

**VILLAGE OF PEWAUKEE  
Village Board Meeting  
July 5, 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 Heather Gergen, Trustee Cathy Baumann, Trustee Joe Zompa, Trustee Tom Calder, and President Jeff Knutson; Trustee Kevin Yonke was excused.

Also Present: Park, Rec, and Building Services Director, Kelley Woldanski; Park and Rec Chairperson, Bob Rohde; Village Attorney, Mark Blum; Village Administrator, Scott Gosse; Village Clerk, Chaz Schumacher.

**2. PUBLIC HEARINGS**

**None.**

**3. Approval of Minutes of Previous Meeting**

***a. Minutes of the Special Village Board Meeting – June 2, 2016***

**Trustee Zompa moved, seconded by Trustee Evert to approve the minutes as presented, motion failed due to lack of quorum with Trustee Baumann, Trustee Calder, and Trustee Gergen abstaining. Approval deferred to July 19, 2016 meeting.**

***b. Minutes of the Regular Village Board Meeting – June 21, 2016***

**Trustee Calder moved, seconded by Trustee Baumann to defer approval to the next Village Board meeting on July 19, 2016. Motion carried 6-0.**

**4. Citizen Comments**

Jim Grabowski – 128 Park Avenue – Mr. Grabowski stated he informed the Village Board of the logistical nightmare of banning trailer parking by the boat launch at the previous board meeting. He stated he is speaking out in opposition to the trailer parking ban because it shows the Village Board doesn't have the best interest of downtown businesses in mind.

Carole Stamm – 130 West Wisconsin Avenue, Unit #1 – Ms. Stamm stated that the previous day was one of the busiest days of the year and there was 1 car with a trailer parked in the area at 2 p.m. She stated the Village cannot tell them not to park there. She stated the Laimon parking lot is terrible with an exposed manhole that sits 2" above the surrounding area; there are cracks and crevices and she is scared someone will fall and get hurt. Ms. Stamm stated she lost a daughter and grandchild due to Flint, Michigan trying to save money by not salting the roads. She doesn't want to see the same thing happen with Smokey's. She stated if it's just patched, it's just a Band-Aid; if someone falls and dies, it's the Village's fault. She stated she hopes the Village Board takes her comments into consideration.

Charlie Shong – 116 Highland Avenue – Mr. Shong stated there is a large public parking lot for cars & trailers and it's easy to pull into. He stated there are people on Park and Lake but no one in the lot. He stated that signs at the launch might be easier than an ordinance, he stated he didn't know if residents were aware the parking lot was there. Mr. Shong stated in regards to the pedestrian bridge, he

understands the engineers are making a proposal to test abutments, he stated if that is the route then it is necessary to go as quickly as possible. He stated that there are offers of equipment use if needed by R.A. Smith. Mr. Shong stated he wants to keep the abutment issue moving forward. He understands there is another potential floodplain hydraulics study, there was one done by the MSOE students and he would ask that the Village use that one to save money.

John Laimon – 120 Park Avenue – Mr. Laimon expressed his concerns about the trailer parking proposal to ban parking on the weekends and holidays. He asked how the Village could put an individual into business and then take away their business. He stated in 31 years there has been 1 trailer complaint of parking, if this caused a problem, why is it blowing up now. Mr. Laimon expressed he hopes the Village Board will reconsider and know many businesses will be affected. He stated that when he was Village President it was scoffed at about hiring more PD to mark tires and go back an hour later to check for parking violations.

Ken Kreitlow – 129 Park Avenue – He stated everything is going great and that the trailer parking doesn't seem to be excessive. He stated for most people it's more convenient to park on the road but there is only a handful that do. He stated they do instruct and provide a map with additional areas to park. He stated in regards to the parking lot pavement, it does need attention and Kelley Woldanski with Park and Rec has been great helping with the park.

## 5. Resolutions

**a. Resolution No. 2016-04, A Resolution Recognizing the Service of Village Trustee Pat Nauth**  
Trustee Baumann moved, seconded by Trustee Gergen to approve Resolution No. 2016-04  
**Recognizing the Service of Village Trustee Pat Nauth. President Knutson asked that Clerk Schumacher read the Resolution for the Record:**

*“A Resolution Recognizing the Service of Village Trustee Pat Nauth; WHEREAS, Pat Nauth was elected as a Village Trustee from 2012-2016; and WHEREAS, Pat Nauth demonstrated dedication and commitment to the Village of Pewaukee through her leadership and service to the Village Board; and WHEREAS, during her term in office, Pat served on the Public Works and Safety Committee as a Trustee representative and as a Village representative on the Fire Advisory Committee in addition to her responsibilities as Village Trustee in an effort to provide a high quality of life for Village residents. Now, THEREFORE, BE IT RESOLVED by the Village Board and residents of the Village of Pewaukee, Waukesha County, Wisconsin, hereby extend their heartfelt appreciation for the dedication given to the Village of Pewaukee by Pat Nauth as a Village Trustee. Dated and approved this 5<sup>th</sup> day of July 2016.”*

**Motion carried 6-0.**

## 6. Ordinances

**a. Remove from Table – Ordinance No. 2016-11, Ordinance to Create Section 86.119.5(e) of the Village of Pewaukee Code of Ordinance Regarding Restricted Parking of Trailers During Certain Times in Specific Areas**

Trustee Calder moved, seconded by Trustee Zompa to remove Ordinance No. 2016-11 from the table.  
**Motion carried 6-0.**

Administrator Gosse stated the ordinance as requested by the Village Board lists official holidays along with weekends for the Village Board to consider.

**Trustee Zompa moved, seconded by Trustee Calder to deny Ordinance No. 2016-11, an Ordinance to Create Section 86.119.5(e) of the Village of Pewaukee Code of Ordinance Regarding Restricted Parking of Trailers during Certain Times in Specific Areas.** Trustee Zompa stated he feels an ordinance like this kills the lakefront community. Trustee Gergen stated her agreement with Trustee Zompa. Trustee Calder stated his concern that the ordinance isn't specific and just lists streets, Lake Street goes up to the Library. **Motion carried on Roll Call Vote, 6-0.**

## **7. Old Business**

### **a. Remove from Table – Discussion and Possible Action on Village Code of Ethics**

**Trustee Calder moved, seconded by Trustee Evert to remove item 7a from the table. Motion carried 6-0.**

Administrator Gosse stated this was originally on the agenda at the request of President Knutson and background information has been provided to the Board in the form of letters from Attorney Blum to President Knutson regarding the State ethics laws and a draft ordinance. Gosse staff is looking for direction from the Board.

Attorney Blum stated currently there are State Statutes concerning public officials' ethics and it is similar to what is being presented to the Board, however, having an additional ethics code would allow a board to oversee any concerns brought forth by the public, on the public's behalf for possible conflicts of interest. Blum stated this would not handle matters of civility. An additional policy, like the one for Green Bay, would have to be adopted and it would deal with public officials conduct during meetings and other situations.

Trustee Calder stated he shared a disclosure of economic interests as an example to include that he would ask that every elected and certain staff members to complete. Calder stated this would provide transparency and would be a good way to show if there is any conflict of interest on public record. He stated the City of Pewaukee has one as well as an Ethics Board. Calder stated this not just for big government, but especially for small government because of the closeness of the community.

Trustee Evert stated concern that all employees would be included in the economic interest disclosure. Attorney Blum stated the Board could make a change to limit and modify it.

Trustee Calder expressed concern that there were issues in the Police Department with conflicts of interest and holding other jobs. Trustee Zompa asked how this would interface with the Police Commission. Attorney Blum stated there is a separate section in the State Statutes that addresses protective services and possible conflicts of interest. Blum stated those complaints would be addressed by the Police Commission. Discussion followed.

Trustee Gergen stated that the ethics committee needs to be non-partial and consist of ethic professors or someone who has no interests in what they're deciding. Gergen asked if the information in the disclosure would be internal or public record. Attorney Blum stated there is personal information such as social security numbers or account numbers that is prohibited from being public.

Trustee Calder stated that as a public official you open yourself up. He stated the ethics board should consist of 3 residents appointed by the Village president and approved by the Village Board but to find someone with an ethics background would be difficult.

President Knutson stated he liked the material provided by Trustee Calder but he is concerned there is a lot of personal information even without the social security numbers or account numbers. Trustee Baumann stated it could be modified. Trustee Calder stated the Board could look at other options for the disclosure, and he isn't saying that all of it needs to be included but the Village needs something. Discussion followed.

President Knutson asked if the ethics committee would have the hearing in open session. Attorney Blum stated the deliberations could take place in closed session but that evidence would have to be heard in open session.

Trustee Zompa stated his support of the ethics board and ethics standards but stated his disapproval of the disclosure document and personal information requested that is found on forms like a W-2. President Knutson stated if other committee members were asked to complete it the Village would have an even harder time getting members. Discussion followed.

Trustee Gergen stated she would be interested in someone with an ethics background for the ethics board. Attorney Blum stated the board is usually residents that don't necessarily have an ethics background.

Trustee Evert stated he would like to move forward but he would like Attorney Blum to do more investigation about the disclosure. Attorney Blum stated the only piece the Board needs is if the disclosure will be required, if not, than the Board can move forward with the policy as is. President Knutson stated he would like Attorney Blum to look into what the County does with the disclosure and the information in it. Discussion followed.

**Trustee Calder moved, seconded by Trustee Baumann to defer item 7a to the first meeting in August to allow Attorney Blum to find more information, with the Village Board members communicating to Administrator Gosse what areas of the disclosure document they are not comfortable with. Motion carried 6-0.**

***b. Discussion and Possible Action on Pedestrian Bridge Design Option***

AND

***c. Discussion and Possible Action on Authorizing Preliminary Design Phase of R. A. Smith National Pewaukee River Pedestrian Bridge Agreement***

Administrator Gosse referenced the staff memo, stating Charlie Shong information stated the abutments did not move when compression testing was performed with a 100,000 lb. backhoe. Gosse stated that Tim Barbeau, the Village consulting engineer, indicated that while the testing is informative it is not sufficient enough for a structural engineer to certify the abutments for use in a pedestrian bridge and that hydraulic analysis is needed. Gosse stated that while MSOE performed their own hydraulic analysis with the existing abutments included, there is not enough information about how they were constructed and they don't appear in good repair. Gosse stated the DOR will need a hydraulic analysis completed and it costs approximately \$1,000 to perform one. He stated if the analysis determines there is no impact to the floodway then R.A. Smith will work with PSI to see what the abutments are constructed on and the soil tested, this will cost approximately \$20,000 and will provide the best information to the Village Board.

Trustee Zompa stated this is important, if the Board determines the existing abutments need to be removed it could cost the Village into the six-figure range, so to spend \$20,000 to see would be money well spent.

Trustee Gergen stated it would be money well spent for testing and asked if after the hydraulic analysis and soil testing the engineer would certify the abutments. Administrator Gosse stated it would depend on what was found and what fixes would be needed. Trustee Gergen asked if it was indicated if the tests would impact the existing abutments.

Trustee Evert stated it doesn't look like the Board is too interested in putting a bridge there, if the abutments are taken out then the Army Corps of Engineers will need to give approval for new abutments and it could cost millions. Trustee Zompa stated no, it costs an estimated \$250,000.

President Knutson stated that before the Board can decide on a design an engineer needs to sign off on the existing abutments. He stated the first step is the hydraulic analysis, if that works, then do the soil testing and then the process moves more quickly. He stated if the hydraulic analysis doesn't work then the Village won't spend the \$20,000 for the soil testing and cannot use the existing abutments. He stated the Board is being asked to approve spending the \$20,000 to test the abutments. He stated Administrator Gosse needs to determine if the testing will interfere or affect the abutments, if they are built on something that will last and will the engineer sign off on it; the Board needs to be told okay. Discussion followed.

Trustee Gergen moved to approve the hydraulic analysis if the student work cannot be used by R. A. Smith; if it's positive then the soil testing can be completed for a cost up to \$20,000. President Knutson asked that having the engineer sign off on it be added to the motion. Attorney Blum stated the Board cannot require that, they test and analyze what they think the bridge will support and stamp plans up to that limit, the bridge design would then be designed to those specifications. Trustee Evert asked for the Village consulting engineer, Tim Barbeau, to be present at the next Village Board meeting. Trustee Zompa stated this is a bigger project and the engineer needs to be present. Discussion followed.

Trustee Calder stated he is in favor doing the bridge and having it done right but the donor is losing patience. He stated there is no easement; it's a bridge to no-where without an easement. He is okay with \$1,000, but where is the \$20,000 coming from. Trustee Zompa stated the bridge is part of the TIF district. Discussion followed.

**Trustee Gergen moved to approve \$1,000 for the hydraulic analysis to determine if a bridge can be built within the constraints and if so then the Board authorizes the next step in the process and performing soil testing for an approximate \$20,000. Motion carried 6-0.**

## **8. New Business**

### ***a. Discussion and Update on Laimon Park Operations***

Bob Rohde, Chairperson for the Park and Recreation Board, stated it's been one year since the Village purchased the Laimon property and through the whole process Kelley Woldanski and her staff have worked hard to make it work. The park and business have been a great addition.

Park, Rec, and Building Services Director Woldanski gave a status update on Laimon Park. She stated that Beachside Boat & Bait did some nice alterations and has done a lot of good things. She stated they have boat rentals and other goods and services, and that they work closely with her and her staff, they

are like a partner and family at this point. Woldanski stated there has been cleanup work, a camera was added, there were a lot of things to do and it was good to get a year under their belt. She stated they will be working out how the pier works and marking it, also researching vendors for the lift process. Woldanski stated they have gotten a lot of compliments.

Bob Rohde stated there is a waiting list to get a slip rental.

Kelley Woldanski stated the official park dedication will take place on July 26<sup>th</sup>. She stated the bathroom does need to be upgraded and it's on the capital improvement plan. Woldanski stated she spoke with DPW Director White and repairing the parking lot is on the radar to fix. She gave an overview of the budget to date, stating the tenant's rent is additional revenue not included in the original budget.

Trustee Gergen gave her thanks to Kelley, Bob, and Marietta for the great job they have done.

Trustee Calder also thanked Kelley, Bob, and Marietta. He inquired into who owns the boats. Woldanski stated the tenant, Marietta does.

President Knutson thanked the tenants stating it looks beautiful, he gave his compliments to Kelley and Bob for their work.

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

***1. Operator Permits***

***i. New, Renewal, and Temporary Operator Permits***

**Trustee Evert moved, seconded by Trustee Zompa to approve the New Operator Permits as presented for the following applicants:**

<b>Sarah Durica</b>	<b>Cody Otto</b>	<b>Brittney Papador</b>
<b>Ryan Dunn</b>	<b>Stacy Thomas</b>	

**For the remainder of the July 1, 2016 to June 30, 2017 term. Motion carried 6-0.**

**Trustee Zompa moved, seconded by Trustee Evert to approve the Renewal Operator Permits as presented for the following applicants:**

<b>Angela Martin</b>	<b>Brittany Rich</b>	<b>Amanda Siodlarz</b>
<b>Megan Vasquez</b>	<b>Tammy Winkelman</b>	<b>Kali Robbins</b>
<b>Raquel Magdaleno</b>	<b>Beth Blanck</b>	<b>Nicole Lauer</b>
<b>Mariah Nelson</b>	<b>Sarah Toth-Lisowicz</b>	<b>Heidi Hodgson</b>
<b>Erin Chilson</b>	<b>Rebecca Sweet</b>	<b>Kristen Olsen</b>
<b>Stephanie Viergutz</b>	<b>Abby Kaepfel</b>	<b>Anastasia Luksich</b>
<b>Jennifer Wallace</b>	<b>Angela Kleinhaus</b>	<b>Dorothy Salazar</b>
<b>Adam Labs</b>	<b>Sandra Bishop</b>	

**For the remainder of the July 1, 2016 to June 30, 2017 term. Motion carried 6-0.**

***2. Food Vendor***

**Trustee Gergen moved, seconded by Trustee Evert to approve the Food Vendor Permit application as presented for Kona Ice Lake Country for the Pewaukee Baseball Tournament on July 23 -24, 2016. Motion carried 6-0.**

***3. Liquor License***

**Trustee Baumann moved, seconded by Trustee Zompa to approve the Renewal of a Class B Combination Liquor License as presented for Blue Bell Enterprises, DBA Lancer Catering, Agent Dorothy Salazar, for the remainder of the July 1, 2016 to June 30, 2017 license term. Motion carried 6-0.**

***c. Discussion and Possible Action on MS Bike Ride Special Event Permit Application***

Administrator Gosse stated this event is the same as in past years and is being recommended for approval with the given conditions.

**Trustee Baumann moved, seconded by Trustee Evert to approve the special event permit for the MS Bike Ride on Saturday, August 6, 2016 with the following conditions:**

- 1. Provision of Certificate of Insurance (one million dollars minimum coverage) and provision of a copy of the “additional insured” endorsement with each naming the Village of Pewaukee as an additional insured as the event may include temporary road closures. The proof of insurance is required 30 days prior to the event (already provided)**
- 2. Referencing that the basis of approval for this event is that the proceeds from the event benefit a regional population by providing funding for Multiple Sclerosis research.**
- 3. The National MS Society – Wisconsin Chapter shall be responsible for reimbursing the Village for event staffing costs related to this event with payment made within 30 days of invoicing.**

**Motion carried 6-0.**

***d. Discussion and Direction Regarding Possibility of Offering a Rebate of Planner Fees to New Businesses that Locate in the Village***

Trustee Gergen stated at a previous Board meeting there was discussion on attracting businesses to the Village. She stated brainstorming incentives to new businesses the Village could do a rebate of planner and engineer fees, but before putting too much into it, she wanted the Board’s input. She provided a handout with Plan Commission examples for applicants that were approved/not approved so the dollar amounts can be seen.

Trustee Calder stated it’s a great idea but what about businesses 3 years ago and businesses today would get waived. He stated he sees these as a cost of doing business, if they can’t afford the fees he has to question their business plan, and as much as they were told it may not fly, applicants still went through. He’s hesitant because of the need to treat everyone the same.

Trustee Evert stated if the Village is going to start doing this, where is the money going to come from, where it will start and stop, the Board already gave money back they shouldn’t have.

Trustee Gergen stated she is concerned because the Village needs to attract businesses. Trustee Calder stated they can have a consultation with Administrator Gosse and Planner Censky at no cost.

Administrator Gosse stated that when the applicant moves forward with the application then fees are charged for reimbursement for the application to go before the Plan Commission. Discussion followed.

Trustee Zompa stated Trustee Gergen should move forward with the idea to attract businesses, it’s a financial incentive, the money isn’t coming from empty storefronts, just expecting people to come isn’t working. He stated Positively Pewaukee and the Chamber of Commerce are trying, something coupled with a promotional program would be good.

Trustee Gergen stated letters were sent out to property owners of empty storefronts. Administrator Gosse stated meetings are scheduled with Meadowcreek Market and Larry Sheveland and they are working on reaching out to the property owner of Ashley Furniture.

Trustee Calder stated Positively Pewaukee and the Chamber have struggled to help Pewaukee, the Board hasn't heard from Positively Pewaukee and they are focused downtown, he would like continuity between the two groups, the Village needs a CDA. Trustee Gergen stated a CDA was brought to the Board.

Administrator Gosse stated the Village could do an economic incentive grant. Trustee Baumann asked about the façade grant. Trustee Calder asked what happened with the money from it. Administrator Gosse stated the money was used for Koepp Park as part of the Koepp Park development project. Gosse stated business owners could apply for the façade grant and it would be funded with the fund balance and the applicant would repay it over time. Discussion followed.

Trustee Gergen stated it seems the Board agrees something needs to be done; she suggested adding a page to the website with information regarding the façade loan program.

**9. Citizen Comments**

None

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 Deputy Clerk-Treasurer candidate; and pursuant to Wis. Statute Section 19.85(1)(e) for the purpose deliberating or negotiating the purchasing of public 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 move into Closed Session at approximately 8:50 p.m. Motion carried on a Roll Call vote, 6-0.**

**11. Reconvene Into Open Session**

**Trustee Baumann moved, seconded by Trustee Zompa to reconvene into Open Session at approximately 9:18 p.m. Motion carried on Roll Call vote, 6-0.**

**12. Action Out of Closed Session**

*a. Possible Action on an Offer of Employment for a Deputy Clerk-Treasurer candidate*

**Trustee Zompa moved, seconded by Trustee Baumann to approve hiring the chosen candidate with 2 week's vacation, with 2016 pro-rated for 1 week vacation, at an hourly rate of \$21.00. Trustee Baumann stated she would like the hourly rate to be \$20.50. Trustee Zompa amended the motion to reflect an hourly rate of \$20.50, Trustee Baumann seconded. Roll Call vote was taken:**

<b>Trustee Paul Evert</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>Nay</b>

**Motion failed 4-2.**

**13. Adjournment**

**Trustee Baumann moved, seconded by Trustee Zompa to adjourn the July 5, 2016 Village Board Meeting. Motion carried 6-0.**

**Meeting adjourned at approximately 9:21 p.m.**

Respectfully Submitted,

Chaz M. Schumacher  
Village Clerk