



Regular Village Board Meeting Agenda

June 6, 2023 – 6:00 pm
Village Hall, 235 Hickory Street, Pewaukee, WI 53072

To view the meeting live: <https://www.youtube.com/live/rvBZ64NLRhg?feature=share>

1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call.
2. Public Hearings/Presentations. – None.
3. Approval of Minutes of Previous Meeting.
 - Minutes of the Regular Village Board Meeting –May 16, 2023
4. Citizen Comments. – *This is an opportunity for citizens to share their opinions with Board Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Board is not able to answer questions or respond to your comments. All comments should be directed to the Board. Comments are limited to 3 minutes per speaker. Speakers are asked to use the podium and state their name and address.*
5. Ordinances.
 - a. Possible Action on Ordinance No. 2023-08, Ordinance to Amend Chapter 86, Article II, Section 86.109 of the Code of Ordinances Regarding Parking Violations and Forfeitures
 - b. Possible Action on Ordinance No. 2023-09, Ordinance to Amend Section 6.111 and to Create Section 6.117.1 of the Village of Pewaukee Municipal Code Regarding the Issuance of Class B Intoxicating Liquor Licenses
6. Resolutions. – None.
7. Old Business.
 - a. Discussion and Possible Action on Committee Appointments
 1. Public Works & Safety Committee – 3 Citizen Members (3 year terms)
 2. Historic Preservation Commission –1 Member (term to expire 4/30/24); 1 Member Architect (term to expire 4/30/24); 1 Member (3 year term)
8. New Business.
 - a. Discussion and Direction on Possible Ordinance Amendment to Section 40.471 of the Village Code Regarding Transient Lodging within Residential Districts
 - b. Discussion and Possible Action on Water Main Easement Acceptance Related to 1300 Hickory Street
 - c. Discussion and Possible Action on Aerial Platform Truck Purchase
 - d. License Applications
 1. Food Vendor License
 - a. Tree Ripe Fruit Co.
 - b. Pewaukee Fire Auxiliary
 - c. Cantina Tacos
 - d. Kiwanis Club of Pewaukee
 2. New “Class A” License for Lake and Pine Co., LLC
 3. Temporary Class “B” License for Positively Pewaukee
9. Citizen Comments. – *This is an opportunity for citizens to share their opinions with Board Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Board is not able to answer questions or respond to your comments. All comments should be directed to the Board. Comments are limited to 3 minutes per speaker. Speakers are asked to use the podium and state their name and address.*



Regular Village Board Meeting Agenda

10. 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 regarding Jade Reef Properties, LLC Developers Agreement; and pursuant to Wis. Statute Section 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically regarding Wisconsin Manufacturers & Commerce.
11. Reconvene Into Open Session.
12. Adjournment.

Note: Notice is hereby given that a quorum of a Village Committee and/or Commission may be present at the Village Board meeting, and if so, this meeting shall be considered an informational meeting of that Committee or Commission and no formal action of that Committee or Commission shall occur. 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.

Posted June 2, 2023

**VILLAGE OF PEWAUKEE
VILLAGE BOARD MINUTES
May 16, 2023**

<https://www.youtube.com/live/hamdzAy-ZMo?feature=share>

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

President Knutson called the meeting to order at approximately 6:00 p.m. The Pledge of Allegiance was recited, followed by a moment of silence.

Roll Call was taken with the following Village Board members present: Trustee Bob Rohde, Trustee Kelli Belt; Trustee Chris Krasovich; Trustee Craig Roberts; Trustee Jim Grabowski; and President Jeff Knutson. Trustee Heather Gergen was excused.

Also Present: Village Attorney, Mark Blum; Village Administrator, Scott Gosse; Director of Public Works, Dan Naze; DPW Supervisor, Jack Straehler; and Village Clerk, Cassie Smith

2. Public Hearings/Presentations – None

3. Approval of Minutes of Previous Meeting

a. Minutes of the Regular Village Board Meeting – May 2, 2023

Trustee Roberts moved, seconded by Trustee Grabowski to approve the May 2, 2023, minutes of the Regular Village Board meeting as presented.

Motion carried 6-0.

4. Citizen Comments - None

5. Ordinances - None

6. Resolutions

a. Possible Action on Resolution No. 2023-05, a Resolution Establishing an Annual Transient Commercial Lodging Short-Term Rental License Fee Related to Chapter 40.471 of the Village of Pewaukee Municipal Code

Clerk Smith stated that the \$200 proposed charge would cover the fees associated with the Fire, Building Inspection, Police, and Clerk departments. Trustee Rohde questioned if properties outside the residential districts would be required to adhere to this. It was determined that an amendment to the ordinance would be required to include additional areas of the Village.

Trustee Roberts moved, seconded by Trustee Krasovich, to Approve Resolution No. 2023-05, Establishing an Annual Transient Commercial Lodging Short-Term Rental License Fee of \$200 Related to Chapter 40.471 of the Village of Pewaukee Municipal Code.

Motion carried 6-0.

b. Possible Action on Resolution No. 2023-06, A Resolution Recognizing the Retirement of Dave Dorn from the Public Works Department

The resolution was read by President Knutson and the Village Board applauded and thanked David for his service.

Trustee Rohde moved, seconded by Trustee Grabowski, to Approve Resolution No. 2023-06, Recognizing the Retirement of Dave Dorn from the Public Works Department as Presented.

Motion carried 6-0.

7. **Old Business** – None

8. **New Business**

a. **Discussion, Review and Direction on 2023 Capital Equipment and Infrastructure Projects and Direction on Financing**

Administrator Gosse gave an overview of the capital equipment and infrastructure projects as presented in the agenda packet. He asked the Village Board for direction on the 2023 financing portion for equipment, building maintenance, and infrastructure planned expenses. Discussion continued regarding the capital equipment and infrastructure projects and when items are planned to be replaced/purchased. Trustee Roberts stated the infrastructure fund has a fair amount of money available and he suggested using this fund to buy items that require a long lead time before delivery. Brad Viegut, financial advisor with Robert W. Baird, stated typically the Village has selected a 15-20 year debt issuance but due to the smaller borrowing needs for 2023, he suggested seeking a short-term loan with a bank and then refinancing the debt with long-term bonds at a later date. This option would be more efficient and would allow the Village to roll this portion in with next year's planned projects for financing. The consensus of the Village Board was to pursue the short-term bank loan option with a long-term issuance later.

b. **Discussion and Possible Action on the 2023 Road and Utility Project Contract Award**

Director Naze stated that he has received bids for the sanitary sewer, limited storm sewer, and the roadway on Prospect Avenue between Main St and East Wisconsin Ave and Savoy Alley from Oakton Ct to the north. Bids came in \$108,000 higher than the estimated amount of \$929,500. The lowest bid was Wolf Paving for a total of \$1,037,499.85.

Trustee Rohde moved, seconded by Trustee Grabowski to award Wolf Paving the 2023 Road and Utility Project in the amount of \$1,037,499.85 to complete as presented.

Administrator Gosse stated that the bid is based on units used which could be over or under the bid amount proposed.

Motion carried 6-0.

c. **Discussion and Possible Action on Professional Services Agreement for 2023 Road and Utility Improvement Projects Construction Services**

Director Naze stated that the agreement is for design and bid services and is presented at a cost of \$65,000. The amount includes preconstruction conferences, construction staking, construction supervising, and administrative costs. The cost is about 6% of the total project costs.

Trustee Krasovich moved, seconded by Trustee Roberts Approved the Professional Services Agreement for 2023 Road and Utility Improvement Projects Construction Services in the Amount not to Exceed \$65,000.

Motion carried 6-0

a. **Discussion and Possible Action Regarding Best Use Criteria for "Class B" Intoxicating Liquor/Fermented Malt Beverage Establishments and Waiting Lists**

Clerk Smith presented the current criteria as in the packet and stated that Attorney Blum has made some recommendations which include updating the Code of Ordinances; creating criteria that designate which criteria are most significant, specifying how the Village will notice an available license, specify that no waiting list would be kept, a requirement for when a business must open the business, and giving the Village Board the ability to suspend or revoke a license if the business ceased for a period of 90 days or more. Trustee Rohde expressed that the "Class B" licenses are an important commodity that will be highly sought after. The Village is very limited therefore the Board should be strategic with this approach. It will be important to lay out what the Village would

like to see before moving forward. Grabowski agreed and stated he doesn't like the waiting list idea and agreed with Mark Blum's comments. The Village Board discussed different opinions on how to proceed. The direction of the Village Board was to task Attorney Blum with bringing an updated ordinance back to the Village Board.

b. Alcohol License

i. Temporary Class "B"/"Class B License Approval

Trustee Krasovich moved, seconded by Trustee Rohde to Approve the Temporary Class "B" Retailer's License for the Pewaukee Muskies Amateur Baseball Team Events to be Held on June 4, June 11, July 2, July 23, and August 8, 2023, at the Kiwanis Village Park.

Motion carried 6-0.

c. Discussion and Possible Action on Committee Appointments

1. Public Works & Safety Committee – 3 Members (2 year terms); 2 Trustees

Trustee Rohde motioned, seconded by Trustee Roberts to Appoint Trustees Krasovich and Grabowski as Trustee Representatives of the Public Works & Safety Commission.

Motion carried 6-0.

2. Joint Library Board – 1 Trustee

Trustee Rohde motioned, seconded by Trustee Grabowski to Appoint Heather Gergen as a Member of the Joint Library Board for the Remaining Term Ending on April 30, 2025.

Motion carried 6-0.

3. Historic Preservation Commission –1 Member (term to expire 4/30/24); 1 Member Architect (term to expire 4/30/24); 1 Member (3 year term)

No action was taken.

d. Monthly Approval of Checks and Invoices for all funds – April 2023

Trustee Grabowski moved, seconded by Trustee Rohde to Approve the April 2023 checks and invoices for all funds, except the library, as presented.

Motion carried 6-0.

Trustee Krasovich moved, seconded by Trustee Grabowski to Acknowledge the April 2023 check and invoices regarding the library.

Motion carried 6-0.

9. Citizen Comments – None

10. Adjournment

Trustee Krasovich moved, seconded by Trustee Roberts to adjourn the May 16, 2023, Regular Village Board meeting at approximately 7:25 p.m.

Motion carried 6-0.

Respectfully Submitted,

Cassandra Smith
Village Clerk



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 30, 2023

Re: Agenda Item __5a_, Possible Action on Ordinance No. 2023-08, Ordinance to Amend Chapter 86, Article II, Section 86.109 of the Code of Ordinances Regarding Parking Violations and Forfeitures

BACKGROUND

This matter is on the agenda in follow-up to a prior conversation Trustee Grabowski had with the Village Board last fall regarding parking violations for a vehicle and trailer or other attachment taking up more than one parking space. The attached is being presented by Trustee Grabowski for Village Board consideration.

ACTION REQUESTED

The action requested of the Village Board by Trustee Grabowski is to consider adoption of the attached ordinance amendment.

ANALYSIS

The attached ordinance amendment would impose a parking citation for each space occupied in violation of Village ordinances. Currently, only one citation would be issued if a vehicle and trailer would occupy more than one parking space. Under the proposed ordinance, a citation would be issued for the vehicle and a separate citation would be issued for the trailer. The proposed amendment would make this change applicable to street parking and municipal parking lots.

Attachment

ORDINANCE NO. 2023-08

ORDINANCE TO AMEND CHAPTER 86, ARTICLE II, SECTION 86.109 OF THE CODE OF ORDINANCES REGARDING PARKING VIOLATION FINES AND FORFEITURES

WHEREAS, the Village of Pewaukee desires to provide that a violation of a parking restriction shall apply to each parking space occupied by the violator; and

WHEREAS, the proposed change would be applicable to trailers connected to vehicles parked on Village streets or in municipal parking lots and parks.

NOW, THEREFORE, the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

SECTION ONE:**Sec. 86.109. – Specific Penalties.**

Penalties for violation of the following sections are as follows:

- (1) Parking in violation of sections [86.114](#), 86.115, [86.119.5](#), [86.119.5.2](#), and [86.119.5.3](#) not less than \$5.00 nor more than \$50.00. [Each violation of a parking restriction including but not limited to occupying more than one parking space would each be considered a separate parking violation under this section.](#)
- (2) For a violation of section 86.102 described and defined in Wis. Stats. §§ 346.51 to 346.55, not less than \$10.00 nor more than \$50.00.
- (3) For violations of section 86.102 described and defined in Wis. Stats. § 348.15, 348.16 or 348.17, the penalty shall be as set forth in those statutes.
- (4) For a violation of section 86.102 described and defined in Wis. Stats. § 346.505 and for violation of section 7.07, not less than \$20.00 nor more than \$200.00.

SECTION TWO: All ordinances or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.

SECTION THREE: The several sections of this ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION FOUR: This ordinance shall take effect upon passage and publication as required by law.

Passed and adopted this _____ day of _____, 2023, by the Village Board of the Village of Pewaukee.

APPROVED:

Jeffrey Knutson, Village President

Countersigned:

Cassie Smith, Village Clerk



To: Jeff Knutson, Village President
Village Board

From: Cassie Smith
Village Clerk

Date: June 2, 2023

Re: Agenda Item _5b_ Possible Action on Ordinance No. 2023-09, Ordinance to Amend Section 6.111 and to Create Section 6.117.1 of the Village of Pewaukee Municipal Code Regarding the Issuance of Class B Intoxicating Liquor Licenses

BACKGROUND

On May 16th the Village Board discussed the option of creating language regarding the issuance of “Class B” intoxicating liquor licenses in the event a license would become available. The proposed ordinance would give the Village Board the discretion to evaluate the business use in accordance with the ordinance. A draft ordinance was created by Attorney Blum for your review.

Action Requested:

To approve or adjust the current draft ordinance as presented.

Analysis:

The draft ordinance would require that a business be open for business within 180 days from the issuance, set up criteria for evaluating “Class B” applications, and require a Class 1 legal notice in the newspaper and on the website.

ORDINANCE NO. 2023-09

**ORDINANCE TO AMEND SECTION 6.111 AND TO
CREATE SECTION 6.117.1 OF THE VILLAGE OF PEWAUKEE
MUNICIPAL CODE REGARDING THE ISSUANCE OF
CLASS B INTOXICATING LIQUOR LICENSES**

WHEREAS, the Village of Pewaukee has exhausted the number of Class B Intoxicating Liquor Licenses which it may issue pursuant to restrictions established under Wisconsin Statute Sec. 125.51; and

WHEREAS, the only circumstance where additional Class B Intoxicating Liquor Licenses may become available is if the population of the Village increases or if the Village purchases a License from another municipality as permitted under the Wisconsin Statutes; and

WHEREAS, because of the limited number of Class B Intoxicating Liquor Licenses available for issuance by the Village, the Village is desirous of establishing standards and a process for how licenses will be issued when a new license might become available.

NOW, THEREFORE, the Village Board of the Village of Pewaukee, Waukesha County, Wisconsin, do ordain as follows:

SECTION I

Section 6.111 of the Municipal Code of the Village of Pewaukee is amended to revise the definition of abandon and abandonment as follows:

In this section, “abandon” and “abandonment” shall mean a continuing refusal or a failure of a licensee to use the license for the purpose or purposes for which the license was granted by the Village Board, which abandonment continues for a period of 180 days. The Village Board may, for good cause shown, extend the period of permitted non-use.

SECTION II

Section 6.111 (d) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows:

- (d) Within 180 days from the issuance of a Class B License, the licensee shall be open for business with adequate stock and equipment. If the business does not commence within such time, the license shall be subject to revocation by the Village Board after a public hearing. The Village Board may, for good cause shown, extend such license for up to a 90-day period. Failure to commence doing business within 180 days from issuance of the license constitutes cause for revocation under this Chapter.

SECTION III

Section 6.117.1 of the Municipal Code of the Village of Pewaukee is created to read as follows:

Section 6.117.1 - The process for the issuance of new Class B Intoxicating Liquor Licenses.

- (a) In the event the Village has the ability to issue additional Class B Intoxicating Liquor Licenses as a result of an increase in population or the purchase of such License under Wisconsin law from another municipality or in the event of an amendment of Section 125.51 of the Wisconsin Statutes, the Village shall follow the procedure set forth in this Ordinance for consideration of the issuance of a Class B Intoxicating Liquor License under these circumstances.
- (b) The Village Board may establish, from time to time, criteria for purposes of evaluation of Class B Intoxicating Liquor Licenses as provided for under this Section.
 - (1) The Village Clerk shall publish a Class 1 legal notice and shall post on the Village website a notice indicating that a Class B Intoxicating Liquor License has become available and the potential license applicants shall have thirty (30) days after the date of publication of the notice to submit an application inclusive of a narrative description of how the proposed licensee will promote the economic development of the Village of Pewaukee. No applications received more than thirty (30) days after the date of publication of the notice referred to in this Section will be considered. The applications shall be opened by the Village Clerk on the first business day following the expiration of the 30-day period for submission of the applications.
 - (2) Upon the expiration of the of the license submission period, the Village Board shall meet to review the applications received and shall also consider the applicants' compliance with the Village Code of Ordinances and how the application and proposed business conforms to the Village's Comprehensive Plan, Development Plans (if any) and the Village's Zoning Code.
 - (3) The issuance of the Class B Intoxicating Liquor License shall be in the sole reasonable discretion of the Village Board after weighing all of the aforementioned factors including any criteria established by the Village Board. The Board shall have no obligation to issue such a license if it determines that none of the applicants have satisfied the requirements of this Section; in which case, the Village Board may choose to hold the license and may renew the process at such later date and time as it determines in its reasonable discretion.
- (c) The Village does not maintain a waiting list of interested individuals/companies who wish to obtain any type of alcohol license. The Village does not notify interested parties when a license is available. Interested parties are solely responsible for inquiring as to the availability of a license. Any license application that fails to comply completely with the terms of this Ordinance shall constitute a basis for denial of the application.

SECTION IV

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION V

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION VI

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this _____ day of _____ 2023 by the Village Board of the Village of Pewaukee.

APPROVED:

Jeff Knutson, Village President

Countersigned:

Cassie Smith, Village Clerk



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 30, 2023

Re: Agenda Item 8a, Discussion and Direction on Possible Ordinance Amendment to Section 40.471 of the Village Code Regarding Transient Lodging within Residential Districts

BACKGROUND

Attached for your review, consideration and direction please find a draft amendment to the transient lodging ordinance prepared by Village Attorney Mark Blum based on discussion at the prior Village Board meeting.

ACTION REQUESTED

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

ANALYSIS

As noted in the attached cover letter from Attorney Blum, the draft amendments include an expansion of the definition of transient commercial lodging uses to include “legally non-conforming, conditional uses, mixed uses or as authorized as part of a Planned Unit Development Ordinance”. It is the understanding of staff that the proposed revisions meet with the intent of the Village Board’s direction at that last Village Board meeting.

Please note that any amendment to this section of the Village Code is a change to the Zoning Code and therefore would need to be referred to the Plan Commission for review and recommendation to the Village Board.

Attachments

**HIPPENMEYER, REILLY, BLUM,
SCHMITZER, FABIAN & ENGLISH S.C.**

MARK G. BLUM
THOMAS G. SCHMITZER
LORI J. FABIAN
RONALD E. ENGLISH III

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May 19, 2023

Via Email (sgosse@villageofpewaukee.com)

Mr. Scott Gosse
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

Re: Transient Lodging Ordinance


Dear Scott:

Enclosed is a draft of an Amendment to Section 40.471 of the Village Code dealing with transient short-term lodging within Residential Districts. As you may recall, Trustee Rohde posed a question as to whether the Ordinance applied to all residential uses or simply those properties that are zoned for residential purposes. I have looked at the Ordinance and it is my opinion that because there are some references in the Ordinance to Residential Districts, this would be construed as referring simply to those properties which are located within areas zoned residential under the Village Code. Since it is my understanding the Village Board would like a more expansive definition, I have redrafted the Ordinance to refer to residential uses, which would be inclusive of properties within areas zoned residential along with properties that are legally, non-conforming or for which residential use is allowed by way of a Conditional Use Permit, Mixed Use properties or Planned Unit Development Ordinances.

Please let me know if you find this to be acceptable and if so, then my belief is this should go to the Village Board for its review and then referred back to the Plan Commission for consideration of the change.

Sincerely,

HIPPENMEYER, REILLY, BLUM,
SCHMITZER, FABIAN & ENGLISH, S.C.



Mark G. Blum

MGB/jb
Enc.

ORDINANCE NO. ____

**ORDINANCE TO AMEND SECTION 40.471 OF VILLAGE CODE OF
VILLAGE OF PEWAUKEE REGARDING THE REGULATION OF
TRANSIENT COMMERCIAL LODGING USES IN RESIDENTIAL DISTRICTS**

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin do ordain as follows:

SECTION I

Section 40.471, (a), (2) of the Village Code of the Village of Pewaukee is amended to read as follows:

Section 40.471(a)(2) – Transient commercial lodging uses: The use by any person of ~~residential~~ property residential purposes including for bed and breakfasts, hostels, hotels, inns, lodging, motels, resort or other similar uses. For purposes of this section, properties used for residential purposes shall include properties that are zoned for residential purposes, as well as those which allow for residential use because they are authorized for use based upon being legally non-conforming, conditional uses, mixed uses or as authorized as part of a Planned Unit Development Ordinance.

SECTION II

Section 40.471, (b) of the Village Code of the Village of Pewaukee is amended to read as follows:

Section 40.471(b) – Transient lodging uses: Transient lodging uses for remuneration are prohibited in the residential zoning districts of the Village or where legal residential uses are occurring including legal non-conforming property, conditional uses, mixed use, or residential uses allowed as part of a Planned Unit Development Ordinance, where the period of each individual use is less than three (3) days. Any person acting as an agent, real estate broker, real estate sales agent, property manager, reservation service or arranges or negotiates for the use of ~~residential~~ property for residential purposes or transient lodging uses, or any person who uses or allows the use of ~~residential~~ property for residential purposes in this manner shall be considered in violation of this Section. Each day in which such residential ~~property use~~ is used or allowed to be used in violation of this Section shall be considered a separate offense. Any rental of single-family property for camping purposes is prohibited.

SECTION III

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION IV

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION V

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Pewaukee, and shall indicate the date and number of this amending Ordinance therein.

Passed and adopted this _____ day of _____ 2023 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Cassie Smith, Village Clerk



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 30, 2023

Re: Agenda Item 8b, Discussion and Possible Action on Water Main Easement Acceptance Related to
1300 Hickory Street

BACKGROUND

Attached for your review and consideration please find a copy of a proposed grant of water main easement from Century Fence to the Village of Pewaukee. Century Fence was asked by Village staff to provide a permanent water main easement to the Village for the water main and hydrants so that this infrastructure can become compliance with NR 811.68, Wisconsin Administrative Code. Village staff worked with Village Attorney Mark Blum while in communication with Century Fence on this matter. Additionally, the easement document has been reviewed by staff as to form and completeness.

ACTION REQUESTED

The action requested of the Village Board is to approve the attached Water Main Easement document with Century Fence as presented.

ANALYSIS

The proposed grant of water main easement to the Village will bring this section of water main into compliance with NR 811.68, Wisconsin Administrative Code which requires that the “distribution system of a municipal water system shall be owned and maintained by the waterworks owner.” For whatever reason, this step was not completed when Century Fence originally constructed the water main system for their office and warehouse building when originally constructed. Staff have now worked with Century Fence for the easement document to be created for the grant of easement to the Village.

Attachment

- (1) The land will only be put to uses consistent with this easement such as lawn areas, driveways and small and easily movable structures that will not interfere with access to facility or its appurtenances, with the exception of item (3), below.
- (2) No obstruction of access to the facility or its appurtenances shall be created in the future and that no building, trees or other structures or items that may interfere with inspection, maintenance or repair shall be located in the space over and within vertical planes located on both sides of the facility and/or its appurtenances.
- (3) The surface elevation of the land within the easement shall not be raised or lowered more than four (4) inches without the prior written approval of the Village Engineer of the Grantee.

In consideration of the foregoing grant of water main easement and the covenants herein contained, Grantor and Grantee agree that (i) Grantor, in and upon developing Grantor's land, may install laterals and connections to and utilize all improvements installed by Grantor pursuant to this Easement (including the water systems of which they are part) in accordance with the Village of Pewaukee Code, (ii) from and after the acceptance of dedication of the water main and appurtenances to be installed in the easement granted hereunder, Grantee will indemnify and hold Grantor, including its members, officer, employees, successors and assigns, harmless from and against any and all claims, litigation, liability, loss, injury, damage, cost and/or expense on account of injury to or death of any person or persons whomsoever in any way arising out of caused, connected with, or attributed to the Easement, this agreement or the rights herein granted, and Grantee, will defend by counsel satisfactory to Grantor any suit or action brought against same based on any alleged injury, death, or damage and shall pay all damages, costs and expenses, including attorneys' fees connected therewith or resulting therefrom, and (iii) in connection with the hook-up by Grantor to the municipal water main distribution system, the Village of Pewaukee shall levy upon Grantor only charges of general applicability to and for utilization of Village of Pewaukee's water main facilities and improvements; no special or unique, tax, special assessment, tap fee, connection charge, capitalization, recovery fee, reclamation charge, or any other charge not generally levied upon one connecting to the municipal water distribution system shall be assessed to or against Grantor or Grantor's land in connection, with such hook-ups.

Grantor(s), their successors and assigns, covenant(s) and agree(s) to permit and allow Grantee to have facility and its appurtenances to be installed at such time and in such location as Grantee may deem necessary.

Grantee and its agents shall have the right to enter upon the premises of the Grantor for the purpose of exercising its rights herein acquired. Grantee agrees to restore or cause to have restored said premises, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantee or its agents. The restoration, however, does not apply to any brush, trees, topsoil, turf or other landscaping, surface paving, walk, curb or retaining wall which may be removed at any time pursuant to the rights herein granted.

The said Grantor(s), has/have caused these presents to be signed and sealed this _____ day of _____, 2023.

 By: Timothy McChesney

Title: Vice President of Operations

(Note: The above signature(s) must be notarized.)

STATE OF WISCONSIN

COUNTY OF _____

Personally came before me this _____ day of _____, 2023, the above named _____ to me known to be the persons who executed the foregoing instrument and acknowledged the same.

_____ Notary Public, State of Wisconsin

My commission expires _____

CONSENT OF MORTGAGEE:

I, _____ of _____, mortgagee of Tax Key No. PWV 0921-995-001, do hereby consent to the described water main easement by _____, owner of said land, to the Village of Pewaukee, Waukesha County, Wisconsin, and hereby submits its mortgage described above to the described easement.

WITNESS the hand and seal of said mortgages this _____ day of _____, 2022.

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN

COUNTY OF _____

Personally came before me this _____ day of _____, 2023, the above named _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

My commission expires _____

VILLAGE OF PEWAUKEE ACCEPTANCE

ACCEPTED BY the Village of Pewaukee on _____, 2023

_____, 2023

Jeffrey Knutson - Village President

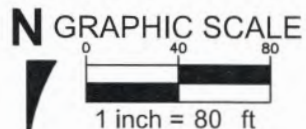
_____, 2023
Casandra Smith - Village Clerk

Legal description and Exhibit

Provided by: Randall S Bruckner
CJ Engineering, LLC
9205 W. Center Street, Suite 214
Milwaukee, WI 53222

EXHIBIT "A"

NW CORNER
OF THE NE 1/4
OF SECTION 15-7-19
N 397,178.66
E 2,471,604.37
CONC. MON.
WITH BRASS CAP



C S M 3 9 8 0

N00°01'57"W
281.67'

HICKORY STREET
(60.0' R.O.W.)

LOT 2
C S M 4 3 2 1

EXST. 30.0' SEWER &
WATER EASEMENT
GRANTED TO VILLAGE
OF PEWAUKEE PER
CSM 9112

WEST LINE NE 1/4
OF SECTION 15-7-19
N 00°01'57" W
2709.00'

SW CORNER
OF THE NE 1/4
OF SEC. 15-7-19
N 394,469.90
E 2,471,605.90
CONC. MON.
WITH BRASS CAP

P A R C E L 1
C S M 9 1 1 2



**PROPOSED UTILITY
EASEMENT**

LOT 1
C S M 1 2 2 0 3

EXISTING
50.0' INGRESS/EGRESS
& PUBLIC SEWER &
WATER EASEMENT PER
CSM 9112

| CURVE | ARC | RAD. | CHRD. | CH. BRG. |
|-------|---------|--------|---------|------------------------|
| C1 | 276.16' | 65.00' | 110.59' | N10°13'56"W (P/L) |
| C2 | 71.34' | 65.00' | 67.82' | S79°29'54"W (P/L) |
| C3 | 203.34' | 65.00' | 130.00' | N20°56'45"E (EASEMENT) |



CANADIAN PACIFIC
R.R. R.O.W.
LANDS DEEDED
TO WISCONSIN
ELECTRIC
POWER CO.

S40°28'57"W
51.50'
EXST. BLDG.

REV. 5-17-23
REV. 5-19-23
CJE1245R5CSM
SHEET 1 OF 2

EXHIBIT "A" (CONTINUED)

LEGAL DESCRIPTION OF UTILITY EASEMENT:

BEING A PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWN 7 NORTH, RANGE 19 EAST, IN THE VILLAGE OF PEWAUKEE AND CITY OF PEWAUKEE, WAUKESHA COUNTY, STATE OF WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4 OF SECTION 15; THENCE N 00°01'57" W ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION, 2363.24 FEET TO A POINT ON THE SOUTH ROW LINE OF HICKORY STREET; THENCE S 69°26'12" E, 92.16 FEET ALONG THE SOUTH ROW LINE OF HICKORY STREET; THENCE CONTINUING 303.34 FEET ALONG SAID ROW LINE AND ALONG THE ARC OF A CURVE WHOSE CENTER IS TO THE NORTHWEST, WHOSE RADIUS IS 65.00 FEET AND WHOSE CHORD BEARS N 20°56'45" E, 130.00 FEET TO A POINT ON AN EXISTING 50' INGRESS/EGRESS & PUBLIC SEWER AND WATER EASEMENT PER CSM 9112; THENCE DUE NORTH, 71.16', ALONG THE EAST LINE OF SAID EXISTING EASEMENT, TO THE POINT OF BEGINNING OF THE PROPOSED UTILITY EASEMENT; THENCE CONTINUING DUE NORTH, ALONG SAID EXISTING EASEMENT, 5.99 FEET; THENCE DUE WEST, ALONG THE NORTH LINE OF SAID EXISTING EASEMENT, 40.13 FEET; THENCE N 36°57'36" E, 130.49 FEET; THENCE N 58°21'14" E, 38.11 FEET; THENCE S 73°54'07" E, 16.68 FEET; THENCE N 14°27'36" E, 15.14 FEET; THENCE S 75°32'24" E, 20.00 FEET; THENCE S 14°27'36" W, 15.71 FEET; THENCE S 73°54'07" E, 219.42 FEET; THENCE S 40°28'57" W, 51.50 FEET; THENCE N 49°36'09" W, 38.67 FEET; THENCE N 75°32'24" W, 190.27 FEET; THENCE S 36°57'36" W, 115.93 FEET TO A POINT ON AN EXISTING 50' INGRESS/EGRESS & PUBLIC SEWER AND WATER EASEMENT PER CSM 9112 AND THE POINT OF BEGINNING.

CONTAINING 13,637 SQUARE FEET OR 0.313 ACRES MORE OR LESS





PUBLIC WORKS DEPARTMENT
1000 Hickory Street
Pewaukee, WI 53072
Fax 262-691-5668

Memo

To: Village Board
Cc: Scott Gosse, Village Administrator
From: Dan Naze, P.E., Director of Public Works/Village Engineer
Date: May 31, 2023
Re: Agenda Item 8c1 Recommendation to purchase Aerial Platform Truck

The budgeting for replacement of the DPW 1993 aerial lift (bucket) truck began for the 2020 budgeting cycle. Due initially to the pandemic, and the continued difficulty in getting vendors to provide vehicle quotes, this recommendation has been postponed several times and the cost estimates raised several times. Currently the Equipment CIP estimates \$300,000 for a replacement.

Recently we have been able to get two vendors to view our existing vehicle, and with each was generated a similar list of requirements for a replacement. The specified truck is generally a functional replacement, with the exception of a chipper or forestry box added. This allows for the truck to directly tow the chipper for some work, reducing the need for second truck at the job site just for blowing chips to.

The basic specifications called for a heavy truck chassis, International preferred to match our existing fleet, 60-foot reach, two person lift capacity, box, cab protector, tool cabinets, safety strobes and spot lights, and numerous forestry attachments integral to the boom.

Utility Sales and Service

USS provided a thorough multi-page quote meeting all requested equipment, on a 2024 International chassis with Versalift insulated platform lift. All equipment is in white. Please note that chassis prices cannot be confirmed until an order is made. No down payment is requested.

| | |
|---|--|
| 2024 International MV607 - | \$90,000 |
| Aerial lift, Body, Accessories and installation - | \$208,733 |
| Total | \$298,733 Net 30 with an estimated delivery date of 1/31/2025 |

Terex Utilities

After various delays and requests, Terex provided a quote that did not meet many of the specifications and requirements discussed with them. Their single page quote neglected among other things, to provide more than a single person lifting capability, strobes, spot lighting, all boom attached forestry equipment was disregarded, etc. Chassis is a Freightliner. Delivery date is unspecified but believed to be February 2025.

| | |
|--------------------------------|------------|
| One Source XT56 Pro Forestry - | \$160, 527 |
|--------------------------------|------------|

Existing Vehicle:



Utility Sales and Service similar vehicle:



Recommendation:

Authorize staff to execute and return the quote for a 2024 International MV607 chassis under a Versalift VST-550-I04 platform lift, in the estimated amount of \$298,733.

VILLAGE OF PEWAUKEE ANNUAL BUDGET REQUEST

NEW/REPLACEMENT EQUIPMENT

The Village of Pewaukee Annual Budget Request – New/Replacement Equipment form is to be used for the explanation and justification of capital items. There are two basic categories of capital purchases the Village uses: one, items that are replaced yearly, but carry a considerable cost; and two, items that are replaced periodically, and also carry a considerable cost.

The first of the two categories contains items similar to computers, printers, office equipment, small tools, etc. These items are similar in justification to that of operational costs for the Village. Generally, justification should include the reasons why that piece of equipment is necessary to be replaced yearly, or due to a large number of units, why a rotating replacement is necessary.

The second of the two categories is more general. The items that would be placed in this category include office furniture, vehicles, specialty pieces of equipment, etc. Generally these items will carry a cost greater than \$5,000.

In reviewing the budget, it may be the decision of the Village Administrator to place that item in the Five Year Capital Improvement budget.

It is important as each Department completes their annual budget requests that each of the New/Replacement Equipment items are justified as to the specific needs of the replacement or addition of an item be fully included in the request. This information is necessary for the justification of the item to the Village Board.

| | |
|-----------------|--|
| Department: DPW | Year of purchase: Purchased used in 2005 |
|-----------------|--|

| | |
|------------------------------|-----------------------------|
| Item Requested: Bucket truck | Requested Amount: \$150,000 |
|------------------------------|-----------------------------|

| |
|---|
| Quantity and Description of Item: Replacement for 1993 Ariel bucket truck with IH chassis and Hi-Ranger lift |
|---|

| |
|---|
| Explanation and Justification: This replacement is in the 2020-2022 Capital Planning requests. This vehicle is used for urban forestry, street light maintenance, special events set up, and occasionally reaching roof tops, etc. This truck was a Waukesha County vehicle bought used for \$30,000 in 2005 and is 27 years old. In the last 10 years maintenance has cost approximately \$24,000 not including regular inspections and internal labor. Estimated auction value \$8,000-12,000 |
|---|

| |
|--|
| Village Administrator's Notes: <input type="checkbox"/> Included in Operating Budget <input type="checkbox"/> Not Included <input checked="" type="checkbox"/> Included in Capital Budget |
|--|









To: Jeff Knutson, Village President
Village Board

From: Cassie Smith
Village Clerk

Date: June 2, 2023

Re: Agenda Item 8d1, Food Vendor License for Tree Ripe Fruit

BACKGROUND

Listed below is the application received for upcoming events in the Village.

ACTION REQUESTED

To approve the Food Vendor Permit application(s) as presented:

Food Truck Sales on Private Property – June 26 & July 17, 2023

Located at Menards – 1357 Capitol Drive

1. Tree-Ripe Fruit Co.

ANALYSIS

The Food Vendor application is being recommended for approval as presented. All forms have been completed and payment has been received.

Staff recommends approval of the license as recommended above.



To: Jeff Knutson, Village President
Village Board

From: Cassie Smith
Village Clerk

Date: May 29, 2023

Re: Agenda Item 8d1, Food Vendor License - Pewaukee Firefighters Auxiliary

BACKGROUND

Listed below is the application received for the upcoming Beach Party hosted by The Kiwanis Club of Pewaukee at Lakefront Park. The below food would be served by the Pewaukee Firefighters Auxiliary during the event on June 23rd and 24th, 2023.

ACTION REQUESTED

To approve the Food Vendor Permit application(s) as presented:

Beach Party Event – June 23-24, 2023

1. Corn
2. Pretzels
3. Pickles

ANALYSIS

The Food Vendor applications are being recommended for approval as presented. All forms have been completed and payment has been received.

Staff recommends approval of the license as recommended above.



To: Jeff Knutson, Village President
Village Board

From: Cassie Smith
Village Clerk

Date: June 2, 2023

Re: Agenda Item 8d1, Food Vendor License - Cantina Tacos

BACKGROUND

Listed below is the application received for the upcoming Summer Sizzle hosted by Positively Pewaukee at Kiwanis Village Park. The below food would be served by Cantina Tacos during the event on July 15, 2023.

ACTION REQUESTED

To approve the Food Vendor Permit application(s) as presented:

Summer Sizzle Event – July 15, 2023

1. Tacos
2. Burritos

ANALYSIS

The Food Vendor applications are being recommended for approval as presented. All forms have been completed and payment has been received.

Staff recommends approval of the license as recommended above.



To: Jeff Knutson, Village President
Village Board

From: Cassie Smith
Village Clerk

Date: May 29, 2023

Re: Agenda Item 8d1, Food Vendor License - Kiwanis Club of Pewaukee

BACKGROUND

Listed below is the application received for the upcoming Beach Party hosted by The Kiwanis Club of Pewaukee at Lakefront Park. The below food would be served by the Kiwanis during their event on June 23rd and 24th, 2023.

ACTION REQUESTED

To approve the Food Vendor Permit application(s) as presented:

Beach Party Event – June 23-24, 2023

1. Brats
2. Hamburgers
3. Hot Dogs
4. Chips
5. Pulled Pork

ANALYSIS

The Food Vendor applications are being recommended for approval as presented. All forms have been completed and payment has been received.

Staff recommends approval of the license as recommended above.



To: Jeff Knutson, Village President
Village Board

From: Cassie Smith
Village Clerk

Date: May 17, 2023

Re: Agenda Item 8d2, Issuance of "Class A" Alcohol Beverage License(s)

BACKGROUND

The Village received an application from Lake and Pine Co., LLC for a new Combination Class "A"/"Class A" Liquor License for its business location at 161 W Wisconsin Ave, Suite 1d, where they intend to serve free samples of alcohol under the trade name "Lake and Pine Co." The submitted application is for a full Combination "Class A" liquor license for the upcoming license term of July 1, 2023, through June 30, 2024.

Initially, the application was for a wine license, but wine licenses are only available to restaurants whose profit is less than 50% of alcohol sales. The only viable option to serve wine for on-premises consumption was to obtain a "Class A" Combination which would allow free samples.

The applicant advised they don't intend on charging their customers for the beverages and are aware that they can only serve between the hours of 11 a.m. and 7 p.m. Approving this application would allow for free samples to be provided under a Class "A"/"Class A" liquor license, so long as they meet the following restrictions:

1. Samples must be free of charge.
2. Two samples of wine per person per day not to exceed three fluid ounces per sample.
3. One sample of distilled spirits per person per day not to exceed one half ounce.
4. Providing Samples is limited to the hours of 11 a.m. to 7 p.m.
5. Samples may not be provided to underage persons.

A Fact Sheet from the Department of Revenue has been attached to this memo, for more detailed information please review.

In 2022, a similar request was made to the Village Board regarding Spargo Salon where they give free samples to their customers.

The Village Board is the ruling body responsible for approving liquor license applications.

ANALYSIS

The applicant listed above has applied for the 2023-24 liquor license term. This is a new application that provides the Board with an opportunity to address any concern they may have or to outline conditions to ensure alcohol rules and regulations are adhered to in a manner the Board deems satisfactory. Staff has not received any concerns and the Police, Fire, Building Services and Treasurer have no concerns regarding this license.

ACTION REQUESTED

To consider the Alcohol Beverage License as listed.

Class "A"/"Class A" Combination Liquor License

Lake and Pine Co., LLC d/b/a "Lake and Pine Co."

161 W. Wisconsin Ave #1d

Agent: Michelle Rucci

Alcohol Beverage Sampling
Alcohol Beverage Laws
Fact Sheet 3106

revenue.wi.gov

This fact sheet provides information about offering taste samples of alcohol beverages to the general public at licensed or permitted premises.

Sampling at Class A Licensed Premises (Liquor, Grocery, or Convenience Stores)

Class A retail licensees (retail sales for off premises consumption) are authorized to offer taste samples of alcohol beverages as follows:

"Class A" (Intoxicating Liquor) Licensees

- Samples must be provided free of charge
- Two samples of wine per person per day not to exceed three fluid ounces per sample
- One sample of distilled spirits per person per day not to exceed one half ounce
- Samples may only be provided between the hours of 11 a.m. and 7 p.m.
- Samples may not be provided to underage persons
- Samples must be purchased from a permitted wholesaler (includes a small winery cooperative wholesaler)
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee, or an agent of a retail corporation or LLC licensee

Class "A" (Fermented Malt Beverage) Licensees

- Samples must be provided free of charge
- Two samples of fermented malt beverages per person per day not to exceed three fluid ounces per sample
- Samples may only be provided between the hours of 11 a.m. and 7 p.m.
- Samples may not be provided to underage persons
- Samples must be purchased from a permitted wholesaler, or purchased from a brewer/brewpub authorized to make sales directly to retailers
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee, or an agent of a retail corporation or LLC licensee

Note: A Class "A" licensee may allow a brewer to provide samples on the licensed premises under the restrictions above, if the brewer purchased the fermented malt beverages from the licensee at its premises.

Caution: A municipality may further restrict or prohibit taste samples by Class A retail licenses. Check with your local municipality as to whether or not this activity is allowed.

Sampling at Class B Licensed Premises (Restaurants, Taverns, Hotels, Resorts)

Class B retail licensees (retail sales for on or off premises consumption) are authorized to offer taste samples of alcohol beverages as follows:

"Class B" (Intoxicating Liquor) and Class "B" (Fermented Malt Beverage) Licensees

- Samples must be purchased from a permitted wholesaler (includes a small winery cooperative wholesaler) or purchased from a brewer/brewpub authorized to make sales directly to retailers
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee or an agent of a retail corporation or LLC licensee
- Samples may not be provided to underage persons
- Samples may not be provided after closing hours

Sampling at Wineries, Liquor Manufacturers, Rectifiers, and Breweries

Wineries

- If the winery only has a winery permit:
 - Samples of wine manufactured on the winery premises may be provided
 - Samples must be provided free of charge
 - Samples may not be provided to underage persons
- If the winery also has a "Class A" or "Class B" retail license on the winery premises, the requirements described above for serving samples on "Class A" or "Class B" premises apply

Liquor Manufacturers and Rectifiers

- Samples of liquor manufactured/rectified on the manufacturer/rectifier premises may be provided
- Samples must be provided free of charge
- Samples may not exceed one and one-half fluid ounces to any one person per day
- Samples may not be provided to underage persons
- Samples must be served by licensed operators (bartenders) or servers under the immediate supervision of a licensed operator, the licensee, or agent of a retail corporation or LLC licensee

Breweries

- Samples may be provided on the brewery premises or at on an off-site retail outlet established by the brewer
Note: Brewers may also provide samples at Class "A" retail licensed premises as described above.
- Samples must be provided free of charge
- Samples may not be provided to underage persons

Any Questions?

If you are unable to find an answer to your question about alcohol beverage sampling on the department's website, email, write, or call the department.

Visit our website: revenue.wi.gov
Email: DORAlcoholTobaccoEnforcement@wisconsin.gov
Write: Wisconsin Department of Revenue
Alcohol & Tobacco Enforcement
P.O. Box 8933
Madison, WI 53708-8933
Telephone: 608-266-6701
Fax: 608-261-6240

Last updated April 1, 2019



To: Jeff Knutson, Village President
Village Board

From: Cassie Smith
Village Clerk

Date: May 26, 2023

Re: Agenda Item 8d3, Approval of Temporary Class “B” Retailer’s License(s)

BACKGROUND

The Village Board is the ruling body responsible for approving Temporary Class “B”/”Class B” Retailer’s License applications.

ACTION REQUESTED

To approve the Temporary Class “B” Retailer’s License applications made by Positively Pewaukee for the following events:

- 1. Summer Sizzle – July 15, 2023 – Located at 325 Capitol Dr**
- 2. Family Fun Fest – August 17, 2023 – Located at 449 W Wisconsin Ave**
- 3. Waterfront Wednesday Concert Series – Every Wednesday, June – July 26, 2023 (6/7, 6/14, 6/21, 6/28, 7/12, 7/19, 7/26) – located at 222 West Wisconsin Avenue**

ANALYSIS

These events have been successful in the past years. The applicant meets the requirements for a Temporary Class “B” Retailer’s License in the Village of Pewaukee. The approved licenses would authorize the sale of malt beverages at the events as indicated.

Staff recommends approval of the license(s) as recommended above.