

In attendance:

Mayor Steve Bierce, Aldermen B. Bergman, C. Brown (arrived at 7:07 p.m.), B. Dziwulski, R. Grosch, and J. Kara. J. Wamser was absent and excused.

Also in Attendance:

Attorney S. Riffle, Administrator S. Klein, DPW Director J. Weigel, Assistant Engineer M. Wagner, Utility Manager J. Mueller, Civil Engineer R. Wirtz, City Planner & Community Development Director N. Fuchs, People and Culture 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 - None.

3. Consent Agenda

- 3.1. Approval of the Common Council Meeting Minutes Dated October 7, 2019
- 3.2. Approval of Accounts Payable Listings
- 3.3. Approval of Bartender License

Mayor Bierce removed the meeting minutes dated October 7, 2019 because they were not available at this time. **A motion was made and seconded (B. Bergman, B. Dziwulski) to approve the remaining items on the consent agenda.** Motion Passed: 5-For, 0-Against.

4. Discussion and Possible Action Regarding the Treatment Options for Well #7

Ms. Mueller stated Well #7 was still having issues with intermittent bacteria contamination. She said she met with the contractor and he now proposes a high dose chlorination treatment for an extended period of five to seven days. She said it would cost \$18,000. She said if that doesn't work they would then move into the second phase, which is a packer isolation test. This treatment would cost an additional \$59,000. Ms. Mueller stated she was asking for approval to spend these funds pending DNR approval.

There was additional discussion related to the history and age of the pump and the processes that were utilized in attempts to fix the reoccurring issues. Mr. Grosch asked if the well would be abandoned if the treatments don't work. Ms. Mueller stated they would most likely reach out to another consultant who may have additional technology. She stated she didn't feel abandoning the site was an option.

A motion was made and seconded (R. Grosch, B. Dziwulski) to approve the treatment of Well #7 using super chlorination pending DNR approval for a cost of \$18,000.00 and if this treatment does not produce the anticipated removal of the bacteria the Utility may proceed with conducting a packer isolation test for an additional cost of \$59,000.00.

Motion Passed: 5-For, 0-Against.

5. Discussion and Possible Action Regarding a Declaration of Storm Water Easement for the Property Located at W226 N918 Northmound Drive (PWC 0962-998-005) as Submitted by BBC Northmound, LLC

Mr. Weigel stated in 2012 the City required a storm water easement on this property. When it was added to the certified survey map there was no detail as to what it was for or who would benefit. The recent design of the new development and new certified survey map identifies the drainage easement that was dedicated. The developer's attorney wants the City to sign off on the declaration stating we're okay with the drainage easement.

A motion was made and seconded (B. Bergman, R. Grosch) to approve the declaration of storm water easement subject to technical corrections by staff.

Motion Passed: 5-For, 0-Against.

6. Discussion and Possible Action to Award the Emerald Acres Flood Mitigation Project to the Lowest Qualified Bidder, Lunda Construction Co. Based on the Lowest Qualified Bid of \$1,387,689.23

Mr. Weigel stated the bid opening was held on October 15th and some of the bids were lower than anticipated. He said four bids were received that ranged from \$1.387 million to \$4.599 million.

A motion was made and seconded (J. Kara, C. Brown) to adopt the recommendations of the Public Works Director and award the Emerald Acres flood mitigation project to the lowest qualified bidder Lunda Construction Co. Motion Passed: 5-For, 0-Against.

7. **PUBLIC HEARING**, Discussion and Possible Action Regarding a Conditional Use Permit for Mental Health America of Wisconsin to Operate a Peer Run Respite for Veterans within a Single-Family Home Located at W252 N4304 Sussex Street (PWC 0880-997)

Mayor Bierce opened the public hearing. Mr. Fuchs stated staff is recommending approval with the condition that the applicant will return within six months to review the use and potentially have annual reviews. Mr. Fuchs noted the City received letters of support as well as letters of opposition. He said there was also a protest petition submitted, but it does not affect the conditional use application. He stated the staff report also includes the State language related to "substantial evidence" for conditional use permits. He said the applicant is required to present substantial evidence and the Council's decision to grant or deny the conditional use should be based on substantial evidence.

Mayor Bierce stated this did go before the Plan Commission last week but no recommendations were made.

Brian Michel stated he is the Director of Prevention Services for Mental Health America (MHA) Wisconsin and the Program Director for the R&R House that is being proposed this evening. He said MHA is requesting a conditional use permit under a Rs-3 zoning district that allows for single family homes and community based residential facilities. Mr. Michel said they feel their proposed use is similar to the character and intent of that district which does allow for community based residential facilities (CBRF), which are community based living arrangements which provide support and assisted living services for individuals dealing with mental health and substance abuse issues. He said their proposal is similar. Mr. Michel stated it is a residential environment and is fully opt-in and voluntary. He said similar to a CBRF, it will have trained staff 24-7. He stated they anticipate having two staff members on site every shift. Mr. Michel said his facility will serve those who need less care than a traditional CBRF. He said they will be catering to Veterans who are functioning in their community who just need to take a break from their environment who maybe experiencing increased stressors. He said they would be able to connect with Veterans who have been trained as peer support specialists, helping them to forge social connections. They can also get assistance in obtaining VA benefits. Mr. Michel said this is based on a model that is successfully operating around the State of Wisconsin in

Appleton, Eau Claire and Madison. He said Appleton is the most similar to the environment in Pewaukee and there has been no adverse impact on their neighbors, they have had no incidents with violence, nor were there any issues with theft or destruction.

He said the house manager has 30-years of healthcare experience and served as a medic in the Navy. He has also been trained as a peer support specialist. He said other employees have military experience and possess a variety of home healthcare, case management, and some master level services. He said they also received the State certified peer support specialist training, Veteran support, de-escalation techniques, and proficiency in CPR and other emergency procedures.

Mr. Michel stated concerns were brought up at the Plan Commission meeting related to lack of information on protocols and procedures for addressing individuals who were not complying with the program or who would be coming to this house. He said this is not a “drop in” facility. They intend to keep the address confidential. He said only after an extensive phone interview was conducted to determine the level of need and whether or not they are an appropriate fit for the respite will the address be given out. He said an open bed would not be the driving factor as to whether or not someone is able to stay there.

Mr. Michel stated they spoke to the property owner about installing a privacy fence that would eliminate the risk of unintentional trespassing. He said they also discussed developing policies that would require guests to stay on the grounds unless they had to leave for child care, work obligations or grocery shopping.

CEO and President of Mental Health of America (MHA) Martina Gollin Graves stated there were questions regarding their credibility. She assured the Council that MHA is one of the oldest community based non-profits in the country. She said they have been established in Wisconsin for 89 years and it is a trusted organization. Ms. Gollin Graves stated they have had excellent outcomes in supporting folks with mental health issues. She said their mission is simple; good mental health is fundamental to everyone in the State. She said a peer run respite is an evidence-based program that thinks outside the box. She said a peer to peer approach is more effective than traditional services. She said MHA was the first to put money in their budgets to support this method. Ms. Gollin Graves stated a report came out in 2019 regarding the implantation of peer services in 2018. Peer support is an evidence-based practice that has been used for about 20-years now in Wisconsin. She said there is a program called Wisconsin Link and it revealed a 71% reduction in the number of acute inpatient stays. She said the purpose of peer-run respite and other nontraditional services that are peer-lead is that it reduces the need for high cost services. Ms. Gollin Graves stated a study of Medicaid claims a month of peer staffed crisis respite services decrease Medicaid expenses substantially. She said in Wisconsin there was a 39% decrease in the number of people who used inpatient services last year. She said there was a 23% increase in community-based services. She stated there was an overall decrease of 24% in total behavioral health care. She said this project is about advocating for real health change and healing communities. We have to think outside the box. Lastly, she stated less than 5% of people who live with mental issues commit violent crimes. She said they are 10 times more likely to be victims. She said their folks are not a threat to the safety of the people of this community.

Mr. Kara stated the original application stated this facility is for people who are struggling. He asked what that meant and what they hope to achieve by staying there. Mr. Michel stated they are self-referred to the respite so they make the decision themselves. The benefit is meeting people that have successfully gone through the same experience. These people are trained in how to help use their own experiences to support others. The modalities that they intend to provide are gardening, yoga,

meditation, and complementary healing techniques that have been shown to help reduce addiction and military sexual trauma.

Ms. Gollin Graves stated people who live with mental health issues often experience reoccurrences. She said people further along in their recovery typically find ways to manage symptoms. They know when things aren't going well and what triggers symptoms and know ways to avoid these things so that they don't go into crisis. They know when they need support but usually don't want to go to a hospital. She said putting themselves in a recovery oriented environment is an important tool.

Mr. Kara stated he could see the appeal of peer to peer interaction. He asked if they have people on a waiting list to use this service and if they knew how many people would utilize the service within a year's time. Mr. Michel stated they will not have people on a waiting list and it would be more efficient to have them call back if their stressors persist. He stated the Madison respite has been operational since 2015 and has served 315 people within that four year period. He said the Pewaukee facility would have similar numbers. Mr. Michel stated their facility would be for Veterans only and would not be open to the general population.

Ms. Brown noted a discrepancy in their plan and asked for clarification. She wanted to know if there were going to be two people staffed all the time or if it was going to be one with someone on call. Mr. Michel stated it would be two people at a time.

Ms. Brown asked what MHA learned from the operations of the other respites. Mr. Michel stated location is a big part of the facility's success. Being away from things like liquor stores is important. He said reaching out to the neighbors is also important. He said housing instability has been an issue of the other facilities, therefore the people who stay at the respite in Pewaukee will have to have a permanent address that they can return to after their stay. It is not a housing transition program or a detox facility, and people cannot be actively using when they come to the facility. He said drugs and alcohol will not be allowed. Ms. Brown asked how staff would know if the people in crisis are bringing drugs into the house and how will it be managed. Ms. Gollin Graves stated the people staying there are not in crisis. They would refer them to more acute services if needed.

Mr. Michel stated the respite is to foster a culture of mutual respect and guests are trying to recover. They will be explicitly told they could not bring drugs and alcohol into the respite. If found, it would be grounds for their removal. He said there will be a guest agreement with the understanding that they could not have any contact with the facility for a specified period of time.

Ms. Brown asked why MHA isn't opening a Community Based Residential Facility (CBRF). Mr. Michel stated State zoning law has not caught on to the development of peer run respites. He said they looked at all of the zoning districts in Pewaukee and this is the closest one it fit into. It is the most similar to a CBRF, even though it's not available for public access, it's not providing medical or clinical services or commercial transactions. He said people in a CBRF require a higher level of care and they need supervision. Mr. Michel stated they do not plan on having this facility permanently on this property. It will be leased until June of 2021.

Mr. Dziwulski stated the concerns he received from the residents were related to the Veterans who have been trained to use fire arms. He asked how they were going to address this. Ms. Gollin Graves stated fire arms are not allowed on the premises and people would be asked to leave if weapons were found.

At 8:02 p.m. Darryl Lee got up to leave the proceedings and Attorney Riffle stopped him before he left the door. He stated he had to leave but submitted a letter and hoped it would be read into record.

Mr. Michel stated these are the same individuals who have also been trained to save peoples' lives and have conflict resolution skills. He said they have extensive leadership training too. Mr. Michel said MHA is trying to provide a facility where the Veterans are in a judgement-free zone to heal. He said all they need is to be heard and to have their experiences validated.

Mr. Grosch asked if the VA would be referring people to this facility. Mr. Michel stated they have been working with many different Veteran community resources. There is VA representation on their advisory council as well. Mr. Grosch asked how long they can they stay at the facility. Mr. Michel replied one week. He said they will mainly provide their own transportation but there is a small amount in their budget to assist with transportation if needed. Some groceries will be stocked at the house and the visitors will be preparing their own meals. Mr. Michel stated unless they are leaving by car the guests are requested to stay on the property as to not disturb the neighbors.

Sue Nienow (W252 N4350 Sussex Street) read a letter from her brother Darrel Lee (N32 W23148 Stonewall Court). He said we all support Veterans and owe them our gratitude for their service. The letter continued to say temporary housing and hundreds of recovering drug addicts and mental health patients each year in a purely residential neighborhood has the potential to create safety issues. He said this was a high risk group of people regardless of whether or not they are Veterans. He said currently there are no laws allowing MHA to operate a business in this residential neighborhood and that is why they are seeking a conditional use permit. Mr. Lee stated MHA has the burden to prove their case and must meet two criteria, #1) they must be similar in character to the principal uses permitted in the zoning district and #2) they create no circumstances that would detrimentally affect adjacent properties. Mr. Lee asked the Council to consider whether or not MHA has provided sufficient reliable evidence to prove none of the guest passing through the business will be any danger to others. He said they did not provide enough analysis and there were many outstanding questions. Mr. Lee asked the Council to deny the conditional use permit.

Tom Neil (W252 N4350 Sussex Street) stated his property abuts the subject property on the north. He said the MHA application states the property is boarded by agriculture to the south and a supportive neighbor directly across Sussex Street, but fails to mention the private residence to the north. He said the property has an irregular lot line. He said there is no landscape buffer between the properties as stated in their application. Mr. Neil brought up the sounds of the Waukesha Gun Club, the blasting at the nearby quarries and the hunting land across Sussex Street. He voiced his concern regarding the residents of the facility that may be suffering from PTSD. He said 15-20% of combat Veterans experience PTSD. Mr. Neil stated at the last Plan Commission meeting MHA failed to answer questions about security, safety and protocol. He feels they are waiting for things to happen before coming up with solutions on how to handle various situations and he is not comfortable with that. He said he does not believe the property is a good fit and the Veterans deserve a more suitable property.

Maria Nicholas Groves (W252 N4304 Sussex Road) stated she was the owner of the property and only deals with facts. Fact #1 this respite is open to Veterans with low level needs which are screened by competent staff. If they are at a higher level of need they are referred elsewhere. Fact #2 there are two staff members at all times who possess impressive backgrounds. Fact #3 there are protocols and guest expectations which she has personally reviewed. She read that there will be no drugs, alcohol or weapons on site. Fact #4 she stated the Appleton respite is the most similar to this property. She stated the volume served over the last few years was 350 people. Fact #5 there will be a lease agreement between 18 - 20 months at a maximum. Fact #6 she said the backyard is fully fenced in. Fact #7 Ms. Nicholas Groves stated there is a three car garage and there is a slab facing north for an additional two

cars. Fact #8 she asked for the call volume related to the Appleton property and was told there were zero incidents related to safety or theft, but there were two calls for medical reasons. Ms. Nicholas Groves stated she personally feels it is a valuable program and can enact real change. She said she feels it will be governed with competent staff and protocols and will enhance our community.

Angela (Last Name Imperceptible) (W227 N2561 Meadowood Lane) stated she is a professional with master credentials in mental health and substance use. She said she feels this respite home has the potential to lower the threat of violence in our community. She feels the Veterans would benefit from the relaxed atmosphere. She stated most people would prefer not to go to a behavioral health unit at a hospital if they are not acute. She said hospitals won't even admit them if they aren't acute so they have nowhere to go. She said it has been her experience that individuals that have a healing home environment to go to for respite are more likely to leave their stressed environment. She said as a community we need to offer better residential preventive services to Veterans who need a wellness break. She said she hopes the Council does not let the unfounded fears prevent us from being helpers. She said she hopes the Council approves the permit.

Mayor Bierce stated the people using the facility will be asked not to leave the premises, saying it may be a quasi-prison situation. He asked how she felt that would affect their psyche. Ms. Angela stated they are in a home like setting surrounded by a fence or trees, and it won't be a big thing for them. They just want to be surrounded by people who understand what they are going through. She said it's not a restrictive environment.

Mr. Kara stated it appears that she has experience in this field. Ms. Angela said she knows about the Appleton property and feels they have done phenomenal work. She said they will not allow people to stay there if they portray themselves needing less service than they actually do. She said they would refer them to a different agency so they can get the help they need.

David Edge (W252 N4468 Sussex Road) stated he is Vietnam era Veteran. He suggested looking at this proposal as an insurance actuary would and look at the demographics of the potential visitors of the facility. He said visitors will only be required to sign a pledge that they are clean and won't cause a problem, but he said addicts lie. They would not have to go through drug testing or have their items searched. Mr. Edge voiced his concerns related to bringing or having access to weapons while they are on the property. He also mentioned the blasting at the rock quarry and the shooting at the gun club and asked about the potential episodes of PTSD. He said the operation would be close to a hotel, with the changing of staff members every eight hours and potential new people every one to five days. Mr. Edge asked how they could assure there will be no major incident or catastrophic situation there that would impact the neighbors. He said there will be no security on site.

Angelina Edge (W252 N4468 Sussex Road) stated she was opposed to the proposal. She voiced her concerns related to MHA's open door policy and no curfew enforcement. She stated she didn't like that there was no drug screening because they could be endangering the others' sobriety. She said there was no screening of bags and weapons could potentially be brought to the neighborhood. She said the VA deems security cameras, guards and locked doors with screech alarms necessary for safety, yet MHA just requires people to read and sign a code of conduct. Ms. Edge stated this is a business and would be best served elsewhere.

Sylvia Krawczyk (W250 N4962 William Drive) stated she was opposed to the conditional use permit. She said this would be an open invitation to crime and drugs. She said the Council has the

responsibility to the local taxpayers not to strangers who will be coming or going. Ms. Krawczyk asked the Council to deny the conditional use permit and not make the neighborhood a transient situation.

Mr. Shay (588 Pond View Court) stated everyone appreciates what Veterans have done for our Country and also wanted to get help for people who need help but his number one priority is looking out for his family. He said he prefers to rely on facts to make decisions but feels he hasn't heard enough facts from the applicant since this is a new venture and the statistics are unavailable. Mr. Shay said his daughter will ride her bike past this home and she will be exposed to these people. He said there are going to be a lot of people coming and going which will increase traffic and cause issues from the manipulation of cars on the site. He said the potential for incidents in potentially one year is 5% of 200 people. He said he doesn't feel comfortable exposing his family to that. Mr. Shay stated there is no enforcement for curfew violations. He said he is also very concerned that staff members only received 40 hours of training. He said his wife is a trained mental and physical therapist and he witnessed an individual experience an episode that took 4-5 staff members to defuse. Mr. Shay voiced his concern that there was no drug testing for visitors. He said peer support is an awesome way to try to rehabilitate people, but asked if this is the appropriate location. He said he'd like to see the guest agreement MHA asks their visitors to sign. Mr. Shay said he was also concerned that this was an 18 month - 2 years lease agreement and asked if this would come back again, potentially causing him to have to come back and oppose the proposal again. He said there are so many questions and so few facts. He said it scares him that this is a transient situation and he is very opposed to this proposal.

Mrs. Shay (588 Pond View Court) stated she worked on two grants and understands the issues related to funding. She said increasing the staffing to two people will affect MHA's budget significantly. She stated the document provided by MHA is small in comparison to the grant proposal she was involved in. Mrs. Shay said MHA's statements have changed quite a bit from meeting to meeting. She told the Council that they don't know the depth and education of the people speaking tonight and asked how they know what is being said is truthful. She asked who the true professionals are within the house to handle the potential situations that may arise. She wants to know their background and whether or not they have been through the system and have triggers of their own. She said as a person who has worked with people with disabilities, mental retardation and mental health, she is concerned because this is in her backyard.

John McKinney stated he has been hired to be the supervisor of the R&R house. He said he is an ex-Navy Corpsman and has done a tour in Desert Storm and worked with trauma, and has worked in the health field for the past 30 years. Mr. McKinney stated he has had issues with PTSD and some mental health issues and is a recovering substance abuse user. He said he wants to help Veterans deal with these issues. He said peer to peer counseling helps because we know what the other is experiencing. He recognized the neighbors have legitimate concerns but wants them to know that they are here to help and hope compromises can be made on both sides to see this through.

Dr. Zeno Franco from the Medical College of Wisconsin stated he has been working with U.S. Military Veterans most of his professional career. He said he has seen true crisis because he has worked in the acute unit at the VA. He stated this is not what is being talked about in this context. Dr. Franco said this proposal is to reach out to those in the early stages that can be treated. He said to help convey the significance of what is happening here, he said the Medical College and many of the hospitals throughout the State are not able to provide the level of services that Veterans need. He said this respite house is a safe place to go when Veterans are not at the point where they need full blown services. Dr. Franco said he was not representing the Medical College, but himself as a facility member of the

institution and stated the Medical College has been questioning how they can fill this gap in health care over the last ten years. He said they have partnered with Mental Health America on several grants. He said in his estimation with the amount of people going through the facility, you'll probably have an ambulance come out once or twice a year and a Sheriff's Deputy might have to show up once the entire time this is going on. He stated he didn't think that would be any different than what happens in a normal residential neighborhood anyway. Dr. Franco stated he believes this R&R house will be on pins and needles to be the best neighbor they can possibly be and you'd probably not even notice they are there. It will be on them to be sure they are keeping things quiet. He said at the core of this, many neighbors are asking for evidence, but he said this is a novel intervention that has not been done many times in the nation and there is very little data. He said MHA has an incredible advisory board which includes the Medical College, the VA and a number of major mental health and healthcare consultants. He said this is not a business, it is a nonprofit entity trying to do something for this community of Veterans that have served this country. He said the Council is taking a prudent approach and is saying let's try it for a limited time to gather evidence. If it causes too much of a problem, let's walk it back. He said that is fair. He said the City would be considered cutting edge, is Veteran friendly and is trying to find a way that works for everyone. He suggested negotiating in six months if things aren't perfect to see if MHA can change and accommodate the residents better. Dr. Franco stated the one thing he'd like to convey is that Military service men and women have sacrificed incredibly for this nation for hundreds of years. They have put their lives on the line to serve and he is asking the Common Council and this community to take a small risk on them.

Mayor Bierce stated one of his concerns is that no one can seem to tell him what training, other than life experience, staff goes through. He asked Dr. Franco how he can reconcile the fact that no one there is truly a trained professional. Dr. Franco stated he has studied the peer mentor model and the issue around supervision is tricky but feels MHA has a good approach. He said the CEO is a LCSW and has a license from the State of Wisconsin to provide high level service for people in mental health crisis. He said there are other people involved that have licenses to back up this program as well. The model suggests the best people to reach these Veterans are fellow non-para professional Veterans. Dr. Franco stated if there was a crisis, there is a crisis plan. He said he was willing to discuss this in greater detail to make sure everyone is assured.

Mr. Kara stated he has heard from a lot of the residents and they appear to be afraid of what could happen. He asked Dr. Franco what he could say to relieve some of those fears. Dr. Franco stated he has young children and they live in the City of Milwaukee close to facilities similar to this and they can hardly tell that they are there. He said part of his job is to look at half-way houses and residential facilities to see how they are working in a community. He said most of them you can't really tell that they are there, but some have larger populations and there may be some risks of drug trafficking and the like. He said because the amount of people staying at the facility is so low he feels that it would be more difficult to get away with something like that without law enforcement getting involved quickly. He said he understands the concern, but asks that it be allowed to occur for a short term to gather evidence. He said this is scary because it has never been done before but without the evidence we cannot know if it will work or not. He said Veterans can reconnect with themselves by being on an open field, and we know that the VA cannot provide these services. Dr. Franco stated he has been on a journey to assist Veterans on a community level for a decade and a half and said we have to figure out how to help Veterans better.

Sarah Hansen (W226 N2841 Foxwood Lane) stated she is college educated and works full time. She is a mother and is a Golf War Veteran who is listed as service connected disabled for mental health issues.

She stated she does not have substance abuse problems nor does she have weapons. She said it is difficult going from military life to civilian life and had experienced various stressors. She said she went through peer to peer programs which seemed to be most effective for her. She feels this program would be great for people in her situation who may need a little guidance to make sure they are okay. She said this would be a safe environment without being poked at and looked at by doctors and nurses. She said there is no trust at medical facilities. Ms. Hansen said she finds hope in this type of facility. She said Veterans live in our community and this would be a great step in helping them.

Jane Holland stated she is the Community Outreach Coordinator for this MHA project. She said previously she worked at the University of Wisconsin – Milwaukee and helped run the Military and Veterans Resource Center. She said some of the Veterans needed extra support and they found that having the student Veterans talk to other Veterans who went through the same thing they were experiencing helped them. She said what they found over the first five years was that the retention rate of Veterans increased from 30% to 90% after peer support and peer mentoring programs. Ms. Holland stated she has seen this kind of peer support work as it builds relationships and trust with people who have experienced the same types of situations. She said that is why she is working for Mental Health of America because the program can benefit all the Veterans that live in this area.

Susan Nienow (W252 N4350 Sussex Street) stated she shares the lot line to the north with the subject property. She said the proposed conditional use permit is not for an owner-occupied application. The owners want to vacate their property and lease it to MHA. She said MHA is proposing to run a peer run facility for Veterans without medically trained staff. Staff members won't be full-time residents of the house. She said MHA will have four unrelated soldiers co-habituating with one another and expect there won't be any incidents, therefore no security will be needed. She asked if rank will matter. Ms. Nienow stated only the backyard is fenced in. She asked if MHA staff was trained/certified in behavior analysis. She asked if they had CPR and first aid training. She asked if staff will go through the drill of fire safety and evacuation with all new visitors. She said MHA is not staffing this facility with any accredited mental health counselors. She stated there are extreme noise factors in the neighborhood that she doesn't feel MHA is aware of, such as gun shots, helicopters, planes, coyotes howling, and sirens. She stated there are no safety guarantees for the neighbors and too many inconsistencies within the HMA plan. She asked the Council to protect the citizens from the risk of increased crime and preserve the quality of life in their neighborhood.

Mark Flower stated he is a MHA staff member and is a Veteran in recovery. He said he served 17 years in the U.S. Army. Mr. Flower said he has been involved with Veteran peer support and hopes the Council will see the facility as an asset to the Community. He said he is in recovery and continues to work through his issues. He said the R&R house will not allow anyone to come to the facility who is in acute crisis. He said the facility will be there for those in, what he terms, 'mid-crisis'. Mr. Flower said it will give them the chance to regroup. He said due to his personal recovery situation he is aware when others aren't being truthful about their own recovery. He said Veterans are more apt to trust each other. Mr. Flower stated he has undergone 40 hours of State training and 40 hours of Veteran issues training, as well as some community wrap around training. He thanked the Council for their consideration.

Robert Brandt (648 Ole Dairy Road) stated he was concerned about the daily turnover. He said he has safety concerns for his family and the neighborhood. He said this property has been rented out as an Air BNB and has been advertised as being joined to a nature preserve. He said this was false and the advertising has been recently changed to a nature preserve setting. He said he has witnessed guests of

the Air BNB trespassing on his land. He said he owns most of the frontage on Sussex Road and Ole Dairy Road and he walks his land daily. He asked what MHA will do for him when he finds a mentally challenged individual trespassing on his property. Mr. Brandt stated that MHA projects this area to be low density and will not be turned into a residential neighborhood in the future. He said he was strongly opposed to this proposal.

Brad Brandt (648 Ole Dairy Road) stated he was extremely concerned that a number of things that were discussed this past Thursday have changed. He said there was a discussion related to how many staff members would be on site and now we are being told there will be two people at all times. He said tonight MHA claimed these people won't be in crisis but on Thursday they are people about to go into crisis. Mr. Brandt stated staff will have 40 hours of training but Mr. Flower stated he has undergone more training. Mr. Brandt stated tonight Mr. Michel said no weapons will be allowed on site but on Thursday they said they would be given gun locks to secure their weapons. He said there are a lot of conflicting issues. He said safety is the main concern of the neighbors. Mr. Brandt stated PTSD, drug addiction, military sexual abuse, and alcohol highlight the types of things that will be affecting the people coming to the facility. He said these people will be back on the street in five days and he doesn't know what this brief stay will accomplish. Mr. Brandt also stated there have been several people trespassing on their land this past summer and someone previously stated they like being in wide open spaces which would not be their land to be wandering on. He said this is a pilot plan and MHA is asking the neighborhood to assume the risk. He asked what the City of Pewaukee would be gaining for the next two years. He asked the Common Council to vote as if this was next to their own homes.

Todd Vande Zande (739 Stepping Stone Way) stated tonight the doctor said the best model we have is to let Veterans administer the counseling but they said they can't find enough veterans. He said because people can come and go as they like the numbers could potentially be higher than anticipated. He said tonight we heard that 5% of people can become violent. He said the respite does not have access to the VA data base related to the patients. He said he echoes the statements previously made that we owe Veterans a lot, but maybe this should have been better thought out. Mr. Vande Zande stated that Mr. Michel stated they don't want to be in a community that the neighbors don't feel comfortable with us. He said the neighbors are voicing their concern and wonders if MHA will change their mind based on what they have heard.

Mr. Michel spoke again to address the inconsistencies. He said they do not allow fire arms on the property however, in the situation where people don't feel comfortable leaving it at home, they will provide gun locks and they will not be able to access their weapon while they are on the property. He stated there was discussion related to the ability for people to come and go, he said they will institute curfew. He added if there was a violation, staff and the supervisor would determine the severity. Mr. Michel stated changes were made from last Thursday because MHA has heard the neighbors' concerns. He stated they invited the neighbors who signed the petition against the project to attend a meeting so that they could discuss their concerns but no one showed up in opposition. He wanted it made clear that they are not trying to "change their story" to get favoritism. He said they are incorporating the feedback they have heard from the community in order to address their concerns.

A woman from the audience asked who will be tallying the infractions of the facility. Attorney Riffle stated there will be provisions in the conditional use permit that would provide if there are any violations or infractions of the conditional use permit, that it would be revoked. He said the neighbors will notify the City and we would look into the allegations.

Mayor Bierce closed the public hearing at 9:46 p.m.

Mayor Bierce asked Ms. Gollin Graves if this project was being funded from a federal grant. Ms. Gollin Graves stated it was a State grant from the Department of Health Services. He asked if they would make more money if they brought in more visitors. She stated they were not for profit, and there was a certain amount that has been allocated for three years that would be budgeted for appropriately. She said they could ask for additional funding after those three years expired. She said keeping the beds filled wasn't part of the grant agreement. She said they would be paying upfront and they would be reimbursed afterwards. Mayor Bierce then asked if they would lose grant money if the City shut them down. She said absolutely.

Ms. Gollin Graves acknowledged there were lots of concerns regarding the clinical staff. She said MHA has an outpatient clinic that houses five to eight mental health and substance abuse clinicians and the respite will have access to them.

Ms. Nienow asked if the conditional use would stay with the property forever or with this grant. Attorney Riffle stated there appears to be a willingness to have it for a limited duration. Conditions can be set based on substantial evidence brought forward by the people in the audience this evening. Attorney Riffle stated the normal legal answer is that it runs with the land but he was going to recommend that it be for this program only, run by these people only, because it is a very specific specialized situation. He said if the Common Council feels they provided substantial evidence sufficient to allay the residents' fears, it would be perfectly reasonable to issue it to those folks and those folks only.

Ms. Brown acknowledged the fears of residents stating some were valid. She stated she also feels for the Veterans and their situations. She asked why the rules were broader than stricter to alleviate the neighbors' fears since this is a pilot program, the first of its kind. She said she was concerned that the Council hasn't seen the agreement visitors have to sign. She said she didn't like the fact that if the visitors didn't follow the rules it would be up to staff to decide how the situation was to be handled. She thought this could cause a crisis situation. She suggested a better screening process so the neighbors could be assured that people aren't using drugs in the home. Ms. Brown voiced her concerns over the phone interviews. She said there is a lot of fraud out there and people lie to get help.

Attorney Riffle stated the Council can offer any reasonable conditions that they feel would address the legitimate concerns that came up or if it was a situation where they wanted the applicant to come up with rules, and they wanted to review them, they don't have to make a decision tonight. Attorney Riffle stated they held the public hearing and it is over. He said if they want to direct the applicant to do more work and present it to Council for consideration and debate they could make that request too. He said the Council could draft all the conditions they want tonight as well. Attorney Riffle recommended the Council take a look at the proposed conditional use before approving it.

Mr. Bergman said there was a 3rd option and that would be to deny the conditional use. He said the peer to peer idea is a fantastic idea for those Veterans that aren't in an acute situation but need something. He said it was his opinion that the neighborhood and location is not right for this project. He said this it should be in a more rural area with approximately 2-10 acres and is away from neighbors. Mr. Bergman stated there were too many concerns and listed safety, neighbors, trespassing, and parking issues. He said it doesn't fit in this location.

Mr. Klein asked the attorney about the criteria to vote either up or down. Attorney Riffle stated it was his opinion that there was enough substantial evidence that he could craft a decision either way. He said what he just heard, under the preamble of the zoning ordinance, is that it is not within the spirit and intent and not similar to the permitted uses, or similar enough to a CBRF by virtue of the other factors that you may not typically find in a group home.

Mr. Kara stated he sees the need for this but also sees the anguish of the neighbors. He asked if there was a way to craft the conditional use permit to tighten down property use and trespassing, being able to bring in more trained professionals on call or on a more formalized basis. He said he might be persuaded to vote for this if he was able to look at the agreement.

Mr. Dziwulski stated he'd like to see this more nailed down.

Ms. Brown stated this was the Council's first look at this and she assumed that's why the Plan Commission didn't make any recommendations since it is a very difficult situation. Mayor Bierce stated he felt overall the Plan Commission thought it was an incomplete plan.

Mr. Grosch stated staff recommended approval and with the consideration of the comments made and what the City Attorney told us, he would like to see the details before voting it up or down. He said he doesn't necessarily agree with Mr. Bergman's comments.

Mr. Kara stated he'd like to have our public safety professionals weigh in on this. Attorney Riffle stated no evidence was presented by staff during the public hearing, but if there are proposed conditions that staff would put into this on the basis of consultation that would be fair game. Attorney Riffle stated it isn't unusual to take in all the comments during the public hearing and take a couple weeks to think about it. He suggested that the applicant may want to give the Council a whole set of the rules that they would be willing to implement that would go into the conditional use permit separate and apart from what the Planner has heard tonight and will be putting into the proposed conditional use permit. Attorney Riffle cautioned the Council that they have heard all the evidence and told them not to talk to anyone else. He told them they should only base their decision on what they heard here tonight.

Mr. Klein asked if staff could talk to the petitioner. Attorney Riffle stated yes and added staff could also talk to the neighbors.

Mayor Bierce suggested all future comments be directed to the City Planner. He thanked everyone for being composed and respectful through this process. He assured the neighbors that their concerns have been heard and the Council also understands the needs of the Veterans.

8. Discussion and Possible Action to Approve the Request of the Susan G. Komen Organization for a Temporary Class B License to Hold a Fundraising Event at Steinhafel's Located at W231 N1013 County Hwy F (PWC 0965-988) on December 5, 2019

A motion was made and seconded, (B. Bergman, B. Dziwulski) to approve a Temporary Class B license as requested by the Susan G. Komen Organization. Motion Passed: 5-For, 0-Against.

9. Public Comment - None.
10. Closed Session – You are hereby notified that the Common Council and staff of the City of Pewaukee will convene into closed session after all regular scheduled business has been concluded and upon motion duly made and seconded and acted upon by roll-call vote as required under §19.85(1)(a), Stats. The purpose of the closed session is for the following:

- §19.85(1)(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 the 2020 Wages and Benefits.

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, R. Grosch) to go into closed session at 10:15 p.m. Motion Passed by Roll Call Vote: 5-For, 0-Against.

11. Adjournment

A motion was made and seconded (B. Dziwulski, R. Grosch) to adjourn the meeting at 10:45 p.m. from closed session. Motion Passed: 5-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer