

In Attendance:

Aldermen C. Brown, I. Clark, B. Dziwulski, R. Grosch, P. Vetterkind, J. Wamser and Alderman Elect R. Reinbold. Mayor S. Bierce was absent.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director M. Wagner, Chief Engineer of Streets and Development M. Gabbey, City Assessor R. Tuff, Library Director N. Champe and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

In the absence of Mayor Bierce, Council President C. Brown called the meeting to order at 6:33 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 March 21, 2022

3.2 Approval of Common Council Meeting Minutes Dated April 4, 2022

3.3 Approval of the Accounts Payable Listing Dated April 18, 2022

A motion was made and seconded (I. Clark, J. Wamser) to approve the items on the consent agenda. Motion Passed: 5-For, 0-Against.

4. Discussion and Possible Action Regarding the Removal of the Heavy Weight Restriction on Lindsay Road from Redford Boulevard (CTH F) to Duplainville Road

Ms. Wagner stated Lindsay Road is currently restricted at six tons and with the upcoming Duplainville Road reconstruction project, Redford intersection project and future development of the land, she felt it made sense for restrictions to be lifted. Ms. Wagner said the restriction would be lifted from Redford Boulevard to Duplainville Road. She noted west of Redford Boulevard would still have restrictions since it is a residential neighborhood.

Mr. Dziwulski asked if the restriction was due to residential or weight. Ms. Wagner stated it was due to being residential. She said Lindsay Road used to be a County highway and is built to a little higher standard. Ms. Wagner noted when it is reconstructed it will be fully designed to meet truck standards into the future and the cross section is designed to withstand the loading of trucks.

Mr. Grosch asked if the section of road is in the five-or ten-year plan. Ms. Wagner stated it is on the five-year plan. She noted a temporary overlay was done a few years ago to get the City through until water and sewer went into the area. She said there is some development east of Swan View Farms looking to develop so sewer will be there. Mr. Grosch asked how wide the right-of-way would be and about a possible path. Ms. Wagner stated it would be 60 foot and when the road is reconstructed the path would be proposed at that time. She asked Common Council for formal direction to make the change in the ordinance.

A motion was made and seconded (B. Dziwulski, R. Grosch) to direct the DPW Director to prepare an ordinance removing the heavy weight restrictions on Lindsay Road from Redford Boulevard to Duplainville Road. Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action to Award the Foxwood Court/Kathryn Court Drainage Improvement
Project to the Lowest Qualified Bidder, Buteyn Peterson Construction Company, Inc., in the Amount of \$287,335.31

Ms. Wagner stated the long-standing Foxwood/Kathryn Court drainage issue has been bid. She noted it would improve the drainage on the west and north side of Kathryn Court, north of Foxwood Court out to Springdale Road.

She said three bids were received and the lowest bid was from Buteyn Peterson for \$287,335.31. She said the City reviewed and did research on Buteyn's bid and everything is in accordance with everything. She said the Engineers are familiar with them and felt comfortable recommending the award to Buteyn Peterson in the amount of \$287,335.31. Ms. Wagner stated the City has a budget for the project of \$500,000 that was included in the 2022 budget. She noted there are sufficient funds for the project. Ms. Wagner noted the contract is awarded for the \$287,335.31 and after contingencies and engineering it would go up to \$373,000.

Discussion took place regarding the discrepancies in pipe cost with other bidders.

Ms. Brown asked when the project was scheduled to start. Ms. Wagner stated she does not have a scheduled start date. She noted it would be completed this year and has a deadline of August. Ms. Wagner said it takes roughly three weeks to get through contracts and insurance documents and typically they start a month after that.

A motion was made and seconded (B. Dziwulski, R. Grosch) to award the Foxwood Court/Kathryn Court drainage improvement project to Buteyn Peterson Construction Company in the amount of \$287,335.31 plus contingencies and engineer fees. Motion Passed: 5-For, 0-Against.

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

Ms. Wagner stated the City is reviewing the quiet zones and wanted to present it to Common Council to see if they were interested in pursuing it. She noted there are residents who call on a regular basis asking about quiet zones and what can be done to address the horns.

Ms. Wagner turned it over to Mr. Gabbey.

Mr. Gabbey stated the first location was on Weyer Road near the Duplainville Road intersection. He said there is a recommendation to move forward and would need to set up some meetings and submit the design to the FHWA. He noted the recommended design is for a raised median and quad gates. He said due to not enough space near the intersection it would not be an immediately approved design and noted it will take significant time to get approvals.

