

In Attendance:

Mayor Steve 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, Utility Manager J. Mueller, Fire Chief K. Bierce, Park & Recreation Director N. Phalin, City Planner & Community Development Director N. Fuchs, Chief Engineer-Utility R. Wirtz 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 - None.

3. Consent Agenda

3.1. Approval of Common Council Meeting Minutes Dated May 16, 2022

3.2. Approval of Accounts Payable Listing Dated June 20, 2022

Mr. Clark asked that Item 3.1 be removed for discussion.

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve the accounts payable listing dated June 20, 2022. Motion Passed: 6-For, 0-Against.

3.1 Approval of Common Council Meeting Minutes Dated May 16, 2022

Mr. Clark noted that his first initial was incorrect in the attendance listing.

A motion was made and seconded (I. Clark, R. Reinbold) to approve the Common Council meeting minutes after correcting Mr. Clark's initial from C to I. Motion Passed: 6-For, 0-Against.

4. **PUBLIC HEARING**, Discussion and Possible Action Regarding the Liquor Licenses for the 2022-2023 Season and the Appointment of Agents

Ms. Tarczewski stated all applications and fees are in and ready for approval. She noted Common Council did not allow Urban Slopes to have carry outs last year and wanted to verify that will not be allowed this year.

Mayor Bierce opened the public hearing.

Jared Masters (N37W26633 Kopmeier Drive), owner of Urban Slopes, said he does not have an issue not allowing carry outs.

A motion was made and seconded (B. Dziwulski, I. Clark) to approve the liquor licenses for the 2022-2023 season and appoint agents. Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action Regarding the Request of Mr. Green, Owner of the Green Dragonfly Island, to Detach to the Town of Delafield or Receive Fire Service on the Island [Request of Mr. Green]

Mr. Green was present for this item. He asked if everyone read the letter he sent. He noted that he offered three possible solutions. Mr. Green stated there was a fire on a boat last year and if they would have used his high-pressure pump, they could have put the fire out from a distance. He stated he is offering the City pump and hoses and will allow them practice on the island to make sure it works. He said since the City does not have a boat, he has one that he has removed the seats from, and the City is welcome to use it. He offered to give them a key and said it could be helpful anywhere on the lake. Mr. Green noted he can't get insurance and needs to show that the City can put out a fire. He said the Town of Delafield has a boat and can offer better protection, which is why he is asking for detachment from the City of Pewaukee. He noted the City should purchase a boat and he is open to suggestions.

Mr. Green stated he had a conversation with Chief Bierce. He said there was an issue with the connection between their hoses and his pump and they could not find the part.

Mayor Bierce suggested speaking to the Fire Chief more in depth.

Mr. Vetterkind asked if his buildings were uninsurable at this time. Mr. Green stated yes.

Ms. Brown asked if he closes the house in winter and what would happen if there was a fire during the winter months. He said the house is solar powered with battery backup and the insurance company did not have an issue with winter months since no one lives there.

Chief Bierce stated it is not sustainable or reliable. The response time is questionable, and the liability is not there. Chief Bierce felt the best thing would be a sprinkler system. Mr. Green stated his power would not support a sprinkler system. Chief Bierce stated the island has had buildings there for years and it was never a question before and he did not see a solution. Mr. Green stated insurance has changed a lot.

Mayor Bierce stated Common Council cannot make a decision and noted the Delafield Fire Chief said he could not help Mr. Green. Mr. Green said that would be okay because if he detached from the City of Pewaukee and went to the Town of Delafield his taxes would be much lower and he could afford the items he needs.

No action was taken on this item.

6. Discussion and Possible Action Regarding Jerel Johnson's Interest in the City of Pewaukee Property Located on Oak Street (PWC 0934-021)

Ms. Brown stated Mr. Johnson contacted her about land the City owns on Oak Street. Mr. Johnson stated he purchased a lot in 2012 and currently lives on Woodland Drive. He said he has it for sale because he is downsizing to a ranch. He said he has a pontoon boat and would like to go out onto the lake. He said he made this presentation years ago for the whole lot and is now asking if the City would consider selling. He noted his intent is not to put up a boat launch to make money and would sign a disclaimer stating he would not do that. He said if Pewaukee Sanitary needed to use it for storm protection of their boats they could go in front of the property, as he is just looking for ease of access.

Mr. Reinbold asked if anyone has tried to purchase this lot before. Mr. Klein stated this is road right-of-way and is eroding year after year. He said the City will have to do something to protect the road. Mr. Klein stated the City has received numerous offers on this parcel and the City has no interest in selling it.

Mr. Clark voiced concern regarding the erosion and how residents misuse it during winter. He said he would have to vote no until the City can find a way to restore it or prevent further erosion.

Mr. Wamser noted if the City were to sell the property, the sale should be public and open to everyone. He said he would vote not to sell the property.

Mr. Clark stated other residents would like a lottery system to be able to purchase it if this were to go to sale.

Ms. Brown noted she brought it to Common Council, so Mr. Johnson had an opportunity to speak to Council. Her gut feeling is 50 feet now and then someone else asks for more. She questioned how you say yes to one and no to the next.

Mr. Vetterkind stated he would say no.

No action was taken on this item.

7. Discussion and Possible Action Regarding Conversion of Tennis Courts to Pickleball Courts at Wagner Park

Mr. Phalin stated at budget time he proposed converting one tennis court into four permanent pickleball courts and the other tennis court to have two striped pickleball courts with temporary nets. He said they have seen an explosion in the popularity of pickleball. Mr. Phalin stated there were 102 participants in 2021 and 259 across five open day plays per week in 2022. He said they received the formal bid for 2022 and realized there were opportunities to better serve the participants by converting both tennis courts to eight permanent pickle ball courts. He spoke with the company and was advised they needed 47 more feet of four-foot-high fence. Mr. Phalin said the proposed new rate is \$55,567, which exceeds the budgeted by \$45,000. He recommended spending the additional amount from the Capital tennis court resurfacing budget where there is currently \$75,000. He said although the courts are not in great shape, the City is accommodating through crack filling on an annual or every other year basis. He said he is not ready to do a full resurface on any courts and feels it is the most appropriate use of the funds. He is aware it would completely remove tennis at Wagner Park but feels it is a better way to serve the community.

Ms. Brown felt it was a great idea and said we want people to use the parks. She asked Mr. Phalin if he had ordered temporary nets and what would be done with them. Discussion took place regarding the improvements and conversion. He noted the temporary nets come apart nightly and get stored. Ms. Brown stated she would not suggest pickleball at South Park because the tennis courts are used there. Mr. Phalin noted the City website will list what is at each park,

A motion was made and seconded (P. Vetterkind, B. Dziwulski) to convert the tennis courts into pickleball courts at Wagner Park using the tennis court resurfacing budget. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding Park Security Improvements Including Security Cameras,

Keyless Entry and Timed Locking and Unlocking of Bathroom Doors

Mr. Phalin stated he came to Common Council in March and discussed camera installation at the Sports Complex due to vandalism, and cameras were approved. He said there has been an uptick in vandalism and he is trying to protect the City's assets. He said the proposal is about park security with cameras paired with time locked and unlocked bathrooms. Mr. Phalin also stated the key fob access system will help staff, recreation program instructors and facility rentals. Currently when people come pick up keys for rentals, they are advised on times they can enter the building and rules are not being upheld. With the systems it will provide a safer, more secure, and efficient system, which will also remove the need to have police services lock doors nightly.

Mayor Bierce stated he was in favor of the cameras but not sure about the rest.

Mr. Wamser mentioned putting boulders around the parking areas.

Ms. Brown asked if this would be a onetime expense and what the replacement schedule looks like. She said there are other reasons for cameras, and it is a good way to protect the youth of the community. She noted \$112,000. is a large amount. Ms. Brown asked how police will be notified when things are happening. Mr. Phalin noted camera technology estimates seven to ten years prior to replacement. Operational cost would be the cost of internet, which is \$5 per month per park, and it can also be used by recreational staff for programming. He said staff time would only be to review footage as needed and the goal would be to capture restitution. The goal is not to prevent police officers to come to the parks, but as time permits.

Mayor Bierce again had issue with the value and was not in favor of key card access. Discussion took place regarding the key code and how it can be changed. Mayor Bierce stated he has accepted the cameras and understands why they need to be put up.

Mr. Reinbold asked if the cameras are protected from being vandalized. Mr. Phalin stated the cameras can be smashed with a baseball bat without breaking. Mr. Reinbold also asked if they looked at emergency lighting when the security analysis was done. Mr. Phalin stated the City did not request them to analyze lighting.

Mr. Vetterkind noted a camera doesn't stop vandalism but hopefully can deter it.

Ms. Brown asked if this was same company as the Sports Complex. Mr. Phalin stated it was the same company. He said the City received other bids and this company was significantly less. Mr. Phalin noted one difference between the bids is that one requires monthly licensing fees to access the footage and the other one is recorded to the SD card with storage of 30-60 days. He said this helps keep the cost down since it is not constantly uploading to the cloud. Ms. Brown asked if there were funds available in the budget for this project. Mr. Phalin stated this is an unbudgeted project. Mr. Klein noted funds could come from the undesignated fund balance or we could use the ARPA funds.

Mr. Clark asked if this project could it be budgeted next year or delayed until we know more about the ARPA funds. He also asked if the cameras would be used for people having dogs in the parks. Mr. Klein stated they are not looking to find violations; it is being used for vandalism unless something became an issue. Mr. Phalin stated it is about best use of staff time. Mr. Klein stated it could wait a year and put in the budget. He said it might be difficult to do it that way since the fund balance goes up every year. Mr. Klein said he asked staff to come up with ideas on how to use the Federal funds. He said he will be bringing that back to Common Council shortly.

Mr. Reinbold asked if the security in the parks would allow Parks and Recreation to reduce staff and if insurance costs would be reduced with key codes. Discussion took place regarding insurance cost. Mr. Phalin said it may affect weekend staff time for bathroom unlocks.

A motion was made and seconded (B. Dziwulski, C. Brown) utilizing federal government funds assuming it is an eligible project.

Mayor Bierce reminded the Council that the staff members should be on a level playing field. He voiced his concern that Parks and Recreation jump in front of everyone with this request.

Ms. Brown stated she felt it would be better to have a plan for the funds and not dish it out by whoever asks for it first. She suggested the undesignated funds would be a better option and if the security measure for the parks were determined to be part of that plan the undesignated fund could be reimbursed by the ARPA funds.

Mr. Dziwulski changed his motion to pay for the security measures at the parks with the undesignated fund balance and if the Council decided to use the ARPA funds for this project at a later date, the funds would reimburse the undesignated fund balance. Ms. Brown agreed.

Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action Regarding **Ordinance 22-14** Regarding Proposed Text Amendments to Section 17.0435e.(7)(c) of the F-1 Floodplain Zoning District of the City of Pewaukee Zoning Ordinance

Mr. Wirtz was present for this item. Mr. Fuchs noted there were questions and concerns from Common Council with the proposal of taking the floodplain mitigation down from 4:1 to 1:1 when this was discussed at the last meeting. He asked staff to provide more information and they put together a report explaining the flood plain, purpose, process and what other communities are doing. Mr. Fuchs felt going down to 2:1 is not going to impact the purpose or intent of the floodplain. He said the process is heavily scrutinized and goes through FEMA. The City reviews it and would have to approve but it doesn't have to allow it. He added the City requires a 75-foot setback from the floodplain and only two other communities require any type of setback. He does not feel the City is going to get inundated with request to fill the floodplain. Mr. Fuchs noted staff is recommending the 2:1 mitigation standard as opposed to the current 4:1.

Mayor Bierce asked if there would be a fee charged for the review. Mr. Fuchs stated it would be part of the fees the City charges now. Attorney Riffle noted the City has a charge back ordinance.

Ms. Brown expressed her appreciation for the detailed report and asked if lake property would have the same floodplain. Mr. Fuchs noted the ordinance does not distinguish between types of uses or zoning districts. Mr. Wirtz stated there will be a setback of 75 feet. He said there are other zoning restrictions and requirements.

Mr. Clark asked if the 75-foot setback is regardless of what is being filled. Discussion took place regarding filling the floodplain.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the proposed text amendment to Section 17.0435e.(7)(c) of the F-1 Floodplain Zoning District of the City of

Pewaukee Zoning Ordinance. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action to Waive the Second Reading and Approve **Ordinance 22-15** Related to Chapter 5 Traffic specifically Speed Limits on Duplainville Road

Ms. Wagner noted there have been some struggles with the project. She said the road is closed to through traffic but they are experiencing people traveling through and at a high rate of speed. The speed limit is posted at 35 mph and 45 mph as you go to the north. She said there are safety concerns for the workers and the people who must travel that roadway. She is trying to implement different things to control the issue and one tool is to reduce the speed limit through the area so the Sheriff can enforce a lower speed limit during construction. She said it needs to be an ordinance to change to 25mph to be able to enforce. Ms. Wagner asked to temporarily change the ordinance to 25 mph from Marjean Lane to Weyer Road. Once construction is completed, she will do another ordinance to change it back. She noted she will also be coming forward in the future to make changes to an ordinance so she can make temporary speed changes within construction zones, so it doesn't have to be a formal ordinance change back and forth when having issues.

A motion was made and seconded (I. Clark, C. Brown) to approve Ordinance 22-15 related to Chapter 5 traffic specifically speed limits on Duplainville Road. Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action to Give Employees of the City of Pewaukee Resident Pricing for Plots or Columbarium Purchases

Ms. Tarczewski asked if the Common Council would entertain giving employees "resident pricing" of cemetery plots and niches similar to the Park and Recreation offering staff members discounted prices.

A motion was made and seconded (B. Dziwulski, P. Vetterkind) to approve giving employees of the City of Pewaukee resident pricing for plots or columbarium purchases. Motion Passed: 6-For, 0-Against

12. Discussion and Possible Action to Reduce the Posting of Agendas to City Hall and Wagner Park

Ms. Tarczewski noted that the law changed and instead of two outside postings plus City Halls two postings, it can be reduced to two locations and the City website.

A motion was made and seconded (I. Clark, P. Vetterkind) to reduce the posting of agendas to City Hall and Wagner Park as long as they were posted on the website. Motion Passed: 6-For, 0-Against.

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

Mayor Bierce stated he did not have any recommendations at this time.

14. Public Comment - None.

15. Adjournment

A motion was made and seconded (I. Clark, B. Dziwulski) to adjourn the meeting at 7:59 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer