



## **Public Works and Safety Committee Meeting Agenda**

March 2, 2021 – 5:30 p.m.

Meeting Available on Zoom.us at the following meeting number:

<https://us02web.zoom.us/j/86268382745>

Dial in: 312-626-6799 Meeting ID: 862 6838 2745

1. Call to Order
2. Approval of Minutes of December 1, 2020 meeting
3. Citizen Comments
4. Old Business
  - a. Discussion and Action on Request for Utility Bill Reduction, Jack Goldberg representing Taco Bell, 1355 Capitol Dr.
5. New Business
  - a. Presentation on City of Pewaukee Northwest Sanitary Sewer Study
  - b. Discussion and Recommendation to the Village Board Regarding Requested Amendment to Section 78.118 of the Municipal Code Regarding Snow and Ice Removal.
  - c. Review and discussion on Kueny Architects Space Needs Assessment and Master Plan
6. Adjournment

Note: It is possible that members and/or possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; action will not be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in the notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request such assistance, contact the Village Clerk at 262-691-5660.

**Village of Pewaukee  
Public Works and Safety Committee Meeting Minutes  
December 1, 2020**

Zoom Meeting called to order by Hill at approximately 5:30 pm.

Members present: Ed Hill, Mark Grabowski, Laurin Miller, Art Compton.

Members absent: Kevin Yonke, Casey Smith and Wayne Vaughn

Also Present: Director of Public Works Naze, Treasurer Kay Yang and Clerk Smith

Agenda Item 2 – Minutes of August 4, 2020 meeting

**Grabowski moved, seconded by Compton to approve Minutes of the August 4, 2020 Public Works and Safety Committee as presented.**

**Motion passed 4-0.**

Agenda Item 3 – Citizen Comments

**Sumit Pathak @ 716 Stepping Stone** – Mr. Pathak stated that he installed an irrigation system for his lawn and he was not aware of the deduct meter option, he is looking for a credit on his utility bill as the water didn't go down the sewer.

**Van Donkersgoed – Representing Taco Bell** – Mr. Donkersgoed stated that he is here to discuss the water bill for Taco Bell in agenda item 5a. The water meter was changed at the facility on February 3, 2020 and the bill after that was in line with the previous amounts but the bill after was inflated by over 600%. The Taco Bell facility maintenance employees have reviewed and inspected the property numerous times and have found no leaks or problems. He knows the transmitter was removed and tested but the meter itself was not tested. The high usage is not explainable; the customer has paid the bill.

**Jack Goldberg of Deerfield, IL** – Mr. Goldberg is the CFO of the Albor Company and when the bill was received it caught his team by surprise and the technicians were sent out to look at the problem as the usage is out of the norm of the other stores; even stores that have two times the volume. He expressed that he would like the issue to be looked into further.

Agenda Item 4 – Old Business

**a. Discussion and Possible Action Regarding Stop Signs on Oakton Avenue**

Director Naze stated this is back from a previous meeting. A traffic engineer looked at the intersection and his recommendation were to continue the operations as is until it is perceived or documented that the conditions have worsened therefore Naze recommended to not do anything regarding this item. The commission's consensus was to let the issue die and bring back if needed at a later date.

Agenda Item 5 - New Business

**a. Discussion and Action on Request for Utility Bill Reduction, Jack Goldberg representing Taco Bell, 1355 Capitol Dr.**

Director Naze stated that the second quarter water usage was 836,972 gallons which was after the meter was replaced in February. The ERT provides the signal which provides the reads as the meter rotates. The ERT was tested and no issues were found and no additional information was reported either. The meter was not changed. If a meter goes bad, it will under report not over report the usage due to the sediment that gets built up inside the unit. Compton stated that the meter would have been leaking at approximately six gallons per minute which sounds like a lot but with the size of the pipe it is possible. In 24 years, he has never seen a bad meter but he did ask why only the ERT was tested. Naze stated that was the direction given by Midwest Meter. Discussion followed on different scenarios and testing that could be completed.

**Grabowski moved, seconded by Compton to defer this item and follow up at a future meeting with additional information such as the December 2020 read, investigate the meter and ERT and perform a final test.**

**Village of Pewaukee  
Public Works and Safety Committee Meeting Minutes  
December 1, 2020**

**Motion passed unanimously roll call vote.**

**b. Discussion and Action on Request for Utility Bill Reduction, Resident Sumit Pathak  
716 Stepping Stone Way.**

Director Naze responded to Trustee Hill stating that in the past if a resident installed an irrigation system the Committee would provide a credit towards the sewer portion of bill but not water as the water was used. Historical use was used for the basis of the credit. The consensus of the Committee was to credit the sewer portion over the last three third quarter usage.

**Grabowski moved, seconded by Miller to credit the sewer portion of the bill for the past three third quarters of 17,849 gallons which equals \$652.99.**

**Motion passed unanimously roll call vote.**

**c. Pavement Rating Update**

Director Naze stated that each year a mileage certification from the DOT needs to be updated with the reconstruction and maintenance completed on each road. In 2020 two streets were reconstructed and roughly two subdivisions were crack sealed. Naze explained the WISLR map included and stated that roads that are rated a 6 may be able to be rehabbed but a 5 would be too far gone. Ratings 4 and under are way too far past rehab. The commission discussed alleys and Naze stated the only alley classified as a street and rated is Savoy Court. Naze stated that a mill and pave for Willow Grove and Meadowcreek Drive is proposed for 2021.

Agenda Item 6 – Adjournment

**Grabowski moved, seconded by Miller to adjourn the meeting at 6:35 p.m.**

**Motion passed unanimously roll call vote.**

Respectfully Submitted,  
Casandra Smith  
Village Clerk



**PUBLIC WORKS DEPARTMENT**  
**1000 Hickory Street**  
**Pewaukee, WI 53072**

# Memo

To: Public Works and Safety Committee Members  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: February 24, 2021  
Re: Old Business, Utility Bill Credit Request, 1355 Capitol Drive.

This item was discussed at the December meeting, an updated request from the applicant is attached.

Recommendation: None



February 3, 2021

Mr. Dan Naze  
Village of Pewaukee  
Public Works and Safety Committee  
235 Hickory Street  
Pewaukee, Wisconsin 53072

RE: Pewaukee Water Service  
1355 Capitol Drive  
Account # 002-1460-00

Dear Mr. Naze,

I am writing to formally request attendance at the upcoming virtual committee meeting March 2<sup>nd</sup>, 2021. My hope is to finally resolve the excessive water billing issue that took place at our store last summer.

The water usage on our latest water bill (period ending 12/3/20) demonstrates usage is back to "normal." The Village's investigation, and our own investigation, uncovered no explanation for the extraordinary meter readings from the summer, other than the discrepancy with the ERT as noted below. One of the board member's said it best during the last meeting (paraphrasing): "though its possible to use that amount of water, if you tried, it would be very hard to reach (over 800,000 gallons) those levels of usage, without having all the fixtures on and left on for the 90 days."

The only variable that changed during the period in question is the ERT. The ERT readings jumped 400% during the 90-day cycle compared to the average usage over the previous several years. It is our position the ERT or another part of the meter must have been defective. A plumber independently confirmed the store's water system has no leaks. Moreover, when the ERT was swapped out for a new one (which occurred on July 10, 2020), the usage numbers returned to normal. The Village has provided no clear evidence to demonstrate the ERT was not defective. Unfortunately we have been told that there is no way to test the prior device.

Enclosed is a worksheet of our recommended reconciliation of this matter. I am using the latest rates and assumptions on usage. We believe based on the totality of the evidence, the most logical conclusion is our usage should be in line with the historical average, not the astronomical numbers produced by defective devices. Therefore, we respectfully request the board adjust our water bill pursuant to the enclosed reconciliation.







**TACO BELL™**

Please confirm acceptance of my request to join the meeting. I am also willing to work from the suggested reconciliation and work towards a mutually acceptable resolution, thereby saving committee time.

Thank you for your understanding and assistance in resolving this matter.

Albor Restaurant Group, LLC  
A franchisee of Taco Bell

A handwritten signature in blue ink, appearing to read "JAG".

Jack H. Goldberg  
Chief Financial Officer

cc: Van Donkersgoed, Esq. (*via EMAIL*)

ALBOR RESTAURANT GROUP, LLC  
 PEWAUKEE TACO BELL  
 1355 CAPITAL DRIVE

WATER ANALYSIS & SUGGESTED RECONCILIATION

Store #	2020		Bill Amount	/ Day	Gallons used from Bill	Gallons used per Day
	From	To				
PROPERTY HISTORY						
31995	12/9/2020	?				
	9/18/2020	12/9/2020	710.01	8.66	63,788	777.90
	6/3/2020	9/18/2020	3,940.59	36.83	457,761	4,278.14
	3/3/2020	6/3/2020	7,050.12	76.63	836,972	9,097.52
	12/3/2019	3/3/2020	1,007.73	11.07	100,095	1,099.95
	9/4/2019	12/3/2019	1,040.55	11.56	104,098	1,156.64
	6/3/2019	9/4/2019	959.12	10.31	94,168	1,012.56
	3/4/2019	6/3/2019	1,004.21	11.04	99,665	1,095.22
	12/3/2018	3/4/2019	1,020.65	11.22	101,671	1,117.26
	9/5/2018	12/3/2018	957.22	10.76	94,967	1,067.04
	6/4/2018	9/5/2018	1,063.22	11.43	107,906	1,160.28

SIGNIFICANT DATES:  
 2/11/2020 METER CHANGED  
 7/9/2020 ERT WAS CHANGED

PROPERTY SUGGESTED RESOLUTION

	Avg Usage over past 2+ yrs	
6/3/2020	9/18/2020	107
3/3/2020	6/3/2020	92

Assume Avg of 95,000 Gal of usage each cycle of 90 days  
 sewer charged at appr. .00604, per gallon 1,255.98  
 water charged at appr 0.0028, per gallon 582.24  
 flat public fire charge of \$79 (2 months) 158.00  
 flat stormwater charge \$63.45 (2 months) 126.90  
 Amount that should have been billed \$ 2,123.13

Amount billed and paid for 2 inaccurate billed cycles \$ 11,202.21  
 (includes past due charges, charged while we tried to communicate with the Village)

REFUND OWED TO ALBOR RESTAURANT GROUP, LLC \$ 9,079.08



From: Account Nbr: 002-1460-00 Route/Seq Nbr: Pressure Zone Cd:  
Thru: 002-1460-00

Account Nbr: 002-1460-00 Customer Name: TACO BELL  
Service Address: 1355 CAPITOL DRIVE  
PSC Classification: Commercial

Meter Nbr: 190928921 Rate Type: 1" ( 70) Install Date: 7/19/2011  
Route/Seq Nbr: 13-0678 Location: Pressure Zone Cd: 00  
ROM Serial Nbr: ROM Install Date:  
Register ID: 87738209

Utilities: SEWER WATER  
Memos: 1st: PURCHASED 2020 \$183.00  
2nd:  
3rd:

<u>Read Date</u>	<u>Reading</u>	<u>Consumption</u>	<u>Comment</u>
12/09/2020	174666	63788	Remote Reading
9/18/2020	110878	110878	MANUAL READ
7/09/2020	0	0	NEW ERT/ERT CHG
7/09/2020	5432850	346883	MANUAL READ
6/03/2020	5085967	836972	Remote/LK CODE
3/03/2020	4248995	23765	Remote Reading
2/11/2020	4225230	0	NEW METER
2/11/2020	4225230	76330	METER CHANGE
12/03/2019	4148900	104098	Remote Reading
9/04/2019	4044802	94168	Remote Reading
6/03/2019	3950634	99665	Remote Reading
3/04/2019	3850969	101671	Remote Reading
12/03/2018	3749298	94967	Remote Reading
9/05/2018	3654331	107906	Remote Reading
6/04/2018	3546425	92925	Remote Reading
3/06/2018	3453500	87808	Remote Reading
12/04/2017	3365692	90373	Remote Reading
9/01/2017	3275319	91466	Remote Reading
6/01/2017	3183853	84456	Remote Reading
3/07/2017	3099397	94325	Remote Reading
12/01/2016	3005072	93529	Remote Reading
9/06/2016	2911543	129936	Remote Reading
6/01/2016	2781607	92334	Remote Reading
3/03/2016	2689273	90936	Remote Reading
12/02/2015	2598337	88619	Remote Reading
9/01/2015	2509718	96863	Remote Reading
6/03/2015	2412855	95175	Remote Reading
3/04/2015	2317680	101996	Remote Reading

2/09/2021 10:51 AM  
UTIL

Meter Information - Full Report  
All Accounts/All Meters - By Meter Nbr

Page: 2

From: Account Nbr: 002-1460-00 Route/Seq Nbr: Pressure Zone Cd:  
Thru: 002-1460-00

---

SEWER

Commercial

1" ( 70) 1

=====

Commercial Meter Count 1

=====

SEWER Meter Count 1

WATER

Commercial

1" ( 70) 1

=====

Commercial Meter Count 1

=====

WATER Meter Count 1

=====

Total Meter Count 2



**PUBLIC WORKS DEPARTMENT**  
**1000 Hickory Street**  
**Pewaukee, WI 53072**

## Memo

To: Public Works and Safety Committee Members  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: February 24, 2021  
Re: Review of Results of Sanitary Sewer Study with the City of Pewaukee.

Consultant Ruckert Mielke was retained by the Village during August of 2020 to perform an evaluation of the possible future flow contribution of the northwest sanitary sewer area of the City of Pewaukee. This evaluation was conducted as part of the analysis to determine the engineering requirements for the replacement or removal of the Village Kopmeier lift station, and with that, future potential flows from the City that are routed through the Village at current or future entry points and the impact to Village infrastructure.

Mark Van Weelden from R-M will present the results of the sewer monitoring, the analysis findings, and the recommendations of the report. Once City staff provide their comment and the report is finalized, the next steps would be discussion, agreement, and coordination with the City on new or revised Intergovernmental Agreements, allocation of engineering and construction costs, and a proposed construction timeline meeting the planning and budget abilities of both communities.

Recommendation:

None at this time, informational only.



PUBLIC WORKS DEPARTMENT  
1000 Hickory Street  
Pewaukee, WI 53072

## Memo

To: Public Works and Safety Committee Members  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: July 30, 2020  
Re: Discussion of Proposed Sanitary Sewer Study with the City of Pewaukee.

I continue to have discussions with the City regarding the replacement and design of the Kopmeier Lift Station, a project that was scheduled for 2020. At present we are investigating the possibility of a gravity sewer relay in Kopmeier Drive flowing to the City lift station.

A component of these discussions for the City was the long term planning and ability to provide sanitary sewer service to the area of the City North of Highway 16. We requested a proposal from Ruckert Mielke Engineers to study the relevant sanitary pipes within the Village, including placing three flow meters to evaluate actual flows and the volume of inflow and infiltration occurring during wet weather.

The cost of the study would be split by the municipalities, with the cost of the flow monitoring and an accurate survey of flow line elevations in the Village being our responsibility.

The City Common Council approved their portion of the cost of the study July 20th. I will pay our portion from the Wastewater utility operating budget in engineering services, and Outlay – repairs for the flow monitoring. Since work for this engineering proposal is entirely within the Village, the study Agreement is in the name of the Village. I have included page 1 of the study proposal as background information.

### Recommendation:

Direction to staff to sign engineering proposal for the “City of Pewaukee Northwest Area Sanitary Sewer Study” to Ruckert Mielke, estimated costs to be \$19,136.50 for the City and \$7,835.50 for the Village, totaling \$26,972.00.





**PUBLIC WORKS DEPARTMENT**  
**1000 Hickory Street**  
**Pewaukee, WI 53072**

## Memo

To: Public Works and Safety Committee Members  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: January 3, 2020  
Re: Discussion and possible recommendation to the Village Board regarding construction methodology and selection of a design services consultant for Kopmeier lift station reconstruction.

I developed a request for proposals for engineering services related to the reconstruction of the Kopmeier lift station, located adjacent to 512 Kopmeier Drive. I have attached a copy of the first page of the RFP for background information, and location maps. In summary, the lift station is located within Canadian Pacific right-of-way (ROW), Kopmeier Drive is platted as a private ingress/egress easement, facility equipment is obsolete and aged, and legally conforming personnel access into the permit required confined space for operation and maintenance activities is unresolvable. The RFP content and estimated costs incorporated in the Capital Improvement Plan partially evolved from an evaluation of the lift station conducted during 2016 by consultant Reukert Mielke and their generated report. The 2016 report recommended an alternative using a new above grade structure and reusing a portion of the existing below grade structure at an estimated 2016 cost of \$382,000. For 2019/2020 I budgeted \$450,000 for engineering and construction costs.

I requested proposals from four firms and received three, from Ruekert Mielke, SEH, Inc., and raSmith. I reviewed them first for content, qualifications, and approach to the project, then opened their cost proposals. One firm researched an alternative solution that did not conform to the 2016 report, but deserves merit and further discussion.

The two firms providing a proposal based on the 2016 report provided the following costs:

Ruekert Mielke:	Design/bid:	\$27,619 (201 hours)
	Construction:	\$24,870 (200 hours)
	Total:	\$52,459
SEH:	Design/bid:	\$30,166 (182 hours)
	Construction:	\$44,085 (402 hours)
	Total:	\$74,251

raSmith approached the project looking at another possible siting location, that is, a Village owned property north of the railroad tracks currently zoned residential. The methodology has far greater design and construction costs due to added infrastructure and a completely new wet well excavation that would be approximately 25 feet deep off Isle Court.

raSmith	Design/bid:	\$71,697 (576 hours)
	Construction:	\$61,714 (465 hours)
	Total:	\$133,411



The primary benefit would of course be the removal of perpetual Village infrastructure from railroad right-of-way where no known or apparent easement exists, which removes the lift station from railroad activity dangers and safety standards, places the building away from densely situated lakefront properties, and provides access directly from West Wisconsin Avenue. Because Kopmeier Drive is not ROW but an easement, and nearby private structures are situated close to the street, options locating the facility south of the street appear non-existent.

This alternative clearly would create increased construction costs due to the installation of a new gravity casing and carrier pipe under the railroad, the excavation of a new wet well structure up hill from the current site, new manholes, the cost of bringing new electrical service, etc. I requested that raSmith staff provide me with an estimate of what they believed the relocated facility would cost in order to properly gauge the difference from the other proposals. In their opinion, the estimated construction cost for the relocated facility would be \$917,000, including a 10% contingency, with a -15%/+20% accuracy.

These benefits operationally while significant are difficult at best to quantify monetarily. I can't reasonably provide a dollar "savings" of the relocation over an expected 50-year or more useful lift station life. I don't vision a life cycle cost comparison of the two alternatives that will converge. The benefits are primarily related to the Village being in complete control of the location where its facility is located. The Ruekert Mielke proposal did specifically indicate included consultant effort to engage the railroad regarding the project.

Recommendation:

Provide opinion and direction regarding a Kopmeier lift station design services consultant taking into account the alternative location proposal. If the desire is to maintain the current station location, I suggest a recommendation to the Village Board to approve a design through bidding services professional services agreement (PSA) with Ruekert Mielke, Waukesha, for \$27,619, with the expectation a PSA amendment will be drafted for construction services for no more than \$24,870 at a later date.

**Figure 1**  
**Northwest Area**  
**Tributary Basins**

**City/Village**  
**of Pewaukee,**  
**Waukesha County,**  
**Wisconsin**

Date: February, 2021

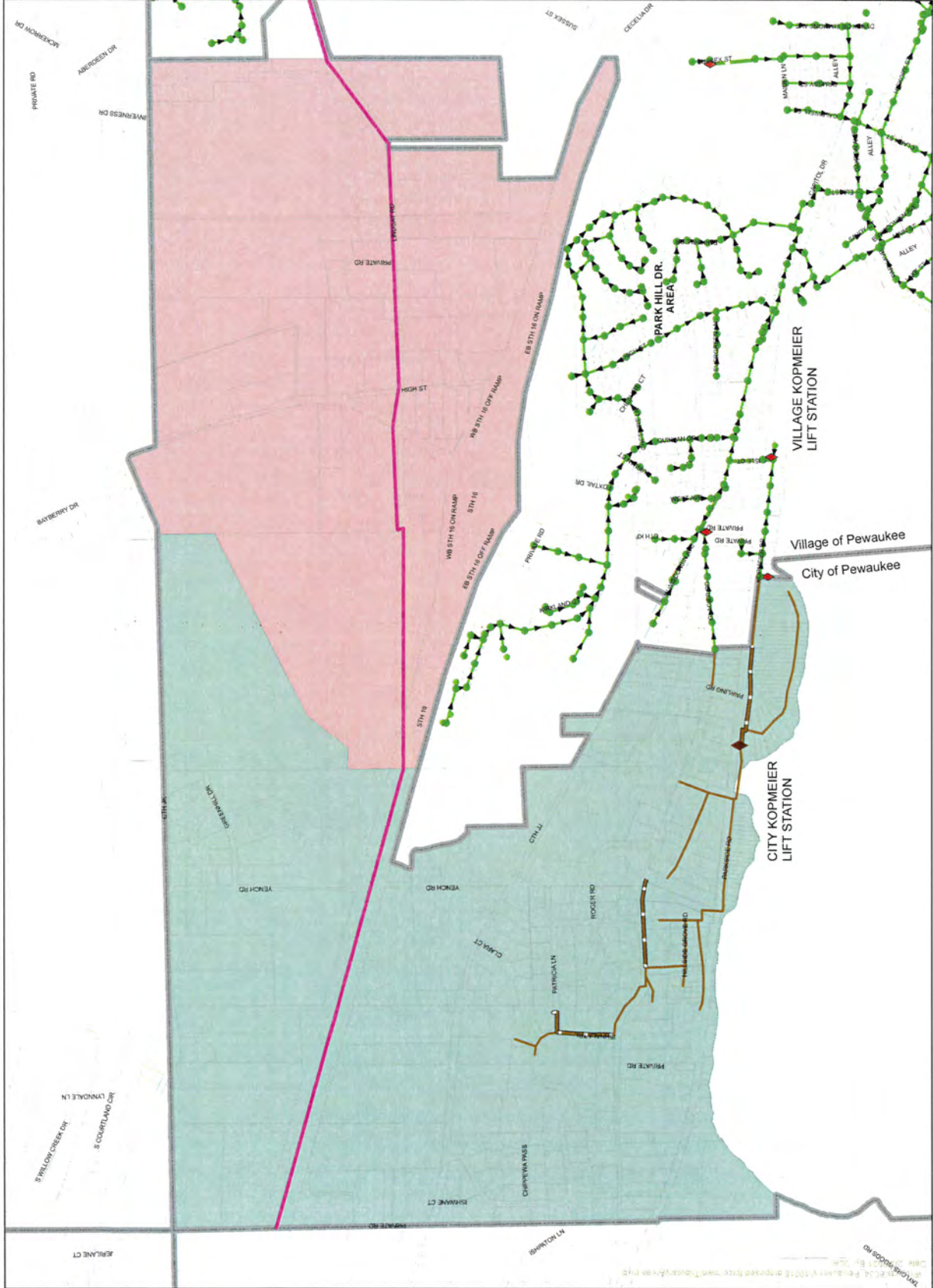
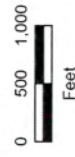
- SEWRPC Regional 208 Sewer Service Area
- City Kopmeier Drive Lift Station Tributary Area
- Tributary Area to Village System (Alternative 2)

**Village of Pewaukee Sanitary**

- Manhole
- Lift Station
- Cleanout
- Main
- Force Main

**City of Pewaukee Sanitary**

- Main
- Force Main
- Corporate Limits







**PUBLIC WORKS DEPARTMENT**  
**1000 Hickory Street**  
**Pewaukee, WI 53072**

## Memo

To: Public Works and Safety Committee Members  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: February 24, 2021  
Re: Discussion and Recommendation to the Village Board Regarding Requested Amendment to Section 78.118 of the Municipal Code Regarding Snow and Ice Removal

This item was directed to Committee following discussion at the February 2 Village Board meeting. The Board is looking for a recommendation to leave as is, amend, or repeal and recreate section 78.118 of Municipal Code on snow and ice removal, particularly but not limited to, sub (e.) regarding “, except hand shoveling within two feet of the curb.”

Village Board minutes:

**a. Discussion and Direction Regarding Requested Amendment to Section 78.118 of the Municipal Code Regarding Snow and Ice Removal**

Trustee Gergen stated that many residents are upset due to the snow and ice removal this year. Notices went out to some, not to all residents. Previously residents in cul-de-sac's were allowed to plow the excess snow into the middle of the cul-de-sac but this year they were not allowed to do so. Director Naze stated no operational changes on how the snow is being plowed were made, but the amount of snow is significantly more this year than last year. It is universal that snow gets plowed to the middle of the cul-de-sac but the difference is that a lot of people have put snow back into the streets. If people were placing snow to the middle and making no mess it wouldn't be a problem but that is not the case. Notices went to people that were obviously placing snow into the road which was a softer approach than issuing citations. Trustee Gergen shared the notice and the diagram with the Village Board on the screen and questioned Ordinance 78.118(e) regarding hand shoveling and asked for an explanation on the diagram as she believes it is unreasonable to clear snow according to the diagram. Naze stated the diagram is an option intended to open up and allow the snow to be directed in the clear area to avoid built up snow unloading in the driveway. Trustee Hill suggested to have the Public Works and Safety Committee review and update this Ordinance. Trustee Rohde stated that hand shoveling should be removed from the Ordinance and if residents are neat when moving snow to the middle of the cul-de-sac there should not be a problem, but no one should be able to blow snow into the street. Discussion followed regarding citations. Trustee Gergen suggested that the notices be sent out in a more professional manner. President Knutson asked if the Village Board is in agreement to let residents do what they have been doing as long as they are not creating a mess in the road. Village Board members agreed. Trustee Rohde reiterated that if people are blowing snow back into the road staff should be enforcing this code. Trustee Hill stated that this should be added to the March 2021 Public Works & Safety Committee meeting.

Recommendation: None



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: January 28, 2021

Re: Agenda Item 8b, Discussion and Direction Regarding Requested Amendment to Section 78.118 of the Municipal Code Regarding Snow and Ice Removal

### **BACKGROUND**

This matter is on the agenda at the request of Trustee Gergen after receiving a request for discussion on a proposed ordinance amendment to Section 78.118 of the Village Code, Snow and Ice Removal. Attached for your review please find a copy of the information received by Trustee Gergen from a Village resident in the Lake Park subdivision on this matter (Sanctuary Court). Specifically, changes are requested to section "e" of the code and also the addition of a new paragraph "P". Also attached for your review please find a clean copy of the current Village Code language as well as ordinance language from three surrounding communities regarding snow removal.

### **ACTION REQUESTED**

The action requested of the Village Board is to provide direction on this matter.

### **ANALYSIS**

The requested amendment to the Village Code would permit for the placement of snow on a Village street, sidewalk or right-of-way to be placed into a public roadway more than 2 feet from the edge of pavement or curb line. The current code language allows for hand shoveling snow within 2 feet of the curb. The three surrounding communities reviewed do not permit resident to place snow onto any public property and/or right-of-way.

On a general basis, staff has discussed the proposed amendment to allow for the placement of snow back onto Village streets as it would cause conflict with Public Works staff attempting to complete snow plowing operation. Specifically, the ability to place snow back in the street has at least two possible outcomes, the first is that streets and cul de sacs are covered completely or sporadically with hardpacked snow areas that will generate complaints and vehicle and equipment damage, the second is that to meet an expected level of service, the DPW will need to keep returning to these areas to again re-plow snow that will be put directly back into the street.

Attachments



January 22, 2021

Trustee Heather Gergen and the Village of Pewaukee Board Members,

Thank you Trustee Gergen for working with us to address Village of Pewaukee residents' concerns regarding snow and ice removal.

On 12/30/2020 we received approximately 8" of snow. During snow plowing operations numerous homes located in multiple cul-du-sacs were left with piles of snow along the curb and at the end of driveways in excess of 3'-4' in depth and in some cases more than 3' out into the road. Based on ordinance Sec. 78.118e, residents can only hand shovel up to 2' away from the curb. The residents' concerns include:

- Requiring only hand shoveling places undue physical challenges in which many residents cannot move that quantity of snow, or for that matter, any quantity of snow. The manner in which snow is moved should not be specified.
- Secondly, mail, garbage, and fire service all require greater clearance for their vehicles than a 2' path. If residents follow the ordinance as written, we would not be able to receive these essential services.
- Finally, many residents who live in cul-du-sacs have limited road frontage so there is no place to move mounds of snow in the quantities that are left curbside.

In the past, Village of Pewaukee DPW snowplow operators collaborated with Lake Park cul-du-sac residents to resolve these issues by allowing cul-du-sac residents to move snow already on the roadway towards the center of the cul-du-sac. This allowed the plow operators to take the widest radius path next to the curb pushing all snow into the center thus clearing a driving path for service providers and residents to enter and exit the cul-du-sac. It also significantly reduced the amount of snow piled at the end of driveways blocking entrance and exit to homes. This has successfully worked for more than 20 years.

Trustee Gergen, based on the information provided, the following Village of Pewaukee residents request that Sec. 78.118 be amended. A draft of proposed changes that address current issues are highlighted below. If you need additional information, please send an email to [ellaozier@gmail.com](mailto:ellaozier@gmail.com). Also, please let us know when this matter will be addressed by the Village Board.

**Sec. 78.118. - Snow and ice removal.**

**SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONEMAIL SECTION**

(a) All snow and ice shall be removed from sidewalks and public pedestrian ways within 24 hours after snowfall or occurrence causing formation of snow and ice.

(b) If such snow and ice is not removed within such time, the village board may order its agents and employees to effect such removal and impose a special charge against the owner of the property abutting on such sidewalk or pedestrian way.

(c) Such special charges shall not be payable in installments. If not paid within 60 days after receipt of a bill, such delinquent special charges shall become a lien as provided in Wis. Stats. § 66.60(15) as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property; and all proceedings in relation to the collection, return and sale for delinquent real estate taxes shall apply to such special charge.

(d) The charges under subsections (b) and (c) of this section shall not include forfeitures for violation, which upon conviction shall be as provided in section 1.102.

(e) No person shall deposit, place or cause any snow or ice to be deposited on any public sidewalk, street or right-of-way in the village, except hand shoveling within two feet of the curb.

f) Snow located on a public sidewalk, street, or right-of-way in Village cul-du-sacs may be moved in excess of two feet into the roadway to provide adequate storage for snow removal

(Code 1967, § 8.05; Ord. No. 2019-16, § 1, 10-1-2019)




## Current Language

Sec. 78.118. - Snow and ice removal.

- (a) All snow and ice shall be removed from sidewalks and public pedestrian ways within 24 hours after snowfall or occurrence causing formation of snow and ice.
- (b) If such snow and ice is not removed within such time, the village board may order its agents and employees to effect such removal and impose a special charge against the owner of the property abutting on such sidewalk or pedestrian way.
- (c) Such special charges shall not be payable in installments. If not paid within 60 days after receipt of a bill, such delinquent special charges shall become a lien as provided in Wis. Stats. § 66.60(15) as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property; and all proceedings in relation to the collection, return and sale for delinquent real estate taxes shall apply to such special charge.
- (d) The charges under subsections (b) and (c) of this section shall not include forfeitures for violation, which upon conviction shall be as provided in section 1.102.
- (e) No person shall deposit, place or cause any snow or ice to be deposited on any public sidewalk, street or right-of-way in the village, except hand shoveling within two feet of the curb.

(Code 1967, § 8.05; Ord. No. 2019-16, § I, 10-1-2019)

Village of Pewaukee resident name (please print)	Signature	Address
Ella Ozier	Ella Ozier	935 Sanctuary Ct.
Kent Johnson		935 Sanctuary Ct.
JUDITH Zywicki	Judith Zywicki	930 SANCTUARY CT
ROBERT Zywicki	Robert Zywicki	930 SANCTUARY CT
<del>B. J. Magennis</del> B. J. Magennis	B. J. Magennis	918 " "
Sherril Fonte	Sherril Fonte	919 Sanctuary Ct
Nicholas Fonte	Nicholas Fonte	919 Sanctuary Ct.
MARTIN FONTE	Martin Fonte	919 SANCTUARY CT
Jennifer Kraussel	Jennifer Kraussel	907 Sanctuary Ct.
Ralph Kraussel	Ralph Kraussel	907 Sanctuary Ct
Mike Doubek	Michael Doubek	781 Barrington Ct
Shankini Baskaran	Shankini Baskaran	914, Sanctuary Ct
VINOD BASKARAN	Vinod Baskaran	914 SANCTUARY CT
Ryan Kane	Ryan Kane	923 Sanctuary Ct.
Deborah Novak	Deborah Novak	902 Sanctuary Ct
Math Novak	Math Novak	902 Sanctuary Ct

# Current Language

Sec. 78.118, - Snow and ice removal.

- (a) All snow and ice shall be removed from sidewalks and public pedestrian ways within 24 hours after snowfall or occurrence causing formation of snow and ice.
- (b) If such snow and ice is not removed within such time, the village board may order its agents and employees to effect such removal and impose a special charge against the owner of the property abutting on such sidewalk or pedestrian way.
- (c) Such special charges shall not be payable in installments. If not paid within 60 days after receipt of a bill, such delinquent special charges shall become a lien as provided in Wis. Stats. § 66.60(15) as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property; and all proceedings in relation to the collection, return and sale for delinquent real estate taxes shall apply to such special charge.
- (d) The charges under subsections (b) and (c) of this section shall not include forfeitures for violation, which upon conviction shall be as provided in section 1.102.
- (e) No person shall deposit, place or cause any snow or ice to be deposited on any public sidewalk, street or right-of-way in the village, except hand shoveling within two feet of the curb.

(Code 1967, § 8.05; Ord. No. 2019-16, § 1, 10-1-2019)

January 22, 2021

Trustee Heather Gergen and the Village of Pewaukee Board Members,

Thank you Trustee Gergen for working with us to address Village of Pewaukee residents' concerns regarding snow and ice removal.

On 12/30/2020 we received approximately 8" of snow. During snow plowing operations numerous homes located in multiple cul-du-sacs were left with piles of snow along the curb and at the end of driveways in excess of 3'-4' in depth and in some cases more than 3' out into the road. Based on ordinance Sec. 78.118e, residents can only hand shovel up to 2' away from the curb. The residents' concerns include:

- Requiring only hand shoveling places undue physical challenges in which many residents cannot move that quantity of snow, or for that matter, any quantity of snow. The manner in which snow is moved should not be specified.
- Secondly, mail, garbage, and fire service all require greater clearance for their vehicles than a 2' path. If residents follow the ordinance as written, we would not be able to receive these essential services.
- Finally, many residents who live in cul-du-sacs have limited road frontage so there is no place to move mounds of snow in the quantities that are left curbside.

In the past, Village of Pewaukee DPW snowplow operators collaborated with Lake Park cul-du-sac residents to resolve these issues by allowing cul-du-sac residents to move snow already on the roadway towards the center of the cul-du-sac. This allowed the plow operators to take the widest radius path next to the curb pushing all snow into the center thus clearing a driving path for service providers and residents to enter and exit the cul-du-sac. It also significantly reduced the amount of snow piled at the end of driveways blocking entrance and exit to homes. This has successfully worked for more than 20 years.

Trustee Gergen, based on the information provided, the following Village of Pewaukee residents request that Sec. 78.118 be amended. A draft of proposed changes that address current issues are highlighted below. If you need additional information, please send an email to [ellaozier@gmail.com](mailto:ellaozier@gmail.com). Also, please let us know when this matter will be addressed by the Village Board.

**Sec. 78.118. - Snow and ice removal.**

**SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTION**

- All snow and ice shall be removed from sidewalks and public pedestrian ways within 24 hours after snowfall or occurrence causing formation of snow and ice.
- If such snow and ice is not removed within such time, the village board may order its agents and employees to effect such removal and impose a special charge against the owner of the property abutting on such sidewalk or pedestrian way.
- Such special charges shall not be payable in installments. If not paid within 60 days after receipt of a bill, such delinquent special charges shall become a lien as provided in Wis. Stats. § 66.60(15) as of the date of such delinquency and shall automatically be extended upon the current or next tax roll as a delinquent tax against the property; and all proceedings in relation to the collection, return and sale for delinquent real estate taxes shall apply to such special charge.
- The charges under subsections (b) and (c) of this section shall not include forfeitures for violation, which upon conviction shall be as provided in section 1.102.
- No person shall deposit, place or cause any snow or ice to be deposited on any public sidewalk, street or right-of-way in the village, except hand shoveling within two feet of the curb.
- Snow located on a public sidewalk, street, or right-of-way in Village cul-du-sacs may be moved in excess of two feet into the roadway to provide adequate storage for snow removal  
(Code 1967, § 8.05; Ord. No. 2019-16, § 1, 10-1-2019)

## Snow Removal Ordinance Comparison

### City of Pewaukee

#### City Code Section 10.09 DEPOSIT OF SNOW IN STREETS OR RIGHT-OF-WAYS

No person, corporation or organization shall cause, allow or permit snow or ice to be deposited from premises owned, controlled, leased, rented or maintained by the said person, corporation or organization onto any streets or right-of-way in the City of Pewaukee.

Each violation and each day that a violation occurs or continues shall be considered a separate violation of this ordinance.

In addition to any penalty imposed for violation of this section, the City may charge to the violator the actual costs and expenses of correcting the violation, and if the violator does not pay such charge, the same may then be added to the tax roll as a special real estate charge.

### Village of Sussex

#### Village Code Section 7.56 PUBLIC STREETS; SNOW AND ICE REMOVAL.

(1) No person, firm or corporation shall place snow or ice onto the paved portion of any public street within the Village.

(2) The Village may remove any snow or ice placed upon the paved portion of any public street within the Village, the expense of removing such snow or ice shall be a lien against the property from which the snow was placed upon the paved portion of the public street and the Village shall keep an account of such expense and shall enter the account therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other Village taxes upon real estate, and no lot or parcel of land in the Village shall be exempt from the payment thereof.

### City of Delafield

#### Village Code Sec. 42-8. - Snow and ice removal.

(a) Sidewalks to be kept clear. The owner, occupant or person in charge of each and every building, structure, lot or parcel in the city shall clean or cause to be cleaned all public sidewalk fronting or abutting said building, structure, lot or parcel of snow and ice to the width of said sidewalk within 24 hours after each snowfall or occurrence causing the formation of snow and/or ice on the sidewalk, and shall cause the sidewalk to be kept clear from ice and snow, provided that when ice has formed on any sidewalk so that it cannot be immediately removed, the persons referred to in this subsection shall keep the sidewalk sprinkled with salt, sand or other appropriate ice melting products.

(b) Deposit in streets restricted.

(1) Snow and ice removed from private property shall not be deposited onto any public property or right-of-way. All such snow and ice shall be stored on private property or removed therefrom by the property owner.

(2) Snow and ice removed from public sidewalks, private driveway approaches or other areas located within public street or alley right-of-way shall not be deposited onto the paved roadway, including any curb and gutter section. No person shall be allowed to generate snow mounds in the public right-of-way causing visual obstructions and no person shall deposit snow past the curb line or edge of the roadway pavement nearest their property.

(3) Exceptions to subsections (a) and (b) of this section may be allowed with a permit from the director of public works or the director's designee, if it is determined to be necessary and appropriate. As part of the permitting process, the director of public works or the director's designee may require a fee sufficient to reimburse the city for the cost of removing any snow so deposited.

(c) If the owner, occupant or person in charge fails to comply with any of the snow and ice removal requirements of this section, the director of public works or the director's designee may cause snow and ice to be removed or treated as required and the cost thereof shall be billed directly to the person listed as the owner of the property involved. If the bill remains unpaid at the end of 30 days, the charges shall be entered on the assessment role of the general city taxes and collected in the same manner as other city taxes pursuant to Wis. Stats. § 66.0627.





**PUBLIC WORKS DEPARTMENT  
1000 Hickory Street  
Pewaukee, WI 53072**

# Memo

To: Public Works and Safety Committee Members  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: February 24, 2021  
Re: Review and discussion on Kueny Architects Space Needs Assessment and Master Plan

This item is on the agenda at the request of Trustee Hill.

An electronic copy of the full report can be found for review on the Village web site under the September 1, 2020 Village Board packet (Boards and Committees/Village Board/Meetings and Agendas, 9/1/2020), at :

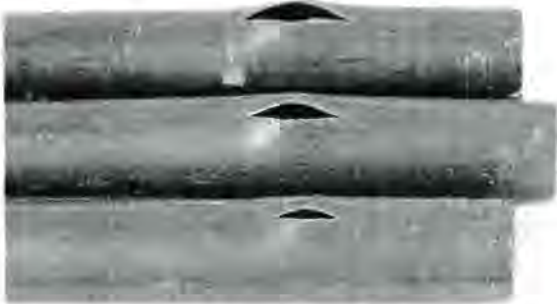
<https://www.villageofpewaukee.com/Data/Sites/38/Meetings/village/9ac3cf21-6d18-4120-bb7b-e783be5600a8.pdf>

Recommendation: None



## AMWA: Final Lead and Copper Rule Contains Big Changes

By Diane VanDe Hei



After years of development, the U.S. Environmental Protection Agency (EPA) published its long-awaited revisions to the Lead and Copper Rule (LCR) in the Federal Register on January 15, beginning the ticking of two simultaneous clocks: 60 days until the new rule officially takes effect, and three years until public water systems must come into compliance with the new requirements.

While the Lead and Copper Rule Revisions are now on the books, additional delays may be coming. The Biden administration has indicated plans to review all rules finalized in the closing days of the Trump administration that had not taken effect as of Jan. 20. The LCR revisions fall into this category, and the new administration could put their effective date on hold. This would give Biden's EPA time to contemplate additional changes to the LCR, but any further revisions would have to go through a new notice and comment process.

Meanwhile, Bloomberg Law reports that the Natural Resources Defense Council and other groups have filed suit in the U.S. Court of Appeals for the District of Columbia Circuit against EPA over the rule.

EPA originally proposed the new rule in November 2019, and many aspects of that draft remain intact. These include:

- Maintaining the 15 parts-per-billion (ppb) action level alongside a new 10 ppb trigger level, a 90th percentile exceedance of which means a water system must carry out additional planning, monitoring, and treatment activities.
- Requiring each water system to complete a lead service line (LSL) inventory, as well as an LSL replacement plan if lead pipes are present in the system.
- A mandate for water systems to replace LSLs at a rate of 3 percent per year (on a two-year rolling average) following an action level exceedance. This requirement is lower than the 7 percent replacement rate of the previous rule, but the new regulation bars "test-outs" and other loopholes that allowed water systems to avoid actually replacing LSLs.
- Discouraging partial LSL replacements while still allowing flexibility for water systems to carry out emergency repairs.
- A "find-and-fix" process through which water systems must evaluate the need for corrective action following the collection of any single sample with lead measured above 15 ppb.

The final LCR features several changes compared to the proposed rule. EPA's original proposal would have required water systems to test the water of 20 percent of K-12 schools and licensed child care centers in their service area for lead each year. Under the final rule water systems must still strive to test 20 percent of primary schools and child care centers each year, but high schools need only be tested upon request and all entities only need to be tested once, rather than a revolving 5-year cycle. The final rule also makes it easier for water systems to document schools and child care centers that decline testing offers. Unlike the proposal, which would have required water systems obtain a written refusal from a school, the final rule only requires water systems to show that they made two good faith efforts to reach a school or child care center with the offer of testing.

EPA also adjusted provisions articulating how water systems and customers may cooperate on LSL replacement efforts. The proposal would have required a water system to replace the public portion of an LSL within 45 days upon receiving notification of a customer's intent to replace their privately owned portion of the line, but based on water sector comments EPA recognized that a customer's "intent" doesn't necessarily mean the customer will follow through with their own replacement work. Under the final rule water systems must make a good faith effort to work with a customer to replace both sides of an LSL simultaneously. If that is not feasible, the water system must replace the publicly owned side within 45 days of the customer's actual private side replacement – and this deadline can be extended up to 180 days as long as the water system informs the state of the need for this extension.

The proposed rule would have directed water systems to supply customers undergoing replacement of an inline water meter, a water meter setter, or a gooseneck, pigtail, or connector with pitcher filters and three months' worth of replacement cartridges. The final rule expands this to six months' worth of replacement cartridges, likely at a significant cost to water systems.

The most notable alteration to the final rule is a change to the lead sampling method. Whereas the previous LCR and the proposed revisions called for lead to be measured within the first liter of water from the tap, the final rule requires testing the fifth liter drawn. EPA believes the fifth liter is most likely to capture water that had been in immediate contact with a lead service line, but the change could come at the expense of simplicity for volunteers who collect samples from the tap.

Water systems are analyzing the rule to determine the necessary changes to their lead programs. ✦



Diane VanDe Hei is the CEO of the Association of Metropolitan Water Agencies (AMWA) in Washington, D.C., representing the largest publicly-owned drinking water systems in the United States.



# For your information

The story is available generally on our website at <https://www.detroitnews.com/story/news/nation/2021/02/12/us-water-supply-hacked-1/7162110002/>

U.S.

## U.S. Water Supply Has Few Protections Against Hacking

Vulnerabilities highlighted after cyber intruder tampered with treatment plant in Florida

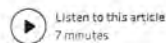


A hacker altered chemical levels at the water treatment plant in Oldsmar, Fla., earlier this month.

PHOTO: CHRIS URSO/ZUMA PRESS

By [Rebecca Smith](#)

Feb. 12, 2021 1:23 pm ET



Listen to this article  
7 minutes

A Florida city whose water system was hacked last week said Friday that it completed a federally mandated security-risk assessment three months ago, but hadn't yet integrated the findings into its emergency plans.

The hacking incident—occurring after a security review—has thrown into stark relief a vulnerability of the more than 50,000 community water systems that supply most Americans with their drinking water: they don't have to meet any national standard for cybersecurity.

That is in contrast to electric utilities, which have had to meet increasingly stringent rules since 2008 for the physical and cybersecurity of key assets and, more recently, for parts of their supply chains. Rules for the electric industry are reinforced by monetary penalties for violations.

On Feb. 5, an engineer at a water treatment plant in Oldsmar, Fla., in Pinellas County, detected that **a hacker had accessed** the facility's control system and attempted to increase the amount of lye used to treat the water to a potentially dangerous level. The control engineer witnessed the tampering, as a ghostly hand moved a cursor over his screen, and he reversed it immediately, officials said. But the episode highlighted how few protections are mandated to defend the U.S. water supply.

The incident comes as officials warn about the growing sophistication and brazenness of attacks on critical infrastructure. Many attacks are never publicly revealed, but The Wall Street Journal identified targets in a Russian campaign in 2017 to pierce electric-utility defenses, by first penetrating trusted suppliers, and another effort in 2019 by unidentified hackers who targeted electric utilities in at least 18 states.

More recently, the government has said the sprawling **SolarWinds** hack, disclosed in December, compromised more than half a dozen federal agencies including the State, Commerce and Treasury departments, and critical infrastructure organizations—whose names, as yet, haven't been revealed.

The federal government took a small step toward addressing the problem of insufficient cyber defenses in the water industry in 2018 with passage of the America's Water Infrastructure Act. The law requires water providers serving about 80% of the U.S. population to do security-risk reviews and integrate findings into their emergency plans.

The biggest water providers were required to complete that work last year, and all but 10 of 542 organizations complied, according to the Environmental Protection Agency. But nearly 9,000 smaller suppliers—including the water department in Oldsmar—have until the end of this year to complete their reviews and implement findings.

The smallest of suppliers—the 40,000 organizations with fewer than 3,300 customers, each—are exempt.

Even though water systems must certify completion of their work to the EPA, they aren't required to share copies of their work product with the agency. As a result, the EPA doesn't actually assess the quality of their action. Because the agency doesn't possess the documents, they are effectively beyond the reach of federal public-records law.

**'We're far short of where we need to be, considering the onslaught of attacks.'**

— Former Homeland Security official  
Kelvin Coleman

Industry experts said the 2018 law was a good start but can't be the ending point.

"We're far short of where we need to be, considering the onslaught of attacks," said Kelvin Coleman, a former Department of Homeland

Security official who now heads the National Cyber Security Alliance, an educational organization.

The incident that happened on Feb. 5 was instigated by an unauthorized individual who gained remote access to the control system for Oldsmar's fresh water treatment plant, which serves about 15,000 people.

The engineer on duty later told investigators he didn't think much about it until the cyber intruder changed the setting for sodium hydroxide, better known as lye, increasing the additive to an unsafe 11,100 parts per million from a safe level of 100 parts per million. The plant operator quickly reduced the setting for the corrosive chemical, commonly used in drain cleaners, and notified his supervisor, according to city officials.

Rob Gualtieri, sheriff of Pinellas County, which provides police protection to Oldsmar, said in an interview earlier this week that the water department installed a tool called **TeamViewer** so employees could work remotely. That gave the intruder a door to enter.

The sheriff added that the hacker "had full access to the water treatment system. They could do everything that the operator sitting in the control room could do."



Oldsmar's fresh-water plant serves about 15,000 people.

PHOTO: CHRIS URSO/ZUMA PRESS

Federal officials advised water utilities this week to take a hard look at remote access tools, which have been especially popular during the pandemic. Industry experts said many improvements can be made at little or no expense—such as enforcing password protection and utilizing encryption and firewalls—but that small utilities struggle with things as simple as cyber training.

The Federal Bureau of Investigation, which is investigating the intrusion, said it has probed other incidents in which desktop sharing software was used as an attack vector against critical infrastructure providers.

Cybersecurity experts said preliminary information about the Oldsmar water department—such as that employees shared a single password on TeamViewer—suggested broader security problems.

The Water Information Sharing and Analysis Center, a nonprofit clearinghouse for threat information geared to water suppliers, said the incident appeared to be "more opportunistic than sophisticated," partly because the intruder didn't attempt to hide the fact he was messing with the chemical delivery system.

Handwritten scribbles or marks at the top right of the page.

Christopher Krebs, former director of the Cybersecurity and Infrastructure Security Agency, said in congressional testimony Wednesday that it is possible the intruder was a disgruntled employee or a foreign actor. "That's why we do investigations," he said, adding that the municipal utility's defenses were "not where anybody, any operational security professional would like for that security posture to be."

Unfortunately, he added, "Oldsmar is probably the rule rather than the exception."

He urged Congress to consider offering the industry more financial assistance to make cyber upgrades.

An EPA official said the agency estimates that \$750 billion is needed to replace pipes, upgrade water treatment facilities and improve cyber preparedness at water utilities—a big lift.

Kevin Morley, manager of federal relations for the American Water Works Association, an industry group, said that \$10 million was authorized in 2018 to help small utilities pay for security upgrades but Congress never appropriated the money. There are other federal programs that provide grants and low-interest loans.

—Dustin Volz contributed to this article.

#### Corrections & Amplifications

Kelvin Coleman is a former Department of Homeland Security official who now heads the National Cyber Security Alliance. In an earlier version of this article, the main text spelled his name correctly but the excerpted quote incorrectly cited his first name as Kevin. (Corrected on Feb. 16)

Appeared in the February 13, 2021, print edition as 'Water Systems Have Few Defenses for Hacks.'

Would you like more stories like this?

YES

NO

Copyright © 2021 Dow Jones & Company Inc. All Rights Reserved

This article is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, contact our customer service at <https://www.djreprints.com>