. Work plan progress. on call every other other week with Health services.

Property owner submitted letter in support. Sign on property adjacent language intentionally misleading, No signs 500 feet noting the location of the facility. safety and security for guests and staff. Not a drop in center. not a place for high risk individuals. Mr. Michels believes this is a good location, not avoiding triggers, how to manage when they do happen. provide support they need. 1/10 of the time spent reaching out to MHA no one has contacted him. trying to work with the community. hope they can share.

Dennis McCormick - Greenfield Army - is this a safe place for the veterans? so toxic and hostile not one word of support? will the escalating effort to drive the R&R house out. They need a safe place to get the most out of it. Discrimination, verbal abuse? if the neighbor hold the - there is no way this will be a success. Under harmful experience not healing. Major consideration, best we can do? We can do a lot better. Thank you for your service but we don't have any skin in the game, message received.

attorney Nancy Wilson, Pewaukee Law firm, two weeks ago, shocked at responsivie of neighbors. yeah we appreciate what the veterans have done for us but... but the veterans didn't do the same. Embarrassed. Veterans are porias in the community. More afraid to leave next to a high school then a respite. heal not ostrosize.

Brad Brandt address a couple of things, tried to contact the neighbors complete fiction they have not tried. after PC meeting they don't want to be in a place they are not wanted, but they are still pushing for this location. destrimination of neighbors. Have not addressed conditions.

Mr. Kara you can discuss between Council. Police records are new objected facts. would like to hear from Lieutenant and fire chief can testimony. Can they protect the citizens of Pewaukee. Lieutenant Ripplinger wanted to stance is neutral lot of things that are adopted routine calls for service.

right in the middle of trhe spectrum dealing with the unknown is difficult. knowing is key. the people who aren't asking for help are a bigger problem. its not just veterans. relationship with village police cooperative enough to work through this. mutual aid agreements. other agencies. work together when the situation arises.

Sue Nienow research on law enforcement zero call at that house in 11 years. 38 - 50 calls at those facilities that isn't there normal She is opposed.

Mayor Bierce closed the public hearing. Ms. Brown black and white issue, with a lot of emotions. Substantial evidence to CUP, don't believe they aren't struggling doesn't fit. pilot program. Great program, not the location.

Bergman: staff report confusion, 3 quests with 2 staff people 1 to 1/2 ratio. Staff report addressed neighbor concerns. No evidence that compels risk, needed and fits, speculation on what could happen. tweaking to some of the conditions, no more than 4 the organization said three. Ripplinger addressed concerns. Routine calls for service much more at ease. term limit. volunteer his time to serve on a committee important service to our fellow citizens who have served. Kara 3 different things, does this fit within permitted uses communal living arrangement drew how they are similar to CBRF overseen by Health services division of care services, peer review governmental overview. Act 67 general concerns not facts. Safety, if the use will not negatively impact the #3) applicant have ability to place conditions. solicited comments from the neighbors, good prudent working plan should it go aye. Willing to support. Tweak conditions for approval or denial it would be ... #3) staff report October 30th draft conditional use permit 34 of 263 #12) fence height and location - fully around pool, not coming out to the street. Hours 10 p.m. seems late, no curfew to begin with. no acute patients limited to, police report disrespectful non abusive, guidelines operation agreement. guest sign. 3rd item adhere to their own policies and procedures, if violent or police call will 3 strikes issues needs teeth. violating the rules detriment to the facility and surrounding neighbors. violence page 65 or page 7 of agreement addresses. No weapons. Concerns of liability insurance and coverage add condition if not intentional act... \$1 million. can be required. if there is a lease agreement requires it is okay.

A motion was made was made and seconded (J. Kara, B. Bergman) to approve the conditional use permit with the noted amendment and seconded, J kara approve CUP permit with noted amendment to require adequate liability insurance for the property. Bergman. Mr. Kara Bergman based on prior discussion approve. Mr. Grosch based on the 16 items staff conditions on permission and testimony heard tonight. Dziwulski no evidence that this is bad for the community, great length to meet conditions. Mr. Wamser in favor in teeth, to reviser if not sticking with the agreement. Ms. Brown, DENY, iolet program not substantial RS3 doesn't fit. Mr. Kara in favor in 3 items on previous discussion.

12. Discussion and Possible Action to Waive the First Reading and Approve **Ordinance 19-23** Related to the Salaries of Non-Union Employees

Approve budget approve salaries formality. A motion was made and seconded (B. Dziwulski, J. Wamser) to waive the first reading and approve Ordinance 19-23 establishing the salaries of the non-union employees. Motion Passed: 6-For, 0-Against.

13. Discussion and Possible Action to Waive the First Reading and Approve **Ordinance 19-24** Related to the Salaries of Union Employees

A motion was made and seconded (B. Dziwulski, R. Grosch) to waive the first reading and approve Ordinance 19-24 establishing the salaries of the union employees. Motion Passed: 6-For, 0-Against.

14. Further Discussion and Possible Action to Clarify the Authority to Apply for WISDOT Grants from the October 7, 2019 Common Council Meeting, and in Particular the Duplainville Road Bike Trail Application

Ms. Wagner concurrence to apply for grant paving the shoulders and redoing the bridge DOT bridge

grant do the quarter in one - one detour route, 90% up to paid for. Reduce city's cost \$2 million project, bridge is separate... complete all the work the same time as the bridge. Grosch looking for multi-model shovel ready project - \$37,000 plus continual maintenance. off trail bike proposed. similar to green road, rural section only on one side of the road.

A motion was made and seconded (C. Brown, J. Wamser) Motion Passed: 6-For, 0-Against.

15. Discussion and Possible Action to Approve **Resolution 19-12-26** Claiming the Adjustment for Prior Years of Unused Levy Carryforward in the Amount of \$98,729

Mr. Klein stated this resolution allows the City to use all the excess tax levy that we passed on in prior years. He said it doesn't affect the 2020 tax levy.

A motion was made and seconded (J. Kara, B. Dziwulski) to approve Resolution 19-12-26.
Motion Passed: 6-For, 0-Against.

16. Discussion and Possible Action to Make an Appointment to the Fire Commission

Mayor Bierce recommended the appointment of Patrick Johnson to the Fire Commission.

A motion was made and seconded (C. Brown, B. Dziwulski) to appoint Patrick Johnson to the Fire Commission. Motion Passed: 6-For, 0-Against.

17. Discussion and Possible Action Regarding **Resolution 19-12-28** Authorizing 2019 Budget Amendments in the Amount of \$1,306,000

A motion was made and seconded (C. Brown, B. Dziwulski) to approve Resolution 19-12-28.
Motion Passed: 6-For, 0-Against.

18. Discussion and Possible Action Regarding **Resolution 19-12-29** Authorizing the City Administrator to Uncommit and Reassign Funds

A motion was made and seconded (J. Kara, B. Dziwulski) to direct the Clerk to change the language in the document, stating the Administrator will update the Council at regular meetings as soon as the changes are made and approve Resolution 19-12-29 contingent up on these changes being made. Motion Passed: 6-For, 0-Against.

19. Public Comment – None.

20. Adjournment

A motion was made and seconded (R. Grosch, B. Dziwulski) to adjourn the meeting at 10:10 p.m.
Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer