

In Attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, City Planner & Community Development Director N. Fuchs, Lieutenant A. Scheckles 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. Consent Agenda

- 3.1. Approve Common Council Meeting Minutes Dated April 19th, 2021
- 3.2. Approve Common Council Meeting Minutes Dated June 7th, 2021
- 3.3. Approve Accounts Payable Listing Dated June 21st, 2021
- 3.4. Approval of **Resolution 21-06-21** Acknowledging the 2020 Compliance Maintenance Annual Report (CMAR)
- 3.5. Approval of **Resolution 21-06-22** Amending the 2021 Budget to Carry Over Funds from 2020 for Fire Department Capital purchases
- 3.6. Approval of **Resolution 21-06-23** Authorizing the Transfer of Budgeted Funds to Purchase an Additional One-Ton Dump Truck and Plow Truck
- 3.7. Notification of Temporary No Parking on Rocky Point Road on June 16 and June 17

Ms. Brown requested that Item #3.2 be removed for discussion and Mr. Bergman requested that Item #3.6 also be removed.

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 Approve Common Council Meeting Minutes Dated June 7th, 2021

Ms. Brown stated she did not attend that meeting and needed to abstain.

A motion was made and seconded (B. Bergman, B. Dziwulski) to approve the meeting minutes dated June 7th, 2021. Motion Passed: 5-For, 0-Against, 1-Abstain (C. Brown).

3.6 Approval of Resolution 21-06-23 Authorizing the Transfer of Budgeted Funds to Purchase an Additional One-Ton Dump Truck and Plow Truck

Mr. Bergman asked if it was an additional snowplow or one that was scheduled for this year. Ms. Wagner stated the City was budgeted to buy a new one. She said the City is adding one to the fleet and will not be getting rid of the old one. Mr. Bergman asked why there needed to be a resolution if it was in the budget. Ms. Wagner stated it is an addition

to the fleet and the City is transferring funds from the original truck to the new truck. She noted the funds are there, but the original replacement is not in the budget, but it will be in the next budget cycle. Ms. Wagner stated there are eleven truck routes and they are on the cusp of adding an additional route. She said the 2022 budget reflects the City saving for 12 trucks instead of 11.

A motion was made and seconded (B. Bergman, R. Grosch) to approve item 3.6 on the consent agenda. Motion Passed: 6-For, 0-Against.

4. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Liquor License Requests for the 2021-2022 Licensing Period

Ms. Tarczewski stated this was the cleanest data she ever provided Common Council and felt everything could be approved. The only issue was what to do with the request of Michael's House of Prime. She stated they had a fire in December of last year and there is no premises to license. Ms. Tarczewski noted the City has never issued a liquor license to vacant land.

Mayor Bierce opened the public hearing.

David Buckley from Michael's House of Prime was present. Mr. Buckley stated they have been challenged as to the best decision to make for the property. He said it is located in a flood plain and is not conducive for the type of building and outside dining opportunities they would like. He noted they are trying to figure out the best way to work with the property. Mr. Buckley stated they have considered food trucks and different ways to build the structure on the site within the footprint without outside dining and it does not work for them. He stated the DNR is going to study the flood plain since the current flood plain is an estimate that was done and adopted by FEMA in 2014. He stated the timeline for this study is a year and the City will not allow them to move forward to build anything different than what is on the footprint. He is asking the City to allow them to sort through this and do what is best for the property.

Gina Schwister (W317N8431 Hwy 83) stated so many people in the community miss Michael's House of Prime. She would like to see the City give them some time to figure out their liquor license to see what they can do. She noted that she is fully backing the Buckley family.

Mayor Bierce closed the public hearing and reopened the public.

A woman in the audience stated she lived at the intersection of Highfield Road and Auburn Court and had a question regarding Urban Slopes. Mayor Bierce stated it was not on the agenda and only existing licenses were being discussed.

Mayor Bierce closed the public hearing.

Mayor Bierce asked about holding Michael's license in reserve. Attorney Riffle stated the license can be issued and the premise would be described as "general area that is anticipated to be reconstructed in 2021/2022". He noted that if it is not up and running next year they would be notified in advance of non-revocation.

A motion was made and seconded (B. Dziwulski, J. Wamser) to issue all licenses for the 2021-2022 licensing period. Motion Passed: 6-For, 0-Against.

Mr. Bergman asked that the motioner add the language that Attorney Riffle described for Michaels House of Prime.

5. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Conditional Use Permit for Urban Slopes, LLC Located at N35 W23770 Capitol Drive (PWC 0906-999-006) for the Purpose of Operating a Ski Simulator Facility

Mr. Fuchs stated it is a conditional use application for Urban Slopes, a ski and snowboarding simulation facility. The location is 4500 square feet. It will have four simulators, restrooms, bar and storage areas, lounge, and additional seating. The hours will be 12 pm-10 pm, but the hours may vary on the weekends. Mr. Fuchs stated staff is recommending approval and Plan Commission unanimously recommended approval at the last meeting.

Bob Walters (N36W23663 Oak Hill Lane) stated he is not against the business, just the liquor license.

Colleen Henderson (N35W23701 Auburn Court) said she also is not against the business, just the liquor license. Her biggest concern is the intersection gets more dangerous every day and with the daycare center opening, there will be a lot of traffic going in and out. She feels liquor makes it more dangerous and feels the speed limit should be lowered.

AJ Haines (N34W23815A Adam Court) stated she has no problem with the business just the liquor license.

Jared Masters (N37W26633 Kopmeier Drive) stated he was the applicant and understood the concerns. He assured his neighbors that the focus of his business is not selling beer and wine, and it is just an add on. He said people are there to ski and to enjoy the experience.

Shawn Houser (N36W23612 Oak Hill Lane) stated the business sounds interesting but is concerned about the liquor license.

Attorney Riffle noted that the conditional use permit can be approved but not the liquor license.

Mr. Klein clarified that the letter sent out was purely for conditional use and that the letter mentioned they would be applying for a liquor license. He noted that tonight's agenda item is only for the conditional use.

Mayor Bierce closed the public hearing.

Mr. Grosch commented on the traffic in the area. Mr. Bergman stated it was previously Anytime Fitness and was busier than what this business is anticipated being.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the conditional use permit with the verbiage that it does not take into account the liquor license that they will be applying for next month. Motion Passed 6-For, 0-Against.

6. Discussion and Possible Action and 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 at the Request of Debra Aukofer
7. 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

Mr. Fuchs stated no discussion on Items #6 and #7 were needed at this time. He said the property owner has requested this item be postponed until she is able to make changes to the certified survey map.

8. Discussion and Possible Action Regarding **Ordinance 21-04** Related to Weapons Discharge for Urban Deer Management (*Second Reading*)

Discussion took place regarding the current ordinance which is restricted to shooting deer by a City-sponsored volunteer urban deer management program approved by Common Council. Attorney Riffle said this Ordinance opens it up to a new DNR-sponsored non-contracted hunter program. He said if the program is sponsored and a hunter gets all the proper certifications through the DNR, they can hunt. It would be limited to volunteer hunters who are vetted and received consent from property owners or the LPSD, and they would be restricted to Rocky Point Peninsula Drive and the LPSD area. The hunters are limited to bows, cross bows and like weapons and no guns would be used. The hunters would be able to collect the deer and take them for CWD testing. Attorney Riffle noted the program would run from January 22 through February 20.

Ms. Brown stated Steeplechase is also having issues and asked if it will be opened to other areas or if it is limited to Rocky Point and LPSD.

Mr. Klein stated the City does not want to be asking different areas if they want to be a part of the program. We want the neighborhoods to come to the City. He said if a Homeowners Association comes to the City, we will give them permits. He noted that if a Homeowners Association wanted it done there is no reason to debate it or get in the middle. He said it is a hard enough program to keep track of without stepping in and taking a side.

Mayor Bierce commented that this does not start until winter and felt it can wait.

Attorney Riffle stated guns, bows and cross bows can presently be utilized anywhere in the City under an Urban deer management program contract. Mr. Klein stated sharpshooters that are contracted can use rifles.

Mr. Bergman commented on the second half of paragraph referring to property owners refusing to give permission to collect a deer on their property. The property owner would have to tag it, deliver to the DNR testing site and then take it to a food pantry. He feels it is very un-enforceable. He said owners have a private property right. Attorney Riffle stated it needs to be changed to say "with the permission of the property owner" the shooter will do this. He noted he would make the change.

Mr. Klein suggested when it is rewritten that it not be limited to only areas in the ordinance, and it should be municipal wide. Attorney Riffle stated he and Mr. Klein would sort it out.

9. Discussion and Possible Action Regarding **Ordinance 21-07** Amending Chapter 17 of the City of Pewaukee Zoning Ordinance Including Sub-Sections 17.0702f., 17.0706c., 17.0708a., and Section 17.0711, Related to Electronic or Movable Copy Directional Signs and Menu Boards for Restaurants

Mr. Fuchs stated a request came from Octane Coffee. They are looking to have a digital monitor screen which is not a traditional menu board sign and is more of a directional type sign. Mr. Fuchs said code does not allow digital copy signs. This amendment was put together based on this request and

would allow this type of sign. He said Plan Commission had concerns and was adamant about no digital signs being allowed. They felt it would potentially open the door to more of these types of signs and unanimously recommended denial.

Attorney Riffle commented that it was nothing more than a menu and not out on the street.

Mr. Fuchs stated staff had discussions after the draft was done. He said the proposed change in the directional sign section would allow moveable copy being used as directional signage and would be no larger than nine square feet. The other section that was changed was under permanent ground signs, which would add “serving solely as a menu board for restaurant use”. He noted from staff’s perspective, it is different than a traditional menu board, which is why staff looked to put language under the directional sign.

Mr. Dziwulski asked what is meant by a directional sign. Mr. Fuchs stated by code it means directing traffic through a property. This is directing customers to a specific bin where their coffee is located.

Mr. Clark was concerned that without the large sign, people will be paying more attention to their phone and where to line up as opposed to the road.

Discussion took place regarding the business model and how orders are done through a phone app.

A motion was made and seconded (B. Bergman, C. Brown) to concur with the Plan Commission and deny the Ordinance. Motion Passed: 4-For, 0-Against, 2- Abstained (Wamser/Clark).

10. Discussion and Possible Action for Sharing the Municipal Sanitary Sewer Extension and Water Main Oversizing Cost with Westridge Builders for the Swan View Farms Development Phase 2

Ms. Wagner stated prices went up on the cost share for sanitary sewer on future lands to the north of the development. The new cost came in \$65,000.00 more than what was originally approved. Ms. Wagner is still recommending and would like Common Council to concur and increase the cost share value, since it is serving land beyond the development.

Ms. Wagner said the developer is also asking for a cost share on the water main upsizing. The subdivision needs an 8-inch service to serve the subdivision. The City asked to upsize to a 12 inch to get to Balmer Park and a small stretch of Lindsay Road to connect to the Sports Complex, which would allow us to accelerate a secondary loop. Ms. Wagner is recommending the cost share of \$51,772.50, which is the difference between the 8 inch and 12 inch and the upsizing of the valving. She said the City would need to amend the developer’s agreement. Ms. Wagner noted that it would be paid through our rates since it is a benefit to the overall system and in the short term it would be added to the City’s water utility borrowing for 2021 to pay for the additional cost.

Mayor Bierce asked if the \$65,000.00 was the total increase of the project or just the City’s portion. Ms. Wagner stated it is the increase for the City’s portion.

Discussion took place regarding the cost share on the 12-inch water main. Ms. Wagner noted it is the City’s Ordinance to pay the oversizing cost. Mayor Bierce asked what happens if the City says no. Ms. Wagner stated the developer would have to decide if they want to move forward with the development or eat the cost share. Mr. Bergman asked if 12 inches was only being used in Phase 2. Ms. Wagner said 12-inch only comes up in Phase 1 at the entrance and at Francis Boulevard.

Ms. Brown stated it's helping the City's water system by creating another loop and the City is only paying a small portion of it.

Ms. Wagner stated the preliminary plans had 12-inch pipes up to Balmer Park. The developer is in the design stage and had it as an 8-inch. Ms. Wagner said the City told him it needed to be 12-inch and when he received the revised bids, he asked the City for a water main share

Mr. Bergman asked if the \$51,772.50 is the upsizing from 8-inch to 12-inch. Ms. Wagner stated the cost is for upsizing the pipes and the valves.

Ms. Wagner stated the City does not have a developer's agreement for Phase 2. She noted when it is received, it will have to include the same language for the sewer and water.

Discussion took place regarding who determines the size of the main and cost sharing. Ms. Wagner noted the assessment policy is standard for 8-inch in residential neighborhoods and if upsized to 12-inch, it is paid for by the water utility. Further discussion took place regarding Ordinance 10-10.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the requested cost share of \$65,130.00 for the sanitary. Motion Passed: 6-For, 0-Against.

Discussion took place regarding the cost to the City and benefits of 12-inch pipes.

A motion was made and seconded (B. Dziwulski/C. Brown) to approve the requested cost share of \$51,772.50 for the water to 12-inch water. 3-For, 3-Against (Clark, Grosch, Bergman). Mayor Bierce broke the tie and voted against.

11. Discussion and Possible Action to Determine Whether or Not Virtual Meetings are Still Necessary for the Various Boards, Commissions and Committees

There was a brief discussion regarding virtual meetings, and it was stated that attendance on Zoom is distracting. Attorney Riffle stated their firm has always advised against it.

A motion was made and seconded (B. Bergman, B. Dziwulski) to officially eliminate the Zoom options from all of the City's meetings. Motion Passed: 6-For, 0-Against.

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

Mayor Bierce recommended the appointment of Ian Clark to the Lake Patrol Advisory Committee.

A motion was made and seconded (B. Dziwulski, J. Wamser) to appoint Ian Clark to the Advisory Lake Patrol Committee. Motion Passed: 6-For, 0-Against.

13. Public Comment - None.

14. 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:

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, R. Grosch) to go into Closed Session at 8:00 p.m. Motion Passed: 6-For, 0-Against via roll call vote.

15. Adjournment

A motion was made and seconded (I. Clark, B. Dziwulski) to adjourn the meeting while in closed session at 8:17 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer