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, 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. Approve the Common Council Meeting Minutes Dated April 14, 2022
   3.2. Approve the Accounts Payable Listing Dated May 2, 2022

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

4. **PUBLIC HEARING** regarding the Duplainville Road Reconstruction and Trail Construction Project
   4.1 Discussion and Possible Action to Accept the Preliminary Engineers Report and Proposed Special Assessment.
   4.2 Discussion and Possible Action Awarding the Duplainville Road Reconstruction and Trail Construction Contract to the Lowest Qualified Bidder.

   Ms. Wagner noted the construction on Duplainville Road is located in the eastern part of the City and involves a section of the Canadian Pacific railroad north to Weyer Road, which is the termination of the City limits. She said the road has been on the road program for several years and has a Pazer rating of four out of ten. Ms. Wagner stated there have been many utilities extended through this corridor and a lot of trench repairs for the utility's crossings. She said the trenches continue to fail and there have been other repairs. She noted it is an old County highway that had been concrete and at some point it became a City road and had an asphalt overlay over the top. When the City cuts utility trenches they are cutting through old concrete pavement, which causes differential settlements in the trenches. Due to the age of the road, utilities being completed, drainage issues and the bridge being replaced, the City felt it was a great time to do the reconstruction project.

   Ms. Wagner stated the reconstruction plan will include removing all existing pavement, stone base, and subgrade fixes. It will be rebuilt from the bottom up. She said the location from Capitol Drive to the Canadian Pacific railroad tracks to the south eight inches of concrete pavement over eight inches of base. The City felt it was warranted to use concrete pavement to allow a longer life. Ms. Wagner noted from Capitol Drive north to Weyer Road will be six-inch hot mix asphalt pavement over 14 inches of base. She noted they will be 12-foot lanes with five-foot paved shoulders and a three-foot gravel shoulder along the corridor. Ms. Wagner noted there is a small

section near Quad Graphics that will have a wider paved shoulder due to truck turning movements from existing truck bays

Discussion took place regarding drainage and cross sections.

Ms. Wagner stated the City has bid a Duplainville Road off road trail from Green Road to Lindsay Road. She noted the Bike and Pedestrian Path Planning Committee were looking at an on road trail. In discussions the City looked at traffic volume, speed and the number of trucks and decided it was much safer to do an off-road trail. She said the City also bid and designed Lindsay Road as an off-road trail. Ms. Wagner stated it will go from Duplainville Road to the Sports Complex. She noted this one also was originally going to be an on-road trail system and the City had the same concerns. She said Lindsay Road is a mandatory alternate to the contract and Common Council will decide if it should move forward. It will be an eight-foot-wide asphalt path that will run the whole corridor. On the south it will connect Green Road and the north will stop at Lindsay Road. She said there were five bids for the project.

Discussion took place regarding the different bids the City received.

Ms. Wagner noted when the City developed the assessment roll there were two potential low bidders. She said assessments are capped at $3,005.00 for 2022. She also noted this assessment has flood plain and wetland property, which gets a reduced assessment cap of $951. She said all non-residential properties pay the full assessment. Ms. Wagner stated preliminary notices have been sent and anticipates the finalized assessment will be sent later in the season of 2023. Ms. Wagner noted payments need to be made by October 31, 2023 and can be paid over ten years with a simple interest applied annually to the unpaid balance on their tax bill. She noted assessments are based on the cost of the project. Ms. Wagner said the City allocates the project cost for road, curb, bike trails, storm water utility, minor water, and sewer utility costs. Ms. Wagner also noted Duplainville Road is an Arterial Classification Road and only 50 percent of costs are assessed to property owners. The other 50 percent comes from the tax levy. She said the City received $1.5 million in federal funding for the project, which reduced the cost.

Further discussion took place regarding assessment districts and cost.

Ms. Wagner anticipates construction will start in June and will run through November of 2022 with possible restoration lagging into 2023. She said the bridge project is anticipated to start in July or August and the bridge will be out for one to two months. Ms. Wagner noted there will be a detour route posted and expects there will be driving delays. Discussion took place regarding access through the different subdivisions.

Mayor Bierce opened the public hearing.

Greg and Danielle Zinda, owners of The Station Pub and Grill (W226N3013 Duplainville Road), asked about signage saying "open for business" and if it would be available or if they will be able to set up signs. Ms. Wagner said the City does not normally put those signs up and said she would check with Mr. Fuchs. Ms. Zinda said this construction will affect their business customers and deliveries. She asked for a direct number to the expediter or project manager on the project. Ms. Wagner noted a letter will go out stating when the project will start along with contact information for the contractor. She said the City has also been using an email blast which goes out at the end of the day with updates. Mr. Zinda asked about specifics for his property. Ms. Wagner said she will give

him her contact information so they can talk specifically about his property.

Jeff Mierow (#parcel 36) questioned the fairness of his assessment. He noted he has a steep hill and has been told he can't access Duplainville Road from his property. He also questioned the 12-inch pipe. Ms. Wagner said she does not know about access. She said he is being assessed as one residential property and will receive the cap. The remainder of the assessment is deferred and if nothing happens on the property in five years, it will go away. She noted the assessment amount will depend on what happens. Ms. Wagner said she will look at the water service. The 12" watermain is for a future loop, so there may be a reduction.

Kurt Nettesheim (W224N3884 Duplainville Road) said when he developed the property, he was under the understanding that the bike path was going to be alongside the road. He said now it comes halfway into the property. He said he understands it is still within the easement but now he will have a ditch the whole length of his property that he will have to mow and it will not be flat property like it is now. He said he will also have another culvert going in. He said the picture is a lot different than what he had expected when he built the property. Mayor Bierce asked what the depth of the ditch was and Ms. Wagner stated it may be two feet deep.

Fred Lindenstruth (W226N4493 Duplainville Road) wanted more information on the bike path and asked if it would go across Highway F. Ms. Wagner stated the County is working on a separate improvement project in that area and putting in a pedestrian crossing. He said it's a busy highway and feels it is dangerous. Mayor Bierce stated that is why the City separated that part of the trail out from the rest of the project. Mayor Bierce stated it is a safety concern, but the City and County have different ideas.

Kurt Nettesheim stated the speed needs to be controlled on that road.

Mayor Bierce closed the public hearing.

Mayor Bierce asked Common Council if they should accept Lindsay Road or take it out.

Ms. Brown and Mr. Clark felt they should take Lindsay Road out. Mayor Bierce asked if Lindsay Road affects the Duplainville Road project. Ms. Wagner stated it does not affect Duplainville Road and the next opportunity would be to do it when Lindsay Road is being reconstructed.

Ms. Wagner stated Buteyn Peterson Construction would be the lowest qualified bidder. Mayor Bierce asked if the assessments would be affected. Ms. Wagner said Lindsay Road was a separate assessment.

Further discussion took place regarding the assessments.

Ms. Brown noted it would have been nice to get a picture of the area Mr. Nettesheim was talking about. Ms. Wagner stated they had a public information meeting regarding this project prior to the bidding.

A motion was made and seconded (B. Dziwulski, J. Wamser) to award the Duplainville Road reconstruction and trail construction contract to the lowest qualified bidder Buteyn Peterson Construction in the amount of $5,433,915.88 and to accept the preliminary engineers report and proposed special assessment. Motion Passed: 6-For, 0-Against.

5. Discussion and Action Regarding **Ordinance 22-08** Related to Text Amendments to Section 17.0416 of the Rm-3 Multi-Family Zoning District of the City of Pewaukee Zoning Ordinance

   Mr. Klein stated the City is cleaning up ordinances that have been done over the years. He noted Plan Commission has approved.

   A motion was made and seconded (I. Clark, C. Brown) to approve Ordinance 22-08 related to text amendments to Section 17.0416 of the Rm-3 multi-family zoning district of the City of Pewaukee Zoning Ordinance. Motion Passed: 6-For, 0-Against.

6. **PUBLIC HEARING,** Discussion and Possible Action Regarding the Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Over the Top Roofing for Property Located at W223 N3481 Duplainville Road (PWC 0912-984) from Medium Density Residential (6,500 square feet – 1/2 acre per dwelling unit) to Retail/Service Commercial

   Attorney Riffle noted the first step to change the zoning would be to amend the Comprehensive Plan.

   Mayor Bierce stated items 6, 7 & 8 would be included in the public hearing.

   Mayor Bierce opened the public hearing and immediately closed it.

   Mayor Bierce noted it had been discussed extensively at the Plan Commission meeting and it was approved.

   A motion was made and seconded (C. Brown, P. Vetterkind) to approve items 6, 7 and 8 to B-3 general business. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action Regarding **Ordinance 22-10** Rezoning the Property Located at W223 N3481 Duplainville Road (PWC 0912-984) from Rs-1 Single-Family Residential to B-3 General Business as Requested by Over the Top Roofing

8. **PUBLIC HEARING,** Discussion and Possible Action Regarding a Conditional Use Permit for Over the Top Roofing for Property Located at W223 N3481 Duplainville Road (PWC 0912-984)

9. **PUBLIC HEARING,** Discussion and Possible Action Regarding a Comprehensive Master Plan Amendment to Change the Year 2050 Land Use/Transportation Plan Use Designation for the City of Pewaukee for Property Located at W225 N3131 Duplainville Road (PWC 0911-993-006 & PWC 0911-989) from Manufacturing/Fabrication/Warehousing and Floodplains, Lowland & Upland Conservancy and Other Natural Areas to Government/Institutional for the Purpose of Constructing an Access Drive, Salt Shed and Fuel Tanks for the New City of Pewaukee DPW Garage

   Mr. Klein stated this is phase II of the construction project at the DPW building and noted the main entrance will come in off Duplainville Road.

   Mayor Bierce noted the public hearing will include item 10.

   Mayor Bierce opened the public hearing and immediately closed it.

   A motion was made and seconded (C. Brown, B. Dziwulski) to approve the Comprehensive Master Plan amendment and Ordinance 22-12. Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding **Ordinance 22-12** to Rezone Property Located at W225 N3131 Duplainville Road (PWC 0911-993-006 & PWC 0911-989) from M-2 Limited Industrial to I-2 Rural Institutional for the Purpose of Constructing an Access Drive, Salt Shed and Fuel Tanks for the New City of Pewaukee DPW Garage

11. Discussion and Possible Action for Railroad Quiet Zone Study for the Crossings Located at Weyer Road, Green Road, and Watertown Road

Mr. Gabby stated the two locations in question exist along the Canadian National Railroad. One is located at Weyer Road and the other is at Green Road. At Weyer Road the City would file a NOI with the railways and work to determine that safety measures will satisfy their requirements. The study at the Green Road crossing would identify what crossings would be important, which ones need improvements, and how much it would cost. He said this would only be a preliminary review. Mayor Bierce asked if this was for the north/south tracks only. Ms. Wagner noted the railroad was doing improvements on the east/west tracks and the City is waiting on the railroads to make safety improvements before they review it.

Mayor Bierce asked about the two private crossings. Mr. Gabby stated one is on the Zignego property and another at a driveway. He said the study would help determine how much risk is associated with the crossing. Mayor Bierce asked if the homeowner has the right to say it is up to the City if they want to make it a quiet zone. Ms. Wagner stated it would be their right to do so. They would have to give the City permission to do the improvements if any were required. Discussion took place regarding private crossing improvements.

Mr. Reinbold asked if Lisbon has a quiet zone at Highway K. Ms. Wagner said not at Highway K. She said Lisbon has quiet zone crossings further north. She noted Highway K is a County road and the County would not share in those costs. Mayor Bierce asked if Weyer Road was half Pewaukee and half Lisbon. Ms. Wagner stated yes. She said the City would need to partner with Lisbon on Weyer Road or the City would have to pay for it on our own.

Discussion took place regarding safety features on Duplainville Road.

Mr. Vetterkind stated we need the study and can't do anything without it.

Mr. Reinbold asked if the City has approached the property owners. Ms. Wagner stated they have not been contacted, since the City does not know what improvements would even be done at this time without the study.

Ms. Wagner sated at the last meeting she was asking for approval of the study. She would like to know if the City would want to incorporate quiet zones into the City.

Mayor Bierce asked if anyone was there to speak on the quiet zones.

Daniel Amezquita-Perez (N45W22355 Planetree Trail) said he moved in a month ago and is concerned about the noise and hopes the City makes it a quiet zone.

Greg Stanton (N47W22476 Woodleaf Way) said he moved in a year ago to the Woodleaf Subdivision. He thought it was a great subdivision until they slept there. He said there were eight trains from 1:00 a.m.to 5:00 a.m. He noted the sound of the train was not bad but the sound of the horns were. He feels the City should pursue the quiet zone.

Bill Nordstrom (W223N4647 Seven Oaks Drive) said he attended a meeting a few years ago regarding quiet zones and asked the Town of Lisbon to see if they were willing to share the expense and what the time frame would be. Ms. Wagner stated this is the next step from the study that was completed. She said there have been informal discussions with Lisbon and the City needs to determine what improvements need to be done and what the cost is before any formal discussions would take place. Ms. Wagner said it may be six plus months for a time frame.

Randall Schmidt (N47W22434 Woodleaf Way) said he is concerned about the how long it is taking to get a quiet zone. He noted he lived in Sussex a long time ago and they have one. He said he is telling people not to build because of the sound and the number of trains that go by. He feels Korndorfer Homes and Karek Builders should tell potential buyers there is no quiet zone.

Michael Ruka (W222N4798 Seven Oaks Drive) said anything the City can do to help he would support and appreciate.

Mr. Reinbold stated he lives on the east/west corridor and did research before he bought the property knowing the tracks were there. He said some of the value is incorporated in the costs of the property. Mr. Reinbold noted he would love a quiet zone, but the City must consider the cost.

Mr. Clark stated the City spends money for other nuisances.

Mr. Wamser said he is for it but feels the cost of the study is ridiculous and feels the City should forgo the study.

Attorney Riffle stated the study needs to be done so the City can do the check list. He felt the Engineering Department did not have the time to handle the study. Ms. Wagner noted the City does not have the time to do the study or the means to do a traffic study analysis, which is why they hired the consultant.

Discussion took place regarding prior studies.

Mr. Vetterkind stated it is expensive, but not that difficult.

Mr. Dziwulski would like to see the study go forward since we don't know what we're looking at.

Mr. Clark asked about the 2019 study. Ms. Wagner noted Weyer Road was done in 2019.

Mr. Clark asked if there was a strong consensus to move forward with the improvements.

Attorney Riffle noted it can be special assessed to those that will benefit. Further discussion took place regarding the cost.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the Railroad Quiet Zone Study in the amount of $48,010 and to fund it from the Contingency Fund. Motion Passed: 5-For, 1-Against (C. Brown).

12. Discussion and Possible Action Regarding **Ordinance 22-13** Amending Chapter 5 - Traffic, to Remove Lindsay Road from Redford Boulevard (CHT F) to Duplainville Road from and to Add Hughes Trail to Section 5.05(3)(b) *(First Reading)*

Ms. Wagner stated there were complaints that truck traffic is using Hughes Trail to turn around when they miss the driveway for Pewaukee Industrial Park. Ms. Wagner is asking to add Hughes Trail to the heavy weight restriction. She said if the Sheriff's Department is in the area and a truck makes the turning movement there would be consequences. Ms. Wagner noted Hughes Trail is not designed for heavy truck traffic and is concerned with the longevity of the roadway. Mayor Bierce asked Ms. Wagner if she would like to remove the second reading to speed things up.

Attorney Riffle noted you cannot change the text of the ordinance and it will have to be brought back.

13. Discussion and Possible Action Regarding the 2022 and 2023 Truck Purchase

Ms. Wagner noted the City has been reviewing and getting quotes for plow trucks for the 2022 year. There are supply chain issues with acquiring and delivery of trucks, which will impact this year and next year. She said they have ordered the body and setup for the 2022 plow truck. She noted there is 50 percent down on the order and cab and chassis is not available and they will not get it until 2023. Looking forward to 2023, another truck is up for replacement, and they have been told if the order isn't in now the 2023 truck will not be in until 2025. Ms. Wagner is asking to order the body for the 2023 truck one year in advance and then a notice of intent to order two cab and chassis for the replacement of the 2022 and 2023 trucks. The city would get both trucks in 2023. Ms. Wagner noted there is enough money to order the truck body and setup.

A motion was made and seconded (C. Brown, I. Clark) to approve the down payment for a 2023 truck out of the capital equipment fund. Motion Passed: 6-For, 0-Against.

14. Discussion and Possible Action for No Mow May

Mayor Bierce stated No Mow May helps the bees. He said it doesn't affect the City other than the ordinance regarding the length of the lawn without a fine. Mayor Bierce noted it's not going to cost any money and will allow people to participate if they choose.

Discussion took place regarding the noxious weed ordinance.

Ms. Brown asked how it will be advertised. Mayor Bierce noted Mr. Phalin would put it on the City website. Ms. Brown stated she would hate to see this affect local landscapers by encouraging residents not to mow. Mr. Dziwulski stated he doesn't believe there won't be much interest.

Mayor Bierce noted the City will not be participating in it.

Attorney Riffle stated there is no motion needed and the City will look the other way.

Phyliss Petterson (W222N2878 Timberwood Court) would like to support and participate in No Mow May.

15. Public Comment - None.

16. Adjournment

A motion was made and seconded (B. Dziwulski, I. Clark) to adjourn the meeting at 8:21 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,
Kelly Tarczewski Clerk/Treasurer