



Office of the Clerk/Treasurer

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-0770 Fax 691-1798

**COMMON COUNCIL
MEETING NOTICE AND AGENDA
Monday, November 19, 2018
7:00 PM**

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

-
1. Call to Order and Pledge of Allegiance
 2. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your District Alderperson prior to the meeting.
 3. Consent Agenda
 - 3.1. Approve Common Council Meeting Minutes Dated September 24, 2018
 - 3.2. Approve Common Council Meeting Minutes Dated October 15, 2018
 - 3.3. Approval of Common Council Meeting Minutes Dated November 5, 2018
 - 3.4. Approve Accounts Payable Listings
 - 3.5. Approve Bartender Licenses
 - 3.6. Approve First Reduction of the Woodleaf Reserve Addition No. 2 Letter of Credit, from \$1,297,475 to \$672,777 (Resulting in a Reduction of \$624,698).
 - 3.7. Release of the Auburn Ridge development \$12,000 surety
 4. Discussion and Possible Action to Fill the Municipal Court Judge Vacancy Based on Judge Glojek's Resignation [Riffle]
 5. Discussion and Possible Action to Approve **Resolution 18-11-32** Ordering a Special Election to Fill the Municipal Court Judge Vacancy [Riffle]
 6. Discussion and Possible Action Regarding the 2019 Agreement for Building Inspection Services with the Village of Pewaukee [Fuchs]
 7. Discussion and Possible Action to Authorize Various Expenses Out of the Contingency Fund Totaling \$46,348.00 [Klein]
 8. Discussion and Possible Action to Reconsider Common Council Action on November 5, 2019 to Conditionally Release the Woodleaf Reserve Addition No. 1 and Consider a \$9,000 Reduction with a Conditional Release on the Remaining \$1,000 [Weigel]
 9. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.

10. Adjournment

Kelly Tarczewski
Clerk/Treasurer

November 16, 2018

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.1.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approve Common Council Meeting Minutes Dated September 24, 2018

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Minutes 9.24.2018

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, DPW Director J. Weigel and Deputy Clerk A. Hurd.

1. Call to Order and Pledge of Allegiance

Chairman Bierce called the meeting to order at 7:00pm.

2. Public Comment

No public comment was made.

3. Consent Agenda

3.1. Approval of Common Council Meeting Minutes Dated August 20, 2018

3.2. Approve Common Council Meeting Minutes Dated September 10, 2018

3.3. Approve Accounts Payable Listings

3.4. Approve Bartender Licenses

Mr. Dziwulski requested item 3.2 be removed from the consent agenda. Mr. Bergman stated he would abstain from item 3.1.

A motion was made and seconded (J. Wamser, C. Brown) to approve the remaining items on the consent agenda. Motion Passed: 7-For, 0-Against.

3.2. Approve Common Council Meeting Minutes Dated September 10, 2018

Mr. Dziwulski referred to item 14 regarding Johns Disposal and stated he wanted to see something reflected in the minutes that Mr. Weigel was directed to work with the City Attorney to come up with a course of action.

A motion was made and seconded (B. Dziwulski, J. Wamser) to approve the September 10th Common Council minutes with changes made as discussed. Motion Passed: 7-For, 0-Against.

4. Discussion Related to the Pewaukee School Campus Facility Master Plan and the Upcoming \$39.7 Million Referendum on the November 6, 2018 Ballot

Mike Cady, Superintendent of the Pewaukee School District, and John Gahan, Assistant Superintendent, gave a presentation regarding the school district referendum on the November 6th ballot. Mr. Cady stated they wanted to be transparent and make sure the community was aware of the referendum. They are anticipating

an increase in about 600 students over the next ten years. He noted that Pewaukee Lake Elementary is currently at capacity and that is their primary issue right now, but they do have needs at all of the buildings.

Mr. Cady then described the changes to the makeup of the various schools, and the additions and renovations for each building on the school campus.

Discussion also took place regarding open enrollment and its effects on school capacity, as well as discussion regarding enrollment projections and the growth of the district.

The Council members asked various questions regarding the need for space and the need for funds.

5. Discussion and Possible Approval of the Woodleaf Reserve Addition No. 1 Final Plat to Add an Easement on Outlot 4 for WE Energies Electrical Service

Mr. Weigel stated Woodleaf Reserve is developing in phases and one of the outlots touches a street that is being constructed in the new phase, and the developer never included an easement across the outlot for WE Energies.

A motion was made and seconded (C. Brown/J. Wamser) to approve the Woodleaf Reserve Addition No. 1 Final Plat to add an easement on outlot 4. Motion Passed: 7-For, 0-Against.

6. Discussion and Possible Action to Approve and the Engineer's Report for the Five Fields Subdivision Phase 3 Paving Project and **Resolution 18-09-26**, Finalizing the Special Assessments

Mr. Weigel stated it matches or is below all of the numbers. The condos could be below the cap.

A motion was made and seconded (B. Bergman, B. Dziwulski) to approve Resolution 18-09-26. Motion Passed: 7-For, 0-Against.

7. Discussion and Possible Action to Approve the Attendant Engineer's Reports for the Five Fields Subdivision Phase 2, Rocky Point South Subdivision, and Rocky Point South Subdivision Phase 2 Paving Projects, and **Resolution 18-09-27** Enacting the Special Assessments

Ms. Brown questioned why this was done by square footage versus parcel. Mr. Weigel stated when they looked at the condos on a unit basis it did not work out in an equitable manner. The apartments are different than the condos, and one individual that owns the apartments owns a lot of them and it is a business.

A motion was made and seconded (J. Kara, B. Dziwulski) to approve Resolution 18-09-27. Motion Passed: 7-For, 0-Against.

8. Discussion and Possible Action to Approve **Resolution 18-09-28** Amending the 2018 Budget to Update the Bicycle and Pedestrian Plan Pursuant to the RA Smith Letter Proposal Dated August 30, 2018 in the Amount Not to Exceed \$6,000

Mr. Weigel stated the bike and hike components of the impact fees are coming to the end of their first round. Every one of the projects that can be done under the bike and hike fee have been cancelled. He

suggested updating the bicycle and pedestrian plan and updating the impact fee study.

He requested a budget amendment in an amount not to exceed \$6,000 for the update to the plan. Mr. Weigel noted that he added in extra for contingencies in case they need to explore a bit more.

A motion was made and seconded (B. Dziwulski, R. Grosch) to approve Resolution 18-09-27 with the money to come from the contingency fund. Motion Passed: 7-For, 0-Against.

9. Discussion and Possible Action of **Resolution 18-09-29** Revising the Final the Special Assessments and Final Engineer's Report for the Duplainville Road & Weyer Road Water Main Extension

Mr. Weigel stated there was an adjustment made by the Common Council in October of 2016 or 2017 to eliminate an assessment against one lot. The cost had to be assigned to the rest of the assessment roll.

A motion was made and seconded (J. Wamser, B. Dziwulski) to approve Resolution 18-09-29. Motion Passed: 7-For, 0-Against.

10. Discussion and Possible Action to Extend the Humane Animal Welfare Society (HAWS) Contract at the Current Rate of \$6,699.00 to 2019, 2020 and 2021

Mr. Klein stated it was the same contract and the same amount.

A motion was made and seconded (C. Brown, B. Bergman) to approve the HAWS contract. Motion Passed: 7-For, 0-Against.

11. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.

Mr. Clinkenbeard stated it was his privilege and honor to work for the Town and City of Pewaukee and he appreciates all of the work he was allowed to do with the staff and the citizens.

12. 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:

- Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session as authorized under Section 19.85(1)(e), Statutes, specifically regarding the jurisdictional offers for the Hill' n Dale Flood Easements and the Shady Lane Sewer and water easement acquisitions.

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 (B. Dziwulski, J. Wamser) to go into closed session at 7:02 p.m.

Motion Passed: 7-For, 0-Against via roll call vote.

13. Adjournment

A motion was made and seconded (J. Kara, B. Dziwulski) to adjourn the meeting at 7:35 p.m. Motion

Passed: 7-For, 0-Against.

Respectfully Submitted,

Ami Hurd
Deputy Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.2.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approve Common Council Meeting Minutes Dated October 15, 2018

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Minutes 10.15.2018

In attendance:

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

Also in Attendance:

Attorney V. Anderson, Administrator S. Klein, DPW Director J. Weigel, and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance – Mayor Bierce called the meeting to order at 6:00 p.m.
2. Public Comment – None.
3. Consent Agenda
 - 3.1. Approve Accounts Payable Listings
 - 3.2. Approval of Bartender Licenses

A motion was made and seconded, (J. Wamser, J. Kara) to approve the consent agenda.

Motion Passed: 6-For, 0-Against.

4. Discussion and Possible Action Regarding **Resolution 18-10-30** Awarding the Sale of \$1,445,000 General Obligation Water System Bonds, Series 2018A

Todd Taves from Ehlers was present. He said the winning bid was issued to the R.W. Baird firm in the amount of \$1,425,000 having a true interest rate of 3.55%. He stated the amount was reduced because this was seen as a premium bid and the cost of issuance was lower than anticipated.

A motion was made and seconded, (B. Bergman, J. Kara) to approve Resolution 18-10-30 awarding the sale of \$1,445,000 general obligation water system bonds, series 2018A.

Motion Passed; 6-For, 0-Against.

5. Discussion and Possible Action to Extend the Original Offer to Purchase Agreement with the Bell Tower Memorial Inc. from Five (5) Years to Ten (10) Years as it Relates to the Development on the Land Located on the Busse Road Adjacent to the Pilgrim's Rest Cemetery

A motion was made and seconded, (J. Wamser, C. Brown) to approve the amendment to the original Bell Tower Memorial's offer to purchase and extend the development agreement out to ten years. Motion Passed: 6-For, 0-Against.

6. Discussion and Possible Action to Approve the Payne & Dolan, Inc. Holding Tank Agreement for the Property Located at N5 W23000 Bluemound Road (PWC 0962-995-008)

Mr. Klein stated this was for the maintenance building out at the new plant. No sewer is available.

A motion was made and seconded, (C. Brown, J. Wamser) to approve the holding tank agreement for the property located at N5 W23000 Bluemound Road. Motion Passed: 6-For, 0-Against.

7. Discussion and Possible Action Regarding **Ordinance 18-07** Rezoning the Property Located at W239 N4050 Swan Road (PWC 0871-996 & PWC 0871-999) From A-1 Agricultural to Rs-4 Single-Family Residential for the Purpose of Developing an 83-Lot Single-Family Residential Subdivision Known as Swan View Farms as Requested by BWC Investments LLC

Mr. Klein stated this was the development of the Swan farm and it is basically the continuation of the Broken Hill subdivision, but will not be developed by Siepmann Development. There was discussion regarding how the new homes would connect to sewer. It was determined it would be through the Broken Hill subdivision by gravity. There may be the need for another lift station for future additional developments. Ms. Brown asked if this parcel had a deferred assessment. Mr. Weigel stated yes and the payment would be required before the execution of the final plat. Ms. Brown voiced her concern regarding what construction traffic could potentially do to the road. Mr. Weigel stated the road was just milled and overlaid because of the anticipated new development in the area. He said there will be pre and post development road inspections and we could put something in the development agreement to protect the investment.

A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve Ordinance 18-07 rezoning the property located at W239 N4050 Swan Road from A-1 Agricultural to Rs-4 Single-Family Residential contingent upon meeting all staff comments and review. Motion Passed: 6-For, 0-Against.

8. Discussion and Possible Action Regarding the Preliminary Plat for Swan View Farms Subdivision Located at W239 N4050 Swan Road (PWC 0871-996 & PWC 0871-999)

A motion was made and seconded, (C. Brown, J. Wamser) to approve the preliminary plat for Swan View Farms subdivision contingent upon the comments of staff being satisfied and requiring the original homestead of Dave Swan connecting to sewer. Motion Passed; 6-For, 0-Against.

9. Discussion and Possible Action to Appoint Frank Dorsey to the Tourism Commission

Mayor Bierce recommended the appointment of Frank Dorsey, the new manager of the Marriott, to the Tourism Commission.

A motion was made and seconded, (R. Grosch, B. Dziwulski) to appoint Frank Dorsey to the Tourism Commission. Motion Passed: 6-For, 0-Against.

10. Public Comment

Mr. Weigel stated he contacted Johns Disposal regarding the hydraulic fluid that was dripping from the garbage trucks and shared with them the pictures that were taken. They stated they were embarrassed and will fix the issue. Mr. Weigel asked the alderman to keep an eye on the situation and let him know if there are any additional issues.

11. Adjournment

A motion was made and seconded, (B. Bergman, J. Kara) to adjourn the meeting at 6:46 p.m. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.3.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approval of Common Council Meeting Minutes Dated November 5, 2018

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Minutes 11.5.2018

In attendance:

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

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director J. Weigel, HR Director L. Bergersen, Fire Chief K. Bierce, IT Director B. Kewan, Community Development Director K. Woldanski, City Assessor J. Siebers, Lieutenant B. Ripplinger, Library Director J. Stoltz, Accountant C. Sazama and Clerk/Treasurer K. Tarczewski.

1. Call to Order and Pledge of Allegiance

In the absence of Mayor Bierce, President Brown called the meeting to order at 6:01 p.m.

2. Public Comment - None.

3. Consent Agenda

- 3.1. Approve Common Council Meeting Minutes Dated October 15, 2018
- 3.2. Approval of Accounts Payable Listings
- 3.3. Approve Bartender Licenses
- 3.4. Approve **Resolution 18-11-31** Appointing Student Poll Workers for the November 6th, 2018 Election
- 3.5. Release of the \$10,000 Cash Escrow for the Woodleaf Reserve Addition No. 1 Subdivision

Ms. Brown removed the meeting minutes because they were not available and Mr. Weigel requested that Item 3.5 be removed for discussion.

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

3.5 Release of the \$10,000 Cash Escrow for the Woodleaf Reserve Addition No. 1 Subdivision

Mr. Weigel noted the asphalt around a water valve settled and he would like the developer to take care of the repair prior to releasing the cash escrow. He said the developer was willing to make the repair.

A motion was made and seconded, (B. Bergman, J. Wamser) to approve the release of the cash escrow contingent upon the repair to the water valve being completed.

Motion Passed: 5-For, 0-Against.

4. Public Hearing Related to the Proposed 2019 Budget

Mr. Klein stated the final health insurance numbers came in at a 3.5% increase. He noted that the Library revised their budget and increased it approximately \$900. He also stated he put another \$100,000 into roads. Mr. Klein said the assessed value has also been updated. He said the overall tax rate increase is 2.8% equating to an increase of .088¢.

Ms. Brown opened the public hearing. No one expressed an interest in speaking so it was immediately closed.

5. Discussion and Possible Action Regarding the Approval of the Proposed 2019 Budget and Setting the Tax Levy

A motion was made and seconded, (J. Wamser, J. Kara) to approve the \$9,445,830 tax levy, inclusive of all the staff revisions, and set the tax rate at \$3.276 per \$1,000 of assessed value.

Motion Passed: 5-For, 0-Against.

6. Discussion Regarding the Third Quarter Report for Police Services

Lieutenant Ripplinger was present for this item and reviewed the statistics of the last quarter. He said the department is now doing their own in-house bow program. He discussed the active assailant training he provided to City employees. Mr. Dziwulski stated he attended that training and highly recommends it to others. Mr. Kara stated he was not interested in seeing how the quarter compares with last year's quarter but would much rather see the current trends. Lieutenant Ripplinger stated he would work on that for him.

7. Discussion and Possible Action Regarding the Proposal from Ehlers to Perform a Financial Management Plan in the Amount of \$15,500

Mr. Klein stated this would update the plan originally completed in 2013. He said they will interview the department heads to get a feel for future spending. They will estimate future tax levy requirements and tax rates on those assumptions and essentially give us the big picture view in lieu of having a finance director on staff.

Mr. Grosch suggested waiting a year for the new City Planner to be able to make recommendations for the City's needs. Mr. Klein stated Nick has gone over all the current documents and doesn't feel that will be an issue.

A motion was made and seconded, (B. Dziwulski, R. Grosch) to approve the Ehlers proposal for a financial management plan in the amount of \$15,500.

Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action to Approve the Clark Dietz Proposal to Update the Needs Assessment Related to Parks, Fire and Trail Impact Fees in the Amount of \$12,600

Mr. Klein stated the last one was approved back in 2012 and needs to be updated if the City plans to continue to collect impact fees. He said he selected this firm because the person who originally did the study changed her employment to this firm. Mr. Kara asked if the funds were already budgeted for this project. Mr. Klein stated yes. Ms. Brown asked about the previous item approved. Mr. Klein stated that was also a part of the 2019 budget. Mr. Bergman asked if we'd be able to use previously collected funds for a new project. Attorney Riffle stated the newly collected fees would only be good towards new projects identified.

A motion was made and seconded, (R. Grosch, J. Wamser) to approve the Clark Dietz proposal to update the needs assessment in the amount of \$12,600. Motion Passed: 5-For, 0-Against.

9. Discussion and Possible Action to Approve **Ordinance 18-08 (Second Reading)** Rezoning the GE Healthcare Property Located at N16 W22419 Watertown Road (PWC 0960-994 & PWC 0959-999)

From A-2 Agricultural to I-1 Urban Institutional for the Purpose of Combining the Two Properties to Allow for Additional Green Space

Mr. Klein stated this concerns two parcels, one on the east side and one on the west side of the river. GE wants to combine them to create more green space so that they can propose a building addition project. Mr. Bergman asked if there were any concerns regarding use flood plain property as green space. Mr. Klein stated they can only use a percentage of that. Attorney Riffle stated GE could actually do the CSM without our consent because it is commonly owned property.

A motion was made and seconded, (B. Dziwulski, J. Wamser) to approve Ordinance 18-08 rezoning the GE property from A-2 Agricultural to I-1 Urban Institutional.

Motion Passed: 5-For, 0-Against.

10. Discussion and Possible Action Regarding Certified Survey Map #181018-1 for GE Healthcare Located at N16 W22419 Watertown Road (PWC 0960-994 & PWC 0959-999) for the Purpose of Combining Two Properties to Allow for Additional Greenspace

A motion was made and seconded, (J. Kara, B. Dziwulski) to approve the CSM as requested.

Mr. Bergman asked about the staff comments made on the CSM. Attorney Riffle stated it is noted on the CSM, “the Fox River as described as special warranty deed lot line to be removed”.

Mr. Bergman asked that the motion be revised to approve the CSM based on the recommendation made by Plan Commission. Both the maker and second agreed.

Motion Passed: 5-For, 0-Against.

11. Discussion and Possible Action to Appoint Nick Fuchs as Zoning Administrator and Potentially Naming Scott Klein as Assistant Zoning Administrator

A motion was made and seconded, (B. Bergman, B. Dziwulski) to appoint Nick Fuchs as the Zoning Administrator and make Scott Klein his backup. Motion Passed: 5-For, 0-Against.

12. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.

13. 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)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. In this instance it regards negotiations with the fire association.

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, (B. Dziwulski, J. Kara) at 6:47 p.m. to go into closed session. Motion Passed by Roll Call Vote: 5-For, 0-Against.

A motion was made and seconded, (B. Dziwulski, R. Grosch) at 7:02 p.m. to go back into open session. Motion Passed: 5-For, 0-Against.

A motion was made and seconded, (J. Kara, B. Dziwulski) to approve the union agreement contingent upon their approval of same. Motion Passed: 5-For, 0-Against.

14. Adjournment

A motion was made and seconded, (B. Dziwulski, J. Kara) to adjourn the meeting at 7:05 p.m. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.4.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approve Accounts Payable Listings

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Accounts Payable Summary

ACCOUNTS PAYABLE FOR:	11/19/2018		
Vendor Name	Document Date	Document Amount	Transaction Description
KARLOVICH, JEANA	11/06/2018	\$254.59	WS 12611 OVERPMT
LYNCH BUICK GMC OF WEST BEND	11/07/2018	\$30,954.50	PR VIN#108499 '19 GMC SIERRA
NATIONWIDE RETIREMENT SOLUTIONS	11/06/2018	\$1,875.09	DEFERRED COMP
PENKERT PROPERTIES	11/06/2018	\$45.95	WS 16052/16604 REFUNDS
TD AMERITRADE TRUST COMPANY	11/06/2018	\$50.00	LOAN REPAYMENT
WILFERT, RICHARD	11/06/2018	\$250.00	WS 15720 REFUND TENANT PMT
ALL CITY COMMUNICATIONS INC.	11/01/2018	\$55.60	ANSWERING SERVICES
BROOKFIELD, CITY OF	10/29/2018	\$175,687.08	3RD QTR OPERATING CHARGES
BROOKFIELD, CITY OF	10/29/2018	\$31,786.50	3RD QTR PROCESS CHARGES
CINTAS FIRST AID	11/07/2018	\$77.80	CABINET REFILL
D.F. TOMASINI, INC	11/01/2018	\$9,003.26	WATER SERVICE REPAIR
ELLIOTT ACE HARDWARE	10/31/2018	\$17.98	GLOVES
FERGUSON WATERWORKS	10/30/2018	\$236.00	5 MAIN VALVES
FERGUSON WATERWORKS	11/05/2018	\$36.00	MINN CURB
FERGUSON WATERWORKS	11/05/2018	\$36.00	MINN CURB BX
HYDROCORP	10/31/2018	\$892.00	CROSS CONNECT OCTOBER 2018
JK LAWN SERVICE	10/31/2018	\$180.00	LAWN SERVICE FOX CREEK
JK LAWN SERVICE	10/31/2018	\$225.00	LAWN SERVICE PEWAUKEE RD
KINGS WAY HOMES	11/09/2018	\$3,394.95	928976 BLUEMOUND/STILL RIVER
MENARDS	10/23/2018	\$17.95	SUPPLIES
MENARDS	10/23/2018	\$15.82	LP TANK EXCHANGE
MENARDS	10/24/2018	\$6.19	BRASS BALL VALVE
MENARDS	10/25/2018	\$9.99	HI TEMP SILICONE
MENARDS	10/29/2018	\$39.99	TIE UVB BAG
NORTHERN LAKE SERVICE, INC	10/30/2018	\$80.00	OCTOBER BACTERIA
NORTHERN LAKE SERVICE, INC	10/30/2018	\$275.00	RADIOACTIVITY
NORTHERN LAKE SERVICE, INC	10/30/2018	\$60.00	OCTOBER BACTERIA SAMPLE
NORTHERN LAKE SERVICE, INC	10/30/2018	\$40.00	INVESTIGATION BACTERIA SAMPLE
NORTHERN LAKE SERVICE, INC	10/30/2018	\$80.00	OCTOBER BACTERIA SAMPLE
NORTHERN LAKE SERVICE, INC	10/30/2018	\$60.00	OCTOBER BACTERIA SAMPLE
NORTHERN LAKE SERVICE, INC	10/30/2018	\$220.00	4TH QTR RAW WATER BACTERIA
RUEKERT & MIELKE, INC.	10/29/2018	\$4,515.04	SCADA SERVICE
RUEKERT & MIELKE, INC.	10/29/2018	\$2,093.50	CH ELEVATED TANK DEMO
RUEKERT & MIELKE, INC.	10/29/2018	\$24,034.00	WELL 1 RADIUM REMEDIATION
RUEKERT & MIELKE, INC.	10/29/2018	\$4,544.00	PSC WATER RCA RATE ANALYSIS
USA BLUEBOOK	10/25/2018	\$92.81	BLUE PAPER
WATER REMEDIATION TECH., LL	11/01/2018	\$3,395.41	BASE TREATMENT CHARGE
KWIK TRIP	11/02/2018	\$4,331.20	OCT AMBO/ENGINE FUEL
UWEX CENTER FOR LAND USE EDUCATION	11/13/2018	\$80.00	ZB WORKSHOP

\$299,049.20

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.5.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Approve Bartender Licenses

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Bartenders

<u>Individual Name</u>	<u>Establishment Name</u>	<u>Type</u>
Gorak, Megan M.	Point Burger Bar	New
Kozminski, Carly M.	Michael's House of Prime	New
Leshner-Mosca, Cami R.	The Station	New

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.6.**

DATE: November 19, 2018

DEPARTMENT: PW - Engineering

PROVIDED BY: Jeffrey L. Weigel, PE Public Works Director & City Engineer

SUBJECT:

Approve First Reduction of the Woodleaf Reserve Addition No. 2 Letter of Credit, from \$1,297,475 to \$672,777 (Resulting in a Reduction of \$624,698).

BACKGROUND:

The public improvements attendant to developments in the City are constructed under a Development Agreement between Developer/City, and a letter of credit is posted as a financial guarantee for these improvements, which include the sanitary sewer, water, storm water and street paving. The third phase of the Woodleaf Reserve subdivision (off of Weyer Road), known as Woodleaf Reserve Addition No. 2 has been constructed through the first lift of asphalt paving.

FINANCIAL IMPACT:

No direct fiscal impact. Indirectly the requested action leads to the final acceptance of the lots (final plat) which will lead to the creation of 37 single family lots which will presumably lead to the construction of 37 new single family homes with an attendant increase the land/home values.

RECOMMENDED MOTION:

Common Council approves the first reduction of the Woodleaf Reserve Addition No. 2 letter of credit from \$1,297,475 to \$672,777 (reduction of \$624,698).

ATTACHMENTS:

Description

Oct. 29, 2017 Letter requesting first reduction

PEWAUKEE SUNDER FIELDS LLC

710 North Plankinton Avenue
Milwaukee, WI 53203

Phone (414) 274-2488 ♦ Fax (414) 274-2711

October 29, 2018

Pewaukee City Council Members
C/O: Mr. Jeff Weigel
Director of Department of Public Works
City of Pewaukee City Hall
W240 W3065 Pewaukee Road
Pewaukee, WI 53072

RE: Request for First Reduction in Subdivision Letter of Credit Amount for Woodleaf Reserve Addition No. 2 Subdivision

Dear City Council Members:

Pursuant to past conversations with Jeff Weigel and the work which has been completed at our Woodleaf Reserve Addition No. 2 subdivision, we are requesting a reduction in our subdivision letter of credit with Associated Bank. I have attached a copy of pay application number 1 (the most recent) from Super Western/Excavators, Inc. (our general contractor) and lien waivers from payments made to Super Western, Inc., totaling \$558,872.48 and we have made payments to the City of Pewaukee for engineering fees and construction review totaling \$1,457.25 (\$907.17 plus \$550.08 totaling \$1,457.25).

The subdivision letter of credit current balance is \$1,297,475. We are requesting a reduction in the subdivision letter of credit of \$672,777 (rounded) leaving a remaining balance of \$624,698 (rounded) (which includes a remaining balance of \$103,798 (rounded) of the original \$216,246 (rounded) of the required 20% contingency) to continue to cover the remaining subdivision work at our Woodleaf Reserve Addition No. 2 subdivision.

As is evident from the attached information and although the reduction request may not match dollar for dollar with the invoices paid because of the reduction in the contingency amount, we feel the remaining letter of credit balance is an ample dollar sum to cover the remaining cost to complete the remainder of the Phase 3 development obligations.

Please review the information and contact me regarding the process and timeline for the reduction to be approved.

Please call me if you have any questions at (414) 274-2488.

Very truly yours,

Pewaukee Sunder Fields LLC

By: Towne Realty, Inc., Member



James W. Doering
Director of Development and Acquisitions

Attachments

cc: Bob Braun
Leslie Plautz
John Grandlich

**PARTIAL RELEASE AND WAIVER BY SUBCONTRACTOR/SELLER OF
MECHANIC'S LIENS, CLAIMS, AND CAUSES OF ACTION**

TO: Pewaukee Sunder Fields LLC ("Contractor/Buyer")
FROM: Super Western Inc ("Subcontractor/Seller")

PROJECT: Woodleaf Reserve lot development
000003P ("Lot")
710 N. Plankinton Avenue
Milwaukee, WI 53203

SCOPE OF WORK: Earthwork

PO#: WDLF-R-000076

In consideration of the progress payment made to the undersigned in the amount of \$ 558,872.48 in the form of check #00039216 dated 10/26/2018 by the Contractor/Buyer to Subcontractor/Seller for all materials, labor and equipment rendered by the Subcontractor/Seller on the above Lot through 10/17/2018. Subcontractor/Seller does hereby fully release and waive all liens, claims and causes of action in the amount of the foregoing payment and all previous progress payments made by the Contractor/Buyer to Subcontractor/Seller which the Subcontractor/Seller has relating in any manner to the Lot, whether known or unknown, with respect to the furnishing of such labor, materials and equipment for the improvement of the Lot. Such released and waived liens, claims and causes of action include, but are not be limited to, (1) any mechanic's or materialman's liens against the leasehold or fee simple title in and to such Lot and the improvements thereon, (2) any right to assert or claim any such mechanic's or materialman's liens, (3) any equitable liens, (4) any right to assert a claim under any labor or material payment bond issued for the benefit of the Lot Owner, Subcontractor/Seller or any construction lender in connection with the Lot, (5) any right to assert a claim to any loan proceeds held by any construction lender, and (6) any claims or causes of action which might otherwise be asserted as part of a civil lawsuit or proceeding for damages, including, but not limited to, direct, indirect, consequential, liquidated and delay damages and/or losses, or other relief, legal and/or equitable, in any court or tribunal or before any arbitrator or arbitration panel that might otherwise have jurisdiction. This release and waiver is for the benefit of, and may be relied upon by the Contractor/Buyer, the Lot Owner, any construction lender, the surety (the "Surety") under any labor and material payment bond, any title insurance company issuing any title insurance report or commitment relating to the Lot, and their respective heirs, personal representatives, estates, successors and assigns.

For the foregoing consideration, the Subcontractor/Seller further warrants and represents that the Subcontractor/Seller has fully and duly paid for, or will use the monies it receives from this progress payment to promptly pay for, all labor, materials, equipment and supplies used or furnished by the Subcontractor/Seller in connection with the Lot and any improvements thereon, and hereby covenants and agrees to indemnify, hold harmless and defend the Contractor/Buyer, Lot Owner, any construction lender or Surety, and title insurance company, and each of them, and their heirs, personal representatives, estates, successors and assigns, from and against any and all claims, losses, damages, liabilities or expenses (including reasonable attorney's fees) which may be sustained or incurred by any of them for any failure of the Subcontractor/Buyer to make such payments.

Executed this 29 day of OCTOBER, 2018.

Super Western Inc

Subcontractor/Seller

By: Mary Wilcox
Name: Mary Wilcox
Title: CEO

PLEASE SIGN AND RETURN TO:
Pewaukee Sunder Fields LLC
710 North Plankinton Avenue
Milwaukee, WI 53203

APPLICATION AND CERTIFICATE FOR PAYMENT

Invoice #: 2018215-1C

To Owner: Pewaukee Sunder Field LLC
16745 West Bluemound Rd
Brookfield, WI 53005

Project: 18.02.015 Woodleaf Phase III

Application No. 1

From Contractor: Super Western, Inc.

N59W14601 Bobolink Ave.
Menomonee Falls, WI 53051

Via Architect:

Project Nos:

Period To: 9/30/2018

Contract For:

Contract Date:

Distribution to:
☐ Owner
☐ Architect
☐ Contractor

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
Continuation Sheet is attached

1. Original Contract Sum	\$1,081,229.42
2. Net Change By Change Order	\$20,170.00
3. Contract Sum To Date	\$1,101,399.42
4. Total Completed and Stored To Date	\$620,969.42
5. Retainage:	
a 10.00% of Completed Work	\$62,096.94
b 0.00% of Stored Material	\$0.00
Total Retainage	\$62,096.94
6. Total Earned Less Retainage	\$558,872.48
7. Less Previous Certificates For Payments	\$0.00
8. Current Payment Due	\$558,872.48
9. Balance To Finish, Plus Retainage	\$542,526.94

CHANGE ORDER SUMMARY	Additions	Deductions
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total Approved this Month	\$20,670.00	\$500.00
TOTALS	\$20,670.00	\$500.00
Net Changes By Change Order	\$20,170.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief, the work covered by this Application for Payment has been completed in accordance with the Contract Documents. That all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Super Western, Inc

By: *[Signature]* Date: *10/17/18*

State of Wisconsin
Subscribed and sworn to before me, this 17th
Notary Public *Yellow Sign Holder*
My Commission expires 9-30-2021

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the amount applied, and on the basis of the Architect's knowledge, information, and belief, the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

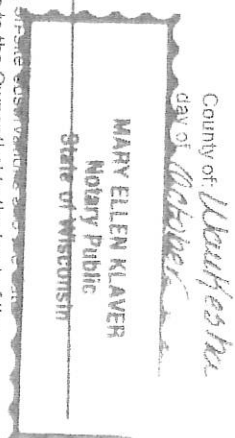
AMOUNT CERTIFIED \$ 558,872.48

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.



CONTINUATION SHEET

Page 2 of 3

Application and Certification for Payment, containing Contractor's signed certification is attached in tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply

Application No. : 1
Application Date : 10/17/18
To: 09/30/18
Architect's Project No.:

Invoice # : 2018215-1C

Contract : 18.02.015 Woodleaf Phase III

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored	G Total Completed and Stored To Date	H Balance To Finish (C-G)	I Retainage
			From Previous Application (D+E)	This Period In Place				
1	Woodleaf Phase III	0.00	0.00	0.00	(Not in D or E)	(D+E+F)		
10	Silt Fence and Constr	11,590.00	0.00	11,590.00	0.00	11,590.00	0.00	0.00
20	Tracking Pad	3,475.00	0.00	3,475.00	0.00	3,475.00	0.00	1,159.00
30	Temporary Diversion	2,585.00	0.00	0.00	0.00	0.00	2,585.00	347.50
40	Stripping & Stockpile Topsoil	52,550.00	0.00	39,412.50	0.00	39,412.50	13,137.50	0.00
50	Temporary Seeding	1,615.00	0.00	1,615.00	0.00	1,615.00	0.00	3,941.25
60	Erosion Matting	13,300.00	0.00	0.00	0.00	0.00	13,300.00	161.50
70	Site Grading	116,975.00	0.00	58,487.50	0.00	58,487.50	58,487.50	0.00
80	Inlet Protection	7,750.00	0.00	7,750.00	0.00	7,750.00	0.00	5,848.75
90	Finish Grade Roadwork	17,600.00	0.00	0.00	0.00	0.00	17,600.00	775.00
100	Backfill Curb & Gutter	9,565.00	0.00	0.00	0.00	0.00	9,565.00	0.00
110	Replace Topsoil	66,890.00	0.00	13,378.00	0.00	13,378.00	53,512.00	0.00
120	Clean up After Dry Utility	10,730.00	0.00	0.00	0.00	0.00	10,730.00	1,337.80
130	Remove Erosion Control	3,765.00	0.00	0.00	0.00	0.00	3,765.00	0.00
140	Construct Detention Pond	9,260.00	0.00	0.00	0.00	0.00	9,260.00	0.00
160	8" Sanitary Sewer-Granular Backfill	112,320.00	0.00	112,320.00	0.00	112,320.00	0.00	11,232.00
170	6" Sanitary Lateral-Granular Backfill	41,061.42	0.00	41,061.42	0.00	41,061.42	0.00	4,106.14
180	6" Sanitary Lateral Riser	3,200.00	0.00	3,200.00	0.00	3,200.00	0.00	320.00
185	Standard Manhole	14,400.00	0.00	14,400.00	0.00	14,400.00	0.00	1,440.00
190	Connect to Existing Sanitary	12,000.00	0.00	12,000.00	0.00	12,000.00	0.00	1,200.00
220	12" Storm Sewer-Granular Backfill	11,842.00	0.00	11,842.00	0.00	11,842.00	0.00	1,184.20
230	12" Storm Sewer-Spoil Backfill	44,880.00	0.00	44,880.00	0.00	44,880.00	0.00	4,488.00
240	2 X 3 Inlets	20,900.00	0.00	20,900.00	0.00	20,900.00	0.00	2,090.00
250	48" Storm Sewer Manholes	11,000.00	0.00	11,000.00	0.00	11,000.00	0.00	1,100.00
260	48" Storm Inlets	3,800.00	0.00	3,800.00	0.00	3,800.00	0.00	380.00
270	Pond 1 Detention Outlet Structure	9,100.00	0.00	0.00	0.00	0.00	9,100.00	0.00
280	Pond 2 Detention Outlet Structure	9,100.00	0.00	0.00	0.00	0.00	9,100.00	0.00
290	Rip Rap and Fabric	1,500.00	0.00	0.00	0.00	0.00	1,500.00	0.00
300	8" Watermain-Granular Backfill & Tracer wire	66,768.00	0.00	66,768.00	0.00	66,768.00	0.00	6,676.80
310	6" Hydrant Lead-Granular Backfill & Tracer wire	5,225.00	0.00	5,225.00	0.00	5,225.00	0.00	522.50
320	Hydrant Aux Valve	380.00	0.00	380.00	0.00	380.00	0.00	38.00
330	8" Gate Valve Box	3,000.00	0.00	3,000.00	0.00	3,000.00	0.00	300.00

CONTINUATION SHEET

Page 3 of 3

Application and Certification for Payment, containing
Contractor's signed certification is attached
In tabulations below, amounts are stated to the nearest dollar.
Use Column I on Contracts where variable retainage for line items may apply.
Invoice #: 2018215-1C Contract: 18.02.015 Woodleaf Phase III

Application No.: 1
Application Date: 10/17/18
To: 09/30/18
Architect's Project No.:

A Item No.	B Description of Work	C Scheduled Value	D Work Completed		F Materials Presently Stored	G Total Completed and Stored To Date	H Balance To Finish (C-G)	I Retainage
			From Previous Application (D+E)	This Period In Place				
340	Sampling Station	4,500.00	0.00	4,500.00	0.00	4,500.00	0.00	450.00
350	1.25" HDPE Water Service	93,755.00	0.00	93,755.00	0.00	93,755.00	0.00	9,375.50
360	Connected to Existing Watermain	8,000.00	0.00	8,000.00	0.00	8,000.00	0.00	800.00
370	Remove Temporary Hydrant & Connected to WM	8,060.00	0.00	8,060.00	0.00	8,060.00	0.00	806.00
400	5" Base course (3/4" TB)	28,240.00	0.00	0.00	0.00	0.00	28,240.00	0.00
410	5" Base Course (1.5" TB)	27,425.00	0.00	0.00	0.00	0.00	27,425.00	0.00
420	30" Mountable Curb A	66,375.00	0.00	0.00	0.00	0.00	66,375.00	0.00
430	3.25" Asphalt Binder	66,475.00	0.00	0.00	0.00	0.00	66,475.00	0.00
440	Traffic Control Sign, Barricades	5,105.00	0.00	0.00	0.00	0.00	5,105.00	0.00
450	Type 3 Barricades	3,070.00	0.00	0.00	0.00	0.00	3,070.00	0.00
460	Remove Existing Asphalt	2,920.00	0.00	0.00	0.00	0.00	2,920.00	0.00
470	Remove Existing Driveway	2,000.00	0.00	0.00	0.00	0.00	2,000.00	0.00
480	Remove Type 3 Barricade	376.00	0.00	0.00	0.00	0.00	376.00	0.00
520	Remove/Dispose Interim Curb & Gutter	15,050.00	0.00	0.00	0.00	0.00	15,050.00	0.00
530	1.75" Asphaltic Concrete surface	39,950.00	0.00	0.00	0.00	0.00	39,950.00	0.00
540	Traffic Control and Signing	5,105.00	0.00	0.00	0.00	0.00	5,105.00	0.00
550	Remove Asphalt Ramps	5,870.00	0.00	0.00	0.00	0.00	5,870.00	0.00
560	Adjust Water Boxes to Surface Course	827.00	0.00	0.00	0.00	0.00	827.00	0.00
570	PO WDLF-V-000064 CO-003	0.00	0.00	0.00	0.00	0.00	0.00	0.00
PCO	Pending Change Orders	0.00	0.00	0.00	0.00	0.00	0.00	0.00
CO-001	Sanitary Lateral Revision	2,000.00	0.00	2,000.00	0.00	2,000.00	0.00	200.00
CO-002	Basement Spoils	13,000.00	0.00	13,000.00	0.00	13,000.00	0.00	1,300.00
CO-003	Clearing & Grubbing	5,670.00	0.00	5,670.00	0.00	5,670.00	0.00	567.00
CO-004	DNR - Credit	-500.00	0.00	-500.00	0.00	-500.00	0.00	-50.00
Grand Totals		1,101,399.42	0.00	620,969.42	0.00	620,969.42	56.38%	480,430.00
								62,096.94

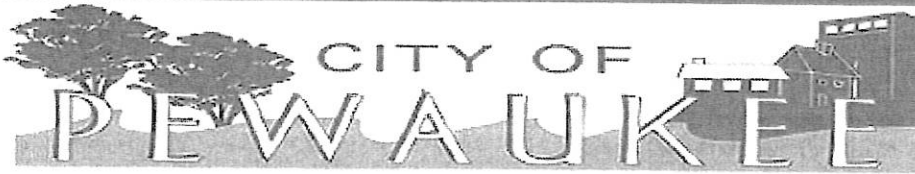
Super Excavators, Inc. (SUPERE)

String	Operating Unit	Company Code	Project	Phase	PO#	Line #	Amount	Retainage	Net Amount
H	WI	WI1120	WDLF	3P	59	10	135,708.00	13,570.80	122,137.20
H	WI	WI1120	WDLF	3P	59	20	182,981.42	18,298.14	164,683.28
H	WI	WI1120	WDLF	3P	59	30	92,422.00	9,242.20	83,179.80
H	WI	WI1120	WDLF	3P	59	40	189,688.00	18,968.80	170,719.20
H	WI	WI1120	WDLF	3P	59	50	-	-	-
H	WI	WI1120	WDLF	3P	59	60	-	-	-
H	WI	WI1120	WDLF	3P	64	10	2,000.00	200.00	1,800.00
H	WI	WI1120	WDLF	3P	67	10	13,000.00	1,300.00	11,700.00
H	WI	WI1120	WDLF	3P	68	10	4,670.00	467.00	4,203.00
H	WI	WI1120	WDLF	3P	68	20	1,000.00	100.00	900.00
H	WI	WI1120	WDLF	3P	71	10	(500.00)	(50.00)	(450.00)
							620,969.42	62,096.94	558,872.48

Description of Work	Scheduled Value	Work Completed From Previous Application	This Period In Place	Materials Presently Stored	Total Completed and Stored To Date	%	Balance To Finish	Retainage
10 Silt Fence and Constr	11,590.00	-	11,590.00	-	11,590.00	100.00%	-	1,159.00
20 Tracking Pad	3,475.00	-	3,475.00	-	3,475.00	100.00%	-	347.50
30 Temporary Diversion	2,585.00	-	-	-	-	0.00%	2,585.00	-
40 Stripping & Stockpile Topsoil	52,550.00	-	39,412.50	-	39,412.50	75.00%	13,137.50	3,941.25
50 Temporary Seeding	1,615.00	-	1,615.00	-	1,615.00	100.00%	-	161.50
60 Erosion Matting	13,300.00	-	-	-	-	0.00%	13,300.00	-
70 Site Grading	116,975.00	-	58,487.50	-	58,487.50	50.00%	58,487.50	5,848.75
80 Inlet Protection	7,750.00	-	7,750.00	-	7,750.00	100.00%	-	775.00
90 Finish Grade Roadwork	17,600.00	-	-	-	-	0.00%	17,600.00	-
100 Backfill Curb & Gutter	9,565.00	-	-	-	-	0.00%	9,565.00	-
11C Replace Topsoil	66,890.00	-	13,378.00	-	13,378.00	20.00%	53,512.00	1,337.80
120 Clean up After Dry Utility	10,730.00	-	-	-	-	0.00%	10,730.00	-
130 Remove Erosion Control	3,765.00	-	-	-	-	0.00%	3,765.00	-
140 Construct Detention Pond	9,260.00	-	-	-	-	0.00%	9,260.00	-
SUBTOTAL - EARTHWORK	327,650.00	-	135,708.00	-	135,708.00	41.42%	191,942.00	13,570.80
160 8" Sanitary Sewer-Granular Backfill	112,320.00	-	112,320.00	-	112,320.00	100.00%	-	11,232.00
170 6" Sanitary Lateral-Granular Backfill	41,061.42	-	41,061.42	-	41,061.42	100.00%	-	4,106.14
180 6" Sanitary Lateral Riser	3,200.00	-	3,200.00	-	3,200.00	100.00%	-	320.00
185 Standard Manhole	14,400.00	-	14,400.00	-	14,400.00	100.00%	-	1,440.00
190 Connect to Existing Sanitary	12,000.00	-	12,000.00	-	12,000.00	100.00%	-	1,200.00
SUBTOTAL - SANITARY SEWER	182,981.42	-	182,981.42	-	182,981.42	100.00%	-	18,298.14
220 12" Storm Sewer-Granular Backfill	11,842.00	-	11,842.00	-	11,842.00	100.00%	-	1,184.20
230 12" Storm Sewer-Spill Backfill	44,880.00	-	44,880.00	-	44,880.00	100.00%	-	4,488.00
240 2 X 3 Inlets	20,900.00	-	20,900.00	-	20,900.00	100.00%	-	2,090.00
250 48" Storm Sewer Manholes	11,000.00	-	11,000.00	-	11,000.00	100.00%	-	1,100.00
260 48" Storm Inlets	3,800.00	-	3,800.00	-	3,800.00	100.00%	-	380.00
270 Pond 1 Detention Outlet Structure	9,100.00	-	-	-	-	0.00%	9,100.00	-
280 Pond 2 Detention Outlet Structure	9,100.00	-	-	-	-	0.00%	9,100.00	-
290 Rip Rap and Fabric	1,500.00	-	-	-	-	0.00%	1,500.00	-
SUBTOTAL - STORM SEWER	112,122.00	-	92,422.00	-	92,422.00	82.43%	19,700.00	9,242.20
300 8" Watermain-Granular Backfill &	66,768.00	-	66,768.00	-	66,768.00	100.00%	-	6,676.80
310 6" Hydrant Lead-Granular Backfill &	5,225.00	-	5,225.00	-	5,225.00	100.00%	-	522.50
320 Hydrant Aux Valve	380.00	-	380.00	-	380.00	100.00%	-	38.00
330 8" Gate Valve Box	3,000.00	-	3,000.00	-	3,000.00	100.00%	-	300.00
Sampling Station	4,500.00	-	4,500.00	-	4,500.00	100.00%	-	450.00
1.25" HDPE Water Service	93,755.00	-	93,755.00	-	93,755.00	100.00%	-	9,375.50
Connect to Existing Watermain	8,000.00	-	8,000.00	-	8,000.00	100.00%	-	800.00
Remove Temporary Hydrant &	8,060.00	-	8,060.00	-	8,060.00	100.00%	-	806.00
SUBTOTAL - WATER MAIN	189,688.00	-	189,688.00	-	189,688.00	100.00%	-	18,968.80
5" Base course (3/4" TB)	28,240.00	-	-	-	-	0.00%	28,240.00	-
5" Base Course (1.5" TB)	27,425.00	-	-	-	-	0.00%	27,425.00	-
30" Mountable Curb A	66,375.00	-	-	-	-	0.00%	66,375.00	-
3.25" Asphalt Binder	66,475.00	-	-	-	-	0.00%	66,475.00	-
Traffic Control Sign, Barricades	5,105.00	-	-	-	-	0.00%	5,105.00	-

Description of Work	Scheduled Value	Work Completed From Previous Application	This Period In Place	Materials Presently Stored	Total Completed and Stored To Date	%	Balance To Finish	Retainage
Type 3 Barricades	3,070.00					0.00%	3,070.00	-
Remove Existing Asphalt	2,920.00					0.00%	2,920.00	-
Remove Existing Driveway	2,000.00					0.00%	2,000.00	-
Remove Type 3 Barricade	376.00					0.00%	376.00	-
SUBTOTAL - BASE COURSE CONSTRUCTION	201,986.00	-	-	-	-	0.00%	201,986.00	-
Remove/Dispose Interim Curb & 1.75" Asphaltic Concrete surface	15,050.00					0.00%	15,050.00	-
Traffic Control and Signing	39,950.00					0.00%	39,950.00	-
Remove Asphalt Ramps	5,105.00					0.00%	5,105.00	-
Adjust Water Boxes to Surface	5,870.00					0.00%	5,870.00	-
	827.00					0.00%	827.00	-
SUBTOTAL - SURFACE CONSTRUCTION	66,802.00	-	-	-	-	0.00%	66,802.00	-
GRAND TOTAL BEFORE CHANGE ORDERS	1,081,229.42	-	600,799.42	-	600,799.42	55.57%	480,430.00	60,079.94
CHANGE ORDERS:								
Sanitary Lateral Revision	2,000.00		2,000.00		2,000.00	100.00%	-	200.00
Basement Spoils	13,000.00		13,000.00		13,000.00	100.00%	-	1,300.00
Clearing & Grubbing	5,670.00		5,670.00		5,670.00	100.00%	-	567.00
DNR - Credit	(500.00)		(500.00)		(500.00)	100.00%	-	(50.00)
GRAND TOTAL	1,101,399.42	-	620,969.42	-	620,969.42	56.38%	480,430.00	62,096.94

Invoice



Invoice INV003454
Date 7/25/2018

W240 N3065 Pewaukee Rd
Pewaukee WI 53072
(262) 691-0770

TOWNE REALTY
710 N. PLANKINTON AVE
MILWAUKEE WI 53203

Payment Terms Net 30

Service ID	Description	Cost
IN-HOUSE ENG	In-House Engineering Fees Reimbursed- Plan Review	\$889.38
ADMIN FEES SW	Administration Fees	\$17.79

Subtotal \$907.17
Tax \$0.00
Total \$907.17

Processed by:		7/30/18				
FILE	PR	LOT/PHASE	MAJOR	MINOR	AMOUNT	
		WDLF 3P	182206A	00	907.17	
TOTAL				907.17		

OK gwn 7/31/18

Past due invoices and balances will either be sent to collections after 90 days, or if unpaid by October 31st, added to the current year's tax roll with a 10% penalty, whichever is applicable.

DATE	HOURS	DEVELOPMENT	ACTIVITY	City \$'s	Storm Water \$'s	Sewer & Water \$'s - Posted to Storm Water Income	TOTAL INSIDE ENG	ADMIN FEE 100-461600/230-489000	TOTAL AMOUNT INVOICED
5/1/18	4	Woodleaf Reserve Phase 3	Plan Review	-	65.88	197.64	263.52	5.27	
5/8/18	2.75	Woodleaf Reserve Phase 3	Plan Review	-	65.88	115.29	181.17	3.62	
5/9/18	2.75	Woodleaf Reserve Phase 3	Plan Review	-	181.17	-	181.17	3.62	
5/15/18	1.75	Woodleaf Reserve Phase 3	review letter	-	49.41	65.88	115.29	2.31	
5/16/18	0.75	Woodleaf Reserve Phase 3	review letter	-	49.41	-	49.41	0.99	
6/8/18	1.5	Woodleaf Reserve Phase 3	Plan review letter	-	98.82	-	98.82	1.98	
							889.38	17.79	\$ 907.17

PEWCTY City of Pewaukee
W240 N3065 Pewaukee Road
PEWAUKEE , WI 53072

Towne Realty, Inc.
Check Number HQ101-00037241
Check Date Aug 2, 2018

Invoice	Date	Reference	Payment Amt	Retention	Discount	Total Payment
WI1120 Pewaukee Sunder Fields LLC INV003454	07/25/2018	WDLF,000003P,18220G.A,00 - Civil Services	907.17	.00	.00	907.17
Total Remittance			907.17	.00	.00	907.17

THIS DOCUMENT CONTAINS SECURITY FEATURES

Towne Realty, Inc.
710 N. Plankinton Ave.
MILWAUKEE, WI 53203

BMO Harris Bank N.A.
MILWAUKEE, WI

2-28/710

Date
Aug 2, 2018

Check Number
HQ101-00037241

Pay *Nine Hundred Seven Dollars 17 Cents*

Amount
\$907.17

To
The
Order
Of
City of Pewaukee
W240 N3065 Pewaukee Road
PEWAUKEE , WI 53072

Towne Realty, Inc.

Per [Signature]
Per _____

PAYABLE IN US DOLLAR

⑈00037241⑈ ⑆0710002881⑆ 00001⑈92489⑈

Mailed 8/2/18

Invoice



Invoice 003422
Date 5/31/2018

W240 N3065 Pewaukee Rd
Pewaukee WI 53072
(262) 691-0770

RECEIVED
JUN 04 2018

TOWNE REALTY
710 N. PLANKINTON AVE
MILWAUKEE WI 53203

Payment Terms Net 30

Service ID	Description	Cost
OESW	Storm Water- Erosion Control Inspections- Woodleaf- April 2018	\$539.30
ADMIN FEES SW	Administration Fees	\$10.78

Subtotal \$550.08
Tax \$0.00
Total \$550.08

Processed by: 6/6/18					
REF	PRJ/ENTITY	LOT/PHASE	MAJOR	MINOR	AMOUNT
	WDLF	2P	18220GA	00	550.08
Approved by: OK for 6/6/18					TOTAL 550.08

Past due invoices and balances will either be sent to collections after 90 days, or if unpaid by October 31st, added to the current year's tax roll with a 10% penalty, whichever is applicable.



Ruekert·Mielke

Storm

✓

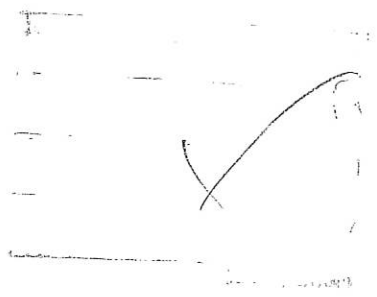
5-21-18

✓

✓

230-536500-
2190 539.30

Ruekert & Mielke, Inc.
W233 N2080 Ridgeview Parkway
Suite 300
Waukesha, WI 53188
(262) 542-5733



Pewaukee, City of
Renee Reed
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

Invoice number 122826
Date 04/17/2018

Project 26-10019 Pewaukee - Woodleaf Reserve
Subdivision Development

For Professional Services From January 31, 2018 through March 16, 2018

310 - Phase 2 Construction Review

For the final storm sewer as-built creation for Phase 2 of the development.

Professional Fees

	Hours	Rate	Billed Amount
Engineer Technician 2	3.75	102.00	382.50
Professional Land Surveyor	1.00	128.00	128.00
Professional Fees subtotal	4.75		510.50

Reimbursables

	Billed Amount
Color copies	16.80
B&W plots	12.00
Reimbursables subtotal	28.80

Invoice total **539.30**

Please remit the invoice amount contained in the "bolded box".

PEWCTY City of Pewaukee
W240 N3065 Pewaukee Road
PEWAUKEE , WI 53072

Towne Realty, Inc.
Check Number HQ101-00036023
Check Date Jun 7, 2018

Invoice	Date	Reference	Payment Amt	Retention	Discount	Total Payment
WI1120 Pewaukee Sunder Fields LLC						
003414	05/29/2018	WDLF,000002P,18220G.A,00 - Civil Services	205.73	.00	.00	205.73
003422	05/31/2018	WDLF,000002P,18220G.A,00 - Civil Services	550.08	.00	.00	550.08
Total Remittance			755.81	.00	.00	755.81

THIS DOCUMENT CONTAINS SECURITY FEATURES

Towne Realty, Inc.
710 N. Plankinton Ave.
MILWAUKEE, WI 53203

BMO Harris Bank N.A.
MILWAUKEE, WI

2-28/710

Date
Jun 7, 2018

Check Number
HQ101-00036023

Pay *Seven Hundred Fifty Five Dollars 81 Cents*

Amount
\$755.81

To
The
Order
Of
City of Pewaukee
W240 N3065 Pewaukee Road
PEWAUKEE , WI 53072

Towne Realty, Inc.

Per

Per

PAYABLE IN US DOLLAR

⑈00036023⑈ ⑆071000288⑆ 00001⑈92489⑈

Mailed 6/7/18

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.7.**

DATE: November 19, 2018

DEPARTMENT: PW - Engineering

PROVIDED BY: Jeffrey L. Weigel, PE Public Works Director & City Engineer

SUBJECT:

Release of the Auburn Ridge development \$12,000 surety

BACKGROUND:

The Auburn Ridge development consists of duplex type condos near the Broken Hill development. Last November the Common Council approved Resolution 17-11-15 accepting the public improvements and commencing the 1-year warranty period. A final warranty inspection revealed two items related to a water sampling station that should be addressed prior to release of the surety.

FINANCIAL IMPACT:

None.

RECOMMENDED MOTION:

We recommend the Common Council authorize the release of the \$12,000 surety once Water Dept. staff sign off on the corrections to the water sampling station as detailed in our e-mails of Nov. 1st and Nov. 6th.

ATTACHMENTS:

Description

Punchlist e-mail

Developer request and copy of Acceptance Resolution

Weigel, Jeff

From: Weigel, Jeff
Sent: Tuesday, November 06, 2018 11:27 AM
To: 'wtproperties1@gmail.com'
Cc: Mueller, Jane
Subject: FW: Auburn Ct. punch list

Mr. Fleming:

We have inspected the public improvements related to the Auburn Ridge development, and find two issues relating to the water sampling station that need to be addressed—see below.

I have the release of the letter of credit on the Nov. 19th Common Council agenda. If these repairs can be made ahead of that meeting, then we can get the release without any contingencies; if the two sampling station repairs are still outstanding on Nov. 19th, then I will ask for the release of the letter of credit conditioned on the City staff approval of the repairs.

Should you or your contractor have a question on the repairs, see Water & Sewer Utility Manager Jane Mueller, cc'd on this e-mail (or 262-691-0804).

Jeff
Jeffrey Weigel, PE
Public Works Director
City of Pewaukee

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From: Mueller, Jane
Sent: Thursday, November 01, 2018 2:49 PM
To: Weigel, Jeff <Weigel@pewaukee.wi.us>
Subject: FW: Auburn Ct. punch list

Jeff,

Below are the items identified as still outstanding for the Auburn Ridge Condo development.

Please let me know if you would like a formal punch list prepared.

Jane

Jane E. Mueller
Utility Manager
City of Pewaukee
(262)691-0804 office
(262)691-5729 fax

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as though it were sent by regular mail and further e-mail distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent and may not be copied or distributed without this disclaimer. If you received this message in error please notify me immediately

From: Hansen, Shane

Sent: Thursday, November 01, 2018 2:38 PM

To: Mueller, Jane <JEM@pewaukee.wi.us>

Subject: Auburn Ct. punch list

Auburn court punch list 10/31/18

Water

- 1) Sample station needs to be raised. Unable to get door open and isn't not perpendicular to the road.
- 2) Sample station curb box is bent. Unable to get on valve to turn on sample station.

Sewer

MH #8 has been corrected.

Shane Hansen

City of Pewaukee Water/Sewer

Weigel, Jeff

From: Wes Fleming <wtproperties1@gmail.com>
Sent: Friday, October 12, 2018 11:50 AM
To: Weigel, Jeff
Subject: Auburn Ridge, Inc. - Public Improvements
Attachments: Scan 286.pdf

Dear Mr. Weigel,

As required by the City of Pewaukee, Town Bank issued a Letter of Credit in the amount of \$12,000 on behalf of Auburn Ridge, Inc. to satisfy certain City requirements related to public improvements (roads). Those obligations have been met by Auburn Ridge, Inc. which will be confirmed upon inspection by the City. We are requesting that the City begin its inspection and administrative processes so that the Letter of Credit can be cancelled.

Upon cancellation, could you please forward such notice to:

Michael A. Stratton
Town Bank
850 W. North Shore Dr.
Harland, WI 53029

If you require any further information from Auburn Ridge, Inc., please do not hesitate to contact me.

Sincerely,

Tom Fleming
Auburn Ridge, Inc.
(414) 795-7689

ATTACHMENT

RESOLUTION NO. 17-11-15

**A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS
FOR AUBURN RIDGE DEVELOPMENT**

WHEREAS, Auburn Ridge, Inc. (developer), and the City of Pewaukee, entered into a Developer's Agreement dated October 10, 2006 and on file in the City Clerk's office, to govern the development of a parcel of real property owned by Auburn Ridge for residential use more particularly described in Exhibit B (Legal Description and Map) on file in the City Clerk's office and incorporated herein, referred to in said Agreement and herein as the "Property;" and

WHEREAS, the Agreement provides that Auburn Ridge, Inc. would construct and install the necessary sanitary sewer facilities, water distribution facilities, public streets, surface and storm water drainage, and street signs and traffic control within the Property; and,

WHEREAS, the public improvements have been completed and dedicated by Auburn Ridge to the City; and,


WHEREAS, the public improvements have been inspected by the City Engineer who has approved the same.

NOW THEREFORE IT IS HEREBY RESOLVED that the City of Pewaukee Common Council accepts the public improvements referred to above on behalf of and for the benefit of the public and citizens of the City of Pewaukee.

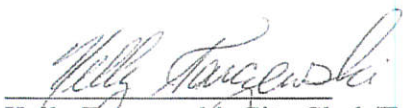
This resolution shall be effective upon publication or posting as provided by law.

Dated this 20th day of November, 2017,

CITY OF PEWAUKEE


Steve Bierce, Mayor

ATTEST:


Kelly Tarczewski, City Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 4.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Fill the Municipal Court Judge Vacancy Based on Judge Glojek's Resignation
[Riffle]

BACKGROUND:

Sorry for the confusion on the numbering of these next two resolutions. They were received on 11/19/2018. Because the next resolution calling for a special election references this resolution it made sense to put them in numeric order.

Please number this first resolution 18-11-32 (Appoint Temporary Municipal Judge).

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Motion to approve Resolution 18-11-32 and concur with the Mayor's recommendation to appoint _____.

ATTACHMENTS:

Description

Resignation Letter

Interested Parties

Resolution 18-11-32 to Appoint



City of Pewaukee

MUNICIPAL COURT

W240N3065 PEWAUKEE ROAD
PEWAUKEE, WISCONSIN 53072
(262) 691-9083
FAX: (262) 691-6074

HONORABLE
GARY A. GLOJEK
JUDGE

November 5, 2018

Honorable Jennifer R. Dorow

District Court Administrator Michael Neimon

Mayor Steve Bierce

City Administrator Scott Klein

Common Council Chair Colleen Brown

RE: City of Pewaukee Municipal Court

As you are aware, I have been the Municipal Judge for both the Town and City of Pewaukee since 1990. Over the past 28 years, I have been blessed with an excellent court staff and good relationship with the Town Board and City Council.

Following numerous life changes, I feel it is appropriate to resign from the Bench. My resignation will be effective as of November 30, 2018. Until that time, Judge Mark Powers will be handling my judicial duties in the City of Pewaukee.

I thoroughly enjoyed serving the people of Pewaukee and I hope I have been a positive influence on the City as their Judge. I will be happy to discuss the appointment of my successor with the Council.

Sincerely,

Gary A. Glojek
Municipal Judge, City of Pewaukee

**FUCHS
& BOYLE, S. C.**

ATTORNEYS AT LAW

TELEPHONE: (414) 257-1800
FACSIMILE: (414) 257-1510
fdb@fdblaw.com

13500 WATERTOWN PLANK ROAD
SUITE 100
ELM GROVE, WISCONSIN 53122

JOHN F. FUCHS
REBECCA D. BOYLE
COURT COMMISSIONER

November 13, 2018

Mayor Steve Bierce
Alderman Ray Grosch
Alderman Brandon Bergman
Alderman Jeff Kara
Alderman Colleen Brown
Alderman Jerry Wamser
Alderman Brian Dziwulski

c/o The City of Pewaukee
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

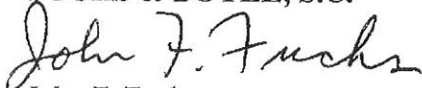
Dear Mayor and Common Council.

I am writing to express my interest in the vacant Municipal Court Judgeship. I have been a Pewaukee resident since July 2008, and a practicing Attorney for 43 years. I currently have had the privilege of doing occasional work on behalf of the City in terms of some administrative proceedings, and serving on the Board of Appeals. In terms of my practice, I started as a Prosecutor in 1975, and have been responsible for a variety of Municipal Courts since 1981. I occasionally serve as a Hearing Examiner or an Administrative Law Judge. These combined experiences should allow me to serve in the position with the competence the office of Municipal Judge deserves.

I am somewhat apologetic for the brevity of this correspondence, but the demands of your agenda, publication caused both the Mayor and the City Attorney to suggest I reach out to you as expeditiously as possible. The Pewaukee Common Council meetings conflict with my meetings in Brown Deer and Glendale, both of which I serve as Municipal Attorney. So I am not available to attend your meetings generally speaking. But I am currently practicing in a greatly reduced role, and have ample time to dedicate to the position if selected. It would be my intent to run in the special election in April. I am asking that you consider me as someone interested in serving on a continued basis.

Thank you for your anticipated consideration.

FUCHS & BOYLE, S.C.



John F. Fuchs
JFF/akw

RESUME

Attorney Paul E. Petterson
12970 W. Bluemound Rd., Suite 305
Elm Grove, WI 53122-2607

Date of Birth:

Thirty-five (35) year resident of the City of Pewaukee.

Education

:
BA Carthage College, Kenosha, WI 1974
Majors: Criminal Justice, Political Science, Social Science

JD University of Wisconsin, Madison, WI 1980

Military:

United States Marine Corps
Active Duty/Reserve 1970-2002
Rank upon retirement: Lt. Colonel

Professional:

Attorney at Law, Elm Grove, WI
Admitted to the Bar Association in 1980

References:

Hon. Martin Binn, Court Commissioner Waukesha County, WI
Hon. Frank Liska, Court Commissioner Milwaukee County, WI
Hon. Roger Pyzyk, Municipal Judge, City of Greenfield, WI
Hon. William Fenger, Municipal Judge, South Milwaukee, WI
Hon. Thomas Wilkowski, Municipal Judge, City of Greenfield, WI (Retired)

STATE OF WISCONSIN

CITY OF PEWAUKEE

WAUKESHA COUNTY

RESOLUTION NO. 18-11-32

**CITY OF PEWAUKEE, WISCONSIN
RESOLUTION TO APPOINT JUDGE TO FILL
TEMPORARY VACANT MUNICIPAL JUDGE POSITION**

WHEREAS, the office of Municipal Judge in the City of Pewaukee will become vacant due to the resignation of Judge Gary Glojek on November 30, 2018; and,

WHEREAS, under the provisions of Wis. Stat. § 8.50(4)(fm), the City Common Council may fill the vacancy by a temporary appointment which shall last until the vacancy is filled by special election; and

WHEREAS, the temporary appointment will begin on December 1, 2018 and extend until May 1, 2019, as the position of Municipal Judge will be filled by special election, which will take place during the 2019 Spring Election cycle, as described in Resolution No. _____; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Pewaukee, to adopt this resolution as follows:

SECTION 1: APPOINTMENT OF MUNICIPAL JUDGE

That effective December 1, 2018, _____, shall perform the duties of the municipal judge in the City of Pewaukee pending the election and qualification of a municipal judge during the special election as authorized by Wis. Stat. § 8.50(4)(fm).

SECTION 2: SEVERABILITY

The several sections of this resolution are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or

portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE

This resolution shall take effect immediately upon passage and posting or publication as provided by law.

This resolution passed and adopted this 19th day of November 2018.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 5.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Approve **Resolution 18-11-32** Ordering a Special Election to Fill the Municipal Court Judge Vacancy [Riffle]

BACKGROUND:

Sorry for the confusion on the numbering of this resolution. It were received on 11/19/2018. Because the previous agenda number has a resolution associated with it and is referenced in this resolution it made sense to put them in numeric order.

Please number this first resolution 18-11-33 (Special Election for Municipal Judge).

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Motion to approve Resolution 18-11-33 calling for a special election to fill vacant Municipal Judge position.

ATTACHMENTS:

Description

Resolution 18.11.33 Special Election

STATE OF WISCONSIN

CITY OF PEWAUKEE

WAUKESHA COUNTY

RESOLUTION NO. 18-11-33

**CITY OF PEWAUKEE, WISCONSIN
RESOLUTION FOR SPECIAL ELECTION TO FILL
VACANT MUNICIPAL JUDGE POSITION**

WHEREAS, the City of Pewaukee, Wisconsin (the “Municipality”) is authorized by Wis. Stat. § 17.23(bm) to fill a vacant municipal judge position in the manner provided in Wis. Stat. § 8.50(4)(fm); and

WHEREAS, pursuant to Wis. Stat. § 8.50(4)(fm), a permanent vacancy in the office of municipal judge may be filled by temporary appointment of the municipal governing body, which was adopted under Resolution No. 18-11-32; and

WHEREAS, the office of Municipal Judge shall then be permanently filled by special election, which shall be held concurrently with the next spring election following the occurrence of the vacancy; and

WHEREAS, the office of Municipal Judge in the City of Pewaukee will become vacant due to the resignation of Judge Gary Glojek on November 30, 2018; and,

WHEREAS, the City of Pewaukee will hold a special election to run concurrent with the 2019 Spring Election cycle, including a primary if necessary; and

WHEREAS, the newly elected City of Pewaukee Municipal Judge will serve a four (4) year term beginning on May 1, 2019, as set forth under Wis. Stat. § 755.02 and adopted by City of Pewaukee Municipal Code Chapter 23.03; and

WHEREAS, this resolution shall take effect immediately upon passage and posting or publication as provided by law; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council for the City of Pewaukee hereby authorizes and requests a special election to be held concurrent with the 2019 Spring Election cycle to fill the permanently vacated position of Municipal Judge.

This resolution passed and adopted this 19th day of November 2018.

CITY OF PEWAUKEE

Steve Bierce, Mayor

ATTEST:

Kelly Tarczewski, Clerk

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 6.**

DATE: November 19, 2018

DEPARTMENT: PRCs - Building Services

PROVIDED BY: Kelley Woldanski

SUBJECT:

Discussion and Possible Action Regarding the 2019 Agreement for Building Inspection Services with the Village of Pewaukee [Fuchs]

BACKGROUND:

We have an annual agreement with the Village of Pewaukee to provide building inspection services on their behalf. As of October 2018, we have collected \$56,418 from the Village in fees for this service. We do not feel any agreement changes are necessary for 2019 therefore the attached proposed agreement is the same as 2018.

FINANCIAL IMPACT:

Revenue generated: \$1,000 per month plus 60% of the permit fees taken for the Village which are invoiced monthly. Property Maintenance inspections will be billed monthly at \$55 per hour as needed.

RECOMMENDED MOTION:

to approve of the 2019 Agreement for Building Inspection Services with the Village of Pewaukee

ATTACHMENTS:

Description
2019 Contract

AGREEMENT FOR BUILDING INSPECTION SERVICES

Between the Village and City of Pewaukee

This agreement is made by and between the Village and City of Pewaukee, both municipal corporations located in the County of Waukesha. The purpose of this agreement is for the Village to contract with the City for the provision of building inspection services on an as needed basis within the Village to ensure the Village's compliance with applicable Village and State building codes and ordinances.

WHEREAS, the Village is in need of building inspection services to inspect buildings for building code compliance; and

WHEREAS, the City employs State certified inspectors for general construction, electrical, plumbing, HVAC, and commercial inspections; and

WHEREAS, the Village and City pursuant to Wisconsin State Statute 66.0301 (2) have the authority to enter into cooperative intergovernmental agreements; and

NOW, THEREFORE, the Village and City, in consideration of the mutual promises hereinafter set forth, do promise and agree as follows:

1. Services

The Village hereby contracts with the City for the provision of building, plumbing, electrical and HVAC inspection services on an as needed basis and to provide the following services:

- a. Review applications for building permits and building plans submitted and issue building, plumbing, electrical, and HVAC and any related permits in compliance with applicable Village Ordinances and the State of Wisconsin Uniform Dwelling Code. Provide architectural review when necessary for single-family dwellings.
- b. Perform all general inspections from footings to final occupancy as required by the Village Ordinances, State Regulations, and permit requirements. Inspections normally will be performed by the end of the day if requested by the contractor (or owner if there is no contractor) Monday through Friday, excluding holidays. Reasonable efforts will be made to complete inspections within 2 business days of a request.
- c. Issue orders to correct discrepancies in building code violations.
- d. Maintain records of building permit applications and permits issued, including such items as date applied, date issued, permit number, type, contractor, owner, property address, permit fees, and other monies collected.
- e. Provide direct advice/information to builders, owners and residents of the Village regarding the Building Codes and Ordinances either by phone or through established office hours at City Hall.

- f. Attend meetings of the Village Plan Commission and Village Board and other appropriate Board, Commissions, and Committees upon special request by the Village Administrator.
- g. Collect payments in the form of checks made payable to the Village of Pewaukee for all building, plumbing, electrical, and HVAC permit fees as established by Resolution of the Village Board. The Village shall pick up checks on a weekly basis.
- h. Provide property maintenance inspections upon request by the Village Administrator.
- i. Appear in Village Municipal Court or in Waukesha County Circuit Court as requested by the Village Administrator to provide testimony with respect to code enforcement and ordinance violations.
- j. Perform the Village's responsibilities under the State of Wisconsin Uniform Dwelling Code.
- k. All services shall be performed consistent with applicable state statutes and Village Ordinances.
- l. The parties acknowledge that this agreement represents an independent contract relationship and that in no event shall any of the persons performing services for the City under this agreement be considered employees of the Village.

2. Reports/Records

During the term of this agreement, the City Building Inspection Department shall:

- a. Maintain separate files for Village applications and permits, containing the information specified in Section 1.d. above, which will be turned over to the Village once the final occupancy permit is issued.
- b. Provide the Village a report of services rendered as of the end of the month including a list of inspections made, permits issued and fees collected.
- c. Provide reports, documents, and files relating to building inspection to the Village Administrator as may be requested from time to time.

3. Items Provided

The City shall, provide through its building inspection department budget the following related to the performance of this agreement:

- a. A direct phone line at City Hall for building inspection services.
- b. All necessary secretarial support for maintaining files while in the possession of the City.
- c. All code books, technical manuals and inspection equipment.
- d. All necessary professional organization dues and costs of on-going training and re-certification.

- e. A properly registered and insured vehicle for use while performing services within the Village including the costs of maintenance, fuel, etc. required.

4. Items provided by the Village

- a. Prior to the issuance of a building permit by the Building Inspector, the Village will fax to the City Building Inspector notification of paid water and sewer connection fees as well as zoning requirements including conditional use permit requirements for a particular building permit application as requested by the City Building inspector.
- b. Provide required application forms, State Seals, and any required special office supplies or documents needed to process and file permits.

5. Payment to the City for Services Rendered Through this Agreement

In consideration of the services to be performed by the City, the Village shall pay to the City for the services in the following manner:

- a. \$1,000 per month plus 60% of the permit fee revenue invoiced monthly.
- b. Property maintenance, with prior approval of the Village Administrator; and special meetings and circumstances, with prior approval from both the City & Village Administrators, will be at an hourly rate of \$55.00 per hour as needed.
- c. Municipal Court testimony shall be charged at the same hourly rate for property maintenance matters. Municipal Court appearances for services covered under Section 1 above shall not carry an additional hourly charge.
- d. The Village shall pay the City for the cost of the Village's share of programming costs for any changes to the building permitting system on an as needed basis and costs will be shared 60% city/40% village and will be presented to the Board for prior review and approval. This cost does not include any future version updates which are still to be determined. The Village shall be entitled to their own copy of the software including the source code to the software along with the Village's data files in the event this contract is terminated by either party.

6. Term of Agreement

The term of this agreement shall commence January 1st, 2019 and shall continue through December 31st, 2019.

7. Termination of Agreement

This agreement may be terminated without cause by either party upon 90 days written notice to the other party. All such notices shall be by certified mail or personally delivered as follows:

Village Clerk
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

City Clerk
City of Pewaukee
W240 N3065 Pewaukee Road
Pewaukee, WI 53072

8. Assignment

This agreement shall not be assigned to any other party without the written consent of the Village.

9. Insurance

The City shall maintain public liability insurance coverage and worker's compensation coverage with limits acceptable to the Village. The Village shall be named as an additional insured with respect to the public liability coverage.

10. Indemnification

The City shall indemnify and hold harmless the Village its officers, employees, insurers and assigns from and against any and all claims, actions, demands, causes of action, losses, damages and costs (including but not limited to all professional and attorney fees) arising out of or related to the City's performance of this agreement. In no event shall the City be required to indemnify the Village as against the Village's own negligence or intentional conduct.

11. Governing Law

This agreement and all questions arising in connection herewith shall be governed by the laws of the State of Wisconsin.

12. Entire Agreement

This agreement contains the entire agreement between the parties regarding this matter. This agreement may be modified only by an agreement to this agreement which is authorized by both the City Council and the Village Board.

The parties have executed this agreement on this _____ day of _____, 2018.

Village of Pewaukee
A Municipal Corporation

City of Pewaukee
A Municipal Corporation

BY: _____
Village President

BY: _____
Mayor

ATTEST:

ATTEST:

BY: _____
Village Clerk/Treasurer

BY: _____
City Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 7.**

DATE: November 19, 2018

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Authorize Various Expenses Out of the Contingency Fund Totaling \$46,348.00
[Klein]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Contingency Spending

Contingency

Items already approved

Temporary Part-time Assessor	\$	16,500.00	approximately-actual to be determined at eoy
Fireworks	\$	10,000.00	
Town of Lisbon	\$	1,158.50	
Deer Mgmt	\$	1,500.00	
	\$	29,158.50	

need to get CC approval

Financial Mgmt Study	\$	15,500.00
Impact Study	\$	12,600.00
Nick's furniture	\$	2,433.00
Fire Dept Washer/Dryer	\$	15,815.00
	\$	46,348.00

Other

LED Lights From fund Balance	\$	20,905.06	use Fund Balance
Bike and Pedestrian Plan	\$	6,000.00	Budget Amendment to Transf to Bike & Pedestrian
	\$	26,905.06	

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 8.**

DATE: November 19, 2018

DEPARTMENT: PW - Engineering

PROVIDED BY: Jeffrey L. Weigel, PE Public Works Director & City Engineer

SUBJECT:

Discussion and Possible Action to Reconsider Common Council Action on November 5, 2019 to Conditionally Release the Woodleaf Reserve Addition No. 1 and Consider a \$9,000 Reduction with a Conditional Release on the Remaining \$1,000 [Weigel]

BACKGROUND:

At the last meeting, I asked for the Release of the Woodleaf Reserve Addition No. 1 cash deposit to place one condition on the release--the repair of a settled asphalt pavement at one water valve. The Council concurred with the conditionally release. Subsequently, the weather has been consistently cold with the high temperature remaining below our final paving standard. As such, we are asking the Common Council to both reduce the cash deposit to \$1,000 and approve the release of the remaining \$1,000 once staff has approved the pavement correction, assumed to be spring 2019.

FINANCIAL IMPACT:

No direct impact; however, the eventual release of the \$1,000 will place all future maintenance responsibility and costs on the City.

RECOMMENDED MOTION:

We recommend that the Common Council reconsiders its action of Nov. 5, 2018 and instead approves a \$9,000 reduction in the Woodleaf Reserve Addition No. 1 cash deposit, and authorizes the release of the remaining \$1,000 only after the City Engineer approves the one asphalt pavement settlement referenced at the Nov. 5, 2019 meeting.