



## Regular Village Board Meeting Agenda

June 7, 2016 – 7:00 pm  
Village Hall, 235 Hickory Street, Pewaukee, WI 53072

1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call.
2. Public Hearings.
  - a. Ordinance No. 2016-08, Ordinance to Amend Section 40.134 and 40.152(a) of the Municipal Code of the Village of Pewaukee
  - b. Ordinance No. 2016-09, Ordinance to Amend Section 40.424 of the Municipal Code of the Village of Pewaukee Regarding Vision Clearance Triangles at Intersections
  - c. Ordinance No. 2016-10, Ordinance to Amend Section 40.436(b)(3)b of the Municipal Code of the Village of Pewaukee Regarding Establishment of a Process for the Review of Residential Design Requirement Appeals
3. Approval of Minutes of Previous Meeting.
  - Minutes of the Regular Village Board Meeting – May 17, 2016
4. Citizen Comments. – *Comments should be addressed directly to the Village Board and should be limited to a maximum of three minutes per speaker. Speakers are asked to state name and address for the record.*
5. Resolutions.
  - a. Resolution No. 2016-03, 2015 Compliance Maintenance Annual Report
6. Ordinances.
  - a. Ordinance No. 2016-08, Ordinance to Amend Section 40.134 and 40.152(a) of the Municipal Code of the Village of Pewaukee
  - b. Ordinance No. 2016-09, Ordinance to Amend Section 40.424 of the Municipal Code of the Village of Pewaukee Regarding Vision Clearance Triangles at Intersections
  - c. Ordinance No. 2016-10, Ordinance to Amend Section 40.436(b)(3)b of the Municipal Code of the Village of Pewaukee Regarding Establishment of a Process for the Review of Residential Design Requirement Appeals
7. Old Business.
  - a. Remove from Table – Discussion and Possible Action on Village Code of Ethics
  - b. Discussion and Possible Action on Pedestrian Bridge Design Selection
  - c. Discussion and Possible Action on Authorizing Preliminary Design Phase of R.A. Smith National Pewaukee River Pedestrian Bridge Agreement
8. New Business.
  - a. Discussion and Direction Regarding Regarding Trailer Parking Concern on Lake Street, Park Avenue and Orchard Avenue
  - b. License Approvals and Vendor Permits.
    1. Operator Permits
      - i. Temporary Operator Permit



## Regular Village Board Meeting Agenda

2. Transient Merchant Permits
9. Citizen Comments. – *Comments should be addressed directly to the Village Board and should be limited to a maximum of three minutes per speaker. Speakers are asked to state their name and address for the record.*
10. Closed Session. – The Village Board of the Village of Pewaukee will enter into closed session pursuant to Wis. Statute Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically to consider employment of a part-time Police Clerk candidate; and pursuant to Wis. Statute Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically to consider employment of Director of Public Works/Engineer candidates; and pursuant to Wis. Statute Section 19.85(1)(e) for the purpose of 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, specifically to discuss a negotiating strategy regarding a fire and EMS agreement with the City of Pewaukee.
11. Reconvene Into Open Session.
12. Action Out of Closed Session.
  - a. Possible Action on Hiring Part-time Police Clerk
  - b. Possible Action on Hiring Director of Public Works/Engineer
13. Adjournment.

Note: Notice is hereby given that a quorum of a Village Committee and/or Commission may be present at the Village Board meeting, and if so, this meeting shall be considered an informational meeting of that Committee or Commission and no formal action of that Committee or Commission shall occur.

Posted: June 3, 2016

VILLAGE OF PEWAUKEE  
VILLAGE BOARD MEETING  
May 17, 2016

**1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call**

President Knutson called the meeting to order at approximately 7:00 p.m. The Pledge of Allegiance was recited followed by a moment of silence.

The following Village Board members were present on Roll Call: Trustee Paul Evert, Trustee Kevin Yonke, Trustee Heather Gergen, Trustee Cathy Baumann, Trustee Joe Zompa, and President Jeff Knutson; Trustee Tom Calder was excused.

Also Present: Police Lieutenant, Mark Garry; Village Administrator, Scott Gosse; Village Attorney, Mark Blum; Village Clerk, Chaz Schumacher.

**2. Presentation – 2015 Audit Presentation by Baker Tilly**

President Knutson stated that due to the amount of information from Baker Tilly he is asking that this item be postponed until the 2<sup>nd</sup> meeting in June and that any questions be directed to Baker Tilly prior to then.

**3. Approval of Minutes of May 3, 2016 Village Board Meeting**

Trustee Evert moved, seconded by Trustee Gergen to approve the May 3, 2016 Village Board minutes as presented. Motion carried 6-0.

**4. Citizen Comments**

Aaron Yuskis – 220 Prospect Avenue – Mr. Yuskis stated his concern that the sidewalk is to be removed; he does not feel it is a safe roadway. Yuskis stated the best interest of the community needs to be considered, especially those that are the most vulnerable.

Carole Stamm – 130 West Wisconsin Avenue – Ms. Stamm thanked the Board members who had voted in favor of reducing false alarm fees. She requested that the Board consider the money spent by Pewaukee Shores Condominiums to fix their fire alarms and forgive the remaining amount owed.

Dean Clark – N31 W2352 Meadowlark – Mr. Clark stated his father resides in unit 25 of the Pewaukee Shores Condominiums. He thanked the Board for taking their request into consideration again. Mr. Clark stated the building does take fire safety serious and a large assessment was billed to residents to pay for improvements. He stated there are residents burdened by another financial burden related to fire safety.

Jim Siepmann – 145 West Wisconsin Avenue – Mr. Siepmann stated his support of the foot the bridge. He stated the Village has someone donating money and he encouraged the Board to move forward with the project.

Charlie Shong – Representing Pewaukee River Partnership – Mr. Shong stated the Pewaukee River Partnership would like to see the bridge installed, that it be one that lasts, is unique, that people want to use, and that uses the existing abutments. He stated the existing abutments are remnants of the ice industry and was built to last. Mr. Shong stated they would be costly to remove as required if the new ones are installed. He stated the biggest concern of the engineer is that they don't know what the abutments were built on. He gave a history of what he was able to find in archives. He stated he would like to donate his time to finding out more to help move the project forward.

Eric Grunewald – 452 Leanore Court – Mr. Grunewald stated he has seen 3 to 4 students walking up Tower Court to school and in the winter this is dangerous. He stated he is afraid someone will not see them walking and they'll get hurt. He stated there is heavy use by pedestrians and runners and it needs a sidewalk.

Laurin Miller – 335 Tower Court – Mr. Miller stated the blind corner on Tower Court is dangerous and it's difficult to see pedestrians. He stated he is on the Public Works and Safety Committee and they gave unanimous approval of the sidewalk, it won't cost extra and he doesn't see an issue. He stated there is a safety issue.

Dean Flowers – 459 Leanore Court – Mr. Flowers stated the people who have spoken live in the area of the Tower Court project. He stated he feels that Trustee Baumann should recuse herself from voting on the project because she lives on Third Street and stands to have a sidewalk in her front yard. He stated the safety of the children needs to be considered.

John Yuskis – 319 Tower Court – Mr. Yuskis stated he travels the road daily and it is dangerous, especially if salt hasn't been put down yet in the winter, he has slid around the corner before. He questioned why the project is being brought up again if it has already been approved.

Heidi Grunewald – 452 Leanore Court – Ms. Grunewald stated there are more young families moving into the area where she lives and that she would like to keep the neighborhood attractive to them. She stated there are going to be more students, not less.

Tom Opie – 237 Lake Street – Mr. Opie stated he has children that walk on the hill to get to Tower Court where their grandparents live. He stated the neighborhood is starting to turn over and get more children. He stated there will be more children walking and he wants sidewalks and safety.

## **5. Old Business**

- a. *Update, Discussion and Possible Action Regarding False Fire Alarm Fee Reduction Request for 130 West Wisconsin Avenue*

President Knutson stated the Board had requested Pewaukee Shores write a letter to the City of Pewaukee to see if the City would refund the false alarm fees. Knutson stated he had discussed the matter with the Mayor of the City of Pewaukee and the mayor indicated the City would not state if they

would or would not refund the false alarm fees for Pewaukee Shores. The Mayor stated the City feels they are in a no-win situation due to the current negotiations with the Village and the City would not be responding to Pewaukee Shores' letter because the contract with the Village states fees for false alarms. Knutson stated he would like the Board to discuss the remaining balance of \$7,618 that Pewaukee Shores holds for false alarm fees. Knutson stated Pewaukee Shores is in the process of re-doing the whole fire alarm system with an estimated cost of \$80,000-\$90,000.

Trustee Evert stated he did not receive anything in the packet saying as much. He stated Ms. Stamm has said other communities' fire departments don't think Pewaukee Shores had false alarms but he hasn't seen anything stating that.

Trustee Gergen stated she did not see anything in the packet about Pewaukee Shores replacing their system. She expressed concern about discussing forgiving the balance owed while still negotiating the fire contract with the City of Pewaukee. She stated she would like to discuss it after the fire contract has been finalized.

Trustee Zompa stated there are a couple of ways of looking at the false alarm fees. He stated the cost of the runs are passed on after the first run, but that cost has gone up over the last ten years. He stated when there are multiple units at one address, they are all considered one address, so the false alarm fees add up. Zompa stated Pewaukee Shores has tens of thousands of charges, not because they weren't diligent. He stated the false alarm fee is to incent them to fix the problem. He stated if you look at other communities in the State and Country their false alarm fees are significantly less than the Village and still work to motivate property owners to update their systems. He stated he doesn't know of any other community that charges what the Village does for false alarm fees. Zompa stated false alarm fees are part of running the system and the Village has the option to forgive Pewaukee Shores their remaining balance.

Trustee Yonke stated his agreement with Trustee Zompa and that the Village has a responsibility to pay for the false alarm fees.

Trustee Baumann stated she agreed with Trustee Zompa.

**Trustee Zompa moved, seconded by Trustee Baumann to forgive the remaining balance of \$7,618 for Pewaukee Shores. Motion carried 5-1, Trustee Evert voting nay.**

## **6. New Business**

- e. Discussion and Possible Action on Pedestrian Bridge Design Selection AND*
- f. Discussion and Possible Action on Authorizing Preliminary Design Phase of R. A. Smith National Pewaukee River Pedestrian Bridge Agreement*

Administrator Gosse stated the MSOE students gave a presentation last Friday and he attended along with DPW Director White and Trustee Zompa. He stated this was a student project and not to be taken directly to bid but given to an engineer to work the plans so they could be put out for bid proposals.

Gosse stated that if the Board wants to move forward then R. A. Smith would move forward with the preliminary design phase and then the bid phase.

Trustee Zompa stated the presentation provided an opportunity for the students and the Village would be served any one of the designs and that it's a matter of aesthetic. He stated all 3 designs would require removing the existing abutments due to the cost to certify them and then build a bridge on top of them. Zompa stated the cost to remove the abutments is in the six figures range. He suggested the Board also consider the life cycle of the bridge and costs for maintenance and upkeep. Discussion followed.

Trustee Gergen stated her support of the boxcar design as she feels it would attract train enthusiasts and is also the least expensive. She stated her concern with all of the designs is if the Village can't use the existing abutments, they aren't necessary, but that Pewaukee River Partnership wants to the Village to keep them.

Administrator Gosse stated the issue with the existing abutments is that they are not certified as structurally sound and the fact that they have stood for a hundred plus years won't satisfy an engineer to put a stamp on it. He stated the hydraulic analysis states the floodplain cannot be affected, if the existing abutments are left in and new ones are built, it would increase the elevation of the river. Discussion followed.

Trustee Gergen asked for Charlie Shong, representing the Pewaukee River Partnership, to speak on the item. Mr. Shong gave an overview of his research into the existing abutments. He stated he has not found anything specific to what is holding the abutments up but that he would like to do some soil bearings to help determine what is. Discussion followed.

Both items were deferred to the next meeting or the following meeting.

*h. Discussion and Possible Action on Request to Reconsider Award of Contract of Tower Court/Third Street Project*

Trustee Zompa stated that at the meeting where the original vote to approve the project was taken, there were a lot of people from Third Street that did not want sidewalks and that at subsequent meetings safety concerns were brought up. He stated he would like to find a middle ground and finding a middle ground was not part of the original discussion.

Attorney Blum stated his opinion regarding the statement by a resident of concern about Trustee Baumann voting on the matter and that she should recuse herself. He stated that while the Village does not currently have an ethics provision, that the State Statutes provides that if any of the Board members has an interest in something and if it provides a benefit or detriment. He stated that he doesn't see a conflict of interest but that each Board member has the right to determine if they should recuse themselves from an item.

**Trustee Zompa moved, seconded by Trustee Yonke to reconsider the original motion approving the Tower Court/Third Street project as presented, with sidewalks included. Motion carried on Roll Call Vote, 4-2, Trustee Evert and Trustee Gergen voting nay.**

Trustee Gergen expressed her frustration that this item was being brought back, especially given the full house at the meeting in support of the sidewalks. She stated this is in the interest of safety.

President Knutson stated that after the last Board meeting he met with Administrator Gosse, DPW Director White, and Tom Opie, on site to discuss the corner. He stated they were later joined by Trustee Baumann and it was further discussed about what could be done to make the corner safe. He stated the inside of the corner has a big drop-off and a sidewalk cannot go there. He stated they did discuss putting a walkway around the corner that is four feet wide and unpaved, in the summer it could be mowed and in the winter there could be some plowing of it.

Trustee Baumann stated that Third Street on its own is dangerous and that she did look at it and something does need to be done. She stated when the discussion first came up she noticed only certain roads have sidewalks and that another Trustee had stated that those that didn't want sidewalks didn't have them, such as Tower Street where there are no sidewalks because the property owners didn't want them. She stated the more she thought about it, any road without sidewalks becomes a safety issue. She stated that if Third Street gets a sidewalk than Richmond Street, Lookout, and West Wisconsin get one.

Trustee Evert stated that the City of Pewaukee, City of Brookfield, and the City of New Berlin are all putting in sidewalks. He stated that if you put in a strip of grass on the hill he could see someone walking with a child in the mud and snow and the Village should not do it. Discussion followed.

Trustee Gergen stated that for the greater public good a sidewalk is needed, it's a blind curve and there are children walking.

President Knutson stated he agreement with Trustee Baumann that if sidewalks are required on Third Street than the Village should no longer allow decisions by property owners about if a sidewalk will be put in. Discussion followed.

**Attorney Blum stated that with no trustee making a motion to amend the original motion, the original motion is voted on. The Vote was taken for the original motion approving the Tower Court/Third Street project as presented with sidewalks. Motion carried 5-1, Trustee Baumann recused herself.**

*a. Presentation on Open Meetings and Open Records Law*

Attorney Blum gave a presentation to the Board regarding Open Meetings and Records Law and the memo that has been handed out in previous years regarding the process. Blum stated that open government is the policy of the State and open meetings are better than behind closed doors and having access to records allows the public to participate in government. Discussion followed.

*b. Discussion and Possible Action on Village Code of Ethics*

President Knutson stated the Village does not currently have an adopted Code of Ethics but it would be important to have one.

Attorney Blum stated the State Statute has a code of ethics policy and its focus is public officials and restrictions on their interactions within their respective roles and with the public. Blum stated if the Village adopted a code of ethics policy it would allow structure for individuals to object to someone if they feel it's a conflict of interest and also provide the process for doing so formally. Discussion followed.

**Trustee Evert moved, seconded by Trustee Gergen to table item 6.b. Motion carried 6-0.**

*c. Monthly Approval of Checks and Invoices for all funds – April 2016*

**Trustee Gergen moved, seconded by Trustee Evert to approve the monthly Treasurer's report as presented in the total amount of \$939,321.78. Motion carried 6-0.**

*d. License Approvals and Vendor Permits*

**1. Liquor License – Class "B" Beer**

Administrator Gosse stated the applicant is required to provide a copy of liability insurance and that the Board can approve the license contingent on the Village being presented with it.

**Trustee Evert moved, seconded by Trustee Yonke to approve the Class "B" Beer Liquor License for a term of 6 months to Pewaukee Land O' Lakes Baseball Team as presented contingent on receipt of proof of liability insurance. Motion carried 6-0.**

**2. Operator Licenses**

*i. New*

**Trustee Zompa moved, seconded by Trustee Baumann to approve the new operator permits for Jennifer D'Acquisto and Stacy Calkins as presented. Motion carried 6-0.**

*ii. Change of Agent – Costco*

**Trustee Zompa moved, seconded by Trustee Evert to approve the change of agent as presented for Costco to Kim Timpson. Motion carried 6-0.**

**3. Food Vendor Permits**

**Trustee Zompa moved, seconded by Trustee Baumann to approve the Food Vendor Permits as presented for Kona Ice Lake Country as follows:**

**Pewaukee Junior Guild Family Day – May 28, 2016**

**Pewaukee Baseball Tournament – June 18 & 19, 2016**

**Motion carried 6-0.**

*g. Discussion and Possible Action on Approval of Deputy Clerk-Treasurer Position*

Administrator Gosse stated that at the last Village Board meeting the Board had directed staff to create a job description and it is being presented for approval by the Board and approval to move forward. Discussion followed.

**Trustee Zompa moved, seconded by Trustee Baumann to approve the job description for Deputy Clerk-Treasurer as presented with approval to move forward with recruitment. Motion carried 5-1, Trustee Evert voting nay.**

*i. Discussion and Possible Action on Columbarium Bids*

Administrator Gosse stated the bid was for a 112-niche columbarium in the Forest Hills Cemetery. He stated the fund balance would be used for the initial costs to install the columbarium with lot sales and internment fees reimbursing the costs over time. He stated the City of Pewaukee installed one 2 years ago and has sold 3 niches in that period.

Trustee Yonke stated that funeral homes would not be able to sell the columbarium; the Village would have to advertise it. He suggested the Village consider creating 2' by 2' spots for cremains in areas of the cemetery that are currently unused and not suitable for full body burials. Discussion followed.

**Trustee Baumann moved, seconded by Trustee Zompa to reject all bids for the Columbarium. Motion carried 6-0.**

**7. Citizen Comments**

None.

- 8. Closed Session – *The Village Board of the Village of Pewaukee will enter into closed session pursuant to Wis. Statute Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically to consider Director of Public Works/Engineer candidates; and pursuant to Wis. Statute Section 19.85(1)(e) for the purpose of 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, specifically to discuss a negotiating strategy regarding a fire and EMS agreement with the City of Pewaukee.***

**Trustee Baumann moved, seconded by Trustee Evert to convene into Closed Session at approximately 9:30 p.m.**

President Knutson asked for a five minute break.

Closed Session resumed at approximately 9:35 p.m.

**9. Reconvene Into Open Session**

Trustee Evert moved, seconded by Trustee Yonke to reconvene into Open Session at approximately 10:19 p.m. Motion carried by Roll Call Vote, 6-0.

**10. Adjournment**

Trustee Baumann moved, seconded by Trustee Evert to adjourn the May 17, 2016 Village Board Meeting. Motion carried 6-0.

Meeting adjourned at approximately 10:20 p.m.

Respectfully submitted,

Chaz Schumacher  
Village Clerk

DRAFT



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 1, 2016

Re: Agenda Item 5a, Resolution No. 2016-03, 2015 Compliance Maintenance Annual Report

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**BACKGROUND**

Attached for your review and adoption please find a copy of the 2015 Compliance Maintenance Annual Report prepared by David White, Director of Public Works/Engineer. The Village Board is required to review the CMAR prior to submittal to the WI DNR. The attached resolution has been prepared to document that the Village Board has reviewed the CMAR prior to its submittal to the DNR.

**ACTION REQUESTED**

The action requested of the Village Board is to adopt Resolution No. 2016-03, 2015 Compliance Maintenance Annual Report.

Attachment

STATE OF WISCONSIN

VILLAGE OF PEWAUKEE

WAUKESHA COUNTY

RESOLUTION NO. 2016-03

2015 COMPLIANCE MAINTENANCE ANNUAL REPORT

**WHEREAS**, a Compliance Maintenance Annual Report is required to be submitted annually to the Wisconsin Department of Natural Resources under Chapter 208 of the Wisconsin Administrative Code, and

**WHEREAS**, the 2015 Compliance Maintenance Annual Report has been prepared by the Director of Public Works/Village Engineer, and

**WHEREAS**, the 2015 Compliance Maintenance Annual Report is attached hereto and is incorporated as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** that the 2015 Compliance Maintenance Annual Report has been reviewed and shall be submitted to the Wisconsin Department of Natural Resources.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of June, 2016

\_\_\_\_\_  
Jeff Knutson, Village President

ATTEST:

\_\_\_\_\_  
Chaz Schumacher, Village Clerk

# Compliance Maintenance Annual Report

Pewaukee Village

Last Updated: Reporting For:  
5/26/2016 2015

## Financial Management

### 1. Provider of Financial Information

Name:   
 Telephone:  (XXX) XXX-XXXX  
 E-Mail Address (optional):

### 2. Treatment Works Operating Revenues

2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?

- Yes (0 points)
- No (40 points)

If No, please explain:

2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?

Year:

- 0-2 years ago (0 points)
- 3 or more years ago (20 points)
- N/A (private facility)

2.3 Did you have a special account (e.g., CWF required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?

- Yes (0 points)
- No (40 points)

0

### REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]

### 3. Equipment Replacement Funds

3.1 When was the Equipment Replacement Fund last reviewed and/or revised?

Year:

- 1-2 years ago (0 points)
- 3 or more years ago (20 points)
- N/A

If N/A, please explain:

### 3.2 Equipment Replacement Fund Activity

<b>3.2.1 Ending Balance Reported on Last Year's CMAR</b>	\$	215,168.68
3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	0.00
3.2.3 Adjusted January 1st Beginning Balance	\$	215,168.68
3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	+	\$ 39,700.19
3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)	-	\$ 59,530.32
3.2.6 Ending Balance as of December 31st for CMAR Reporting Year	\$	195,338.55

# Compliance Maintenance Annual Report

Pewaukee Village

Last Updated: Reporting For:  
5/26/2016 2015

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

Purchased replacement gas detection system, air compressor & generator transfer switch for Village Lift Station #1

3.3 What amount should be in your Replacement Fund? \$

Please note: If you had a CWF loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the HELP link under Info in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

Yes

No

If No, please explain.

CWF loan was paid in full on April 28, 2016 and the Village will continue to maintain a replacement fund balance based on service life of existing equipment. 2015 expenditures caused year end balance to be below recommended balance. Additional amounts will be deposited into the fund to attain recommended balance.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

Yes - If Yes, please provide major project information, if not already listed below.

No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	Replace West Ave Sanitary Sewer	70000	2018
2	Replace Spring Street Sanitary Sewer	100000	2017

5. Financial Management General Comments

0

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Pewaukee Village

Last Updated: Reporting For:  
5/26/2016 2015

## Sanitary Sewer Collection Systems

### 1. CMOM Program

1.1 Do you have a Capacity, Management, Operation & Maintenance (CMOM) requirement in your WPDES permit?

- Yes
- No

1.2 Did you have a documented (written records/files, computer files, video tapes, etc.) sanitary sewer collection system operation & maintenance (O&M) or CMOM program last calendar year?

- Yes (Continue with question 1)
- No (30 points) (Go to question 2)

1.3 Check the elements listed below that are included in your O&M or CMOM program.

Goals

Describe the specific goals you have for your collection system:

- Properly manage, operate and maintain, at all times, all parts of collection system that the utility owns or over which the utility has operational control
- Provide adequate capacity to convey base flows and peak flows for all parts of the collection system the utility owns or has operational control
- Take all feasible steps to stop, and mitigate the impact of SSOs in portions of the collection system the utility owns or have operational control
- Provide notification to parties with a reasonable potential for exposure to pollutants associated with the overflow event
- Develop a written summary of the Village's CMOM Program and make the program and its audit available to any member of the public upon request

Organization

Do you have the following written organizational elements (check only those that apply)?

- Ownership and governing body description
- Organizational chart
- Personnel and position descriptions
- Internal communication procedures
- Public information and education program

Legal Authority

Do you have the legal authority for the following (check only those that apply)?

- Sewer use ordinance . Last Revised Date (MM/DD/YYYY)
- Pretreatment/industrial control Programs
- Fat, oil and grease control
- Illicit discharges (commercial, industrial)
- Private property clear water (sump pumps, roof or foundation drains, etc.)
- Private lateral inspections/repairs
- Service and management agreements

Maintenance Activities (provide details in question 2)

Design and Performance Provisions

How do you ensure that your sewer system is designed and constructed properly?

- State plumbing code
- DNR NR 110 standards
- Local municipal code requirements
- Construction, inspection, and testing
- Others:

Overflow Emergency Response Plan:

Does your emergency response capability include (check only those that apply)?

# Compliance Maintenance Annual Report

Pewaukee Village

Last Updated: Reporting For:  
5/26/2016 2015

- Alarm system and routine testing
- Emergency equipment
- Emergency procedures
- Communications/notifications (DNR, internal, public, media, etc.)
- Capacity Assurance:
  - How well do you know your sewer system? Do you have the following?
    - Current and up-to-date sewer map
    - Sewer system plans and specifications
    - Manhole location map
    - Lift station pump and wet well capacity information
    - Lift station O&M manuals
  - Within your sewer system have you identified the following?
    - Areas with flat sewers
    - Areas with surcharging
    - Areas with bottlenecks or constrictions
    - Areas with chronic basement backups or SSOs
    - Areas with excess debris, solids, or grease accumulation
    - Areas with heavy root growth
    - Areas with excessive infiltration/inflow (I/I)
    - Sewers with severe defects that affect flow capacity
    - Adequacy of capacity for new connections
    - Lift station capacity and/or pumping problems
- Annual Self-Auditing of your O&M/CMOM Program to ensure above components are being implemented, evaluated, and re-prioritized as needed
- Special Studies Last Year (check only those that apply):
  - Infiltration/Inflow (I/I) Analysis
  - Sewer System Evaluation Survey (SSES)
  - Sewer Evaluation and Capacity Management Plan (SECAP)
  - Lift Station Evaluation Report
  - Others:

## 2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	<input type="text" value="15"/>	% of system/year
Root removal	<input type="text" value="0"/>	% of system/year
Flow monitoring	<input type="text" value="0"/>	% of system/year
Smoke testing	<input type="text" value="0"/>	% of system/year
Sewer line televising	<input type="text" value="2"/>	% of system/year
Manhole inspections	<input type="text" value="15"/>	% of system/year
Lift station O&M	<input type="text" value="60"/>	# per L.S./year
Manhole rehabilitation	<input type="text" value="0"/>	% of manholes rehabbed
Mainline rehabilitation	<input type="text" value="0"/>	% of sewer lines rehabbed
Private sewer inspections		

# Compliance Maintenance Annual Report

Pewaukee Village

Last Updated: Reporting For:  
5/26/2016 2015

	<input type="text" value="0"/>	% of system/year
Private sewer I/I removal	<input type="text" value="0"/>	% of private services
Please include additional comments about your sanitary sewer collection system below:		

### 3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

31.56	Total actual amount of precipitation last year in inches
34.61	Annual average precipitation (for your location)
33.77	Miles of sanitary sewer
5	Number of lift stations
2	Number of lift station failures
0	Number of sewer pipe failures
0	Number of basement backup occurrences
1	Number of complaints
1.2191	Average daily flow in MGD (if available)
1.4678	Peak monthly flow in MGD (if available)
	Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

0.40	Lift station failures (failures/year)
0.00	Sewer pipe failures (pipe failures/sewer mile/yr)
0.00	Sanitary sewer overflows (number/sewer mile/yr)
0.00	Basement backups (number/sewer mile)
0.03	Complaints (number/sewer mile)
1.2	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
0.0	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

### 4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OFERFLOWS REPORTED **			
Date	Location	Cause	Estimated Volume (MG)
None reported			

\*\* If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

### 5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

- Yes
- No

If Yes, please describe:

5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?

- Yes

# Compliance Maintenance Annual Report

Pewaukee Village

Last Updated: Reporting For:  
5/26/2016 2015

<ul style="list-style-type: none"><li>• No</li></ul> <p>If Yes, please describe:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:
<div style="border: 1px solid black; padding: 2px;">I/I was consistent from the previous year</div>
5.4 What is being done to address infiltration/inflow in your collection system?
<div style="border: 1px solid black; padding: 2px;">TV work</div>

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

# Compliance Maintenance Annual Report

Pewaukee Village

Last Updated: Reporting For:  
5/26/2016 2015

## Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
<b>TOTALS</b>			<b>4</b>	<b>16</b>
<b>GRADE POINT AVERAGE (GPA) = 4.00</b>				

Notes:

- A = Voluntary Range (Response Optional)
- B = Voluntary Range (Response Optional)
- C = Recommendation Range (Response Required)
- D = Action Range (Response Required)
- F = Action Range (Response Required)



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 1, 2016

Re: Agenda Item <sup>2a & 6a</sup> Ordinance No. 2016-08, Ordinance to Amend Section 40.134 and 40.152(a)  
of the Municipal Code of the Village of Pewaukee

---

#### **BACKGROUND**

The attached ordinance was brought forward by Attorney Blum for review by the Plan Commission. The proposed ordinance would clarify that on land use matters that would involve a Conditional Use Grant as well as a variance that the Zoning Board of Appeals would be able to hear and rule on both matters rather than requiring the applicant to appear before both the Plan Commission and the Zoning Board of Appeals.

#### **ACTION REQUESTED**

The action requested of the Village Board by the Plan Commission is to approve Ordinance No. 2016-08, Ordinance to Amend Section 40.134 and 40.152(a) of the Municipal Code of the Village of Pewaukee

#### **ANALYSIS**

The Plan Commission has recommended approval of the Zoning Code amendment to the Village Board. The following is a from the April Plan Commission meeting minutes:

*Review and Possible Action on an Ordinance to Amend Section 40.134 and 40.152(a) of the Municipal Code of the Village of Pewaukee relating to requests which require both variance and conditional use approval. (Staff initiated topic)*

Planner Censky stated this is regarding a draft ordinance amendment brought forward by Attorney Blum that would clarify the ability of the ZBA to approve Conditional Use grants when the matter also requires a variance request. The language would allow for direction on which body would review the application instead of allowing for the potential for required review by both the ZBA and Plan Commission. Discussion followed.

**Comm. Rogers moved, seconded by Comm. Roberts to recommend to the Village Board amendments to Sections 40.134 and 40.152(a) of the Code respectively defining the process for projects that require both Conditional Use and Board of Zoning Appeals approvals to proceed. Motion carried 5-1, President Knutson voted nay.**

Attachment

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**ORDINANCE NO. 2016-08****Ordinance to Amend Section 40.134 and 40.152(a) of the  
Municipal Code of the Village of Pewaukee**

---

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

**SECTION I**

Section 40.134(4) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows:

- (4) To hear and decide Applications for Conditional Use Permits, but only when the Application for the Conditional Use also includes an Application for a Variance, such that absent the granting of both a Variance and a Conditional Use Permit, the project as proposed could not be constructed.

**SECTION II**

Section 40.152(a) of the Municipal Code of the Village of Pewaukee is hereby amended to read as follows:

Section 40.152

- (a) *Required.* Uses listed as permitted by conditional grant may be permitted in the appropriate zoning districts subject to the approval of the Planning Commission or where Section 40.134 of this Code applies, the Board of Zoning Appeals. When the circumstances for the hearing of conditional use by the Board of Zoning Appeals applies, the provisions of Article 5 of this Chapter, which refer to Planning Commission, shall also include Board of Zoning Appeals.

**SECTION III**

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

**SECTION IV**

The several sections of this ordinance shall be considered severable. If any section shall be

considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

**SECTION V**

This ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending ordinance therein.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2016 by the Village Board of the Village of Pewaukee.

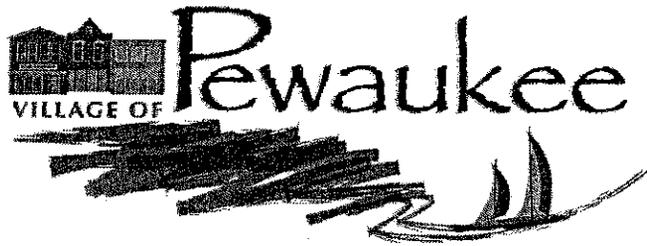
APPROVED:

\_\_\_\_\_  
Jeff Knutson, Village of Pewaukee President

Countersigned:

\_\_\_\_\_  
Chaz Schumacher,  
Village of Pewaukee Clerk

DRAFT



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 1, 2016

Re: Agenda Item <sup>25 + 65</sup> \_\_\_\_\_, Ordinance No. 2016-09, Ordinance to Amend Section 40.424 of the Municipal Code of the Village of Pewaukee Regarding Vision Clearance Triangles at Intersections

---

#### **BACKGROUND**

The attached ordinance was brought forward by staff for review by the Plan Commission. Attached for your review please find a copy of Planner Mary Censky's memo to the Plan Commission regarding the proposed ordinance.

#### **ACTION REQUESTED**

The action requested of the Village Board by the Plan Commission is to approve Ordinance No. 2016-09, Ordinance to Amend Section 40.424 of the Municipal Code of the Village of Pewaukee Regarding Vision Clearance Triangles at Intersections.

#### **ANALYSIS**

The Plan Commission has recommended approval of the Zoning Code amendment to the Village Board. The following is a from the April Plan Commission meeting minutes:

*Review and Possible Action on an Ordinance to Amend Section 40.424 of the Municipal Code of the Village of Pewaukee relating to the vision clearance triangle at intersections. (Staff initiated topic)*  
Planner Censky stated the Village has one standard for the vision triangle and that is a 50 foot by 50 foot triangle. It seems large so staff reviewed area communities and most provide for a 15 foot triangle with larger triangles for arteries. They also provide for a horizontal area usually between 2 feet from ground level to approximately 8 feet above ground level.

Comm. Rogers stated he feels that a 50 foot vision triangle is excessive but doesn't know if he's comfortable with a 15 foot triangle, maybe a 35 foot triangle. Planner Censky stated it could be increased for larger connection of arteries and railroad intersections. Discussion followed.

**Comm. Rogers moved, seconded by Comm. Bernauer to approve the recommendation to the Village Board for an Ordinance to Amend Section 40.424 of the Municipal Code with the following changes to the proposed draft ordinance:**

- 1. That Section 1 (1) be changed to a minimum of 25 feet instead of 15 feet**

2. That Section 1 (2) be changed to a minimum of 35 feet instead of 25 feet
3. That Section 1 (5) be changed to add a provision for the Director of Public Works to review the plans prior to Plan Commission Review

**Motion carried on Roll Call vote, 4-2, President Knutson and Comm. Reilly voted nay.**

Attachments

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**ORDINANCE NO. 2016-09****Ordinance to Amend Section 40.424 of the Municipal Code of the Village of Pewaukee  
Regarding Vision Clearance Triangles at Intersections**

---

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

**SECTION I**

Section 40.424 of the Municipal Code of the Village of Pewaukee is hereby amended to read as follows:

Sec. 40.424. - Traffic visibility requirements.

~~No obstructions greater than three feet in height, except necessary street signs and public utility lines, shall be permitted within the 50-foot vision triangle space of intersecting road rights-of-way (i.e., base setback lines).~~

In order to provide a clear view along intersecting streets to motorists, cyclists and pedestrians there shall be a triangular area of clear vision at the intersection of any two streets; or the intersection of a street and a railroad.

- (1) No obstructions, such as structures, parking, signs or vegetation, shall be permitted in any district between the heights of 30 inches (2 ½ feet) and 8 feet above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley rights-of-way lines and a line joining points on such lines located a minimum of 25 feet from their intersection as measured along the property lines.
- (2) In the case of intersecting arterial streets, the distances to be used along the property lines to establish the vision triangle clearance space shall be increased to 35 feet.
- (3) In the case of an intersection of any street and a railroad right-of-way, the distances to be used along the property lines to establish the vision triangle clearance space shall be increased to 50 feet.
- (4) In establishing the vision triangle, the planned or ultimate right-of-way widths shall be used.
- (5) The vision clearance requirements may be waived or modified by the Planning Commission on a case-by-case basis if deemed necessary to alleviate site specific design/layout impediments or to enhance site designs, provided the Planning Commission shall first determine that such waiver/modification will not adversely impact the public safety upon review and recommendation of the plans by the Director

of Public Works/Engineer prior to Plan Commission action.

**SECTION II**

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

**SECTION III**

The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

**SECTION V**

This ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending ordinance therein.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2016 by the Village Board of the Village of Pewaukee.

APPROVED:

\_\_\_\_\_  
Jeff Knutson, Village of Pewaukee President

Countersigned:

\_\_\_\_\_  
Chaz Schumacher, Village of Pewaukee Clerk

## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: April 14, 2016

### General Information:

Agenda Item: **5.g.**

Applicant:

N/A

Status of Applicant:

N/A

Requested Action:

Review, discussion and possible recommendation to the Village Board regarding proposed changes to the language of Section 40.424 regarding the vision clearance triangle.

---

### Background/Discussion:

Prompted by recent review of a building plan proposed to situate on a very small, existing, platted and legal nonconforming lot, staff took a hard look at the language contained Section 40.424 regarding the vision clearance triangle and feels that, as written, it may be more restrictive than necessary to achieve what is believed to be the underlying purpose or intent of the regulation (i.e. to maintain a clear visual space at intersecting rights-of-way through which approaching pedestrians, motorists, trains,... can readily see in order evaluate oncoming traffic prior to reaching the intersection itself).

In looking at the standards for vision clearance in other area communities, the following results are found, for example:

#### City of Pewaukee:

17.0603 TRAFFIC VISIBILITY No obstructions such as structures, automobile parking, fences or vegetation shall be permitted in any district between heights of two and one-half (2-1/2) feet and seven (7) feet above the mean curb grades within the triangular (Vision clearance) space formed by any two existing or proposed intersecting street or alley right-ofway (property) lines and a line joining points on such lines located a minimum of 15 feet from their intersection. In the case of arterial streets intersecting with other arterial street or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased from 15 to 25 feet.

#### City of Oconomowoc:

Section 17.302 Visibility Standards The purpose of this Section is to alleviate and prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

(1) Requirement: In order to provide a clear view of intersecting streets to motorists there shall be a triangular area of clear vision at the intersection of any two streets; or the intersection of a street and a railroad.

(a) No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 30 inches (2 ½ feet) and 8 feet above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed

intersecting street or alley rights-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection as measured along the property lines. In establishing the vision triangle, the planned or ultimate right-of-way lines shall be used. This requirement may be waived by the City Planner on a case-by-case basis to enhance site designs.

**City of Delafield:**

**17.50 - Vision Clearance at Intersections.**

(1) Corner lot. On a corner lot in any district, no obstructions, such as structures, parking or vegetation, shall be erected, placed, planted or allowed to grow to impede vision between a height of 2' and 10' above centerline grades of any 2 existing or proposed intersecting minor streets or alley right-of-way lines and a line joining points on such lines located a minimum of 15' from their intersection.

(2) Arterial and collector streets. In the case of arterial and collector streets intersecting with other arterial or collector streets or railways, the distance establishing the vision clearance space shall be increased to 60' from the intersection of the right-of-way lines. This provision shall apply to existing and proposed streets.

(3) Exceptions. The Plan Commission may grant exceptions to the vision clearance requirements in the CBD-1 District where the characteristics of the intersection are such that traffic safety hazards would not be created and the placement of signs or structures within the vision triangle would contribute to the objectives of the CBD-1 District. Such an exception shall be subject to review and approval by the Department of Public Works.

**Village of Hartland:**

**Sec. 46-921. - Traffic visibility.**

No substantial obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half feet and ten feet above the plane through the mean curb grades adjacent to the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet. These restrictions may be modified in the B-3 district on a case-by-case basis, when, in the opinion of the plan commission, such modifications would further the objectives of the district. Necessary utility poles and traffic, directional and street name signs approved by the public agency having jurisdiction may be permitted within such triangular areas. Vision triangles at intersections with state and county trunk highways shall meet the vision corner requirements of the state or county highway agency that has jurisdiction, but in no case shall they be less than those specified herein.

**Recommendation:**

The Planner feels that a 50 foot clear triangle at all intersections (as presently required) may be excessive and it is substantially more restrictive than most area communities. Accordingly, the attached draft language revision is proposed for the Planning Commission's review, consideration and possible recommendation to the Village Board.



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 1, 2016

Re: Agenda Item <sup>7-4-16</sup>, Ordinance No. 2016-10, Ordinance to Amend Section 40.436(b)(3)b of the Municipal Code of the Village of Pewaukee Regarding Establishment of a Process for the Review of Residential Design Requirement Appeals

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### **BACKGROUND**

The attached ordinance was brought forward by staff for review by the Plan Commission. Attached for your review please find a copy of Planner Mary Censky's memo to the Plan Commission regarding the proposed ordinance.

### **ACTION REQUESTED**

The action requested of the Village Board by the Plan Commission is to approve Ordinance to Amend Section 40.436(b)(3)b of the Municipal Code of the Village of Pewaukee Regarding Establishment of a Process for the Review of Residential Design Requirement Appeals.

### **ANALYSIS**

The Plan Commission has recommended approval of the Zoning Code amendment to the Village Board. The following is a from the April Plan Commission meeting minutes:

*Review and Possible Action on an Ordinance to Amend Section 40.436(b)(3)b. regarding the process for review and dispensation of determinations made by the Building Inspector under the Residential Design Requirements sections of the Code. (Staff initiated topic)*

Planner Censky stated this is the section of the Code where all the guidelines are laid out, the exterior finishings guideline states that areas of the foundation greater than 2 feet be covered, roofs are limited to 2 materials, changes to the exterior materials must be in similar style to the original structure. She stated that currently the Building Inspector reviews the house plan so if the applicant wants to do an enclosed porch not on a foundation the Building Inspector doesn't have a choice, the applicant has to go to the Plan Commission for review, if they agree then there's a path to the ZBA. The ZBA has to find hardship in where you place a deck, and it's not demonstrable. The guidelines would not be modified. She stated the proposed change is to add the ability of the Plan Commission to review and adjust plans instead of reviewing and passing the application onto the ZBA. The application would still require a public hearing. Censky stated this seems like a good thing to address now because a

one-size-fits-all approach is not an entirely practical approach given the diversity of neighborhoods in the Village. She stated this change is not because someone needs it now or in the future.

Comm. Bernauer stated if the Plan Commission doesn't allow the use there is still a path to the ZBA. Discussion followed.

Comm. Tom Reilly left the meeting at approximately 9:49 p.m.

**Comm. Bernauer moved, seconded by Comm. Roberts to approve the Ordinance Amendment to Section 40.436(b)(3)b regarding the process for review and dispensation of determinations made by the Building Inspector under the Residential Design Requirements sections of the Code. Motion carried by Roll Call vote, 4-1 with President Knutson voting nay.**

Attachments

## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky

Date Prepared: April 14, 2016

### General Information:

Agenda Item: **5.h.**

Applicant:

N/A

Status of Applicant:

N/A

Requested Action:

Review, discussion and possible recommendation to Village Board regarding proposed changes to Section 40.436(b)(3)b. of the Code regarding appeals of the Building Inspectors determinations under the Residential design guidelines as setforth in Section 40.436.

---

### Background/Discussion:

Village Hall staff seldom, to date, has gotten involved in the review of residential building plans as this is typically a function of Building Inspections. However, a recent project brought the Planning and Inspections staff together in review.

Among other things, as the plan was mutually evaluated, it was noted that the provision for appeal of the Building Inspectors determinations under the residential design guidelines (see Section 40.436 attached) provides a rather nondescript path for "review" by the Planning Commission before advancing to the Board of Zoning Appeals. No guidance is given as to whether the Planning Commission is asked to go on record or take any specific sort of action as to the Inspectors determination – only that after "review" by the Planning Commission an appeal of the determination goes on to the Board of Appeals.

Most communities with residential design guidelines as detailed and specific as those of the Village will create an architectural review board or commission to review plans but this function is also commonly conferred upon the Planning Commission of the community, particularly in communities experiencing difficulty finding sufficiently qualified and willing volunteers to compose extra boards and commissions.

The staff believes that's probably what was intended by the reference to a "review" by the Planning Commission, but feels it's purview (due in large part to it's presumed experience/expertise in reviewing most other matters of architecture under the Zoning Code) should be more clearly established here and reference to the Board of Zoning Appeals eliminated at this Section.

Further, given the widely varied types of neighborhoods throughout the Village, from larger lot outlying subdivisions to very small redevelopment prospect lots and lots with lake views and/or frontage,... it seems that a one-size-fits-all set of design guidelines may not be an entirely practical approach to ensuring that a sufficient spectrum of design options can be proposed

without having to demonstrate hardship in fact (which is seldom possible when it comes to *design* alternatives [vs placement or size for instance]).

**Recommendation:**

The attached draft language revisions would serve to direct appeals to determinations of the Building Inspector under the Residential design requirements to the Planning Commission where the determination can either be upheld without consideration for relief from the specific standards or to grant relief through conditional use grant from strict compliance given a full review of the unique setting and circumstances of each plan.

Ultimately, in the event an applicant does not find relief at the Planning Commission through CU, they could still, then continue the appeal on to the Board of Zoning Appeals.

## ORDINANCE NO. 2016-10

**Ordinance to Amend Section 40.436(b)(3)b. of the Municipal Code of the Village of Pewaukee Regarding Establishment of a Process for the Review of Residential Design Requirement Appeals**

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

**SECTION I**

Section 40.436(b)(3)b. of the Municipal Code of the Village of Pewaukee is hereby amended to read as follows:

In the event the applicant objects to the determination of the Building Inspector, he shall have 30 days from the date of the Inspector's written decision to submit an appeal of that decision to the Village Clerk. Said appeal shall be in writing and shall set forth why the Building Inspector's determination is either substantially inconsistent with the surrounding area or otherwise contrary to this eCode and/or how the strict adherence to the terms of this eCode would result in an unnecessary hardship for the applicant. The matter shall then be forwarded to the Village Planning Commission for review of the Building Inspector's determination in light of the appeal. Compliance with this appeal process shall be a necessary prerequisite before review of the building inspector's determination by the board of zoning appeals. The Planning Commission may concur with the determination of the Village Building Inspector and/or may grant relief from strict compliance with the Residential design requirements as set forth in Section 40.436 of the Code if a Conditional Use Grant is approved in accordance with Article V, and upon determining that such relief, waiver or modification of the requirements in a unique and specific circumstance will not result in adverse impacts upon the surrounding area or community as a whole.

**SECTION II**

All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

**SECTION III**

The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the ordinance.

**SECTION V**

This ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending ordinance therein.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2016 by the Village Board of the Village of Pewaukee.

APPROVED:

\_\_\_\_\_  
Jeff Knutson, Village of Pewaukee President

Countersigned:

\_\_\_\_\_  
Chaz Schumacher, Village of Pewaukee Clerk

DRAFT



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: May 31, 2016

Re: Agenda Item 7a, Remove from Table – Discussion and Possible Action on Village Code of Ethics

---

**BACKGROUND**

This matter was reviewed by the Village Board at the May 17<sup>th</sup> meeting and tabled to the June 7<sup>th</sup> meeting. Included with the May 17<sup>th</sup> Village Board meeting packet were copies of a letters from Attorney Blum to President Knutson dated May 4 and May 11, 2016 regarding State ethics laws and a draft ordinance for consideration. Please bring the information provided with the May 17<sup>th</sup> meeting packet with you to the meeting for this matter.

**ACTION REQUESTED**

The action requested of the Village Board is to provide direction to staff on this matter.



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 3, 2016

Re: Agenda Item 7b, Discussion and Possible Action on Pedestrian Bridge Design Selection

---

#### **BACKGROUND**

This matter was on the May 17<sup>th</sup> Village Board agenda and deferred to the June 7<sup>th</sup> meeting to allow for Charlie Shong to conduct further research on the possible existence of engineer/construction plans for the existing abutments. Please bring your meeting material for this topic provided for the May 17<sup>th</sup> Village Board meeting.

This matter was originally on the May 17<sup>th</sup> agenda at the request of President Knutson. As a review, the MSOE students made presentations on their designs on Friday, May 13<sup>th</sup>. David White, Trustee Zompa and I were in attendance to view their presentations. The desire of President Knutson is to review the three designs from the students with the Village Board for review and determine if any of the designs are of interest to the Village Board in terms of moving forward for construction. Conversely, if there is a different design desired by the Village Board, the Village Board should provide direction on how it would like to move forward.

#### **ACTION REQUESTED**

The action requested of the Village Board is to review any new information brought forward regarding the design/construction plans of the existing railroad bridge abutments along with the designs of the pedestrian bridges and determine which, if any, it desires to move forward with for this project.

#### **ANALYSIS**

Please note that a key input as to whether the existing abutments can be used in a new design is whether or not they are determined to be structurally sound by a state licensed structural engineer.



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 2, 2016

Re: Agenda Item 7c Discussion and Possible Action on Authorizing Preliminary Design Phase of  
R.A. Smith National Pewaukee River Pedestrian Bridge Agreement

---

**BACKGROUND**

This matter was deferred from the May 17<sup>th</sup> Village Board meeting agenda pending further information related to the existing abutments (related to the previous agenda topic).

**ACTION REQUESTED**

The action requested of the Village Board is to consider approval of the preliminary design phase of this agreement in the event the Board is in a position to determine a bridge design to proceed with.

**ANALYSIS**

Please bring the meeting material provided for the May 17<sup>th</sup> Village Board meeting related to this topic. Each phase of the agreement requires specific approval by the Village Board prior to the consultant proceeding with the work.



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 2, 2016

Re: Agenda Item 8a Discussion and Direction Regarding Trailer Parking Concern on Lake Street,  
Park Avenue and Orchard Avenue

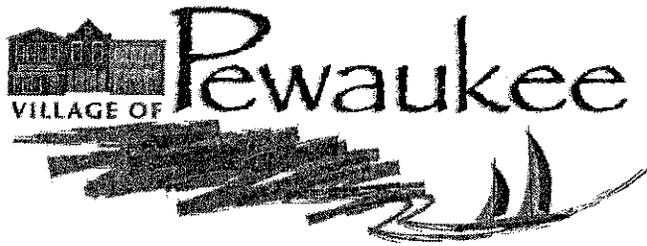
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**BACKGROUND**

This matter is scheduled for the June 2<sup>nd</sup> Public Works & Safety Committee for review and possible recommendation to the Village Board. A copy of the memo provided to the Committee is attached for your review and background.

**ACTION REQUESTED**

The action requested of the Village Board is to review a possible recommendation from the Committee to the Village Board regarding this matter and provide direction to staff on how the Village Board desires to proceed.



To: Paul Evert, Chair  
Public Works & Safety Committee

From: Scott A. Gosse  
Village Administrator

Date: June 3, 2016

Re: Agenda Item 5a, Discussion and Possible Recommendation to Village Board Regarding Trailer  
Parking Concern on Lake Street, Park Avenue and Orchard Avenue

---

### **BACKGROUND**

Jeff Knutson has submitted a request for the Public Works & Safety Committee to review the possibility of restricting boat trailer parking on portions of Park Avenue, Lake Street and Orchard Avenue.

### **ACTION REQUESTED**

The action requested of the Public Works & Safety Committee is to review the expressed concern and forward a recommendation to the Village Board on a possible parking restriction, if desired.

### **ANALYSIS**

Attached for your review please find an aerial map of the southern downtown area with the roads previously mentioned shown. The concern presented is that at times vehicles with boat trailers are parking along the public street which then impacts the ability of people in other vehicles from parking at or near places they are visiting. At this time, the request for the Committee to consider is whether or not to forward a recommendation to the Village Board to restrict in some manner the parking of boat trailers along the aforementioned streets. Parking for vehicles with trailers is available at Lairnon Park (as it has historically been) and is also available at Koepp Park. One hour parking is currently posted along Park Avenue from W. Wisconsin Avenue to Lake Street. It should be noted that the parking of certain types of trailers related to business related deliveries should not be interfered with as it could be deemed as restriction of commerce.

David White, Director of Public Works, inquired with Waukesha County regarding the County's launch at the west end of Pewaukee Lake and was advised that the County had all four launches open on Memorial Day and two launches open last week Saturday and Sunday as all other days this week (other than Memorial Day).

Attachment



# Waukesha County GIS Map



### Legend

#### SimultaneousConveyance

-  Assessor Plat
-  CSM
-  Condo Plat
-  Subdivision Plat

0  333.33 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

### Notes:

Printed: 6/1/2016





To: Jeff Knutson, Village President  
Village Board

From: Chaz Schumacher  
Village Clerk

Date: June 7, 2016

Re: Agenda Item 8(2)(1), Issue Temporary Operator License Approval(s)

**BACKGROUND**

The Village Board is the ruling body responsible for approving Operator License applications.

**ACTION REQUESTED**

To approve the Temporary Bartender License as listed below, specifically for the **Kiwanis Beach Party** to be held on June 24 & 25, 2016.

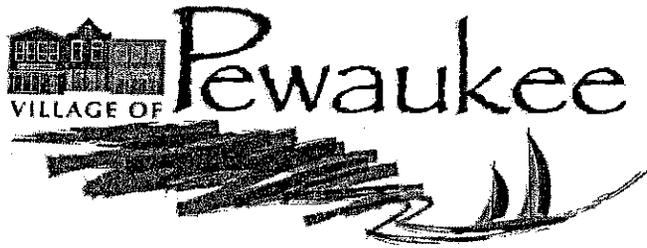
Charles J. Rzutkiewicz

Staff recommends approval for the period of June 24, 2016 through June 25, 2016

**ANALYSIS**

The bartender license application(s) listed above are being presented for approval. A background check has been performed and the applicant(s) meet(s) the requirements to hold a license in the Village of Pewaukee.

Staff recommends approval of the licenses as recommended above.



To: Jeff Knutson, Village President  
Village Board

From: Chaz Schumacher  
Village Clerk

Date: June 7, 2016

Re: Agenda Item 862 Approval of Transient Merchant Permit(s)

**BACKGROUND**

The Village Board is the ruling body responsible for approving Transient Merchant applications. Approved Permits are issued for 60 days.

**ACTION REQUESTED**

To approve the attached Transient Merchant Permit application as presented, for the period of June 8, 2016 through August 1, 2016 (60 days) for:

1. Matthew J. Hohl – Matty's Ice Cream LLC
2. Matthew J. Green – Matty's Ice Cream LLC
3. Devon M. Brent – Get Juiced!

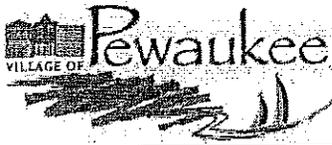
**ANALYSIS**

The above applicants have applied for Transient Merchant Permits through the Village of Pewaukee. Mr. Hohl and Mr. Green are requesting permits to operate an ice-cream truck in the Village. Mr. Brent is requesting a permit to go door to door promoting his business, Get Juiced!

All applicants are aware that their permits would be good for 60 days and that they will need to submit a new application in order to renew their permits.

A background check has been performed by the Village Police Department and the applicants meet the requirements to hold their permits in the Village of Pewaukee.

Staff recommends approval of the permits as presented.



APPLICATION

Canvasser/Peddler/Transient Merchant

Applicant's Legal Name: Matthew Jacob Hohl

Permanent Address: 545 W 27527 Elk Valley Rd Waukesha WI 53189

Temporary Address: (While conducting business)

Address where applicant will be located the 2 weeks following departure from the Village of Pewaukee:

545 W 27527 Elk Valley Rd Waukesha WI 53189

Name, Address, & Phone Number of the company applicant represents: Matty's Ice Cream LLC, 24956078 Deerfield Circle Waukesha WI 53189 (262) 894-4169

List 3 previous locations where business was conducted business prior to this application (City/Village/Town)

Date of Birth: 06/20/1995 Height: 5'11 Weight: 175 Hair Color: Brown Eye Color: Brown

DL# State: WI Cell Phone: (262) 894-4169 Home Phone:

List all Vehicles that will be used by applicant to conduct business, include Make, Model, and License Plate Number:

Dodge Ram, 520-YWA

Nature of the business to be conducted and a brief description of the goods and/or services offered:

Ice Cream Truck

Proposed method of delivery of goods, if applicable:

Have you ever been convicted of any crime or ordinance violation? YES NO

If YES, list all convictions/violations include Nature of Offense, Place of Conviction, and Date):

I certify that all of the information given on any part of this form is complete, true and correct.

Applicant's Signature: [Signature] Date: 05/18 Staff Initials: [Initials]

For Office Use Only: Date, Initials, \$20.00 Application Fee Paid, Receipt#, \$20.00 Permit Fee Paid, Receipt#, Criminal History and Driving Record Check, Initials, Village Board Approval, Criminal History Findings, Police Chief Approval, Village Clerk Approval, LICENSE NO:



APPLICATION

Canvasser/Peddler/Transient Merchant

Applicant's Legal Name: Matthew James Green

Permanent Address: 7249 Scootz Deerfield Circle Waukesha WI 53189

Temporary Address: 7249 Scootz Deerfield Circle Waukesha WI 53189

Address where applicant will be located the 2 weeks following departure from the Village of Pewaukee: 7249 Scootz Deerfield Circle, Waukesha WI 53189

Name, Address, & Phone Number of the company applicant represents: Matty's Ice Cream LLC, 7249 Scootz Deerfield Circle, Waukesha, WI, 53189

List 3 previous locations where business was conducted business prior to this application (City/Village/Town)

Date of Birth: 04/01/91 Height: 6'0" Weight: 140 Hair Color: Blonde Eye Color: Blue
DL# G650-5509-1121-05 WI Cell Phone: 202-349-6348 Home Phone: 202-549-6801

List all Vehicles that will be used by applicant to conduct business, include Make, Model, and License Plate Number: 1995 Dodge Ram Van, white

Nature of the business to be conducted and a brief description of the goods and/or services offered: Pre-packaged ice cream

Proposed method of delivery of goods, if applicable: Ice Cream Truck

Have you ever been convicted of any crime or ordinance violation? YES NO
If YES, list all convictions/violations include Nature of Offense, Place of Conviction, and Date):

I certify that all of the information given on any part of this form is complete, true and correct.

Applicant's Signature: [Signature] Date: 05/24/16 Staff Initials: [Initials]

For Office Use Only: Date, Initials, \$20.00 Application Fee Paid, Receipt#, \$20.00 Permit Fee Paid, Receipt#, Criminal History and Driving Record Check, Initials, Village Board Approval, Criminal History Findings, Police Chief Approval, Village Clerk Approval, LICENSE NO:



APPLICATION

Canvasser/Peddler/Transient Merchant

Applicant's Legal Name Devon Michael Brent
First Middle Last Maiden (if applicable)

Permanent Address: 450 Westfield Way Pewaukee WI 53072
Street City State Zip Code

Temporary Address: 450 Westfield Way Pewaukee WI 53072
(While conducting business) Street City State Zip Code

Address where applicant will be located the 2 weeks following departure from the Village of Pewaukee:
450 Westfield Way Pewaukee WI 53072
Street City State Zip Code

Name, Address, & Phone Number of the company applicant represents: Get Juiced! (262) 442-5865
450 Westfield Way Pewaukee WI 53072

List 3 previous locations where business was conducted business prior to this application (City/Village/Town) N/A

Date of Birth: 1/11/93 Height: 5'11 Weight: 150 Hair Color: Brown Eye Color: Brown
DL# B6531739301103 State: WI Cell Phone: 262.442.5865 Home Phone:

List all Vehicles that will be used by applicant to conduct business, include Make, Model, and License Plate Number:
2011 Mitsubishi Lancer [548-RTY] - BLUE

Nature of the business to be conducted and a brief description of the goods and/or services offered:
Selling fresh juice at local farmers market

Proposed method of delivery of goods, if applicable:

Have you ever been convicted of any crime or ordinance violation? YES NO
If YES, list all convictions/violations include Nature of Offense, Place of Conviction, and Date):

I certify that all of the information given on any part of this form is complete, true and correct.

Applicant's Signature: [Signature] Date: 5/11/16 Staff Initials:

For Office Use Only:

Date: 5/17/16 Initials: [Signature] \$20.00 Application Fee Paid: X Receipt# 78626 \$20.00 Permit Fee Paid: Receipt#

Criminal History and Driving Record Check: 5-24-16 Initials: [Signature] Village Board Approval:

Criminal History Findings:

Police Chief Approval: [Signature]

Village Clerk Approval:

LICENSE NO: