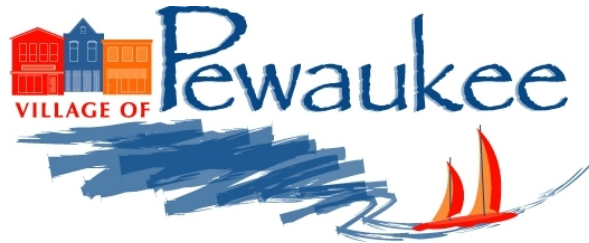


## Regular Village Board Meeting Agenda

June 7, 2022 – 7:00 pm  
Village Hall, 235 Hickory Street, Pewaukee, WI 53072

1. Call to Order, Pledge of Allegiance, Moment of Silence and Roll Call.
2. Public Hearings/Presentations. – None.
3. Approval of Minutes of Previous Meeting.
  - Minutes of the Regular Village Board Meeting – May 17, 2022
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. – None.
6. Resolutions.
  - a. Possible Action on Resolution No. 2022-10, Resolution Authorizing the Issuance and Sale of \$1,075,000 Taxable General Obligation Refunding Bonds
  - b. Possible Action on Resolution No. 2022-11, Resolution Regarding the Wisconsin Department of Natural Resources Reporting Year 2021 Compliance Maintenance Annual Report
7. Old Business.
  - a. Review, Direction and Possible Action on Possible Use of ARPA Funds
8. New Business.
  - a. Discussion and Possible Action on Recommendation from Joint Park & Recreation Board Regarding Proposed Koepp Park Bridge Proposal and Donation by Pewaukee River Partnership
  - b. Discussion and Possible Action on Conditional Use Grant application as to approval of the multi-family use of a property in the B-2 Downtown Business Zoning District at 203 E. Wisconsin Avenue
  - c. Discussion and Possible Action on Purchase of Camera and Automatic Door Locking Systems for Lakefront Park Building and Kiwanis Village Park Building
  - d. Discussion and Possible Direction Regarding Possible Traffic Flow Change and Parking in the Downtown Area Along the Lakefront
  - e. Discussion and Possible Action on Committee Appointments
    1. Plan Commission – 3 Members (full 3 year terms);
    2. Zoning Board of Appeals – 2 Members (full 3 year terms); 1 Alternate (term to expire 4/30/24)
    3. Historic Preservation Commission – 1 Plan Commission Member; 1 Member (term to expire 4/30/24); and 1 Member Architect (full 3 year term to expire 4/30/25)



## Regular Village Board Meeting Agenda

4. Sex Offender Residency Appeal Board – 1 Member
  - f. Discussion and Possible Action on Food Vendor License
  - g. Discussion and Direction Regarding Possible Ordinance Regarding Open Consumption of Alcohol in the Downtown Area
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 the Riverside Preserve Developers Agreement and donation agreement with Bell Tower Memorial, Inc.; and pursuant to Wis. Statute Section 19.85(1)(g) for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically regarding 323 Park Avenue.
11. Reconvene Into Open Session.
- a. Possible Action on Proposal Related to 323 Park Avenue Regarding Property Maintenance
  - b. Possible Action on Donation Agreement with Bell Tower Memorial, Inc. for a Veteran’s Memorial at Kiwanis Village Park
12. Adjournment.

Note: Notice is hereby given that a quorum of a Village Committee and/or Commission may be present at the Village Board meeting, and if so, this meeting shall be considered an informational meeting of that Committee or Commission and no formal action of that Committee or Commission shall occur. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. To request such assistance, contact the Village Clerk at 262-691-5660.

Posted June 3, 2022



## 5/17/2022 Village Board Meeting

### Meeting Minutes

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#### VILLAGE BOARD REGULAR MEETING MINUTES

May 17, 2022 – 7:00 pm

#### **DRAFT-DRAFT-DRAFT-DRAFT-DRAFT-DRAFT**

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

President Knutson called the meeting to order at approximately 7:00 p.m.

Village Board members present: Trustee Ed Hill, Trustee Bob Rohde, Trustee Kelli Belt, Trustee Chris Krasovich, Trustee Jim Grabowski, Trustee Craig Roberts, and President Jeff Knutson.

Also Present: Village Attorney, Mark Blum; Administrator, Scott Gosse; Director of Parks and Recreation, Nick Phalin; and Village Clerk, Casandra Smith

#### **2. Public Hearings/Presentations – None.**

#### **3. Approval of Minutes of Previous Meeting**

- **Minutes of the Regular Village Board Meeting – May 3, 2022**

Trustee Hill motioned, seconded by Trustee Belt to approve the May 3, 2022 minutes of the Regular Village Board Meeting with the following change:

Item 5a- should include, "Planner Censky explained that the Comprehensive Land Use Plan will be amended at the time the 2020 census data becomes available".

Motion carried 6-0-1; Trustee Krasovich abstained.

- **Committee of the Whole Meeting – May 9, 2022**

Trustee Grabowski motioned, seconded by Trustee Rohde to approve the May 9, 2022 minutes of the Committee of the Whole Meeting with the following change:

Include PPA Attorney, Fred Perillo to be listed as present at the meeting.

Motion carried 7-0.

#### **4. Citizen Comments –**

**Brian Belt @ 377 Park Ave** - Mr. Belt expressed his concerns regarding the lake weed policy. He feels like residents were not listened to and the removal of weeds for residents is too burdensome. He also suggested that Lake Pewaukee Sanitary District's policy should be similar to the Village's policy as LPSD has no spacing/distance restrictions where the Village does. He would like to see a more combined effort with LPSD regarding training staff. He also expressed concern regarding the September date to remove the machinery from the lake as he believes it is too early.

#### **5. Ordinances – None.**

#### **6. Resolutions – None.**

#### **7. Old Business**

- a. Discussion Regarding Strategic Plan Implementation Progress**

No updates were presented.

#### **8. New Business**

**a. Discussion and Possible Action on Request for 30 Day Extension of Temporary Amendment to Development Agreement for The Glen at Pewaukee Lake Regarding Construction Traffic Site Access**

Administrator Gosse explained that at the April 6th Village Board meeting the Village Board approved Cornerstone to utilize Quinlan Road off of W. Wisconsin through May 17th, 2022. Due to the heavy rain this spring the project has been delayed and therefore Cornerstone is seeking an additional 30-day extension. Cornerstone representative, Alan Peters explained that the last few weeks the weather has been great but before that the rain slowed the project down, they are intending to start the curb and gutter installation next week. They intend this next step should take about 3 weeks but they are asking for 30 days to give them room in the event rain impedes the proposed timeline. In response to Trustee Hill, Alan Peters stated that they are looking into working with Agape Church's parking lot to repair damage caused by the construction.

**Trustee Grabowski motioned, seconded by Trustee Rohde to approve a 30-day extension of the temporary amendment to the Development Agreement for The Glen of Pewaukee Lake traffic site access as presented.**

**Motion carried 7-0.**

**b. Discussion and Possible Action on Recommendation from Joint Park & Recreation Board Regarding Lakefront Park Transient Pier Parts/Supply Purchase**

Director Phalin explained that last year the Village authorized the purchase of a transient pier and when they started planning the installation they discovered that additional hinge kits would be needed to attach the pier pieces together to give a layout that could be utilized. The cost is approximately \$6,000. The suggested setup would include a 6' boardwalk with 3-4' fingers. The hinge kits would allow staff to install and remove the pier using staff. In 2023 a grant will be submitted for the park and making this purchase will aid in this process. Discussion regarding the placement of the pier and the view of the pier from the shore. Phalin stated that the funds used are coming from the Park Improvement Fund and no General Funds would be used. Discussion followed regarding pier installation and the trailers used to store and mobilize the pier.

**Trustee Hill motioned, seconded by Trustee Krasovich to approve the purchase of transient pier parts and supplies as presented not to exceed \$6,000.**

**Motion carried 7-0.**

**c. Update and Discussion Regarding Status of Lifeguards for Lakefront Park Beach**

Director Phalin explained that normally the Park and Recreation Department hires 8 lifeguards for the season and currently they have only 1.5 lifeguards with no other applicants, therefore the beach will be open this year without lifeguards. The beach will be open to swim at your own risk. Discussion followed regarding staffing. A press release will be made tomorrow, May 18, 2022, to get the word out the beach will not be staffed with lifeguards this summer. Phalin stated he doesn't want to have intermittent coverage to confuse the public. Signs will be posted stating to swim at your own risk and the guard towers will be removed.

**d. Discussion and Possible Action on Recommendation from Joint Park & Recreation Board Regarding Kiwanis Village Park Rental Application for August 20, 2022**

Director Phalin stated that this is the first time the applicant, Caster Corporation has submitted a special event permit to hold a car show at Kiwanis Village Park on August 20, 2022. The applicant would like to serve alcohol and he directed their contact, Misty Maynard, to work with Clerk Smith to navigate options regarding alcohol sales.

**Trustee Hill motioned, seconded by Trustee Rohde to approve the special event application and park rental at Kiwanis Village Park on August 20, 2022.**

**Motion carried 7-0.**

**e. Discussion and Possible Action on Committee Appointments**

**1. Plan Commission – 3 Members (full 3 year terms)**

No action was taken on the Plan Commission members.

**2. Public Works & Safety Committee – 1 Member (full 2 year terms); 1 Member (term to expire 4/3/23 vacated by Kelli Belt)**

Trustee Grabowski motioned, seconded by Trustee Roberts to appoint Chuck Nichols to the Public Works & Safety Committee, replacing Kelli Belt for the term ending April 30, 2023.

Motion carried 7-0.

Trustee Grabowski motioned, seconded by Trustee Hill to appoint Nicholas Wellenstein to the Public Works & Safety Committee for the term ending April 30, 2024.

Motion carried 7-0.

**3. Zoning Board of Appeals – 2 Members (full 3 year terms); 1 Alternate (term to expire 4/30/24)**

No action was taken on the Zoning Board of Appeals members.

**4. Historic Preservation Commission – 1 Plan Commission Member; 1 Member (term to expire 4/30/24); and 1 Member Architect (full 3 year term to expire 4/30/25)**

No action was taken on the Historic Preservation Commission members.

#### **f. License Approvals and Vendor Permits**

##### **1. New “Class A” License – Spargo Salon**

Clerk Smith explained that the applicant contacted the Clerk's office as they wanted to discover options to provide wine to their customers. The only option would be for the business to obtain a "Class A" combination license which allows for two-three ounce wine samples per customer. Spargo Salon Owner, Jeremy Chapman at 1001 Cecelia Dr stated that they intend to have at least one licensed bartender on-site with all managers to be licensed. Discussion followed regarding the precedence set by approving this license.

**Trustee Krasovich motioned, seconded by Trustee Grabowski to approve the issuance of a combination "Class A" license to Spargo Salon for the remaining license period of July 1, 2021, through June 30, 2022, as presented.**

**Motion carried on a roll call vote 4-3 with Trustee Roberts, Trustee Rohde, and President Knutson voting nay.**

##### **2. Temporary Class “B”/“Class B” Retailer’s License**

Clerk Smith stated that the two temporary license applications are from Positively Pewaukee for 2 separate events, Taste of Lake Country and Waterfront Wednesday. Both events are consistent with past years and have been successful.

**Trustee Grabowski motioned, seconded by Trustee Krasovich to approve the Temporary Class "B"/"Class B" Retailer's License for Positively Pewaukee for their annual Taste of Lake Country event on July 29-30, 2022 at 161 W. Wisconsin Ave and Waterfront Wednesdays at 222 W. Wisconsin Ave every Wednesday, June 8– July 27, 2022 (6/8, 6/15, 6/22, 6/29, 7/6, 7/13, 7/20, 7/27) as presented.**

**Motion carried 7-0.**

#### **g. Monthly Approval of Checks and Invoices for all funds – April 2022**

**Trustee Hill motioned, seconded by Trustee Krasovich to approve the April 2022 checks and invoices as presented.**

**Motion carried 7-0.**

**Trustee Krasovich motioned, seconded by Trustee Roberts to recognize the Library Fund April 2022 checks and invoices as presented.**

**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)(c) to consider the employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically regarding Operations Supervisor and Deputy Clerk/Treasurer positions; and 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 Riverside Preserve Developers Agreement and Pewaukee Lake Water Ski Club.

**Trustee Rohde motioned, seconded by Trustee Hill to move into Closed Session at approximately 8:27 p.m.**

**Motion carried unanimously by roll call vote.**

#### **11. Reconvene Into Open Session**

**Trustee Rohde motioned, seconded by Trustee Hill to reconvene into Open Session at approximately 9:13 p.m.**

**Motion carried unanimously by roll call vote.**

##### **a. Possible Action on Operations Supervisor salary**

**Trustee Krasovich motioned, seconded by Trustee Roberts to approve the salary adjustment to be \$80,000 for the Operations Supervisor retroactive to May 2, 2022, as recommended by staff.**

**Motion carried 7-0.**

##### **b. Possible Action on Deputy Clerk/Treasurer Offer of Employment**

**Trustee Grabowski motioned, seconded by Trustee Krasovich to authorize staff to make an offer to the candidate as presented by staff.**

**Motion carried 7-0.**

##### **c. Possible Action on Pewaukee Lake Water Ski Club Donation and Lease Agreement**

**Trustee Hill motioned, seconded by Trustee Belt to approve the agreement as discussed with the change to the first sentence in paragraph 10 to read "The Village shall maintain the Pier in good, safe, and useable condition during the Period of Usage..." contingent upon club approval of said language change.**

**Motion carried 7-0.**

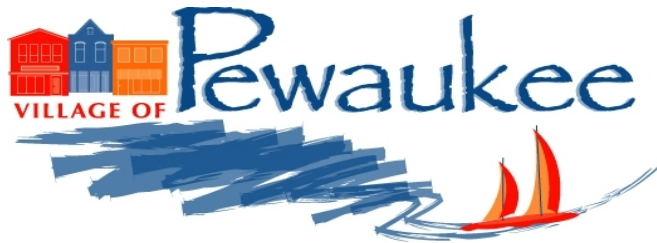
#### **12. Adjournment**

**Trustee Roberts motioned, seconded by Trustee Krasovich to adjourn the May 17, 2022, Regular Village Board meeting at approximately 9:16 p.m.**

**Motion carried 7-0.**

Respectfully submitted,

Cassandra Smith  
Village Clerk



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 3, 2022

Re: Agenda Item 6a, Possible Action on Resolution No. 2022-10, Resolution Authorizing the Issuance and Sale of \$1,075,000 Taxable General Obligation Refunding Bonds

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### **BACKGROUND**

The sale of the new and refinanced debt is set to take place on Tuesday, June 7<sup>th</sup>. Mr. Brad Viegut, Managing Director, Public Finance, with Robert W. Baird will be in attendance at the Village Board meeting to report on the sale of the debt and the associated interest rate.

### **ACTION REQUESTED**

The action requested of the Village Board is to review the information to be presented by Mr. Viegut regarding the bids received for the Village's debt issuance and should the information be favorable, the action requested of the Village Board is to adopt Resolution No. 2022-10, Resolution Authorizing the Issuance and Sale of \$1,075,000 Taxable General Obligation Refunding Bonds.

### **ANALYSIS**

Attached for your review and information is the form resolution prepared by Brian Lanser, Bond Counsel with Quarles & Brady. The pertinent cost and repayment information will be presented at the Village Board meeting. Moody's Investors Service has maintained its Aa2 rating for the Village.

Attachment

RESOLUTION NO. 2022-10

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF  
\$1,075,000 TAXABLE GENERAL OBLIGATION REFUNDING  
BONDS

WHEREAS, the Village Board hereby finds and determines that it is necessary, desirable and in the best interest of the Village of Pewaukee, Waukesha County, Wisconsin (the "Village") to raise funds to pay the cost of refinancing certain outstanding obligations of the Village, specifically, the Taxable Note Anticipation Note, dated March 23, 2021 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Village Board deems it to be necessary, desirable and in the best interest of the Village to refund the Refunded Obligations for the purpose of providing permanent financing for the projects financed by the Refunded Obligations;

WHEREAS, the Village is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance its outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such general obligation refunding bonds on a taxable rather than tax-exempt basis;

WHEREAS, the Village has directed Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell taxable general obligation refunding bonds (the "Bonds") to pay the cost of the Refunding;

WHEREAS, Baird, in consultation with the officials of the Village, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on June 7, 2022;

WHEREAS, the Village Clerk (in consultation with Baird) caused a form of notice of the sale to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on June 7, 2022;

WHEREAS, the Village has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Village. Baird has recommended that the Village accept the Proposal. A copy of said



Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1. Ratification of the Official Notice of Sale and Offering Materials. The Village Board hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the Village and Baird in connection with the preparation and distribution of the Official Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Authorization and Award of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of ONE MILLION SEVENTY-FIVE THOUSAND DOLLARS (\$1,075,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal [(as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein)], plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The President and Village Clerk or other appropriate officers of the Village are authorized and directed to execute an acceptance of the Proposal on behalf of the Village. The good faith deposit of the Purchaser shall be applied in accordance with the Official Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$1,075,000; shall be dated June 30, 2022; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2023. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on March 1, 2031 and thereafter are subject to redemption prior to maturity, at the option of the Village, on March 1, 2030 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the Village, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

[The Proposal specifies that [some of] the Bonds are subject to mandatory redemption. The terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the Village shall direct.]

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the Village a direct annual irrepealable tax in the years 2022 through 2032 for the payments due in the years 2023 through 2033 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the Village shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the Village and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the Village then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the Village, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the Village may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Refunding Bonds, dated June 30, 2022" (the "Debt Service Fund Account") and such account shall be maintained

until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the Village at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the Village above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the Village, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the Village, unless the Village Board directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the Village and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the Village by the manual or facsimile signatures of the President and Village Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the

Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the Village has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The Village hereby authorizes the officers and agents of the Village to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the Village's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Village hereby authorizes the President and Village Clerk or other appropriate officers of the Village to enter into a Fiscal Agency Agreement between the Village and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 10. Persons Treated as Owners; Transfer of Bonds. The Village shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the President and Village Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The Village shall cooperate in any such transfer, and the President and Village Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the Village at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Village agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the Village Clerk or other authorized representative of the Village is authorized and directed to execute and deliver to DTC on behalf of the Village to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the Village Clerk's office.

Section 13. Official Statement. The Village Board hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the Village in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The Village Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The Village hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the Village to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the President and Village Clerk, or other officer of the Village charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the Village's Undertaking.

Section 15. Payment of the Refunded Obligations. The Refunded Obligations shall be paid on their July 1, 2022 maturity date at a price of par plus accrued interest to the date of redemption.

The Village hereby directs the Village Clerk to take all actions necessary for the payment of the Refunded Obligations on their maturity date. Any and all actions heretofore taken by the officers and agents of the Village to effectuate such payment are hereby ratified and approved.

Section 16. Record Book. The Village Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 17. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the Village are authorized to take all actions necessary to obtain such municipal bond insurance. The President and Village Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the President and Village Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 18. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village Board or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded June 7, 2022.

\_\_\_\_\_  
Jeffrey Knutson  
President

ATTEST:

\_\_\_\_\_  
Casandra Smith  
Village Clerk

(SEAL)

EXHIBIT A

Official Notice of Sale

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT



EXHIBIT C

Winning Bid

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

[ EXHIBIT MRP

Mandatory Redemption Provision

The Bonds due on March 1, \_\_\_\_, \_\_\_\_, and \_\_\_\_ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on March 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS  
STATE OF WISCONSIN  
WAUKESHA COUNTY  
NO. R-\_\_\_\_ VILLAGE OF PEWAUKEE \$\_\_\_\_\_  
TAXABLE GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
March 1, \_\_\_\_\_ June 30, 2022 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
(\$ \_\_\_\_\_)

FOR VALUE RECEIVED, the Village of Pewaukee, Waukesha County, Wisconsin (the "Village"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2023 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$1,075,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Section 67.04, Wisconsin Statutes, for the public purpose of paying the cost of refunding certain obligations of the Village, as authorized by a resolution adopted on June 7, 2022. Said resolution is recorded in the official minutes of the Village Board for said date.

The Bonds maturing on March 1, 2031 and thereafter are subject to redemption prior to maturity, at the option of the Village, on March 1, 2030 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the Village, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years \_\_\_\_\_ are subject to mandatory redemption by lot as provided in the resolutions referred to above, at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Village, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the Village kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the Village appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and Village may treat and

consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the Village of Pewaukee, Waukesha County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

VILLAGE OF PEWAUKEE  
WAUKESHA COUNTY, WISCONSIN

By: \_\_\_\_\_  
Jeffrey Knutson  
President

(SEAL)

By: \_\_\_\_\_  
Casandra Smith  
Village Clerk

Date of Authentication: \_\_\_\_\_, \_\_\_\_\_

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolution of the Village of Pewaukee, Waukesha County, Wisconsin.

ASSOCIATED TRUST COMPANY,  
NATIONAL ASSOCIATION,  
GREEN BAY, WISCONSIN

By \_\_\_\_\_  
Authorized Signatory

DRAFT



ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)



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

# Memorandum

To: Village Board  
From: Dan Naze, P.E., Director of Public Works/Village Engineer  
Date: May 31, 2022  
Re: Agenda Item 6b, Resolution No. 2022-11 Adopting the 2021 Reporting Year Sanitary Sewer System CMAR

All Wisconsin communities that have a WPDES waste water discharge permit are required to file a Compliance Maintenance Annual Report (CMAR) to the DNR regarding its wastewater collection system. Before the report can be submitted to the DNR the Village Board is to acknowledge the report by formal resolution. Attached is the report and draft resolution.

Effective August 1, 2016, the Village must maintain a Capacity, Management, Operations, and Maintenance (CMOM) program. CMOM is a framework for municipalities to identify and incorporate widely-accepted wastewater industry practices to better manage, operate, and maintain collection systems. What this means is the Village must set achievable goals for conducting maintenance and ensuring capacity, document and maintain records of the collection system and regular maintenance, provide adequate staffing and financial resources to operate, protect the environment, clarify duties of the Village etc. Reporting is annual through the CMAR with self-audits and potential regulatory audits to confirm compliance.

The financial, collection, and overall grade of an "A" indicates this Department is conducting appropriate actions concerning the collection system.

## Action Requested

The Village Board adopt Resolution 2022-11 acknowledging the reporting year 2021 Compliance Maintenance Annual Report, and authorize the Director of Public Works to submit the complete report to the DNR.

RESOLUTION NO. 2022-11

**RESOLUTION REGARDING THE WISCONSIN DEPARTMENT OF  
NATURAL RESOURCES REPORTING YEAR 2021 COMPLIANCE  
MAINTENANCE ANNUAL REPORT**

**WHEREAS**, it is a requirement under a Wisconsin Pollutant Discharge Elimination system (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater treatment/wastewater collection system under Wisconsin Administrative Code NR208, and

**WHEREAS**, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report; and

**WHEREAS**, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades (of “C” or less) and/or an overall grade point average (<3.00);

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Pewaukee that the following actions will be taken to address or correct problems/deficiencies of the collection system as identified in the Compliance Maintenance Annual Report;

Recommended Actions:           None required, grade of “A”

ADOPTED June 7, 2021

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Jeff Knutson, Village President

ATTEST:

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Casandra Smith, Village Clerk

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

### Financial Management

1. Provider of Financial Information  
Name:   
Telephone:  (XXX) XXX-XXXX  
E-Mail Address (optional):

2. Treatment Works Operating Revenues  
2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?  
● Yes (0 points)   
○ No (40 points)  
If No, please explain:

2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised? Year:   
● 0-2 years ago (0 points)   
○ 3 or more years ago (20 points)   
○ N/A (private facility)

2.3 Did you have a special account (e.g., CWFPP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?  
● Yes (0 points)  
○ No (40 points)

REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]

3. Equipment Replacement Funds  
3.1 When was the Equipment Replacement Fund last reviewed and/or revised? Year:   
● 1-2 years ago (0 points)   
○ 3 or more years ago (20 points)   
○ N/A  
If N/A, please explain:

3.2 Equipment Replacement Fund Activity

<b>3.2.1 Ending Balance Reported on Last Year's CMAR</b>	+	\$	<input type="text" value="219,653.97"/>
3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	+	\$	<input type="text" value="255,971.09"/>
3.2.3 Adjusted January 1st Beginning Balance		\$	<input type="text" value="475,625.06"/>
3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	+	\$	<input type="text" value="1,287.57"/>

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below\*) - \$

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year \$

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

3.3 What amount should be in your Replacement Fund? \$  0

Please note: If you had a CWFPP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?  
● Yes  
○ No  
If No, please explain.

4. Future Planning  
4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?  
● Yes - If Yes, please provide major project information, if not already listed below.   
○ No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	Removal of Kopmeier lift station. Gravity sewer, forcemain. City of Pewaukee Lead Agency.	450000	2023
2	Savoy Ct Relay	90000	2023
3	E Wisconsin Ave reconstruction - underway	575000	2022
4	Park Hills Sewer relay and upsiz completed 2022	400000	2022
5	Prospect Ave sanitary sewer relay	125000	2023

5. Financial Management General Comments

ENERGY EFFICIENCY AND USE

6. Collection System  
6.1 Energy Usage  
6.1.1 Enter the monthly energy usage from the different energy sources:  
**COLLECTION SYSTEM PUMPAGE: Total Power Consumed**  
Number of Municipally Owned Pump/Lift Stations:

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 **2021**

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
<b>January</b>	43,087	1,487
<b>February</b>	34,734	1,754
<b>March</b>	32,782	1,587
<b>April</b>	27,836	1,223
<b>May</b>	22,860	0
<b>June</b>	35,500	148
<b>July</b>	35,355	12
<b>August</b>	30,314	4
<b>September</b>	31,217	1
<b>October</b>	26,617	44
<b>November</b>	32,241	478
<b>December</b>	33,493	707
<b>Total</b>	<b>386,036</b>	<b>7,445</b>
<b>Average</b>	<b>32,170</b>	<b>677</b>

6.1.2 Comments:

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- Comminution or Screening
- Extended Shaft Pumps
- Flow Metering and Recording
- Pneumatic Pumping
- SCADA System
- Self-Priming Pumps
- Submersible Pumps
- Variable Speed Drives
- Other:

6.2.2 Comments:

6.3 Has an Energy Study been performed for your pump/lift stations?

- No
- Yes

Year:

By Whom:

Describe and Comment:

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 **2021**

6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

### Sanitary Sewer Collection Systems

#### 1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

- Yes
- No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

- Yes
- No (30 points)
- N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

Televise 15%, yes, 19.6%  
 Jetting 15%, yes, 21.5%  
 MH inspections 15%, yes, 17%  
 Rehab based on inspections yes  
 Optimized use of GIS yes  
 Evaluate safety program yes  
 Evaluate Customer Service and Education yes  
 Integrate CMOM into budget yes

Did you accomplish them?

- Yes
- No

If No, explain:

Organization [NR 210.23 (4) (b)]

Does this chapter of your CMOM include:

- Organizational structure and positions (eg. organizational chart and position descriptions)
- Internal and external lines of communication responsibilities
- Person(s) responsible for reporting overflow events to the department and the public

Legal Authority [NR 210.23 (4) (c)]

What is the legally binding document that regulates the use of your sewer system?

Ch 90b, Village Ord

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY)  2013-12-17

Does your sewer use ordinance or other legally binding document address the following:

- Private property inflow and infiltration
- New sewer and building sewer design, construction, installation, testing and inspection
- Rehabilitated sewer and lift station installation, testing and inspection
- Sewage flows satellite system and large private users are monitored and controlled, as necessary
- Fat, oil and grease control
- Enforcement procedures for sewer use non-compliance

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

Operation and Maintenance [NR 210.23 (4) (d)]

Does your operation and maintenance program and equipment include the following:

- Equipment and replacement part inventories
- Up-to-date sewer system map
- A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation
- A description of routine operation and maintenance activities (see question 2 below)
- Capacity assessment program
- Basement back assessment and correction
- Regular O&M training

Design and Performance Provisions [NR 210.23 (4) (e)]

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- Construction, Inspection, and Testing

Others:

Overflow Emergency Response Plan [NR 210.23 (4) (f)]

Does your emergency response capability include:

- Responsible personnel communication procedures
- Response order, timing and clean-up
- Public notification protocols
- Training
- Emergency operation protocols and implementation procedures

Annual Self-Auditing of your CMOM Program [NR 210.23 (5)]

Special Studies Last Year (check only those that apply):

- Infiltration/Inflow (I/I) Analysis
- Sewer System Evaluation Survey (SSES)
- Sewer Evaluation and Capacity Management Plan (SECAP)
- Lift Station Evaluation Report

Others:

#### 2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	<input type="text" value="22"/>	% of system/year
Root removal	<input type="text" value="0"/>	% of system/year
Flow monitoring	<input type="text" value="0"/>	% of system/year
Smoke testing	<input type="text" value="0"/>	% of system/year
Sewer line televising	<input type="text" value="20"/>	% of system/year
Manhole inspections	<input type="text" value="17"/>	% of system/year
Lift station O&M	<input type="text" value="60"/>	# per L.S./year
Manhole rehabilitation	<input type="text" value="1"/>	% of manholes rehabbed
Mainline rehabilitation		

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

Private sewer inspections	<input type="text" value="0"/>	% of sewer lines rehabbed		
Private sewer I/I removal	<input type="text" value="0"/>	% of system/year		
River or water crossings	<input type="text" value="0"/>	% of private services		
	<input type="text" value="0"/>	% of pipe crossings evaluated or maintained		
Please include additional comments about your sanitary sewer collection system below: <input type="text"/>				
<b>3. Performance Indicators</b>				
<b>3.1 Provide the following collection system and flow information for the past year.</b>				
<input type="text" value="24.5"/>	Total actual amount of precipitation last year in inches			
<input type="text" value="34.6"/>	Annual average precipitation (for your location)			
<input type="text" value="33.7"/>	Miles of sanitary sewer			
<input type="text" value="5"/>	Number of lift stations			
<input type="text" value="0"/>	Number of lift station failures			
<input type="text" value="0"/>	Number of sewer pipe failures			
<input type="text" value="1"/>	Number of basement backup occurrences			
<input type="text" value="1"/>	Number of complaints			
<input type="text" value="1.3"/>	Average daily flow in MGD (if available)			
<input type="text" value="1.7"/>	Peak monthly flow in MGD (if available)			
<input type="text"/>	Peak hourly flow in MGD (if available)			
<b>3.2 Performance ratios for the past year:</b>				
<input type="text" value="0.00"/>	Lift station failures (failures/year)			
<input type="text" value="0.00"/>	Sewer pipe failures (pipe failures/sewer mile/yr)			
<input type="text" value="0.03"/>	Sanitary sewer overflows (number/sewer mile/yr)			
<input type="text" value="0.03"/>	Basement backups (number/sewer mile)			
<input type="text" value="0.03"/>	Complaints (number/sewer mile)			
<input type="text" value="1.3"/>	Peaking factor ratio (Peak Monthly:Annual Daily Avg)			
<input type="text" value="0.0"/>	Peaking factor ratio (Peak Hourly:Annual Daily Avg)			
<b>4. Overflows</b>				
<b>LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **</b>				
	Date	Location	Cause	Estimated Volume
0	10/9/2021 9:30:00 AM - 10/9/2021 9:45:00 AM	548 West Wisconsin Ave	Other causes	500
** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.				
What actions were taken, or are underway, to reduce or eliminate SSO or TFO occurrences in the future? <input type="text" value="This SSO was due to operator error."/>				
<b>5. Infiltration / Inflow (I/I)</b>				
<b>5.1 Was infiltration/inflow (I/I) significant in your community last year?</b>				
● Yes				

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

○ No
If Yes, please describe: <input type="text" value="Increased LS1 discharge flows are observed during large rain events"/>
5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?
○ Yes
● No
If Yes, please describe: <input type="text"/>
5.3 Explain any infiltration/inflow (I/I) changes this year from previous years: <input type="text" value="none"/>
5.4 What is being done to address infiltration/inflow in your collection system? <input type="text" value="CIP replacements, spot pipe repairs and MH rehabs already performed this year, 2021 4th year of televising program. Chimney rebuilds and internal seals added in repaving areas."/>

<b>Total Points Generated</b>	0
<b>Score (100 - Total Points Generated)</b>	100
<b>Section Grade</b>	<b>A</b>