Mr. Dziwulski asked if this would be like what they did at Lakefront Park and on Forest Grove. Ms. Wagner stated it would be similar and this is one alternative. She also felt it would be the most cost effective.

Mr. Grosch asked if there has been any discussion with the Town of Lisbon. Ms. Wagner stated there have not been any formal discussions, although they have had some informal discussions with their DPW liaison, and he shared that they do support the quiet zone crossings. She said without knowing the costs of the improvements, it is hard to get them on board.

Ms. Brown said the City has done so many studies and they don't go anywhere due to the expense. She felt it didn't make sense to make only one crossing a quiet zone. Discussion took place regarding the cost of the studies and the different corridors.

Mr. Dziwulski asked if the City goes through all of this to make a quiet zone and the engineer wants to blow the horn he still can. Ms. Wagner stated yes.

Mr. Clark asked if the quiet zone options require the trains to operate at a higher or lower speed, or if speed is not a factor. Attorney Riffle noted speed is not a factor.

Mr. Wamser stated he is in favor of a quiet zone but feels the City should talk to the County about the future plans of Springdale Road and Watertown Road and the possibility of becoming a four-lane road. Ms. Wagner stated she could reach out to the County. She noted she has not heard anything about them expanding them to a four-lane road. She said it's not likely that the County would participate in any sort of quiet zone. If there were any sort of improvements, the County would give the City the permits to complete, but the County would not cover any of the cost.

Further discussion took place regarding future plans on Springdale Road.

Ms. Brown asked if there are quiet zones on County Road VV in the Village of Sussex. Ms. Wagner stated she was unsure but is aware they do have some quiet zones. Ms. Brown felt quiet zones have never been a priority and feels spending potentially a 1/2 million or more to take on studies and putting them in is an astronomical amount of money. Attorney Riffle stated you can special assess the cost.

Mr. Grosch asked about private crossings and who would be responsible for them. Ms. Wagner said it would be part of the analysis and if the railroad requires improvement to those crossings the City may need to fund it if the property owners do not see a benefit to it. Mr. Gabbey stated it is based on risk analysis and what the risk is of not having a train horn. Mr. Gabbey stated the crossing at Weyer Road would get the City through the application process which could take up to six plus months. He said Green Road would provide an analysis to understand what crossings need to be included and what the risk is at each crossing.

Mr. Clark asked if this was about people being discomforted by the sound or if it was really an installation to protect people. Ms. Wagner stated it's about sound but as a byproduct you get an improved safety crossing.

A motion was made and seconded (I. Clark, J. Wamser) to table this item. Motion Passed 3-For, 2-Against (R. Grosch, B. Dziwulski).

The Clerk was directed to put this item back on an agenda when all the members could be present.

7. Discussion and Possible Action to Determine Appropriate Steps Related to Future Agreements with the Village Pertaining to the Joint Fire/Rescue Services (Terminating 12/31/2022) and the Joint Library Agreement (Terminating 12/31/2024)

Mr. Klein stated they are looking for two volunteers from City Council and the Village Board to start negotiations. He noted Mayor Bierce would prefer to be on Joint/Fire Rescue Service and will still need one more Council member. He said the Joint Library will need two Common Council members.

Mr. Clark noted the Village has already selected their representatives.

Mr. Dziwulski, Mr. Wamser and Mr. Vetterkind stated they were all interested in the Joint Fire/Rescue Service Committee. Ms. Brown and Mr. Clark said they would be interested in the Joint Library Board.

8. Attorney Riffle to Swear In the Following Elected Officials:
Rich Reinbold - Alderman District 1
Colleen Brown - Alderman District 2
Brian Dziwulski - Alderman District 3

Attorney Riffle asked the newly elected officials to stand, and he swore in the Aldermen from each of the districts.

9. Public Comment

Larry Marincic (N30W2121 Green Road) stated the railroad would like to have a continuous whistle band. He said Elm Grove has a whistle band and Brookfield does not. He feels if the City would enact one it might create a problem with Brookfield. He thinks the City should consider where Brookfield is on the whistle band before the City does anything.

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 the excessive assessment claim of Richard Carr (W268 N2433 Meadowbrook Road – PWC 0931-972)

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 (J. Wamser, B. Dziwulski) to go into closed session at 7:19 p.m. Motion Passed: 5-For, 0-Against via roll call vote.

A motion was made and seconded (B. Dziwulski, I. Clark) to go back into open session at 7:30 p.m. Motion Passed: 5-For, 0-Against

11. Adjournment

A motion was made and seconded (B. Dziwulski, P. Vetterkind) to adjourn the meeting at 7:30 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer