

**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, Lieutenant B. Ripplinger, 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 - None.
3. Consent Agenda
  - 3.1. Approve Common Council Meeting Minutes Dated August 20, 2018
  - 3.2. Approve Accounts Payable Listings
  - 3.3. Approve Bartender Licenses
  - 3.4. Approval of **Resolution 18-09-19** Committing to Required Funding for the Pewaukee Public Library and Requesting Exemption from the 2018 Waukesha County Library Tax Levy for 2019 Purposes

Mayor Bierce removed Item #3.1 because the minutes were not available. Mr. Grosch asked that Item #3.4 be removed for discussion.

**A motion was made and seconded, (B. Dziwulski, J. Kara) to approve the remaining items on the consent agenda.** Motion Passed: 6-For, 0-Against.

- 3.4 Approval of **Resolution 18-09-19** Committing to Required Funds for the Pewaukee Public Library and Requesting Exemption from the 2018 Waukesha County Library Tax Levy for 2019 Purposes

Mr. Grosch questioned why they were approving funds pertaining to the 2019 budget when they have not seen the proposed document yet. Mr. Klein stated the City is required to spend at least the three year average of the previous Library expenditures in order to be exempt from the County library tax.

**A motion was made and seconded, (R. Grosch, B. Bergman) to approve Resolution 18-09-19 committing to required funds for the Pewaukee Public Library and requesting exemption from the 2018 Waukesha County library tax levy for 2019 purposes.**

Motion Passed: 6-For, 0-Against.

4. Discussion and Possible Action Related to Initial **Resolution 18-09-23** Authorizing \$1,445,000 General Obligation Bonds for Water System Improvements

Phil Cosson with Ehlers was present for this item. He said the City has a solid Moody's rating of Aa1 which would allow them to go out for competitive bids. He stated staff will be involved with a conference call with Moody's to confirm the bond rating the first week October. He said the closing will take place November 1<sup>st</sup>.

**A motion was made and seconded, (B. Bergman, R. Grosch) to approve Resolution 18-09-23 authorizing \$1,445,000 general obligation bonds for water system improvements.**

Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action Regarding **Resolution 18-09-24** Directing Publication of Notice to Electors

**A motion was made and seconded, (B. Bergman, R. Grosch) to approve Resolution 18-09-24 Directing Publication of Notice to Electors.** Motion Passed: 6-For, 0-Against.

6. Discussion and Possible Action Regarding **Resolution 18-09-25** Providing for the Sale of \$1,445,000 General Obligation Water System Bonds

**A motion was made and seconded, (J. Kara, B. Dziwulski) to approve Resolution 18-09-25 providing for the sale of \$1,445,000 general obligation water system bonds.**

Passed: 6-For, 0-Against.

7. Discussion and Possible Action to Approve the Proposed Amendment to the Wethersfield Subdivision and Adjacent Land Declaration of Restrictions Related to Section B.4. Removing the Requirement that all Shingles be a "Weatherwood" Color

Chuck Stevens (N36W22652 Long Valley Road) was present for this item. He stated there were enough signatures for the property owners within the homeowners' association to allow for the change. He stated it also needed the support of the Common Council and the County. Mr. Stevens stated the homeowners would then be allowed to choose from 18 color choices.

Mr. Bergman stated the same roof color helps to blend all the roof lines together to give the subdivision a nice characteristic.

**A motion was made and seconded, (J. Kara, J. Wamser) to approve the proposed amendment to the Wethersfield subdivision and adjacent land declaration of restrictions related to Section B.4. removing the requirement that all shingles be a "weatherwood" color.**

Motion Passed: 5-For, 1-Against (B. Bergman)

8. **Public Hearing** and Possible Action Related to the Conditional Use Permit for Aspire Dance LLC to Operate a Dance Studio for Children and Adults Located at W238 N1700 Rockwood Drive (PWC 0954-998-016) and Consideration of the Plan Commission (PC 7/19/2018) Recommendations

Mr. Klein stated staff has reviewed the request and recommended approval of the conditional use.

Mayor Bierce opened the public hearing. No one expressed an interest in speaking and the public hearing was immediately closed.

**A motion was made and seconded, (C. Brown, B. Dziwulski) to approve the conditional use permit for Aspire Dance LLC to operate a dance studio at W238 N1700 Rockwood Drive.**

Motion Passed: 6-For, 0-Against.

9. **Public Hearing** and Possible Action Related to the Conditional Use Petition for the Glen at Parkway Ridge Located on the East Side of Bluemound Road In Order to Develop a Two and Four-Unit Condominium Community (PWC 0925-993, PWC 0925-992, PWC 0925-990)

Mr. Kevin Anderson from Neumann Development was present for this item.

Mr. Klein stated an extensive staff report was prepared with several contingencies.

Mayor Bierce opened the public hearing. No one expressed an interest in speaking and the public hearing was immediately closed.

Mr. Anderson asked if the Council would entertain doing a straw poll to determine whether or not there was support for the development. Everyone supported the project as long as the conditions were satisfied.

Mr. Anderson asked the City to table this item.

**A motion was made and seconded, (B. Dziwulski, J. Kara) to table the conditional use request.**

Motion Passed: 6-For, 0-Against.

10. Discussion and Possible Action Regarding Proposed Preliminary Certified Survey Map (CSM #180621-2) for the 19.66 Acre Neumann Development, Inc. Property Located on the East Side of Bluemound Road and 315 Feet South of Morris Street for the Purpose of Dividing the Property Into Two Lots (PWC 0925-993, PWC 0925-990, PWC 0925-992)

Mr. Klein stated this CSM should be approved contingent upon the map being revised to list the various comments of staff.

**A motion was made and seconded, (C. Brown, J. Wamser) to approve preliminary certified survey map #180621-2 contingent upon the revisions requested by staff being reflected on the map.**

Motion Passed: 6-For, 0-Against.

11. Discussion and Possible Action Regarding the Proposed Certified Survey Map (CSM #180621-1) for Neumann Development, Inc. for the Purpose of Combining Three Small Parcels Totaling 2.16 Acres Located on the West Side of Bluemound Road 315 Feet South of Morris Street into One Lot and Combining Three Large Parcels Totaling 19.66 Acres Located on the East Side of Bluemound Road 315 Feet South of Morris Street into One Lot (PWC 0925-993, PWC 0925-990, PWC 0925-992)

Mr. Klein stated this map should have been taken up prior to the previous CSM. He said each side of Bluemound will be a separate CSM.

Mr. Weigel stated the special assessments on this land should be enacted upon 19.66 2.6 acres.

**A motion was made and seconded, (J. Kara, B. Dziwulski) to approve CSM 180621-1 contingent upon the staff comments being documented on the map and the payment of the special assessment charges be paid to the Treasurer's office.** Motion Passed: 6-For, 0-Against.

12. Discussion and Possible Action Regarding **Ordinance 18-06** to Rezone the Neumann Development, Inc. Property Located on the East Side of Bluemound Road from Rs-1, Single-Family Residential to Rm-1, Multi-Family Residential for the Purpose of Creating a Condominium Plat (PWC 0925-993, PWC 0925-990, PWC 0925-992)

Mr. Anderson requested the rezoning of the property be tabled.

**A motion was made and seconded, (B. Dziwulski, R. Grosch) to table the rezoning ordinance for the Neumann Development.** Motion Passed: 6-For, 0-Against.

13. Update Related to the 2nd Quarter Police Services

Lieutenant Ripplinger was present for this item. He said there was nothing out of the ordinary to report. He mentioned that calls for service were still rising. He stated the department is continuing to focus on community policing. He also addressed the concerns of comments made regarding the increase of crime in the Spice Creek area. He said Deputies are reaching out to property owners asking them to be proactive and make sure they lock the doors of their homes and cars to make them less of a target.

14. Discussion and Possible Action Regarding the Fluid Leakage from Vehicles Owned by John's Disposal

Mr. Dziwulski stated he received a complaint from one of the residents in his district regarding hydraulic fluid left on the streets by the Johns Disposal vehicles. He stated this was not good for the roads and staff needs to contact Johns to put a stop to it. It was mentioned that the City has an ordinance regarding hazardous materials on the roadway which would allow the Sheriff's Department to issue citations if this issue is not corrected.

Mr. Weigel was directed to work with the City Attorney to come up with a course of action.

15. Award of the City Hall Water Tower Demolition Contract to the Lowest Qualified Bidder, Iseler Demolition, Inc. Based on the Lowest Qualified Bid of \$71,800.00

Mr. Weigel stated the proposed project was only for the removal of the water tower, the cement base would remain. He said Ruekert & Mielke has suggested certain contingencies be met before approving the contract.

**A motion was made and seconded, (B. Bergman, B. Dziwulski) to award the contract to Iseler Demolition in the amount of \$71,800.00 contingent upon satisfactorily satisfying the contingencies recommended by Ruekert & Mielke.** Motion Passed: 6-For, 0-Against.

16. Discussion and Possible Action to Approve the Duplainville Road Bridge State/Municipal Agreement Attendant to the Grant Award

Mr. Weigel stated the City applied for a grant approximately two years ago which would cover approximately 80% of the cost of the bridge replacement. He said the City's attorney has recommended changes to the agreement but fully expects the request will be rejected. He said he has budgeted \$95,000 in the 2019 budget to design the project. The actual construction would take place another year or so after that.

**A motion was made and seconded, (J. Wamser, B. Dziwulski) to approve the State/Municipal Duplainville Road bridge agreement and attendant grant award.** Motion Passed: 6-For, 0-Against.

17. Discussion and Possible Action to Approve the Release of the Payne & Dolan Letter of Credit (US Bank SLCWMIL04339) in the Amount of \$150,000 and Accept the Dedication of the Storm Sewer Constructed Under the Agreement

Mr. Weigel stated as part of the Waukesha Lime and Stone / Payne & Dolan quarry expansion they constructed nearly \$2 million worth of concrete storm sewers which they wish to dedicate to the City. Since the project has been completed he recommended the full release of the letter of credit and accepting the storm sewer dedication.

**A motion was made and seconded, (B. Bergman, J. Wamser) to release the Payne & Dolan letter of credit in the amount of \$150,000 and accept the storm sewer dedication.** Motion Passed: 6-For, 0-Against.

18. Discussion and Possible Action to Approve **Resolution 18-09-17** Adopting the Lindsay Road Water Main Extension Engineer's Report and Special Assessments

Mr. Weigel stated the improvements were done back in 2015 but it takes time to true up all the costs. He stated all the final assessments being presented this evening were either at the amount originally quoted at the public hearing or less. He said the terms remain the same as well.

**A motion was made and seconded, (B. Bergman, J. Wamser) to accept the Engineer's report related to the Lindsay Road water main extension and approve Resolution 18-09-17 establishing the special assessments.** Motion Passed: 6-For, 0-Against.

19. Discussion and Possible Approval of **Resolution 18-09-18** Approving the Engineer's Report and Finalizing the Special Assessments for the Rehabilitation of Swan Road and Water Main Extension

Questions were raised regarding the different special assessment charges for the parcels on the Engineer's report. Council also asked about the deferments. Mr. Weigel explained there were various parts to this project that determined how the costs were derived.

**A motion was made and seconded, (B. Dziwulski, R. Grosch) to accept the Engineer's report related to the Lindsay Road water main extension and approve Resolution 18-09-17 establishing the special assessments.** Motion Passed: 6-For, 0-Against.

20. Approval of **Resolution 18-09-20** Adopting the Final Assessments and Engineer's Report for the Rehabilitation of Lakefield Drive, Oak Spring Court, Cabin Creek Court, and the Lakefield Drive Water Main Extension

Mr. Weigel stated the property owners never have to hook up to the system because it was the City's decision to loop the water system. He asked that the Council never make that determination again because it is very costly to have pipes in the ground with no one connected to them.

**A motion was made and seconded, (J. Kara, J. Wamser) to accept the Engineer's final report regarding the Lakefield Drive, Oak Spring Court, Cabin Creek Court and Lakefield Drive water main extension and approve Resolution 18-09-20 establishing the final assessments.**

Motion Passed: 6-For, 0-Against.

21. Discussion and Possible Action of **Resolution 18-09-21** Finalizing the Special Assessments and Final Engineer's Report for the Duplainville Road & Weyer Road Water Main Extension

Mr. Weigel stated this was a secondary water relief for the area.

**A motion was made and seconded, (J. Wamser, B. Dziwulski) to accept the Engineer's report and approve Resolution 18-09-21 finalizing the assessments for the Duplainville Road and Weyer Road water main extension.** Motion Passed: 6-For, 0-Against.

22. Discussion and Possible Action to Approve **Resolution 18-09-22** Adopting the Engineer's Report and Approving the Special Assessments (Water RCA's) for the Expanded Region Along Lindsay Road

**A motion was made and seconded, (J. Kara, B. Dziwulski) to accept the Engineer's report and approve Resolution 18-09-22 establishing the reserve capacity assessment hook-up fees.**

Motion Passed: 6-For, 0-Against.

23. Discussion and Possible Action to Award the Lindsay Road 2018 Maintenance Overlay Contract to the Lowest Bidder, Poblocki Paving Based on the Lowest Qualified Bid of \$73,534.00

Mr. Weigel stated he was proposing a maintenance overlay on Swan Road west to the sports complex. He stated \$100,000 was budgeted for this project and it would not be an assessable.

**A motion was made and seconded, (C. Brown, B Dziwulski) to award the contract to the lowest qualified bidder, Poblocki Paving, in the amount of \$73,534.00.** Motion Passed: 6-For, 0-Against.

24. Discussion and Possible Action Regarding the 2014 Annexation Agreement with the Town of Lisbon Related to the CELA Development and Authorizing the Payment of \$1,158.50 to Cover the Equivalent of Five (5) Years of Property Taxes to the Town

Ms. Tarczewski stated she was contacted by the Administrator from the Town of Lisbon regarding the original agreement and it was determined that no payments were ever made to the Town.

**A motion was made and seconded, (J. Wamser, B. Dziwulski) to authorize the payment of \$1,158.50 with the funds coming out of the Contingency Fund.** Motion Passed: 6-For, 0-Against.

25. Discussion and Possible Action to Set the Schedule for 2019 Budget Process

No action was taken. The schedule provided was acceptable to the Council members.

26. Discussion and Possible Action to Approve the Temporary Beer License for This Time Tomorrow Foundation to Hold a "Strike Out Cancer" Softball Tournament on September 29th, 2018 at Nettesheim Park Located at N26 W27495 Prospect Avenue

**A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve the temporary beer license for This Time Tomorrow Foundation on September 29<sup>th</sup>, 2018.**

Motion Passed: 6-For, 0-Against.

27. Discussion and Possible Action to Start the Monday, October 15th Common Council Meeting at 6:00 p.m. to Accommodate for the San Francisco 49ers and Packers Game

No action was taken. The time change was acceptable to the Council members.

28. Reminder that the Next Common Council Meeting is Scheduled for Monday, September 24, 2018 at 6:00 p.m.

29. Public Comment - None.

30. Adjournment

**A motion was made and seconded, (J. Kara, J. Wamser) to adjourn the meeting at 9:05 p.m.**

Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski  
Clerk/Treasurer