



PLAN COMMISSION AGENDA

AMENDED

May 8, 2025 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072

To view the meeting: <https://www.youtube.com/watch?v=4Kt5B0-qKmo>

1. Call to Order, Roll Call, Pledge of Allegiance, & Moment of Silence.
2. Public Hearings.
 - a. Conditional Use Grant request by the Village of Pewaukee, to establish an expanded lift station within railroad right-of-way located north of 512 Kopmeier Drive. Public and/or Private utility use is only permissible through the issuance of a Conditional Use Grant (Section 40.204(2). Railroad right-of-way is owned/operated by CPKC and is zoned R-5 Residential Detached District.
3. Citizen Comments: *This is an opportunity for citizens to share their opinions with Commission Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Commission is not able to answer questions or respond to your comments. All comments should be directed to the Commission. Comments are limited to 3 minutes per speaker. Speakers are asked to use the podium and state their name and address.*
4. Approval of the Minutes:
 - a. Regular Plan Commission Meeting – April 10, 2025
5. Old Business.
 - a. None
6. New Business.
 - a. Review, discussion, and possible action on a Conditional Use Grant request by the Village of Pewaukee, to establish an expanded lift station within railroad right-of-way located north of 512 Kopmeier Drive. Public and/or Private utility use is only permissible through the issuance of a Conditional Use Grant (Section 40.204(2). Railroad right-of-way is owned/operated by CPKC and is zoned R-5 Residential Detached District.
 - b. Review, discussion and possible recommendation to the Village Board on granting a 6' wide electrical easement to Wisconsin Electric Power Company on property commonly known as River Hills Park located on the east side of Riverside Drive and south of its intersection with Waterstone Court. PWV: 0925100 and is zoned FC Floodplain Conservancy District.
 - c. Review, discussion and possible recommendation to the Village Board on an ordinance amending section 40.419(e)(1) of the Municipal Code of the Village of Pewaukee revising

offsets for accessory structures.

- d. Review, discussion, and possible recommendation to the Village Board on an ordinance which, in part, amends Section 40.132(a) and 40.482(a) of the Municipal Code of the Village of Pewaukee regarding per diem for citizen board, commission, and committee members (Board of Zoning Appeals and Historic Preservation Commission)
 - e. Review, discussion and possible recommendation to the Village Board on a Sanitary Sewer Lateral Assignment and Assumption Agreement and Permanent Easement with WCTC regarding property located at 800 Main Street, PWV 0925999
7. Citizen Comments. – *This is an opportunity for citizens to share their opinions with Commission Members on any topic they choose. However, due to Wisconsin Open Meeting laws, the Commission is not able to answer questions or respond to your comments. All comments should be directed to the Commission. Comments are limited to 3 minutes per speaker. Speakers are asked to use the podium and state their name and address.*
8. 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.

Dated: May 2, 2025

**Plan Commission Meeting
April 10, 2025 – 6:00 pm
Village Hall
235 Hickory Street, Pewaukee, WI 53072**

<https://www.youtube.com/watch?v=uoSRNMRKN2w>

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

President Knutson called the meeting to order at approximately 6:00 p.m.

Plan Commission members present: Comm. Mark Grabowski; Comm. Theresa Hoff; Comm. Sam Liebert; Comm. Brian Belt; Trustee Bob Rohde; and President Jeff Knutson.

Excused: Comm. Katie Jelacic

Also present: Village Attorney, Matt Gralinski; Village Planner, Mark Lyons; Village Administrator, Matt Heiser; and Deputy Clerk, Mackenzie Quigley.

2. Public Hearings –

- a. **Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal hotdog cart accessory to the approved restaurant/tavern use, within the previously approved three public parking stalls situated in the W. Wisconsin Avenue right-of-way in front of the business located at 145 W. Wisconsin Avenue – Suite 1. Building/property owner is Joseph Grasc Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.**
 - No comments

3. Citizen Comments – No comments.

4. Approval of the Minutes

- a. **Regular Plan Commission Meeting – March 13, 2025.**

Comm. Liebert motioned/seconded by Trustee Rohde to approve the March 13, 2025, Regular Plan Commission Meeting minutes as presented.

Motion carried 5-0; Comm Belt abstained.

5. Old Business

- a. **None**

6. New Business

- a. **Review, discussion, and possible action on a Conditional Use Grant request of applicant Tim Steidl d/b/a Myxn Lakeside LLC, to develop a seasonal hotdog cart accessory to the proposed restaurant/tavern use, within the previously approved three public parking stalls situated in the W. Wisconsin Avenue right-of-way in front of the business located at 145 W. Wisconsin Avenue – Suite 1. Building/property owner is Joseph Grasc Development LLC. Right-of-way is owned by the Village of Pewaukee. Property is Zoned B-2 Downtown Business District.**

Planner Lyons gave a brief overview and shared what is required.

Discussion was held between the Commission and the applicant.

Village Planner Recommendations:

The Village of Pewaukee Plan Commission approves the Conditional Use Grant to locate a seasonal hotdog cart within the previously approved outdoor dining / seating area in three existing, on-street parking stalls for the property located at 145 W. Wisconsin Avenue, Suite 1 (PWV 0898001003), subject to the following general conditions:

1. Any conditions made by the Plan Commission at their meeting of March 13, 2025.
2. This grant shall become effective upon the execution and recording by the owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant that shall run with the land subject to the provisions contained herein.
3. This grant shall be void unless, pursuant to the building and Zoning Codes of the Village, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of the Planning Commission approval noted above.
4. This grant is subject to amendment and termination in accordance with the provision of the Zoning Code of the Village.
5. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant and exhibited hereto.
6. Construction and operation of the use granted shall be subject to full compliance with any other applicable rules/laws as set forth by any other governmental or quasi-governmental departments/entities with jurisdiction over this site, construction and/or operation such as, but not necessarily limited to, the Village's Building Inspections, Public Works, Police and Fire Departments, Waukesha County, Wisconsin DNR, the State of Wisconsin, ... and similar.
7. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
8. This Grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
9. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.

Specific Conditions on the Use/Operations:

10. Annual renewal of this CUG is not a condition of the approval but that is based upon the continued willingness of the applicant to work cooperatively with the Village on adjustments to the site/operating plans as the use goes along in the event unforeseen issues or concerns as to safety or suitability should arise.
11. Shall only be permitted within the three previously approved stalls used for street dining.
12. The permitted seasonal period of use for the right-of-way shall be March 1 to October 31 annually.

13. Days/Hours of use for this right-of-way dining/seating area shall be limited to days/hours that the principal use Myxn Lakeside Bar is actually open but in no case later than 1 am daily.
14. As to both seasonal and permanent cessation of operations, the right-of-way area shall be immediately returned to its original state by the applicant - as it was before the street dining use was approved and implemented.
15. Any substantiated material adverse impacts upon surrounding properties or the Village generally resulting from this use (including, though not necessarily limited, to noise, odor, litter, animal infestation, loitering, glare, public safety, illegal activity,...) shall be the responsibility of the owner/applicant to correct timely upon notice from the Village and failure to do so may result in revocation of this conditional use grant amendment or portions thereof.
16. Village Staff final review and approval, prior to placement, of all appurtenances (such as but not necessarily limited to tables, chairs, umbrellas, planters, heaters, fire tables, trash receptacles, serving tables,... and similar) proposed to be placed in the right-of-way area(s) ref Exhibit A attached.
17. Recording of the Conditional Use Grant (CUG) prior to the start of any right-of-way occupancy.
18. Village Board approval of a right-of-way access/occupancy/use permit and agreement prior to recording of the Conditional Use Grant Amendment – the date and terms of such approval to be memorialized in the Village’s CUG record/file for this property for the duration of time that this use is permitted.
19. Prior to recording the CUG, execution of a hold harmless and indemnity agreement satisfactory to the Village Attorney and approved by the Village Board for construction and operation of the use herein granted, the date and terms of such agreement to be memorialized in the Village’s CUG record/file for this property for the duration of time that this use is permitted.
20. Prior to occupying the public right-of-way for this use, provision of general liability and property damage insurance naming the Village of Pewaukee as an additional insured shall be provided to the Village Attorney for review and approval as to adequacy – evidence of the final and approved insurance documents to be retained on file in the Village’s CUG record for this property for the duration of time this use is permitted.
21. The Village Board shall make the final determination as to who has precedence in terms of the right-of-way use on any dates/times where use of this specific right-of-way space may have been requested by multiple parties/special events. During special events in the downtown area, the permit holder shall refer to the Village Administrator for the priority determination as may have been set forth by the Village Board in regard to this specific right-of-way space and shall abide by those specific instructions.

Trustee Rohde motioned/seconded by Comm. Liebert to approve the Conditional Use Grant to locate the seasonal hotdog cart within the outdoor dining area subject to the staff recommendations.

Motion Carried: 5-1; Comm. Hoff voted Nay.

- b. **Review, discussion and possible action to allow a mural and Sign Code Waiver for American Legion to allow 80 sq. ft. of sign area in conjunction with a mural on the adjacent building wall located at 112 Main Street pursuant to Section 70. This 0.16-acre property, located at 112 Main Street, is owned by Lueth Properties LLC, is zoned B-2 Downtown Business District.**

Village Planner Recommendations:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below. The Village of Pewaukee Plan Commission Approves the larger wall sign up to 80 square feet and mural for American Legion on the adjacent building wall located at 112 Main Street, subject to the following conditions:

1. That a total of 80 square foot wall sign be permitted within the proposed American Legion mural located at 112 Main Street.
2. Any conditions made by the Plan Commission at their meeting of November 2024, as noted in the minutes.
3. That any additional required building permits be obtained prior to erection of wall signage.
4. That any additional freestanding signage improvements obtain zoning approval and building inspector approval prior to being permitted through the Village Hall Staff.

Attorney Gralinski stated that the packet shows two separate options for the Commission to consider, and a choice needs to be made – Lyons joined in to explain the differences.

Discussion was held amongst the Commission.

Mark Johnson, Commander @ American Legion, Post 71 – Shared that they received an updated version of the mural from the artist. They have received approval from the National American Legion to use the Legion emblem. Johnson then went into more detail about what each part of the mural means.

Discussion continued between the applicant and Commission.

Comm. Belt motioned/seconded by Comm. Hoff to approve the American Legion Sign Code Waiver for the 80 sq. ft. for the Legion emblem and wording, with the six branches being stand alone.

Motion Carried 6-0

- c. **Review, discussion and possible recommendation to the Village Board on an ordinance to create section 40.109(c) of the Municipal Code of the Village of Pewaukee regarding reasonable accommodations through special zoning permit waivers.**

Lyons gave a brief overview.

Comm. Liebert motioned/seconded by Comm. Rohde to recommend approval to the Village Board of the Pewaukee Zoning Ordinance amendments as outlined in the attached ordinance in reference to creating section 40.109C: Special Zoning Waivers for Reasonable Accommodation.

Motion Carried 6-0

- d. **Review, discussion, and direction to staff regarding amendment to Village of Pewaukee Zoning Code for reducing setbacks requirements for accessory structures.**

Lyons gave a brief overview and shared examples of neighboring communities codes.

Discussion was held amongst the Commission.

7. Citizen Comments – No comments.

8. Adjournment

Trustee Rohde motioned/seconded by Comm. Liebert to adjourn the April 10, 2025, Regular Plan Commission meeting at approximately 6:41 p.m.

Motion carried 6-0.

Respectfully submitted,

Mackenzie Quigley
Deputy Clerk

DRAFT

TO: Village of Pewaukee Plan Commission
CC: Matt Heiser – Village Administrator & Jenna Peter - Clerk
FROM: Mark Lyons, Planning Consultant
RPT DATE: May 1, 2025
MTG DATE: May 8, 2025
RE: Village of Pewaukee Conditional Use Grant for new Lift Station

BACKGROUND:

1. Petitioner: Village of Pewaukee
2. Property Owner: CPKC
3. Location/Address: North of 512 Kopmeier Drive
4. Tax Key Number: N/A
5. Area: N/A
6. Existing Zoning: R-5 Residential Detached District
7. Proposed Zoning: N/A
8. Future Land Use: N/A
9. Proposed Future Land Use: N/A

OVERVIEW:

The Village is requesting approval of a Conditional Use Grant to construct a new lift station immediately north of Kopmeier Drive. The village has an existing exposed lift station within CPKC's railroad right-of-way and is seeking to construct a new lift station adjacent to the old facility. Records indicate the existing lift station has been in place since at least the 1950's.

SUBMITTAL:

The enclosed submittal includes the Site Plan.

PLANNER COMMENTS:

1. **Conditional Use Grant.** The Village Code permits utility use by the issuance of a Conditional Use Grant in the R-5 Residential Detached District.
2. **Site Plan.** The site plan indicates construction of a 21'2" x 9'8" lift station building with the associated equipment housed inside. The proposed location is immediately east of the existing at grade lift station and is located within the railroad right-of-way.
3. **Zoning Requirements:** The proposed utility use is a Conditional use under the R-5 Residential Detached District.
4. **Site Improvements:**
 - a. **Site:** No additional landscaping has been indicated as part of the development plan. The Village is in the process of obtaining an easement from CPKC for the subject area.

- b. **Design Requirements:** There are no applicable general design requirements for the proposed development.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following actions listed below.

CONDITIONAL USE REQUEST FOR A LIFT STATION

The Village of Pewaukee Plan Commission **Approves** the Conditional Use Request for a lift station on CPKC railroad right-of-way, subject to the following conditions:

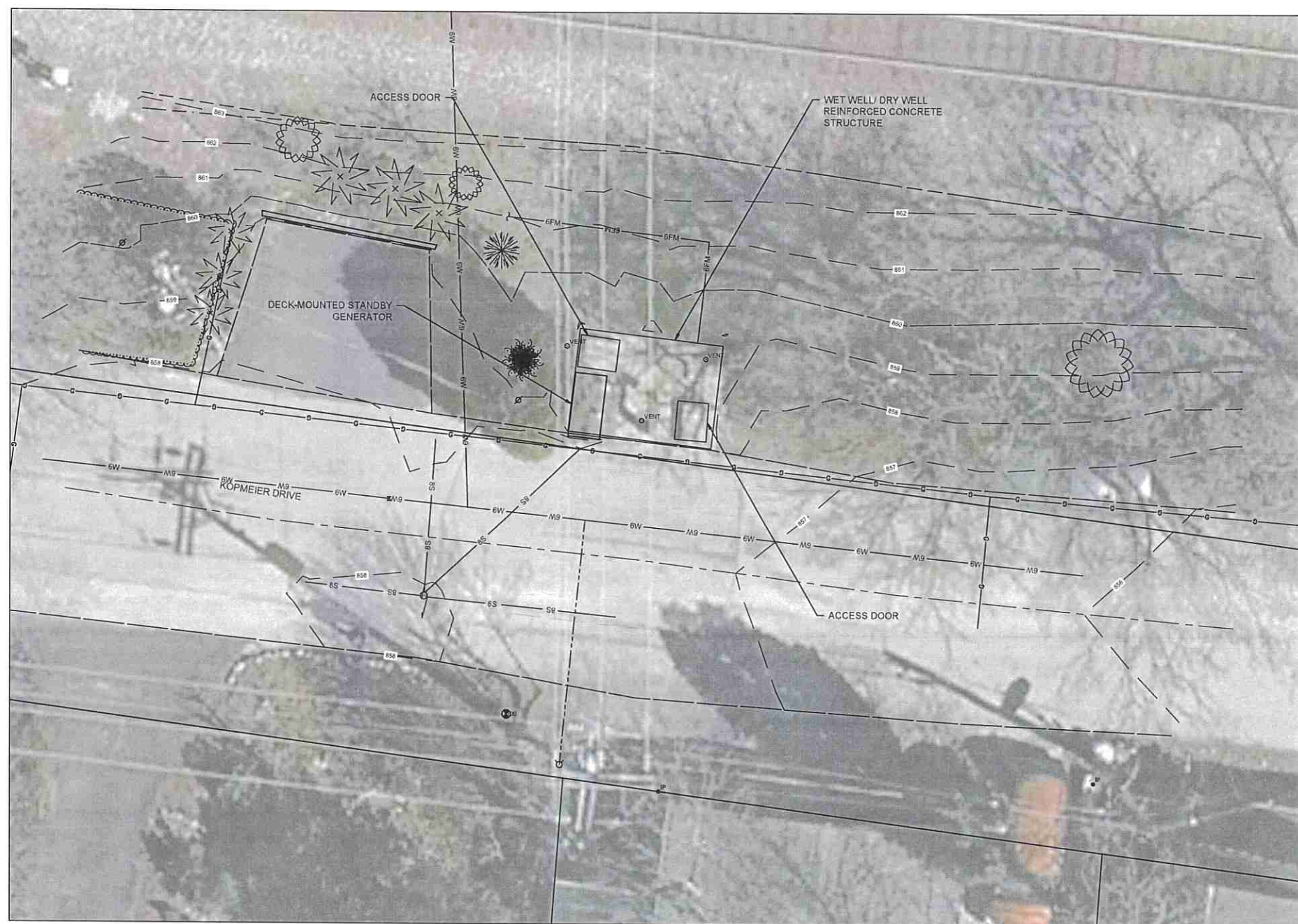
1. Any conditions made by the Plan Commission at their meeting of May 2025.
2. Full execution and recording of the Conditional Use Grant prior to beginning construction.
3. The Petitioner shall satisfy all comments, conditions, and concerns of the Village of Pewaukee Plan Commission and Board, Village Engineer and Village Planner for the site plan, and other documentation.
4. Building Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village Building Inspector (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village Building Inspector, if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of structural integrity or safety of any structure on the property, or as proof of compliance with any particular construction standard that would apply to new construction. The petitioner shall independently determine the suitability of all structures on the property for the petitioner's intended uses.
5. Fire Inspection. The Petitioner and/or Property Owner shall comply with any and all recommendations by the Village of Pewaukee Fire Department Chief (or designee) prior to the issuance of an occupancy & use permit for the subject property. Approval by the Village of Pewaukee Fire Department Chief (or designee), if granted, shall be solely for the benefit of the Village of Pewaukee, and shall not be relied upon by the petitioner or others as proof of fire safety of any structure on the property, or as proof of compliance with any particular fire safety standard that would apply to new construction. The petitioner shall independently determine the fire safety and suitability of all structures on the property for the petitioner's intended uses. Fire department approval following review to ensure any additional fire access requirements for the parking lot as proposed is required prior to building occupancy.
6. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Business Site Plan approval with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, noise, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
7. The Property Owner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage

of junk, debris, construction material, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.

8. The Property Owner shall allow Village of Pewaukee representatives to inspect the premises following a 24-hour notice for the purposes of determining compliance with this approval.
9. The Petitioner and/or Property Owner shall obtain the appropriate permits from the Village of Pewaukee.
10. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Pewaukee for all costs and expenses of any type incurred by the Village in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions.

EXHIBIT:

- A. Site Plan
- B. Street View
- C. GIS Map



 **Ruekert • Mielke**
Waukesha • Kenosha • Madison
Global Water Center • Fox Valley
www.ruekertmielke.com

MEIER DRIVE LIFT STATION MODIFICATIONS
EXISTING SITE PLAN
VILLAGE OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

© COPYRIGHT 2024
RUEKERT & MIELKE INC.

DESIGNED BY: DWA
DRAFTED BY: WCB
CHECKED BY: DJH
DATE: APRIL 2024

FILE NO.:
8034-10014.210

www.ruekertmielke.com



AREF S.NH22346] REL-ENCLOSURE
G3CJD_20180304_Village of Pewaukee10014 Kojimrei Uti G3aonidm724-REL-GEN VALVE AND CONTROL BLO ELting

Ruekert • Mielke
Waukesha • Kenosha • Madison
Global Water Center • Fox Valley
www.ruekertmielke.com

REBID KOPMEIER DRIVE LIFT STATION MODIFICATIONS
GENERATOR, VALVE, AND CONTROL BUILDING ELEVATIONS
VILLAGE OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

© COPYRIGHT 2024
RUEKERT & MIELKE INC.

DESIGNED BY: DWA
DRAFTED BY: WCB
CHECKED BY: DJH
DATE: APRIL 2024
FILE NO. 8034-10014.210

DRAWING NO.
8
SHEET NO.
A01

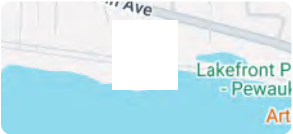
TOWN:###	RANGE:###	SECTION(s):###

www.ruekertmielke.com

Pewaukee, Wisconsin
Google Street View
Sep 2012



Image capture: Sep 2012 © 2025 Google





Village of Pewaukee GIS



Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072
262-691-5660

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Pewaukee does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 16'

Print Date: 5/1/2025

TO: Village of Pewaukee Plan Commission
CC: Matt Heiser – Village Administrator & Jenna Peter - Clerk
FROM: Mark Lyons, Village Planning Consultant
RPT DATE: May 1, 2025
MTG DATE: May 8, 2025
RE: Granting 6' wide electrical easement

BACKGROUND:

1. Petitioner: WE Energies
2. Property Owner: Village of Pewaukee
3. Location/Address: River Hills Park
4. Tax Key Number: PWV 0925100
5. Area: 2.2156 AC
6. Existing Zoning: FC Floodplain Conservancy District
7. Proposed Zoning: N/A
8. Future Land Use: Environmental
9. Proposed Future Land Use: N/A

OVERVIEW:

The Petitioners are requesting the Village grant a 6' wide electrical easement to Wisconsin Electric Power Company on property commonly known as River Hills Park located on the east side of Riverside Drive and south of its intersection with Waterstone Court on an existing 2.2156-acre lot, currently zoned as FC, Floodplain Conservancy District.

SUBMITTAL:

The enclosed submittal includes the sketch exhibit indicating the proposed easement location.

PLANNER COMMENTS:

1. **Analysis.** The submitted documents indicated a 6' wide easement along the east right-of-way line of Riverside Drive. The applicant is requesting an easement to expand its electrical and communications facilities in the area. The easement would run along the western 6' of the Village owned parcel. The Village Attorney is coordinating the review of the easement documents, and any necessary changes will be made prior to final Village Board consideration. Wisconsin Statute 62.23(5) requires granting of easements be referred to the Plan Commission for consideration prior to taking final action. The signed easement agreement will be recorded upon approval by the Village Board.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following action:

GRANTING 6' WIDE ELECTRICAL EASEMENT ALONG THE WESTERN 6' OF PROPERTY COMMON KNOWN AS RIVER HILLS PARK

The Village of Pewaukee Plan Commission recommends to the Village Board to Grant the above referenced electrical easement.

EXHIBIT:

- A. GIS Property Location Map
- B. Sketch plan provided by WE energies



Village of Pewaukee GIS



Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072
262-691-5660

DISCLAIMER:

This map is not a survey of the actual boundary of any property this map depicts.

The Village of Pewaukee does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

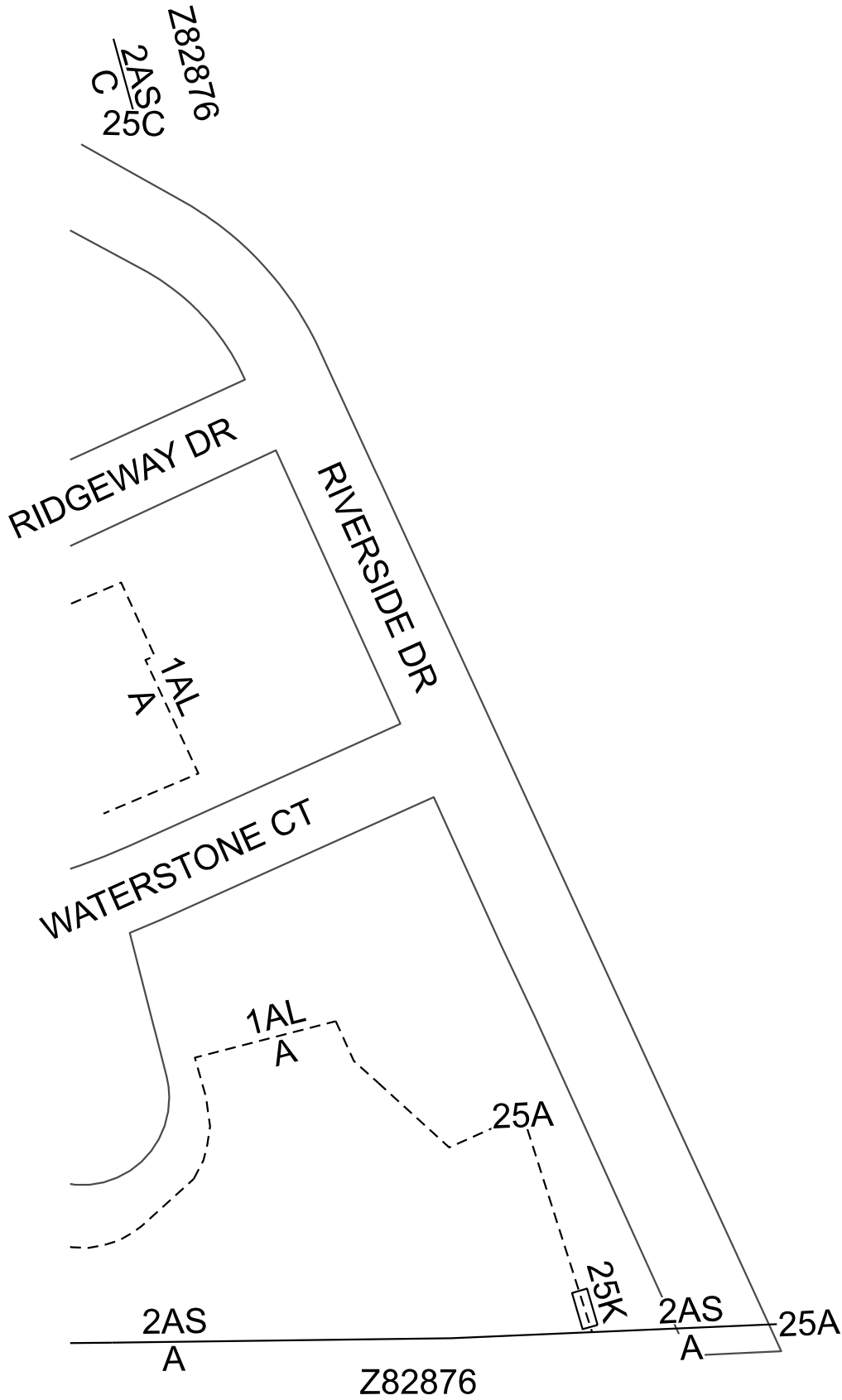


SCALE: 1 = 85'

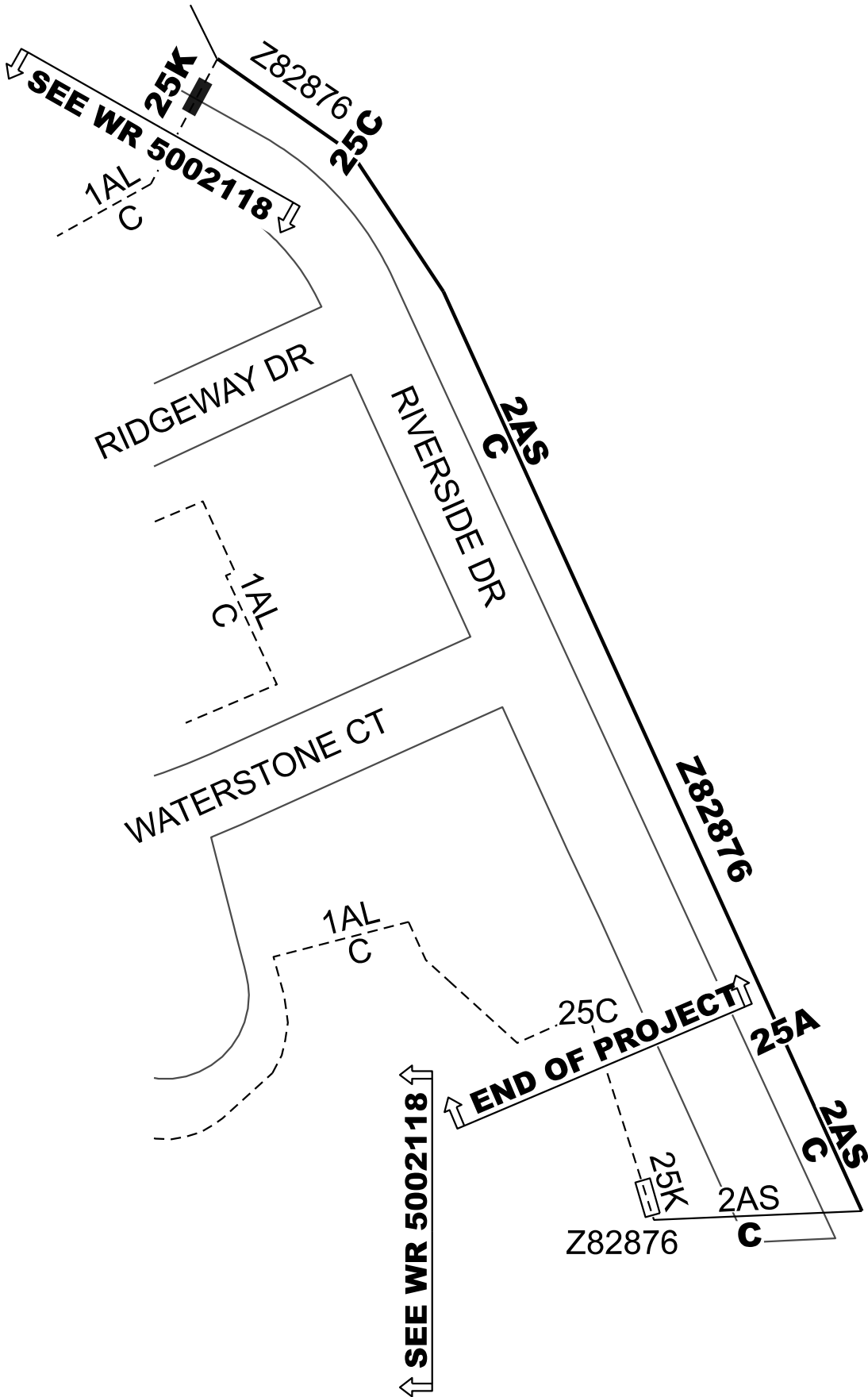
Print Date: 4/28/2025



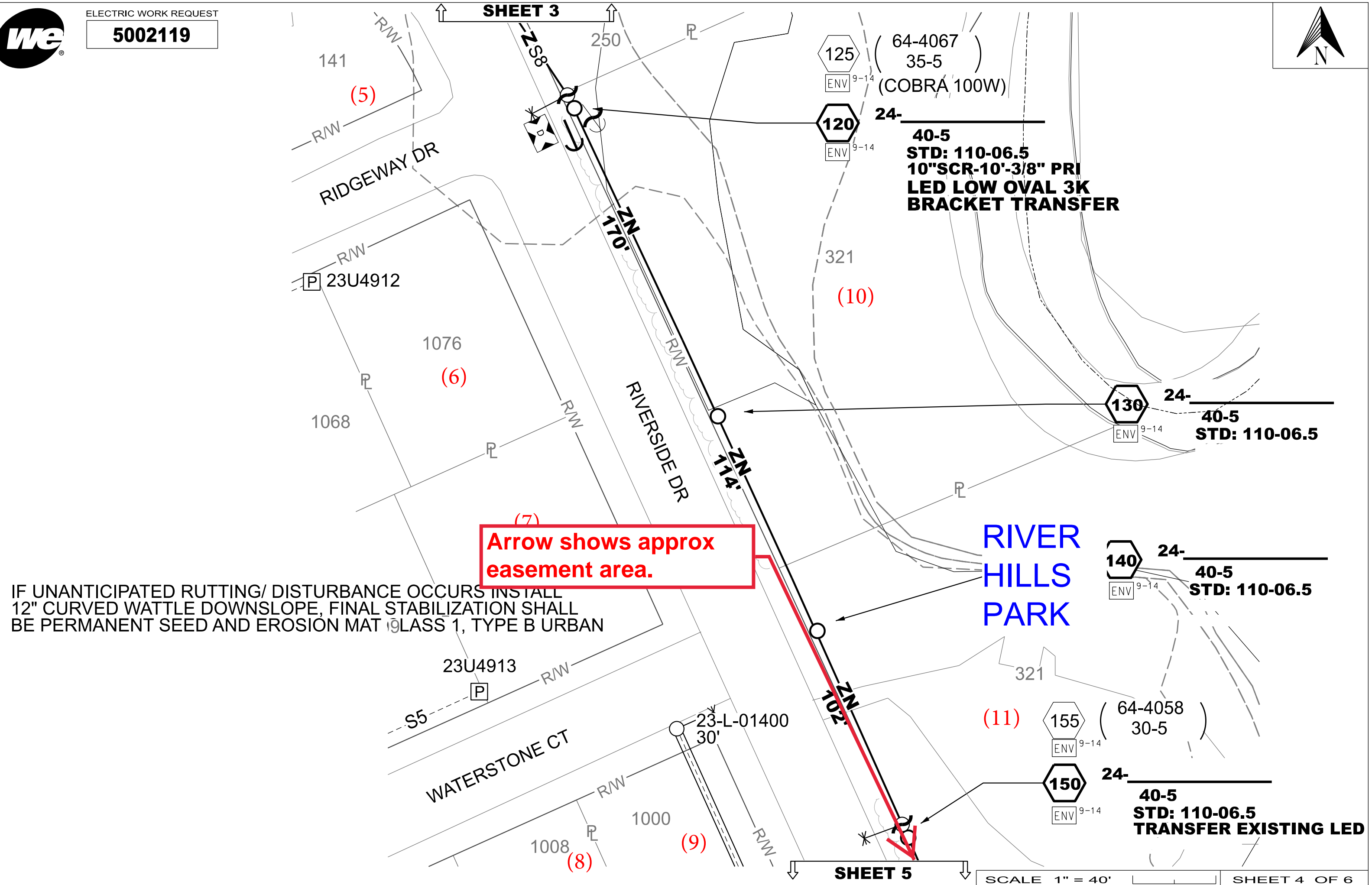
EXISTING FEEDER Z82876



PROPOSED FEEDER Z82876



5002119





RIVER HILLS PARK

SHEET 5 OF 6

TO: Village of Pewaukee Plan Commission
CC: Matt Heiser – Village Administrator & Jenna Peter - Clerk
FROM: Mark Lyons, Village Planning Consultant
RPT DATE: May 1, 2025
MTG DATE: May 8, 2025
RE: Zoning Ordinance Amendments – Amend Section 40.419(e)(1) offsets for accessory structures

OVERVIEW:

On April 4, 2025, after discussion, the Plan Commission directed staff to prepare an ordinance amendment with regards to required offsets for small accessory structures. The Plan Commission discussed several ways other communities have addressed specific standards for smaller accessory structures and what impact an ordinance amendment might have. The proposed ordinance would amend section 40.419(e)(1). Below are highlights of the proposed ordinance, a full copy of the proposed ordinance is attached.

- Creation of a new 40.419(e)(1)(a) to allow accessory structures under 200 sq. ft. to be located 5' from side or rear lot lines.
- Accessory structures over 200 sq. ft. would comply with the offsets of the underlying zoning district.
- Codify that those structures 120. sq. ft. or less would only require a zoning permit.
- Sequentially renumber the prior subsections (a) through (e) to (b) through (f) accordingly.

STAFF RECOMMENDATION:

Depending on confirmation by the Village of Pewaukee Plan Commission of the above-described comments, the Village of Pewaukee Plan Commission may take the following action:

AMEND SECTION 40: LAND DEVELOPMENT TO INCLUDE REVISED SECTION 40.419(e)(1)

The Village of Pewaukee Plan Commission recommends to the Village Board Approval of the Village of Pewaukee Zoning Ordinance Amendments as outlined in the attached ordinance.

ORDINANCE NO. 2025-____

**ORDINANCE TO AMEND SECTION 40.419(e)(1) OF THE MUNICIPAL CODE OF
THE VILLAGE OF PEWAUKEE REVISING OFFSETS FOR ACCESSORY
STRUCTURES**

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

SECTION I

Section 40.419(e)(1) of the Municipal Code of the Village of Pewaukee is hereby amended to read as follows:

- (1) No building shall be erected, structurally altered or relocated so that any roofed or enclosed portion thereof is closer to any lot line than the offset distance specified by the regulations for the district in which it is located except as follows:
 - a. For accessory structures 200 sq. ft. or less, the offset from a side and/or lot line may be reduced to 5 feet. Accessory structure more than 200 sq. ft. shall comply with requirements of the underlying zoning district. Additionally, structures 120 sq. ft. or less shall only require a zoning permit. Accessory structures greater than 120 sq. ft. shall require a building permit.
 - ~~a.~~ **b.** In the case of any lot of record which has a minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionally to the ratio of the actual minimum average width and the required minimum average width (i.e., actual width/required width) provided, however, that no offset shall in any case be less than five feet.
 - ~~b.~~ **c.** Where a lot abuts a district boundary line, the offset from such line in the district of less restrictive use shall not be less than that required for the district of more restrictive use.
 - ~~c.~~ **d.** The required offset area on one property may be reduced if the offset area on the adjoining property is increased by deed restriction to include the required offset area plus the equivalent amount of offset area resulting from the adjacent reduction.
 - ~~d.~~ **e.** In the case of attached single-family, row, multifamily, commercial or industrial use structures, two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the State of Wisconsin industrial code relative to such construction are complied with and provided that at both ends of such row type buildings the applicable offset requirements shall be complied with.

e. f. For any single-family residential principal dwelling structure (and including any attached appurtenance thereto such as, for instance, decks, porches, balconies, [etc.]) with frontage on Pewaukee Lake, which property has neighboring existing principal residential structures on each of the adjoining parcels and which adjoining principal residential structures are both within 200 feet of the proposed new or modified principal residential structure, the minimum required offset from the ordinary high water mark (OHWM) of the lake to such new or modified principal residential dwelling structure may be reduced to the average of the lake offsets of the two adjoining principal residential dwelling structures but in no case shall the lake offset be less than 35 feet.

SECTION II

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

SECTION III

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 IV

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 _____ 2025 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Jenna Peter, Village Clerk



To: Jeff Knutson, President
Members of the Village Plan Commission

From: Matt Heiser
Village Administrator

Date: May 2, 2025

Re: May 8, 2025 Plan Commission Meeting Agenda Item 8(d)
Review, discussion and possible recommendation to the Village Board on ordinance 2025-04 which in part, amends Section 40.132(a) and 40.482(a) of the Municipal Code of the Village of Pewaukee regarding per diem for citizen board, commission, and committee members (Board of Zoning Appeals and Historic Preservation Commission)

BACKGROUND

Presently the Village does not offer any kind of monetary compensation to recognize non-elected citizen participation on the various sub-committees and commissions serving the Village.

The Village Board directed staff during its February 19, 2025 meeting to propose an ordinance change that would pay non-elected citizen committee members twenty dollars per meeting.

ACTION REQUESTED

The action requested is to recommend approval of Ordinance 2025-04 to the Village Board as it pertains to the Board of Zoning Appeals and the Historic Preservation Commission.

ANALYSIS

The Village Attorney composed this proposed ordinance. The establishment of the various sub-committees and commissions are sprinkled throughout Municipal Code. As a result the proposed ordinance impacts the code in a number of places.

This is before the Commission for consideration because two Boards are established in Chapter 40 of the Municipal Code: the Board of Zoning Appeals and the Historic Preservation Commission. Any amendment to Chapter 40 of the Municipal Code requires Plan Commission review and recommendation before consideration by the Village Board. The review of the Plan Commission should be limited to the changes proposed to the Board of Zoning Appeals and the Historic Preservation Commission.

Attachment:

1. Ordinance 2025-04

ORDINANCE NO. 2025-04

**ORDINANCE TO CREATE SECTIONS 62.101(G), 2.110(2) C., AND 2.113 AND,
FURTHER, TO AMEND OR REPEAL AND RECREATE SECTIONS 2.136, 40.132(A),
42.102, 54.132(I), 40.482(A) OF THE MUNICIPAL CODE REGARDING A PER DIEM
FOR CITIZEN BOARD, COMMISSION, AND COMMITTEE MEMBERS**

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

SECTION I

Section 2.136 of the Municipal Code of the Village of Pewaukee is hereby amended to read as follows: “All members of the board of review except members who are full time employees, officers, or elected officials of the Village shall be paid for each day of attendance at meetings of the board at such rate as established from time to time by resolution of the Village Board.”

Section 62.101 (g) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows: “All members of the plan commission except members who are full time employees, officers, or elected officials of the Village shall be paid for each day of attendance at meetings of the commission at such rate as established from time to time by resolution of the Village Board.”

Section 2.110 (2) c. of the Municipal Code of the Village of Pewaukee is hereby created to read as follows: “All members of the public works and safety committee except members who are full time employees, officers, or elected officials of the Village shall be paid for each day of attendance at meetings of the commission at such rate as established from time to time by resolution of the Village Board.”

Section 40.132(a) of the Municipal Code of the Village of Pewaukee is hereby repealed and recreated to read as follows: “All members of the board of appeals except members who are full time employees, officers, or elected officials of the Village shall be paid for each day of attendance at meetings of the board at such rate as established from time to time by resolution of the Village Board.”

Section 42.102 of the Municipal Code of the Village of Pewaukee is hereby amended to add the following: “All members of the police commission except members who are full time employees, officers, or elected officials of the Village shall be paid for each day of attendance at meetings of the commission at such rate as established from time to time by resolution of the Village Board.”

Section 54.132 (i) of the Municipal Code of the Village of Pewaukee is hereby amended to add the following: “All members of the sex offender residency appeal board except members who are full time employees, officers, or elected officials of the Village shall be paid for each day of attendance at meetings of the board at such rate as established from time to time by resolution of the Village Board.”

Section 40.482(a) of the Municipal Code of the Village of Pewaukee is hereby amended to add the

following: “All members of the historic preservation commission except members who are full time employees, officers, or elected officials of the Village shall be paid for each day of attendance at meetings of the commission at such rate as established from time to time by resolution of the Village Board.”

Section 2.113 of the Municipal Code of the Village of Pewaukee is hereby created to read as follows: “Joint Review Board – Compensation of Public Member. If the Village should have, at any time, a joint review board created pursuant to the terms of Wis. Stat. Sec. 66.1105(4m), as amended, the public/resident member of such board shall be paid for each day of attendance at meetings of the board at such rate as established from time to time by resolution of the Village Board. This provision shall not apply to board representatives chosen by, respectively, Waukesha County, the Pewaukee School District, Waukesha County Technical College, or any full-time employee, officer, or elected official of the Village of Pewaukee who is a member of such board.”

SECTION II

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

SECTION III

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 IV

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 _____ 2025 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Jenna Peter, Village Clerk



To: Jeff Knutson, President
Members of the Village Plan Commission

From: Matt Heiser
Village Administrator

Date: May 2, 2025

Re: May 8, 2025 Plan Commission Meeting Agenda Item 8(e)
Review, discussion and possible recommendation to the Village Board on a Sanitary Sewer Lateral Assignment and Assumption Agreement and Permanent Easement with WCTC regarding property located at 800 Main Street, PWV 0925999

BACKGROUND

The Village Utilities are engaged in work to update Well #4. The site has filter tanks that need to be backwashed on a weekly basis. The water from the backwash needs to go into the sanitary sewer and will get there via the sanitary sewer lateral on the WCTC campus.

ACTION REQUESTED

The action requested is to recommend approval of the easement to the Village Board.

ANALYSIS

The Village Attorney composed this document. It grants the Village an easement to be on WCTC property. The Village offered to maintain the lateral moving forward in exchange for WCTC allowing use so the document also assigns it to the Village.

This is before the Plan Commission for consideration because it is a utility authorization.

WCTC has approved the document.

Attachment:

1. Sanitary Sewer Lateral Assignment and Assumption Agreement and Permanent Easement with WCTC.
2. Easement Exhibit

**SANITARY SEWER LATERAL
ASSIGNMENT AND ASSUMPTION
AGREEMENT AND PERMANENT
EASEMENT**

Document Number

Title of Document

The property affected by this Agreement is legally described as on the attached Exhibit A.

Record this document with the Register of Deed.

Name and Return Address

Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

A portion of PWV 0925999

(Parcel Identification Number)

Drafted By:

Attorney Matthew R. Gralinski
Hippenmeyer, Reilly, Blum,
Schmitzer & Fabian, S.C.
720 Clinton St., PO Box 766
Waukesha, WI 53187-0766
Phone: (262) 549-8181
Email: mgbalum@hrblawfirm.com

**SANITARY SEWER LATERAL ASSIGNMENT AND ASSUMPTION AGREEMENT
AND PERMANENT EASEMENT**

This **SANITARY SEWER LATERAL ASSIGNMENT AND ASSUMPTION AGREEMENT AND PERMANENT EASEMENT** (together the "Agreement") is made and entered into by and between Area Board Vocational, Technical, & Adult Education District 8 a/k/a Waukesha County Technical College (hereinafter referred to as the "Assignor") who are the owners of the property at 800 Main Street, Pewaukee, Wisconsin, 53072, having Tax Key No. PWV 0925999 (hereinafter referred to as the "Property"), and the Village of Pewaukee (hereinafter the "Village"), a Wisconsin municipal corporation, with its principal office and place of business at 235 Hickory Street, Pewaukee, Wisconsin, 53072;

WHEREAS, Assignor is the owner of the Property; and

WHEREAS, Assignor has constructed, operates, and maintains a sanitary sewer lateral, whose location is as depicted and described on the attached Exhibit "A" as the "Permanent Sanitary Sewer WCTC Easement Area", which connects to and conveys sanitary sewage to a sanitary sewer main constructed, operated and maintained by the Village; and

WHEREAS, the Village operates a municipal water utility, which includes a facility known as Well No. 4 which is located on the Property; and

WHEREAS, the Village is constructing certain water treatment improvements and upgrades to Well No. 4, in part, to satisfy certain requirements set forth by the Wisconsin Department of Natural Resources; and

WHEREAS, the treatment improvements and upgrades will necessitate flushing of Well No. 4, and discharge will be generated as a result of those and other activities; and

WHEREAS, the Village will require a sanitary sewer lateral for conveyance to the sanitary sewer main to flush Well No. 4., and to allow treatment and potable water for Village residents; and

WHEREAS, the Village is desirous of acquiring an easement to allow for the construction of a new sanitary sewer lateral; and

WHEREAS, the Village is desirous of connecting its new sanitary sewer lateral to the Assignor's existing sanitary sewer lateral for purposes of ultimate conveyance of discharge generated by Well No. 4 to the sanitary sewer main; and

WHEREAS, Assignor is willing to grant an easement for a new sanitary sewer lateral and allow the Village to connect to its existing sanitary sewer lateral upon the terms and condition of this Agreement including, but not limited to, the Village assuming ownership and responsibility for the existing sanitary sewer lateral from the point of connection of Village's Well 4 lateral downstream to the sanitary sewer main.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and the above Recitals which are fully incorporated herein, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby covenant and agree as follows:

1. PERMANENT EASEMENT. The Assignor does hereby convey and grant to the Village a permanent, non-exclusive easement across the Assignor's Property in the location depicted and described in the attached Exhibit "A" as the Permanent Sanitary Sewer HMO Easement Area (hereinafter the "HMO Easement Area.") The Village shall have the right, permission, and authority to utilize this easement for the construction, operation, use, maintenance and reconstruction of a sanitary sewer lateral to convey discharge from Well No. 4 to the point of connection with the existing sanitary sewer service lateral described in Section 2 of this Agreement and related appurtenances (the "HMO Lateral").

- a. Assignor agrees to permit and allow Village to have the HMO Lateral installed at such time as the Village deems necessary.
- b. This Easement, and the duties and obligations created hereunder, shall run with the land and shall be binding upon, and inure to the benefit of each party and to their respective successors and assigns.
- c. The Assignor agrees not to place any structures or other impediments to the Village's use of the HMO Easement Area for the purpose of the operation, maintenance, construction and/or reconstruction of the HMO Lateral.
- d. It is the express condition of the granting of this easement that the surface or subsurface of the soil may be disturbed in the construction, reconstruction, operation, use and repair of HMO Lateral. The Village shall perform such regular and customary or extraordinary or emergency maintenance, repairs, or replacement to the HMO Lateral as it shall deem necessary and appropriate. The Assignor consents to the entry by employees, workmen, agents, or independent contractors of the Village for the incidental activities related to construction, operation, use, reconstruction, and repair of the HMO Lateral, and further for purpose of exercising the Village's rights herein acquired. In the event that the Village conducts any excavation or other land-disturbing activities within the HMO Easement Area, the Village agrees to restore the HMO Easement Area at the Village's expense to the condition that existed prior to the land-disturbing activities or better and to restore the grade within the HMO Easement Area to the condition that existed prior to the land-disturbing activities +/- four (4") inches..
- e. This Easement shall commence upon the date first above written and shall continue in perpetuity.
- f. The Assignor warrants that they have legal title to the lands which are the subject of this easement and that they have lawful authority to grant this easement. Further, Assignor shall defend the Village of Pewaukee in its exercise of rights under the easement herein granted against any defect resulting from the acts of the Assignor

in title to the HMO Easement Area or in the right of Assignor to make the grant herein contained.

- g. The Assignor, their successors and assigns, covenants and agrees to restrict the use of the HMO Easement Area as follows:
 - i. The HMO Easement Area will only be put to uses consistent with the easement granted to the Village herein, such as lawn areas, parking lots, driveways, access drives and roadways, and small and easily movable structures that will not interfere with access to the HMO Lateral.
 - ii. No obstruction of access to the HMO Lateral 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 the vertical planes located on both sides of the HMO Lateral.
 - iii. The surface elevation of the land within the HMO Easement Area shall not be raised or lowered more than four (4) inches without the prior written approval of the Village Engineer.

2. ASSIGNMENT AND ASSUMPTION OF EXISTING SANITARY SEWER LATERAL. The Assignor does hereby consent to the Village connecting the Village's new sanitary sewer lateral from Well No. 4 (the "HMO Lateral") to the existing sanitary sewer lateral located on the Property owned by Assignor. Immediately upon the completion of such connection, Assignor hereby assigns, sets over, and transfers to the Village all of Assignor's right, title, and interest in the existing sanitary sewer lateral beginning at the point of connection of the Village's new HMO Lateral and continuing downstream to the point where the existing sanitary sewer lateral connects with the Village's sanitary sewer main, the location of such assigned portion of the existing sanitary sewer being further depicted on the attached Exhibit "A" as the Permanent Sanitary Sewer WCTC Easement Area (hereinafter the "Assigned WCTC Easement Area"). The portion of physical lateral being assigned shall hereinafter be referred to as the "Assigned Lateral." The Village hereby accepts such assignment and assumes and agrees to assume all liabilities and obligations relating to the Assigned Lateral immediately upon the completion of connection of the HMO Lateral to the existing sanitary sewer lateral, subject to all of the following:

- a. This Assignment shall in no way be construed to assign any right or title to the existing sanitary sewer lateral from the point of connection of the Village's HMO Lateral upstream, with Assignor retaining all ownership, responsibility, and obligation related to that portion of the existing sanitary sewer lateral.
- b. Assignor agrees to indemnify and hold Village harmless from and against any and all claims, losses, expenses, and liabilities, including reasonable actual attorneys fees, asserted against the Village arising out of or resulting from Assignor's ownership of the Assigned Lateral or the Assigned WCTC Easement Area.
- c. Immediately upon assignment of the Assigned Lateral, Assignor does hereby convey and grant to the Village a permanent, non-exclusive easement across the Assignor's Property in the location depicted in the attached Exhibit "A" as the Permanent Sanitary Sewer WCTC Easement Area for the continued operation, use,

maintenance, and reconstruction of the Assigned Lateral (the "Assigned WCTC Easement Area.") Such easement for the Assigned Lateral shall be under all of the same terms and conditions found in the easement set forth in Section 1 of this Agreement, without exception, with the term "HMO Lateral" as that term is used in Section 1, being replaced with the "Assigned Lateral" and the term "HMO Lateral Easement Area" being replaced with "Assigned WCTC Easement Area" for purposes of application in this Section 2.

- d. Assignor hereby represents and warrants that the Assigned Lateral is, as of the date of assignment, in good and working condition.

3. The parties shall have the right to enforce their respective rights and obligations under this Agreement in any manner provided for by law or in equity, including, without limitation, a suit for damages or injunctive relief.

4. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin. Any litigation arising in connection with the Agreement shall be conducted only in the Waukesha County Circuit Court.

5. No delay or omission by any of the parties obligated hereunder to exercise any right or power upon any non-compliance or failure of performance by another party under the provisions of this Agreement shall impair any such right or power or to be construed to be a waiver thereof. A waiver by any such party hereunder of any of the covenants, conditions or agreements hereof to be performed by another shall not be construed to be a waiver of any succeeding default hereunder or any other covenant, condition or agreement herein contained.

6. If any provision or portion thereof of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such provisions or portion thereof, to any other persons or circumstances, shall not be affected thereby and each of such provisions of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

7. No amendment shall be effective to modify, waive or discharge this Agreement in whole or in part unless agreed to, in writing, by authorized representatives of both parties.

8. The parties acknowledge that the Village is obtaining any easement rights in an arm's length transaction and that this Easement shall not be considered as an exercise by the Village of its eminent domain rights under applicable Wisconsin law.

9. This Agreement and all of its terms and conditions shall run with the land and shall be binding upon the parties and their respective heirs, successors, and assigns.

[Signature Page To Follow]

Dated: 4/24/25

ASSIGNOR:

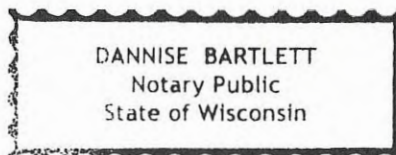
AREA BOARD VOCATIONAL,
TECHNICAL & ADULT EDUCATION
DISTRICT 8
A/K/A
WAUKESHA COUNTY TECHNICAL COLLEGE

Kristine Golz
By:

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me, this 24th day of April, 2025, the above-named
, to me known to be the person who executed the foregoing instrument and
acknowledged the same.

Dannise Bartlett
Notary Public, State of Wisconsin
My Commission is permanent/expires: 2/20/2029
2/20/2029



Dated: _____

VILLAGE:
VILLAGE OF PEWAUKEE

By: _____
Jeff Knutson, President

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me, this ____ day of _____, 2025, the above-named Jeff Knutson, to me known to be the person who executed the foregoing instrument and acknowledged the same.

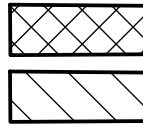
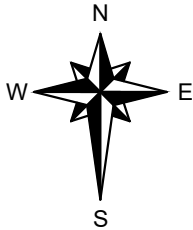
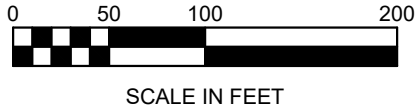
Notary Public, State of Wisconsin
My Commission is permanent/expires: _____

EXHIBIT "A"

SHEET 1 OF 2

PERMANENT SANITARY SEWER EASEMENT

Being part of the Northeast 1/4 of Section 16, Town 7 North, Range 19 East, Village of Pewaukee, Waukesha County, Wisconsin.



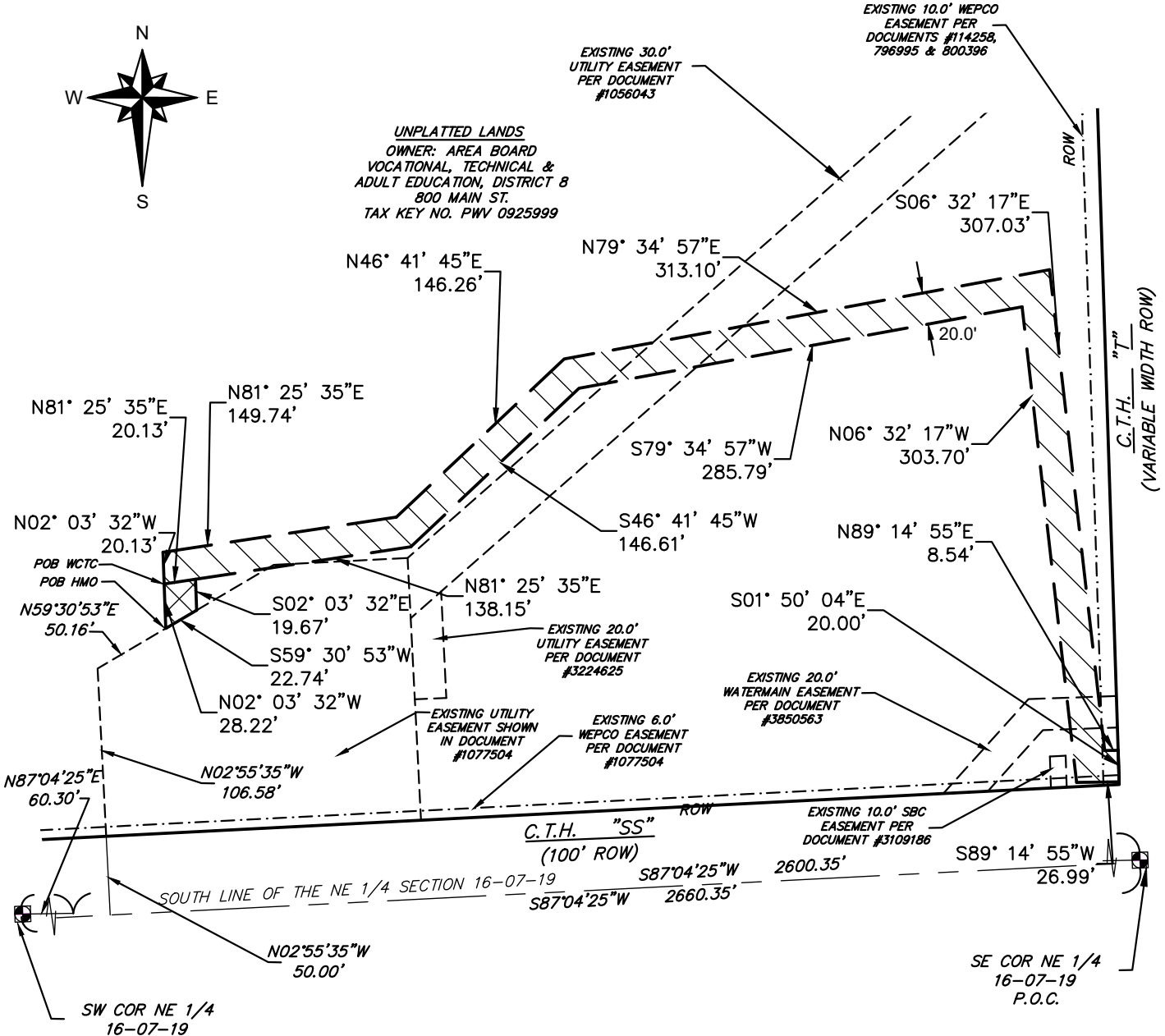
PERMANENT SANITARY SEWER HMO
EASEMENT AREA 479 sq. ft ±

PERMANENT SANITARY SEWER WCTC
EASEMENT AREA 18,460 sq. ft ±

EXISTING 10.0' WEPCO
EASEMENT PER
DOCUMENTS #114258,
796995 & 800396

EXISTING 30.0'
UTILITY EASEMENT
PER DOCUMENT
#1056043

UNPLATTED LANDS
OWNER: AREA BOARD
VOCATIONAL, TECHNICAL &
ADULT EDUCATION, DISTRICT 8
800 MAIN ST.
TAX KEY NO. PWV 0925999



PREPARED FOR:
Village of Pewaukee
235 Hickory Street
Pewaukee, WI 53072

PREPARED BY:
Ruekert & Mielke, Inc.
W233 N2080 Ridgeview Pkwy.
Waukesha, WI 53188

 **Ruekert • Mielke**
www.ruekertmielke.com