

**VILLAGE OF PEWAUKEE
VILLAGE BOARD MEETING
September 6, 2016**

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

President Knutson called the meeting to order at approximately 7:01 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 and Engineer, Dan Naze; Village Administrator, Scott Gosse; Village Clerk, Chaz Schumacher.

2. Approval of Minutes of Previous Meetings

a. Minutes of the Regular Village Board Meeting – August 16, 2016

Trustee Calder stated the minutes stated the revaluation should be discussed at the next meeting but they are not on the agenda for tonight's meeting.

Trustee Calder moved, seconded by Trustee Gergen to approve the August 16, 2016 minutes as presented. Motion carried 4-0-1, Trustee Baumann abstained.

3. Citizen Comments

Carole Stamm – 130 West Wisconsin Avenue, Unit 1 – Ms. Stamm stated she had spoken with Brad Schulte regarding the quiet zone but that she doesn't want to get too involved. She stated she is in favor of quiet zones.

4. Ordinances

a. Ordinance No. 2016-12, Ordinance to Create Chapter 28 of the Municipal Code of the Village of Pewaukee To Establish a Code of Ethics

Administrator Gosse stated this is on the agenda to provide direction to Attorney Blum.

Trustee Gergen stated it has been mentioned several times that the board wanted this to be more of a set of guidelines. She stated she doesn't feel it should be voted on without a full board. She stated Trustee Zompa had stated at the previous meeting that it would be creating a barrier for future board and committee members. She stated there are 2 forms, one being extensive and one not and she prefers the Twin Lakes version that is not as extensive as the version from the City of Pewaukee.

Trustee Baumann stated her agreement with Trustee Gergen and that the Code of Ethics should be more of a set of guidelines. She would lean more towards using something like the Twin Lakes version of the statement of economic interest. She doesn't feel going more in depth is anyone's business.

Trustee Calder thanked staff for providing the City of Pewaukee's version of the statement of economic interest. He stated it's transparency that is needed in the Village and there are numerous other communities that do it. Calder stated it would be good to know who owns Yonke Funeral Home.

President Knutson stated his agreement with Trustee Baumann's and Trustee Gergen's comments. He stated the Twin Lakes version is more than enough information, he doesn't recall any issues with anyone on the board and their financial dealings or backdoor activities. Discussion followed.

Trustee Calder stated for the record that he is in favor of the Statement of Economic Interest like the City of Pewaukee has but without the inclusion of credit obligations. Trustee Baumann stated she would be okay with removing the creditors' information. Baumann asked about Trusts and why those are anyone's business, she would like that removed as well. Trustee Gergen stated she could see why the Trust information needs to be included as it could influence the person as a source of money. Discussion followed.

Trustee Gergen stated she is okay with the Statement of Economic Interest but she is not comfortable with the Board of Ethics as it's subjective and politically motivated. Discussion followed.

President Knutson stated for clarification that the Board wants to move forward with the Statement of Economic Interest without the creditor information but does not want to move forward with the Code of Ethics. Discussion followed.

Staff was directed to prepare a revised Statement of Economic Interest without the creditor information and have it available for the next Village Board meeting.

5. Resolutions

a. Resolution No. 2016-04, A Resolution Committing to Required Funding for the Pewaukee Public Library and Requesting Exemption from the 2016 Waukesha County Library Tax Levy for 2017 Purposes

Administrator Gosse stated the resolution is required by the County for exemption and the form for Bridges Library System. This would allocate no less than \$236,469 to the library for the 2017 budget using the average of the previous 3 years.

Trustee Calder moved, seconded by Trustee Gergen to approve Resolution No. 2016-04, Committing to Required Funding for the Pewaukee Public Library and Requesting Exemption from the 2016 Waukesha County Library Tax Levy for 2017 Purposes. Motion carried 5-0.

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

Administrator Gosse stated the application is for a façade loan and that the Plan Commission did approve enhancements already completed in 2015. The applicant is ready to move forward with landscaping and concrete parking lot and is seeking full funding at \$16,000. He stated this is consistent with what the Plan Commission approved.

Trustee Baumann stated she thought the maximum was \$15,000. Administrator Gosse stated it is but the Board can waive. Gosse stated it would have a maximum repayment plan of 10 years. Baumann asked where the money went from the downtown fund. Gosse stated it was used for improvements at Koepp Park.

Trustee Calder stated the applicants are asking for \$16,000 but the Village only has \$2,000. He thanked the property owners for the improvements made. He stated his concern that the Village will give more

money and become a lending business banker. Administrator Gosse stated the Village currently has one façade loan in repayment. Gosse stated it can be funded with fund balance and repaid within 10 years.

Trustee Gergen asked if there was money in the TIF. Administrator Gosse stated this property is not part of the project plan but is a part of the TIF district. Gergen asked if the project plan could be updated. Gosse stated it would involve bringing all the tax districts affected by the TIF together to change it.

Trustee Evert stated he is in favor of what has been done to the property so far and he wants to move forward with the \$16,000. Discussion followed.

Trustee Calder moved, seconded by Trustee Baumann to defer to the next Board meeting until a financial rundown is completed so the Board can know where finances are at and also to consider some type of capped amount and also to allow for a full board. President Knutson stated there will not be a full board at the next meeting. **Motion carried on a Roll Call vote, 5-0.**

6. Old Business

None.

7. New Business

a. Discussion and Possible Action on Oral Cancer Foundation Special Event Permit Application for Run/Walk for Oral Cancer Awareness on October 8, 2016

Administrator Gosse stated this is the second by time for this event; staff reviewed it and is recommending its approval with 3 conditions. The event organizer will be charged for the required PD officer in attendance.

Trustee Baumann moved, seconded by Trustee Gergen to approve the Special Event permit for the Oral Cancer Foundation's Run/Walk for Oral Cancer Awareness to take place on October 8, 2016 with the following conditions:

- 1. Provision of a Certificate of Insurance (1 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;**
- 2. Referencing that the basis of approval of this event is that the proceeds from the event benefit a regional population by providing funding and awareness for Oral Cancer research;**
- 3. The Oral Cancer Foundation shall be responsible for reimbursing the Village for event staffing costs related to this event with payment being made within 30 days of invoicing.**

Motion carried 5-0.

b. Discussion and Possible Action on Purchase of Sewer Utility Truck

DPW Director/Engineer Naze stated the specs were done by David White. The specs were presented to Badger Truck Center and to Lynch. He stated the service bodies are identical for both, the low bidder was Badger Truck at \$37,860 but that they had bid over Lynch's bid on the extended cab. He stated Badger Truck was willing to do the 2017 Super cab with a knapheide body at \$40,000 and that his recommendation for purchase.

Trustee Gergen moved, seconded by Trustee Calder to approve the purchase of a 2017 4x2 Ford F350 super cab with knapheide body from Badger Truck Center for an not to exceed cost of \$40,000. Motion carried 5-0.

c. License Approvals and Vendor Permits

1. Operator License – New and Renewals

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

Bailey Jensen Jennifer Pauloski McKenzie Wolff Ryan
Hendrickson

Motion carried 5-0.

Trustee Evert moved, seconded by Trustee Baumann to approve Renewal Operator Permits for the remainder of the July 1, 2016 to June 30, 2017 license term for Katherine Maas as presented. Motion carried 5-0.

2. Transient Merchant Permits

Trustee Gergen moved, seconded by Trustee Calder to approve Transient Merchant applications for the period of September 7, 2016 through November 6, 2016 (60 days) as presented for the following applicants:

Theo T. Maglio Zackary E. Davis Michael M. Garrity

Motion carried 5-0.

3. Premise License

Trustee Calder moved, seconded by Trustee Gergen to approve the premise license for coin operated machines as presented for Costco Wholesale, located at 443 Pewaukee Road, for the remainder of the July 1, 2016 to June 30, 2017. Motion carried 5-0.

d. Distribution of and Discussion/Direction Related to Preliminary Draft 2017 General Fund Budget Scheduling of 2017 Budget Workshops

Administrator Gosse stated the draft budget has preliminary numbers in because the City of Pewaukee has not commenced their budget workshops yet and does not have them scheduled until October. There are some numbers for Park & Recreation. He held the 2016 rates for the Fire/EMS portion but he doesn't know the numbers and he doesn't want to guess. Gosse stated the Chief Bierce did indicate that his department is looking at a 2.5% wage adjustment. He stated the health insurance numbers are down but the plan is also changing again. Gosse stated there will be more information about the health insurance in October and it will be shared with employees at that time.

Trustee Calder asked about scheduling workshops. Gosse stated in the past they have been done at 6 p.m. before Village Board meetings. Gosse stated he will be working with staff to determine what they are looking at for 3 year plans for capital projects and determining if the Village will need to borrow.

Staff was directed to schedule a workshop for the 6:30 p.m. prior to the regularly scheduled Village Board meeting on September 20th.

e. Discussion and Possible Direction and Acknowledgment of the Van Horn Donation for the Bridge Project

Trustee Calder asked that a formal letter be put together thanking Pete Van Horn for his donation towards the bridge project.

President Knutson asked if a resolution can be done and directed Staff to prepare one for the next meeting.

f. Discussion and Possible Action on Turning Over the Pedestrian Bridge Project to the Pewaukee River Partnership

Trustee Calder stated the bridge project has been talked about for years and the board just seems to be spinning its wheels on it. He suggested turning the project over to the Pewaukee River Partnership and let them move forward with it. Trustee Baumann stated her agreement with Trustee Calder.

Trustee Baumann moved, seconded by Trustee Evert to turn over the Pedestrian Bridge Project to the Pewaukee River Partnership. Trustee Calder stated that he believes the Board can agree that moving the project forward will provide access to downtown and this would help the stress on development downtown. President Knutson asked Attorney Blum if there was anything to add to insurance about liability. Attorney Blum stated the Village has coverage but how the Board decides to proceed would be a legislative action. Blum stated there still needs to be a seal of an architect or engineer and it's not clear if that's happening in this situation. He stated in his opinion the Board needs to ask if their satisfied they've done everything they can to ensure the project is safely being done. After reading Charlie Shong's memo, he stated he doesn't have any issues other than there being a stamped set of plans. Trustee Calder stated his concern for the process and procedures and that the project should have gone to the Plan Commission for approval. He stated there are issues with the easements, people are aware of what needs to be done and the Village can cooperate with Charlie Shong to move forward with the project. Administrator Gosse stated the Village is still in an agreement with R. A. Smith for the 2nd phase of the project and asked if the Board is looking to terminate the contract and turn everything over to Pewaukee River Partnership. Gosse stated the soil bearings were completed about 2 weeks ago and the consultant should be reviewing in the next few days. Gosse stated there is also an access problem. Trustee Gergen stated it's not that the Village doesn't want to work with Pewaukee River Partnership but the Village did enter into an agreement with R.A. Smith for them to check the abutments. Gergen stated the Village also needs to know where the bridge is going, it can't be a bridge to nowhere, the Village can't use the abutments if there are no easements, and the easements are needed. Trustee Evert stated the Village doesn't know how much longer the money will be there for the bridge. Discussion followed. Trustee Baumann asked if the Village could obtain the liability insurance for Pewaukee River Partnership. Attorney Blum stated it could not because it's a separate entity but that it could reimburse them. Discussion followed. President Knutson asked that the motion be amended to include that the cost of insurance be brought back to the Board and that the contract with R.A. Smith be cancelled. **Trustee Baumann amended her motion to include the termination of the contract with R.A. Smith and that proof of insurance be provided by Pewaukee River Partnership, Trustee Evert seconded the amendment. Motion carried 5-0.**

8. Citizen Comments

Carole Stamm – 130 West Wisconsin Avenue, Unit 1 – Ms. Stamm thanked the Village for taking care of Laimon Park so quickly.

Charlie Shong – 116 Highland – Thanked the Board for their vote of confidence. He stated he hopes to be scheduled with the Plan Commission shortly and that he would like to start discussions of easements with the property owners soon.

9. Closed 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; 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 the possible acquisition of easement rights along the Pewaukee River for a pedestrian bridge.

Trustee Evert moved, seconded by Trustee Baumann to move into Closed Session at approximately 8:19 p.m. Motion carried on Roll Call vote, 5-0.

President Knutson called a recess at approximately 8:20 p.m. Closed session resumed at 8:22 p.m.

10. Reconvene into Open Session

Trustee Calder moved, seconded by Trustee Evert to reconvene into Open Session at approximately 9:40 p.m. Motion carried on Roll Call vote, 5-0.

11. Adjournment

Trustee Baumann moved, seconded by Trustee Evert to adjourn the September 6, 2016 Village Board meeting. Motion carried 5-0.

Meeting adjourned at approximately 9:41 p.m.

Respectfully Submitted,

Chaz M. Schumacher
Village Clerk