## Compliance Maintenance Annual Report

Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

### Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
<b>TOTALS</b>			<b>4</b>	<b>16</b>
<b>GRADE POINT AVERAGE (GPA) = 4.00</b>				

Notes:

- A = Voluntary Range (Response Optional)
- B = Voluntary Range (Response Optional)
- C = Recommendation Range (Response Required)
- D = Action Range (Response Required)
- F = Action Range (Response Required)

## Compliance Maintenance Annual Report

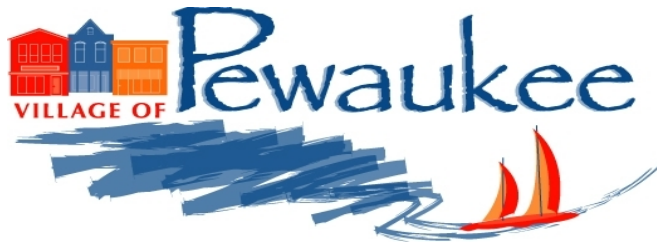
Pewaukee Village Sewage Collection System

Last Updated: Reporting For:  
5/23/2022 2021

### Resolution or Owner's Statement

Name of Governing Body or Owner:  Date of Resolution or Action Taken:  Resolution Number:  Date of Submittal:	<input style="width: 100%;" type="text" value="Village of Pewaukee Village Board"/>  <input style="width: 100%;" type="text" value="2022-06-07"/>  <input style="width: 100%;" type="text" value="2022-"/>  <input style="width: 100%;" type="text"/>
<p><b>ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):</b></p> Financial Management: Grade = A <input style="width: 100%; height: 20px;" type="text"/>	
Collection Systems: Grade = A (Regardless of grade, response required for Collection Systems if SSOs were reported) <input style="width: 100%; height: 20px;" type="text"/>	
<p><b>ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS</b>                  (Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)  <b>G.P.A. = 4.00</b></p> <input style="width: 100%; height: 20px;" type="text"/>	





To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 2, 2022

Re: Agenda Item 7a, Review, Direction and Possible Action on Possible Use of Coronavirus State & Local Fiscal Recovery Funds

---

### **BACKGROUND**

The Coronavirus State & Local Fiscal Recovery Funds (SLFRF) Final Rule was released by the US Department of the Treasury on/around January 6, 2022. The SLFRF is a part of the American Rescue Plan (ARPA) which will deliver \$350 billion to state, local and Tribal governments across the United States. The Village's projected share of funds from this program is \$849,175. At its February 1, 2022 meeting, the Village Board reviewed a summary of SLFRF program as it relates to the timeline for the use of the funds as well as generally accepted uses of the funds by three general categories. Staff was provided general direction by the Village Board to focus on capital related items for the use of ARPA funds to offset expenditures that would impact levy limits.

### **ACTION REQUESTED**

This matter is before the Village Board to begin discussion on the options for the use of SLFRF funds and obtain direction from the Village Board on how to proceed.

### **ANALYSIS**

Attached for your review and consideration please find a copy of proposed uses for the ARPA funds that would reduce the impact on the annual General Fund budget (resulting in a reduced impact on the pressure of property tax levy limits). The proposed uses of the funds were obtained from future capital related items submitted by Department Heads as part of the 10-year Capital/Equipment Planning that fit within the "allowable use of funds". Staff is also working to obtain pricing for security camera placement around Building #2 at 552 Hickory Street for possible funding through ARPA funds.

The attached listing accounts for approximately \$580,000 of the \$849,175.68 allocation for the Village. Please note that ARPA recipients have until December 31, 2024 to allocate/obligate ARPA funds with the funds needing to be expensed by December 31, 2026.

Attachments

# Coronavirus State & Local Fiscal Recovery Funds (SLFRF)/American Rescue Plan (ARPA) Overview/Proposed Projects

## Timeline for Use of Funds

Funds must be used for costs incurred on or after March 3, 2021. Costs must be obligated by December 31, 2024 with funds expended by December 31, 2026.

## Amount of Funds to be Received by Village

\$849,175.68

**Allowable Use of Funds** (from Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule, U.S. Dept. of the Treasury)

- A. Replacing Lost Public Sector Revenue** – The final rule offers a standard allowance for revenue loss of \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting.
  - a. Government services generally includes *any service* traditionally provided by a government, unless Treasury has stated otherwise. Common examples:
    - i. Road building and maintenance, and other infrastructure
    - ii. General government administration, staff, and administrative facilities
    - iii. Provision of police and other public safety services (including purchase of police vehicles)
- B. Water & Sewer Infrastructure**
  - a. Eligible drinking water projects include:
    - i. Transmission and distribution
    - ii. Storage of drinking water
- C. Effective Service Delivery** – ARPA funds may be used for projects needed to respond to, mitigate, or prevent the spread of COVID-19.

## Possible Projects for Use of Funds – Based on Village Board Direction

- A. Government Services Use of Funds (Road Building and Maintenance, other Infrastructure; Administrative Facilities)**
  - 1. Lakefront Park Automatic Door Locking - \$6,508 (proposed 2022)
  - 2. Kiwanis Village Park Automatic Door Locking - \$6,508 (proposed 2022)
  - 3. Lakefront Park Exterior Security Camera System - \$5,707.92 (proposed 2022)
  - 4. Kiwanis Village Park Exterior Security Camera System - \$9,615.41 (proposed 2022)
  - 5. Lakefront Park Firewall/Installation for Internet Connection - \$1,647.80 (proposed 2022)
  - 6. Kiwanis Village Park Firewall/Installation for Internet Connection - \$1,647.80 (proposed 2022)
  - 7. Election Boxes and ADA Booths - \$20,000 (proposed 2025)
- B. Effective Service Delivery – Technology**
  - 1. Badger Books – Election Pollbooks – \$14,300 (Technology infrastructure to improve user experience of government IT systems as well as technology improvements to increase public access and delivery of government programs and services; mitigate COVID-19 by decreased number of poll workers; easier sanitation; spreading voters out at a greater distance) - APPROVED
  - 2. Village Hall/Police Department Facility Computer Server Replacements
    - a. 2023 - \$14,950
    - b. 2024 – \$15,399
    - c. 2025 - \$15,861
  - 3. Replacement Squad Car Laptops (Mobile Data Computers – MDC)
    - a. 2026 - \$22,496
- C. Provision of Public Safety**

1. Squad Cars – 2023 – 2 @ \$56,650 each = \$113,300
2. Squad Cars – 2024 – 2 @ \$58,350 each = \$116,700
3. Squad Car – 2025 – 1 @ 61,000
4. Squad Cars – 2026 – 2 @ 61,903 each = \$123,806
5. Water Filled Barricade Replacement – 2022 – \$5,520 (12 @ \$325 = 3,900 plus est. of \$1,620 for shipping)
6. Service Weapon Replacement – Pistols – 2023 – estimate \$25,000

DRAFT

## Possible Use of ARPA Funding for Benefit of Levy Reduction

### Uses toward General Fund Levy Reduction

#### Badger Books Voting Equipment/Election Boxes & ADA Booths

2022	\$ 14,107.00	(approved)
2025	\$ 20,000.00	
Total	<u>\$ 34,107.00</u>	

#### Squad Cars

2023	\$ 113,300.00
2024	\$ 116,700.00
2025	\$ 61,000.00
2026	\$ 123,806.00
Total	<u>\$ 414,806.00</u>

#### Park System Automatic Locking Doors/Security Cameras

2022	\$ 6,508.00	Lakefront Park Door System
2022	\$ 5,707.92	Lakefront Park Security Cameras
2022	\$ 6,508.00	Kiwanis Village Park Door System
2022	\$ 9,616.00	Kiwanis Village Park Security Cameras
2022	\$ 1,647.80	Lakefront Park Firewall
2022	\$ 1,647.80	Kiwanis Village Park Firewall
Total	<u>\$ 31,635.52</u>	

#### Water Filled Barricades

2022	\$ 5,520.00	12 Replacement/New Barricades
------	-------------	-------------------------------

#### Service Weapon Replacement - Pistols

2023	\$ 25,000.00
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#### Village Hall/Police Department Computer Servers & Computers

2023	\$ 14,950.00
2024	\$ 15,399.00
2025	\$ 15,861.00
2026	\$ 22,496.00 (replacement squad car laptops - MDC)
	<u>\$ 68,706.00</u>

ARPA Allocation	\$ 849,175.68
Estimated/Proposed Expenditures	<u>\$ 579,774.52</u>
Balance	<u>\$ 269,401.16</u>



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 1, 2022

Re: Agenda Item 8a, Discussion and Possible Action on Recommendation from Joint Park & Recreation Board Regarding Proposed Koepp Park Bridge Proposal and Donation by Pewaukee River Partnership

---

### **BACKGROUND**

This matter appeared before the Village Board at its September 21, 2021 meeting for review and action by the Village Board. At that meeting, the Village Board adopted a motion to support the project pending WI DNR approval of the proposed bridge/boardwalk as well as the preparation of a donation agreement between the Pewaukee River Partnership and the Village. The Pewaukee River Partnership appeared before the Joint Park & Recreation Board at its May meeting and received approval from the Joint Board to move forward for final approvals by the Village Board.

### **ACTION REQUESTED**

The action requested of the Village Board is to consider approval of the draft donation agreement subject to the provision of a set of plans submitted as outlined below as well as submittal of proof of comprehensive general liability insurance as outlined below prior to the agreement being signed.

### **ANALYSIS**

The draft donation agreement was prepared with the assistance of Village Attorney Mark Blum. The final items needed for the draft agreement are: 1) Set of construction plans signed and stamped by an architect and/or structural engineer licensed in the State of Wisconsin; and 2) submittal of proof of comprehensive general liability insurance as outlined in paragraph 2 of the attached draft donation agreement.

Attachments

## DONATION AGREEMENT

This Donation Agreement, hereinafter referred to as the "Agreement", is entered into by and between the Village of Pewaukee, a Wisconsin municipal corporation hereinafter referred to as the ("Village") and the Pewaukee River Partnership, Inc., hereinafter referred to as ("the Partnership") intending that this Agreement serve as a binding agreement setting forth the respective obligations, covenants, liabilities, and promises of the parties.

NOW THEREFORE, for good and valuable consideration including but not limited to allowing the construction of the pedestrian bridge on public property and private property through easements conveyed by the property owner(s), the receipt and sufficiency of which is hereby acknowledged, the parties do hereby covenant and agree as follows:

- A. The Partnership desires to construct and donate to the Village a pedestrian bridge on property owned by the Village at 201 Oakton Avenue (Koepp Park) and on property for which a Conditional Use Grant (CUG) was approved on February 13, 2003 for a boardwalk known as the Pewaukee River Boardwalk on property located at 161 W. Wisconsin Avenue (CUG signed by Lake Pewaukee Sanitary District as Applicant and James Siepmann as Property Owner), as detailed in the attached site plan and drawings (Exhibit A) and CUG (Exhibit B). This Agreement shall constitute permission for the Partnership to enter the park property and subject to easements granted to Lake Pewaukee Sanitary District to undertake construction of the pedestrian bridge as described in the site plan and drawings. The design and construction of the pedestrian bridge shall be approved and stamped by an architect and/or structural engineer licensed in the State of Wisconsin and must be approved by the Village of Pewaukee Building Inspector.
- B. The Partnership shall not undertake any work on this project until such time that it provides proof of comprehensive general liability insurance having a policy limit of not less than \$2,000,000 in the aggregate per event for their actions while working on the site with the Village being listed as an additional insured on a primary and noncontributory basis in form satisfactory to the Village. Said coverage shall also provide that not less than ten days notice will be provided to the Village of any termination or material modification of such coverage.
- C. The Partnership shall indemnify, defend and hold harmless the Village of Pewaukee and its agents, officers, directors and employees from and against those claims, suits, damages, or losses, including actual attorney fees, brought against or incurred by the Village, to the extent that such damages or losses are caused by the negligent acts or willful misconduct of the Partnership or its agents, officers, directors, employees or subcontractors, including but not limited to claims for mechanics liens for labor or materials.
- D. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin. It contains the entire and complete understanding of the parties with respect to the subject matter set forth herein and may only be amended in an agreement

executed by both parties.

- E. All persons who may provide volunteer service on behalf of the Partnership in constructing the pedestrian bridge shall have signed a release agreement in a form as set forth in the attached document, Exhibit C, before providing any labor. The parties acknowledge that those persons who provide volunteer service for the Partnership in constructing this pedestrian bridge are volunteers and are specifically not employees of the Village.
- F. Upon completion of the pedestrian bridge at Koepp Park, the Partnership shall certify that the pedestrian bridge was constructed in accordance with approved plans. Upon this certification, the Partnership will not be responsible for the maintenance of the pedestrian bridge.

The Partnership shall ensure that adequate signage and barriers are erected to protect the work site and park users and that all Village ordinances, Wisconsin State Statutes and Wisconsin Administrative Code requirements are followed with respect to the permitting for the work and the construction of these improvements, including but not limited to required WI DNR permits, etc.

The parties acknowledge that the persons signing this Agreement have obtained the permission of their respective governing bodies to do so.

The parties have executed this agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Village of Pewaukee  
A Municipal Corporation

Pewaukee River Partnership, Inc.

BY: \_\_\_\_\_  
Village President

BY: \_\_\_\_\_  
President of the Corporation

ATTEST:  
  
BY: \_\_\_\_\_  
Village Clerk

ATTEST:  
  
BY: \_\_\_\_\_  
Witness



WC2943129-009

005416 FEB 28 8  
Land Covenant/Conditional Use  
Grant - Pewaukee River Boardwalk

Document Title

2943129

REGISTER'S OFFICE  
WAUKESHA COUNTY, WI  
RECORDED ON

02-28-2003 3:31 PM

MICHAEL J. HASSLINGER  
REGISTER OF DEEDS

REC. FEE: 20.00  
REC. FEE-CO: 5.00  
REC. FEE-ST: 2.00  
TRAN. FEE:  
TRAN. FEE-STATE:  
PAGES: 9

Recording Area

Name and Return Address

VILLAGE OF PEWAUKEE  
235 HICKORY STREET  
PEWAUKEE, WI 53072-3592

PWV 0898 954 002

Parcel Identification Number (PIN)

*Due  
27  
9  
PWV*



**LAND COVENANT (Pewaukee River Boardwalk)**

## Acceptance of Conditions of Conditional Use Grant

THIS COVENANT, made this 13<sup>th</sup> day of February 2003, by: GRANTEES, for the use and benefit of all persons from time to time resident or owning property within the boundaries of the Village of Pewaukee, Waukesha County, Wisconsin, and for the use and benefit of said Village of Pewaukee in its own right and as agent for the purpose of enforcing these presents on behalf of the above described class of persons, GRANTORS.

The premises affected by these presents (hereinafter called the Premises) is located in the Village of Pewaukee, Waukesha County, State of Wisconsin, further described as follows:

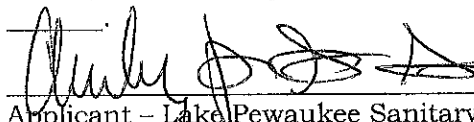
PART OF:  
PWV 0898 954 002  
TIF DISTRICT 1  
PT NW1/4 SEC 9 T7N R19E  
PARCEL 2 CERT SURV 9251  
VOL 83/356 3.369 AC  
DOC#2697282

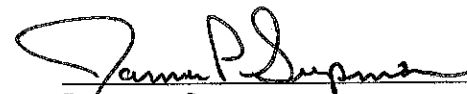
GRANTEES warrant and covenant that at the time of the ensembling and delivery of these presents they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

GRANTEES represent that petition on their behalf was made to the Village of Pewaukee pursuant to the zoning code of the said Village, for grant permission to erect and/or conduct on the Premises a use there permissible not by right but only by Conditional Use Grant; that in connection therewith GRANTEES made certain representations and agreements as to site, building and operation plans which were incorporated into the Conditional Use Grant; that based thereon the Conditional Use Grant was approved by the Plan Commission on the 13<sup>th</sup> day of February 2003, and that a true copy thereof is on file with the Plan Commission of the Village of Pewaukee.

NOW, THEREFORE, GRANTEES hereby accept the said Conditional Use Grant and covenant strictly to comply with all the terms and conditions thereof. GRANTEES acknowledge that, in accordance with the provisions of the Zoning Code, failure to comply with any conditions of the Conditional Use Grant is cause for the termination of said Grant by the Village. GRANTEES also acknowledge that approval of the Conditional Use Grant allows the appropriate Village officials to conduct reasonable and routine inspections of the property. This Covenant shall run with the land and shall be binding on the GRANTEES and all persons claiming any estate or interest in the Premises by, through or under the GRANTEES, as long as the said Premises are used as described in the Conditional Use Grant for the construction of a boardwalk.

IN WITNESS WHEREOF, GRANTEES have hereunto set their hands and seals this 21 day of FEB, 2003,

  
Applicant - Lake Pewaukee Sanitary District  
Charles Shong

  
Property Owner  
James Siepman

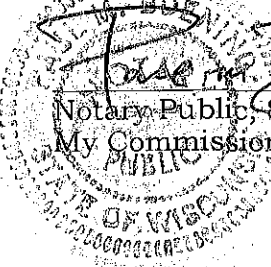
**Acknowledgment**

**For: Applicant**

STATE OF WISCONSIN )

Waukesha County ) personally came before me this 17<sup>th</sup> day of February, 2003,  
the above named Charles Shong to me known to be the person(s) who executed the  
foregoing instrument and acknowledged the same.

Joseph Berning  
Notary Public, State of Wisconsin  
My Commission expires: 9/12/04

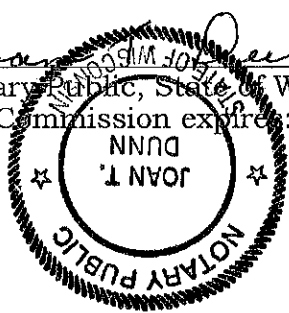


**For: Property Owner**

STATE OF WISCONSIN )

Waukesha County ) personally came before me this 21<sup>st</sup> day of February, 2003,  
the above named \_\_\_\_\_ to me known to be the person(s) who executed the  
foregoing instrument and acknowledged the same.

Joan T. Dunn  
Notary Public, State of Wisconsin  
My Commission expires: Oct. 8, 2006



**CONDITIONAL USE GRANT  
( Pewaukee River Boardwalk)**

Before the Planning Commission of the Village of Pewaukee, Waukesha County, Wisconsin, in regard to Premises located in the Village of Pewaukee, Waukesha County, State of Wisconsin, and as further defined below:

*PART OF:  
PWV 0898 954 002  
TIF DISTRICT 1  
PT NW1/4 SEC 9 T7N R19E  
PARCEL 2 CERT SURV 9251  
VOL 83/356 3.369 AC  
DOC# 2697282*

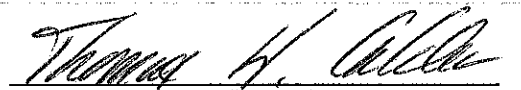
**WHEREAS**, the Zoning Code and Zoning District Map of the Village of Pewaukee, pursuant to State Statues, provide that the premises may not be used of right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use Grant in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the Planning Commission of the Village of Pewaukee having determined that by reason of the particular nature, character, and circumstances of the proposed use, grant of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, **IT IS GRANTED**, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of operating a restaurant.

**GRANTED** by action of the Planning Commission of the Village of Pewaukee this 13<sup>th</sup> day of February 2003.

  
Village Planning Commission Secretary  
Paul Boening

  
Acting Planning Commission Chairman  
Thomas Calder

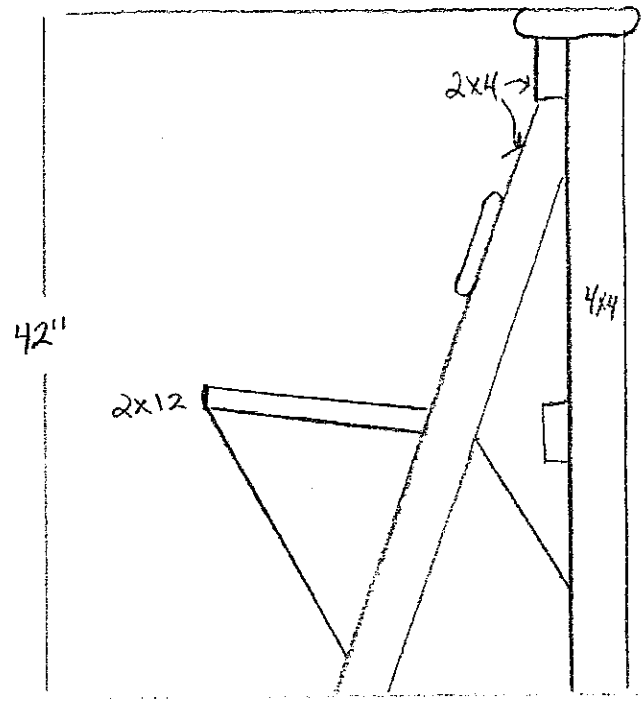
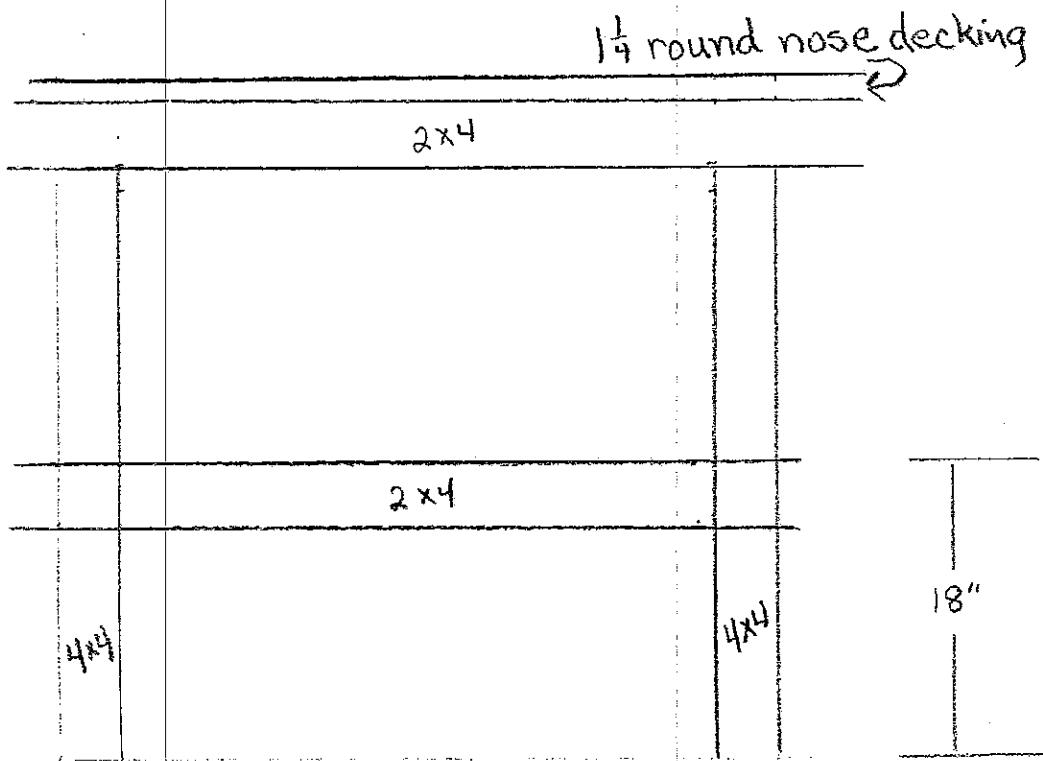
Original filed at the Pewaukee Village Hall.

The **CONDITIONS** of this Grant are:

1. This grant shall become effective upon the execution and recording by the owners and operators of the Premises of an acceptance hereof in such form as to constitute an effective covenant that shall run with the land subject to the provisions of Condition #9, below.
  2. This grant shall be void unless, pursuant to the building and Zoning Codes of the Village, the approved use is commenced or the building permit is obtained within twelve (12) months of the date of Planning Commission approval noted above.
  3. This grant is subject to amendment and termination in accordance with the provisions of the Zoning Code of the Village.
  4. Construction and operation of the use granted shall be in strict conformity to the approved site, building, and operations plans filed in connection with the Petition for this Grant, and exhibited hereto.
  5. Any of the conditions of this Grant which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof.
  6. This grant shall automatically be null and void if this use is discontinued for a period of twelve (12) months.
  7. Failure to allow reasonable and routine inspections of the property constitutes grounds for revocation of the Conditional Use Grant.
  8. This grant is subject to Wisconsin DNR conditions outlined in Exhibit B.
9. **Conditions on the Operations:**
- a. Hours of operation: N/A
  - b. Performance standards relating to noise, vibration, odor, smoke, dust, and light: As per Village ordinance and as further designated under letter (e.) below.
  - c. Water supply requirements: NA
  - d. Provisions for sewage disposal: NA
  - e. Other:
    - Any substantiated material problems with noise, health, odor, safety, illegal activities, lighting, outside unenclosed storage, loitering, and/or traffic & parking associated with the use shall be the responsibility of the property owner and/or operator to correct. Failure to correct the problem in a timely manner may result in the partial or complete revocation of this grant.
    - This conditional use grant approval is subject to all applicable state and local building code approvals.
10. **Conditions of the structures:**
- a. Building material of each structure: As per Exhibit A.
  - b. Entrances, design and location: N/A
  - c. Signs attached to the building location, size, design (including lighting): N/A
  - d. Exterior lighting of the building: N/A
  - e. Floor Plan(s): N/A

**11. Conditions on the site:**

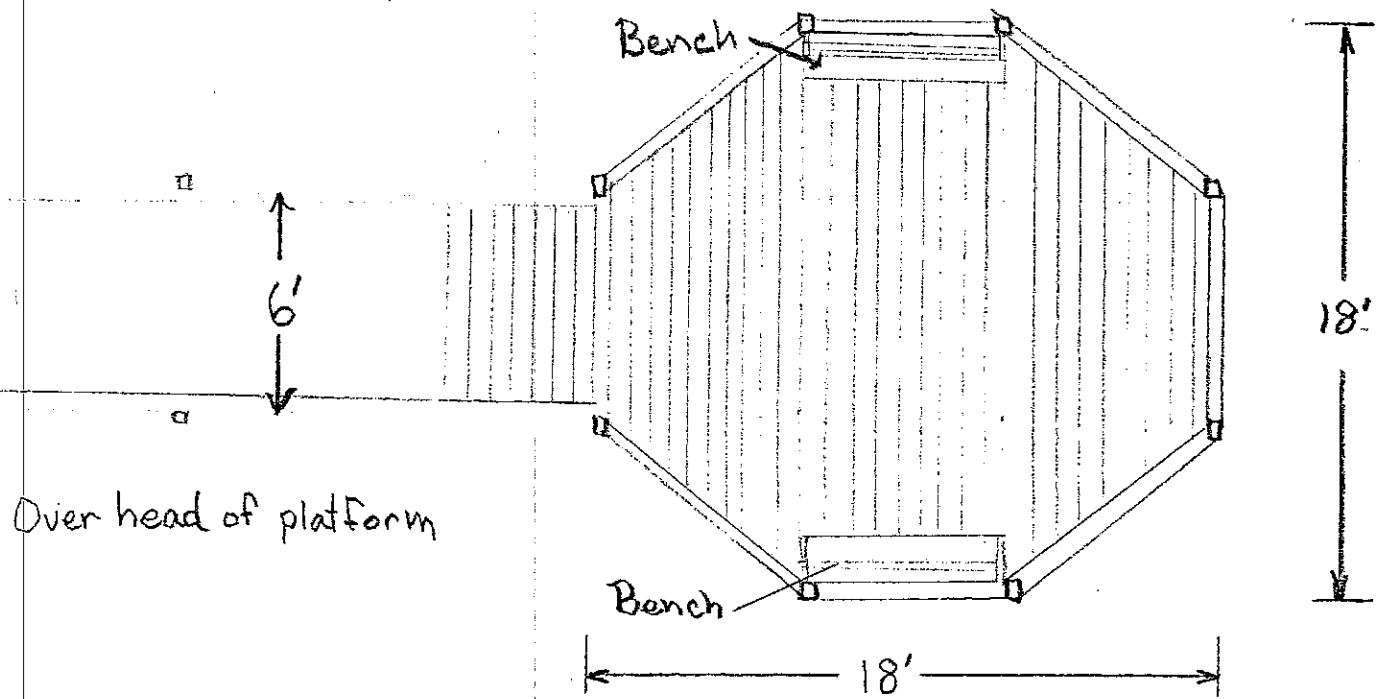
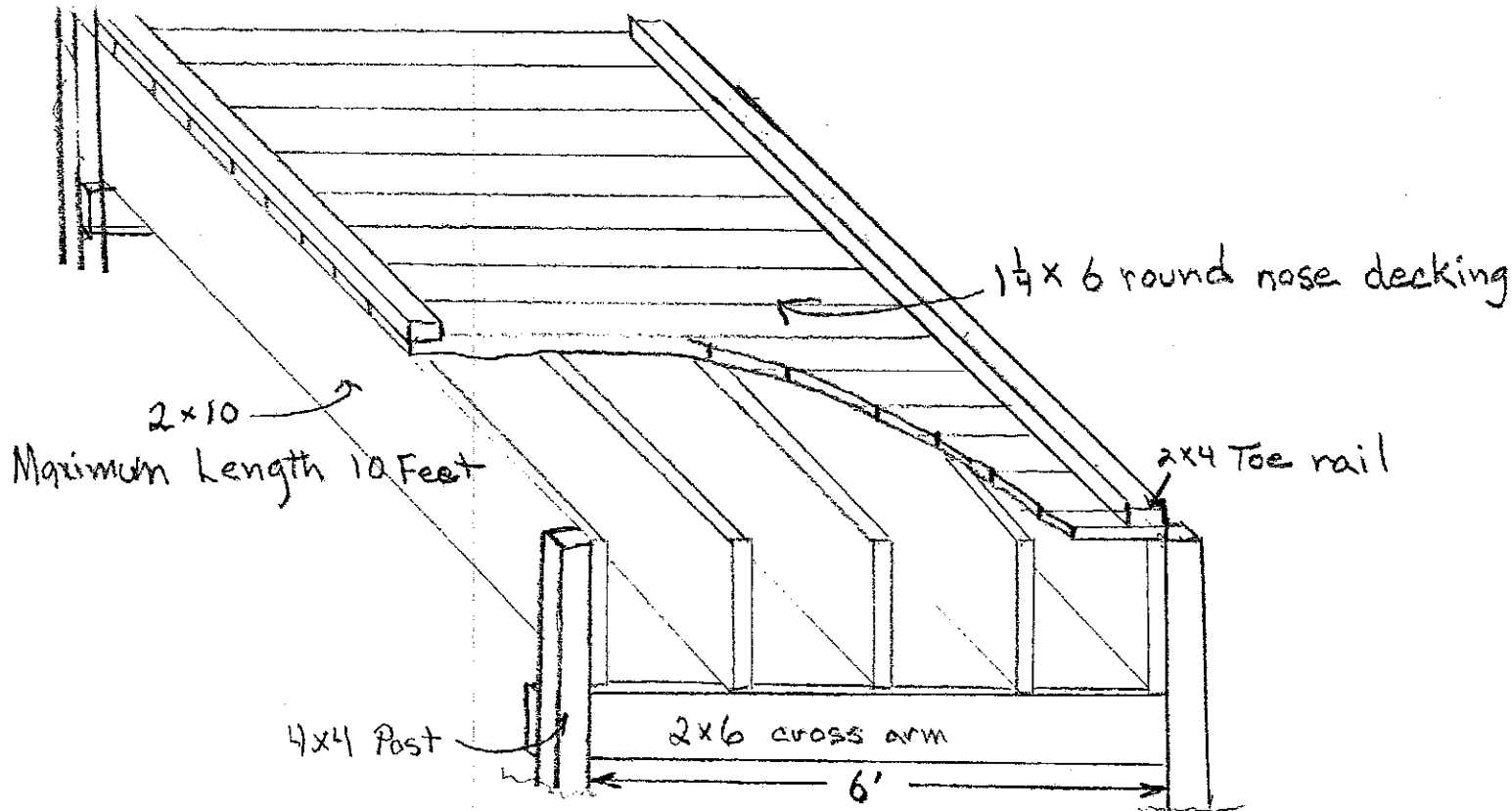
- a. Street access (number, location, design): N/A
- b. Off-Street Parking (location and design including screening thereof): As per approval.
- c. Loading and service area (location and design): N/A
- d. Outside storage of materials, products or refuse (location and screening thereof): N/A
- e. Finished topography and building grades, retaining walls, storm water run-off: N/A
- f. Landscaping of the site and buildings (including plant types, size spacing): N/A
- g. Pedestrian walkways, terraces, malls (location and design): Boardwalk as per Exhibit A.
- h. Signs (freestanding) location, size, design (including lighting): N/A
- i. Exterior lighting of the site, location design and power: N/A

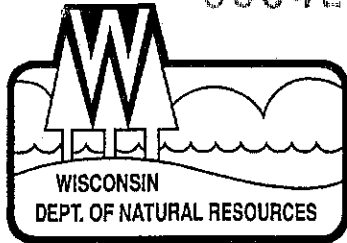


All materials to be pressure treated lumber

Exhibit A

005422 FEB 28 99





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Gloria L. McCutcheon, Regional Director

Waukesha Service Center  
407 Pilot Court  
Suite 100  
Waukesha, Wisconsin 53188  
Telephone 262-574-2100  
FAX 262-574-2117

June 6, 2002

Mr. Charlie Shong  
Lake Pewaukee Sanitary District  
N25W27534 Oak Street  
P.O. Box 111  
Pewaukee, WI 53072

Subject: Proposed Boardwalk Projects

Dear Mr. Shong:

This letter follows our April 2, 2002 meeting. The purpose of this meeting was to determine if any permits would be needed from the Department of Natural Resources (Department) for two proposed boardwalk projects. The first project is located in wetlands adjacent to the Pewaukee River just downstream of the Pewaukee Lake outlet. The second project is located in wetlands adjacent to the Pewaukee River in the Simmons Woods Village Park. As stated during the April 2, 2002 meeting, Chapter 30 permits and wetland fill permits will not be needed for these proposed projects.

Both wetland complexes associated with the boardwalk projects were deemed to be under Federal Jurisdiction by Mr. Jim Knowles of the Army Corps of Engineers. On March 12, 2002 Mr. Knowles sent out a "no-jurisdiction" letter (02-02921-NJ-JRK) for the proposed projects. This non-jurisdiction determination also applies to the State, thus dismissing the need for State Water Quality Certification (wetland fill permit) for the project.

Keep in mind that if any portion of the proposed boardwalks go below the ordinary high water mark (OHWM) of the Pewaukee River, Chapter 30.12 structure permits would be needed from the Department. It is also imperative that the projects comply with the applicable Floodplain zoning standards.

Good luck with the projects.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Geri Urban'.

Geri Urban  
Water Management Specialist

Cc: Waukesha County  
Village of Pewaukee  
City of Pewaukee  
Jim Knowles-ACOE



**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
141 NW Barstow St., Room 180  
Waukesha, WI, 53188

**Tony Evers, Governor**  
**Preston D. Cole, Secretary**  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



04/12/2022

Charles Shong  
Pewaukee River Partnership  
116 Highland Avenue  
Pewaukee, WI 53072

GP-SE-2022-68-01044

RE: Coverage under the waterway statewide general permit to install a clear-span bridge crossing over Pewaukee River, located in the Village of PEWAUKEE, Waukesha County, docket GP-SE-2022-68-01044.

Dear Mr. Shong:

Thank you for submitting an application for a General Permit to install a clear-span bridge crossing over Pewaukee River located in the SW 1/4, NW 1/4, Sec. 09, T. 07, R. 19E, Village of PEWAUKEE, Waukesha County.

The project involves placement of a new clear-span bridge over the Pewaukee River and adjacent to existing boardwalk. The bridge will be constructed of 3x12 beams and 1-1/8" decking. The bridge will include railings made of 2x4 and 4x4 posts. The bridge will be set on 6x6 posts on each side of the river bank. The bridge will include short sections of wooden decking on each side to tie into the existing boardwalk (west side) and ground (east side). **Approximately 3' of clearance will be provided over the water, requiring the applicant to maintain a clear portage around the structure.**

You have certified that your project meets the eligibility criteria for this activity. Based upon your signed certification you may proceed with your project. Please take this time to re-read the permit standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit (found at <http://dnr.wisconsin.gov/topic/waterways/> - keyword: general permits). The permit conditions are attached to this letter. **You are responsible for meeting all general permit eligibility standards and permit conditions.** This includes notifying the Department before starting the project, and submitting photographs within one week of project completion. **Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.**

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact Luke Roffler at (262) 354-4569 or email [luke.roffler@wisconsin.gov](mailto:luke.roffler@wisconsin.gov) to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with waterway regulations, which help to protect the water quality, fish and wildlife habitat, natural scenic beauty and recreational value of Wisconsin's water resources for future generations. You are responsible for obtaining any other local, state or federal permits that are required before starting your project.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Roffler'.

Luke Roffler  
Compliance Team Coordinator

Copy to: USACE Project Manager  
County Zoning Administrator  
Conservation Warden

You agree to comply with the following conditions:

1. The applicant has contacted the local WDNR Water Management Specialist during the development of the project to have a pre-application discussion. Go to [dnr.wi.gov](http://dnr.wi.gov), key word "waterway protection" for more information. Project design must address the site specific considerations that are identified by the WMS and appropriate resource managers during the pre-application discussion.

2. The project purpose is to place a waterway crossing to allow for access across a navigable river or stream and does not result in significant adverse impacts to the public rights and interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the riparian rights of any riparian owner pursuant to s. 30.206(3r)(a)2., Wis. Stats., nor does it cause more than minimal adverse environmental impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to s. 30.206(1)(am), Wis. Stats.

3. Projects proposed in locations with existing recorded deed restrictions within the project area, including easements limiting construction and land use activities, are not eligible for this general permit.

Note: Department Chs. 30 and 281 Wis. Stats. permits do not supersede any legal restrictions on the use of land

4. Structures over lake outlets and lake systems are not eligible for this permit.

5. Structures shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in ch. NR 326, Wis. Admin. Code, or applicants have the written permission from all affected riparian landowners to proceed with structure placement in the proposed location.

6. The placement and installation of waterway crossing structures placed on the bed of a river or stream (culvert or ford crossings) shall mimic the natural streambed and gradient above and below the structure to allow for aquatic organism passage (AOP) where appropriate, and not result in a permanent impoundment of water upstream of the crossing location. (note: culverts on streams 2% gradient or greater may require additional culvert design considerations to allow for AOP).

7. Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, in-stream structures may not be placed during the following time periods:

- September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <https://dnr.wisconsin.gov/topic/Fishing/ Trout/streammaps.html>
- September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
- March 1st through June 15th for ALL OTHER waters.

Note: The local Department Fisheries Biologist may waive or modify timing restrictions in writing. To request waiver or modification of fish spawning timing restrictions for your project please do so within the narrative portion of your permit application.

8. The applicant is working to obtain a local shoreland zoning authorization for the project or the local shoreland zoning requirements have been waived. (Documentation required). If local zoning permits are not required, the project vegetation and bank disturbance is limited to the amount necessary for project placement and erosion control practices are adequate to prevent sedimentation to surface waters.

9. If the project is located in a regulatory floodplain, the applicant is working to obtain a floodplain permit (NR 116 Wis. Adm. Code) from the local floodplain zoning department.

Note: Contact your local floodplain zoning department to determine whether your project is located in a regulatory floodplain. For general floodplain mapping information, you may review the floodplain themed surface water data viewer at <https://dnr.maps.wi.gov/A5/Viewer:SWCN&layerTheme=1>

10. Structures in and over navigable waterways must be sized and set at an elevation so that water depths, widths and velocities at the inlet and outlet match the natural stream channel. Invert elevations of culverts shall be determined by surveying the stream bed elevations upstream and downstream of the crossing, and setting the culvert below the natural stream bed elevation. (note: site specific conditions such as northern pike waters, may require different embedding techniques than typical designs to prevent fish entrapment)

11. All bridges and culverts shall maintain a clearance of 5 feet or more above the ordinary high water mark (OHWM), or request a waiver to the navigational clearance requirements, which can be granted by the Department when the following conditions apply:

- a. The waterway is known to have little or no navigation or snowmobile use.
- b. The waterway is not anticipated to have navigational use by other than lightweight craft.
- c. The owner provides a portage over or around the bridge or culvert.
- d. The reduced clearance would not be detrimental to the public interest.

12. Any wetland disturbance associated with the structure placement is incidental to the structure, confined to the area within the stream channel being crossed or the immediate adjacent banks, and has been authorized by a department wetland permit or exemption as required pursuant to s. 281.36 Wis. Stats. (Documentation required).

13. The removal of material from the stream bed to facilitate the placement of structures located on the stream bed is located within 2' of the structure or is limited to the minimum amount necessary for correct placement of the structure and shall not be disposed of in a waterway, floodway, floodplain, or wetland. (Note. Stream channels may not be widened beyond existing bankfull width to accommodate culvert placement.)

14. The applicant shall avoid operating equipment on the stream bed. If required for project installation, the applicant must consult with the Department and shall follow the best management practices identified below as appropriate in order to minimize adverse resource impacts:

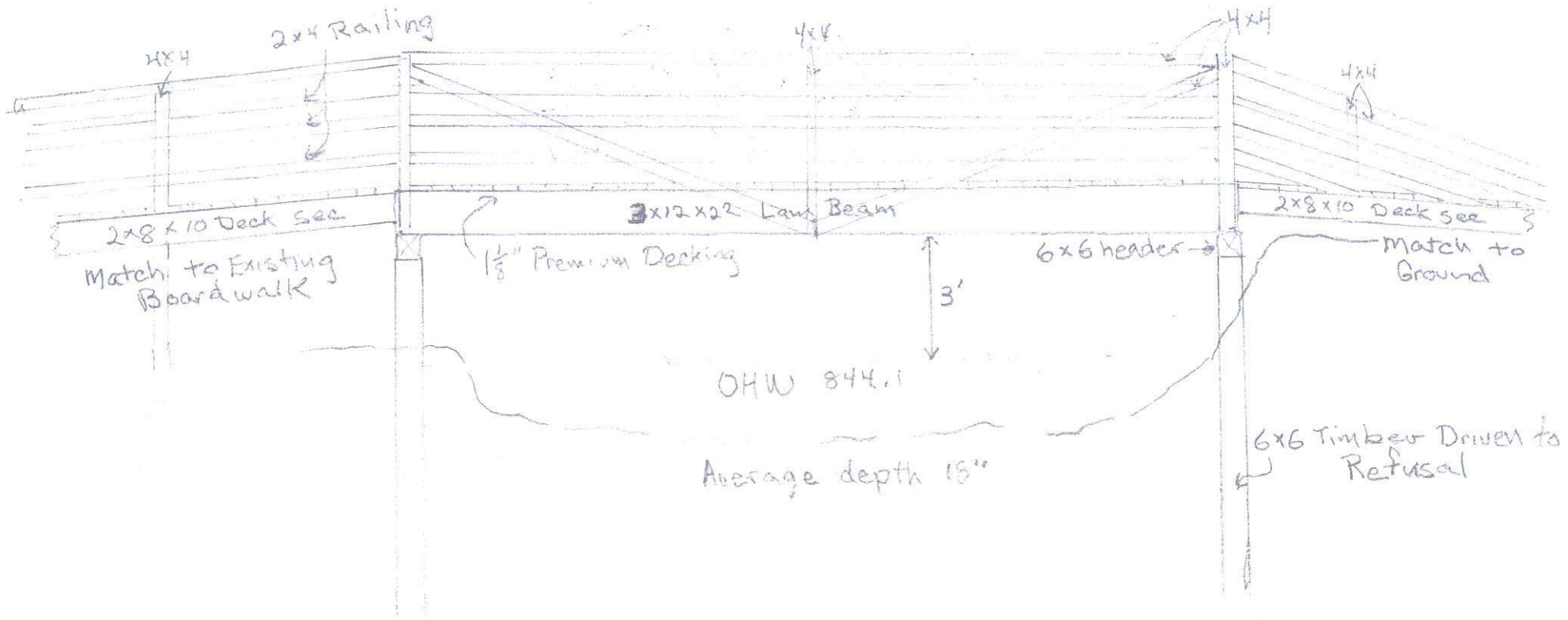
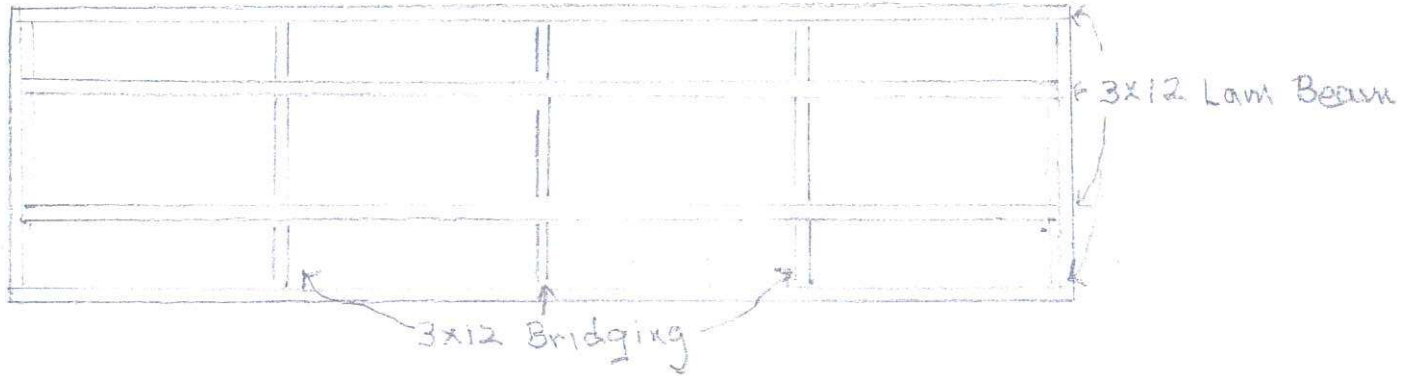
- a. Temporary timber matting is used to protect the streambed
- b. Movement on the stream bed is kept to a minimum
- c. Equipment is kept on streambed for as little time as needed to complete the project and must be removed when not in use;
- d. Properly installed and maintained silt curtains and/or turbidity barriers are used around the perimeter of the project;
- e. Pre-inspection of vehicles/equipment is done for all operating days to avoid leaks;
- f. Biodegradable hydraulic and engine oils are used OR a spill containment kit is on site in case of spill

***Additional eligibility standards for clear span bridges***

1. The clear span bridge shall not be located on a wild river designated under Ch. NR 302, Wis. Admin. Code, or where similar federal, state or local regulations prohibit the construction.

2. The bridge shall completely span the navigable stream from top of the channel to top of the channel with no support pilings in the stream.

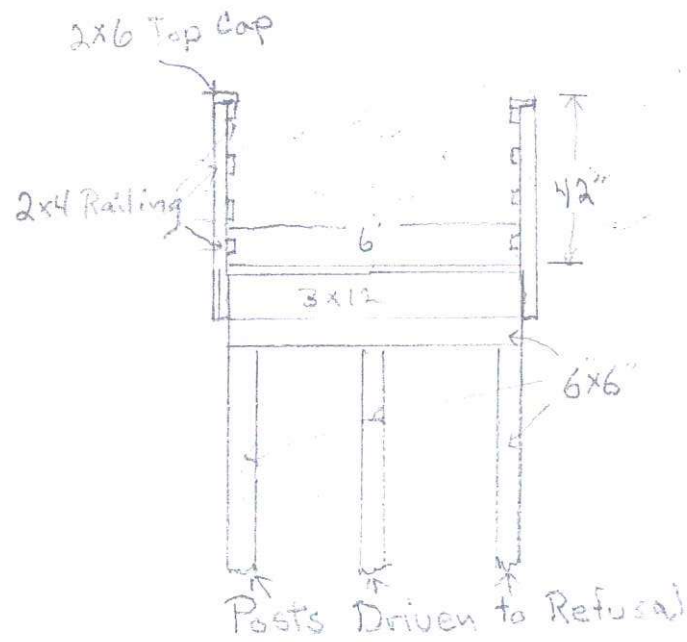
Overhead View



Pewaukee Village  
Boardwalk Extension

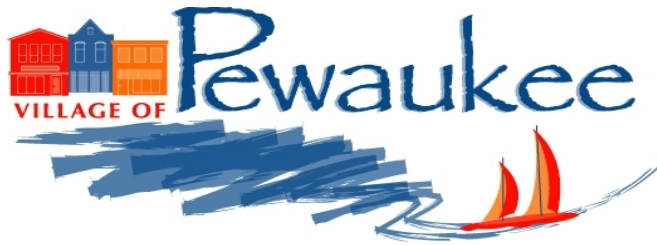
All Lumber Pressure Treated  
1/4" per 1'

### End View



Pewaukee Village  
Boardwalk Extension

All Lumber Pressure Treated  
1/4" per 1'



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 2, 2022

Re: Agenda Item 8b, Discussion and Possible Action on Conditional Use Grant application as to approval of the multi-family use of a property in the B-2 Downtown Business Zoning District at 203 E. Wisconsin Avenue

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### **BACKGROUND**

At its February 1, 2022 meeting, the Village Board approve a Conditional Use Grant application for the redevelopment of 203 E. Wisconsin Avenue as a duplex residential use contingent upon the applicant providing evidence, satisfactory to the Village Attorney, that enduring access for a duplex use on this lot with two double-stall-garages entering from the rear of the site is indeed available to this site. The applicant was not able to meet the access easement requirement and submitted a revised Conditional Use Grant (CUG) application to the Plan Commission with driveway access to the proposed duplex off of East Wisconsin Avenue.

The Plan Commission reviewed the revised CUG application (copy of Plan Commission meeting material attached) at its May 12, 2022 meeting and approved the revised CUG with conditions noted in the attached Plan Commission meeting minutes. Village Board approval of this project is required subject to Section 40.265(15) of the Village Code. Specifically, Section 40.265(15) states: *“Multi-family residential development subject to approval by the village board finding that the proposed development will not be detrimental to the surrounding area and/or generate adverse impacts upon the public health, safety and welfare.”*

### **ACTION REQUESTED**

The action requested of the Village Board by Plan Commission is to consider approval of the proposed use of 203 E. Wisconsin Avenue as a duplex multi-family use as outlined in the attached Conditional Use Grant application information and draft Plan Commission minutes and by making a *“finding that the proposed development will not be detrimental to the surrounding area and/or generate adverse impacts upon the public health, safety and welfare.”*

### **ANALYSIS**

The Plan Commission approved the Conditional Use Grant application subject to the conditions noted in the attached draft minutes from its May 12, 2022 meeting.

Attachments

## STAFF REPORT

To: Village of Pewaukee Plan Commission

By: Mary Censky  
Date Prepared: May 12, 2022

### General Information:

Agenda Item: **6.a.**

Applicant/Property Owner:

Joanne Koehler and Dwight Zoellner

Requested Action:

Recommendation to Village Board for approval of Conditional Use Grant to develop a duplex on a site zoned B-2 Downtown Business District.

Existing Zoning:

B-2 Downtown Business District

Surrounding Zoning/Land Use:

North: Pewaukee River & R-5 Single-Family Residential District  
South: Institutional & Public Service District  
East: B-2 Downtown Business District  
West: R-5 Single-Family Residential District

Existing Master Plan Classification:

Single-Family Residential

Proposed Master Plan Classification:

Community Commercial

Location:

203 E. Wisconsin Avenue

Lot Size:

.3081 +/- acres

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### Discussion:

Conditional Uses listed in the B-2 Downtown Business district include "Multi-family residential development subject to approval not only by the Planning Commission, but also by the Village Board upon finding that the proposed development will not be detrimental to the surrounding area and/or generate adverse impacts upon the public health, safety and welfare".

Back in December, 2020, the applicant received favorable recommendation for Conditional Use Grant (CUG) approval to construct a duplex on this lot. This recommendation was conditioned on, among other things, the applicant providing evidence satisfactory to the Village Attorneys review that a permanent ingress/egress easement to the rear of this lot from Clark Street benefitting this lot and proposed duplex use was, in fact, effective. The Village Board did ultimately approve the CUG as well, with the same conditions. The applicant was not able to satisfy this condition so they have redesigned the duplex plan to the extent it now has front loading garages for each unit and would gain its access directly from/along East Wisconsin Avenue.

The new plan presented provides two-dwelling units, side-by-side in a 3-story building. Each unit faces E. Wisconsin Avenue, including the attached garages, and gets its driveway access directly from East Wisconsin Avenue. The building has a two-story appearance from the front.

**Recommendation:**

The Planner has no specific objection to this plan as presented but encourages the Planning Commission and Village Board consider attaching the following conditions to any approval as may be granted:

- 1) Prior to recording of the Conditional Use Grant, the applicant must provide to Village Staff and depict on the site plan, the calculations confirming the minimum open space standard of the B-2 District (i.e., 5%) is met within the developed lot;
- 2) Prior to recording of the Conditional Use Grant, the applicant must provide to Village Staff and depict on the site plan, the actual and Code compliant front (minimum 15'), side and rear (both minimum 10') setbacks/offsets of the proposed new duplex to the lot lines.
- 3) The applicant to secure an amendment to the Comprehensive Plan Land Use Plan Map Element changing the category of Land Use for this site from existing Single-Family Residential to proposed General Commercial prior to issuance of a building permit for the new duplex;
- 4) Village Engineer review and approval of the development plan as to the direct driveway access to East Wisconsin including for instance, the specific location and dimensions thereof, and also as to grading, drainage and provision of utilities to the site.





Village of Pewaukee Plan Commission  
Engineer's Report for May 12, 2022

**Koehler/Zoellner Duplex**  
**203 E. Wisconsin Avenue**

**Report**

The proposed layout of the duplex now shows two garages that will access East Wisconsin Avenue. I have considered the effect on the driveways as it relates to the on-street parking. Currently, most of the frontage of the lot is marked to allow on street parking. There is a short portion of the westerly end of the lot that has a curb painted yellow. To the west of the driveway there is a sign that states no parking. I am assuming that the no parking sign is located as stated in order to allow vehicles to by-pass vehicles that are turning left onto Prospect Sweeney. Also, I observed that the Village paints the curb yellow (no parking?) adjacent to all the driveway openings in the downtown area. Again, I assume that the intent is to avoid parked vehicles to be too close to the driveways and cause a site view concern. For this development, the driveways could extend into the roadway and yellow painted curbs should be provided to minimize site view concerns. The driveway will reduce the number of existing parking spots by 3 or 4 spaces. I have not observed substantial parking along the north side of East Wisconsin in the area of the proposed development during normal daily operations.

The maximum opening for two-family residential structures is 25 feet. The preference would be to have a single driveway opening for use by both units.

Based on the current building and impervious surface on the lot, no stormwater management facilities are required. The plan set did not include a grading and drainage plan. The general pattern is from the front to the rear. The owner will need to consider grading swales in the green space along the side of the proposed structure to accommodate water flow to the rear. Any areas in the rear of the lot should be changed from stone to green space for better stormwater management.

If the intent of the owner is to provide separate sewer and water laterals to each unit, the work should be performed prior to the E. Wisconsin Avenue reconstruction project scheduled for the summer of 2022.

**Recommendation**

Should the Plan Commission move this request forward, any action should be conditioned on resolution of the following items:

1. Submittal of a site grading, drainage and erosion control plan and subsequent Village Engineer approval of the plan prior to receiving a building permit that shows a single driveway approach for the two units.
2. Completion of all underground work (sewer, water, electric, gas, etc.) that may affect E. Wisconsin Avenue shall be coordinated with the construction manager for the Village,

Village Engineer and Director of Public Works and be completed at a time that will not negatively affect the construction work on East Wisconsin Avenue.

Tim Barbeau, Village Consulting Engineer  
May 3, 2022.



**Conditional Use Grant  
Application Form**

Address/Parcel No. of Property Involved: 203 East Wisconsin Ave.

Zoning of Property: B-2

Current Owner of Property: Dwight Zoellner and Joanne Koehler

Applicant - Name: Dwight Zoellner and Joanne Koehler

Address: 165 East Wisconsin Ave.

Phone: (414) 469-0274

Fax: \_\_\_\_\_

Email: crankthisout@yahoo.com Annjo88@yahoo.com

Nature of Request (If Requesting Approval for a New Business, Please Attach a Business Summary):

Requesting approval to demolish current barn structure  
where new building is to be built

Requesting approval to build a 2-unit side by side  
condominium with garages in front.

Provide detailed information with your application that addresses the following:

1. Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.



## PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Village of Pewaukee Code of Ordinances, the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Clerk shall charge that service for the fees incurred by the Village. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

I, the undersigned, have been advised that, pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner or any other Village professional provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

The Village will place fees from unpaid invoices on the real estate tax bill of the property that corresponds to the incurred services.

### RESPONSIBLE PARTY & MAILING ADDRESS

*Dwight Zuelner and Joanne Koehler*

Name of Company and/or Individual

*165 East Wisconsin Ave. Pewaukee WI 53072*  
Street City State Zip  
*(262) 408-0676* Phone: *Crankthisout@yahoo.com*  
E-Mail: *Annjoe88@yahoo.com*

*Dwight Zuelner 3/23/2022*

*Joanne Koehler*  
Signature of Applicant & Date

*Dwight Zuelner 3/23/2022*

*Joanne Koehler*  
Signature of Property Owner & Date

Village Official Accepting Form & Date

SEND ALL PROFESSIONAL  
SERVICES INVOICES TO:  
(Check One)

Property Owner

Applicant

2. It is the responsibility of the applicant/owner to ensure that the proposed project meets the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan.

Signature of Property Owner as listed on this Application:



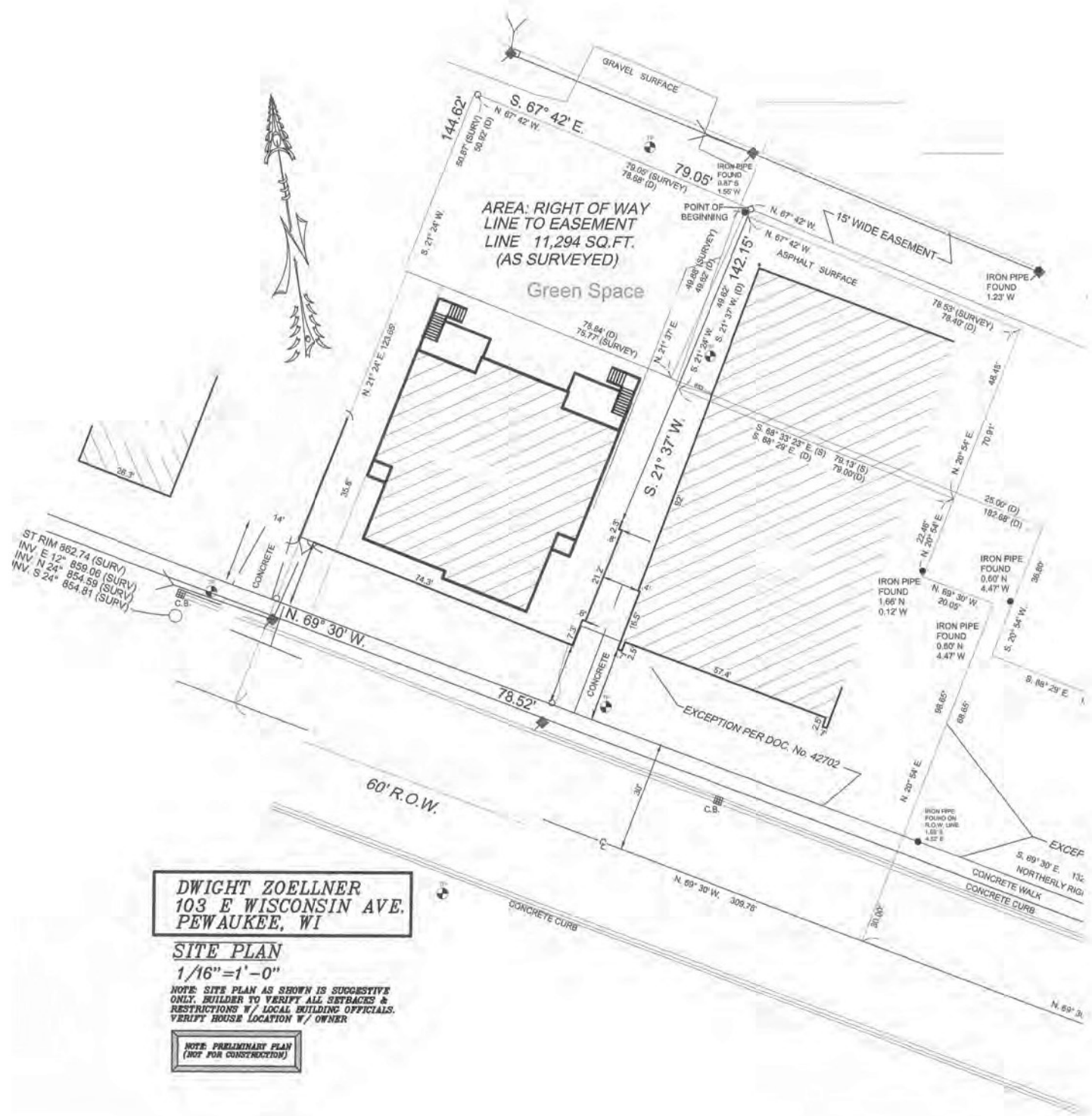
**Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Conditional Use Approval Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this application.**

Signature of Applicant (if different than Owner):

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Please return Completed Application Forms along with required attachments and the \$100 Application Fee to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072. If you have any questions, please call Village Hall at (262) 691-5660.

**\*\*Please submit eleven sets of any applicable attachments as well as a digital copy of any attachments submitted.**



**DWIGHT ZOELLNER**  
**103 E WISCONSIN AVE.**  
**PEWAUKEE, WI**

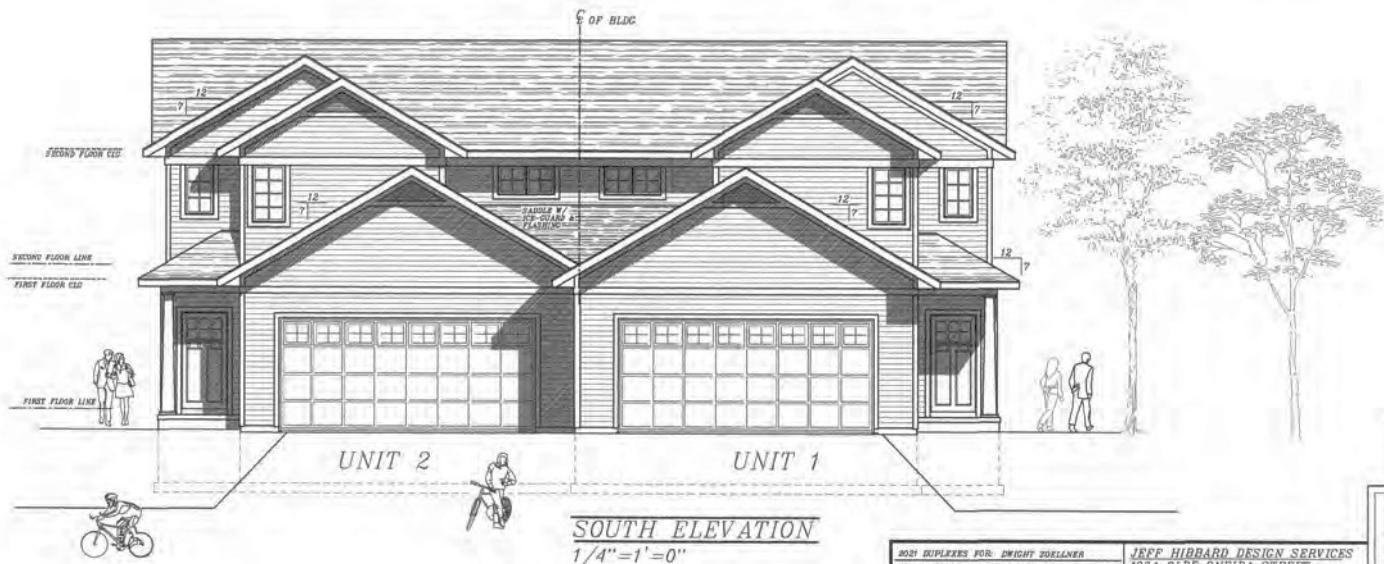
**SITE PLAN**  
**1/16" = 1'-0"**

**NOTE: SITE PLAN AS SHOWN IS SUGGESTIVE ONLY. BUILDER TO VERIFY ALL SETBACKS & RESTRICTIONS W/ LOCAL BUILDING OFFICIALS. VERIFY HOUSE LOCATION W/ OWNER**

**NOTE: PRELIMINARY PLAN (NOT FOR CONSTRUCTION)**



**UNIT 1**  
**EAST ELEVATION**  
1/4" = 1'-0"



**SOUTH ELEVATION**  
1/4" = 1'-0"

201 DUPLEXES FOR: DWIGHT JOELLNER  
303 E WISCONSIN AVE. FENWAUKEE, WI  
DESIGNED BY: JEFF HIRBARD DESIGN SERVICES  
DATE: 4/17/22

JEFF HIRBARD DESIGN SERVICES  
1004 OLDE ONEIDA STREET  
APPLETON, WI 54915  
PHONE: (920) 731-7385

SHEET  
1





**UNIT 2**  
**WEST ELEVATION**  
 1/4" = 1'-0"



**NORTH ELEVATION**  
 1/4" = 1'-0"

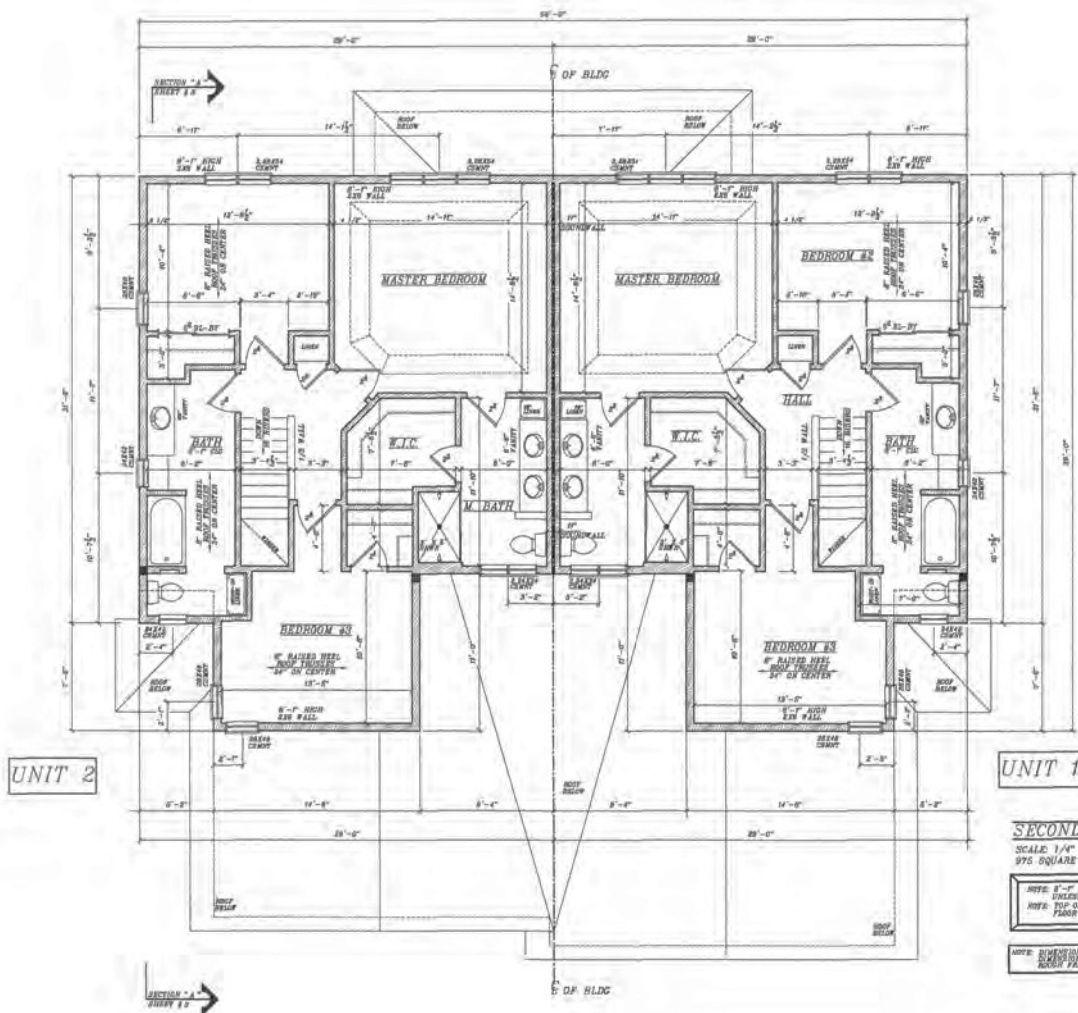
STEP DOWN ALL FOOTINGS AS REQUIRED TO ACHIEVE MIN 4" - 6" GRADE COVER OVER ALL FOOTINGS. SEE FOOTINGS ON VERTICAL WALL. RETAINING WALL HEIGHTS & DEPTHS MAY VARY FROM WHAT IS SHOWN ON PLAN.

2021 DUPLEXES FOR DWIGHT ZOLLNER  
 203 E WISCONSIN AVE. FENWAUKEE, WI  
 DESIGNED BY JEFF HIBBARD DESIGN SERVICES  
 DATE: 1/17/23

JEFF HIBBARD DESIGN SERVICES  
 1004 OLDS ONEIDA STREET  
 APPLETON, WI 54915  
 PHONE: (920) 731-7365

SHEET  
 2





UNIT 2

UNIT 1

**SECOND FLOOR PLAN**

SCALE 1/4" = 1'-0"  
976 SQUARE FEET

NOTE: 8'-0" 2x8 SECOND FLOOR WALLS  
UNLESS OTHERWISE NOTED  
NOTE: TOP OF WINDOWS & 8'-0" OFF  
FLOOR UNLESS NOTED

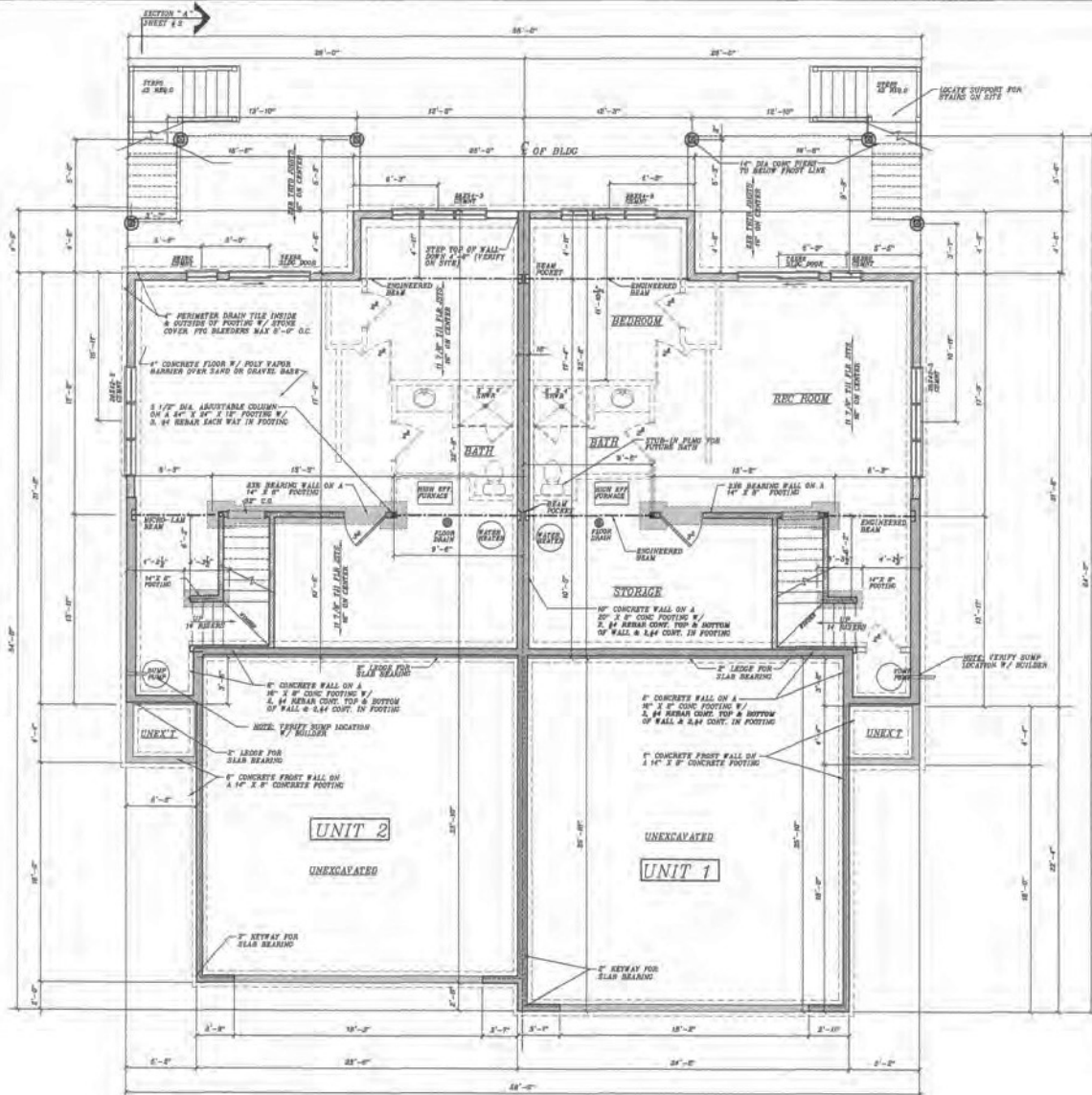
NOTE: ROOF BEAMS 45 ROPS 2x12 JOIST 2x12  
ROOF FRAMING

SHEET  
4

300 DUPLEXES FOR DWIGHT BOLLMAN  
201 E WISCONSIN AVE. FOND DU LAC, WI  
DESIGNED BY JEFF HIBBARD DESIGN SERVICES  
DATE 4/11/22

JEFF HIBBARD DESIGN SERVICES  
1004 OLD ONIDA STREET  
APPLETON, WI 54915  
PHONE: (920) 731-7365





STEP DOWN ALL FOOTINGS AS REQUIRED TO ACHIEVE MIN 2'-0" GRADING COVER BELOW FIN. FLOOR. SEE FOOTINGS ON DEPENDING MAY VARY FROM WHAT IS SHOWN ON PLAN.

FOUNDATION PLAN  
1/4" = 1'-0"

2021 DUPLICATES FOR DWIGHT BOLLNER  
303 E WISCONSIN AVE. PEWAUKEE, WI  
DESIGNED BY JEFF HIBBARD DESIGN SERVICES  
DATE: 4/1/22

JEFF HIBBARD DESIGN SERVICES  
1004 OLDE ONIDA STREET  
DUSTYTON, WI 54916  
PHONE: (920) 751-7365

SHEET  
5



- a. **Review and Possible Action on a Conditional Use Grant request to construct a multi-family building/use (i.e. a duplex) at 203 E. Wisconsin Avenue. The property owners / applicants are Joanne Koehler and Dwight Zoellner. The property is zoned B-2 Downtown Business District.** Planner Censky explained that this item was brought to the Plan Commission in December and approved with a different building layout but due to an easement not being applicable to access the rear facing garages, the applicant has revised their plan to what is in the packet. This is a duplex with front-loading garages with direct access off East Wisconsin Ave. Censky stated that the applicant will need to provide the offsets, setbacks, and green space calculations. This item will require Village Board approval and she advised that the Land Use and Zoning District be looked at to make the land use and zoning consistent on a future agenda. Engineer Barbeau stated that the new plans have two, two-car garages. This will remove 2-4 spaces for parking from the street. A single residential property has a standard driveway width of 25'. He asked for a determination regarding the water lateral and if the Plan Commission would like the owner to have 2 water laterals and 2 water meters or one combined. He also suggested that the sanitary and water laterals be placed before construction on East Wisconsin takes place. Discussion followed regarding the driveway width and if there should be two separate driveways or one larger drive.

**Trustee Roberts motioned, seconded by Comm. Mantz to Recommend approval to the Village Board as presented with the overall driveway not to exceed 50' wide, installation of two sanitary laterals and two water laterals, one of each for each unit, and the following Planner and Engineer recommendations:**

- 1) Prior to recording of the Conditional Use Grant, the applicant must provide to Village Staff and depict on the site plan, the calculations confirming the minimum open space standard of the B-2 District (i.e., 5%) is met within the developed lot;**
- 2) Prior to recording of the Conditional Use Grant, the applicant must provide to Village Staff and depict on the site plan, the actual and Code compliant front (minimum 15'), side and rear (both minimum 10') setbacks/offsets of the proposed new duplex to the lot lines.**
- 3) The applicant to secure an amendment to the Comprehensive Plan Land Use Plan Map Element changing the category of Land Use for this site from existing Single-Family Residential to proposed General Commercial prior to issuance of a building permit for the new duplex;**
- 4) Village Engineer review and approval of the development plan as to the direct driveway access to East Wisconsin including for instance, the specific location and dimensions thereof, and also as to grading, drainage and provision of utilities to the site.**
- 5) Submittal of a site grading, drainage and erosion control plan and subsequent Village Engineer approval of the plan prior to receiving a building permit.**
- 6) Completion of all underground work (sewer, water, electric, gas, etc.) that may affect E. Wisconsin Avenue shall be coordinated with the construction manager for the Village, Village Engineer, and Director of Public Works and be completed at a time that will not negatively affect the construction work on East Wisconsin Avenue. This work must be done prior to or during the Village's 2022 E. Wisconsin Avenue construction project.**

**Motion carried 7-0.**



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 3, 2022

Re: Agenda Item 8c, Discussion and Possible Action on Purchase of Camera and Automatic Door Locking Systems for Lakefront Park Building and Kiwanis Village Park Building

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### **BACKGROUND**

Attached for your review and consideration please find copies of proposals for both camera replacement and card reader access (which is the bathroom door timer lock/unlock) for the Lakefront Park and Kiwanis Village Park buildings. Also attached is a map of cameras and what they will cover, which is replacing existing cameras, per the recommendation of the Joint Board. The proposed purchase comes before the Village Board for consideration with a recommendation for purchase from the Joint Park & Recreation Board. These items were previously reviewed on this agenda for the possible use of ARPA funds.

### **ACTION REQUESTED**

The action requested of the Village Board by the Joint Park & Recreation Board is to approve the purchase of the proposed camera systems and automatic door locking systems for Lakefront Park Building and Kiwanis Village Park Building as outlined in the attached proposals in the combined amount of \$28,339.11 using ARPA funds available to the Village. The use of the ARPA funds will eliminate the need to use fund balance or future levy funding.

### **ANALYSIS**

As noted above, the proposed purchase of the camera and automatic door locking systems are recommended for approval by the Joint Park and Recreation Board. The camera systems will add the monitoring capability of both buildings. The new camera system will be accessibly remotely as internet access will be provided to these locations allowing for staff to access video feeds from remote locations in lieu of needing to go to the site to access and search video recordings.

The proposal for the automatic door locking system will allow for the bathroom doors to be automatically opened and closed at preset times eliminating the need for this function to be done by Park staff in the mornings and Police Department staff in the evenings.

Attachments



# COMPLEX

SECURITY SOLUTIONS INC.

5100 S. Calhoun Road  
New Berlin WI 53151  
(262) 207-4099,  
Sales@cplexsolutions.com

# Proposal

<b>Proposal #</b>	76837284
<b>DATE</b>	04/27/2022

<b>CUSTOMER</b>
Village Of Pewaukee Nick Phalin phalin@pewaukee.wi.us 235 Hickory Street Pewaukee, WI, 53072 (262) 691-7275

<b>SERVICE LOCATION</b>
Village Of Pewaukee 235 Hickory Street Pewaukee, WI, 53072

<b>Description</b>	VILLAGE OF PEWAUKEE CARD ACCESS - 4/26/2022  SCOPE OF WORK - GENETEC CARD ACCESS - NETWORKED BACK TO CITY HALL - DOOR STRIKE CUTTING INCLUDED
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<b>Estimate</b>				
<b>Description</b>	<b>Qty</b>	<b>Rate</b>	<b>Tax</b>	<b>Total</b>
<b>Kiwanis Park - (2 Bathroom Doors Full Card Access)</b>				\$6,507.89
<b>Lakefront Park - (2 Bathroom Doors Full Card Access)</b>				\$6,507.89

<b>Proposal Exclusions</b>
<p><b>We specifically exclude the following from our proposal:</b></p> <ul style="list-style-type: none"> <li>• Additional components other than stated above</li> <li>• Permits, if necessary</li> <li>• Premium time, holiday time, after hours time, weekend time</li> <li>• A service charge of 1.5% per month will be assessed on balances that remain unpaid 30 days beyond the invoice date.</li> </ul>

**Total: \$13,015.78**

ACCEPTANCE OF PROPOSAL: The above prices, scope, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work specified.

Client: \_\_\_\_\_  
Date: \_\_\_\_\_





# COMPLEX

SECURITY SOLUTIONS INC.

5100 S. Calhoun Road  
New Berlin WI 53151  
(262) 207-4099,  
Sales@cplexsolutions.com

# Proposal

<b>Proposal #</b>	77949472
<b>DATE</b>	05/12/2022

<b>CUSTOMER</b>
Village Of Pewaukee Nick Phalin phalin@pewaukee.wi.us 235 Hickory Street Pewaukee, WI, 53072 (262) 691-7275

<b>SERVICE LOCATION</b>
Village Of Pewaukee 235 Hickory Street Pewaukee, WI, 53072

<b>Description</b>	
EXTERIOR CAMERA INSTALL ESTIMATE FOR VILLAGE OF PEWAUKEE PARKS 5/11/2022	
SCOPE OF WORK	
- NETWORK CABLING FOR ALL CAMERAS	
- AXIS COMPANION USED AT ALL SITES	
- LOCAL SD CARD STORAGE	
- REMOTE ACCESS AND ALERTS AVAILABLE	

<b>Estimate</b>				
<b>Description</b>	<b>Qty</b>	<b>Rate</b>	<b>Tax</b>	<b>Total</b>
<b>Exterior Cameras for Kiwanis Park</b>				\$9,615.41
<b>AXIS M3115-LVE Network Camera</b>	3.00	\$324.99	\$0.00	\$974.97
<b>AXIS P3727-PLE Multidirectional 360 IR Camera, 8MP</b>	1.00	\$1,349.99	\$0.00	\$1,349.99
<b>AXIS T94N01D PENDANT KIT (P3717)</b>	1.00	\$89.99	\$0.00	\$89.99
<b>AXIS T91D62 Parapet Mount</b>	1.00	\$349.99	\$0.00	\$349.99
<b>Network Cabling</b>	1.00	\$334.99	\$0.00	\$334.99
<b>Installation</b>	32.00	\$100.00	\$0.00	\$3,200.00
<b>Miscellaneous Parts Including Conduit, Wire, Junction Boxes, Door Contacts</b>	1.00	\$200.00	\$0.00	\$200.00
<b>AXIS T8508 POE+ 8 Port Network Switch</b>	1.00	\$391.99	\$0.00	\$391.99
<b>Axis SD Card</b>	7.00	\$99.00	\$0.00	\$693.00



<b>AXIS P3807-PVE 8MP/DOM</b>	1.00	\$1,380.50	\$0.00	\$1,380.50
<b>AXIS M3057-PLVE Network Camera</b>	1.00	\$649.99	\$0.00	\$649.99
<b>Exterior Cameras for Lakefront Park</b>				\$5,707.92
<b>AXIS T8508 POE+ 8 Port Network Switch</b>	1.00	\$391.99	\$0.00	\$391.99
<b>Axis SD Card</b>	4.00	\$99.00	\$0.00	\$396.00
<b>Service Technician Installation</b>	16.00	\$100.00	\$0.00	\$1,600.00
<b>Miscellaneous Parts</b>	1.00	\$199.99	\$0.00	\$199.99
<b>AXIS P3727-PLE Multidirectional 360 IR Camera, 8MP</b>	2.00	\$1,349.99	\$0.00	\$2,699.98
<b>AXIS T91B51 Ceiling Mount</b>	2.00	\$119.99	\$0.00	\$239.98
<b>AXIS T94N01D PENDANT KIT (P3717)</b>	2.00	\$89.99	\$0.00	\$179.98

**Total: \$15,323.33**

**Proposal Exclusions**

**We specifically exclude the following from our proposal:**

- Additional components other than stated above
- Permits, if necessary
- Premium time, holiday time, after hours time, weekend time
- A service charge of 1.5% per month will be assessed on balances that remain unpaid 15 days beyond the invoice term date.

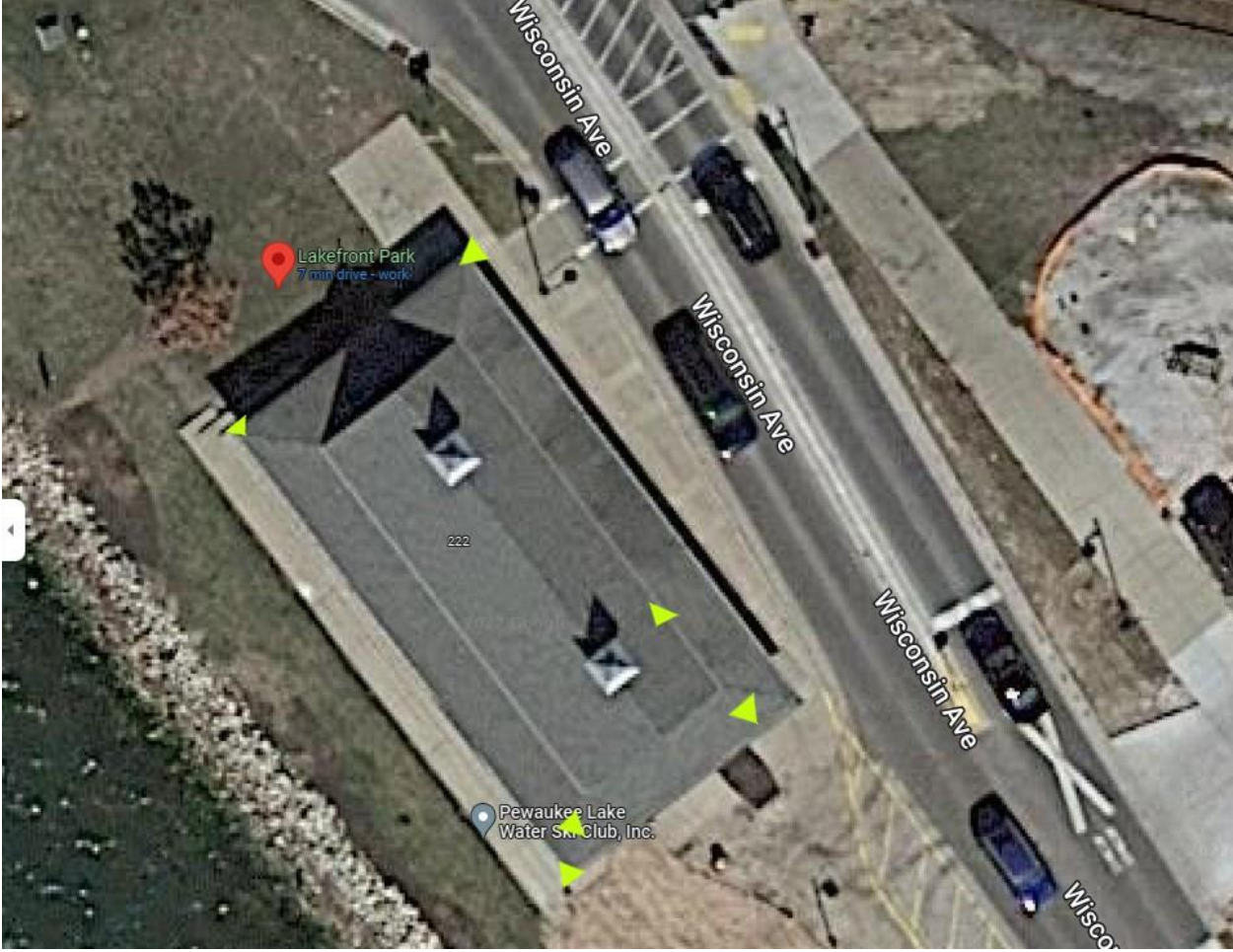
ACCEPTANCE OF PROPOSAL: The above prices, scope, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work specified.

Client: \_\_\_\_\_  
Date: \_\_\_\_\_

Lakefront Park – would like camera views to include the park space and W Wisconsin Avenue, as well as sidewalk on both sides of street if possible. Proposed Camera coverage:



Lakefront Park current camera locations: all 4 corners of building as well as two under open pavilion on south/southeast end of structure.



Lakefront Park, photos in order of NE, NW, SW, SE around building. Open air portion is the south/southeast portion of structure.













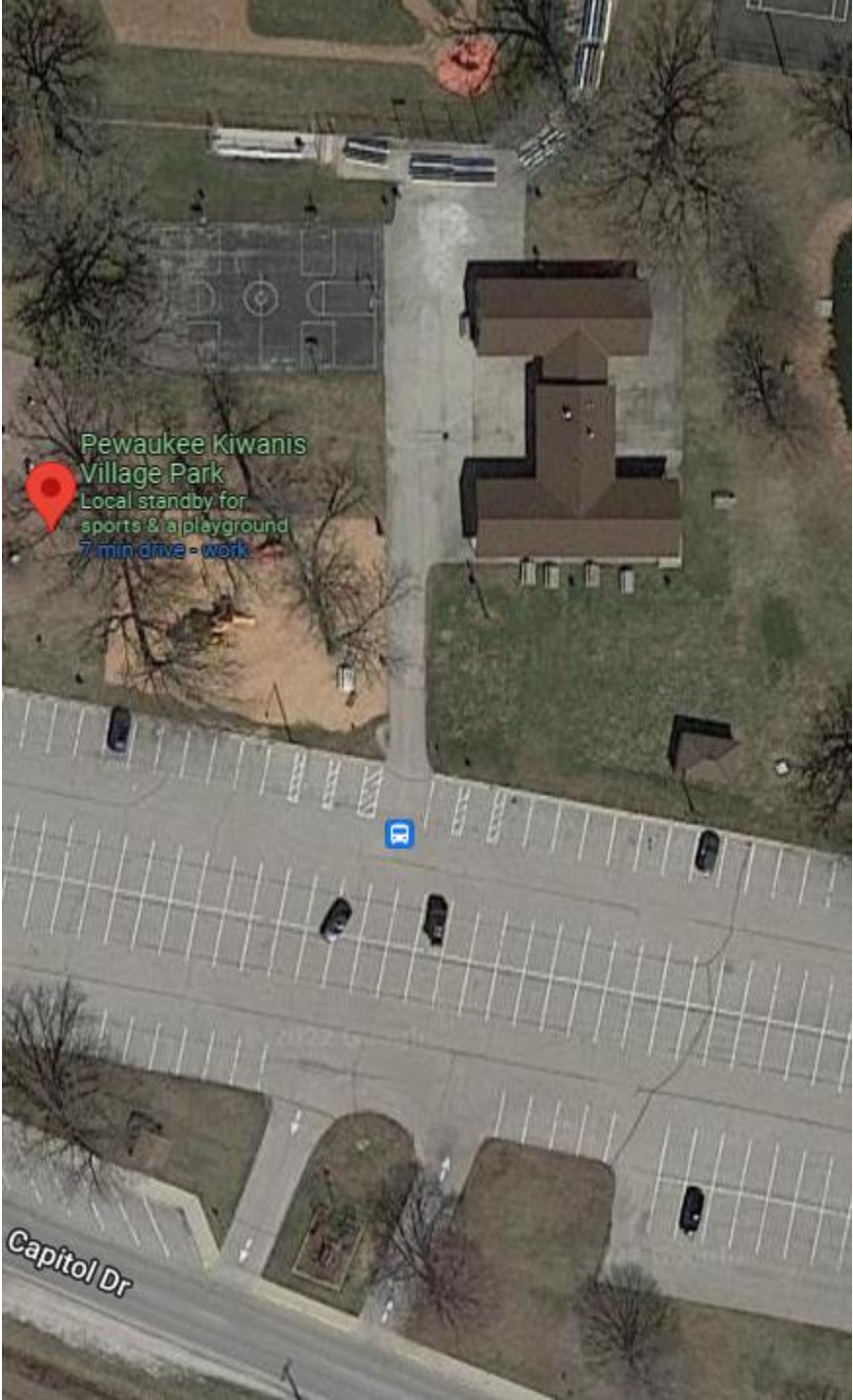




Kiwanis Village Park – layout with each camera indicated in light green. Entrance to utility area in red. Entrance to bathrooms in blue. Attic space throughout south end.



Preferred camera coverage to include parking lot, playground area, basketball court, north to baseball field and under all pavilion areas:



Kiwanis Village Park – walking around the building from SW to SE to NE to NW. South portion is closest to the parking lot.

















To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 2, 2022

Re: Agenda Item 8d, Discussion and Possible Direction Regarding Possible Traffic Flow Change and Parking in the Downtown Area Along the Lakefront

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### **BACKGROUND**

This matter is on the agenda at the request of Village President Knutson. Staff will look to President Knutson to facilitate the discussion on this matter.

### **ACTION REQUESTED**

The action requested of the Village Board is to review the information to be shared/discussed by President Knutson and provide direction on how to proceed.



















### **ANALYSIS**

A map of the downtown/lakefront area is attached for your reference as part of the discussion.

Attachment




**Legend**

-  Municipal Boundary\_2K
-  Parcel\_Dimension\_2K
-  Note\_Text\_2K
- Lots\_2K**
  -  Lot
  -  Unit
  -  General Common Element
  -  Outlot
- SimultaneousConveyance**
  -  Assessor Plat
  -  CSM
  -  Condominium
  -  Subdivision
- Cartoline\_2K**
  -  EA-Easement\_Line
  -  PL-DA
  -  PL-Extended\_Tie\_line
  -  PL-Meander\_Line
  -  PL-Note
  -  PL-Tie
  -  PL-Tie\_Line
  - <all other values>
- Railroad\_2K**



The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:**  
 Printed: 6/1/2022 



To: Jeff Knutson, Village President  
Village Board

From: Cassie Smith  
Village Clerk

Date: May 20, 2022

Re: Agenda Item 8f, Food Vendor License

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**BACKGROUND**

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

**ACTION REQUESTED**

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

**Food Truck Sales on Private Property – June 27 & July 18, 2022**

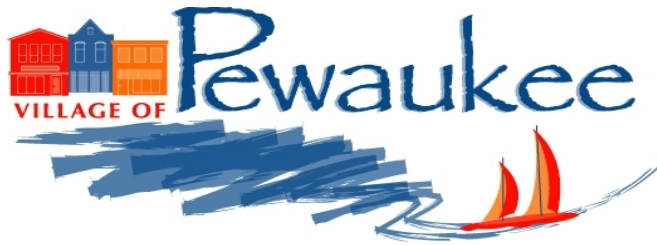
Located at Menards – 1357 Capitol Drive

1. Tree-Ripe Fruit Co.

**ANALYSIS**

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

Staff recommends approval of license as recommended above.



To: Jeff Knutson, President  
Village Board

From: Scott A. Gosse  
Village Administrator

Date: June 3, 2022

Re: Agenda Item 8g, Discussion and Direction Regarding Possible Ordinance Regarding Open Consumption of Alcohol in the Downtown Area

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**BACKGROUND**

This matter is on the agenda at the request of Village President Knutson. Staff will look to President Knutson to facilitate the discussion on this matter.

**ACTION REQUESTED**

The action requested of the Village Board is to review the information to be shared/discussed by President Knutson and provide direction on how to proceed.

**ANALYSIS**

Village Attorney Mark Blum is reviewing pertinent State Statutes as it may relate to this matter and staff will share any information received on this matter with the Village Board upon its receipt.