

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, Assistant Engineer M. Wagner, Director of People and Culture K. Woldanski, City Planner & Community Development Director N. Fuchs, Lieutenant B. Ripplinger, Lieutenant N. Ollinger, 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

Attorney Riffle went on record to say no additional comments should be allowed to be made regarding the Conditional Use Permit for Mental Health America due to Act 67. He said testimony was given at the last meeting and the public hearing was closed at that time. He said the Council should base their decision on the evidence previously provided. He said if the Council wants to allow additional testimony to be made, another public hearing will have to be set up, including formal notices.

Shannon & Mark Sandercock (W244 N4429 Swan Road) stated there is a multi-family structure going up on a property that is zoned single-family. Mrs. Sandercock stated this structure has three kitchens. She stated they have hired an attorney to dispute the construction of this building. She voiced her concerns related to safety and security, increased traffic and noise, privacy, derogation of property values and contraction of multiple municipal codes. She said she doesn't know how this could be allowed.

3. Consent Agenda

- 3.1. Approval of the Common Council Meeting Minutes Dated October 7, 2019
- 3.2. Approval of the Common Council Meeting Minutes Dated October 21, 2019
- 3.3. Approval of Accounts Payable Listings
- 3.4. Approval of Bartender License

Mayor Bierce removed the meeting minutes dated October 21, 2019 because they weren't available.

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

4. Discussion and Possible Action to Concur with the Auditor Selection Committee and Approve the Proposal/Contract of Baker Tilly

Attorney Riffle stated he has recommended changes to the Baker Tilly contract but has not had the opportunity to discuss it with the principals of the auditing firm yet. He recommended approval contingent upon his final approval of the revised document.

Mr. Kara stated he was on the selection committee and had no problem concurring with the Attorney's recommendations. He said this firm is a well known organization in the area and also does the Village of Pewaukee, and the Joint Library.

A motion was made and seconded (J. Kara, B. Dziwulski) to approve the Baker Tilly contract contingent upon City Attorney's final approval the document. Motion Passed: 6-For, 0-Against.

5. Discussion and Possible Action Regarding the Proposed Reorganization of the Public Works Department Including Revisions to the Job Descriptions for the Civil Engineer, City Engineer and Public Works Director

Mr. Klein stated Mr. Weigel is retiring next month and now is the time to look at the department and restructure and revise job descriptions as needed. Ms. Wagner stated based on growth in the community it was determined there were additional needs for the Public Works Department. She presented the Council with a potential schedule to fill the new positions and listed the possible financial impact over that time span. Mr. Klein noted that a position for a new Civil Engineer was added during the 2020 budget workshop. He said the DPW Director and City Engineer position was split into two separate positions in the upcoming budget and the change to the crew leader in the Highway Department is also reflected in the 2020 budget. Mr. Kara asked about the financial advisor position. Ms. Wagner stated the financial advisor will be a consultant and will be split between the Water and Sewer Utility, the Storm Water Utility and the Engineering Department. Mr. Klein stated a formal RFP will go out. The Council stated they were in favor of the proposed plan without taking formal action.

6. 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)

Mr. Fuchs stated staff received more information from the applicant related to their policies and procedures for operating their facility. He said residents also sent their conditions to be considered. Mr. Fuchs said he also received police reports related to the non-veteran respite facilities in the State. He stated staff continues to recommend approval of the facility but they have revised and added conditions that are based on the additional information received. He reminded the Common Council they must make their decision based on the substantial evidence that was presented at the public hearing.

Attorney Riffle stated Council should be looking at the staff recommendations based on the additional information they asked them to gather. He said the Planner should go over the additional conditions and then the Council can determine if they want to proceed to add extra conditions, remove some of the conditions that were recommended or if they want to hold another public hearing. He said if another public hearing is to be held it will need to be noticed again. He said if a motion is made this evening it should state why you feel there was substantial evidence that supports their position either way.

Mr. Fuchs recommended the following conditions be placed on the Conditional Use Permit: #1) The Conditional Use Permit shall be issued to the applicant only and is not transferable to another agency. He said it will not run with the land as it typically does. He added the Conditional Use Permit will be temporary and will terminate in 2 years. He said if they wanted to continue use after the time is up, the applicant would have to reapply; #2) the applicant will return within 6 months for a review of their operations to make sure everything is running smoothly and there are no issues. It will also allow staff to bring it back on an annual basis for a similar review; #3) the applicant must meet all state statutes,

the City's zoning, building and fire codes, as well as being compliant with their own policies and procedures, which would be attached to the Conditional Use Permit; #4) the City will create an Oversight Committee consisting of a MHA representative, a member of the Common Council as well as a City staff member, a representative from the Waukesha County Sheriff's Department and a Pewaukee resident appointed by the Mayor. If possible a staff member of the Waukesha County Health and Human Services Department from the Veterans Administration will also be asked to join the Committee. He said the Committee will meet on a quarterly basis to provide guidance and oversight if issues come up; #5) there will be no parking on the street and only on paved areas. They will also provide an ADA acceptable parking space; #6) staffing will consist of two trained staff members, on site at all times; #7) the applicant must provide ADA compliant restroom facilities and access to the home; #8) correction of building code violations that may exist; #9) any outdoor activities will stop at 10 p.m. and will not exceed 30 decibels between the hours of 10 p.m. and 7 a.m.; #10) there will be no more than four guests residing at the facility at one time. Mr. Fuchs noted the applicant reduced their occupancy to three guests, so Council will have to determine if they want to revise this condition.

Mayor Bierce stated he was under the impression that additional discussion could have taken place this evening and doesn't believe it is fair to the applicant or the neighbors that they can't make additional comments. He stated if it was to come back, the timing would most likely be in December. He said he hoped someone would make a motion to table this item and ask for another public hearing.

Mr. Kara stated MHA has made some positive changes and feels it is a good thing but there is strong opposition. He said privacy and trespassing were a major concern of the neighbors. He said he would like to add an additional recommendation for a wall or screening. He questioned what quasi-judicial means. Attorney Riffle stated the Council is in essence is acting as a judge and base their decision on what is heard. Mr. Kara stated most of the comments made are based on people's feelings. Attorney Riffle stated he will have to determine who has made the better case. He said the Council has to make a determination on whether or not the proposed use is in keeping with the preamble and principals within that particular zoning district and whether or not issues that were raised can be addressed by conditions. Mr. Kara stated that was a useful guide.

Mr. Kara stated he had difficulty evaluating the information provided in the police reports. Mayor Bierce said there are going to be calls but the Council has to ask if they rise to the level of concern.

Mr. Kara stated he'd like all seven of the conditions offered by MHA to be added, which include a fence, no weapons, reduction of capacity to three, curfew hours, no substance or alcohol use within the facility, phone screening, and external doors subject to video surveillance. Mr. Bergman asked for clarification on the recommendations that Mr. Kara requested. He asked if the visitor number was three or four. Mr. Kara stated he wanted it reduced to three. Mr. Bergman stated MHA made a statement regarding fencing that could be installed which blocks view from the adjacent property which could prevent unintentional trespassing. He said that is singular and doesn't address the other properties nor does it mention what type of fencing. Mr. Klein stated the City has ordinances regarding fencing regulations. Mr. Fuchs stated a condition could read a combination of fencing and landscaping to address the concern.

Mayor Bierce asked if the applicant could request the occupancy be increased to four people. Attorney Riffle stated yes, the Conditional Use Permit would need to be amended. Ms. Brown asked about support animals and asked if it needs to be discussed. Attorney Riffle stated it was regulated by the ADA.

A motion was made and seconded, (B. Bergman, B. Dziwulski) to table this item until another public hearing could be held in December to allow both sides to present evidence.

Motion Passed: 6-For, 0-Against.

7. Public Comment - None.
8. 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, C. Brown) to go into closed session at 7:52 p.m. Motion Passed Via Roll Call Vote: 6-For, 0-Against.

9. Adjournment

A motion was made and seconded (B. Dziwulski, J. Wamser) to adjourn the meeting at 8:20 p.m. from closed session. Motion Passed: 6-For, 0-Against.

Respectfully Submitted,

Kelly Tarczewski
Clerk/Treasurer