



Regular Village Board Meeting Agenda

June 4, 2024

6:00PM

Village Hall, 235 Hickory Street, Pewaukee, WI 53072

To view the meeting live:

https://www.youtube.com/live/3uR6aIpyZow?si=Q8yh_QwIPa6jip7e

1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call.
2. Public Hearings.
 - a. Public Hearing on Proposed Ordinance to repeal Section 40.122 of the Municipal Code Regarding Protest Petitions
 - b. Public Hearing on Proposed Ordinance to create Sections 40.314(10) and 40.314(11) Regarding Bicycle Repair, Assembly and/or Fabrication with or without outdoor storage or display
3. Approval of Minutes of Previous Meeting.
 - Minutes of the Special Village Board Meeting – May 21, 2024
 - Minutes of the Regular Village Board Meeting – May 21, 2024
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. 2024-04, Ordinance to repeal Section 40.122 of the Municipal Code Regarding Protest Petitions
 - b. Possible Action on Ordinance No. 2024-05, Ordinance to create Sections 40.314(10) and 40.314(11) Regarding Bicycle Repair, Assembly and/or Fabrication with or without outdoor storage or display
6. Resolutions. – None.
7. Old Business.
 - a. Discussion and Possible Action to Approve Written Decision Regarding the Appeal of Hawthorne Place LLC Concerning their Fire & EMS Fee Assessment
8. New Business.
 - a. Discussion and/or Possible Action on proposed park use and retail sales license for Brewfinity Brewing Company
 - b. Discussion and/or Possible Action on proposed park use and retail sales license for Broken Bat Brewing Company/Beergo
 - c. Discussion and Possible Action on Scheduling Special Village Board Meetings for Strategic Planning Workshops
 - d. Discussion and Possible Action on Updated Village Administrator Job Description



Regular Village Board Meeting Agenda

- e. Discussion and Direction on Possible Pursuit of Quiet Zones
 - f. Discussion and Possible Action on Request for Use of Village Logo
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.*
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 T-Mobile Lease Agreement and Joint Library Agreement with City of Pewaukee.
11. Reconvene Into Open Session.
- a. Possible Action on T-Mobile Lease Agreement
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 May 31, 2024

**VILLAGE OF PEWAUKEE
SPECIAL VILLAGE BOARD
MINUTES
May 21, 2024 at 4:30 p.m.**

https://www.youtube.com/live/9WdRPGx_MhI?si=ArolpbrhVUpSrZ5S

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

President Knutson called the meeting to order at approximately 6:20 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 Heather Gergen; Trustee Bob Rohde; Trustee Kelli Belt; Trustee Chris Krasovich; Trustee Kristen Kreuser; Trustee Jim Grabowski and President Jeff Knutson.

Also Present: Village Attorney, Mark Blum; Baker Tilly representative, Matt Stark; Sergeant, Michael Rowe; Village Administrator, Scott Gosse; and Village Clerk, Cassie Smith.

2. New Business

a. Hearing on an Appeal of the 2023 Fire-EMS Protection Fee Filed by Cecelia Senior Homes, LLC Regarding Real Property Located at 1061 Cecilia Drive and having Tax ID No. PWV 0902-996-008 and Possible Action Thereon

Attorney Blum presented background information on the Fire-EMS Ordinance and the provision for appeals. The Village Board shall assess the hearings to include mathematical errors made, issues regarding the categorization of the property in Chapter 93 of the Village Ordinance. Each party will make a presentation and the Village Board will determine whether the number of ESE's assessed are fair and reasonable and if a refund is due.

Christina Somers with Reinhart Boerner Van Deuren presented on behalf of 1061 Cecilia Drive regarding the number of units that are assigned to Cecelia Senior Homes, LLC which is 4.75 ESE's per unit. Somers explained that the "over 55" category is too broad and explained that there are different levels of care at each type of care facility. She noted that the Village Board broke out commercial and industrial to be separate categories and suggested that the Village do this regarding care facilities/over age 55 living facilities. Somers gave her understanding of State Statute chapter 66, specifically Chapter 66.0627 regarding authorization of charges to residents in the Village. Somers spoke regarding the years used in determining the calculation of ESE's which may be skewed by the pandemic and noted that the Village lacks the authority to charge the Fire-EMS fee. Somers stated that the total Fire-EMS charge is \$65,311.

Administrator Gosse stated that when the appeal was submitted he reviewed the ESE calculation and categorization of this property and confirmed that the fees calculated on the use of this property were consistent with the Ordinance.

Baker Tilly representative, Matt Stark explained his process in compiling the data and noted several addresses that he noticed to have a higher volume of calls which were the care facilities. He noted that if the Village went back to look at data over 10 years some developments may be omitted which would skew the numbers. Trustee Grabowski asked about specific call volumes for properties.

Trustee Belt asked how many units Cecelia Senior Homes currently has. Administrator Gosse responded that 57 units and that their CUG was amended to include the minimum age of 55+.

Ms. Somers stated that she would like the call volume data and she would like the usage in the past, the facility does offer care by that is a very broad category.

Michael Hosten, Cecelia Homes Administrator responded to Trustee Grabowski that the facility has 57 units where 90-5% of beds are assisted living and 5-10% are independent living. They do provide ADL services. He included that once a resident shows signs of memory issues or needs lift assistance they are moved to a new facility.

Matt Stark stated that the call volume reviewed included 87 calls for 1061 Cecelia Place out of 2,330 calls, the analysis includes prior years 2019-2022. Calls in the right-of-way were not included.

Closed the hearing at 5:17 p.m.

President Knutson asked for more data concerning fire, lift assists, false alarms, transports, etc. Matt Stark responded to President Knutson, of the 2,585 calls the false alarm/no incident calls were excluded, and the team looked strictly at fire and EMS calls. The breakdown of calls was 2,211 for emergency medical calls and 374 for fire. Trustee Rohde requested that 3 years before COVID should be reviewed. Trustee Gergen asked if the Police Department could do lift assists and Gosse stated that they could if they felt comfortable otherwise, they wait for EMS.

Trustee Grabowski asked for data on what would apply for long-term calls and asked to see what percentage of calls are related to the property. Matt Stark responded to Trustee Belt that 32% of calls are for senior care living, 25% are single family, and 25% are multi-family with the remaining for commercial and institutional. Trustee Gergen stated she would like data for years prior to COVID. Mr. Stark stated that the of the total cost assigned 32% of costs were assigned to this category to recover those allocated funds.

Trustee Gergen moved, seconded by Trustee Krasovich to table item 2a to gather additional information related to 1) the breakdown of care home and senior living facilities and the relationship to the per unit, and 2) how the per unit charge was calculated in relationship to the overall Fire and EMS calls for senior living and care home categories over the 3 years of calls reviewed.

Motion carried 7-0.

b. Hearing on an Appeal of the 2023 Fire-EMS Protection Fee Filed by Hawthorne Place, LLC Regarding Real Property Located at 1105 Hawthorne Place and having Tax ID No. PWV 0902-996-007. and Possible Action Thereon

Eric Hatchel, representative for 1105 Hawthorne Place stated he agrees with what Attorney Summers stated and he doesn't believe that the fee is lawful and asks the Village Board to correct Hawthorne Place. This property is a 55 and over independent living where 15-20% are under the age of 55. Care is not provided at this property. Mike Heise, the property owner stated that the property is zoned multi-family, there are no extra services and no assisted living, it is just a community which is over 55 years of age that lives together.

Administrator Gosse stated that the property fits into the definition of residential care facilities and was marketed as such. Calculations were verified in accordance with the ordinance.

Mr. Hatchel submitted a handout regarding incidents from 2015-2023 that he garnered from the Pewaukee Fire Department. This document shows that an additional amount in tax is not proportionate as the calls are 3% of the budget but the property is paying 7% of the Fire-EMS budget. Trustee Grabowski asked why they market the building for over age 55 if there are no benefits. Mr. Heise stated there are no additional services.

Trustee Gergen moved, seconded by Trustee Belt to approve the reclassification of 1105 Hawthorne Place as a multi-family residential and to refund the owner the difference between the senior care and multi-family category.

Discussion regarding the designation and number of calls vs. other facilities and looking at a future meeting to revise the current ordinance continued

Motion carried on Roll Call vote, 4-3; Trustee Rohde, Trustee Kresuer, and President Knutson voted nay.

3. Discussion and Possible Action to Set a Future Meeting Date

No action was taken.

4. Adjournment

Trustee Gergen moved, seconded by Trustee Krasovich to adjourn the May 21, 2024, Regular Village Board meeting at approximately 6:10 p.m.

Motion carried, 7-0.

Respectfully Submitted,

Casandra Smith
Village Treasurer

DRAFT

**VILLAGE OF PEWAUKEE
VILLAGE BOARD MINUTES
May 21, 2024 at 6:00 p.m.**

<https://www.youtube.com/live/NXO-ezRJdMg?si=pNtZmxK5kGskNfcB>

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

President Knutson called the meeting to order at approximately 6:20 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 Heather Gergen; Trustee Bob Rohde; Trustee Kelli Belt; Trustee Chris Krasovich; Trustee Kristen Kreuser; Trustee Jim Grabowski and President Jeff Knutson.

Also Present: Village Attorney, Mark Blum; Director of Public Works, Dave Buechl; Police Chief, Timothy Heier; and Village Clerk, Cassie Smith.

2. Public Hearings/Presentations – None.

3. Approval of Minutes of Previous Meeting

Minutes of the Regular Village Board Meeting – May 7, 2024

Trustee Grabowski moved, seconded by Trustee Krasovich to approve the May 7, 2024, minutes of the Regular Village Board meeting as presented.

Motion carried 7-0.

4. Citizen Comments - None.

5. Ordinances – None.

6. Resolutions – None.

7. Old Business – None.

8. New Business

a. Discussion and Possible Action on Award of Contract for Well No. 4 HMO Treatment System

Trustee Grabowski moved, seconded by Trustee Gergen to approve the award of contract for Well No. 4 HMO Treatment Plant by Mid City Corporation not to exceed \$2,982,000 which includes the mandatory alternate as presented.

Motion carried 7-0.

b. Discussion and Possible Action on Replacement Squad Car Purchase

Chief Heier reviewed the inventory of the police department's fleet, explained the rotation of the police cars and proposed that the Village Board approve the purchase of a new squad car to include upfitting. The cost for the replacement squad car will exceed the budgeted amount of \$58,350 and he requested that the additional \$33,650 to make the purchase. The new cars will get put into a modified rotation plan where the police department is trying to extend the use of the SRO vehicles. Discussion regarding the contribution amounts from the School District and WCTC followed. Administrator Gosse noted that there are ARPA funds available to make up the

shortfall amount.

Trustee Krasovich moved, seconded by Trustee Kreuser to approve the purchase of the proposed squad car, including upfitting at an amount not to exceed \$92,000 with \$33,650 of the purchase price being paid out of ARPA funds as presented.

Motion carried 7-0.

c. Discussion and Possible Action on Purchase of In-Squad and Hand-Held Replacement Radars

Chief Heier explained that 2 radar units did not pass the certification process and therefore he asked the Board to approve the purchase of two new radars using ARPA funds

Trustee Grabowski moved, seconded by Trustee Gergen to approve the purchase of two replacement radars in the amount of \$6,460 utilizing ARAP funds, as presented.

Motion carried 7-0.

d. Discussion and Possible Action on Intergovernmental Agreement with City of Milwaukee for Law Enforcement Services for the 2024 Republican National Convention

Chief Heier explained that 2 of the Village's Tactical Officers have requested to participate in the 2024 Republican National Convention to offer Law Enforcement Services. Attorney Blum has reviewed the agreement and is satisfied with the presented contract.

Trustee Krasovich moved, seconded by Trustee Rohde to approve the Agreement with the City of Milwaukee for Law Enforcement Services at the 2024 Republican National Convention.

Motion carried 7-0.

e. Discussion and Possible Action on Scheduling Special Meetings for Strategic Plan Update Workshop

The consensus of the Village Board was to allow Trustee Krasovich to send out a Doodle poll to get responses on dates that the Village Board would be able to meet and the final dates will be brought back to the Board to be scheduled.

f. Discussion and Possible Action on Transient Merchant Applications

Trustee Grabowski moved, seconded by Trustee Rohde to approve the Transient Merchant applications for pest control for Thomas Hackey, Jacob Patton, Dante Muriel, and Peter Lucit for 60 days as presented.

Motion carried 7-0.

g. Discussion and Possible Action on Agent Change for Beachside Boat and Bait

Trustee Krasovich moved, seconded by Trustee Rohde to approve Alyssa Neuleib as the new Alcohol Agent for Beachside Boat and Bait for the remaining license term ending, June 30, 2024.

Motion carried 7-0.

h. Discussion and Possible Action on Premise Change for Beach House Bistro/LaTavola

Trustee Grabowski moved, seconded by Trustee Kreuser to approve the premise change for Beach House Bistro as presented for the remaining term ending June 30, 2024.

Motion carried 7-0.

i. Discussion and Possible Action on Committee Appointments

- 1. Plan Commission – 1 Trustee Representative and 2 Citizen Members (Trustee 2 years and Citizen 3 years)**

President Knutson presented Trustee Rohde to be appointed to the Plan Commission for the term ending April 30, 2026.

Trustee Grabowski moved, seconded by Trustee Gergen to approve the appointment of the Trustee

Representative remaining term to Trustee Rohde for the Plan Commission term ending April 30, 2026 as presented.

Motion carried 7-0.

2. Zoning Board of Appeals – 2 Members; 1 Alternate (all full 3-year terms)

No action was taken.

3. Park & Recreation Board – Trustee Representative for remainder of term to 4/30/2026; 1 Citizen Member (remainder of term to 4/30/26 due to Kristen Kreuser elected to Trustee)

Trustee Rohde moved, seconded by Trustee Grabowski to approve the appointment of Trustee Kreuser to the Park & Recreation Board as the Trustee Representative, term ending April 30, 2026 as presented.

Motion carried 7-0.

4. Historic Preservation Commission – 1 Trustee (one year term); 1 Member (Architect – preferred - term to expire 4/30/27); 2 Members (3-year terms each)

President Knutson presented Trustee Belt to be appointed to the Historic Preservation Commission to replace Trustee Rohde for the term ending April 30, 2025.

Trustee Grabowski moved, seconded by Trustee Rohde to approve the appointment of Trustee Belt to the Historic Preservation Commission term ending April 30, 2025 as presented.

Motion carried 7-0.

j. Discussion and Possible Direction on Contract Planner Review Process

The direction of the Village Board was to direct the Administrator to form an informal committee to review Contract Planners and bring the finalists back to the Village Board with a recommendation.

k. Discussion and Possible Action on Authorizing the Village President to Provide Direction on Financing Plan to the Village Financial Advisor Regarding Tax Increment District #4 Related Debt Issuance

Administrator Gosse explained that the developer has submitted his request for TIF reimbursement in accordance with the developer agreement. Gosse noted that the proforma for TID #4 based on current conditions is not indicating a positive cash flow for debt repayment. Gosse asked the Village Board to approve to authorize the Village President and Village staff to work with the financial advisor to find developing a financing plan that would positively cash flow. The developer agreement in Article II, Paragraph B, allows for the Village Board to reduce the borrowing so that the TID does positively cash flow if the Village Board concludes that the TID does not positively cash flow at the time of the borrowing resolution.

Trustee Rohde moved, seconded by Trustee Gergen to approve authorizing the Village President to work with staff and the financial advisor on a debt issuance proforma that does positively cash flow regarding for TID #4 as presented.

Motion carried 7-0.

l. Village Board Meeting Monthly Approval of Checks and Invoices for All Funds – April 2024

Trustee Krasovich moved, seconded by Trustee Grabowski to approve the April 2024 checks and invoices for all funds, except the library, as presented.

Motion carried 7-0.

Trustee Gergen moved, seconded by Trustee Kreuser to acknowledge the April 2024 check and invoices regarding the Library.

Motion carried 7-0.

9. Citizen Comments - None

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 City of Pewaukee Intergovernmental Agreement regarding traffic signals at STH 164 and Lindsay Road.*

Trustee Gergen moved, seconded by Trustee Krasovich to move into Closed Session at approximately 7:07 p.m. Motion carried on Roll Call vote, 7-0.

11. Reconvene Into Open Session

Trustee Gergen moved, seconded by Trustee Rohde to reconvene into Open Session at approximately 7:25 p.m. Motion carried on Roll Call vote, 7-0.

12. Adjournment

Trustee Gergen moved, seconded by Trustee Krasovich to adjourn the May 21, 2024, Regular Village Board meeting at approximately 7:25 p.m.

Motion carried, 7-0.

Respectfully Submitted,

Casandra Smith
Village Treasurer



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 31, 2024

Re: Agenda Item 5a, Discussion and Possible Action on Ordinance No. 2024-04, Ordinance to repeal Section 40.122 of the Municipal Code Regarding Protest Petitions

BACKGROUND

This matter was reviewed by the Plan Commission at its April 11th meeting with the Plan Commission forwarding a recommendation to the Village Board to adopt the ordinance as presented. Village Attorney Matt Gralinski's review of the proposed ordinance amendment provided to the Plan Commission is attached for your review.

ACTION REQUESTED

The action requested of the Village Board is to approve Ordinance No. 2024-04, Ordinance to repeal Section 40.122 of the Municipal Code Regarding Protest Petitions.

Attachment

Law Office of

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

MARK G. BLUM
THOMAS G. SCHMITZER
LORI J. FABIAN

MATTHEW R. GRALINSKI
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(1911-1979)

WILLIAM F. REILLY
(1932-2007)

E-MAIL: MGRALINSKI@HRBLAWFIRM.COM

March 4, 2024

Via Email ONLY

Scott Gosse
Village of Pewaukee
235 Hickory Street
Pewaukee WI 53072

Mary Censky
Village of Pewaukee
235 Hickory Street
Pewaukee WI 53072

Re: Repeal of Municipal Code Section 40.122

Dear Scott and Mary:

As you may be aware, the state legislature enacted 2023 Wisconsin Act 16 which made a number of changes to local zoning law. One of these changes was the creation of Wisconsin Statute Section 66.10015(3)(a), which effectively prohibits supermajority requirements for the approval of zoning enactments upon receipt of a protest petition. You will recall that previous legislation, 2017 Wisconsin Act 243, repealed a previous state statutory provision which required a 3/4 vote by a governing body to approve a proposed zoning amendment when a protest petition was filed. Although that Act eliminated the state statutory protest petition, the League of Wisconsin Municipalities, as well as our office, opined that municipalities could still enact or maintain local ordinances establishing a protest petition process similar or identical to the one provided in previous state statute. With the enactment of 2023 Wisconsin Act 16, that is no longer the case. There is now a clear prohibition on supermajority voting requirements for zoning changes, as the section requires approval of any zoning amendments by a simple majority of the Board's members elect. Only in limited circumstances may a 2/3 vote be required. Those circumstances are a downzoning ordinance or zoning change related to an airport.

The effective date of this change is January 1, 2025. However, given the Village's protest petition procedure in Section 40.122 will eventually be out of compliance with the change in state law, I enclose for your review and consideration a proposed ordinance repealing Village of Pewaukee Municipal Code Section 40.122 with regards to protest petitions.

March 4, 2024

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I would suggest this matter be placed on an upcoming Plan Commission agenda for consideration and possible recommendation to the Village Board. Should you have any questions, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

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

/s/ Matthew R. Gralinski

Matthew R. Gralinski
Village Attorney

MRG/sm

Enc.

ORDINANCE NO. 2024-04

ORDINANCE TO REPEAL SECTION 40.122 OF THE MUNICIPAL CODE OF THE VILLAGE OF PEWAUKEE REGARDING ZONING PROTEST PETITIONS

WHEREAS, the Village of Pewaukee Municipal Code Section 40.122 currently provides a procedure for property owners to file a petition in protest of a proposed amendment to the zoning code of the Village of Pewaukee, whereby the receipt of a duly signed and acknowledged petition would require a three-fourths vote of the members of the Village of Pewaukee Village Board for passage of the proposed change; and

WHEREAS, 2023 Wisconsin Act 16 created Wisconsin Statute Section 66.10015(3)(a), which prohibits a local protest petition process requiring a supermajority vote of the governing body to approve a proposed zoning amendment.

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

SECTION I

Section 40.122 of the Municipal Code of the Village of Pewaukee is hereby repealed in its entirety.

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 _____ 2024 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Cassie Smith, Village Clerk

DRAFT



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 31, 2024

Re: Agenda Item 5b, Discussion and Possible Action on Ordinance No. 2024-05, Ordinance to create Sections 40.314(10) and 40.314(11) Regarding Bicycle Repair, Assembly and/or Fabrication with or without outdoor storage or display

BACKGROUND

This matter was reviewed by the Plan Commission at its April 11th meeting with the Plan Commission forwarding a recommendation to the Village Board to adopt the ordinance as presented. Planner Mary Censky's staff report to the Plan Commission is attached for your review and information.

ACTION REQUESTED

The action requested of the Village Board is to approve Ordinance No. 2024-05, Ordinance to create Sections 40.314(10) and 40.314(11) Regarding Bicycle Repair, Assembly and/or Fabrication with or without outdoor storage or display.

Attachments

STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky
Date Prepared: April 11, 2024

General Information:

Agenda Item: **6.b.**

Applicant:

Eli Kelling

Property Owner:

N/A (This request is not site specific)

Requested Action:

Review, discussion, and recommendation to the Village Board.

Discussion:

The applicant requests the Planning Commissions consideration to add the uses:

- “Bicycle repair, assembly, and/or fabrication, excluding outside storage or display of materials, equipment, supplies, bikes, or bike parts. This use does not permit outdoor display of bicycles without first obtaining approval, through Conditional Use Grant (CUG), for retail sales of bicycles, bicycle parts, and bicycle accessories as may be permitted pursuant to Section 40.316(10) below, in which case the Planning Commission shall establish the parameters, such as scale, manner and location of bicycle display, as a part of the CUG.” *and*
- “Bicycle repair, assembly, and/or fabrication, including outside storage of materials, equipment, supplies, bikes, or bike parts provided the Planning Commission has first approved, through Site Plan approval, the specific and limited plans for location and screening of such storage. This use does not permit outdoor display of bicycles without first obtaining approval, through Conditional Use Grant (CUG), for retail sales of bicycles, bicycle parts, and bicycle accessories as may be permitted pursuant to Section 40.316(10) below, in which case the Planning Commission shall establish the parameters, such as scale, manner and location of bicycle display, as a part of the CUG.”

as permitted uses in the B-5 Light Industrial District.

The Village Code does not presently provide clearly for bicycle repair as a permitted or conditional use in the B-5 Light Industrial District, a use that the applicant would like to conduct in a B-5 zoned property in the Village. This draft of changes to the B-5 District (see DRAFT Ordinance attached) would incorporate that use. If favorably recommended by the Planning Commission and ultimately approved by the Village Board following a public hearing on the matter, the applicant could make application for bicycle repair business occupancy in a B-5 zoned business space either as a use by right and/or through the conditional use process, depending on the specific circumstances of his business model.

Recommendation:

If the Planning Commission supports this change as presented (ref DRAFT Ordinance attached), the appropriate action would be to recommend approval of the Ordinance to the Village Board. As a part of their review and consideration of the Ordinance, the Village Board will conduct a public hearing on the matter prior to taking any final action.

ORDINANCE NO. 2024-05

ORDINANCE TO CREATE SECTIONS 40.314(10) regarding “Bicycle repair, assembly, and/or fabrication, excluding outside storage or display of materials, equipment, supplies, bikes, or bike parts; and 40.314(11) regarding Bicycle repair, assembly, and/or fabrication, including outside storage of materials, equipment, supplies, bikes, or bike parts provided the Planning Commission has first approved, through Site Plan approval, the specific and limited plans for location and screening of such storage. OF THE MUNICIPAL CODE OF THE VILLAGE OF PEWAUKEE IN THE B-5 LIGHT INDUSTRIAL ZONING DISTRICT.

WHEREAS, the Village of Pewaukee Municipal Code Sections 40.314 and 40.316 do not currently list bicycle repair, assembly, and/or fabrication with or without outside storage or display of materials, equipment, supplies, bikes, or bike parts as a permitted or conditional use in the B-5 Light Industrial Zoning District.

WHEREAS, the Village of Pewaukee finds that the use bicycle repair, assembly, and/or fabrication with or without outside storage or display of materials, equipment, supplies, bikes, or bike parts would be compatible with the other uses listed as either permitted or conditional uses in the B-5 Light Industrial Zoning District.

WHEREAS, the Village of Pewaukee Planning Commission did, on April 11, 2024, review, discuss, and favorably recommend the addition of these uses as permitted uses in the B-5 Light Industrial District.

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

SECTION I

Section 40.314(10) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows:

“Bicycle repair, assembly, and/or fabrication, excluding outside storage or display of materials, equipment, supplies, bikes, or bike parts. This use does not permit outdoor display of bicycles without first obtaining approval, through Conditional Use Grant (CUG), for retail sales of bicycles, bicycle parts, and bicycle accessories as may be permitted pursuant to Section 40.316(10) below, in which case the Planning Commission shall establish the parameters, such as scale, manner and location of bicycle display, as a part of the CUG.”

SECTION II

Section 40.314(11) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows:

“Bicycle repair, assembly, and/or fabrication, including outside storage of materials, equipment, supplies, bikes, or bike parts provided the Planning Commission has first approved, through Site Plan approval, the specific and limited plans for location and screening of such storage. This use does not permit outdoor display of bicycles without first obtaining approval, through Conditional Use Grant

(CUG), for retail sales of bicycles, bicycle parts, and bicycle accessories as may be permitted pursuant to Section 40.316(10) below, in which case the Planning Commission shall establish the parameters, such as scale, manner and location of bicycle display, as a part of the CUG.”

SECTION III

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 _____ 2024 by the Village Board of the Village of Pewaukee.

APPROVED:

Countersigned:

Jeff Knutson, Village President

Cassie Smith, Village Clerk

ORDINANCE NO. 2024-05

ORDINANCE TO CREATE SECTIONS 40.314(10) regarding “Bicycle repair, assembly, and/or fabrication, excluding outside storage or display of materials, equipment, supplies, bikes, or bike parts; and 40.314(11) regarding Bicycle repair, assembly, and/or fabrication, including outside storage of materials, equipment, supplies, bikes, or bike parts provided the Planning Commission has first approved, through Site Plan approval, the specific and limited plans for location and screening of such storage. OF THE MUNICIPAL CODE OF THE VILLAGE OF PEWAUKEE IN THE B-5 LIGHT INDUSTRIAL ZONING DISTRICT.

WHEREAS, the Village of Pewaukee Municipal Code Sections 40.314 and 40.316 do not currently list bicycle repair, assembly, and/or fabrication with or without outside storage or display of materials, equipment, supplies, bikes, or bike parts as a permitted or conditional use in the B-5 Light Industrial Zoning District.

WHEREAS, the Village of Pewaukee finds that the use bicycle repair, assembly, and/or fabrication with or without outside storage or display of materials, equipment, supplies, bikes, or bike parts would be compatible with the other uses listed as either permitted or conditional uses in the B-5 Light Industrial Zoning District.

WHEREAS, the Village of Pewaukee Planning Commission did, on April 11, 2024, review, discuss, and favorably recommend the addition of these uses as permitted uses in the B-5 Light Industrial District.

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

SECTION I

Section 40.314(10) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows:

“Bicycle repair, assembly, and/or fabrication, excluding outside storage or display of materials, equipment, supplies, bikes, or bike parts. This use does not permit outdoor display of bicycles without first obtaining approval, through Conditional Use Grant (CUG), for retail sales of bicycles, bicycle parts, and bicycle accessories as may be permitted pursuant to Section 40.316(10) below, in which case the Planning Commission shall establish the parameters, such as scale, manner and location of bicycle display, as a part of the CUG.”

SECTION II

Section 40.314(11) of the Municipal Code of the Village of Pewaukee is hereby created to read as follows:

“Bicycle repair, assembly, and/or fabrication, including outside storage of materials, equipment, supplies, bikes, or bike parts provided the Planning Commission has first approved, through Site Plan approval, the specific and limited plans for location and screening of such storage. This use does not permit outdoor display of bicycles without first obtaining approval, through Conditional Use Grant

(CUG), for retail sales of bicycles, bicycle parts, and bicycle accessories as may be permitted pursuant to Section 40.316(10) below, in which case the Planning Commission shall establish the parameters, such as scale, manner and location of bicycle display, as a part of the CUG.”

SECTION III

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 _____ 2024 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, 2024

Re: Agenda Item 7a, Discussion and Possible Action to Approve Written Decision Regarding the Appeal of Hawthorne Place LLC Concerning their Fire & EMS Fee Assessment

BACKGROUND

Attached for your review and consideration please find a draft of the written determination related to Hawthorne Place LLC's appeal of the Fire-EMS Fee Assessment prepared by Village Attorney Mark Blum.

ACTION REQUESTED

The action requested of the Village Board is to review the draft of the determination prepared by the Village Attorney Blum and, if the Village Board believes it is consistent with the vote taken at the May 21, 2024 hearing, the Village Board should vote to approve the determination.

Attachment

**DECISION ON HAWTHORNE PLACE LLC'S PETITION APPEALING
VILLAGE OF PEWAUKEE FIRE – EMS FEE ASSESSMENT**

The Village Clerk of the Village of Pewaukee is in receipt of a document entitled Hawthorne Place, LLC's Petition Appealing of Fire-EMS Fee. That Petition was submitted pursuant to Village of Pewaukee Code Section 93.105. Based upon the receipt of this Petition, a hearing was scheduled in accordance with said Ordinance for the Village Board to consider that Appeal, which hearing took place on May 21, 2024. Attorney Eric Hatchell of Foley & Lardner, LLP presented the position of the appellant, which comments included, in pertinent part, the following:

1. Hawthorne Place, LLC is a facility including 104 units, which is focused on serving the needs of persons 55 years and older. Of the residents at Hawthorne Place, 15% to 20% are under the age of 55 years.
2. Hawthorne Place, LLC does not have assisted living services and there are no supportive services for its residents of any sort. Mr. Mike Heise, the owner of the facility, stated it is strictly an independent living facility with no care provided for assistance with the activities of daily living.
3. It was further noted the property is zoned Multi-Family.
4. As a result of the foregoing, Attorney Hatchell argued that Hawthorne Place, LLC does not belong in the assisted living category under the Village Fire and EMS Ordinance; though it does cater to individuals 55 years and older.
5. A chart was supplied which compared assisted living facilities in the Village and there were a total of 2,330 Fire and EMS calls in the Village between 2020 and 2022. Only 3% of the Fire and EMS calls were to Hawthorne Place, LLC; whereas the assessment was based upon 4.75% ESE resulting in approximately 7% being assessed against the appellant. Attorney Hatchell claimed that the assessment was disproportionately higher than the services being provided as demonstrated by the number of calls.
6. Attorney Hatchell also contended the Fire and EMS Fee is invalid as it is not authorized by State Statute.

The Board then heard from Village Administrator Scott Gosse, who noted the property is in a Multi-Family Zoning District. He further stated that information from internet research, including the property's own website, along with signage from adjacent to the property, showed that the property was marketed as a 55 years and older living facility. Mr. Gosse further referenced the property owner's own statement that it was marketed as a 55 years and older facility. As a result, Mr. Gosse concluded the property met the definition of a senior living property as set forth in Section 93.101(H) of the Village Code.

The Village Board considered the information supplied by Hawthorne Place, LLC, as well as that from the Village Administrator. While observing the property did meet the definition for an assisted living parcel under Section 93.101 of the Village Code, the Board nevertheless concluded that under Section 93.105(E) of the Village Code, since Hawthorne Place, LLC did not provide any supportive services to its residents, it was more fair and reasonable to consider the property to be under the Multi-Family category.

While the Petitioner has raised issues concerning the validity of the fee, this issue is not within the purview of the Board in the context of this appeal process under Section 93.105(E) and therefore, it will not be addressed as part of this Decision.

A Motion was made by Trustee Gergen, which was seconded by Trustee Belt, to grant the appeal filed by Hawthorne Place, LLC and to find the property should be categorized as Multi-Family for purposes solely of the Fire and Ems Fee ordinance per Village Code Section 93.101. As a result it was further determined that the assessment for the property should be modified to refund the difference between the original assessment and the assessment as now being made pursuant to this Decision.

Dated this _____ day of June, 2024.

VILLAGE OF PEWAUKEE:

VILLAGE OF PEWAUKEE

By: _____
Jeff Knutson, President

By: _____
Jenna Peter, Clerk



To: Village Board

From: Nick Phalin
Director of Parks & Recreation

Date: June 4, 2024

Re: Agenda Item 8a Discussion and Possible Action on proposed park use and retail sales license for Brewfinity Brewing Company at various Village parks for proposed 2024 schedule.

BACKGROUND

Brewfinity has proposed the dates below, which were approved by the Joint Parks & Recreation Board on 5/8/24 and come to the Village Board with a recommendation to approve. The August 13 and September 13 dates are in conjunction with Parks & Recreation 'Movie in the Park' series. Due to changes in the state code; Breweries, Wineries, and Distilleries are required to be approved to sell in a municipality by the governing body and cannot be approved at staff level.

The premise description provided on the application is as follows:

"The event will be outside in the park. The Brewfinity van and dispensing trailer will be used with records stored in the van for the duration of the event. The perimeter (see map) where alcoholic beverages will be sold."

Date	Park
7/12/2024	Kiwanis Village Park
8/2/2024	Kiwanis Village Park
8/13/2024	Kiwanis Village Park
9/13/2024	Kiwanis Village Park

ACTION REQUESTED

To approve as proposed, with the clarification of the premise area that is allowed for in the existing agreement with them.

Save

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Form
AB-105

Producer Full-Service Retail Sales Application

Date
5/15/2024

Part A: Producer Information		
1. Business Legal Name (individual name if sole proprietor) KELLERMEISTER BEVERAGES, LLC		
2. Business Name or DBA BREWFINITY BREWING CO		3. Agent Name CHAD OSTRAM
4. FEIN 47-5354872		5. Wisconsin Seller's Permit Number 456-1028904632-02
6. Wisconsin Producer Permit Number 309-1028904632-09		7. Producer Type <input checked="" type="checkbox"/> Brewery <input type="checkbox"/> Winery <input type="checkbox"/> Liquor Manufacturer/Rectifier
8. Contact Person's First Name CHAD		9. Last Name OSTRAM
		10. M.I. R
11. Contact Person's Phone 2622712701		12. Contact Person's Email chad@brewfinitybrewing.com

Part B: Production Quantity		
Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.		
Brewery	Manufacturer/Rectifier	Winery
<input type="checkbox"/> Less than 250 barrels	<input type="checkbox"/> Less than 1,500 liters	<input type="checkbox"/> Less than 1,000 gallons
<input checked="" type="checkbox"/> 250 - 2,499 barrels	<input type="checkbox"/> 1,500 - 4,999 liters	<input type="checkbox"/> 1,000 - 4,999 gallons
<input type="checkbox"/> 2,500 - 7,499 barrels	<input type="checkbox"/> 5,000 - 34,999 liters	<input type="checkbox"/> 5,000 - 24,999 gallons
<input type="checkbox"/> 7,500 or more barrels	<input type="checkbox"/> 35,000 or more liters	<input type="checkbox"/> 25,000 or more gallons
Calendar year: 2023	Calendar year:	Calendar year:
Quantity: 415	Quantity:	Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises			
1. Start Date		2. Production Premises Address	
3. City		4. State	5. Zip Code
6. County		7. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____	

Part D: Request for Fixed Full-Service Retail Outlet			
1. Are you transferring one fixed full-service retail outlet to a new location? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete boxes 2 through 9.			
2. Current Outlet Name			
3. Current Outlet Premises Address			
4. City		5. State	6. Zip Code
7. County	8. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		9. Premises Phone Number

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)

New Fixed Retail Outlet Information (complete boxes 10 through 23)

10. Start Date	11. New Outlet Name		
12. New Outlet Premises Address			
13. City		14. State	15. Zip Code
16. County	17. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		18. Premises Phone Number
19. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.			
20. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. What alcohol beverages will be offered for sale? (check all that apply) <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)			
22. What alcohol beverages does the permittee produce? (check all that apply) <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)			
23. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption			

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

1. Name of Event (if applicable) PEWAUKEE BEER GARDENS BY BREWFINITY		
2. Dates of Operation (attach a schedule, if necessary) 7/12/24, 8/2/24, 8/13/24, 9/13/24		3. Hours of Operation 5PM - 9PM
4. Premises Address KIWANIS VILLAGE PARK, 325 CAPITOL DRIVE		
5. City PEWAUKEE		6. State WI
		7. Zip Code 53072
8. County WAUKESHA		9. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input checked="" type="checkbox"/> Village of: PEWAUKEE
10. Organizer of Event (if not the named applicant) NICK PHALIN		11. Email and/or Phone Number for Organizer of Event phalin@pewaukee.wi.us
12. Organizer Website		13. Event Website
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. The event will be outside in the park. The Brewfinity van and dispensing trailer will be used with records stored in the van for the duration of the event. The perimeter (see map) where alcoholic beverages will be sold.		
15. On-Site Contact (Last Name, First Name) OSTRAM, CHAD		16. On-Site Contact Phone 2622712701
		17. On-Site Contact Email chad@brewfinitybrewing.com
18. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. What alcohol beverages will be offered for sale? (check all that apply) <input checked="" type="checkbox"/> Beer <input checked="" type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) <input checked="" type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input checked="" type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption		

Part F: Attestation

Who must sign this application?


- sole proprietor • general partner of a partnership • corporate officer • member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will not operate this location outside of the dates and times approved by the municipality and Division of Alcohol Beverages.
- I will operate this location according to municipal ordinance and restrictions imposed as a condition of receiving this authorization.
- I will purchase alcohol beverages I do not produce from an authorized source, such as a Wisconsin-permitted wholesaler.
- I will operate this location according to Wisconsin law and administrative regulation including but not limited to: underage restrictions, closing hours, licensed operators, and record keeping requirements.

Further, under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the authorization. Further, I agree that the rights and responsibilities conferred by the authorization, if granted, will not be assigned to another individual or entity. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this authorization. I understand that any authorization issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of Wisconsin law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 		Date 5/15/2024	
Last Name OSTRAM		First Name CHAD	
Title OWNER/MEMBER		M.I. R	
Email chad@brewfinitybrewing.com		Phone 2622712701	

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)

1. Will the municipality limit the scope of alcohol beverages offered for sale? <input type="checkbox"/> Yes <input type="checkbox"/> No		
2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? <input type="checkbox"/> Yes <input type="checkbox"/> No		
3. Describe municipal restrictions indicated in questions 1 or 2 above.		
4. Last Name of Municipal Official		5. First Name
7. Signature of Municipal Official		6. M.I.
		8. Date
9. Date Application was Filed with Clerk		10. Date Full-Service Retail Outlet Approved by Governing Body



To: Village Board

From: Nick Phalin
Director of Parks & Recreation

Date: June 4, 2024

Re: Agenda Item 8b, Discussion and Possible Action on proposed park use and retail sales license for Broken Bat Brewing Company/Beergo at various Village parks for proposed 2024 schedule.

BACKGROUND

The proposed schedule was approved by the Joint Parks & Recreation Board on 2/14/24. Lakefront Park use is in conjunction with Pewaukee Lake Water Ski Club shows. Due to changes in the state code; Breweries, Wineries, and Distilleries are required to be approved to sell in a municipality by the governing body and cannot be approved at staff level.

The premise description provided on the application is as follows:

“The mobile beer truck aka “the Beergo” will be parked in Lakefront Park during all Pewaukee Lake Waterski Club shows and will be serving Broken Bat Brewing Co. craft beer only during those times. There will be no outside alcohol sold, and all products are Broken Bat.”

Date	Park
6/6/2024	Lakefront
6/13/2024	Lakefront
6/14/2024	Kiwanis Village
6/20/2024	Lakefront
6/27/2024	Lakefront
7/11/2024	Lakefront
7/18/2024	Lakefront
7/25/2024	Lakefront
8/1/2024	Lakefront
8/8/2024	Lakefront
8/15/2024	Lakefront
8/22/2024	Lakefront
8/29/2024	Lakefront
9/20/2024	Kiwanis Village

ACTION REQUESTED

To approve as proposed, with the clarification of the premise area that is allowed for in the existing agreement with them.

ANALYSIS

These dates are in conjunction with The Beergo and consistent with the past three years of park use with owner Mike Awve.

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Form
AB-105

Producer Full-Service Retail Sales Application

Date
05/22/2024

Part A: Producer Information		
1. Business Legal Name (individual name if sole proprietor) Broken Bat Brewing Company, LLC		
2. Business Name or DBA Broken Bat Brewing Company		3. Agent Name Timothy Pauly
4. FEIN 47-3381038		5. Wisconsin Seller's Permit Number 456-1029246581-02
6. Wisconsin Producer Permit Number BR-WI-21105		7. Producer Type <input checked="" type="checkbox"/> Brewery <input type="checkbox"/> Winery <input type="checkbox"/> Liquor Manufacturer/Rectifier
8. Contact Person's First Name Tim		9. Last Name Pauly
		10. M.I. R
11. Contact Person's Phone (414) 640-2269		12. Contact Person's Email tim@brokenbatbrewery.com

Part B: Production Quantity		
Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.		
Brewery	Manufacturer/Rectifier	Winery
<input type="checkbox"/> Less than 250 barrels	<input type="checkbox"/> Less than 1,500 liters	<input type="checkbox"/> Less than 1,000 gallons
<input checked="" type="checkbox"/> 250 - 2,499 barrels	<input type="checkbox"/> 1,500 - 4,999 liters	<input type="checkbox"/> 1,000 - 4,999 gallons
<input type="checkbox"/> 2,500 - 7,499 barrels	<input type="checkbox"/> 5,000 - 34,999 liters	<input type="checkbox"/> 5,000 - 24,999 gallons
<input type="checkbox"/> 7,500 or more barrels	<input type="checkbox"/> 35,000 or more liters	<input type="checkbox"/> 25,000 or more gallons
Calendar year: 2023	Calendar year:	Calendar year:
Quantity: 1100	Quantity:	Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises			
1. Start Date		2. Production Premises Address	
3. City		4. State	5. Zip Code
6. County		7. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____	

Part D: Request for Fixed Full-Service Retail Outlet			
1. Are you transferring one fixed full-service retail outlet to a new location? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete boxes 2 through 9.			
2. Current Outlet Name			
3. Current Outlet Premises Address			
4. City		5. State	6. Zip Code
7. County	8. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		9. Premises Phone Number

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)

New Fixed Retail Outlet Information (complete boxes 10 through 23)

10. Start Date	11. New Outlet Name		
12. New Outlet Premises Address			
13. City		14. State	15. Zip Code
16. County	17. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		18. Premises Phone Number
19. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.			
20. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. What alcohol beverages will be offered for sale? (check all that apply) <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)			
22. What alcohol beverages does the permittee produce? (check all that apply) <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)			
23. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption			

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

1. Name of Event (if applicable) The Beergo @ Kiwanis Village Park		
2. Dates of Operation (attach a schedule, if necessary) 6/14/24, 9/20/24`	3. Hours of Operation 5-9pm both days	
4. Premises Address 325 Capitol Drive		
5. City Pewaukee	6. State WI	7. Zip Code 53072
8. County Waukesha	9. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input checked="" type="checkbox"/> Village of: <u>Pewaukee</u>	
10. Organizer of Event (if not the named applicant) Mike Awve, Owner - The Beergo	11. Email and/or Phone Number for Organizer of Event winnebeergo@gmail.com	
12. Organizer Website NA	13. Event Website NA	
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. The mobile beer truck aka "The Beergo" will be parked at Kiwanis Village Park and will be serving Broken Bat Brewing Co. craft beer only during those times. There will be no outside alcohol sold, and all products are Broken Bat.		
15. On-Site Contact (Last Name, First Name) Mike Awve	16. On-Site Contact Phone (414) 202-8557	17. On-Site Contact Email winnebeergo@gmail.com
18. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. What alcohol beverages will be offered for sale? (check all that apply) <input checked="" type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) <input checked="" type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input checked="" type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption		

Part F: Attestation

Who must sign this application?


- sole proprietor • general partner of a partnership • corporate officer • member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will not operate this location outside of the dates and times approved by the municipality and Division of Alcohol Beverages.
- I will operate this location according to municipal ordinance and restrictions imposed as a condition of receiving this authorization.
- I will purchase alcohol beverages I do not produce from an authorized source, such as a Wisconsin-permitted wholesaler.
- I will operate this location according to Wisconsin law and administrative regulation including but not limited to: underage restrictions, closing hours, licensed operators, and record keeping requirements.

Further, under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the authorization. Further, I agree that the rights and responsibilities conferred by the authorization, if granted, will not be assigned to another individual or entity. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this authorization. I understand that any authorization issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of Wisconsin law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 		Date 05/23/2024	
Last Name Pauly	First Name Timothy	M.I. R	
Title Owner, Managing Member	Email tim@brokenbatbrewery.com	Phone (414) 640-2269	

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)

1. Will the municipality limit the scope of alcohol beverages offered for sale?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Will the municipality impose any requirements or restrictions for the full-service retail outlet?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Describe municipal restrictions indicated in questions 1 or 2 above.				
4. Last Name of Municipal Official		5. First Name		6. M.I.
7. Signature of Municipal Official			8. Date	
9. Date Application was Filed with Clerk		10. Date Full-Service Retail Outlet Approved by Governing Body		

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Form
AB-105

Producer Full-Service Retail Sales Application

Date
05/22/2024

Part A: Producer Information		
1. Business Legal Name (individual name if sole proprietor) Broken Bat Brewing Company, LLC		
2. Business Name or DBA Broken Bat Brewing Company		3. Agent Name Timothy Pauly
4. FEIN 47-3381038		5. Wisconsin Seller's Permit Number 456-1029246581-02
6. Wisconsin Producer Permit Number BR-WI-21105		7. Producer Type <input checked="" type="checkbox"/> Brewery <input type="checkbox"/> Winery <input type="checkbox"/> Liquor Manufacturer/Rectifier
8. Contact Person's First Name Tim		9. Last Name Pauly
		10. M.I. R
11. Contact Person's Phone (414) 640-2269		12. Contact Person's Email tim@brokenbatbrewery.com

Part B: Production Quantity		
Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.		
Brewery	Manufacturer/Rectifier	Winery
<input type="checkbox"/> Less than 250 barrels	<input type="checkbox"/> Less than 1,500 liters	<input type="checkbox"/> Less than 1,000 gallons
<input checked="" type="checkbox"/> 250 - 2,499 barrels	<input type="checkbox"/> 1,500 - 4,999 liters	<input type="checkbox"/> 1,000 - 4,999 gallons
<input type="checkbox"/> 2,500 - 7,499 barrels	<input type="checkbox"/> 5,000 - 34,999 liters	<input type="checkbox"/> 5,000 - 24,999 gallons
<input type="checkbox"/> 7,500 or more barrels	<input type="checkbox"/> 35,000 or more liters	<input type="checkbox"/> 25,000 or more gallons
Calendar year: 2023	Calendar year:	Calendar year:
Quantity: 1100	Quantity:	Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises			
1. Start Date		2. Production Premises Address	
3. City		4. State	5. Zip Code
6. County		7. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____	

Part D: Request for Fixed Full-Service Retail Outlet			
1. Are you transferring one fixed full-service retail outlet to a new location? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete boxes 2 through 9.			
2. Current Outlet Name			
3. Current Outlet Premises Address			
4. City		5. State	6. Zip Code
7. County	8. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		9. Premises Phone Number

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)

New Fixed Retail Outlet Information (complete boxes 10 through 23)

10. Start Date	11. New Outlet Name		
12. New Outlet Premises Address			
13. City	14. State	15. Zip Code	
16. County	17. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		18. Premises Phone Number
19. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.			
20. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input type="checkbox"/> No			
21. What alcohol beverages will be offered for sale? (check all that apply) <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)			
22. What alcohol beverages does the permittee produce? (check all that apply) <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)			
23. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption			

Part E: Request for Unlimited Transfer Full-Service Retail Outlet

1. Name of Event (if applicable) The Beergo @ Lakefront Park		
2. Dates of Operation (attach a schedule, if necessary) Every Thursday May 30- August 29 2024 (no 7/4/24)	3. Hours of Operation 5-9pm every day	
4. Premises Address 222 W Wisconsin Ave, Pewaukee, WI 53072		
5. City Pewaukee	6. State WI	7. Zip Code 53072
8. County Waukesha	9. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input checked="" type="checkbox"/> Village of: Pewaukee	
10. Organizer of Event (if not the named applicant) Mike Awve, Owner - The Beergo	11. Email and/or Phone Number for Organizer of Event winnebeergo@gmail.com	
12. Organizer Website NA	13. Event Website NA	
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. The mobile beer truck aka "The Beergo" will be parked in Lakefront Park during all Pewaukee Lake Waterski Club shows and will be serving Broken Bat Brewing Co. craft beer only during those times. There will be no outside alcohol sold, and all products are Broken Bat.		
15. On-Site Contact (Last Name, First Name) Mike Awve	16. On-Site Contact Phone (414) 202-8557	17. On-Site Contact Email winnebeergo@gmail.com
18. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. What alcohol beverages will be offered for sale? (check all that apply) <input checked="" type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) <input checked="" type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input checked="" type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption		

Part F: Attestation

Who must sign this application?


- sole proprietor
- general partner of a partnership
- corporate officer
- member of an LLC

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

- I will not operate this location outside of the dates and times approved by the municipality and Division of Alcohol Beverages.
- I will operate this location according to municipal ordinance and restrictions imposed as a condition of receiving this authorization.
- I will purchase alcohol beverages I do not produce from an authorized source, such as a Wisconsin-permitted wholesaler.
- I will operate this location according to Wisconsin law and administrative regulation including but not limited to: underage restrictions, closing hours, licensed operators, and record keeping requirements.

Further, under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the authorization. Further, I agree that the rights and responsibilities conferred by the authorization, if granted, will not be assigned to another individual or entity. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this authorization. I understand that any authorization issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of Wisconsin law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Signature 		Date 05/23/2024	
Last Name Pauly	First Name Timothy	M.I. R	
Title Owner, Managing Member	Email tim@brokenbatbrewery.com	Phone (414) 640-2269	

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)

1. Will the municipality limit the scope of alcohol beverages offered for sale?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Will the municipality impose any requirements or restrictions for the full-service retail outlet?			<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Describe municipal restrictions indicated in questions 1 or 2 above.				
4. Last Name of Municipal Official		5. First Name		6. M.I.
7. Signature of Municipal Official			8. Date	
9. Date Application was Filed with Clerk			10. Date Full-Service Retail Outlet Approved by Governing Body	



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 29, 2024

Re: Agenda Item 8c, Discussion and Possible Action on Scheduling Special Village Board Meetings for Strategic Planning Workshops

BACKGROUND

The Village Board asked that a poll be taken to determine Trustee availability for two special Village Board meetings in June related to the strategic plan update project.

ACTION REQUESTED

The action requested of the Village Board is to consider scheduling special Village Board meetings on June 11th and June 15th from 4PM – 6PM both days for the purpose of reviewing updates to the Village's strategic plan.

ANALYSIS

Cassie Smith circulated the poll amongst the Village Board members with no dates being available that all could make. There were two dates that were available where all but one Board member could attend. Those dates are Tuesday, June 11th and Tuesday, June 25th.



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 31, 2024

Re: Agenda Item 8d, Discussion and Possible Action on Updated Village Administrator Job Description

BACKGROUND

Attached for your review and consideration please find proposed updates to the Village Administrator position description (a redlined copy and a clean copy are provided to highlight the proposed edits). The position description was reviewed with the assistance of Village President Knutson, Village Trustee Bob Rohde, and Kelley Woldanski. The revised job description will be used as part of the Administrator recruitment process.

ACTION REQUESTED

The action requested of the Village Board is to review the proposed edits and to approve the revised job description should the edits meet with your approval.

Attachments

VILLAGE OF PEWAUKEE
Job Description

JOB TITLE: VILLAGE ADMINISTRATOR

DEPARTMENT: VILLAGE ADMINISTRATION

DATE: May 2024

REPORTS TO: VILLAGE BOARD

SUMMARY:

Responsible for planning, organizing and coordinating all business and activities of the Village Administration Department. Ensures work is performed in accordance with the Wisconsin State Statutes and the Municipal Code. Serves as the Village's chief administrative officer, coordinates the activities of the various municipal departments and implements the policy directives of the Village Board. Responsible to the Village Board.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

Oversee the administration of the various Village Departments, including the daily operation of the Village Hall and its employees.

Responsible for bringing pertinent matters to the Village Board, Committees, Commissions or appropriate department heads.

Responsible for attending all regular and special Village Board meetings and other committee meetings as directed by the Village Board, responsible for editing and publishing of agendas and minutes of all meetings of the Village Board, Committees and Commissions.

Responsible for administering the Village personnel and purchasing policies, makes recommendations as to the appropriate policy changes to the Village Board and is responsible for the safe keeping of records and assets and maintenance of appropriate insurance.

Oversee publication, implementation and adherence of all resolutions and ordinances adopted by the Village Board.

Responsible for communication with and information dissemination to Village Board and Village personnel.

Assist in planning and financing all Village construction projects performed by private contractors.

Confer with all Village consultants (planning, engineering, financial, legal, labor negotiations, and insurance) regarding Village activities.

Coordinate Plan Commission agendas with Consulting/Contract Planner and attend all Planning Commission meetings, present or participate in presenting matters within purview of the Planning Commission and notifying the petitioner of the action taken.

Prepare, manage and administer the Village budget with appropriate tax rates, maintain the finance and accounting system, monitor accounting records and budgeting requests, approve all checks issued for capital expenditure and capital accounts, advise the Board on investments of surplus funding and assist various department heads in forecasting budgetary needs.

Responsible for any special assignments as directed by the Village Board.

Perform related duties as required by state statute and municipal code.

Attend professional meetings and otherwise keep abreast of changes and trends in municipal government including, but not limited to, grants and revenue sharing and informing the Village Board of any changes in status.

Confer with representatives of the private sector regarding activities related to economic development, land development and increasing village tax base.

SUPERVISORY RESPONSIBILITIES:

Carries out supervisory responsibilities in accordance with the Village's policies and applicable laws. Directly or cooperatively supervises all employees in the offices of Village Administration, Department of Public Works, and civilian employees of the Police Department; general oversight of contracted and joint services with the City of Pewaukee including Fire & EMS agreement, Building Services agreement, Joint Park & Recreation Department, and Joint Library Agreement. Oversee relationships with Consulting Planner and Consulting Engineer contracts as well as other contractual services the Village may enter into.

Additional responsibilities include assisting in the interviewing, hiring, and training of employees; overseeing and attending labor negotiations; planning, assigning, and directing work; coordinating the annual performance review and merit pay adjustment process; oversight of employee discipline; addressing employee and public complaints and resolving problems.

QUALIFICATION REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

EDUCATION and/or EXPERIENCE:

Bachelor's degree (B. A.) from four-year college or university with a degree in Public Administration or related field, or other relevant appropriate degree, plus management and municipal government experience or an equivalent combination of training and experience which provides the required knowledge, skills and abilities. Master's Degree in Public Administration preferred.

KNOWLEDGE AND SKILLS:

Thorough knowledge of the function and organization of municipal government including administration of public policy, municipal accounting, personnel management, contract administration, and municipal purchasing.

Ability to perform difficult and responsible work with independent discretion and to keep clear and concise records.

Ability to plan, organize and direct the work of subordinate employees.

Ability to get along well with others, including general courtesy with the public, tact and good professional judgment.

LANGUAGE SKILLS:

Ability to effectively present information and respond to questions from groups of managers, employees, and the general public.

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals.

MATHEMATICAL SKILLS:

Must have basic understanding of mathematics functions related to municipal accounting and financing.

REASONING ABILITY:

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

CERTIFICATES, LICENSES, REGISTRATIONS:

Valid driver's license or the ability to obtain driver's license.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This position requires frequent bending, stooping, prolonged standing and sitting. While performing the duties of this job, the employee is frequently required to use hands to finger, handle, or feel objects, tools, or controls and talk or hear. Employee must be able to lift up to 35 pounds frequently and up to 75 pounds occasionally. Employee must be able to drive a motor vehicle to

attend meetings and other professional functions.

EQUIPMENT USED:

Continuous use of a telephone and frequent use of other general office equipment including but not limited to copy machine, printers, computers and related software (i.e. Microsoft Office).

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Generally in an office setting, but also required to visit outdoor Village sites. Some traveling involved meeting with the general public and peers.

This position is expected to work in the office five days per week.

NOTE: The duties listed above are intended as illustrations of the various types of work performed by persons in this position. This list is not all inclusive. The omission of a particular job duty does not mean that the duty is not one of the essential functions of the job. This job description does not create an employment contract between the Village and the employee and is subject to change by the Village as the needs of the Village and the Department change over time.

The Village of Pewaukee is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Village will provide reasonable accommodations to qualified individuals with disabilities.

VILLAGE OF PEWAUKEE
Job Description

JOB TITLE: VILLAGE ADMINISTRATOR

DEPARTMENT: VILLAGE ADMINISTRATION

DATE: May 2024

REPORTS TO: VILLAGE BOARD

SUMMARY:

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ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

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Responsible for bringing pertinent matters to the Village Board, Committees, Commissions or appropriate department heads.

Responsible for attending all regular and special Village Board meetings and other committee meetings as directed by the Village Board, responsible for editing and publishing of agendas and minutes of all meetings of the Village Board, Committees and Commissions.

Responsible for administering the Village personnel and purchasing policies, makes recommendations as to the appropriate policy changes to the Village Board and is responsible for the safe keeping of records and assets and maintenance of appropriate insurance.

Oversee publication, implementation and adherence of all resolutions and ordinances adopted by the Village Board.

Responsible for communication with and information dissemination to Village Board and Village personnel.

Assist in planning and financing all Village construction projects performed by private contractors.

Confer with all Village consultants (planning, engineering, financial, legal, labor negotiations, and insurance) regarding Village activities.

Coordinate Plan Commission agendas with Consulting/Contract Planner and attend all Planning Commission meetings, present or participate in presenting matters within purview of the Planning Commission and notifying the petitioner of the action taken.

Prepare, manage and administer the Village budget with appropriate tax rates, maintain the finance and accounting system, monitor accounting records and budgeting requests, approve all checks issued for capital expenditure and capital accounts, advise the Board on investments of surplus funding and assist various department heads in forecasting budgetary needs.

Responsible for any special assignments as directed by the Village Board.

Perform related duties as required by state statute and municipal code.

Attend professional meetings and otherwise keep abreast of changes and trends in municipal government including, but not limited to, grants and revenue sharing and informing the Village Board of any changes in status.

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Additional responsibilities include assisting in the interviewing, hiring, and training of employees; overseeing and attending labor negotiations; planning, assigning, and directing work; coordinating the annual performance review and merit pay adjustment process; oversight of employee discipline; addressing employee and public complaints and resolving problems.

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KNOWLEDGE AND SKILLS:

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Ability to perform difficult and responsible work with independent discretion and to keep clear and concise records.

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Ability to get along well with others, including general courtesy with the public, tact and good professional judgment.

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This position is expected to work in the office five days per week.

NOTE: The duties listed above are intended as illustrations of the various types of work performed by persons in this position. This list is not all inclusive. The omission of a particular job duty does not mean that the duty is not one of the essential functions of the job. This job description does not create an employment contract between the Village and the employee and is subject to change by the Village as the needs of the Village and the Department change over time.

The Village of Pewaukee is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the Village will provide reasonable accommodations to qualified individuals with disabilities.



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 30, 2024

Re: Agenda Item 8e, Discussion and Possible Action on Possible Pursuit of Quiet Zones

BACKGROUND

This matter is on the agenda at the request of President Knutson. Staff will look to President Knutson to facilitate the discussion on this matter. Attached for your review and information please find a copy of the “Guide To the Quiet Zone Establishment Process” from the Federal Railroad Administration (dated 2013 which is the current edition based on a review of the FRA website).

ACTION REQUESTED

The action requested of the Village Board is to review the information to be shared by President Knutson and provide direction as may be requested by President Knutson.

Attachment



GUIDE TO THE QUIET ZONE ESTABLISHMENT PROCESS

AN INFORMATION GUIDE

Federal Railroad Administration

1200 New Jersey Avenue S.E.
Washington, DC 20590
Telephone: 202-493-6299

www.fra.dot.gov

Federal Railroad Administration

Highway-Rail Crossing and Trespasser Programs Division

Follow FRA on [Facebook](#) and [Twitter](#)

Purpose of the Guide

This brochure was developed to serve as a guide for local decision makers seeking a greater understanding of train horn sounding requirements and how to establish quiet zones. Its purpose is to provide a general overview and thus does not contain every detail about the quiet zone establishment process. For more detailed and authoritative information, the reader is encouraged to review the official regulations governing the use of locomotive horns at public highway-rail grade crossings and the establishment of quiet zones that are contained in 49 CFR Part 222. A copy of the rule can be downloaded or printed at <http://www.fra.dot.gov/eLib/Details/L02809>.

About Quiet Zones



FRA is committed to reducing the number of collisions at highway-rail grade crossings, while establishing a consistent standard for communities who opt to preserve or enhance quality of life for their residents by establishing quiet zones within which routine use of train horns at crossings is prohibited.

Federal regulation requires that locomotive horns begin sounding 15–20 seconds before entering public highway-rail grade crossings, no more than one-quarter mile in advance. Only a public authority, the governmental entity responsible for traffic control or law enforcement at the crossings, is permitted to create quiet zones.

A quiet zone is a section of a rail line at least one-half mile in length that contains one or more consecutive public highway-rail grade crossings at which locomotive horns are not routinely sounded when trains are approaching the crossings. The prohibited use of train horns at quiet zones only applies to trains when approaching and entering crossings and does not include train horn use within passenger stations or rail yards. Train horns may be sounded in emergency situations or to comply with other railroad or FRA rules even within a quiet zone. Quiet zone regulations also do not eliminate the use of locomotive bells at crossings. Therefore, a more appropriate description of a designated quiet zone would be a “reduced train horn area.”

Communities wishing to establish quiet zones must work through the appropriate public authority that is responsible for traffic control or law enforcement at the crossings.

Historical Context

Historically, railroads have sounded locomotive horns or whistles in advance of grade crossings and under other circumstances as a universal safety precaution. Some States allowed local communities to create whistle bans where the train horn was not routinely sounded. In other States, communities created whistle bans through informal agreements with railroads.

In the late 1980's, FRA observed a significant increase in nighttime train-vehicle collisions at certain gated highway-rail grade crossings on the Florida East Coast Railway (FEC) at which nighttime whistle bans had been established in accordance with State statute. In 1991, FRA issued Emergency Order #15 requiring trains on the FEC to sound their horns again. The number and rate of collisions at affected crossings returned to pre-whistle ban levels.



In 1994, Congress enacted a law that required FRA to issue a Federal regulation requiring the sounding of locomotive horns at public highway-rail grade crossings. It also gave FRA the ability to provide for exceptions to that requirement by allowing communities under some circumstances to establish "quiet zones."

The Train Horn Rule became effective on June 24, 2005. The rule set nationwide standards for the sounding of train horns at public highway-rail grade crossings. This rule changed the criteria for sounding the horn from distance-based to time-based. It also set limits on the volume of a train horn. The rule also established a process for communities to obtain relief from the routine sounding of train horns by providing criteria for the establishment of quiet zones. Locomotive horns may still be used in the case of an emergency and to comply with Federal regulations or certain railroad rules.

Because the absence of routine horn sounding increases the risk of a crossing collision, a public authority that desires to establish a quiet zone usually will be required to mitigate this additional risk. At a minimum, each public highway–rail crossing within a quiet zone must be equipped with active warning devices: flashing lights, gates, constant warning time devices (except in rare circumstances) and power out indicators.

In order to create a quiet zone, one of the following conditions must be met

1. ***The Quiet Zone Risk Index (QZRI) is less than or equal to the Nationwide Significant Risk Threshold (NSRT)*** with or without additional safety measures such as Supplementary Safety Measures (SSMs) or Alternative Safety Measures (ASMs) described below. The QZRI is the average risk for all public highway-rail crossings in the quiet zone, including the additional risk for absence of train horns and any reduction in risk due to the risk mitigation measures. The NSRT is the level of risk calculated annually by averaging the risk at all of the Nation’s public highway-rail grade crossings equipped with flashing lights and gates where train horns are routinely sounded.
2. ***The Quiet Zone Risk Index (QZRI) is less than or equal to the Risk Index With Horns (RIWH)*** with additional safety measures such as SSMs or ASMs. The RIWH is the average risk for all public highway-rail crossings in the proposed quiet zone when locomotive horns are routinely sounded.
3. ***Install SSMs at every public highway-rail crossing.*** This is the best method to reduce to reduce risks in a proposed quiet zone and to enhance safety.

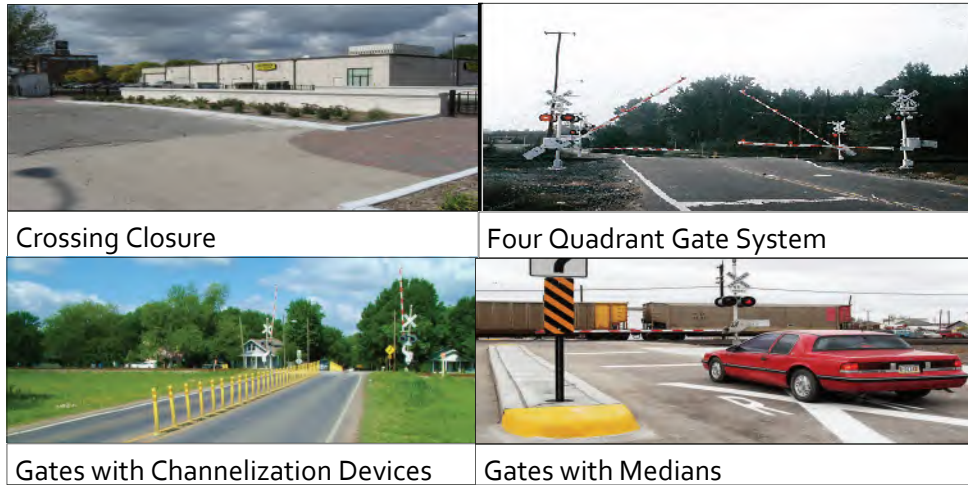
SSMs are pre-approved risk reduction engineering treatments installed at certain public highway-rail crossings within the quiet zone and can help maximize safety benefits and minimize risk. SSMs include: medians or channelization devices, one-way streets with gates, four quadrant gate systems, and temporary or permanent crossing closures. Examples of SSMs are shown on the next page.

ASMs are safety systems, other than SSMs, that are used to reduce risk in a quiet zone. ASMs typically are improvements that do not fully meet the requirements to be SSMs and their risk reduction effectiveness must be submitted in writing and approved by FRA.

FRA strongly recommends that all crossings in the quiet zone be reviewed by a diagnostic team. A diagnostic team typically consists of representatives from the public authority, railroad, and State agency responsible for crossing safety and FRA grade crossing managers.

Public Safety Considerations continued

Examples of SSMs



Wayside Horns The train horn rule also provides another method for reducing the impact of routine locomotive horn sounding when trains approach public highway-rail grade crossings. A wayside horn may be installed at highway-rail grade crossings that have flashing lights, gates, constant warning time devices (except in rare circumstances), and power out indicators. The wayside horn is positioned at the crossing and will sound when the warning devices are activated. The sound is directed down the roadway, which greatly reduces the noise footprint of the audible warning. Use of wayside horns is not the same as establishing a quiet zone although they may be used within quiet zones.

Cost Considerations

The enabling Federal statute did not provide funding for the establishment of quiet zones. Public authorities seeking to establish quiet zones should be prepared to finance the installation of SSMs and ASMs used. Costs can vary from \$30,000 per crossing to more than \$1 million depending on the number of crossings and the types of safety improvements required.

Legal Considerations

The courts will ultimately determine who will be held liable if a collision occurs at a grade crossing located within a quiet zone, based upon the facts of each case, as a collision may have been caused by factors other than the absence of an audible warning. FRA’s rule is intended to remove failure to sound the horn as a cause of action in lawsuits involving collisions that have occurred at grade crossings within duly established quiet zones.

The Quiet Zone Establishment Process

Under the Train Horn Rule, only public authorities are permitted to establish quiet zones. Citizens who wish to have a quiet zone in their neighborhood should contact their local government to pursue the establishment of a quiet zone. The following is a typical example of the steps taken to establish a quiet zone:

1. **Determine** which crossings will be included in the quiet zone. All public highway-rail crossings in the quiet zone must have, at a minimum, an automatic warning system consisting of flashing lights and gates. The warning systems must be equipped with constant warning time devices (except in rare circumstances) and power out indicators. The length of the quiet zone must be at least one-half mile in length.
2. **Identify** any private highway-rail grade crossings within the proposed quiet zone. If they allow access to the public or provide access to active industrial or commercial sites, a diagnostic review must be conducted and the crossing(s) treated in accordance with the recommendations of the diagnostic team.
3. **Identify** any pedestrian crossings within the proposed quiet zone and conduct a diagnostic review of those crossings too. They also must be treated in accordance with the diagnostic team's recommendations. *NOTE:* While it is not required by the regulations, FRA recommends that every crossing within a proposed quiet zone be reviewed for safety concerns.
4. **Update** the U.S. DOT Crossing Inventory Form to reflect current physical and operating conditions at each public, private, and pedestrian crossing located within a proposed quiet zone.
5. **Provide** a Notice of Intent (NOI) to all of the railroads that operate over crossings in the proposed quiet zone, the State agency responsible for highway safety and the State agency responsible for crossing safety. The NOI must list all of the crossings in the proposed quiet zone and give a brief explanation of the tentative plans for implementing improvements within the quiet zone. Additional required elements of the NOI can be found in 49 CFR 222.43(b). The railroads and State agencies have 60 days in which to provide comments to the public authority on the proposed plan.
6. **Alternative Safety Measures** – If ASMs are going to be used to reduce risk, an application to FRA must be made. The application must include all of the elements provided in 49 CFR 222.39(b)(1) and copies of the application must be sent to the entities listed in 49 CFR 222.39(b)(3). They will have 60 days to provide comments to FRA on the application. FRA will provide a written decision on the application typically within three to four months after it is received.

The Quiet Zone Establishment Process continued

7. **Determine** how the quiet zone will be established using one of the following criteria: (Note that Options 2 through 4 will require the use of the FRA Quiet Zone Calculator available at <http://safetydata.fra.dot.gov/quiet/>.)

1. Every public highway-rail crossing in the proposed quiet zone is equipped with one or more SSMs.
2. The Quiet Zone Risk Index (QZRI) of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) without installing SSMs or ASMs.
3. The QZRI of the proposed quiet zone is less than or equal to the Nationwide Significant Risk Threshold (NSRT) after the installation of SSMs or ASMs.
4. The QZRI of the proposed quiet zone is less than or equal to the Risk Index with Horns (RIWH) after the installation of SSMs or ASMs.



8. **Complete** the installation of SSMs and ASMs and any other required improvements determined by the diagnostic team at all public, private, and pedestrian crossings within the proposed quiet zone.

9. **Ensure** that the required signage at each public, private, and pedestrian crossing is installed in accordance with 49 CFR Sections 222.25, 222.27, and 222.35, and the standards outlined in the Manual on Uniform Traffic Control Devices. These signs may need to be covered until the quiet zone is in effect.

10. **Establish** the quiet zone by providing a Notice of Quiet Zone Establishment to all of the parties that are listed in 49 CFR Section 222.43(a)(3). Be sure to include all of the required contents in the notice as listed in 49 CFR Section 222.43(d). The quiet zone can take effect no earlier than 21 days after the date on which the Notice of Quiet Zone Establishment is mailed.

*****Appendix C to the Train Horn Rule provides detailed, step by step guidance on how to create a quiet zone.*****

Required Documentation

Public authorities interested in establishing a quiet zone are required to submit certain documentation during the establishment process. FRA has provided checklists for the various documents that can be found at <http://www.fra.dot.gov/Elib/Details/L03055>.

FRA's Regional Grade Crossing Managers are available to provide technical assistance. A State's department of transportation or rail regulatory agency also may be able to provide assistance to communities pursuing quiet zones.

Public authorities are encouraged to consult with the agencies in their State that have responsibility for crossing safety. Some States may have additional administrative or legal requirements that must be met in order to modify a public highway-rail grade crossing.

Role of Railroads

Communities seeking to establish a quiet zone are required to send a Notice of Intent and a Notice of Quiet Zone Establishment to railroads operating over the public highway-rail grade crossings within the proposed quiet zone. Railroad officials can provide valuable input during the quiet zone establishment process and should be included on all diagnostic teams. Listed below are links to the Class I Railroads and Amtrak.

BNSF Railway (BNSF)	Canadian Pacific (CP)
CSX Transportation (CSX)	Norfolk Southern (NS)
Canadian National (CN)	Union Pacific (UP)
Kansas City Southern (KCS)	Amtrak (ATK)

FINAL NOTE

The information contained in this brochure is provided as general guidance related to the Quiet Zone Establishment Process and should not be considered as a definitive resource. FRA strongly recommends that any public authority desiring to establish quiet zones take the opportunity to review all aspects of safety along its rail corridor. Particular attention should be given to measures that prevent trespassing on railroad tracks since investments made to establish a quiet zone may be negated if the horn has to be routinely sounded to warn trespassers.

POINTS OF CONTACT

General Questions:

Inga Toye, 202-493-6305

Debra Chappell, 202-493-6018

Ron Ries, 202-493-6285

Regional Contacts

Region 1 Connecticut, Maine, Massachusetts, New Hampshire, New Jersey,
New York, Rhode Island, and Vermont
1-800-724-5991

Region 2 Delaware, Maryland, Ohio, Pennsylvania, Virginia, West Virginia ,
and Washington, D.C.
1-800-724-5992

Region 3 Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina,
South Carolina, and Tennessee
1-800-724-5993

Region 4 Illinois, Indiana, Michigan, Minnesota, and Wisconsin
1-800-724-5040

Region 5 Arkansas, Louisiana, New Mexico, Oklahoma, and Texas
1-800-724-5995

Region 6 Colorado, Iowa, Kansas, Missouri, and Nebraska
1-800-724-5996

Region 7 Arizona, California, Nevada, and Utah
1-800-724-5997

Region 8 Alaska, Idaho, Montana, North Dakota, South Dakota, Oregon,
Washington, and Wyoming
1-800-724-5998



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September 2013



To: Jeff Knutson, President
Village Board

From: Scott A. Gosse
Village Administrator

Date: May 30, 2024

Re: Agenda Item 8f, Discussion and Possible Action on Request for Use of Village Logo

BACKGROUND

The Village has received a request from a costume designer, Noah Shaw, to use the Village's logo on a T-shirt in a feature indie film. A copy of the email request is attached for your review.

ACTION REQUESTED

The action requested of the Village Board is to consider the request for the use of the Village logo and, if supportive of the request, to grant approval for the use of the Village logo.

ANALYSIS

As noted in the attached email, the Village logo is proposed to be used on a T-shirt to be worn by the main character of the film. The indie film is based on a story that takes place in Pewaukee.

Attachment

Scott Gosse

From: Colin Palm
Sent: Friday, May 17, 2024 3:44 PM
To: Casandra Smith; Scott Gosse
Subject: FW: Use of Pewaukee Village Logo in Feature Film

From: Noah Shaw <noahshaw@gmail.com>
Sent: Friday, May 17, 2024 3:34 PM
To: Village Hall <villagehall@villageofpewaukee.gov>
Subject: Use of Pewaukee Village Logo in Feature Film

Hi All,

My name is Noah Shaw, I am the costume designer on a feature indie film in Los Angeles that takes place in Pewaukee, WI. Our film is a dramatic comedy about a film maker from Pewaukee who dreams of making it big in Hollywood. It's a sweet film and Pewaukee plays a big part in it as the character's beloved hometown. We would like to use the Pewaukee Village logo on a Tee shirt worn by the main character, please let us know if this is ok. We start filming in 3 weeks, and we appreciate your attention to this matter.

Thank you so much!

Noah Shaw
<https://www.imdb.com/name/nm6054493/>

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Noah Shaw