

In Attendance:

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

Also in Attendance:

Attorney L. Martell, Administrator S. Klein, DPW Director M. Wagner, Utility Manager J. Mueller, 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 7:00 p.m.

2. Public Comment

Jeff Hunholz (N28W22542 Foxwood Lane) stated that Zignego violated their conditional use last Saturday with noise after 5:00pm. He was concerned about noise, increased traffic, line site of visibility and decreased property values. He was upset that there was no discussion on the Council level and very dissatisfied. He was disappointed in the Aldermen who seem to defend the conditional use permit rather than representing and listening to constituents.

3. Consent Agenda

3.1. Approval of the Common Council Meeting Minutes Dated June 15th, 2020

3.2. Approval of the Accounts Payable Listing Dated August 17th, 2020

Ms. Brown requested Item #3.1 be removed for discussion.

A motion was made and seconded (J. Wamser, R. Grosch) to approve the accounts payable listing dated August 17th, 2020. Motion Passed: 5-For, 0-Against.

3.1 Approval of the Common Council Meeting Minutes Dated June 15th, 2020

Ms. Brown noted a typo related to the spelling of Tyler Pasdera's name.

A motion was made and seconded (C. Brown, J. Kara) to approve the Common Council meeting minutes dated June 15th, 2020 with the noted correction.

Motion Passed: 5-For, 0-Against.

4. Discussion and Possible Action Regarding the Letter Received from the Waukesha County Department of Parks and Land Use Requesting that the City Waive \$1,300.00 in Development Application Fees for a Petition of Rezoning, an Application for Site and Building Plans, and a Variance Application as Well as Engineering Review Fees and Any Other Publication Costs Relating to the Construction of the Pewaukee to Brookfield Trail.

Mr. Fuchs stated he received a letter from Waukesha County requesting the application fees be waived. Staff looked at the trail and acknowledge this trail will serve the City of Pewaukee residents and Waukesha County, but felt the County should pay the publication fees. Mayor Bierce asked if we have done anything like this with the County before. Mr. Fuchs was not aware of anything. Mr. Kara stated there are three letters in the packet from the County asking us to reduce fees and one

saying they are going to shift the \$8000 cost to us and the other saying there will be no dividends for recycling.

Mr. Kara felt the letters that were sent were taking money from our pockets and taxpayers' pockets, but he will approve the recommendation. Mr. Fuchs stated he looked at the trail aspect, and in the spirit of cooperation for a County-wide project that is in Pewaukee.

Mayor Bierce stated this hasn't been in front of Plan Commission and he wondered if the City was waiving fees before we were even in favor. Mr. Fuchs stated staff reviewed the trail and Engineering still has to do a more in-depth review on grading. Mr. Grosch stated residents are concerned about the parking lot. Mr. Fuchs stated some revisions were made based on meetings with the County.

Mayor Bierce asked for a run down on the project, as this had never been before Common Council. Mr. Fuchs stated the project at the end of North Avenue will have a trail head, five parking spaces and a trail that will run south through a site that will be acquired and connect to a regional trail that runs through an abandoned railroad right-of-way.

Ms. Brown asked if we are losing tax base since it needs to be rezoned. Mr. Fuchs stated the land that will be acquired is primarily floodplain and wetland, and this project will need some approval. As it exists, someone could potentially work out a single-family lot, but the vast majority is wetland, so it is not really developable.

A motion was made and seconded (R. Grosch, J. Wamser) to approve the request for the Waukesha County Department of Parks and Land Use for waiving development fees for a petition of rezoning, an application for site and building plans and a variance application as well as Engineering review fees and any other publication costs relating to the construction of the Pewaukee to Brookfield Trail, but not refunding costs that the City incurs, contingent upon the project approval. Motion Passed: 4 – For, Nay -1 (Brown)

5. Discussion and Possible Action Regarding Water and Sewer Assessment Policies.

Ms. Wagner stated this is a continuation of the assessment policy and have been tweaking the policy due to unique circumstance on Oak Street with a home that is quite a distance off the road way. They had requested to see if there was any exemption for homes that are a certain distance away from municipal utility. After reviewing the policy, it was determined that the City has no policy exemptions from municipal utilities. Ms. Wagner stated she spoke with other communities and reviewed their assessment policies and discovered there no policies that have any exemption policies for homes that are any distance away from municipal services. The City's recommendation is that we do not have exemptions for long services. Ms. Wagner stated she understood that there is a cost associated with those. Water main systems are pressurized and you can get a pressurized system for sewer if a gravity feed doesn't work at the distance.

Ms. Wagner stated she does not work on the private side to know the costs and the City's preference would be that we do not have that type of exemption. As it would be difficult to enforce where the cut off would be for each property.

Mr. Kara stated the constituent has 466 feet from the service line and it's an affordability issue for the home owner. He understands it is hard to come up with a distance that is cut and dry and did not feel an ordinance is the right thing to do, but he felt the City needed to come up with something.

Ms. Brown stated she was interested in hearing what the Council has to say because it is a real challenge. Not only is it in her district but doesn't know when enough is enough. She questioned when money overlays footage or the later. She felt maybe there should not be an exemption, since it is hard to determine what that number should be.

Mr. Grosch asked if the home is currently run by sewer, Ms. Wagner confirmed that they do have sewer. Mr. Grosch asked if a homeowner would need to connect if cost is an extreme issue and if someone decides to build a new home. Discussion took place regarding home ownership changes. Ms. Brown stated nothing has been agreed upon. Ms. Wagner mentioned this was going to be brought back for future discussion with Council.

Mr. Kara stated he does not like exceptions as they cause problems for staff and for future Councils.

The owner of the property in question, Brad Oswald (W276N2830 Oak Street) was present. He stated when he first looked at this project he realized it was going to run \$150-\$200 per foot. If he would connect to Oak Street it is 420 feet and if goes west into Chicago Avenue it would be roughly 250 feet or possibly more and he had no idea how much it is going to cost. The property is valued at \$240,000.00 and the project after everything could cost \$200,000.00. He did not feel it was fair to sit and not know what to do, and he requested a decision to know where to go, and if there would be an exception.

Mayor Bierce stated he doesn't have a problem making exceptions. If the City makes this exception on Oak Street and Peninsula Drive we will have more people asking for an exception and it will cause more work for staff and the Common Council. Mayor Bierce felt it didn't make sense to charge someone with unique circumstances and he felt this feels like what an exception should be.

Mr. Kara stated the Oswald's don't know what the cost are and before we can make an exception we need to get solid information on the cost.

Mr. Dziwulski questioned what types of things exceptions would be made for if an exception is going to be made. Ms. Brown stated every circumstance could have an exception. Mayor Bierce felt the main goal is to be equal. Mr. Kara stated past decisions have been made that were not financially smart, so whatever criteria we make for exceptions has to meet the task. There is also a financial impact and Mr. Kara stated he is hoping for guidance from a consultant and options to make it more affordable for people.

Dan Teske (W244N4512 Swan Road) stated the City made an exception for his neighbor to the south due to being a distance back, but he still had to pay. He stated several meetings ago he was told he can't pass to son but now the City is saying people can. People are following rules and hooking up and paying extra but then other people have exceptions made. Neighbors are getting upset and not in favor of these exceptions. He questioned what would be done with the one to the south of him and James Craig.

Mr. Grosch asked how many municipalities were surveyed and if they have any policies or leniency. Ms. Wagner stated she contacted 12 communities, spoke with half and reviewed their ordinances and the City of Pewaukee has the most lenient policy. Other communities do not have exemptions for distances and have never given an exemption. Ms. Brown stated she would talk with the Oswald's along with the two alderman without noticing it as a meeting to see what they could come up with.

6. Discussion and Possible Action to Establish the 2021 Garbage and Recycling Fee Rate.

Brian Jongetjes from Johns Disposal was present for this item.

Ms. Wagner stated there is a decrease of two percent and Johns requested we maintain the 2020 rates for 2021 due to the increase in landfill volume. Ms. Wagner stated the County suspended the dividends received for recycling and cart reimbursement. Ms. Wagner discussed the rate of \$160.00 per household for the 2021 rate if we follow the contract or \$163.00 per home if we allow the request of Johns to hold the rates at the 2020 rate. Ms. Wagner stated the contract with John's goes through 2024. Ms. Wagner commented that the County sponsor's three eight yard recycling dumpsters at no cost in the yard but will no longer be sponsoring the dumpsters free of charge. If the City would like to continue, it would cost roughly \$8000.00 per year to have them emptied twice a week during the summer months and once a week in the winter. Ms. Wagner stated John's offered to sponsor those dumpsters for free if the City would go with John's request to keep the 2020 rates. Ms. Brown asked what the rate would be if the City kept the 2020 prices and increased the amount due to the dividends being taken away by the County. Ms. Wagner stated the amount would be \$161.00 for 2021 with the removal of the dividends and the \$8000.00 for dumpsters.

A motion was made and seconded (C. Brown, J. Wamser) to keep the contract with Johns at the 2020 rate. Motion Passed: 5-For, 0-Against.

7. Discussion and Possible Action to Approve the Final Engineer's Report for the Deer Haven Subdivision Phase 1 Paving Project and **Resolution 20-08-12**, Finalizing the Special Assessments

Ms. Wagner stated the issue with contractor has been resolved. The project came in under budget and met the cap for residential properties with an assessment of \$2481.00 per residential unit. Ms. Wagner asked the Council to finalize the assessment role, the Engineering report and to pass the Resolution so notices can be sent to property owners.

A motion was made and seconded (J. Wamser, C. Brown) to approve Resolution 20-08-12 and approve the final Engineering report. Motion Passed: 5- For, 0-Against

8. Discussion and Possible Action to Approve the Final Engineer's Report for the Five Fields Subdivision Phase 4 Paving Project and **Resolution 20-08-13**, Finalizing the Special Assessments.

Ms. Wagner stated the contractor finalized the full depth mill and overlay with curb repairs. The assessments met the cap and assessments will be \$2,481 for residential units. Some apartment buildings will be paying 100 percent of the assessment. Mayor Bierce asked why it took so long and if it had to do with not holding enough money back. Ms. Wagner stated it seems the project manager is not following through. Ms. Brown stated it's a quality issue and not paying subcontractors is a different type of quality. Mr. Dziwulski stated there are bigger issues with Payne and Dolan. Ms. Wagner stated these industries have a lot of turnover and are hurting.

A motion was made and seconded (J. Wamser, J. Kara) to approve the final Engineer's report and Resolution 20-08-13. Motion Passed: 5-For, 0-Against.

9. Discussion and Possible Action to Approve the Final Engineer's Report for the Milkweed Lane Speed Humps Paving Project and **Resolution 20-08-14**, Finalizing the Special Assessments.

Ms. Wagner stated this is the first assessment for this project and she requested the Council accept the final Engineer report and Resolution. Ms. Brown and Mr. Kara both stated they did not feel it was right for the residents to pay for it. Ms. Wagner stated the total of the assessment was \$139.55 to each property on Milkweed Lane in the area the speed humps were installed and that benefited from the improvement.

A motion was made and seconded (J. Wamser, R. Grosch) to approve the final Engineer's report and Resolution 20-08-13 related to the Milkweed Lane speed humps.

Motion Passed: 3-For, 2-Against (J. Kara, C. Brown).

10. Discussion and Possible Action to Approve the Final Engineer's Report for the Pewaukee Woods and Roundy's Industrial Parks Paving Project and **Resolution 20-08-15**, Finalizing the Special Assessments.

Ms. Wagner stated this project was 100 percent accessible to the adjacent property owners and located in a commercial area, and the properties would pay 100 percent of the assessments. Ms. Wagner asked for approval of the final Engineer report and approval of the final resolution, which will levy the final assessments. Mr. Kara asked if the project came in under budget. Ms. Wagner confirmed it had. Ms. Brown asked why the City and residents were paying almost \$23,000 out of City taxes for an industrial park. Discussion took place regarding page three of the packet showing the cost summary and City cost. Ms. Wagner stated there is some water, sewer and storm water utility costs. Ms. Wagner would like to review the project and bring it back to the Common Council at the next meeting with an explanation.

11. Discussion and Possible Action Related to Refunding the Reserve Capacity Assessment in the Amount of \$4,885.00 and Water Main Assessment Payment in the Amount of \$1,336.63 for the Property Located at W274 N2682 Oak Street (PWC 0936-143) as Requested by William Shockley.

Ms. Mueller stated Mr. Shockley came in to pay his assessment due to a bad well. Ms. Mueller received a phone call from Mr. Shockley's plumbing contractor who was concerned about the cumulative cost for a water lateral connection. The plumbing contractor recommended a long term solution instead of fixing the pressure tank and looked into connecting to municipal water. After further investigation and locating the water lateral, it was decided the value of home versus the benefit and cost would strip the value of the home. Ms. Mueller stated there is a large oak tree in the middle of yard that would have to be removed to install the lateral to the back of the house. Mr. Shockley has asked to have his funds reimbursed so he can pay to have well piping fixed rather than making the connection. Ms. Mueller stated the water main had been installed back in the 1980's and it was not part of the current project. Ms. Brown stated the new policy requires homeowners to pay for the pipe in front of the house. Ms. Wagner stated this was a developer financed project and was paid for.

Mr. Kara stated Mr. Shockley thought that paying the assessment and RCA was all he needed to pay to get hooked up and he was not aware of other plumbing costs. Mr. Kara asked if there were any other circumstances. Ms. Mueller stated the value of the home is \$39,000 and the land is \$69,000, for a total of \$108,000. Ms. Mueller stated she contacted the County to see if there were any financial resources available and there were no funds available on the County level. Mr. Kara asked what the total was that would go to the developer and Ms. Wagner confirmed it was \$1836.63. Mr. Kara asked if the RCA is to hook up to the lateral. Ms. Mueller stated it pays for the existing infrastructure, including the wells and the water tower.

Mayor Bierce stated this situation has nothing to do with the current projects and he felt it should be refunded. Mr. Kara asked what the rules were when it was put it. Ms. Mueller stated it was Lake Pewaukee Sanitary District and the Town created a water utility to serve the subdivision with a verbal agreement that the Town would never force the Lake Pewaukee Sanitary District customers to connect.

A motion was made and seconded (J. Wamser, B. Dziwulski) to authorize the refund of the RCA in the amount of \$4885.00 to Mr. Shockley. Motion Passed: 5-For, 0-Against.

12. Discussion and Possible Action to Change the Regular Common Council Meeting Scheduled for Monday, September 7, 2020 to Tuesday, September 8, 2020 Due to the Labor Day Holiday

Ms. Wagner stated there are pending items that require a meeting to be held. Ms. Wagner mentioned she needed to bring back the Pewaukee Woods project and award of an inlet contract. Ms. Tarczewski stated the auditor would also like to do the presentation of the audit. The Council agreed to Tuesday, September 8th for the next meeting.

13. Public Comment - None.

14. Adjournment

A motion was made and seconded (B. Dziwulski, J. Kara) to adjourn the meeting at 8:34 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer