

**In attendance:**

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

**Also in Attendance:**

Attorney S. Riffle, Administrator S. Klein, Assistant Engineer M. Wagner, Utility Manager J. Mueller, Director of People & Culture K. Woldanski, Planner & Community Development Director N. Fuchs, and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Mayor Bierce opened the meeting at 7:00 p.m.
2. Public Comment - None.
3. Consent Agenda
  - 3.1. Approval of the Common Council Meeting Minutes Dated April 1, 2019
  - 3.2. Approval of the Common Council Meeting Minutes Dated April 15, 2019
  - 3.3. Approval of Accounts Payable Listings
  - 3.4. Approval of Bartender License
  - 3.5. Approve **Resolution 19-05-07** Related to the Contacts for Open Records Requests
  - 3.6. Affirm Kelly Tarczewski Continued Appointment as Cemetery Sexton
  - 3.7. Affirm Nick Fuchs Continued Appointment as Zoning Administrator
  - 3.8. Concur with the Recommendation of the Human Resources Committee that the Human Resources Committee be Included on Final Interviews of Department Head Positions and that Final Approval of Department Head Positions be Given by the Common Council.

Mayor Bierce pulled the meeting minutes dated April 1, 2019.

**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.

4. Discussion and Possible Action Regarding the Request of the Town of Brookfield to Establish a Border Agreement

Mr. Klein stated representatives from both the City and Town of Brookfield wanted to be present but were not available. He asked that this item be tabled.

**A motion was made and seconded, (J. Kara, J. Wamser) to table this item until the next meeting.** Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action to Table/Reschedule the **PUBLIC HEARING** Regarding the Conditional Use for the Property Located on Golf Road and CTH G (PWC 0940-999-001) for the Purpose of Developing the Robert J. Stenz Family Trust Property Consisting of Two and Four-Family Residential Buildings Under the Rm-1 PUD Zoning Designation as Requested by Jim Forester to June 3rd, 2019

**A motion was made and seconded, (B. Bergman, R. Grosch) to table the Stenz conditional use public hearing for the residential buildings until June 3<sup>rd</sup>, 2019.** Motion Passed: 6-For, 0-Against.

6. Discussion and Possible Action Regarding Hiring MSDSOnline(C) to Perform a Chemical Inventory and Establish an Online Tracking System for Safety Data Sheets in Accordance with our Safety Program and Regulations.

Ms. Woldanski was present for this item. She stated the City is no longer in compliance with our chemical inventory; it is outdated and has not been kept up. She said Ms. Bergersen has researched a few companies and found this company to have the lowest annual maintenance cost. Ms. Woldanski stated they could do an inventory at all of our buildings and vehicles this year. She said this was not a budgeted item and would cost \$9,500 plus \$1,500 annually. The information would be available on our website. Council members wanted to be sure that the City owns the data in case we wanted to cancel the service. There was additional discussion related to this topic.

**A motion was made and seconded, (B. Dziwulski, J. Wamser) to approve hiring MSDSOnline to perform a chemical inventory and establish a tracking system in the amount of \$9,500 with the funds that would come out of the contingency fund.** Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action to Create an Engineering Design Consultant Selection Committee for Project No. 2370-04-00\_2370-04-70, the Duplainville Road Bridge Replacement (Spring Creek Bridge B670009)

Ms. Wagner was present for this item. She estimated only one meeting would be needed to review the consultants for the bridge project. Mr. Bergman, Mr. Grosch and Mr. Wamser volunteered to be on the committee.

**A motion was made and seconded, (J. Kara, R. Grosch) to appoint Mr. Bergman, Mr. Grosch and Mr. Wamser to the Engineering Design Consultant Selection Committee.**

Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding a Certified Survey Map for NCL Graphics Located at N29 W22960 Marjean Lane for the Purpose of Combining Five Separate Lots into a Single Parcel (PWC 0914-008)

Mr. Fuchs was present for this item. He stated this is a condition of the site and building plan which was recommended by the Plan Commission. He said it would combine five existing lots into one parcel.

**A motion was made and seconded, (C. Brown, B. Dziwulski) to approve the certified survey map for NCL Graphics.** Motion Passed: 6-For, 0-Against.

9. Discussion and Possible Action Regarding **Ordinance 19-12** Rezoning the Property From RS-2 Single-Family to M-2 Limited Industrial as Requested by Klein Dickert for the Purpose of Developing a New Manufacturing and Office Facility (PWC 0866-997-001, PWC 0866-997-002, PWC 0866-997-003)

Mr. Fuchs stated items 9 – 12 are related to the Klein Dickert development. He stated they will be constructing a 54,335 square foot industrial building on three existing parcels at the northwest corner of Lindsay and Duplainville Road. He said the Plan Commission already reviewed the site and building plans. Mr. Fuchs stated the southernmost parcel is currently zoned RD-2 and the applicant is asking to rezone it to M-2.

Ms. Brown asked if anyone opposed the project. Mayor Bierce stated no one opposed the rezoning. He said the biggest opposition was the site plan, specifically the landscaping and that has to go back to the Plan Commission. Mayor Bierce stated the residents of Victoria Station were concerned about how this would look. Mr. Bergman gave more detail related to the landscaping. Ms. Brown brought up the need to have Klein Dickert change the Business Plan of Operation to the City of Pewaukee form, because they used the Village's form in error.

**A motion was made and seconded, (B. Dziwulski, R. Grosch) to approve Ordinance 19-12 rezoning the property from RS-2 to M-2.** Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding **Ordinance 19-11** Amending the Comprehensive Master Plan to Change the Year 2050 Land Use/Transportation Plan for Klein Dickert for Property Located at the Northwest Corner of Duplainville Road and Lindsay Road from Medium Density Residential to Manufacturing / Fabrication / Warehousing (PWC 0866-997-003)

Mr. Fuchs stated this was just dealing with the southernmost part of the parcel. He said the zoning needs to be consistent with master plan.

**A motion was made and seconded, (C. Brown, J. Kara) to approve Ordinance 19-11 amending the comprehensive master plan.** Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding **Resolution 19-05-09** Authorizing the Release, Waiver and Vacation of Prior Storm Water Retention Easements Upon Portions of Parcels 1, 2 and 3 of Certified Survey Map Number 8264 for Properties Located at Approximately W227 N4755 Duplainville Road (PWC 0866-997-001, PWC 0866-997-002, PWC 0866-997-003)

Mr. Fuchs stated there are three existing storm water retention easements among the three properties and they cross over property lines. He said he believed it to be due to a previously proposed development that never went through and are no longer needed. The only caveat is that a portion of easement in the southwest corner is requested to remain and be noted on the certified survey map.

Attorney Riffle stated he specifically asked Engineering about this because he had concerns. He said we'd only relinquish the easements once the new certified survey map is recorded with the new easements would we release the old ones.

**A motion was made and seconded, (J. Kara, B. Dziwulski) to approve Resolution 19-05-09.** Motion Passed: 6-For, 0-Against.

12. Discussion and Action Regarding a Certified Survey Map for Klein Dickert for Property Located at W227 N4755 Duplainville Road for the Purpose of Combining Three Existing Parcels into a Single Lot (PWC 0866-997-001, PWC 0866-997-002, PWC 0866-997-003)

Mr. Fuchs stated this certified survey map combines three lots into one to avoid building and parking setback issues and lot coverage issues.

**A motion was made and seconded, (B. Dziwulski, J. Kara) to approve the certified survey map for Klein Dickert.** Motion Passed: 6-For, 0-Against.

13. **PUBLIC HEARING** and Possible Action to Approve **Resolution 19-05-10** to Vacate Approximately 0.1320 Acre of City of Pewaukee Right-of-Way and Attach the Entirety to Property Located at W226 N918 Northmound Road For the Purpose of Accommodating the Development of

a 131,400 Square Foot Industrial Building (PWC 0962-998-005) Per the Request of Briohn Building Corporation

Mr. Fuchs stated this has been before the Common Council previously. He said this was the final step in the process. He said Briohn Building would be shifting the unapproved cul-du-sac that leads north to the Sanitary District #3 building to the south, and the City would retain the right of way to have access to the building.

Mayor Bierce opened the public hearing. No one expressed an interest in speaking so the Mayor immediately closed the public hearing.

Ms. Brown asked why some signatures were obtained from nearby property owners. Mr. Fuchs stated the State requires property owners within 2,650 feet from the area to be vacated.

**A motion was made and seconded, (B. Bergman, J. Wamser) to approve Resolution 19-05-10.**

Motion Passed: 6-For, 0-Against.

14. Discussion and Possible Action Regarding a Preliminary Certified Survey Map for Briohn Building Corporation for Property Located at W226 N918 Northmound Drive for the Purpose of Dedicating the Right-of-Way (PWC 0962-998-005)

Mr. Fuchs stated this certified survey map would dedicate the right-of-way and easements. It is preliminary and final approval should be in June.

**A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve the preliminary certified survey map.** Motion Passed: 6-For, 0-Against.

15. Discussion and Possible Action Regarding North Avenue Well #6

**15.1 Resolution 19-05-11** Declaring an Emergency for Repairs to North Avenue Well #6

Ms. Mueller and Ms. Wagner were present for this item. Ms. Wagner stated there are currently several issues with the well system. She said last month money was transferred from well number #6 to #7. Then within a few days an alarm was received for well #6 notifying us that there was a motor failure and other mechanical issues. Well #1 is still not working at full capacity due to the pumping system and well #2 on Green Road is having issues with the radium treatment system. Ms. Mueller stated the Northmound well is running at a reduced rate, because it is not compliant with the gross alpha. Ms. Wagner stated the Department of Natural Resources (DNR) has been notified and recognizes the dire situation and basically has asked if we have capacity to service our community.

Ms. Wagner stated given these multiply factors, we don't have the time for the full bidding process to repair this well. She said our hardest pumping months are coming up shortly. She asked the Common Council to declare an emergency. Attorney Riffle stated there is a provision within the state statutes that the governing body can declare such an emergency and our situation meets that criteria. He said the DNR is looking at us to determine whether or not we could meet emergency water needs. Ms. Mueller stated the City's water production is reduced by 1/3 to 1/2 at this time.

**A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve Resolution 19-05-11 declaring for the emergency repairs to the North Avenue well.**

Motion Passed: 6-For, 0-Against.

15.2 Replacement of 14" Motor, Pump, Cable, Column Pipe, and Associated Components Currently Available to Expediently Repair Well #6.

Ms. Mueller stated she provided motor options that are currently available. She recommended going with the rebuilt Byron Jackson motor in the amount of \$119,055. She said if that motor is not available she'd like the ability to pursue the Endar motor based on its availability.

**A motion was made and seconded, (C. Brown, R. Grosch) to repair Well #6 in an amount not to exceed \$132,000 with the money to come out of the sewer utility reserves which is to be repaid with the rest of the money that water utility owes the sewer utility.**  
Motion Passed: 6-For, 0-Against.

16. Discussion and Possible Action Regarding Repairs to the Lakeview Avenue Boat Launch.

Ms. Wagner stated complaints have come in regarding boat props being damaged at our boat launch. She said staff went to the site and saw a pile of stone and muck at the far end of the launch. The equipment we have available could not reach that far in the lake. She said staff decided to close the boat launch on Friday and notified police and the lake patrol. Unbeknownst to staff, Tom Koepp from the Lake Pewaukee Sanitary District noticed the closing and took out a barge and leveled the debris and opened the launch and never reported it to staff.

Mr. Klein stated staff has to verify whether or not it was actually fixed. Ms. Wagner stated staff looked at it and feels the debris was pulled back enough as not to damage anyone's props. However, she said, Mr. Koepp told her he felt something that may indicate there is still an issue on the left side of the launch. She stated she still wants someone to come in and do an inspection of the launch. She also stated we should need to determine if a dredging project is necessary at this time. Ms. Wagner also suggested taking a harder look at who is actually using the boat launch to determine if it is appropriate or not.

Ms. Wagner stated the DNR is aware of what Mr. Koepp did to repair the problem at the launch and it could potentially be an issue that the City will have to come to terms with. The DNR sees it as an environmental issue and regulates such actions. She said what Mr. Koepp did was technically considered a dredging project and should have gotten a permit from the DNR. Ms. Wagner stated she would discuss this further with the DNR warden.

Ms. Wagner concluded that she would still like the funds to do the inspection of the launch and would like a report with recommendations on a potential maintenance schedule, and to determine the capacity of launch. She also wants to know if barges should be restricted and look for suggestions to manage the activity and possibly issue different permit fees for such activities.

**A motion was made and seconded, (J. Kara, R. Grosch) approve up to \$4,000 to perform a boat launch inspection and use report related to the capacity with the money to be paid back with boat launch fees collected.** Motion Passed: 6-For, 0-Against.

17. Discussion and Possible Action to Approve **Resolution 19-05-08** Authorizing a Supplemental Indenture Relating to Industrial Development Revenue Bonds, Series 2011 (Harken Project), and the Execution Thereof

Attorney Riffle stated back in 2011 the Council approved the Industrial Revenue Bond for the use by Harken. The lenders are saying there may be a change on how LIBOR is calculated in the future and therefore they want to amend the documents to reflect how the interest would be calculated.

**A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve Resolution 19-05-08.** Motion Passed: 6-For, 0-Against.

18. Discussion and Possible Action to Upgrade Office Furniture for Multiple Departments in the Amount of \$5,113.12 and Taking the Funds Out of Contingency

Mr. Klein stated furniture was purchased and he charged the expenses to the city hall operating supplies account but it was pointed out to him that would not be the appropriate account to use. He asked for the money to be taken out of the contingency fund.

**A motion was made and seconded, (B. Dziwulski, R. Grosch) take money out of the contingency fund to pay for the new office furniture.** Motion Passed: 6-For, 0-Against.

19. Discussion and Possible Action to Appoint a Common Council President

Attorney Riffle stated this decision should come directly from the Council members. The Mayor should not make any recommendations.

**A motion was made and seconded, (B. Dziwulski, R. Grosch) to appoint Ms. Brown as Council President.** Motion Passed: 6-For, 0-Against.

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

Mayor Bierce stated he did not hear back from everyone as of yet and would take this up at the next meeting.

21. Public Comment – None.

22. Adjournment

**A motion was made and seconded, (B. Bergman, R. Grosch) to adjourn the meeting at 8:16 p.m.** Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski  
Clerk/Treasurer