

Minutes of the Regular Village Board of the Village of Pewaukee
Tuesday, February 7, 2012

Item 1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call. President Calder called the January 17, 2012 Village Board meeting to order at 7:00 pm. The Pledge of Allegiance was recited and a Moment of Silence was observed by all. Present were Trustees Zompa, Evert, Baumann, Ebling, Flowers, Laimon, and President Calder.

Also present were Administrator Gosse, Clerk Atherton, Sgt. Iding, Planner Mary Censky, and Village Attorney Blum.

Item 2.a. Public Hearing on Ordinance No. 2012-02. An Ordinance to Add *Animal Hospitals and Kennels* as a Conditional Use in the B-5 Zoning District. The public hearing opened at 7:02 pm. With no comments, President Calder closed the public hearing at 7:02 pm.

Item 2.b. Public Hearing on Ordinance No. 2012-03 to Amend the PUD at 169-175 Main Street for Construction of a Storage Shed and Modifications of the Approved Side Yard Fence Location. The public hearing opened at 7:03 pm. With no comments, the hearing closed at 7:04 pm.

Item 3. Approval of the Minutes of Previous Meeting.

- Trustee Evert asked to Clerk to correct the second to the motion to approve bartender's licenses. The Clerk will review the minutes and make that correction. Trustee Laimon moved, seconded by Evert to approve the minutes as corrected for the Regular Village Board meeting of January 17, 2012. Motion carried, 7-0.

Item 4. Citizen Comments. None.

Item 5. Ordinance No. 2012-02. An Ordinance to Amend Division 15 Article 6 Chapter 40 of the Municipal Code of the Village of Pewaukee Concerning Adding *Animal Hospitals and Kennels* as a Conditional Use in the B-5 Light Industrial District. Trustee Laimon moved, seconded by Ebling to read ordinance No. 2012-02 by title only. Motion carried by Roll Call Vote, 7-0. Trustee Laimon moved, seconded by Zompa to adopt ordinance No. 2012-02. After the motion Trustee Evert inquired how the animal hospital classification went into the B-5 zoning District. Administrator Gosse explained that it already was located in the B-1 district and it was included in the B-5 for continuity purposes. Trustee Baumann reported that the Plan Commission had unanimously recommended this item to the Village Board. A brief discussion followed regarding the possible use of the site as an animal hospital. Planner Censky commented that the applicant has no intention of vet services or an animal hospital use at this time. He is strictly asking for kennel use. In the future, the applicant would have to apply once again to add different types of services and amend the CUG. Trustees were assured that notifications were sent to the surrounding residences.

Applicant, Ben Nader, indicated that he has no plans for either vet services or an animal hospital. He reported that at night the dogs will be housed indoors, the kennel will operate 24/7 and on weekends he plans on caring for and exercising the dogs himself.

Motion carried by Roll Call Vote, 7-0.

Item 5.b. Ordinance No. 2012-03. An Ordinance to Amend the PUD at 169-175 Main Street for Construction of a Storage Shed and Modification of the Approved Side Yard Fence Location (Discussion Only). President Calder reported that this item was before the Village Board at the direction of the Plan Commission. The Plan Commission questioned whether the construction of the storage shed substantially changed the property, to which the Plan Commission agreed it did change the property. The Commission also noted that some items on the PUD had not been completed.

Discussion followed with Administrator Gosse reporting that no building permit had been obtained for the shed. Discussion continued regarding the side lots, required number of feet from the lot lines for construction and whether the Village had received any complaints to date regarding the shed. No complaints had been received.

Trustee Laimon commented that these are two good businesses for the Village and have utilized two “white elephant-type” buildings. Consideration should reflect the differences between homes and businesses. Trustee Evert is concerned about any access along the side of the buildings if a fire should occur. President Calder stated that he understands the need for additional storage, but is concerned that no building permit was obtained. He also has concerns related to the possibility of a fire. Trustee Evert questions what is the next item the owners will install on the site.

Attorney Blum clarified types of storage and further commented that the Fire Chief is satisfied with the shed location. Administrator Gosse commented that the item was on the agenda for discussion only and will return to the Plan Commission on February 9, 2012. If the Plan Commission wants to make a recommendation to the Village Board, it can do so and attach a list of conditions.

General discussion followed regarding the lack of complaints and comments being made during the public hearing. President Calder commented that rules for public safety must be followed. Trustee Zompa commented that no permit was “pulled” and the owners are now asking for forgiveness. Trustee Laimon maintains that the lack of obtaining a permit was not done intentionally. Discussion followed regarding the permitting process.

Attorney Blum explained the process from this point. He indicated that the item will be sent back to the Plan Commission for further review. President Calder asked that the notes pertaining to this discussion be available for the Commissioners.

Item 6. Resolution No. 2012-02. A Resolution Combining Wards for Election Purposes. Trustee Laimon moved, seconded by Evert to read Resolution No. 2012-02 by title only. Motion carried by, Roll Call Vote, 7-0. Trustee Evert moved, seconded by Zompa to adopt Resolution No. 2012-02. Motion carried by Roll Call Vote, 7-0.

Item 7. Continued Appointments to Boards, Committees and Commissions. President Calder recommended Bill Mertens as a member of the Public Works & Safety Committee. So moved by Trustee Laimon moved, seconded by Flowers. Motion carried by Roll Call Vote, 7-0.

Item 8.a. Discussion and Possible Action on Positively Pewaukee Special Event Permit Applications. President Calder asked that the applications be discussed and adopted separately.

- Trustee Laimon moved, seconded by Zompa to approve Waterfront Wednesday. Motion carried, 7-0
- Trustee Laimon moved, seconded by Zompa to approve July 27-28th, 2012 for Taste of Lake Country. A brief discussion followed regarding security during the event. Motion carried 7-0.
- Trustee Laimon moved, seconded by Zompa to approve Oktobertfest, scheduled for September 22, 2012. Motion carried, 7-0.
- Trustee Laimon moved, seconded by Zompa to approve Halloween Fun Fest scheduled for October 20, 2012. Positively Pewaukee Executive Director, Elaine Kroening commented when asked that the event is in its 15th year. Motion carried, 7-0.

Item 8.b. Monthly Approval of Checks and Invoices. (2nd meeting)

Purchase Orders. None.

Item 8.c. License Approvals and Vendor Permits. Trustee Laimon moved, seconded by Evert to approve the following **Bartender's Licenses:**

Teena Alanna Umbs	Tiffany L Weber	Katelyn J Beardslee
Alexandra E Bellini	Kyle J Becker	Juanita J Ausbon
Jessica M Stadler	Sandra A Bishop	Renee L Labenz
Ashley A Reinke	Megan M Getzin	Adam J Labs
Patricia A Wegner	Katherine M O'Rourke	Erica J Brandt
Jessica R Servais	Joshua M Kaplan	Jack J Birren

Motion carried, 7-0.

Item 8.d. Discussion and Possible Action on Antique & Classic Boat Show Special Event Application. Trustee Laimon moved, seconded by Zompa to approve the Special Event Application subject to conditions as listed on the January 31, 2012 Administrator's memo. After the motion Trustee Evert asked that the event coordinator try to keep the road open during the set-up procedures involving the use of a crane. Wil Vidal, applicant, commented that the crane use takes approximately ½ hour and staff controls traffic during that time. Motion carried, 7-0.

Item 8.e. Discussion and Possible Action on Special Event Permit Application for Pewaukee Triathlon. Trustee Laimon moved, seconded by Zompa to approve the Pewaukee Triathlon Special Event Application. After the motion Trustee Laimon questioned the reasoning behind Item #9, capping the number of participants, when in the past, there have not been any complaints with the 1,300 cap. Administrator Gosse explained that staff has the opportunity to evaluate and comment on each Special Event Application. At the staff level concerns were expressed that it is not necessarily the number of participants that attend, but the number of family members and spectators that attend increase the congestion in the downtown area. The increased numbers necessitate the need for an additional ambulance as well as providing security for the crowds.

President Calder reminded all present that he had requested financial reports from the organizer as well as a list on financial contributions that had been made to organizations within the Village. None had been received. He also reminded all present that room tax money has been used in the past to support this event.

Trustee Baumann is concerned that the date of the triathlon has been scheduled for the weekend after the mid-week July 4th event. She does not want to see the downtown area “closed” for consecutive events. Administrator Gosse reported that the Park & Rec. Department are confident that the lakefront and Village Park will be prepared for the triathlon after the July 4th holiday. Trustee Baumann is not concerned whether the parks are ready, but is concerned for the residents. She also would like to see the financial benefits to downtown businesses for this event.

Trustee Laimon commented that this is a family event and it designates the Village as a tourist spot. He questions whether the Village is going to restrict events that may interfere with local businesses for a short duration. Trustee Evert commented that many people come into the Village but they do not spend any money. That doesn't help the local businesses. The PD and FD need to coordinate their staffing needs and ambo staging areas.

Trustee Zompa questions the difference between 1,200 and 1,300 participants. Administrator Gosse repeated that it is not the number of participants but the increased number of spectators that arrive with the participants in the downtown area that also have to be considered. Discussion followed regarding a previous incident at this event. Trustee Laimon commented that one day does not make or break a downtown business and that residual effects cannot be measured. No government should have the ability to restrict participants.

President Calder is concerned with multiple days of road closures and the amount of money coming back into the community. He would also like to see other promoters come forward for this event. He asked again that the past 5 years of the event's financials be submitted to the Village Board. Attorney Blum cautioned President Calder on this request. Requests such as this would only be needed if the event was unable to pay its bills from past events.

Trustee Laimon commented that the Village purchased a vacant lot to provide additional parking for events of this size. Additional participants will not substantially increase the crowds. Trustee Flowers commented that there is no hard data on spending in the Village regarding the triathlon. The Village receives media attention with the event. He further commented that he lives in the bike trail portion of the event and works it out the day of the event.

Trustee Laimon amended his motion to include approval of the event with participants capped at 1,300, seconded by Zompa. Motion carried by Roll Call Vote, 4-3, with Evert, Baumann and Calder voting nay.

Item 8.f. Discussion and Possible Action on Approving Water Utility Items for Public Auction. Trustee Laimon moved, seconded by Evert to approve the Water Utility items for auction as presented. Motion carried, 7-0.

Item 9 Citizen Comments. None.

President Calder called for a recess at 7:55 pm. The meeting resumed at 8:00 pm.

Item 10. Closed Session. The Village Board of the Village of Pewaukee will move into closed session pursuant to WI State Statute 19.85 (1)(e) to deliberate or negotiate the purchase of public property, the investing of public funds or conducting other specific public business whenever competitive or bargaining reasons require a closed session, specifically regarding LAW negotiations. The Board will return to open session.

Trustee Laimon moved, seconded by Ebling to move into closed session. Motion carried by Roll Call Vote, 7-0. Closed session began at 8pm. Let the record show that Trustee Baumann excused herself for this item citing her relationship with a LAW member. Trustee Laimon moved, seconded by Ebling to return to open session. Motion carried by Roll Call Vote, 6-0. Open session resumed at 8:17 pm.

Item 11. Discussion and Possible Action on 1-year Collective Bargaining Agreement with LAW. Trustee Laimon moved, seconded by Evert to approve a .5% per hour wage increase for LAW members as well as a \$500.00 one-time bonus. Motion carried by Roll Call Vote, 6-0.

Item 12. Adjournment. Trustee Zompa moved, seconded by Evert to adjourn. Motion carried, 6-0. Meeting adjourned at 8:18 pm.

Respectfully submitted,
Susan Atherton, CMC, WCMC
Village Clerk Treasurer