<u>In Attendance</u>:
Mayor Steve Bierce, Aldermen B. Bergman, C. Brown, B. Dziwulski, R. Grosch, I. Clark, and J. Wamser.

<u>Also in Attendance</u>:
Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, City Planner & Community Development Director N. Fuchs, Park & Recreation Director N. Phalin, Lieutenant M. Moonen, Lieutenant A. Sheckles 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 rise for the Pledge of Allegiance.

2. Public Comment – None.

3. <u>Consent Agenda</u>
   3.1. Approval of the Accounts Payable Listing Dated July 19th, 2021
   3.2. Approve Common Council Meeting Minutes Dated May 3rd, 2021
   3.3. Approve Common Council Meeting Minutes Dated May 17th, 2021

   <u>A motion was made and seconded (J. Wamser, C. Brown) to approve the consent agenda items.</u>
   Motion Passed: 6-For, 0-Against.

4. Presentation by Baker Tilly Regarding the 2020 Financial Audit

   Paul Frantz, Partner with Baker Tilly was present for this item. He noted the general fund is in a very healthy financial position. Mr. Frantz discussed the City's different fund accounts and long-term debt. He went over the Audits Insights letter and explained the three material weaknesses, which are included in the audit process. Mr. Frantz talked about two-way communication going forward with the December 31, 2021 audit.

   Mr. Frantz thanked Nadine McMillian and Carol Sazama for their cooperation.

5. **PUBLIC HEARING** Regarding the Beer and Wine License Request of Urban Slopes and Naming Jared Masters as Agent

   Mayor Bierce opened the public hearing.

   AJ Haines (N34W23815 Adam Court) stated she has nothing against the business but does not understand why the establishment needs to serve beer and wine. She said the establishment is going to be at the entrance of a very nice subdivision and does not want liquor sold.

   Bob Walters (N36W23663 Oak Hill Lane) said he is not opposed to the business but does not understand having a liquor license and felt it was not a functional part of the business. He said it is a very busy street and felt a liquor license would not add any value.

Cameron Woolf (N36W23499 Oak Hill Lane) stated he has nothing against the establishment except the location being next to his subdivision and childcare, an intersection without a light is tricky to navigate and felt alcohol can make it worse.

Brenda Woolf (N36W23499 Oak Hill Lane) stated she has the same concerns as everyone else.

Mayor Bierce closed the public hearing.

Discussion took place regarding the hours of operation and the Conditional Use Permit.

Ms. Brown asked if the liquor license allows for carry out. Ms. Tarczewski noted there are carry out options with regular bars so it would be treated the same. Ms. Brown noted it says Town of Pewaukee on the retail license application and will needs to be changed to the City.

Ms. Brown stated she hears the concerns from neighbors and residents. She felt it was challenging because the City does have bar locations in residential areas that are opened until 2:00 a.m. She said the City has always been understanding of residential areas and felt people were going there to ski, not to drink. Ms. Brown noted there is always a way to come back to Common Council if issues do arise.

Mr. Clark stated he lives in an area with bars and felt if there were issues, the license could be taken away. He stated he is in favor of the operational license.

Mr. Bergman stated he sees the concerns and agrees that the intersection can be challenging. He noted this is not a full-time bar and likes the fact that the license is a one-year revocable approval.

Mr. Dziwulski stated they are only serving beer and wine and not hard liquor. He noted he does not see an issue.

Mr. Grosch asked what type of environment it will be. Mr. Masters stated there is check in desk and seating for roughly six people. He noted it is not a destination spot for drinking.

Mr. Dziwulski asked if there will be carry-out. Mr. Masters stated he never thought about it and there was no need for carry-out.

Mayor Bierce asked if the City could make the license contingent on no carry-outs. Discussion took place regarding the Conditional Use Permit and making amendment changes.

Mr. Wamser does not see carry-outs as a problem and noted consumption would take place on premise.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the beer and wine license for Urban Slopes contingent on receiving a copy of the Wisconsin Seller's Permit and contingent upon changing the Conditional Use Permit to no carry-outs.

Mr. Fuchs stated the applicant will need to resubmit, have a notice published and go back to the Plan Commission for a recommendation to Common Council. Mr. Klein asked if this could just be a condition of the license and not the Conditional Use. Mr. Fuchs noted that the owner was not planning on carry-outs and since the license can be reviewed in a year or sooner by bringing back the Conditional Use. He asked if there was a comfort level to move forward and if issues come about, they could be addressed.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the beer and wine license contingent on receiving the Wisconsin Sellers Permit and the condition of the license as no carry-outs. Motion Passed: 5-For, 1-Against (B. Bergman).

6. Discussion and Possible Action regarding the potential fundraising for an all-inclusive playground and splash pad at the Pewaukee Sports Complex

Mr. Fuchs stated staff had been discussing an all-inclusive playground and splash pad at the Sports Complex. He noted the concept plan and marketing flier was in the packet. He recently spoke with a representative from McDonald Shafer, a private firm who does fund raising consulting. Mr. Fuchs stated he was contacted and met with a resident who asked if the City had plans for an all-inclusive playground and asked how she could get involved with a project like this. She also met with the Joint Park and Recreation Board and is working on putting together a resident group to help fundraise. He said she is also talking with Friends of the Pewaukee Parks. Mr. Fuchs stated he is looking for discussion on the location and if Common Council would be supportive of this type of project.

Mr. Phalin explained all-inclusive parks and what they include. He noted they are meant for people of all abilities, with or without special needs and can include different sensory options. He said the Sports Complex has the space and felt it would make a huge impact on the community.

Mayor Bierce stated this is something he would never vote against but asked if we were saddling taxpayers with a huge expense for a small sliver of the population.

Mr. Dziwulski stated an all-inclusive playground is good for every kid, special needs or not. He felt the splash pad would be used by a good majority of people in the City. He also noted that based off the Park and Recreation meeting, fundraising was going to be done.

Mr. Phalin stated they do not have the final project or price tag. He noted the first steps will be location, concept and allowing fundraising.

Mr. Fuchs stated he understands it is a large price tag, and that is why they are looking at multiple ways to fund it through fundraising, impact fees, sponsorship, or possible grants.

Mr. Grosch stated he is concerned about putting it in at the Sports Complex due to an issue with the County restricting access to the park by creating a turnaround at Hwy F. He asked about what kind of traffic it would generate, hours of operation and if additional staffing will be needed to take care of the splash pad.

Mr. Phalin stated the hours would be like other parks, 7am to 10pm, although the splash pad won't be turned on until probably 10:00a.m. He said there are additional staff requirements with a splash pad. He noted they had a call tomorrow morning to talk about two different types of splash pads. Mr. Phalin stated the splash pad will be operational four months out of the year and could use seasonal summer staff.

Mr. Wamser asked about the proximity to the baseball diamonds and if the baseball clubs had issues with the project. Mr. Phalin stated they did not have issues and he will have the conversation again before moving forward.

Mr. Dziwulski felt the location was perfect.

Mr. Bergman thought an exterior walking path was the priority. He had some concern about the continued staff and maintenance. He stated the City needs to be responsible with taxpayers' money. Mr. Klein noted the master plan did have playgrounds. Further discussion took place regarding a walking path around the Sports Complex

Ms. Brown feels an inclusive playground is a wonderful addition and it is a perfect location. She did not feel like the splash pad was necessary. She said her only concern is making sure there are adequate handicap parking spots.

Discussion took place regarding the difference between a splash pad and an all-inclusive playground.

Mr. Bergman asked if fundraising is outside of staff's ability. Mr. Klein noted he would caution against City staff doing the fundraising. He felt staff does not have the expertise. Mr. Fuchs agreed and had concerns with staff having the time to do fundraising. He noted the reason he contacted the company was to get information about the fees and services.

Discussion took place regarding citizens being involved in the planning and the importance of providing this type of park for residents.

Mayor Bierce asked if there were any objections with moving forward. There were no objections.

7. Discussion and Possible Action Regarding **Ordinance 21-06** Rezoning the Property Located at N6 W27539 Northview Road (PWC 0983-999-005) from Rs-1 Single-Family Residential to Rs-4 Single-Family Residential as Requested by Debra Aukofer

Mr. Fuchs stated items 7 & 8 were related to the same property. The petitioner wants to create three separate smaller lots. He said there were no recommended conditions for rezoning and staff recommended approval. The CSM has a condition that the lots will connect to public sewer, including the existing lot, and the applicant provides a conceptual plan for the amount of land disturbance that will occur.

Ms. Brown did not like Ordinance 21-06 and did not understand why it went from Mixed Residential to Industrial and thought it was to go from Rs-1 to Rs-4, but it states Mixed Residential District to M1 General Wholesaling on the Ordinance. Mr. Fuchs said it will be corrected to Rs-1 to Rs-4. Ms. Brown said one residential house was to be connected to the sewer through the City of Waukesha and asked how Waukesha would deal with three potential connections. She also asked if water had been discussed at the Plan Commission meeting. Mr. Fuchs stated the condition on the Certified Survey Map is that all three will connect to Waukesha sewer and a private well.

A motion was made and seconded (C. Brown, I. Clark) to approve Ordinance 21-06 rezoning the property located at N6 W27539 Northview Road from Rs-1 to Rs-4. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding a Certified Survey Map for Debra Aukofer for Property Located at N6 W27539 Northview Road (PWC 0983-999-005) for the Purpose of Dividing the Property Into Three Separate Lots

A motion was made and seconded (C. Brown, B. Dziwulski) to approve the Certified Survey Map for the property located at N6 W27539 Northview Road. Motion Passed: 6-For, 0-Against.

9. **PUBLIC HEARING**, Discussion and Possible Action Regarding a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Property Located at W225 N3131 Duplainville Road (PWC 0911-993-006) from Floodplains, Lowland & Upland Conservancy and Other Natural Areas, Medium Density Residential, and Government/Institutional to Government/Institutional

Mr. Fuchs stated items 9 & 10 are related to changing to Government/Institutional and rezoning from a A-2 and I-2 to I-2. He said the site plans were approved at the June 17th, 2021 Plan Commission meeting.

Mayor Bierce opened the public hearing and immediately closed it.

Mr. Wamser asked if there was a floodplain or lowland on that site. Mr. Klein stated there is no floodplain on the site, there is conservancy. And noted conservancy covers floodplain, lowland, and upland conservancy.

A motion was made and seconded (I. Clark, J. Wamser) to approve the Comprehensive Master Plan Amendment related to the property located at W225 N3131 Duplainville Road from Floodplains, Lowland and Upland Conservancy and Other Natural Areas, Medium Density Residential and Government/Institutional to Government/Institutional. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding **Ordinance 21-08** Rezoning the Property Located at W225N3131 Duplainville Road (PWC0911-993-006) from A-2 Agricultural and I-2 Rural Institutional to I-2 Institutional for the Purpose of Constructing a New DPW Garage and Recycling Yard for the City of Pewaukee

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve Ordinance 21-08 rezoning the property located at W225 N3131 Duplainville Road from A-2 Agricultural and I-2 Rural Institutional to I-2 Rural Institutional. Motion Passed: 6-For, 0-Against.

11. Discussion and Action Regarding the Woodleaf Reserve Addition #3 Final Plat Located on Weyer Road (PWC 0865-139 & PWC 0868-998)

Mr. Fuchs stated this was the final plat for Woodleaf Reserve Subdivision addition #3. It includes 34 lots and 1 outlot. He noted this was all lots conform to standards and the preliminary plat. He noted there are minor technical corrections and some adjustments to the setbacks. Mr. Fuchs recommended approval with the corrections

A motion was made and seconded (C. Brown, J. Wamser) to approve the final plat for Woodleaf Reserve Addition #3 contingent upon corrections and adjustments. Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Regarding Deer Haven Phase 2 Road Reconstruction Project
    12.1 Accept the Final Engineers Report
    12.2 **Resolution 21-07-25** Levying the Final Assessments

Ms. Wagner stated phase 2 of the Deer Haven Road reconstruction project has been finalized. She noted the final Engineer's report allocating funds to each of the projects and the resolution levying the final assessments to the property owners at the assessment paving cap.

A motion was made and seconded (B. Dziwulski, R. Grosch) to accept the final Engineers report and approve Resolution 21-07-25 levying the final assessments. Motion Passed: 6-For, 0-Against.

13. Discussion and Possible Action Regarding Steeplechase Phase 1 Road Rehabilitation Project
    13.1 Accept the Final Engineers Report
    13.2 Approve the Final **Resolution 21-07-26** Levying the Final Assessments

    Ms. Wagner stated they are closing out phase 1 of the Steeplechase Road Rehabilitation Project. She noted the contractor payment has been finalized and allocated the cost between utilities for the project. She was asking to accept the final Engineer's report and approve the final resolution to levy the final assessments at the paving cap.

    A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the final Engineer's report and resolution 21-07-26 levying the final assessments. Motion Passed: 6-For, 0-Against.

14. Discussion and Possible Action for Reconsideration of the Sharing the Municipal Water Main Oversizing Cost with Westridge Builders for the Swan View Farms Development Phase 2

    Ms. Wagner noted this item was discussed at the last Common Council meeting and the cost share request was denied. She said the developer requested it be brought back for reconsideration. Ms. Wagner noted instead of an 8-inch watermain through the subdivision, the developer would be installing a 12-inch watermain that will close the loop for the northeast quadrant of the City. Ms. Wagner noted there are many benefits to the City including cutting out 2,000 feet of main and additional fire protection. Ms. Wagner stated staff does support the cost share of $52,000.00 for the project. She noted the additional cost would be paid through rates with the next rate case.

    Ms. Brown noted it makes sense and felt it was greedy of the City not to reimburse the developer since he is saving the City money.

    Mr. Grosch asked if the City asked him to change to the larger pipe. Ms. Wagner stated the 12 inch was part of the original development. She said the developer split it into two phases. Ms. Wagner noted the developer did not make the cost share request on phase 1 and is asking for it on phase 2.

    Mr. Dziwulski stated he is in favor.

    Carl Tomich of Westridge Builders stated it only takes an 8-inch to do the whole subdivision. He said the upsizing is benefiting the City and doesn't benefit the subdivision. Mr. Tomich commented he missed asking for it in phase 1 and is asking for the difference in the cost to upsize in phase 2. He said the developer's agreement states the City will fund oversizing by collecting assessments.

    Ms. Wagner noted the request for cost sharing is allowed per the Ordinance for upsizing.

    A motion was made and seconded (C. Brown, J. Wamser) to reimburse Westridge Builders for the upsizing of the watermain to benefit the City water. Motion Passed: 6-For, 0-Against.

15. Discussion and Possible Action Regarding the Last Mile Facility Escrow Agreement for Improvement to Roundy Drive and Roundy Circle to Support the Project.

Ms. Wagner stated the developer was required to make some intersection improvements as part of the development. The City is currently doing the rehabilitation of Roundy Drive, Roundy Circle and Paul Road and the developer asked if the City would include the intersection improvements in the paving project. She noted the City was agreeable if the developer paid for the design and improvements. Ms. Wagner noted the agreement outlines the arrangement, stating they would pay the value of engineering, construction, plus twenty percent, for a total of $89,377.38. Ms. Wagner recommended approval of the agreement, contingent on final review by the City Attorney.

Mr. Bierce asked if the traffic study at the intersection was done. Ms. Wagner said the study was completed and traffic signals were not warranted at this time. She said the County concurred and asked for a dedicated turn lane, to be added.

Mayor Bierce stated he has a massive concern that the County is underestimating the amount of traffic. Ms. Wagner stated the County will monitor the situation to see if anything changes. Discussion took place regarding future improvements of the intersection and the traffic study.

A motion was made and seconded (C. Brown, B. Dziwulski) to approve the improvements to support the Last Mile facility and pass the general agreement for $89,377.38. Motion Passed: 6-For, 0-Against.

16. Discussion and Possible Action Regarding Alderman Bergman's Letter of Resignation

Mayor Bierce noted that the City is losing Alderman Bergman. Discussion took place regarding options to fill the position. Mayor Bierce stated he would like to come to a consensus on how to move forward.

Ms. Brown felt that Mr. Bergman's position needs to be filled and it's important to have six people on the Common Council versus five.

Discussion took place regarding appointing someone to the position who would rerun again in April or hold a special election with the term lasting until 2024. Aldermen Ian Clark, Brian Dziwulski, Jerry Wamser and Colleen Brown felt the City should hold a special election. Alderman Brandon Bergman, and Ray Grosch felt the City should appoint someone.

A motion was made and seconded (D. Dziwulski, I. Clark) to authorize a special election for the vacant Alderman position in District #1 and authorizing the Mayor to sign Resolution 21-07-XX that will be drawn up by the Clerk. Motion Passed: 6-For, 0-Against.

17. Discussion and Possible Action to Appoint Members to Various Boards, Commissions and Committees

Mayor Bierce recommended the appointment of Courtney Long to the Bike and Pedestrian Path Planning Committee.

A motion was made and seconded (B. Bergman, R. Grosch) to concur with the Mayor's recommendation and appoint Courtney Long to the Bike and Pedestrian Path Planning Committee. Motion Passed: 6-For, 0-Against.

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 currently involved in specifically related to the High Pointe Centre.
- §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 competitive or bargaining reasons require a closed session specifically related to the property located on Green Road / Duplainville Road.

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, I. Clark) to go into closed session at 8:33 p.m. Motion Passed Via Roll Call Vote 6-For, 0-Against.

A motion was made and seconded (B. Dziwulski, C. Brown) to approve Resolution 21-07-24 accepting the general settlement agreement and release between the City and High Point Centre LLC. Motion Passed: 6-For, 0-Against.

20. Adjournment

A motion was made and seconded (B. Bergman, R. Grosch) to adjourn the meeting from closed session at 8:49 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer