

**In attendance:**

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

**Also in Attendance:**

Attorney P. Alexy, Administrator S. Klein, Assistant Engineer M. Wagner, Utility Manager J. Mueller, HR Community Development Director K. Woldanski, 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

Ken Bjorkquist (N19 W26686 Milkweed Lane - Unit B) stated he had concerns related to the proposed development on the golf course. He said the noise, lights and crime would negatively impact the neighborhood. He said he was concerned that the property values would decrease.

Tom Sandvik (W260 N2888 Steeplechase Drive) stated he is associated with the Pewaukee Youth Baseball Board and supports the project. He understands the concerns of the neighbors near the development but feels most of the concerns were addressed by the developer. He said this development would meet the needs of an expanding community and benefit many in the process. He said he feels this project will create jobs and increase tax revenues.

3. Consent Agenda
  - 3.1. Approve Common Council Meeting Minutes Dated August 6, 2018
  - 3.2. Approve Accounts Payable Listings
  - 3.3. Approve Bartender Licenses

Mr. Kara and Ms. Brown asked that Item #3.1 be removed for discussion.

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

- 3.1 Approve Common Council Meeting Minutes Dated August 6, 2018

Mr. Kara stated the words “and then” should be added to Item #10, second paragraph when discussing how hunters could reasonable manage the herd.

**A motion was made and seconded, (J. Wamser, B. Dziwulski) to approve the Common Council meeting minutes dated August 6<sup>th</sup>, 2018 with the requested revision.**

Motion Passed: 4-For, 0-Agaisnt, 1-Abstain (C. Brown)

4. Preliminary Discussion Regarding the Establishment of a Tax Increment Financing (TIF) District and Developer's Tax Incremental District (TID)

Phil Cosson from Ehlers was present for this item. He stated TIF is the program and TID is the actual district created at the municipal level. He said there are several misnomers that complicate the program but it is a relatively easy process. He said the annual tax rate is the same if the property is within the TID or outside of the district. He said the difference is what is done with the money after it

is collected. He said when the district is created the base value is determined at that time. That value will remain throughout the life of the district. He said all tax money collected on the original value will be distributed amongst the various taxing entities like normal, but once new development takes place and the values increase, that difference is known as the increment. Mr. Cosson stated the taxes collected above and beyond the base value remains in the City's funds and it is not distributed between the other taxing entities. He said the County and Technical College have to approve the TID.

Mr. Cosson stated there is a "But For" test, that is reviewed by the City's Plan Commission, Common Council and a review board that consists of a member from each of the taxing entities and one citizen member at large as appointed by the City, which would require a simple majority to pass.

He said this development would most likely fall under the qualifications needed to support Mixed Use Development; any combination of industrial, commercial and residential. He said in this situation not more than 35% of the development can be for new platted residential.

Mr. Cosson stated once enough increment has been collected to pay off the project the TID statutorily has to be closed by a formal resolution. Any unreimbursed funds would get distributed to the other taxing bodies. He said the maximum life on a mixed use project is 20 years.

Mr. Cosson reviewed the eligible and prohibited project costs.

He said the process takes approximately 75-90 days with special meetings that involve the review board. Mr. Cosson stated due diligence is performed and the developer is vetted through a performance analysis.

He said there is a "pay-as-you-go" method meaning the project is fully funded by the developer and the City will commit to reimbursing them some of the increment that comes in. He said this is also known as a municipal revenue obligation. The City would avoid financial risk in this situation. He also stated the developer could be required to submit a letter of credit as additional protection that the project gets finalized.

A straw-poll vote indicated the aldermen in attendance would be amenable and consider a "pay-as-you-go" developer financed TIF process.

5. Discussion and Possible Action Regarding the Conceptual Approval of the Lake Country Commons Project on the Pewaukee Golf Course Property Located at N12 W26506 Golf Road (PWC 0944-994)

Mr. Klein stated the developer needs direction on where they should go from here.

Mr. Sonny Bando was present for this item. He stated he understood the sensitivity of this development and refined the plan, taking previous discussions seriously. He said he'd like to see a TIF for the infrastructure. He said he needs business partners to make this development work, so that's where the housing comes into play.

Architect Larry Schneider was also present. He stated they are attempting to address the concerns of the neighbors related to increased traffic, noise, field lights and security. He reviewed the changes to the plan.

Mary Lynn Bjorkquist (N19 W26686 Milkweed Lane Unit B) stated she doesn't like the emergency road that leads onto the road she lives on. She asked them to consider coming up with a different exit. She stated there is too much traffic on their roads already and feels individuals will use their road as an alternative route.

Mr. Bjorkquist also voiced concerns related to the additional traffic in his neighborhood.

Adam Dobberstein (N37 W23488 Broken Hill Circle South) stated he was strongly in favor of this project. He said as much as the community wants to conserve green space we also want convenience. This project is a great alternative for that parcel.

Common Council members were generally in favor of the project in theory, but needed more details to fully support the development. They want to see additional changes be made to satisfy the area residents. They stated they wanted to see owner-occupied housing as opposed to multi-family rental units. Mr. Dziwulski stated the City is in need of senior housing. Mr. Grosch stated he was interested in the proposed bike path. There were concerns related to looping the water system and sewer capacity needs. Mr. Kara stated he was not in favor of the project.

6. Update Related to the 2nd Quarter Police Services

Mayor Bierce reported that Lieutenant Ripplinger had an unexpected change in schedule and he could not be present for tonight's meeting and this topic would be taken up at a future meeting.

7. Discussion and Possible Action to Establish the 2019 Garbage and Recycling Fee Rate

Ms. Wagner stated Mr. Weigel was recommending the 2019 garbage and recycling fee be set at \$139.

**A motion was made and seconded, (J. Kara, J. Wamser) to concur with the DPW Director recommendations and establish the 2019 garbage and recycling fee at \$139.**

Motion Passed: 5-For, 0-Against.

8. Discussion and Possible Action to Approve Change Order No. 2 for the Pewaukee Woods Culvert Replacement Contract to Include the Relay of 388 Feet of Existing Water Main

Ms. Wagner and Ms. Mueller were present for this item. Ms. Wagner stated the original project consists of replacing four large culverts that cross Paul Road. It was noted that the water mains in this area have been prematurely failing and there aren't many main valves in this area. The Utility asked for a quote to replace a segment of the water main to eliminate the need for a double relay and correct these issues. The additional work would cost \$182,052.50 and would be taken out of the water utility budget.

**A motion was made and seconded, (B. Dziwulski, R. Grosch) to approve change order #2 to include the relay of 388 feet of existing water main in the amount of \$182,052.50 authorizing the funds to come out of the water utility.** Motion Passed: 5-For, 0-Against.

9. Discussion and Possible Action to Dispose of Clean Fill on Private Property within the City of Pewaukee

Mr. Klein reported that the Highway Superintendent was approached by a city employee who would like the clean fill brought to his property in Pewaukee. He reported that the superintendent stated it typically costs the City \$50 a load, to dump elsewhere so it could potentially save the City money. He

said the superintendent has received similar requests over the years from other residents. He asked if the Council would be interested in offering this service to its residents.

Mr. Klein voiced his concerns with how other residents would perceive this as well as the potential liability with having City trucks on private property. Attorney Alexy added there could potentially be ethical issues since a private individual would certainly benefit. No action was taken on this item.

10. Discussion and Possible Action to Appoint an Interim Zoning Administrator

Mr. Klein stated an interim Zoning Administrator needs to be selected due to the departure of John Gibbs. He offered the name of Kelley Woldanski and he said he would be willing to be the Co-Zoning Administrator. Mayor Bierce stated he felt that Scott would be an excellent fit for that position.

**A motion was made and seconded, (B. Dziwulski, R. Grosch) to appoint Scott Klein as the interim Zoning Administrator.** Motion Passed: 5-For, 0-Against.

11. Discussion and Possible Action to Pursue Legal Action Against Power Vac (PWC P039) Related to Delinquent Personal Property Taxes in the Amount of \$37,412.76

Ms. Tarczewski stated she was contacted by the Waukesha County Collection Department who stated they have made several attempts to collect delinquent personal property taxes from Power Vac and they feel they have done all they can and recommended the City take legal action against them to recuperate the funds.

**A motion was made and seconded, (C. Brown, J. Wamser) to authorize the City Attorney to pursue legal action against Power Vac to recuperate delinquent personal property taxes.**

Motion Passed: 5-For, 0-Against.

12. Discussion and Possible Action Regarding the Request of Lake Pewaukee Sanitary District (LPSD) to Revise the Stipulated Water Level Order That Establishes the Elevation Ranges of the Lake's Water Surface

Mr. Klein stated the LPSD has requested changes to the elevation ranges of the lake's water surface and timing of the same. He said basically the lake would be refilled substantially earlier in the spring and based upon weather conditions may remain higher later into the fall.

**A motion was made and seconded, (J. Wamser, R. Grosch) to concur with the LPSD's recommendations and authorize the revision of the stipulated water level order that establishes the elevation ranges on the lake's surface.** Motion Passed: 5-For, 0-Against.

13. Reminder that the Next Common Council Meeting is Scheduled for Monday, September 10th, 2018 at 7:00 p.m.

14. Public Comment – None.

15. 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)(c): Considering employment, promotion, compensation or performance

evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility specifically related to personnel in the Building Services, Parks & Recreation, Human Resources and Planning.

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 9:23 p.m.** Motion Passed: 5-For, 0-Against via roll call vote.

16. Adjournment – **A motion was made and seconded, (B. Dziwulski, J. Kara) to adjourn the meeting at 10:00 p.m. from closed session.** Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski  
Clerk/Treasurer