

**VILLAGE OF PEWAUKEE
VILLAGE BOARD MEETING
September 20, 2016**

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

President Knutson called the meeting to order at approximately 7:09 p.m. The Pledge of Allegiance was recited followed by a moment of silence.

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

Also Present: Village Attorney, Mark Blum; PD Chief, Tim Otto; PD Captain, Jay Iding; PD Lieutenant, Mark Garry; Pewaukee Library Director, Jennie Stoltz; Department of Public Works Director & Engineer, Dan Naze; Village Planner, Mary Censky; Village Administrator, Scott Gosse, Village Clerk, Chaz Schumacher.

2. PUBLIC HEARING

a. Ordinance No. 2016-13, Ordinance to Amend Section 40.131 of the Municipal Code of the Village of Pewaukee Regarding the Composition of the Zoning Board of Appeals

President Knutson closed the Public Hearing at approximately 7:11 p.m.

3. Approval of Minutes of Previous Meetings

a. Minutes of the Regular Village Board Meeting – September 6, 2016

Trustee Calder asked why a new copy of the minutes was handed out. Clerk Schumacher responded an addition was made to the last paragraph on page 1 reading, “Calder stated it would be good to know who owns Yonke Funeral Home.” Calder asked why the addition was made. President Knutson stated he requested the addition. Calder stated he would rather changes be done at the board meetings so everyone is aware of the changes.

Trustee Baumann moved, seconded by Trustee Gergen to approve the September 6, 2016 minutes with the presented changes. Motion carried 5-0.

4. Citizen Comments

Heather Mangold – Mangold Creative, 126 Main Street – Ms. Mangold stated her comments are in regards to Resolution No. 2016-05 which was discussed 2 weeks ago at the Village Board meeting and the Board wanted to wait until there was full board, but there isn’t a full board tonight. She stated this isn’t a banking program; it’s a program to attract businesses. She stated the Village has been accused of not being business friendly. Mangold stated they (Mangold Creative) have invested half a million dollars, she doesn’t want to dwell, but she can only afford to do one project this fall and it’s either the furnace or the landscaping. She asked the Board to approve Resolution No. 2016-05 but to waive under Section IV A “Any expense incurred prior to written notification of approval of loan” so she can proceed with the 2 projects she needs to complete this fall.

Robbyn Marcinkevic – 324 High Street – Ms. Marcinkevic stated her comments are about Ordinance 2016-15 regarding the no parking designation on High Street. She has a small driveway and no garage. She asked where the parking would end under the proposed ordinance. Marcinkevic stated she uses the street for parking when she has company.

Jeff Thorson – 320 High Street – Mr. Thorson stated he was just made aware of the no parking ordinance being considered, he would like more detail and to take a closer look at it and where they are limited to park.

Tim McManus – 340 High Street – Jim stated he would like more clarification and time to discuss it with his neighbors on the street.

5. Ordinances

a. Ordinance No. 2016-12, Ordinance to Create Chapter 28 of the Municipal Code of the Village of Pewaukee Relative to the Disclosure of Economic Interest

President Knutson stated that Trustee Yonke asked for this item to be deferred due to comments made in the minutes.

President Knutson moved, seconded by Trustee Baumann to table item 5.a until the next board meeting. Motion carried on Roll Call vote 3-2, Trustee Evert and Trustee Calder voting Nay.

b. Ordinance No. 2016-13, Ordinance to Amend Section 40.131 of the Municipal Code of the Village of Pewaukee Regarding the Composition of the Zoning Board of Appeals

Administrator Gosse stated there are challenges to hold Zoning Board of Appeals meetings. He stated the State Statutes allow for up to 2 alternates, the Village Code allows for 1 alternate. Gosse stated the Plan Commission considered it and approved the recommendation to the Village Board. He stated it's been a unique year with more meetings than usual and this would allow flexibility in order to have a quorum.

Trustee Baumann stated this appears to be unique to this board; there haven't been issues in the past. She stated she's okay with adding an alternate but if there are problems with the current board maybe other people need to be considered, but with people not interested that would be hard. She stated her concern for changing an ordinance because of something specific that could be changed. Administrator Gosse stated he doesn't know if it's disinterest or schedule conflicts. Baumann asked what the notification time is. Gosse stated 3-4 weeks.

Trustee Calder stated maybe look at who's serving on the board. He stated something should be put on the website, the website should be utilized. He asked if the Village Board should be asked to find someone who's willing to serve.

Trustee Evert stated he concurs with what has been said, it seems who's on the committee doesn't want to serve and they need to be told it's an important function. He doesn't know if 2 alternates will solve the problem.

Trustee Calder moved, seconded by Trustee Gergen to approve Ordinance No. 2016-13, an Ordinance to Amend Section 40.131 of the Municipal Code of the Village of Pewaukee Regarding the Composition of the Zoning Board of Appeals. President Knutson stated he does want the Board to know that a letter was sent the Zoning Board of Appeals members to see if there were any problems with being on the ZBA. He got 1 response back that a member didn't want to serve on the ZBA anymore, so the Village would be looking for 2 people to fill spots. Trustee Calder asked if something could be put on the website for people interested in serving on the ZBA and they would attend meetings as needed. Attorney Blum stated that staff does contact ZBA members but that in each instance people just don't show up. Trustee Baumann stated those members need to be replaced. **Motion carried 5-0.**

c. Ordinance No. 2016-14, Ordinance to Repeal and Recreate Chapter 70 of the Village of Pewaukee Code of Ordinances Regarding Signs

Village Planner Censky stated in 2015 the Supreme Court took a case on signage and the outcome established that moving forward laws for allowing signs based on content were not allowed. Communities are reviewing their codes and seeing permissions based on content. She stated staff refurbished the language so it serves the same purposes but any disparity on content is removed. She stated that in the Village's special event locations, an abundance of organizations not necessarily in the Village would be permitted to use those locations too. Censky stated additional signs are allowed during election periods plus 2 days. The content is not regulated but the number of signs and maximum size are limited to the number of voting items on the ballot.

Trustee Baumann asked if the number of election signs allowed are based on the number of items on the ballot, for a local race for trustees, would that be 1 item or 4 signs for 4 different people. Attorney Blum stated there would 3 trustee positions open, so 3 signs would be allowed, each position is an item.

Censky reviewed Section 70.115(b) stating that instead of building identification signs, it is now sign allocation for R-M and R-6, the content is not prescribed, only sign allocation. She reviewed changes in Section 70.115(c) stating that instead of subdivision signs, they are now referred to as contiguous project area signs and they are allowed a 40 square foot sign with offsets, etc. What it says is up to the applicant. Censky reiterated that the Village can no longer regulate the content, only the size and allocation. She reviewed Section 70.111(11) and that it covers miscellaneous signs in the residential areas such as rummage sale signs, for sale signs. The Plan Commission allowed for residential areas to have signs for not more than 12 cumulative days but not more than 4 consecutive days, less than 7 feet high and less than 6 square feet, with election signs being a bonus. Censky stated that what is on those signs is up to the property owner, so if they are allowed 4 signs than any 1 day counts towards the 12 allowed days, with signs marketing the property for sale starting when the property goes on the market and concluding when it is sold.

Trustee Gergen asked where the 12 days came from and what if a parent has a sign for their child, it seems ridiculous. Censky replied the 12 days was in the code as a way of controlling rummage sale signs. Gergen replied that 12 days seems short and restrictive and the Village should be supporting community pride. Censky stated the discussion came up at the Plan Commission level but the Village can't regulate content. She stated the signs we desire to see can be matched by signs you may not want to see the content on and that is where the duration came from.

Trustee Baumann stated her agreement with Trustee Gergen and that she understands things were out of control but this seems oppressive. She understands it's been cleaned up but she sees this to be heavy handed.

Trustee Calder stated he sees this as cleaning up the sign code.

Trustee Calder moved to approve Ordinance No. 2016-14, an Ordinance to Repeal and Recreate Chapter 70 of the Village of Pewaukee Code of Ordinances Regarding Signs. Attorney Blum stated the Village can regulate the location, lighting, and area but not the content. Blum stated you can't say one is okay and one is not okay, unfortunately that is what the law requires. Blum stated the only consideration is if there is substantial public purpose for doing so that is the least restrictive; and it is very rare that the Supreme Court agrees with local government. Trustee Evert stated he can see it's hard

to regulate and asked who's going to enforce all these ordinances. Someone would have to know the first and tenth day. **President Knutson seconded Trustee Calder's motion.** President Knutson stated his agreement with Trustee Calder and the rest of the Board, he stated that if a neighbor puts up something offensive you don't have the right to remove it but if it's the fifth day you can now. Trustee Gergen stated she would be supportive if the cumulative days were 20 or more, 12 seems restrictive. Trustee Baumann stated her agreement with the rest of the Board but also with Trustee Evert; she asked who is going to regulate, Administrator Gosse, the Police Department, who's going to pick up the signs. Censky stated that none of the signs or regulations has been changed in substance; the Village currently limits rummage and temporary signs. Discussion followed. **Roll Call vote taken:**

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

Motion failed 2-3.

President Knutson asked what the Board should do now. Attorney Blum stated the Board needs to provide direction on what to do because the Village needs to bring its ordinances in line with the court decision or the Village opens itself up to being sued for content restrictions. Blum asked what the Board finds okay.

Trustee Baumann stated the ordinance needs to come into compliance but wherever the number of days is considered, enforcement needs to be considered. Attorney Blum stated the ordinance says these are in compliance, zoning code matters are dealt with on a complaint basis. Staff doesn't log them but if they get a complaint about a rummage sale sign that has been up for 2 weeks than they can do something about it, unless there is money in the budget for a compliance person. President Knutson stated Administrator Gosse currently goes out and writes letters to properties violating the code. Baumann stated she doesn't have a problem with the size of signs; it's the number of days, that's non-enforceable. She stated the Village pays a good salary for someone to go and pull signs. She has a problem with restricting days, it needs to be realistic. Attorney Blum stated that members of the public express to the Police Department for example about someone selling 300 days out of the year with signs up, if we have complaints than we can enforce, if there is no restriction on the duration it is taking an important enforcement tool away. President Knutson asked if 20 days would good. Trustee Gergen stated she would like it to be 30 days and you can break down the 30 days however you want. Discussion followed.

Trustee Gergen moved to change Section 70.111 (11) from 4 days to shall not exceed 30 accumulative days and to also remove "Not more than 4 temporary signs may be displayed simultaneously on any one residentially zoned property." President Knutson asked for clarification. Gergen stated there can be 1 sign for 30 days or 10 different signs for 30 days, but not all at once. Attorney Blum asked how many would be allowed at once. Gergen stated 1. Blum asked if a property is for sale and has a sign but then also has a sign for a rummage sale, it would be prohibited. Gergen stated no. **Gergen amended the motion to only change to not exceed a 30 day accumulative period. Trustee Evert seconded the amended motion. Motion carried on Roll Call vote, 4-1, Trustee Baumann voting Nay.**

d. Ordinance No. 2016-15, Ordinance to Create Section 86.114(d) of the Village of Pewaukee Code of Ordinances Regarding No Parking Designation on High Street North of Capitol Drive

Trustee Calder moved, seconded by Trustee Baumann to have item 5.d reconsidered at the next Village Board meeting and that mailings are sent to property owners within 500 feet of the affected

properties. Trustee Gergen stated she would like more information about what's being proposed. Chief Otto stated that in that particular area when cars park on both sides, it makes it impassible by 2 cars on the curve. He stated the Public Works & Safety Committee approved the restriction going up to 340 High Street and it's for the safety of people and motorists going up and down the road. Trustee Baumann stated, to quote Bob Rhode, are we taking a sledge hammer to go after a fly. Baumann asked if when there is an event like Taste of Lake Country, can we post temporary no parking signs in that area. Otto stated they did that this year and then kept the signs up for 90 days, he has seen cars parked there and it isn't safe, and there is not a safe area of passage if two cars are parked. **Trustee Evert asked that the motion include a public hearing. Trustee Baumann asked for a friendly amendment to the motion, to have Chief Otto go up to the area in question and re-evaluate the situation. Motion carried 5-0.**

6. Resolutions

a. Resolution No. 2016-05, Resolution to Approve Façade Improvement Loan Application for Mangold Holdings LLC and Heather and Michael Mangold

Trustee Calder moved, seconded by Trustee Gergen to approve Resolution No. 2016-05, a Resolution to Approve Façade Improvement Loan Application for Mangold Holdings LLC and Heather and Michael Mangold. Trustee Calder said his only comment is that when borrowing public funds, he wants to know what is being done with the money borrowed; the Village is in a situation where they have to borrow money all the time too. Trustee Baumann stated her agreement with Calder; she asked if it would be for the full amount or the capped amount. Trustee stated to let it go with the amount listed in the resolution. Baumann asked if the money would be repaid into the fund balance or the façade loan. Administrator Gosse stated it would be repaid into the façade loan and into the fund balance if the Board wants it to. **Trustee Baumann asked to amend the motion to say the money will be paid back into the fund balance. Trustee Gergen asked to amend the motion to include the repayment amount of \$16,197.08. Motion carried 5-0.**

b. Resolution No. 2016-06, Resolution to Acknowledge and Accept the Van Horn Family and Friends Donation for the Pewaukee River Pedestrian Bridge Project

Clerk Schumacher read Resolution No. 2016-06 into the record, "a Resolution to Acknowledge and Accept the Van Horn Family and Friends Donation for the Pewaukee River Pedestrian Bridge Project.

WHEREAS, the Pete Van Horn Family and Friends have offered a donation of \$100,000 for the construction of a wooden covered bridge across the Pewaukee River as outlined in their offer letter dated February 17, 2016 (copy attached); and

WHEREAS, the Van Horn Family and Friends have reaffirmed their donation on September 6, 2016 (copy attached); and

WHEREAS, the Pewaukee River Partnership has offered to coordinate the efforts and perform the work necessary to move forward with the construction of the bridge to be constructed through the Van Horn Family's donation.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Village Board of the Village of Pewaukee that it hereby accepts and acknowledges the generous donation from the Van Horn Family and Friends for the Pewaukee River Pedestrian Bridge project.

BE IT FURTHER RESOLVED, that the Village Board extends its appreciation to the Van Horn Family for its civic philanthropy through the offer of this donation."

Trustee Calder moved, seconded by Trustee Evert to approve Resolution No. 2016-06, a Resolution to Acknowledge and Accept the Van Horn Family and Friends Donation for the Pewaukee River Pedestrian Bridge Project. Motion carried 5-0.

c. Resolution No. 2016-07, Resolution to Amend the Downtown Building Façade Renovation Loan Program Policy Guidelines

Administrator Gosse stated the Board requested to update the policy to cap the loan amount at \$15,000.

Trustee Baumann stated this loan has only been given out a couple of times and there was a time when 2 neighboring properties owned by the same person were given loans. She asked for the Board's thoughts on capping the number of times a person can take out a loan. Trustee Gergen stated if they do a great job and added beauty the Village, if someone takes out a loan, pays it back, and wants to take out another one, she would be okay with that, as long as it is paid back it's not a concern. Trustee Evert stated he thinks it's good but doesn't think they should get a loan every 2 years, if they pay back their loan and come back, that's a different case.

Attorney Blum asked that the Board consider adding into Section III "...within this policy, in the reasonable discretion of the Village Board, and only..."

Trustee Calder moved, seconded by Trustee Evert to approve Resolution No. 2016-07, a Resolution to Amend the Downtown Building Façade Renovation Loan Program Policy Guidelines with the addition of Attorney Blum's comments. Motion carried 5-0.

President Knutson asked for item 8.a to be heard first.

8. New Business

a. Discussion and Possible Action on Revaluation Agreement with Associated Appraisal Consultants, Inc.

Administrator Gosse stated Christopher Campbell and Dean Peters with Associated Appraisal are present to answer any questions the Board may have. Gosse stated the funds for the revaluation have been included in the draft budget.

President Knutson asked if property owners would be notified before Associated Appraisal came to the property and how is that person presented. Dean Peters stated there would be information for the website and letters to the individual property owners letting them know how they can identify staff members of the company. Peters stated he doesn't know the exact times they will be at each property but if they are not there the first time staff visits a hanger will be left on the door letting the owner's know to contact Associated Appraisal for a follow up.

Trustee Baumann asked if when property owners are notified if they are given a window of time like 10-4. Peters responded that they don't have phone numbers so they have to use the mailing address to contact property owners and they are contacted about 2 weeks prior to staff coming out to the area. Baumann asked if the process was counter-intuitive and how many people are actually home. Peters stated they do it this way because staff needs to be productive during the day and it allows them to get the exterior work done. Baumann asked if the Village is charged for each trip. Peters responded that the Village does not pay for gas or mileage, they pay the contracted amount. Discussion followed.

Trustee Calder moved, seconded by Trustee Evert to approve the Revaluation Agreement with Associated Appraisal as presented in the amount of \$167,800. Motion carried 5-0.

7. Old Business

a. Discussion/Direction Related to Preliminary Draft 2017 General Fund Budget and Draft Capital Plan

Trustee Calder asked if the next early session would be at the next meeting. President Knutson asked if 6:30 p.m. worked. Administrator Gosse stated yes and if the Board has questions before then to let him know. Calder asked if there was information about health insurance. Gosse stated that premiums in Waukesha County went down and the lowest cost plan changed also. Discussion followed. Calder asked if there were any preliminary fire numbers. Gosse stated he would contact the City of Pewaukee to see.

8. New Business

b. Discussion and Possible Action on Setting Date and Time for Trick or Treat

Trustee Evert moved, seconded by Trustee Calder to approve the Village of Pewaukee Trick or Treat for October 30, 2016 from 4 p.m. to 7 p.m. Motion carried 5-0.

c. License Approvals and Vendor Permits

i. Operator License – New and Renewals

Trustee Calder moved, seconded by Trustee Evert to approve New Operator Permits as presented for the remainder of the July 1, 2016-June 30, 2017 license term for the following applicants:

Angela Corona	Bradley Eynon	Lisa Cato	John Wardman
Deborah Enteminger	Breanna Beich		

Motion carried 5-0.

Trustee Baumann moved, seconded by Trustee Gergen to approve the renewal Operator Permit as presented for the remainder of the July 1, 2016-June 30, 2017 license term for Rebecca Van Aacken. Motion carried 5-0.

ii. Temporary Class “B” License

Trustee Calder moved, seconded by Trustee Evert to approve the Temporary Class “B” Retailer’s License as presented for Armed Forces Challenge for an Oktoberfest event hosted by VeloCity Cycling located at 203 West Wisconsin Avenue on October 1, 2016. Motion carried 5-0.

d. Discussion and Possible Action on Donation Agreement with Pewaukee River Partnership for Pewaukee River Pedestrian Bridge

Administrator Gosse stated the Board moved at the last meeting to turn over the bridge project to Pewaukee River Partnership. He has included a form used in the past to outline a donation agreement for a picnic shelter and it would be the same for the bridge.

Trustee Baumann moved, seconded by Trustee Gergen to approve the Donation Agreement with Pewaukee River Partnership for the Pewaukee River Pedestrian Bridge as presented. Motion carried 5-0.

e. Possible Action on Agreement with R.A. Smith National for Legal Description for Pedestrian Bridge/Path Easement

Administrator Gosse stated this is for surveying work and legal description for possible pedestrian path and would document the easement location. Trustee Calder asked if they would do a survey. Gosse stated yes and it’s used for other documents. Calder asked where the funds come from. Gosse stated the TIF fund.

Trustee Calder moved, seconded by Trustee Evert to approve the agreement as presented with R.A. Smith National for Legal Description for Pedestrian Bridge/Path Easement. Motion carried 4-1, Trustee Baumann voting Nay.

f. Monthly Approval of Checks and Invoices for all funds – August 2016

Trustee Evert moved, seconded by Trustee Calder to approve the August 2016 Treasurer’s Report in the amount of \$474,926.50. Motion carried 5-0.

g. Discussion and Possible Action on Establishing In-Person Absentee Voting Hours for the 2016 Presidential Election

Clerk Schumacher stated there was a change to laws regarding the election process and that municipalities can now choose when to hold their in-person absentee voting. She stated there have been a wide variety of choices in the County, with some municipalities opting for starting on September 26th and others choosing to stay with the 2 weeks prior and starting on October 24th. President Knutson asked what the preference is. Schumacher stated it is ultimately up to the Board but if they choose to do the 2 weeks prior to the election with absentee voting by appointment starting September 26th, it would be a reasonable choice and she’s comfortable with it.

Trustee Baumann moved, seconded by Trustee Calder to approve establishing the in-person absentee voting hours for the 2 weeks prior to the election and by appointment only before then. Motion carried 5-0.

9. Citizen Comments

Charlie Shong – 116 Highland – Mr. Shong thanked the Board on behalf of Pewaukee River Partnership, for moving forward with the project. He stated he sent a report and if the Board has any questions they can call him. He stated an effort was made regarding the easement and it was unsuccessful.

10. Close Session – *The Village Board of the Village of Pewaukee will enter into closed session 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 negotiation strategy regarding Fire/EMS Agreement.*

Trustee Evert moved, seconded by Trustee Baumann to move into Closed Session at approximately 9:00 p.m. Motion carried on Roll Call vote, 5-0.

President Knutson called a recess at approximately 9:01 p.m. Closed Session resumed at 9:05 p.m.

11. Reconvene Into Open Session

Trustee Evert moved, seconded by Trustee Baumann to reconvene into Open Session at approximately 9:08 p.m. Motion carried on Roll Call vote, 5-0.

12. Adjournment

Trustee Baumann moved, seconded by Trustee Evert to adjourn the September 20, 2016 Village Board Meeting. Motion carried 5-0.

Meeting adjourned at approximately 9:09 p.m.

Respectfully Submitted,

Chaz M. Schumacher
Village Clerk