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

<u>Also in Attendance</u>:
Attorney V. Anderson, Administrator S. Klein, DPW Director J. Weigel, Utility Manager J. Mueller, Director of People and Culture K. Woldanski, Parks and Recreation Director N. Phalin 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

   George Evert (N45 W24434 Lindsay Road) thanked the Sheriff's Department for patrolling Lindsay Road due to the increased traffic and speed issues near the Pewaukee Sports Complex.

3. <u>Consent Agenda</u>
   - 3.1. Approval of the Common Council Meeting Minutes Dated May 20, 2019
   - 3.2. Approval of the Common Council Meeting Minutes Dated June 3, 2019
   - 3.3. Approval of Accounts Payable Listings
   - 3.4. Approval of Bartender License
   - 3.5. Accept the 2018 Compliance Maintenance Annual Report (CMAR) and Approve **Resolution 16-06-14**

   Mayor Bierce removed Item #3.2 because they were not completed. Mr. Dziwulski asked that Item #3.1 be removed.

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

   3.1 Approval of the Common Council Meeting Minutes Dated May 20, 2019

   Mr. Dziwulski stated only a portion of the document was submitted and when the Clerk realized the error, there wasn't amble time to review the minutes appropriately.

   <u>A motion was made and seconded, (B. Dziwulski, C. Brown) to forward this item on to the next meeting for consideration</u>. Motion Passed: 6-For, 0-Against.

4. **PUBLIC HEARING** Regarding the 2019-2020 Class A and Class B Liquor License Requests and Possible Action to Issue Same

   Ms. Tarczewski stated this is an annual function of the Common Council. The local establishments have submitted their license requests. She noted there are some minor contingencies for some of the applicants before licenses can be issued. Mayor Bierce opened the public hearing.

   Mr. Tyler Pasdera from Boomers Sports Pub (N29 W24483 Watertown Road) stated he had a letter sign in front of his building for several years and was told by several board members that he has to take it down because it is not allowed. He said there are numerous other businesses that utilize this type of sign in the community. He questioned why he is being told he wouldn't receive his license unless he removed it. Mr. Klein stated he never told him that.

Mr. Pasdera asked why the other businesses don't have to take theirs down. Mr. Klein stated he has not received any other complaints. Mr. Pasdera stated it should be a rule for everyone. Mayor Bierce stated we have ordinances, but we don't have enough manpower to enforce them all, so sometimes we only enforce what we receive complaints on and not until. He suggested that Mr. Pasdera submit the list of establishments that he is aware of so that they can be dealt with appropriately.

Since no one else expressed an interest in speaking, Mayor Bierce closed the public hearing at this time.

Mr. Kara questioned the liquor license classification for Smokey's. He said he thought it should be a Class B. Ms. Tarczewski stated he was correct and she recalled this same discussion last year.

A motion was made and seconded, (B. Dziwulski, R. Grosch) to approve the liquor license requests contingent upon the Clerk's concerns being satisfied. Motion Passed: 6-For, 0-Agaisnt.

5. Discussion and Possible Action to Approve **Resolution 19-06-15** Amending the 2019 Budget in the Amount of $81,816.42 to Cover the Costs of a Metro Drug Unit Deputy for the City of Pewaukee

Ms. Tarczewski stated last March the Council took action to amend the Police Services contract with the Waukesha County Sheriff's Department and hire a Metro-Drug Officer mid-year resulting in a need to amend the 2019 Budget to cover the additional expenses.

A motion was made and seconded, (B. Dziwulski, B. Bergman) to approve Resolution 19-06-15. Motion Passed: 4-For, 2-Against (R. Grosch and C. Brown)

6. Discussion and Possible Action to Reduce the Cloverland Farms Letter of Credit from $119,000 to $35,000, Allowing the Developer to Replace the Letter of Credit in Suitable Form Prior to the July 16, 2019 Expiration or Authorize the City Attorney to Begin Action to Draw on the Current Letter of Credit

Mr. Weigel stated the City received notice that the letter of credit will be terminating in 90-days. He stated last year the developer was asked to remove and replace the pavement and $10,000 is still needed to cover the warranty period. Mr. Weigel also stated there are issues with the storm water detention ponds that are not infiltrating.

Mr. Weigel recommended reducing the current letter of credit from $119,000 down to $35,000. He said the developer is interested in swapping out the current letter of credit, but he would like authorization for the Attorney's office to draw on the original letter of credit if no action is taken to replace it before it expires. Mr. Weigel stated the developer has been very responsive in the past and does not think it will be an issue.

A motion was made and seconded, (B. Bergman, R. Grosch) to authorize the reduction of the Cloverland Farms letter of credit from $119,000 down to $35,000 and authorize the City Attorney to drawn on the existing $119,000 Cloverland Farms letter of credit up to $35,000 if necessary, should the developer not submit a replacement $35,000 letter of credit in advance of the July 16, 2019 expiration date. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action Regarding the Woodleaf Reserve Addition #2 Letter of Credit in the Amount of $60,500 that will Expire on the July 24, 2019

Mr. Weigel stated the developer built the sewer and water curbs and base level last year and the top level of asphalt will be put into place this summer. He said the bank notified us of the termination of the letter of credit on July 24, 2019. The developer stated they plan to complete the project prior to the expiration and has indicated they want to give the City $10,000 cash escrow for the 1-year warranty period. Mr. Weigel stated there is activity at the site to indicate they are on schedule.

Mr. Weigel asked the Council to authorize the City Attorney to drawn on the $60,500 letter of credit if necessary should Woodleaf not complete the final paving prior to July 24th, 2019. He said all of money would be needed to complete the project if necessary.

A motion was made and seconded, (B. Dziwulski, J. Wamser) authorizing the City Attorney to draw on the $64,500 Woodleaf Reserve addition #2 letter of credit if necessary, should the developer not complete the final paving prior to the July 24, 2019 letter of credit termination.
Motion Passed: 6-For, 0-Agaisnt.

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

   Mayor Bierce stated he was working on some additional appointments and would be able to make some recommendations at the next meeting.

9. Public Comment - None.

10. 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

    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, J. Wamser) to go into Closed Session at 7:23 p.m.
    Motion Passed via roll call vote: 6-For, 0-Against.

11. Adjournment – **A motion was made and seconded, (B. Dziwulski, R. Grosch) at 8:16 p.m. to adjourn the meeting from in closed session**. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer