In attendance:
Mayor Steve Bierce, Aldermen B. Dziwulski, R. Grosch, and J. Wamser. Alderman B. Bergman, C. Brown & J. Kara attended the meeting virtually due to the Covid-19 Virus.

Also in Attendance:
Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, IT Director B. Kewan, City Planner & Community Development Director N. Fuchs and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Mayor Bierce called the meeting to order at 7:01 p.m.

2. Public Comment – None.

3. Consent Agenda
   3.1. Approval of Common Council Meeting Minutes Dated March 2, 2020
   3.2. Approval of Accounts Payable Listing Dated May 4, 2020
   3.3. Approval of Bartender Licenses
   3.4. Affirm Action Taken on March 14, 2020 Related to the Declaration of Health Emergency Regarding Coronavirus COVID-19 Pandemic
   3.5. Concur with the Recommendations of Statewide Insurance and Disallow the Claim Related to a Water Main Break at East Parkway Meadow Circle and Stillwater Lane on January 12, 2020

   Mayor Bierce removed Item #3.1 because the minutes were not completed. Item #3.5 was removed because there were people present in the audience for the item. Mr. Dziwulski asked that Item #3.2 be removed for discussion.

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

   3.2 Approval of Accounts Payable Listing Dated May 4, 2020

   Mr. Dziwulski asked why there were two payments for the Joint Library. It was determined that one was for April and the other was for May.

   A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the accounts payable listing. Motion Passed: 6-For, 0-Against.

   3.5 Concur with the Recommendations of Statewide Insurance and Disallow the Claim Related to a Water Main Break at East Parkway Meadow Circle and Stillwater Lane on January 12, 2020.

   Mr. Klein stated the insurance company has recommended that the City deny the claim.

   Chris Wolf (W241 N2533 East Meadow Parkway Circle) asked the Council to look at the claim from an ethical and moral standpoint before flatly denying the claim. He said the residents affected waited a half hour before the water was actually turned off. He said the speed bump added to the water backup issues because of how it channeled the flow. Mr.

Wolf also voiced his displeasure with how long it took the insurance company to review this claim, since it was submitted three months ago.

Mr. Klein referred to Ms. Mueller's memo that stated the City didn't do anything wrong. He said if the Council decides to vote in favor of the residents it would be an expense paid from the City's funds, not the insurance company.

Mr. Wamser stated he felt the City was at fault for just being there and that the insurance adjuster was not customer service oriented.

Ms. Brown stated she did not fully hear all of the discussion and would abstain from the vote based on that.

<u>A motion was made and seconded (R. Grosch, B. Bergman) to concur with the insurance agent's recommendations and deny the claim</u>. Motion Passed: 3-For, 1-Against (J. Wamser), 2-Abstain (J. Kara, C. Brown).

4. Discussion and Possible Action Regarding a Request to Extend the Approval Time Frame of Conditional Use Permit No. CUP-19-12-1 for the Waters Senior Living Management, LLC Development located at approximately W239 N2492 Pewaukee Road (PWC 0919-991 & PWC 0919-995)

Mr. Fuchs stated he received a request from The Waters to extend the conditional use permit because of issues with Covid-19, and the work that needs to be done has been temporarily halted, such as financing and architecture work. He said staff is recommending approval to extend until December 2nd, 2021. Attorney Riffle also recommend approval.

Mayor Bierce stated that perhaps this would be the perfect time to reexamine this project since all of the worst Covid-19 hotspots in the America are taking place in nursing homes. He said he wants assurance that this will not be a future hotspot for Covid-19.

Debbie Tomczyk stated this development is not a nursing home facility. She said it is a senior living facility and there is limited access to common areas. The communal dining facility is optional. Ms. Tomczyk stated she is not aware of any exposures in any of their other facilities.

Mr. Bergman stated all businesses have been affected by the pandemic. He asked how businesses could possibly prepare for something like this. He said this project will be directed by the State and this project has already been vetted out among the Plan Commission and Council.

<u>A motion was made and seconded (J. Wamser, B. Dziwulski) to concur with the staff recommendation and extend the time frame of the conditional use permit</u>. Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action to Approve the Installation of (3) Boiler Chemical Feed Tanks to the (3) Boilers Located in City Hall

Mr. Klein stated the system is used to inject chemicals into the boiler water feed to eliminate pipe corrosion and things were starting to wear out. While repairs were being done, it was noted there were no chemical feeders on any of the boilers. Mr. Klein also stated the PH level is slightly high and that can corrode elements in the system. Mayor Bierce asked why it was being brought to Common

Council, and Mr. Klein stated it was not in the budget and it needed approval. Mr. Klein stated the $12,700 would be needed for repair and it would come from contingency. Mr. Kara asked why no bids were received. Mr. Klein stated that this is a repair job using our regular maintenance crew. At this amount we would not have to bid, and they have been in line on every job they have done.

A motion was made and seconded (B. Dziwulski/R. Grosch) to approve the installation of three boiler chemical feed tanks located at City Hall. Motion Passed: 6-For, 0-Against.

6. Discussion and Possible Action to Approve the Swan View Farms Phase 1 Development Agreement And Establish the Amount of the Letter of Credit

Ms. Wagner stated this is our standard developer's agreement and establishing letter of credit for the Swan View development. As part of the developer's agreement, they will only be working on Phase 1, which is the looping road on the south half of the property. The letter of credit we are seeking to establish is in the amount of $5,706, 294.00. This will secure sewer, water, storm and roads that are going to be developed on the property, which will be approved by the City Attorney and is based off the construction cost bid that the developer provided, plus a 20 percent addition. Attorney Riffle stated the developer's agreement is in its final form and the formal letter of credit is still outstanding. Once $5.2 million is presented in the appropriate form, things will be able to move forward. Mr. Klein stated the motion should be contingent upon final approval of the City Attorney.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the Swan View Farms development agreement contingent on requirements of the City Attorney and City Engineer and establish the initial amount of the letter of credit at $5,706, 294.00 in the form approved by the City Attorney. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action to Approve the Amendment to the Developer's Agreement for BBC Northmound, LLC

Ms. Wagner stated this is an amendment to the developer's agreement to allow the tenants at the Northmound building to get occupancy prior to everything being completed in the original developer's agreement, which includes the final paving of the parking lot and storm sewer corrections in Northmound Road. Ms. Wagner stated since there is a road that services the building any items not completed should not delay occupancy. Asphalt plants are starting to open and those are being scheduled to be done, so there is no problem amending the developer's agreement. Ms. Wagner recommended approval of the amendment contingent on the items that need to be completed. Mayor Bierce asked what would happen if we let them take occupancy and the items aren't completed. Attorney Riffle stated we would take the money and fix outstanding items that were not completed due to the letter of credit in place. Ms. Wagner stated they have a line of credit for all public improvements and that letter of credit has not been released.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve the amendment to the BBC Northmound Developer's Agreement contingent upon City Attorney and City Engineer approval. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding the Springdale Manhole Rehabilitation Project with the Town of Brookfield in Accordance with the Inter-Municipal Agreement

Ms. Wagner stated the City of Pewaukee shares an interceptor with the Town of Brookfield in Springdale Road. The manholes are being eaten away by chemicals from a business upstream from these manholes. These need to be repaired in order to maintain their integrity and do not collapse and cause road issues in the future. The City worked with the Town of Brookfield to determine the best long term solution, and the Town took the lead to bid out the construction work. The City will have to pay 75 percent of the cost of the contract, which is just under $400,000. With 30 percent engineering, administration and contingencies, the contract is at $508,000, with the City's share at $381,464.48. Since we are aware of this, $175,000 was planned in the budget for the work, so $206,000 will need to be reprogrammed.

Ms. Wagner stated we are seeking the reprogramming to come from a few projects currently budgeted for, including the Rockwood Busse Lining Project, budgeted at $250,000, which came in under budget with $150,000 in excess. The Shady Lane/Shady Nook project is still seeking easement acquisitions so they were asking to reallocate the $10,000 that was allocated for the sewer. The Pewaukee Woods project had a budget of $20,000, but the project was delayed until next year, so those funds can be used. This leaves about $27,000 to be taken from savings in the sewer utility. Ms. Wagner stated the Town of Brookfield will bill the City of Pewaukee as the project goes on.

Mr. Klein asked if the business that caused the problem is still around, but Ms. Wagner stated it is no longer in business. Mr. Grosch asked if they would be lining or replacing the manholes. Ms. Wagner stated they will be doing a liner technology where they will reline benches and manholes and redo some of the decking. Mr. Kara asked how many manholes are being repaired and why the Town of Brookfield bid it if we are paying 75 percent of the project. Ms. Wagner stated 27 manholes were being repaired and stated we asked the Town to take the lead on it. Ms. Wagner also stated we did review the bids and are comfortable with price and using Hydroclean as the contractor.

Ms. Brown asked if we normally do 30 percent on projects. Ms. Wagner stated it is normally 25 percent on engineering projects, but it has been bumped up to 30 percent, which includes design, engineering, bidding, construction administration and inspection.

A motion was made and seconded (J. Wamser, R. Grosch) to approve the reprogramming of $206,268.48 as recommended by the City Engineer to pay for the City's share of the contract in accordance with the inter-municipal agreement. Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action Regarding the North Avenue Well Pump Repair

Ms. Wagner stated we had a motor fail on deep well #6 the week of March 9th. The contractor investigated and found there was catastrophic failure. The pump was pulled and sent to the vendor and we were notified that it is not a warranty issue, but the vendor suspects a power strike, surge or transient influences. The damage is similar to an issue with the last motor that was replaced last year. The City is investigating and working with WE Energies and an electrical contractor to work out the issues. Ms. Wagner stated we will be looking at adding surge protection and phase monitoring, which will monitor electrical input to notify when there is a problem so that the motor can stop before being damaged in the future.

The motor that was replaced last year was rebuilt and put in storage. It will be shipped and put back into service to get the well up and running. The current motor is rebuildable and will take six to eight weeks and can then be put it in storage. The estimate for work done to date to install the motor and start up is $70,000. There will be ongoing costs for surge and monitoring, but there are no estimates at this time. The 2020 Utility budget included $50,000 pumping equipment repairs and also planned to replace well #5 at the Northmound station, but will postpone and reallocate the funds to well #6. Ms. Wagner is asking to concur with the approach on taking funds from well #5 and moving them to well #6.

Mr. Klein asked if this would be covered by insurance and if it would be worth a claim. Ms. Mueller stated she was not aware, but Ms. Wagner stated she would ask. Mr. Grosch asked if we monitor the frequency and the surges with our systems, and he recommended that we look at having that on all the big horse power motors. Ms. Wagner stated we currently don't have anything on our systems to monitor those things and that would be the phase monitoring we would be looking at. Attorney Riffle asked if we looked into the warranty. Ms. Wagner stated the motor is not a warranty issue, and it was determined with the amount of damage that was seen, there wasn't a weakness within the motor itself.

Mr. Kara asked what the cost would be to delay well #5. Ms. Wagner stated that Ms. Mueller was going to replace the well and motor ahead of radium treatment that was going to be put on that well. She wanted to get that system in line and running effectively before putting the treatment facility in. It would probably not go into service until 2021, but it is not going to delay the project.

Ms. Wagner stated the PSC rate case hearing will be next week and she will get the order on the rate increase three to four weeks afterward. It will go before the Common Council in June. As to the official rate case increase from PSC, there will be an increase but we will not know the amount until the orders come back. The City requested that the increase go into effect for the 3rd quarter September billing.

<u>A motion was made and seconded (B. Dziwulski, R. Grosch) to concur with the Utility on the repairs to Well #5 and reallocate funds from Northmound to North Avenue as recommended by the City Engineer</u>. Motion Passed: 6-For, 0-Against.

10. Public Comment - None.

11. Adjournment – The Common Council meeting adjourned the meeting at 8:15 pm

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer