

**VILLAGE OF PEWAUKEE  
VILLAGE BOARD MEETING  
December 1, 2015**

**1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call at 7:00 p.m.**

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.

Roll Call attendance was taken with the following present: Trustee Paul Evert, Trustee Pat Nauth, Trustee Heather Gergen, Trustee Cathy Baumann, Trustee Joe Zompa, Trustee Tom Calder, and President Jeff Knutson.

Also Present: Village Administrator, Scott Gosse; DPW Director, David White; Village Planner, Mary Censky; PD Captain, Jay Iding; Director of Parks, Recreation & Community Services, Kelley Woldanski; Village Attorney, Mark Blum; and Interim Clerk-Treasurer, Chaz Schumacher.

**2. Approval of Minutes of Previous Meeting(s)**

***a. Minutes of the November 17, 2015 Special Village Board Meeting (6PM)***

Trustee Baumann moved, seconded by Trustee Evert to approve the November 17, 2015 minutes of the special Village Board meeting held at 6 p.m., as presented. Motion carried 6-0, Trustee Zompa abstained.

***b. Minutes of the November 17, 2015 Regular Village Board Meeting (7PM)***

Trustee Evert moved, seconded by Trustee Zompa to approve the November 17, 2015 minutes of the regular Village Board meeting held at 7 p.m., as presented. Motion carried 7-0.

**3. Citizen Comments**

Carole Stamm – 130 West Wisconsin Avenue, Unit#1 – Ms. Stamm stated she thought she had found extra revenue for the Village due to the City of Pewaukee keeping EMS revenue. She later learned that was not the case and that the City sends the Village the EMS revenue. Ms. Stamm stated the fire budget is 1.4 million dollars and fire runs totaled \$760,000 in 2015. She asked where the EMS revenue for the Village was going. Ms. Stamm stated she had spoken with 3 fire chiefs in the area and explained the situation with Pewaukee Shores and she was told those are not considered false alarms. Ms. Stamm requested the Village forgive Pewaukee Shores' false alarm fees. She asked the Board why they purchased Smokey's if there was a \$300,000 shortfall in the budget. She stated her desire for the Village to do what the City does and cover the costs of the false alarms. She feels the Village is trying to financially ruin residents. Ms. Stamm stated she could not believe the Board did not approve the proposed carwash at its previous meeting.

Pat McHalsky – 130 West Wisconsin Avenue, Unit#16 – Ms. McHalsky stated she had very similar concerns to Ms. Stamm. She stated she attended a previous Village Board meeting when the Village was trying to hire a police officer. She stated her concern that the Village will not approve a liquor license to a proposed restaurant. She stated there has to be other ways for the Village to make money aside from charging an 88-year old woman \$7,600 for a false alarm. She asked if the Village would make a decision tonight or continue to give citizens the run around.

**4. Old Business**

**a. Remove from Table – Discussion and Direction Regarding Limiting the Number of False Alarm Charges**

Trustee Zompa moved, seconded by Trustee Baumann to remove agenda item 4.a. from the table.

Roll Call vote was taken:

Trustee Evert	Nay	Trustee Nauth	Nay
Trustee Gergen	Aye	Trustee Baumann	Aye
Trustee Zompa	Aye	Trustee Calder	Nay
President Knutson	Aye		

Motion carried 4-3.

Trustee Zompa began the discussion explaining the intent of the proposal is to provide relief to tax payers that have been hit with multiple false alarm charges in 2014 and 2015. He asked the Board to consider the financial impact of limiting the number of false alarm charges. Zompa explained the different proposals and their potential impacts financially to the Village. He stated the purpose of the false alarm charges was to incentivize people to fix the problem, instead its punishing people for a bad contract signed by the Village.

Trustee Baumann asked what impact this would have on the current ordinance regarding false alarm charges. Attorney Blum stated if the Board were to act on the proposal to provide relief to individuals the ordinance would still remain in place.

Trustee Nauth stated she was advised by two attorneys to not discuss this topic due to pending litigation. She stated she would like for the Board to not discuss the topic.

Trustee Gergen stated she would like to clear up misinformation. She stated the Village is not trying to destroy anyone financially. She stated the Village is charged by the City and the Village has been trying very diligently to work with the City. Gergen stated she personally feels the charges are very high and need to be discussed. She stated that what the Village has been doing is not working but that the Village needs to be able to recoup the costs in some way. She stated she is open to alternatives.

Trustee Calder stated they are all in favor of lowering the false alarm fees. He stated by January 1<sup>st</sup> every time the wheels roll the Village will be charged more than \$8,200. He asked for everyone to take responsibility and maintain their alarms. Calder stated when there is a false alarm the tax payers are on the hook. He stated his desire for the City to give the Village some relief. He stated the Village can't continue to burden the rest of the taxpayers with the fees.

Trustee Zompa stated the only purpose of charging a fee is to incentivize residents to fix their alarms. He stated that the Village as a community has the responsibility to provide these services and the Village should not be hitting anyone with an \$8,402 false alarm charge. He stated no community in Wisconsin does this and the Village of Pewaukee should not stand out.

Trustee Baumann stated that many years ago the false alarm charge was not what it is now. The first one was free, the second was free and charges topped out at \$750. She stated the number of alarms went down with the higher fees. She stated the charges are outrageous. She stated that yes, it's a good service, but it was a lower cost and was more comparable to communities in the area. She stated the Village has no control over what they are charged.

Trustee Nauth gave clarification, stating the amount listed in the budget is an estimate of what the Village will be charged by the City. It is not money the Village keeps. She stated it is 1.5 to 2 times more than what other communities pay. Discussion followed.

Trustee Evert stated that regardless of what the Village decides to do, it will have to come up with money and he doesn't know where they will get it from.

Trustee Zompa stated that when the Village decided on the TIF district they found \$200,000, when the Village decided on a park, they found \$1,000,000. He stated the Village should take from the General Fund to provide some relief, then the Village need to fix the ordinance for the long term. Discussion followed.

Trustee Calder stated he would like for the City to consider giving the Village one freebie per address. He asked about the EMS charges. He stated the Village is opening a Pandora's Box. Discussion followed.

President Knutson stated he agrees with Trustee Calder in that the Village could be opening a Pandora's Box. He stated that he has noticed there are names no longer on the list for false alarms that had been on the list for multiple alarms in the past. Knutson stated if the Village provides relief to for current false alarm charges, citizens are going to want to know why their tax dollars are paying for it if the property owner is not fixing the problem. He stated the current ordinance is in effect until the end of the year. Discussion followed.

**Trustee Calder moved, seconded by Trustee Evert to write an ordinance for one free false alarm from the City of Pewaukee and then the Village will not charge for first false alarm and then the Village will determine fees moving forward from January 1, 2016.** Attorney Blum clarified this would be for one free alarm moving forward as of January 1, 2016. Discussion followed. Trustee Zompa stated the purpose is to give some immediate relief, the decision to fix the fees in the future or the contract is not the purpose of the agenda item. **Roll Call vote was taken:**

<b>Trustee Evert</b>	<b>Aye</b>	<b>Trustee Nauth</b>	<b>Aye</b>
<b>Trustee Gergen</b>	<b>Nay</b>	<b>Trustee Baumann</b>	<b>Nay</b>
<b>Trustee Zompa</b>	<b>Nay</b>	<b>Trustee Calder</b>	<b>Aye</b>
<b>President Knutson</b>	<b>Nay</b>		

**Motion failed 3-4.**

**Trustee Zompa moved, seconded by Trustee Baumann to approve proposed Option 2, capping the number of false alarms at 1 per calendar year, retroactive to January 1, 2014, with a \$74,712 impact to the Village.** Discussion followed. **Roll Call vote was taken:**

<b>Trustee Evert</b>	<b>Nay</b>	<b>Trustee Nauth</b>	<b>Nay</b>
<b>Trustee Gergen</b>	<b>Aye</b>	<b>Trustee Baumann</b>	<b>Aye</b>
<b>Trustee Zompa</b>	<b>Aye</b>	<b>Trustee Calder</b>	<b>Nay</b>
<b>President Knutson</b>	<b>Nay</b>		

**Motion failed 3-4.**

**Trustee Gergen moved, seconded by Trustee Zompa to approve proposed Option 1, capping the number of false alarms at 2 per calendar year, retroactive to January 1, 2014 with a \$45,032 financial impact to the Village.** Trustee Calder stated he would agree to it if the City would give the Village one free false alarm. Discussion followed. **Roll Call vote was taken:**

<b>Trustee Evert</b>	<b>Nay</b>	<b>Trustee Nauth</b>	<b>Nay</b>
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Trustee Gergen	Aye	Trustee Baumann	Aye
Trustee Zompa	Aye	Trustee Calder	Nay
President Knutson	Nay		

Motion failed 3-4.

***b. Remove from Table – Review and Adoption of Capital Funds Budget***

Trustee Calder moved, seconded by Trustee Baumann to remove agenda item 4.b. from the table. Motion carried 7-0.

Administrator Gosse stated there was a correction in the paragraph under analysis; the available capital funds from borrowed money in 2013 should read \$153,875 not \$153,375. He stated including the revenue of \$1,500 from special assessments it would bring the balance to \$155,375 available for the board to use for road projects. Discussion followed.

Trustee Nauth stated her desire to move up the LED conversion project in an effort to save money sooner. She stated the AFIS Fingerprinting system and the ALPERS for the Police Department are for efficiency. Nauth stated she feels we have sufficient funds to cover the costs. Discussion followed.

Trustee Zompa requested more information regarding the auto license plate reading system. Police Captain Iding stated it would allow an officer to read plates as they are driving through a parking lot, it would provide feedback without the officer manually entering information. Discussion followed.

Trustee Gergen asked if the auto license plate reading system would be one unit on one car.

President Knutson asked Police Captain Iding if the Police Department could wait a year and see if the costs are lower. Discussion followed.

Trustee Nauth inquired into the fingerprint system and how important it is for the Police Department. Police Captain Iding stated it would save the department a lot of time. Nauth asked Iding if this was the more important item of the two proposed capital purchases for the Police Department. Iding responded it was.

**Trustee Nauth moved, seconded by Trustee Evert to approve the capital funds budget with the road projects as presented in the amount of \$394,500, the LED street light conversion project as presented in the amount of \$34,000, and the AFIS fingerprinting system in an amount not to exceed \$22,000.**

Trustee Gergen stated her concern the AFIS fingerprinting system would be outdated in a few years as upgrades are made. Trustee Nauth stated the AFIS system has been around a number of years. Discussion followed. Trustee Zompa stated he is voting against this because he doesn't believe the Village can afford to keep spending money. **Roll Call vote was taken:**

Trustee Evert	Aye	Trustee Nauth	Aye
Trustee Gergen	Nay	Trustee Baumann	Nay
Trustee Zompa	Nay	Trustee Calder	Aye
President Knutson	Aye		

Motion carried 4-3.

***c. Review and Adoption of Cemetery Fund Budget***

Trustee Calder moved, seconded by Trustee Baumann to remove agenda item 4.c. from the table. Motion carried 7-0.

Administrator Gosse stated the cemetery budget includes the projected year end and proposed 2016 budget with the inclusion of \$35,000 towards the proposed columbarium project, if the Board decides to move forward with rebidding the project over the winter months. Gosse stated the Board may want to consider reviewing the costs of graves and internment fees as they no longer cover the general cost of maintenance, so those costs do not need to be covered by the General Fund. Discussion followed.

**Trustee Calder moved, seconded by Trustee Evert to approve the Cemetery Fund Budget as presented with the intention of reviewing the fee structure in the early part of 2016. Motion carried 7-0.**

***d. Review and Adoption of Laimon Family Lakeside Park Budget***

**Trustee Calder moved, seconded by Trustee Baumann to remove agenda item 4.d. from the table. Motion carried 7-0.**

Administrator Gosse stated the Board had asked for additional information for payment in lieu of taxes. He stated the assessed value number used to calculate that revenue had been received. Parks, Recreation & Community Services Director Woldanski stated \$5,768 was calculated into this budget; otherwise the information is same as previously presented. Trustee Calder asked if the Village would receive payment in lieu of taxes every year. Woldanski stated yes.

**Trustee Gergen moved, seconded by Trustee Evert to approve the Laimon Family Lakeside Park Budget as presented. Motion carried 5-2, with Trustee Baumann and Trustee Zompa voting nay.**

President Knutson asked for a five minute break, beginning at approximately 8:25 p.m. The Village Board reconvened at approximately 8:30 p.m.

***e. Request to Reconsider Prior Vote on Proposed Automobile Service Facility in Meadow Creek Market Planned Unit Development (“Trustee Gergen moved, seconded by Trustee Zompa to approve the proposed Automobile Services Facility in Meadow Creek Market Planned Unit Development as presented”)***

President Knutson stated Trustee Baumann requested to have this item on the agenda as she has reconsidered her original vote.

**Trustee Baumann moved, seconded by Trustee Zompa to Reconsider Prior Vote on a Proposed Automobile Service Facility in Meadow Creek Market Planned Unit Development. Roll Call vote was taken:**

<b>Trustee Evert</b>	<b>Nay</b>	<b>Trustee Nauth</b>	<b>Nay</b>
<b>Trustee Gergen</b>	<b>Aye</b>	<b>Trustee Baumann</b>	<b>Aye</b>
<b>Trustee Zompa</b>	<b>Aye</b>	<b>Trustee Calder</b>	<b>Aye</b>
<b>President Knutson</b>	<b>Aye</b>		

**Motion carried 5-2.**

Trustee Baumann stated she had spoken with current land owner, the developer, and the general public regarding the Elm Grove business location. Baumann stated she is not one to go back on a vote unless it's the right thing to do. She stated her previous vote was based on three main concerns. The first concern was if the land was developable, she learned that Jim Forester had been paying property taxes for the land as a developable lot. Her second concern was regarding the egress and ingress of the land and if it would be an issue in the future. She was informed there is a caveat allowing the Village Board

to make them fix any issues. Village Planner Censky stated the Conditional Use Grant allows this under the adverse impacts clause. Trustee Baumann stated her third concern was regarding traffic flow, she took time to inspect the area. Baumann stated taking all of the information into consideration she is now in support of the development.

Trustee Zompa stated he and President Knutson had the advantage of sitting in on the discussion at the Planning Commission meeting where it was originally presented. He stated it was a unanimous vote to approve the development.

Trustee Nauth stated the assessed value is not to be used for anything other than taxes. Nauth stated she would like to see if there will be adverse impacts on the water and sewer utilities. Trustee Zompa stated this was heavily addressed at the Planning Commission meeting.

Trustee Evert stated his concern that a monument style sign had been approved. Administrator Gosse stated the sign was compliant with the zoning code and did not require Planning Commission approval.

Trustee Calder stated he is not opposed to the carwash; he likes the Elm Grove location. Calder stated he does not feel the business fits the lot size and there are larger lots in the Village. He stated the original PUD from 1996 does not show anything on this site. Attorney Blum stated the Planning Commission was asked to give an interpretation of the PUD from 1996 and their decision is binding and cannot be challenged, the Village Board needs to abide by that interpretation. Discussion followed.

**Reconsideration of the original motion: “Trustee Gergen moved, seconded by Trustee Zompa to approve the proposed Automobile Services Facility in Meadow Creek Market Planned Unit Development as presented.” Roll Call vote was taken:**

Trustee Evert	Nay	Trustee Nauth	Nay
Trustee Gergen	Aye	Trustee Baumann	Aye
Trustee Zompa	Aye	Trustee Calder	Nay
President Knutson	Aye		

**Motion carried 4-3.**

***f. Request to Reconsider Prior Vote on Proposed Certified Survey Map to Create a 1.5169 Acre Parcel within the Meadow Creek Market Planned Unit Development (“Trustee Zompa moved, seconded by President Knutson to approve the proposed Certified Survey Map to Create a 1.5169 Acre Parcel within the Meadow Creek Market Planned Unit Development”)***

**Trustee Baumann moved, seconded by Trustee Zompa to Reconsider Prior Vote on Proposed Certified Survey Map to Create a 1.5169 Acre Parcel within the Meadow Creek Market Planned Unit Development.** Attorney Blum stated this is not about this particular development but that the Board approves the land split. It’s a technical decision based on if it meets the statutes for a Certified Survey Map. **Roll Call vote was taken:**

Trustee Evert	Nay	Trustee Nauth	Nay
Trustee Gergen	Aye	Trustee Baumann	Aye
Trustee Zompa	Aye	Trustee Calder	Nay
President Knutson	Aye		

**Motion carried 4-3.**

**Reconsideration of the original motion: “Trustee Zompa moved, seconded by President Knutson to approve the proposed Certified Survey Map to Create a 1.5169 Acre Parcel within the Meadow Creek Market Planned Unit Development as presented.” Roll Call vote was taken:**

Trustee Evert	Nay	Trustee Nauth	Nay
Trustee Gergen	Aye	Trustee Baumann	Aye
Trustee Zompa	Aye	Trustee Calder	Aye
President Knutson	Aye		

**Motion carried 5-2.**

**5. New Business**

***b. License Approvals and Vendor Permits***

*1. Operator Licenses – New*

**Trustee Calder moved, seconded by Trustee Zompa to approve the New Operator Licenses as presented to the following applicants:**

Scott Richter	Ryan Hendrickson	Richard Scheeler
Gordon Sloan (Agent – Loaf & Jug)		

**Motion carried 7-0.**

*2. Class “B” Beer & “Class C” Wine Liquor License – New*

**Trustee Zompa moved, seconded by Trustee Calder to approve the application for a Class “B” Beer and “Class C” Wine Liquor Licenses as presented for Loaf & Jug Restaurant. Motion carried 7-0.**

***c. Discussion and Direction regarding the following items Associated with the Laimon Family Lakeside Park***

- 1. Discussion of a method establishing a written policy to estimate the annual payment to the Village General Fund for lost property tax revenue on the Laimon Family Lakeside property*
- 2. Discussion of repayment of the \$331,000 Village park’s funds used for the purchase*
- 3. Discussion of allocation of funds towards equipment replacement program for Laimon Family Lakeside Park capital items*
- 4. Discussion regarding a first year review of the Laimon Family Park operations and budget during the months of June and September 2016*

Trustee Nauth began the discussion stating she had contacted the assessor to assist with the determination of lost property tax revenue from the property. She stated her understanding that the \$331,000 used to purchase the property was restricted funds for acquisition and the Village may not want to make a provision for repayment. Nauth stated the Village needs a schedule replacement of equipment. She stated a decision needs to be made regarding excess revenue in the future. Nauth would like to see something in writing. Discussion followed.

Parks, Recreation & Community Services Director Woldanski stated there would be an annual payment to the Village General Fund; the goal is to have something in writing. She stated the \$331,000 was from the park and open space fund, designed for obtaining park or open space, the Village would not want to refund it unless the Village intends to purchase more parks. Woldanski stated she has a list of all equipment, its life expectancy, and allocations to replace it.

Bob Rohde, a member of the Joint Park and Recreation Board, stated they have been very conservative with expected revenue and expenses and there have not been any surprises.

Parks, Recreation & Community Services Director Woldanski stated she has been tracking expenses and revenue in her office and with the Village Hall, she can provide this information as needed. Trustee Nauth stated she picked June and September as a starting point. Woldanski stated the June review would be good. She stated it would better to move the September review to November because slip rentals are due October 31<sup>st</sup>. Discussion followed.

Administrator Gosse stated the park and open space fund was used to acquire two properties. He stated there is a need to codify the use of revenue so in the future when none of the original members are present, someone can look back and see the intent. President Knutson asked if it could be restrictive. Gosse replied it could require supermajority or put it into ordinance form regarding what the funds could be used for. Trustee Nauth stated her concern that in 10-15 years people will not know what the intent was. She inquired if an ordinance or resolution would be better. Attorney Blum responded that an ordinance would be more permanent. Discussion followed.

Trustee Gergen stated the need for an ordinance but her desire to revisit the matter in June when the Village will have a better handle on how the park will operate.

Trustee Baumann stated her agreement with Trustee Nauth that an ordinance is needed; she does not want someone seeing this as a pot of gold to cover the budget.

Trustee Calder stated he would like to see an ordinance. Discussion followed.

Consensus was to revisit the matter in the early part of 2016.

***a. Discussion and Possible Action or Direction Regarding Process to Fill Village Clerk and Village Treasurer Positions along with a Deputy Clerk Position***

**Trustee Zompa moved, seconded by Trustee Baumann to defer agenda item 5.a. to the next Village Board meeting. Roll Call vote was taken:**

<b>Trustee Evert</b>	<b>Nay</b>	<b>Trustee Nauth</b>	<b>Nay</b>
<b>Trustee Gergen</b>	<b>Nay</b>	<b>Trustee Baumann</b>	<b>Aye</b>
<b>Trustee Zompa</b>	<b>Aye</b>	<b>Trustee Calder</b>	<b>Nay</b>
<b>President Knutson</b>	<b>Aye</b>		

**Motion failed 3-4.**

President Knutson began the discussion stating the Village Board has adopted a process to move forward with a Finance Director position. He stated Clerk, Treasurer, Finance Director, and Account Finance Clerk positions were approved for the Village Hall. He stated upon reviewing the Finance Director job description it does not state responsibilities for answering the phone or helping in the front. Knutson stated he would like to know how these positions will be filled and what the Board is going to do.

Trustee Calder stated the Village has qualified staff to step into the positions, they have done a good job, and the job descriptions will need to be tweaked.

Trustee Baumann asked Attorney Blum if the Village has to advertise for the positions if they have qualified staff to fill the newly created positions. Attorney Blum stated that no, the Village would not need to advertise the positions if they choose to promote from within. Discussion followed.

**Trustee Calder moved, seconded by Trustee Evert to appoint the current Interim Clerk-Treasurer to the created Clerk position and the Deputy Treasurer to the created Treasurer position.** Trustee Gergen stated most people feel that everyone should be cross trained, it is a small office and it needs to have people helping out. President Knutson stated in every audit it has been stated the Village Hall needs an additional person. Discussion followed. **Trustee Calder amended his motion, seconded by Trustee Evert to appoint the current Interim Clerk-Treasurer/Deputy Clerk to the created Clerk position and to appoint the current Deputy Treasurer to the created Treasurer position with compensation levels to be determined no later than the first meeting in January and the appointments contingent upon the Charter Ordinance going into effect on January 23, 2016. Motion carried 7-0.**

**6. Citizen Comments**

Carole Stamm – 130 West Wisconsin Avenue, Unit#1 – Ms. Stamm stated she is very disappointed the Village has decided not to give Pewaukee Shores their money back. She stated she is contact with her local representatives and working with Tax Commission Board. She stated her condo association has spent a lot of money to fix the problem. She stated her belief that the Village is the only community in the whole country to charge these kinds of fees.

**7. Closed Session** – *the Village Board of the Village of Pewaukee will move 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 regarding Village Administrator.*

**Trustee Evert moved, seconded by Trustee Baumann to convene into Closed Session at approximately 9:26 p.m. Motion carried by Roll Call vote, 7-0.** Present in closed session were the Village Board members and Attorney Blum.

**8. Reconvene into Open Session**

**Trustee Baumann moved, seconded by Trustee Evert to reconvene into Open Session at approximately 9:36 p.m. Motion carried by Roll Call vote, 7-0.**

**9. Adjournment**

**Trustee Baumann moved, seconded by Trustee Evert to adjourn the December 1, 2015 Village of Pewaukee Board meeting. Motion carried 7-0.**

**Meeting adjourned at approximately 9:37 p.m.**

Respectfully Submitted,

Chaz M. Schumacher  
Interim Clerk-Treasurer