



Office of the Clerk/Treasurer

W240N3065 Pewaukee Road
Pewaukee, WI 53072
(262) 691-0770 Fax 691-1798

**COMMON COUNCIL
MEETING NOTICE AND AGENDA
Monday, February 17, 2025
6:30 PM**

Common Council Chambers ~ Pewaukee City Hall
W240 N3065 Pewaukee Road ~ Pewaukee, Wisconsin

-
1. Call to Order and Pledge of Allegiance
 2. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your District Alderperson prior to the meeting.
 3. Discussion and Possible Action Regarding the Valley Brook Storm Sewer Replacement Project [Reinbold]
 4. Discussion Regarding Winter Parking Regulations [Reinbold]
 5. Discussion and Possible Action Regarding Adoption of **Ordinance 25-03** All-Terrain Vehicle (ATV) / Utility Task Vehicle (UTV) Operations *{First Reading}* [Tabbert]
 6. Discussion and Possible Action on Proposed Park Use and Retail Sales License for Brewfinity Brewing Company at City Parks for the 2025 Season [Phalin].
 7. Discussion and Possible Action Regarding Balmer Park Baseball Fence Replacement and Reallocating Funds to Install Concrete Dugout Surface [Phalin].
 8. Discussion and Possible Action to Accept the Lowest Qualified Bid from Level Up Construction, Inc. in the amount of \$530,536.01 for the All-Inclusive Playground and Garrison's Splash Pad Project and to Include an Additional \$56,053.60 for any Contingencies. [Phalin / Fuchs]
 9. Discussion and Possible Action to Approve an Agreement with Land By Label for Review of Municipal Services Reports and Design [Wagner]
 10. Discussion and Possible Action Regarding the Status of the Sewer and Water Capacity Studies and the Potential Impacts [Wagner]
 11. Discussion and Possible Action Regarding **Resolution 25-02-03** to Amend the 2024 Fee Schedule Pertaining to Impact Fees [Fuchs]
 12. Discussion and Possible Action Regarding the Accounts Payable Listing Dated February 17, 2025 [Tarczewski]
 13. Public Comment - Please limit your comments to two (2) minutes, if further time for discussion is needed please contact your district Alderperson prior to the meeting.
 14. Adjournment

Kelly Tarczewski
Clerk/Treasurer

February 14, 2025

NOTICE

It is possible that members of other governmental bodies of the municipality may be in attendance to gather information that may form a quorum. At the above stated meeting, no action will be taken by any governmental body other than the governmental body specifically referred to above in this notice.

Any person who has a qualifying disability under the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible format must contact the Clerk/Treasurer, Kelly Tarczewski, at (262) 691-0770 three business days prior to the meeting so that arrangements may be made to accommodate your request.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 3.**

DATE: February 17, 2025

DEPARTMENT: PW - Stormwater

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding the Valley Brook Storm Sewer Replacement Project [Reinbold]

BACKGROUND:

The resident requested through her Alderperson to have this item on the agenda.

The complaint stems from our Valleybrook Storm Sewer Replacement project which replaced a failing storm sewer within easements along the side and rear of several residential properties. The project was constructed in Fall 2023.

Attached you will find the plans for the project, emails related to this issue, final letter from staff regarding the sump pump discharge, aerial views with and without floodplain, and the resident provided information. (A note regarding the emails: I put them in chronological order however, I did combine emails with multiple back and forth into 1 email so you will need to read some of these from the bottom up to follow it chronologically. A new email thread typically has a bold name and line at the top of the page. Some are repeated depending on the correspondence that followed after. I apologize for this confusion in advance.)

It should also be noted we have an outstanding punch list item with the Contractor to address the ponding water in the easement which is anticipated to be addressed in the Spring 2025. The project has not been paid in full nor has it been closed out yet. Staff agrees with the property owner that this needs to be addressed prior to closeout of the project.

As for the sump pump discharge, Staff still supports the decision made in the letter. The storm sewer was not designed for a nearly continuous flow from a sump pump whose connection was unknown to the City. In addition, the City policy is only to allow connection of sump pumps to structures so the integrity of the connection can be monitored. In this particular case, the structure has the minimum amount of concrete left between the two pipes entering the structure so a connection cannot be allowed without compromising the integrity of the structure.

The final pictures of the Aitchison's residence are located within a mapped floodplain. The City's storm sewer discharges in the same location as the replaced storm sewer. The City's project did not cause the stream to move or meander in any way. Stream meandering is a natural evolution of a stream. The City does not have jurisdiction over the stream. A stream relocation project is possible with permits from the Wisconsin Department of Natural Resources (WDNR). However, no funds have been allocated to review this. In addition, the stream is on private property (the homeowners in Valleybrook and an outlot of the Wethersfield Subdivision). The City does not have any easements for this stream. Property owners can armor their stream banks with proper permits from the WDNR. I've attached a 1950 (pre-subdivision) and 2024 aerial showing the stream location which appears largely unchanged.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Resident Provided Information

Plan Set

City Letter

Email Correspondence

Aerial View

Aerial view with wetland and floodplain

1950 Aerial Stream

2024 aerial of stream

Power Point Presentation

Virtue Construction

Freds Sanitary

Valley Brook Storm Sewer Replacement Project

Began in Fall of 2023

Tom and Sue McCarron Residence

W226N3971 Country Lane

Ditch is not pitched correctly and water does not exit to the culvert at the corner of the street. The culvert is pitched towards the lot and not the drain pipe that was just recently installed.



Eric and Melissa Sipe Residence

N39W22711 Grandview Drive

Pictures from 9/17/23 of our backyard prior to excavation:
(note level grading)



11/7/23

Stakes were left in our yard after project was completed.



3/13/24

Ponding in yard with minimal rainfall



Additional pictures from 3/13/24



Additional pictures from 3/13/24

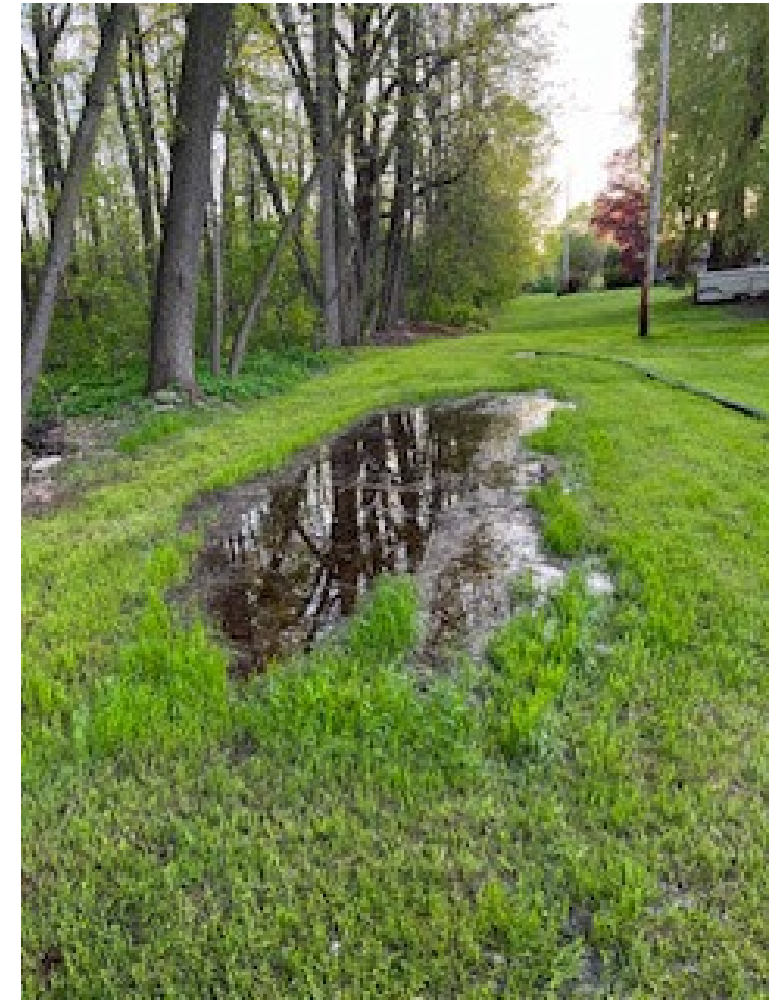
As instructed by Public Works, we added additional pipe to route the sump pump to drain on the easement. We then re-routed to the junction box/structure as instructed for a temporary solution.



3/26/24



5/8/24



5/29/24



Additional picture from 5/29/24

Side view between N39W22711 Grandview Drive and N39W22737 Grandview Drive



10/15/24

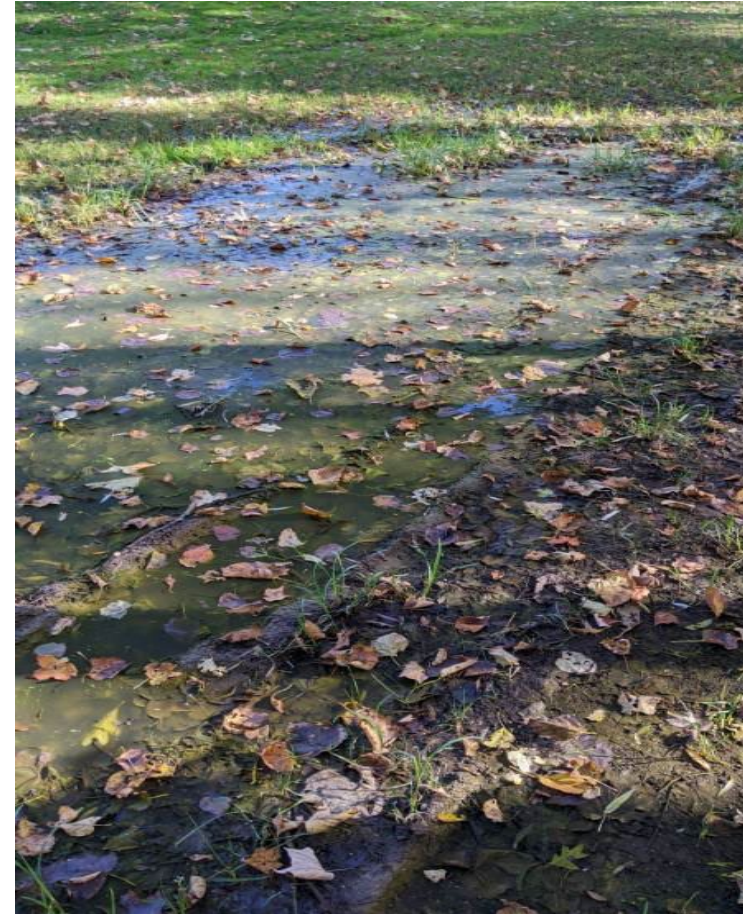


10/20/24- Water is about 2 inches deep
Pewaukee only received .67" of rain the whole month of October



Additional pictures from 10/20/24

Green slime now growing on top of standing water



Pictures from 11/18/24



Please see attached pdf files for quotes from companies to bury the disconnected sump pump line

Neal and Peg Aitchison Residence

N39W22671 Grandview Drive

Severe land erosion due to the creek expansion

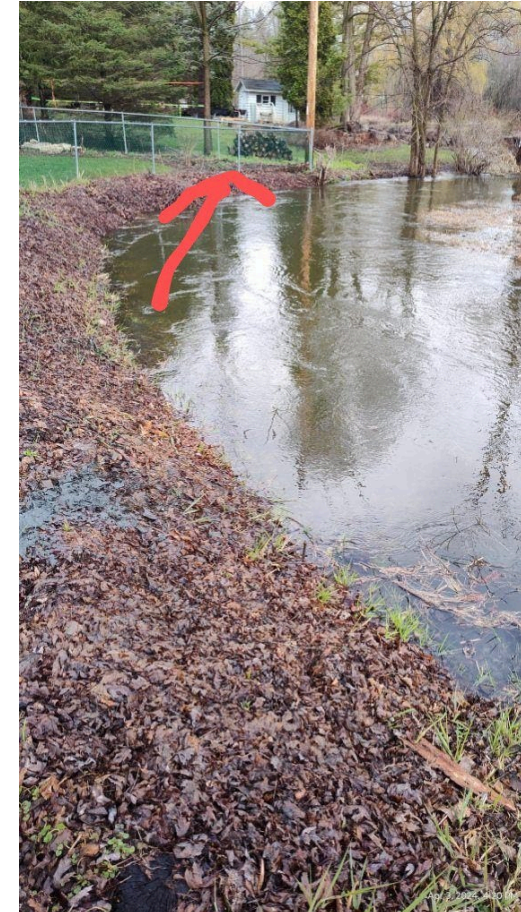


Pictures from 4/2024



Pictures of creek behind Aitchison residence

Creek has expanded greatly.





Melissa Sipe <sipemelissa@gmail.com>

Sump pump discharge pipe

Jason Gindhart <jgindhart@virtuewi.com>
To: Melissa Sipe <sipemelissa@gmail.com>

Fri, Jan 10, 2025 at 12:28 PM

Melissa,

Good afternoon, it was a pleasure meeting with you yesterday. Below are 3 options that I believe will convey your water from your sump line to areas that will direct the water away from your house. Pros and Con to compare and consider are:

Exterior plumbing cost, interior plumbing cost, yard restoration cost, possible additional cost per city requirements.

I can Send out an official proposal once you hear back from the City and have come up with an option to proceed with. Feel free to give me a call to discuss further.

Option #1 (BETTER)

To have a plumber pipe your sump line in your basement ceiling to the front of your house. We would pipe from house to the South ditch line in front of your house.

- Depth of 4" PVC at house to daylight in ditch 2 feet
- Length of 4" PVC from house to ditch 85 feet
- Pipe Drop .30 Feet
- Pitch of 4" PVC .35% maximum flow 50GPM
- Est. Cost \$ 5,900.00

Option #2 (GOOD)

To connect to the sump line in back of your house and pipe to the Southwest ditch line in front of your house (corner of your lot).

- Depth of 4" PVC at house to daylight in ditch 3 feet
- Length of 4" PVC from house to ditch 165 feet
- Pipe Drop .92 Feet
- Pitch of 4" PVC .55% maximum flow 80GPM
- Est. Cost \$ 8,300.00

Option #3 (BEST)

To connect to the sump line in back of your house and pipe to and connect into the RCP in the city easement West of your house.

- Depth of 4" PVC at house to daylight in ditch 2 feet
- Length of 4" PVC from house to ditch 105 feet
- Pipe Drop .92 Feet
- Pitch of 4" PVC .55% maximum flow 80GPM
- ROW permits will be needed.
- City approval will be needed.
- Est. Cost \$ 6,700.00

All the above options inclusions and exclusions but not limited to the following:

Includes all spoils to remain on site; Includes spoil backfill in all areas; Includes plumbing permits; Excludes hard or soft surface restoration; Excludes ROW permits. Excludes inside plumbing work.

***Spoils trucked off site ADD \$300 per load

All the best,

Jason Gindhart



Virtue Construction Corporation
PO Box 196
Sussex, WI 53089
Direct: (262) 210-3546
jgindhart@virtuewi.com

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Wednesday, January 8, 2025 10:20 AM
To: Jason Gindhart <jgindhart@virtuewi.com>
Subject: Sump pump discharge pipe

[Quoted text hidden]





VALLEY BROOK STORM SEWER

CITY OF PEWAUKEE WAUKESHA COUNTY, WISCONSIN

PROJECT # ST-23-57354

SHEET INDEX

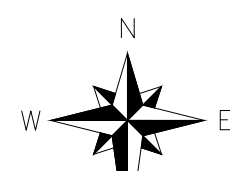
SHEET NO.	LOCATION	DESCRIPTION
CT-01		CONTACT INFORMATION
EC-01		PROPOSED EROSION CONTROL PLAN
TR-01		PROPOSED TREE REMOVAL/TRIMMING PLAN
ST-01	IN: EASEMENT PROPOSED STORM SEWER	FROM: GRANDVIEW DRIVE TO: 300' SOUTHWEST OF GRANDVIEW DRIVE
ST-02	IN: EASEMENT PROPOSED STORM SEWER	FROM: 300' SOUTHWEST OF GRANDVIEW DRIVE TO: 500' EAST OF NORTH & SOUTH EASEMENT
DT-01 TO DT-02		CONSTRUCTION DETAILS

LEGEND - CIVIL ENGINEERING DRAWINGS

CONTROL		SANITARY SEWER		UTILITIES		WATER MAIN	
	BENCHMARK		SANITARY MANHOLE		CABLE BOX		EXISTING HYDRANT
	CHISELED MARK		SEPTIC SYSTEM		CABLE MANHOLE		EXISTING LOCATOR BOX
	CONTROL POINT		SEPTIC TANK COVER		UNDERGROUND TV CABLE		EXISTING SPRINKLER HEAD
	IRON PIPE (GENERIC)		SEPTIC VENT		ELECTRIC BOX		EXISTING WATER CURB STOP
	IRON PIPE (1" DIA)		SANITARY SEWER		ELECTRIC MANHOLE		EXISTING WATER MAIN BEND
	IRON PIPE (2" DIA)		PROPOSED SANITARY MANHOLE		ELECTRIC METER		EXISTING WATER MAIN CROSS
	IRON PIPE SET		PROPOSED SANITARY RISER		ELECTRIC PAD		EXISTING WATER MAIN OFFSET
	IRON ROD (GENERIC)		PROPOSED SANITARY LATERAL		ELECTRIC TRANSFORMER		EXISTING WATER MAIN PLUG
	IRON ROD (3/4" DIA)		PROPOSED SANITARY SEWER		POWER POLE		EXISTING WATER MAIN PLUG W/ AIR RELEASE
	IRON ROD (1 1/4" DIA)				UNDERGROUND ELECTRIC		EXISTING WATER MAIN REDUCER
	MONUMENT	STORM SEWER			GAS CURB STOP		EXISTING WATER VALVE
	NAIL		STORM CATCH BASIN		GAS MANHOLE		EXISTING WATER VALVE MANHOLE
	PAINT MARK		STORM FIELD INLET		GAS METER		EXISTING WELL
	PK NAIL		STORM INLET		GAS TEST STATION		EXISTING YARD HYDRANT
	RAILROAD SPIKE		STORM MANHOLE		GAS VALVE		EXISTING WATER MAIN
	REFERENCE TIE		STORM YARD DRAIN		GAS VALVE TEST		EXISTING WATER SERVICE
	SECTION CORNER		STORM SEWER		GAS VENT		PROPOSED CURB STOP
	SECTION CORNER MONUMENT		CULVERT (SIZE & TYPE NOTED)		UNDERGROUND GAS MAIN		PROPOSED HYDRANT
	TEMPORARY CONTROL POINT		PROPOSED STORM INLET/CB		TELEPHONE BOX		PROPOSED LOCATOR BOX
	USGS MONUMENT		PROPOSED STORM MANHOLE		TELEPHONE MANHOLE		PROPOSED WATER MAIN BEND (ANGLE NOTED)
GROUND			PROPOSED STORM LATERAL		UNDERGROUND TELEPHONE		PROPOSED WATER MAIN CROSS
	WATER ELEVATION		PROPOSED STORM SEWER		UNDERGROUND FIBER OPTIC		PROPOSED WATER MAIN OFFSET
	WETLANDS (SURVEYED LOCATION)	GENERAL		LANDSCAPE			PROPOSED WATER MAIN PLUG
	CROPLAND		AIR CONDITIONER		CONIFEROUS MULTIPLE TRUNK TREE		PROPOSED WATER MAIN PLUG W/ AIR RELEASE
	DITCH		CLEAN OUT		CONIFEROUS TREE		PROPOSED WATER MAIN REDUCER
	GUARD RAIL		DELINEATOR POST		DECIDUOUS TREE		PROPOSED WATER MAIN TEE
	TOE OF SLOPE		FLAG POLE		DECIDUOUS MULTIPLE TRUNK TREE		PROPOSED WATER VALVE
	TOP OF BANK		GENERIC HAND HOLE		DECORATIVE ROCK		PROPOSED WATER VALVE MANHOLE
	WETLAND BOUNDARY		GENERIC MANHOLE		STUMP		PROPOSED YARD HYDRANT
EROSION CONTROL			GENERIC METER		EDGE OF PLANTER/LANDSCAPE BED		PROPOSED WATER MAIN
	PROPOSED DITCH CHECK		GENERIC PEDESTAL		EDGE OF TREES & BRUSH		PROPOSED WATER SERVICE
	PROPOSED EROSION LOGS/EROSION WADDLES		GENERIC VALVE		FENCE	PAVEMENT	
	PROPOSED INLET PROTECTION TYPE A		GENERIC VENT	RAILROAD			EXISTING SIGN
	PROPOSED INLET PROTECTION TYPE B		GUY POLE		RAILROAD SIGNAL BOX		EDGE OF ASPHALT PAVEMENT
	PROPOSED INLET PROTECTION TYPE C		GUY WIRE		RAILROAD SIGNAL FLASHER		EDGE OF GRAVEL PAVEMENT
	PROPOSED INLET PROTECTION TYPE D		LIGHT POLE		RAILROAD SPIKE		EDGE OF CONCRETE PAVEMENT
	PROPOSED BARRIER FENCE		MAIL BOX		RAILROAD TRACKS		PROPOSED DETECTABLE WARNING FIELD
	PROPOSED SILT FENCE		MARKER POST	TRAFFIC SIGNAL			PROPOSED SIGN
	PROPOSED EROSION MAT		MONITORING WELL		CONTROL BOX/LIGHTING CABINET		PROPOSED EDGE OF ASPHALT PAVEMENT
	PROPOSED RIP RAP		PILING		PULL BOX		PROPOSED EDGE OF CONCRETE PAVEMENT
	PROPOSED TRACKING PAD		POST		TRAFFIC SIGNAL		PROPOSED EDGE OF GRAVEL PAVEMENT
			REVISION LABEL		UNDERGROUND LOOP DETECTOR		PROPOSED SLOPE INTERCEPT
			SOIL BORING				
			UTILITY POLE				
			YARD LIGHT				

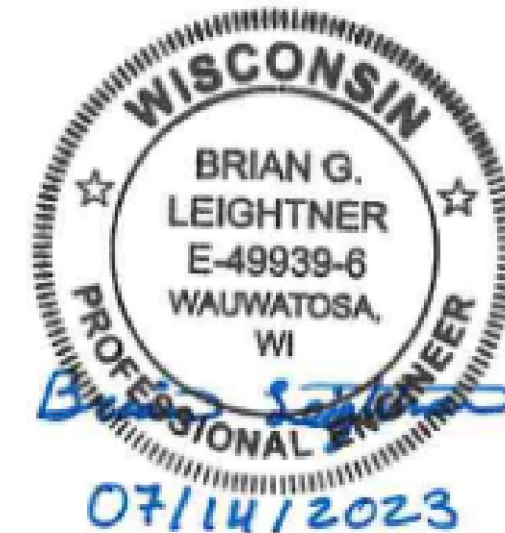
LOCATION MAP

TOWN	RANGE	SECTION (s)
7N	19E	12 SW



SCALE IN FEET

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ORIGINAL PLAN SET
IS IN COLOR

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BID SET

CHECKED BY: *[Signature]*

PROJECT NUMBER: 26-10110.200

CITY OF PEWAUKEE
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W240 N3065 PEWAUKEE ROAD
PEWAUKEE, WI 53072
(262) 691-0804
wagner@pewaukee.wi.us

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GAS: (800) 261-5325

WE ENERGIES, ELECTRIC OPERATIONS SUPERVISOR (UTILITY POLES)
BRIAN NUTTING
 (262) 574-3066 - OFFICE
 (414) 975-1626 - MOBILE
 Brian.Nutting@we-energies.com

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 435 S 95TH STREET
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 (414) 248-6803
 tf8394@att.com

CHARTER COMMUNICATIONS
MASON PIERCE
Mason.Pierce@charter.com

CONTACT INFORMATION
CITY OF PEWAUKEE
WAUKESHA COUNTY, WI

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DESIGNED BY: B LEIGHTNE

DRAFTED BY: DJK

CHECKED BY: R WIRTZ

DATE: JULY 2023

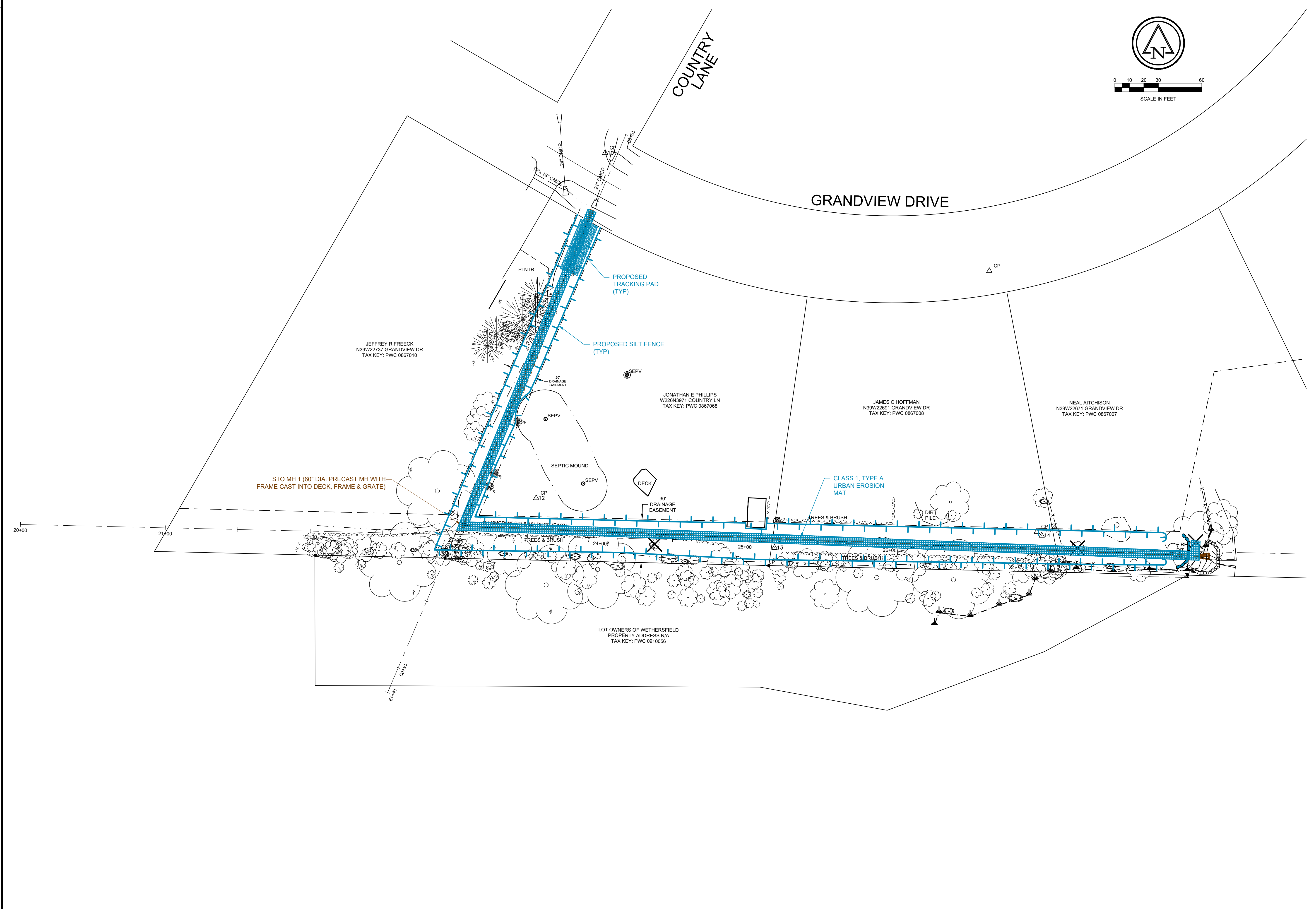
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**BID
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SHEET NO
CT-01

	TOWN:	RANGE:	SECTION(s):
7			
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9			
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Jul 17, 2023 11:28am PLOTTED BY DKlemm SAVED BY DKlemm
IMAGES RM SQUARE Full Color-Print: Images: RM2024c
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VALLEY BROOK STORM SEWER

PROPOSED EROSION CONTROL PLAN

CITY OF PEWAUKEE
WAUKESHA COUNTY, WI

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DESIGNED BY: B LEIGHTNER

DRAFTED BY: DJK

CHECKED BY: R WIRTZ

DATE: JULY, 2023

FILE NO.
26-10110.200

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SHEET NO.
EC-01

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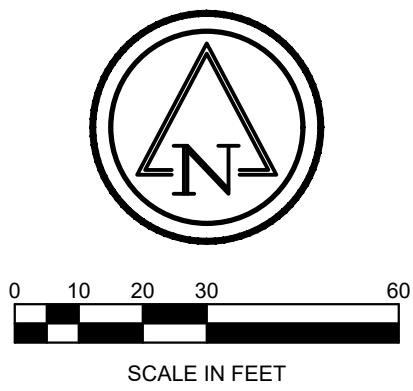
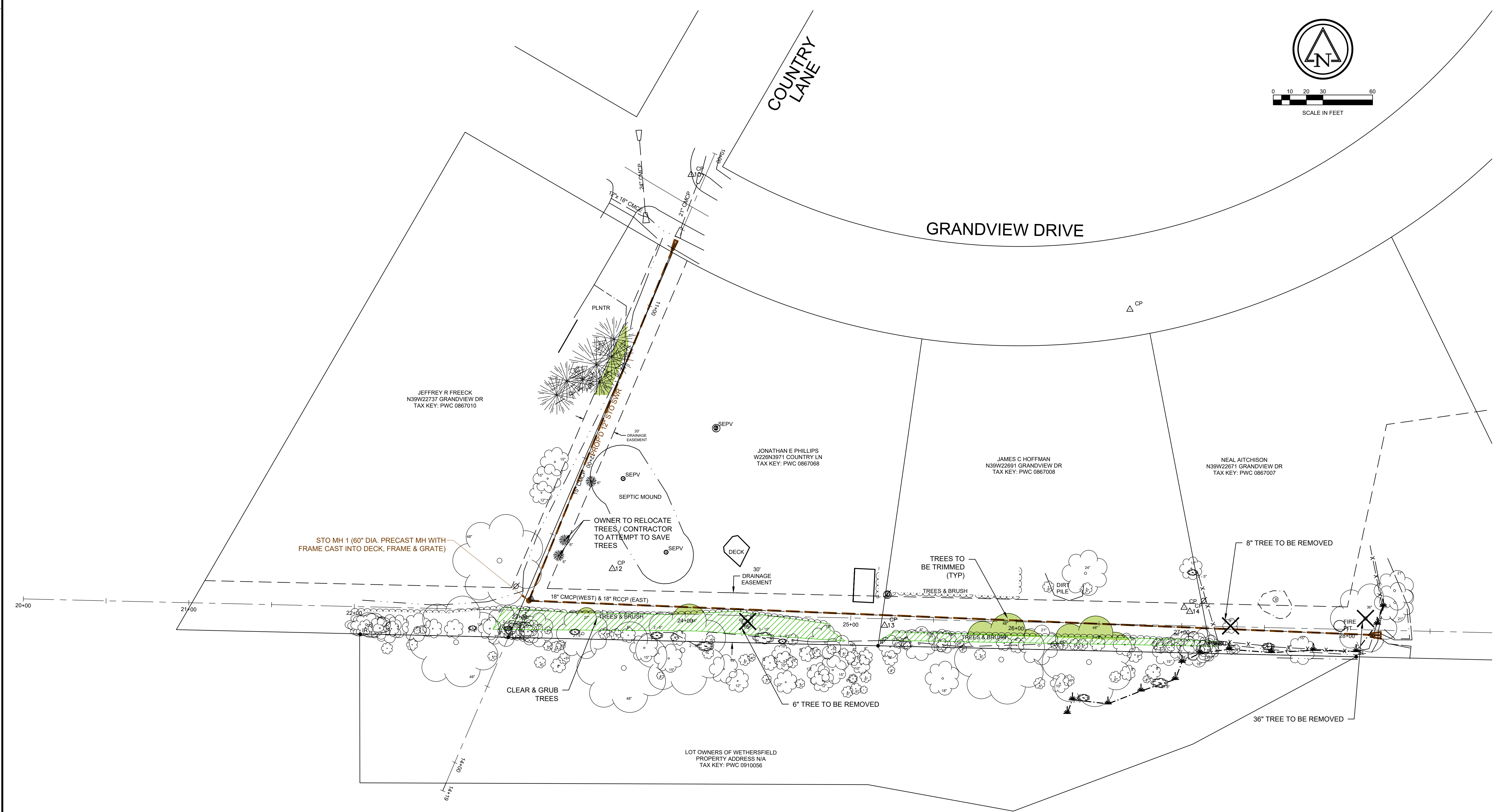
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Jul 17, 2023 11:28am PLOTTED BY:DKlemm SAVED BY:DKlemm
IMAGES RM SQUARE, Full Color-Print; views: RM22254; Tree Removals
C:\CS2_2018\26_City of Pewaukee\0110 Valley Brook Sewer\26-10110-01 Tree Removals-01.dwg



VALLEY BROOK STORM SEWER

PROPOSED TREE REMOVAL/TRIMMING PLAN

CITY OF PEWAUKEE
WAUKESHA COUNTY, WI

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DESIGNED BY: B LEIGHTNER

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CHECKED BY: R WIRTZ

DATE: JULY, 2023

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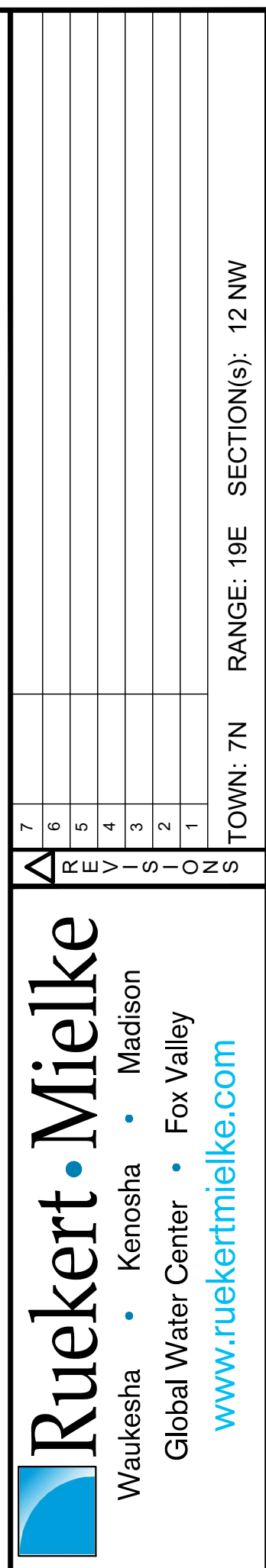
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TR-01

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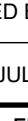


**VALLEY BROOK STORM SEWER
PROPOSED STORM SEWER
IN: EASEMENT
FROM: GRANDVIEW DRIVE
TO: 300' SOUTHWEST OF GRANDVIEW DRIVE
CITY OF PEWAUKEE
WAUKESHA COUNTY, WI**

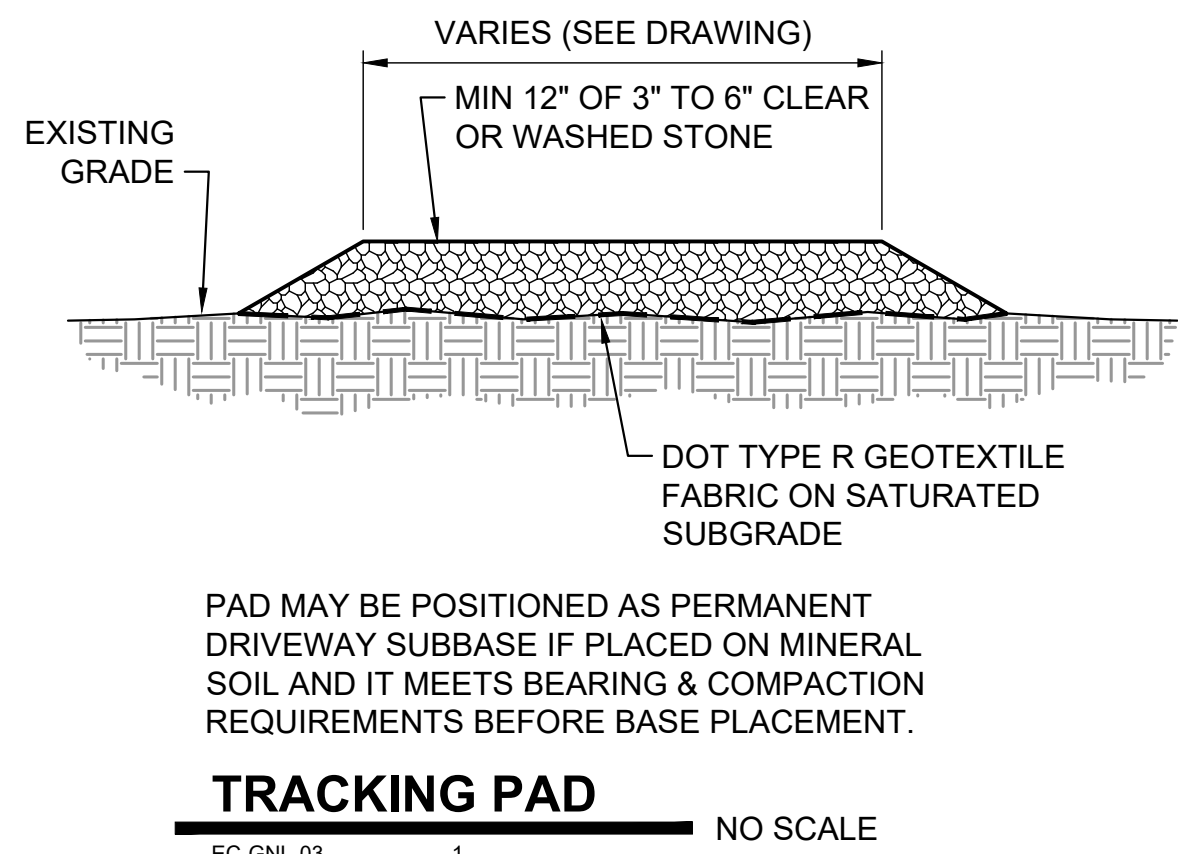
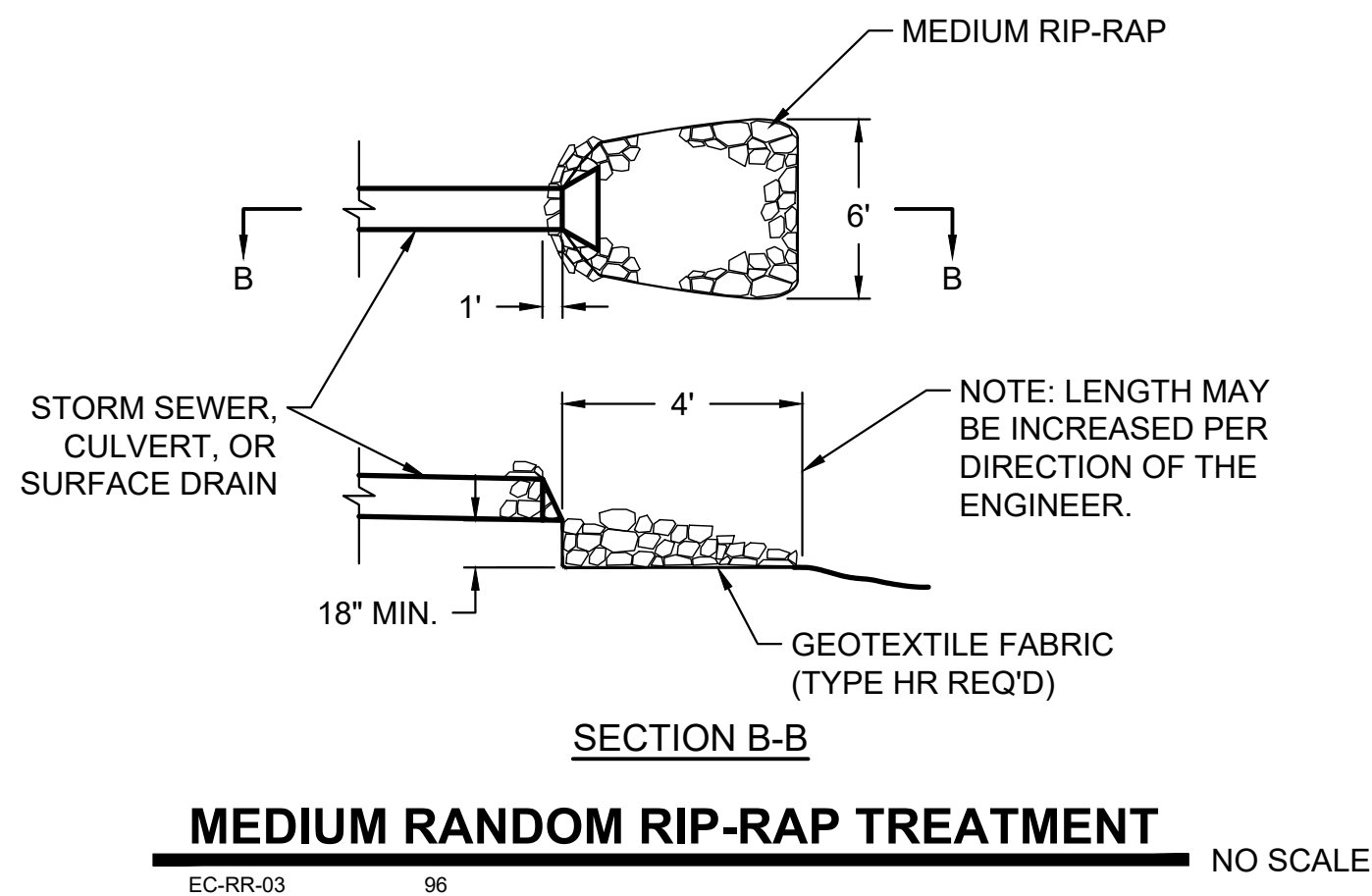
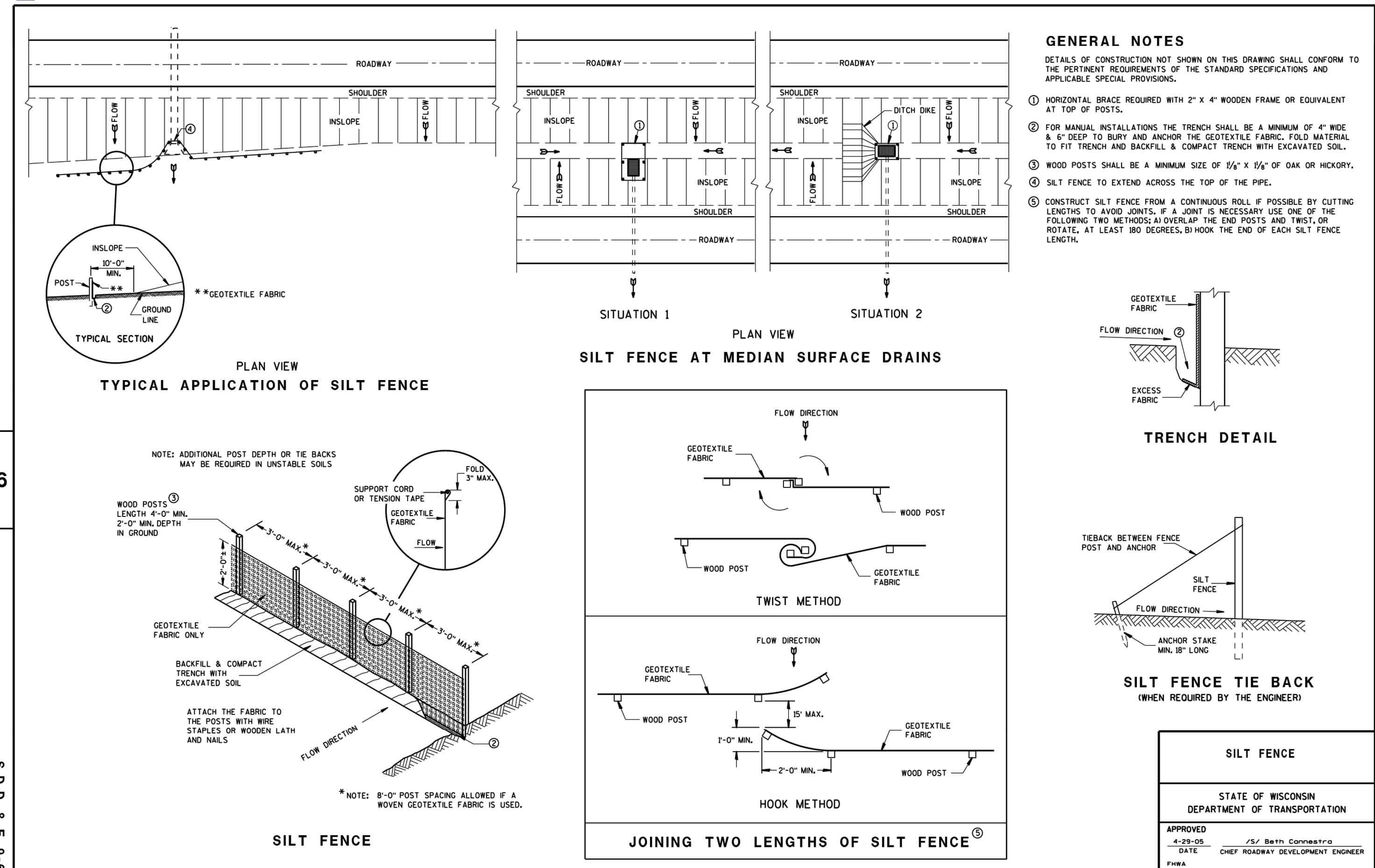
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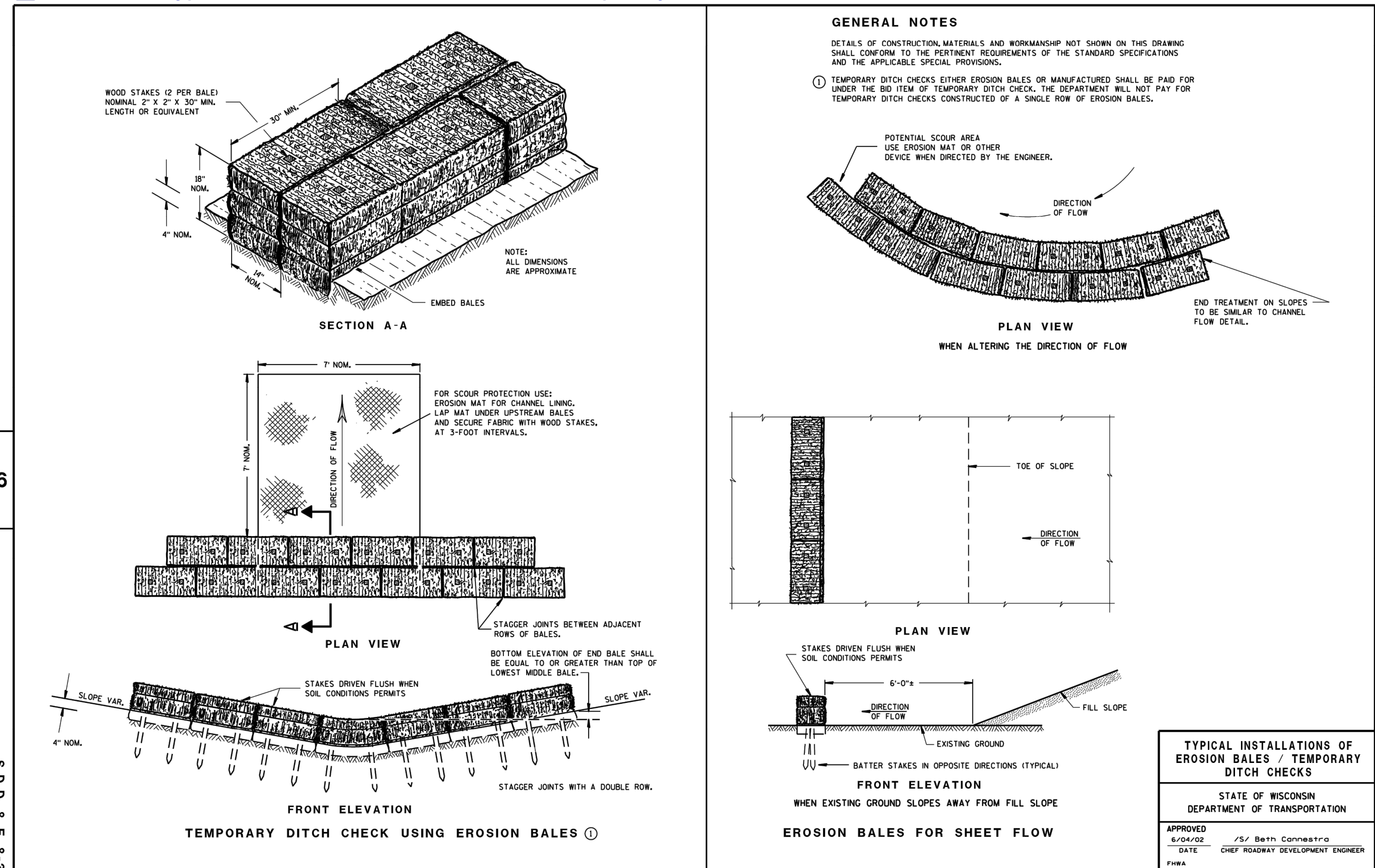
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SHEET NO.
ST-01

SDD 8e9 Silt Fence



SDD 8e8 Typical Installations of Erosion Bales/Temporary Ditch Checks



CONSTRUCTION SEQUENCE:

1. INSTALL STONE TRACKING PAD.
2. CLEAR AND GRUB ALL VEGETATION WITHIN THE LIMITS SHOWN ON THE PLAN. TRIM TREES AS NECESSARY TO NOT INTERFERE WITH OPERATIONS.
3. INSTALL PERIMETER CONTROLS AS SHOWN ON PLAN. LOCATIONS MAY BE ADJUSTED DEPENDING ON SITE CONDITIONS AND WITH APPROVAL OF OWNER/ENGINEER.
4. INSTALL SAND BAG BULKHEAD AT OUTFALL LOCATION OF STORM SEWER.
5. REMOVE EXISTING STORM SEWER AND INSTALL NEW STORM SEWER AS SHOWN ON THE PLANS.
6. REMOVE SANDBAG BULKHEAD AND RESTORE DISTURBED AREAS WITH TOPSOIL, SEED AND EROSION MAT.
7. REMOVE EROSION CONTROLS ONCE THE SITE MEETS THE DEFINITION OF "FINAL STABILIZATION" WITH THE APPROVAL OF OWNER/ENGINEER.

EROSION CONTROL NOTES:

1. CONTRACTOR SHALL TAKE ALL MEASURES NECESSARY TO MINIMIZE EROSION, WATER POLLUTION AND SILTATION CAUSED BY CONSTRUCTION OF THIS PROJECT. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES TECHNICAL STANDARDS, THE WISCONSIN DEPARTMENT OF TRANSPORTATION PRODUCT ACCEPTABILITY LIST AND THE CITY OF PEWAUKEE TECHNICAL STANDARDS.
2. CONTRACTOR SHALL REPAIR DEFICIENT EROSION AND SEDIMENT CONTROL MEASURES WITHIN 24-HOURS OF NOTIFICATION. ADDITIONAL EROSION AND SEDIMENT CONTROL DEVICES NOT SHOWN ON THESE PLANS MAY BE NECESSARY AS DIRECTED BY OWNER/ENGINEER.
3. ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES MAY BE NECESSARY AS A RESULT OF CONTRACTOR'S METHODS.
4. CONTRACTOR SHALL NOTIFY AND OBTAIN WRITTEN ACCEPTANCE FROM OWNER/ENGINEER OF PROPOSED CHANGES TO THE EROSION CONTROL PLAN AND/OR SEQUENCE PRIOR TO IMPLEMENTING THE CHANGE.
5. OWNER/ENGINEER IS UNDER NO OBLIGATION TO ALTER THE EROSION CONTROL PLAN AND/OR SEQUENCE.
6. CONTRACTOR SHALL SWEEP ROADS DAILY IF NECESSARY TO REMOVE SEDIMENT TRACKED ONTO THE ROADS.
7. CONTRACTOR SHALL MAINTAIN SITE DRAINAGE AT ALL TIMES DURING CONSTRUCTION.
8. EXCESS MATERIAL THAT IS HAULED OFF SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY. CONTRACTOR TO NOTIFY OWNER OF ALL FILL AND BORROW SITES. CONTRACTOR IS SOLELY RESPONSIBLE FOR OBTAINING AND COMPLYING WITH NECESSARY EROSION CONTROL MEASURES ON THOSE SITES. DISPOSAL LOCATION(S) MAY NEED WDNR APPROVAL PRIOR TO COMMENCING WORK.
9. EXCESS EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE AND LEGALLY DISPOSED OF AT LOCATION(S) SECURED BY CONTRACTOR.
10. EXCESS FILL/BORROW MATERIAL OR SPOILS KEPT ON SITE SHOULD BE STOCKPILED ON UPLAND AREAS AT AN ADEQUATE DISTANCE AWAY FROM WETLANDS AND WATERWAYS. PILES OF STOCKPILED SOIL SHALL BE PROTECTED AGAINST EROSION AND SHALL NOT CREATE NUISANCE DUST EMISSIONS.

VALLEY BROOK STORM SEWER

CONSTRUCTION DETAILS

CITY OF PEWAUKEE

WAUKESHA COUNTY, WI

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DESIGNED BY: B LEIGHTNER

DRAFTED BY: DJK

CHECKED BY: R WIRTZ

DATE: JULY, 2023

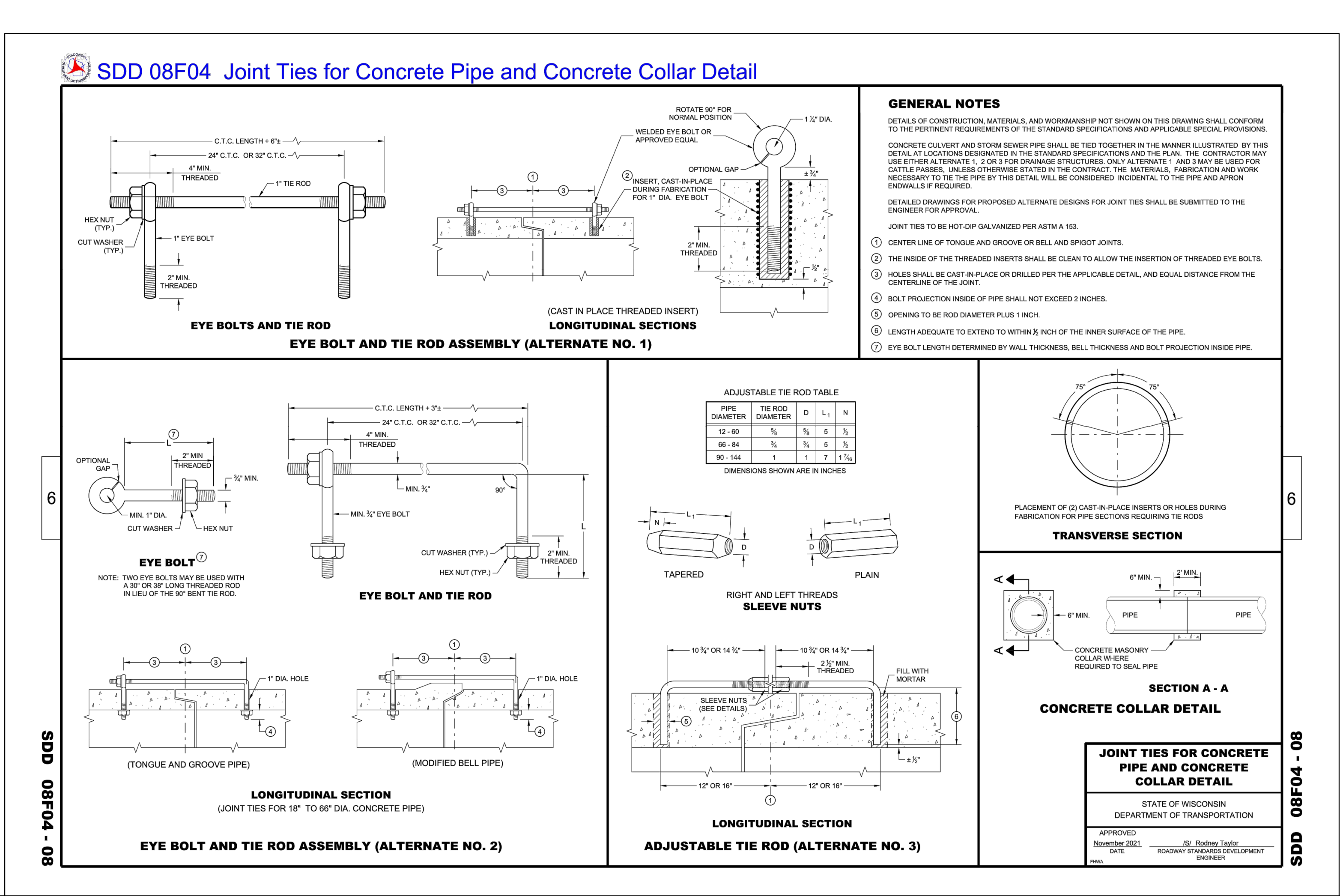
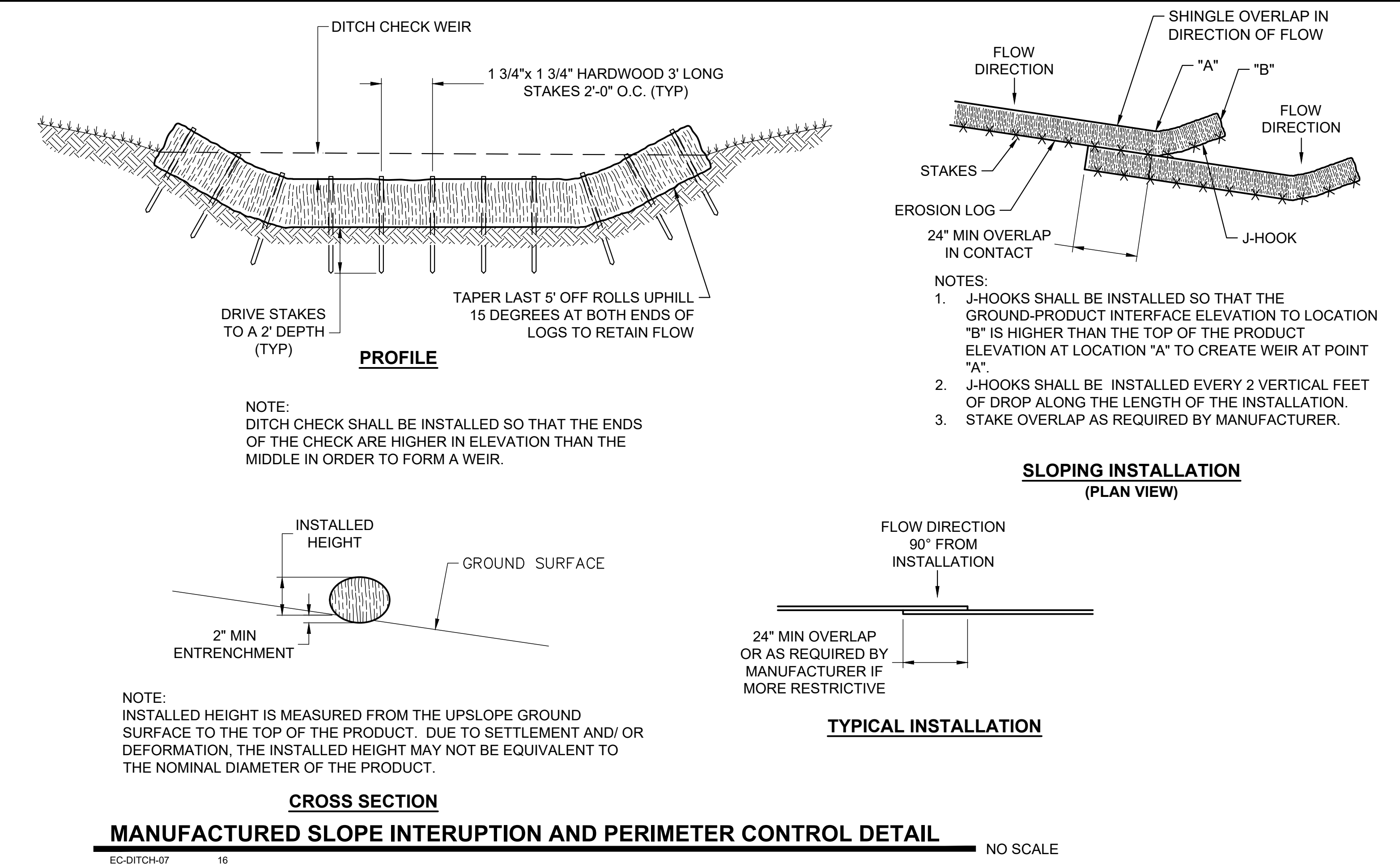
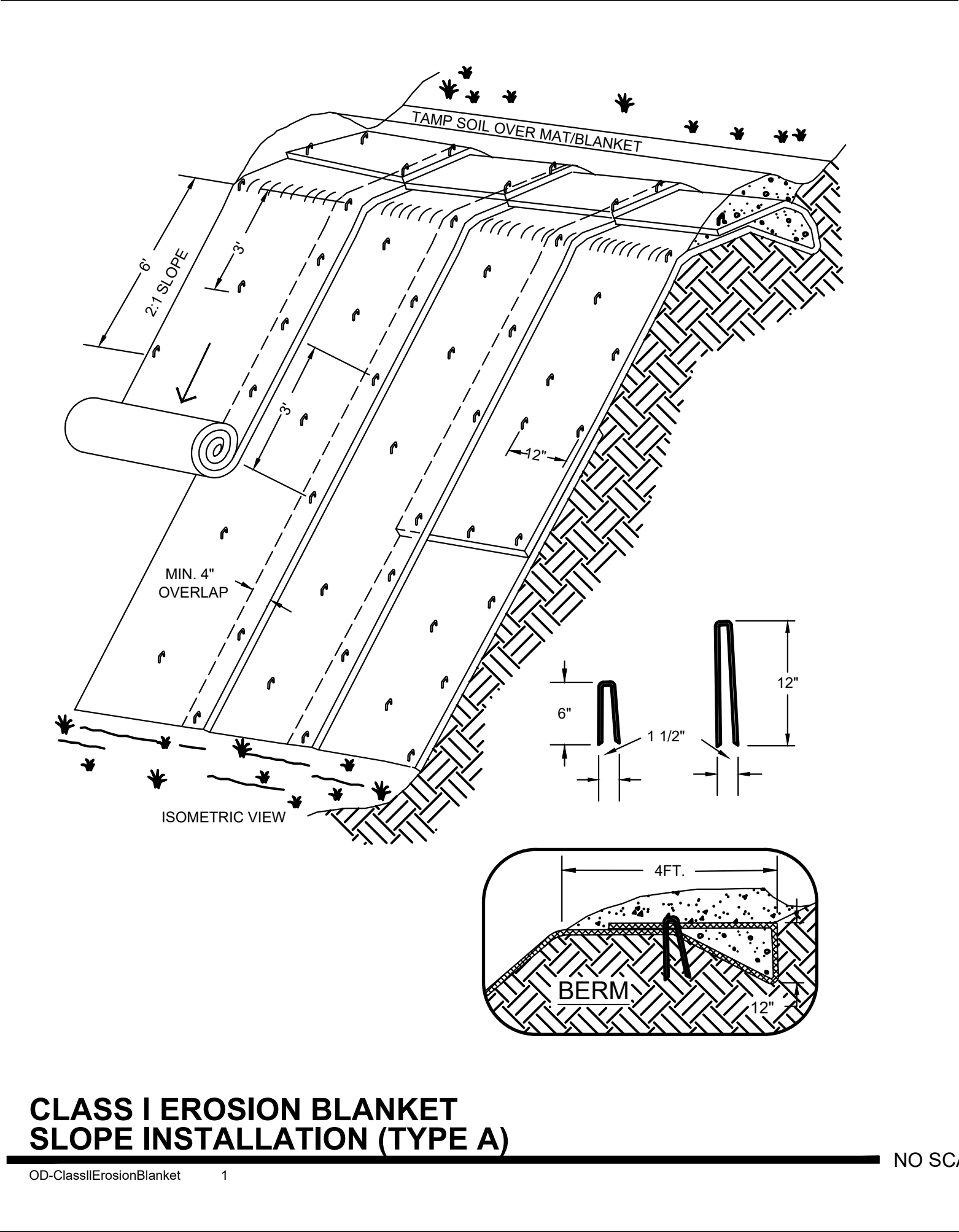
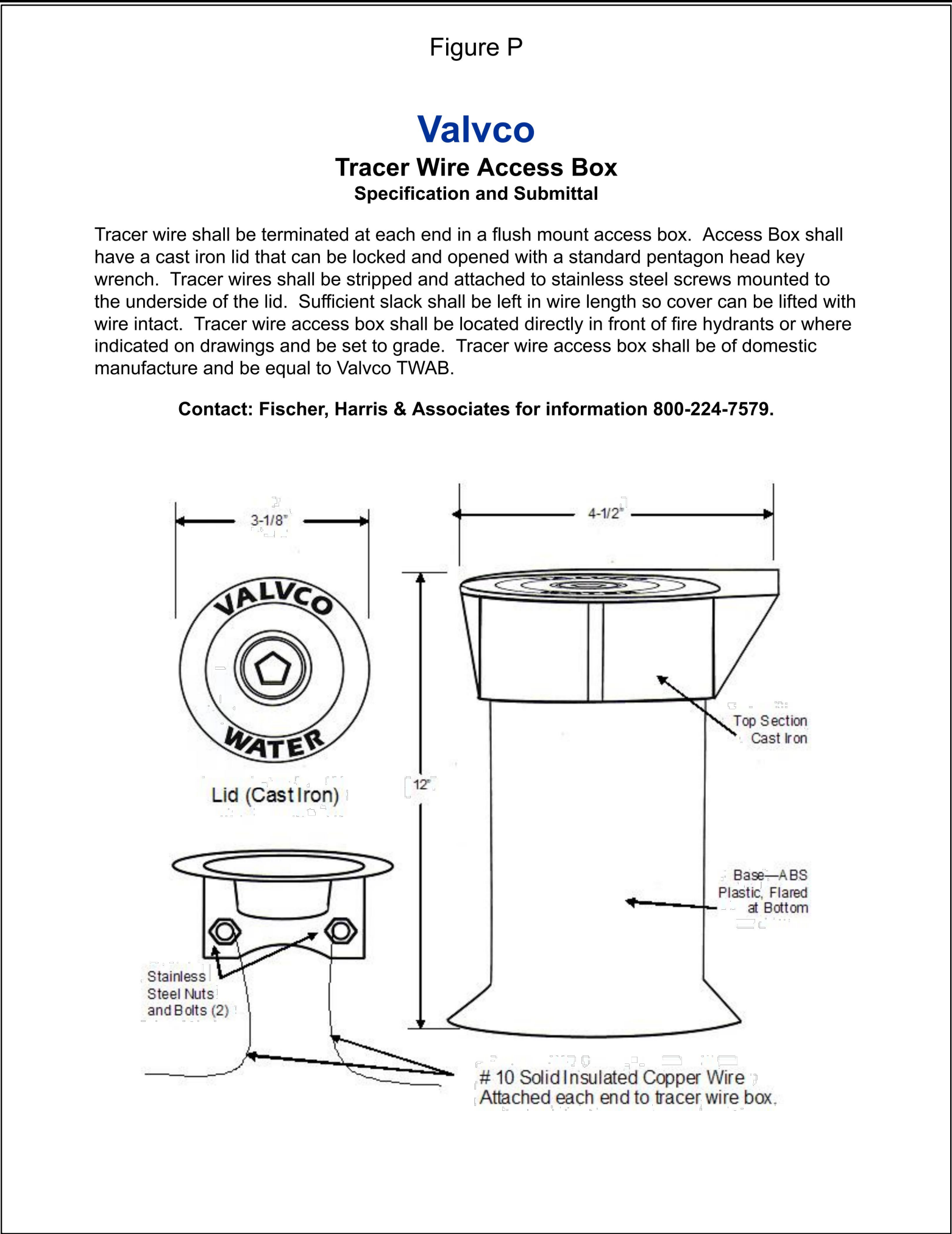
FILE NO. 26-10110.200

BID SET

SHEET NO. DT-01

www.ruekermielke.com

2021 CONSTRUCTION DETAILS DTC-02
JUL 17, 2023 11:28am PLOTTED BY DKlemm. SAVED BY DKlemm
IMAGES RM SQUARE Full Color-Print: EC-GH4_03 - Class I Erosion Blanket.dwg
C:\CS2\2018\23_City of Pewaukee\010110 Valley Brook Storm Sewer Construction Details.dwg
C:\CS2\2018\23_City of Pewaukee\010110 Valley Brook Storm Sewer Construction Details.dwg



Waukesha

Global Water Center

Waukesha

Kenosha

Madison

Fox Valley

www.ruekertmielke.com

Valley Brook Storm Sewer

CONSTRUCTION DETAILS

CITY OF PEWAUKEE

WAUKESHA COUNTY, WI

© COPYRIGHT 2023 RUEKERT & MIELKE INC.

DESIGNED BY: B LEIGHTNER

DRAFTED BY: DJK

CHECKED BY: R WIRTZ

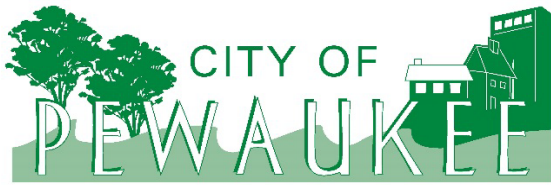
DATE: JULY, 2023

FILE NO. 26-10110.200

BID SET

SHEET NO. DT-02

BID SET



**Department of Public Works
Engineering Division**

W240N3065 Pewaukee Road • Pewaukee, WI 53072

Phone: (262) 691-0804 • Fax: (262) 691-5729

Email: publicworks@pewaukee.wi.us

June 13, 2024

Eric and Melissa Sipe
N39W22711 Grandview Drive
Pewaukee, WI 5372

Re: Sump Pump Line

Dear Sipe Family:

We appreciate your patience while we reviewed your sump pump issue. Below are our findings.

We reviewed our records and confirmed that the old sump pump connection to the storm sewer does not appear to have been permitted. Since it was not located during the design process, it was not indicated on the plan. Once discovered by the Contractor, the City of Pewaukee (City) was notified of the illegal connection and direction was given that it may not be reconnected as there is not a structure at the location. Communication was given to the property owners by City Staff and the consultant that they may re-route the line to surface drain to the ditch or the structure, or a plumbing permit may be obtained to connect to the structure at the southwest corner of the lot (it is noted that you dispute that this communication happened). Connection of sump lines are only allowed at structures where they may be monitored and not cause damage or compromise the integrity of our infrastructure. At the time of restoration, the sump line was not redirected or daylighted by the property owner and a stone trench and stake was installed to allow the sump to discharge to the stone bedding for the storm sewer and for future location of the line for final resolution by the property owner.

The City was notified by you of your sump line backing up and that a temporary disconnection was made. The sump line is currently discharging to grade near the structure. An estimate was provided to connect the line to the storm structure in the southwest corner of the lot from the property owner. Upon further review of this structure, it has been determined that a connection to this structure will not be permitted due to the construction of the structure. At the point of the potential connection point, the minimum width of concrete exists between the storm sewers. No additional concrete may be removed between the storm sewers without compromising the integrity of the structure, and therefore connecting to the structure will not be allowed. In addition, the storm sewer was not designed to take the sump pump discharge, especially at the frequency the sump pump discharges. Allowing a connection to the pipe may result in your sump line backing up when the storm sewer pipe is full during rainfall events and immediately after. This would be a potential liability for the City if we permitted the sump discharge connection.

The City completed an additional survey on the property to determine the current grades on the property.

Some alternatives that you may consider are:

- A. Redirect the discharge of the sump line to the swale along Grandview Drive on the west side of the property. This would require about 150 feet of sump line to be installed to discharge to the northwest corner of the lot.

- B. The current discharge of the sump line invert elevation at the easement line is 837.40. The top of the City's storm sewer is approximately 836.70. The sump line discharge may be extended over the storm sewer so that it may discharge south over the storm sewer onto the existing wetland/ floodplain, as shown on the attached exhibit. This area drains south and southeast from the property. This will require approximately 75 feet of sump line to be installed to discharge to the southwest corner of the property. In addition, the property will be required to execute a "Statement Regarding Easement" to allow the sump discharge to be within the drainage easement. Attached is the statement if you opt for this alternative.

Regarding the ponding water and restoration issues, you are working with Rich Wirtz on the punchlist items to address this issue. An additional survey was obtained to better define the specific areas of ponding and give the Contractor guidance on repairing those areas. Once we have compiled this information, we will obtain a schedule from the Contractor to address this matter. Once we have this schedule, we will share it with all affected residents. Please note, we are trying to allow the site to dry up some so that when the Contractor does re-mobilize equipment to this area, he does not destroy areas that do not need to be repaired. It has been a very wet spring, so this has been a challenge for everyone involved and we appreciate your patience. This item is part of the City's contract.

As the original sump pump connection was an illegal connection, the City does not have an ordinance requiring connection of sump lines to storm sewers. And since the connection was not identified during the construction, it is our opinion that any costs associated with burying the private sump line is the property owner's. We are requesting a cost from the Contractor for Alternate B, as this is the same area that they will be addressing the ponding water issue. If we award this to the Contractor, the property owner will need to execute an agreement to reimburse the City for those expenses prior to the work being completed.

To summarize the above:

1. Connection to the new storm sewer pipe and the new manhole will not be allowed.
2. There are two alternatives to bury your sump line.
 - A. Reroute the sump line to the west and north to discharge to the swale along Grandview Drive.
 - B. Bury the sump line over the new storm sewer and surface discharge as indicated on the attached exhibit. A Statement Regarding Easement will be required to be executed and recorded at Waukesha County.
3. The ponding water is on our Contractor's punchlist to address. Schedule to be determined.

If you have any questions or concerns, please contact our office at (262) 691-0804.

Sincerely,



Magdelene Wagner, P.E.
Director of Public Works/City Engineer

CC: Steve Bierce, Mayor
Alderman Reinbold
Alderman Vetterkind
Richard Wirtz, P.E., CFM

Jul 17, 2023 11:28am PLOTTED BY:DKlemm SAVED BY:DKlemm
IMAGES RM SQUARE, Full Color-Print: views: RN22514, Tree Removals
C:\CS2_2018\26_City of Pewaukee\0110 Valley Brook Sewer\Zep\JB Tree Removals-01.dwg



7		6		5		4		3		2		1		TOWN:		RANGE:		SECTION(S):	
A		RUE		10		0		2		S									
Ruekert • Mielke Waukesha • Kenosha • Madison Global Water Center • Fox Valley www.ruekertmielke.com																			
VALLEY BROOK STORM SEWER PROPOSED TREE REMOVAL/TRIMMING PLAN CITY OF PEWAUKEE WAUKESHA COUNTY, WI																			
© COPYRIGHT 2023 RUEKERT & MIELKE INC.																			
DESIGNED BY: B LEIGHTNER																			
DRAFTED BY: DJK																			
CHECKED BY: R WIRTZ																			
DATE: JULY, 2023																			
FILE NO. 26-10110.200																			
BID SET SHEET NO. TR-01																			

BID SET
www.ruekertmielke.com

	STATEMENT REGARDING EASEMENT	
--	---------------------------------	--

THIS STATEMENT is made as of the _____ day of _____, 2024 by Eric and Melissa Sipe.

WHEREAS, Eric and Melissa Sipe are the owners of certain real property located at N39W22711 Grandview Drive; Tax Key #PWC0867009 in the City of Pewaukee, Waukesha County, Wisconsin, which is more particularly described as Lot 9 BLK 1 Valley Brook Subdivision Plat (the “Property”); and

WHEREAS, there exists an easement for drainage purposes in favor of the City of Pewaukee, which was recorded as part of the Valley Brook Subdivision Plat; and

WHEREAS, it is the desire of the above property owner to construct a sump line within the Easement area;

NOW, THEREFORE, at the request of the City, and in consideration of City permitting the sump line placed within the easement area to be constructed and maintained within the Easement, the owner above listed and below signed hereby state as follows:

Name and Return Address

City of Pewaukee
Engineering Department
W240N3065 Pewaukee Road
Pewaukee, WI 53072

Parcel Identification Number (PIN)

PWC0867009

- (1) Owner acknowledges that the existence of said sump line placed within the Easement Area does not constitute a claim of adverse possession against the Easement of the City.
- (2) Owner agrees that in the event the City must damage or destroy the sump line or any part thereof in connection with the construction, maintenance, or operation of public drainage facilities located within the Easement Area, Owner agrees that the City will not be responsible for the cost of repairs to, maintenance of, or replacement of the sump line or other features placed within the easement area.
- (3) Owner agrees to not connect to the City owned storm sewer pipe and manhole now or in the future. If future repair or replacement is required to the sump line, Owner must notify the City in writing prior to completion of the repair within the drainage easement.
- (4) This Statement is to run with the land and will benefit and burden owner and the City, and their respective successors and assigns.

IN WITNESS WHEREOF, owners have caused this Statement to be executed as of the day and year above written.

By: _____

Attest: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 2024, the above named
_____ known to be the persons who executed the foregoing instrument
and acknowledged the same.

NOTARY PUBLIC,
Waukesha County

State of Wisconsin

Commission expires _____

This instrument drafted by
Magdelene J. Wagner, Director of Public Works/City Engineer

Please return document to: City of Pewaukee
 W240N3065 Pewaukee Road
 Pewaukee WI 53072

Fischer, Brennen

From: Hiltunen, Marianne <hiltunen@pewaukee.wi.us>
Sent: Wednesday, October 25, 2023 1:21 PM
To: Just, Kurt
Subject: FW: Valley Brook Storm Sewer Sump line Connection

Caution: This is an external email of your Organization. Please take care when clicking links or opening attachments.

FYI

Marianne Hiltunen
Senior Engineering Technician
[City of Pewaukee](#)
W240 N3065 Pewaukee Road
Pewaukee WI 53072
262.691.0804 Office
[Find us on Facebook](#)

From: Wirtz, Rich <wirtz@pewaukee.wi.us>
Sent: Wednesday, October 25, 2023 10:06 AM
To: Willman, DeLeah <DWillman@ruekert-mielke.com>; Wagner, Magdelene <wagner@pewaukee.wi.us>; Hiltunen, Marianne <hiltunen@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>
Subject: RE: Valley Brook Storm Sewer Sump line Connection

Good morning DeLeah,

We (the Engineer Dept) have not received any inquiries for a drain tile connection to the storm manhole (we do not allow connections at the pipe). My recommendation would be to fill a 2 foot x 2 foot area around the end of the pipe with 1 inch stone and bring the stone to surface grade.

Please let me know if you have any questions.

Rich

*Rich Wirtz, P.E., CFM
Chief Engineer-Utilities*

*City of Pewaukee
W240 N3065 Pewaukee Road
Pewaukee, WI 53072
Phone: 262-691-0804
Fax: 262-691-5729
Email: wirtz@pewaukee.wi.us*

(Licensed Professional Engineer in IA and WI)

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From: Willman, DeLeah <DWillman@ruekert-mielke.com>

Sent: Tuesday, October 24, 2023 1:28 PM

To: Wagner, Magdelene <wagner@pewaukee.wi.us>; Hiltunen, Marianne <hiltunen@pewaukee.wi.us>; Wirtz, Rich <wirtz@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>

Subject: Valley Brook Storm Sewer Sump line Connection

Hello All,

I am reaching out to see if you have heard any updates from the resident at W226N3971 Country Lane. We spoke to the resident a couple of times stating that their sump line is live and was connected to the old storm sewer. We stated that they should reach out to the City for a permit if they would like to connect to the new storm sewer.

The Contractor at this time has the line cut and open at STA 24+08, approximately one foot below surface grade. The Contractor is planning to begin restoration later this week and are wondering how to proceed at this time.


Please let me know your thoughts.


Thank you,

DeLeah M. Willman

Project Engineer



 (262) 953-3030

 (920) 287-4107

 DWillman@ruekert-mielke.com

 ruekertmielke.com



Learn how our employee owners “make community possible” at R/M! [Watch Video](#)

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Wagner, Magdelene

From: Rich Reinbold <rreinbold2@gmail.com>
Sent: Monday, March 18, 2024 7:40 PM
To: Wagner, Magdelene
Subject: Fwd: Valley Brook Storm Sewer Project

Part 1 - time line

Rich

Begin forwarded message:

From: Melissa Sipe <sipemelissa@gmail.com>
Date: March 13, 2024 at 2:46:17 PM CDT
To: Reinbold@pewaukee.wi.us
Subject: Valley Brook Storm Sewer Project

Hello Rich,

Thank you for returning my phone call this morning. Per your request our contact information is:

Eric and Melissa Sipe
N39W22711 Grandview Drive
Pewaukee, WI 53072
Eric cell: 414-326-6871
Melissa cell: 414-331-8500

Our concerns are regarding the Valley Brook Storm Sewer Project that was done in the Summer/Fall of 2023.

We received a letter from the Department of Public Works dated July 13, 2023 stating that the project was going to be done and that there would be various contractors bidding on the project as well the homeowners needing to move any obstructions on the easement, which we took care of in a timely manner.

We received a second letter dated September 8, 2023 from Public Works stating that Musson Brothers would be doing the project and the work was set to begin September 18, 2023 and an approximate timeline for the project.

The third and final letter we received was dated October 4, 2023 for Public Works reminding homeowners to remove personal items for the easement and a reminder of the timeline.

These 3 letters have been the only formal communication we have received from the city.

My husband and I are home all day and n one ever came to our door to tell us how things

were going or if they ran into problems. We heard yelling when they began digging in our backyard and went out to investigate. We asked what happened and were told that they cut the sump pump pipe. When we asked them, what was going to happen to fix that “we were told you will hear from the city.” No one from the city ever contacted us. There were wooden stakes that were pounded into the ground as “a placement marker to show where the sump pump pipe was” and left there during the entire project. Every time I asked about the stakes, I was told, “you will hear from the city”. When my husband asked Rueckert-Mielke about the sump pump, he asked my husband if we got an “email from the city”. We never heard from the city.

When the project was completed and they came to lay soil and seed the area, they knocked over a tree in our backyard (with the skid steer) and threw it in our woods. I came out to ask them what had happened and was told, “I didnt mean to” and he was very unprofessional. They did remove the tree from the woods after I asked them why they threw it back there. I asked them about the stakes in our backyard and was told that I needed to ask the city. So I called Brian Leightner (whose name is on the bottom of the letters we received) on November 7th. He told me to send him pictures of the stakes and the trees. Brian responded via email on November 14th. His response was that I could pull out the stakes as they “were just placeholders”. He told me they put gravel where the pipe was cut and that “it will be fine”. I questioned him on it and was told it will be fine. He said that the tree was on the easement, so there is nothing they can do.

March 5th at 4:00 am we woke up to a loud thumping sound and water coming into our basement. My husband quickly rerouted the sump pump to above ground. He called the city at 8:30am on March 5th and spoke to Rich Wirtz and explained what happened. Rich told him that the sump pump cannot be connected to the drain sewer and the city completed a dry well since they had not heard from us. He suggested we call a plumber to route the discharge to the junction box. He also suggested we could use a pop up emitter for sump pump discharge. My husband explained that we were very disappointed with the lack of communication as we were always being told we will hear from the city for a solution. He also told Rich that the grading on the easement is not correct. We have pooling water in our backyard. They moved the problem from the front yard (standing water in the ditch) to our backyard, which wasn’t a problem before this project began. Rich stated that the water problem will be fixed and the contractor will not be paid till it’s corrected.

Melissa called our plumber on March 5th and he came out to access. He told us it’s going to cost thousands of dollars to rip our yard back up and bury a pipe to the junction box. We are not paying thousands of dollars for something that worked fine until the city started digging. If the city would have formally came forward and presented us with options, we would have worked with them to get it fixed. It would have made much more sense to run pipe while the yard was all ripped up. Our plumber also stated that a dry well isnt going to work based on the amount of water our sump pump pumps out. Our pump runs every 30 seconds regardless of rain or season. He said a pop up emitter will not work because it will freeze and the amount of water discharged will still create standing water. So who authorized cutting the pipe and creating a dry well?

Melissa called Rich back on March 5th, after meeting with the plumber, and he returned

my call that same afternoon. I explained to Rich about how frustrated we were in this whole process and that how we are getting no communication or help from the city. He directed me to call Maggie Wagner. I called her and left a voicemail on March 5th at 2:30pm.

Maggie returned my call on March 6th and I explained to her what I explained to Rich.
-who called us? Show me an email or letter? We went outside multiple times and were told we are waiting on the city.

-we dont even know what they hooked up and how, just had stakes in the yard

-our backyard is a lot worse, sump pump is draining on easement and has standing water.

-why is the catch basin (junction box) dry as a bone?

I will be sending a second email with picture attachments of our backyard.

Thank,

Eric and Melissa Sipe

Sent from my iPhone

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Wagner, Magdelene

From: Fischer, Brennen <BFischer@ruekert-mielke.com>
Sent: Thursday, March 21, 2024 2:15 PM
To: Wagner, Magdelene; Just, Kurt
Cc: Wirtz, Rich; Leightner, Brian
Subject: RE: Valleybrook Storm Sewer
Attachments: Hiltunen 20231025-Valley Brook Storm Sewer Sump Line Connection.pdf; 20231017 KKJ STO STA 24+94 to 23+26.pdf

Hi Maggie,

Attached please find the daily report from 10/17/2023 which shows that Kurt discussed the sump pump/drain tile with the resident. We received direction from the City that if a resident would want to connect their sump lines to the storm sewer, they would have to get a plumbing permit to do so.

Kurt also dropped off notifications to all of the residents regarding the drain tile reconnections and need to go through the plumbing department. He said that when he dropped off the notifications, he also talked to each resident about this. I have not been able to find a copy of the notification, is it possible that the City prepared this, and we delivered them?

After no inquiries/requests were received, we directed the contractor to create a stone sump for the line to drain in to. I have not been able to find any records of if this information was relayed back to the resident.

I hope that this helps. Please let me know if you have any questions or need anything else.

Thank you,
Brennen

Brennen E. Fischer, P.E. (WI), CFM
Municipal Services Team Leader



 (262) 953-3054
 BFischer@ruekert-mielke.com
 ruekertmielke.com



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From: Wagner, Magdelene <wagner@pewaukee.wi.us>
Sent: Wednesday, March 13, 2024 5:23 PM
To: Fischer, Brennen <BFischer@ruekert-mielke.com>; Just, Kurt <KJust@ruekert-mielke.com>
Cc: Wirtz, Rich <wirtz@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>
Subject: Valleybrook Storm Sewer

Caution: This is an external email of your Organization. Please take care when clicking links or opening attachments.

Hi Brennen & Kurt,

I have a resident at W226N3971 Country Lane who had a sump line connected to the old storm sewer that was disconnected as part of the new storm sewer construction in the easement. I am trying to find out what communications happened with the owner during construction. They are stating that they were never told what was happening with this pipe. I'm just fact gathering at this point to determine how to respond to this resident. Would you please summarize your interactions with this resident for the duration of the project?

Thank you,
Maggie

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-0804

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CONSTRUCTION REPORT

Pewaukee, City of

Storm Sewer

NAME 20231017 KKJ

PROJECT # 26-10110.300

CONTRACTOR Musson Brothers

DATE 10/17/2023

Waukesha Office
W233 N2080 Ridgeview Pkwy
Suite 300
Waukesha, WI 53188-1020
(262) 542-5733

Kenosha Office
6905 Green Bay Road
Suite 204
Kenosha, WI 53142
(262) 953-2650

Madison Office
4630 S. Biltmore Lane
Madison, WI 53174
(608) 819-2600

Fox Valley
1400 Lombardi Ave.
Suite 1018
Green Bay, WI 54304
(920) 876-6382

PROJECT NAME Valley Brook Storm Sewer

IN | Easement, ST-02

From: STA 24+94

To: STA 23+26

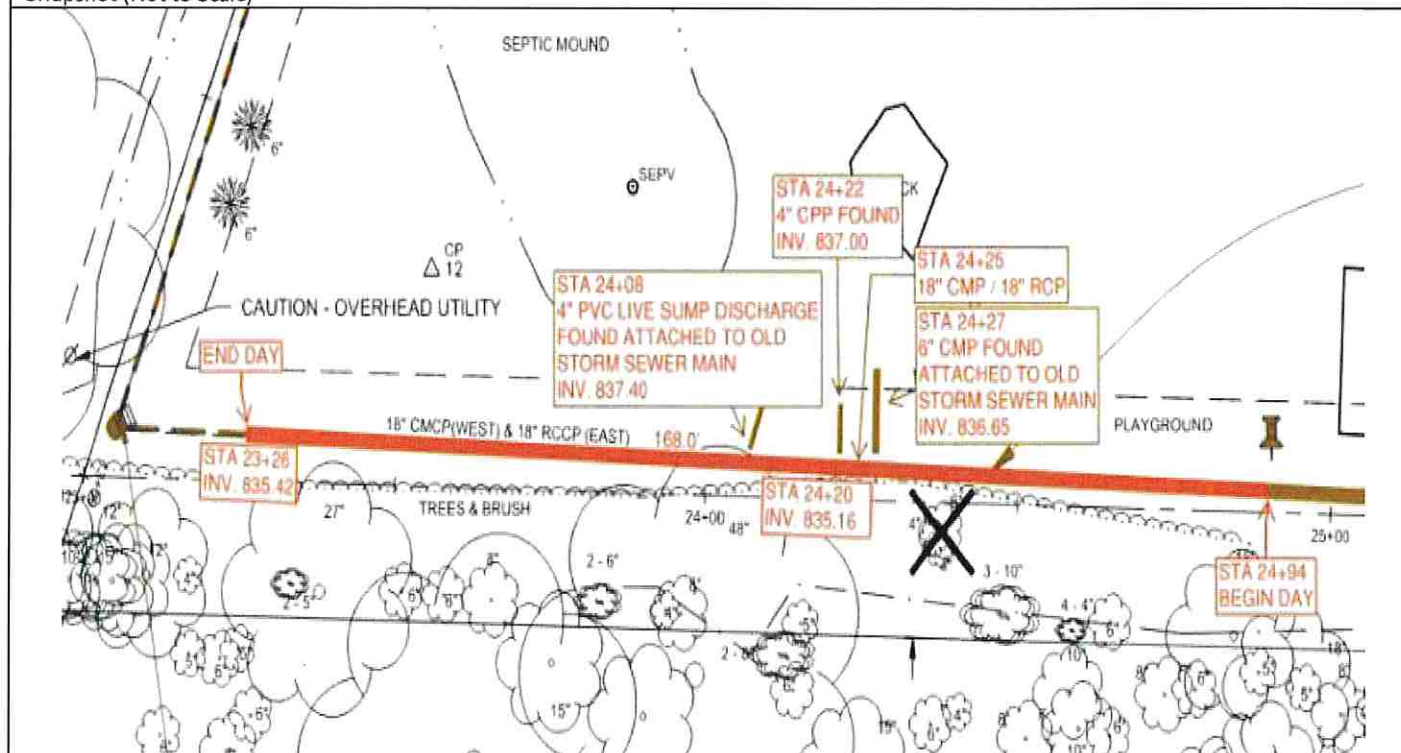
AM	Mostly Clear
----	--------------

Temp	30
------	----

PM	Partly Cloudy
----	---------------

Temp	55
------	----

Snapshot (Not to Scale)



Crew	Foreman: Adam Paul, Crew: Operator - 1 Laborer - 1 Dump Truck Driver - 1
Equipment	Small Backhoe - Caterpillar 314E - 1 Loader - Caterpillar 938M - 1 Work Truck - Ram 3500 - 1 Equipment truck - International 4700 - 1 Quad axle Dump Truck w/Flatbed Trailer - - 1 Skid Loader - Caterpillar - 1 Quad Axle Dump Truck - - 1 Pipe laser - Topcon - 1 Power Broom - Rosco Sweep Pro - 1 Flatbed Trailer w/ Concrete Mixing Equipment - - 1
Ground Conditions	Black dirt, sandy clay, cobble and fill
Bedding Cover	Stone Chips

Working Time						
Worker	From	To	Hours	RT	Total	Notes
CRT	6:30 AM	5:00 PM	10.5	1	11.5	
Contractor	6:30 AM	5:00 PM	10.5		10.5	

CRT Signature

Kurt Just

NAME: 20231017 KKJ

PROJECT # 26-10110.300

DATE: 10/17/2023

CONTRACTOR: Musson Brothers

Bid Items

Item #	Description	Unit	Qty	Notes / Attributes
14	14" x 23" HERCP Class IV Storm Sewer In Spoil Backfill	L.F.	168	STA 24+94 to 23+26

Summary, Comments & Visitors

- 0630 CRT arrives on site. Contractor on site fueling equipment.
- Contractor regrades haul road to remove ruts. Wet spoil hauled off site.
- 0745 STA 24+94 Contractor begins excavating to place storm sewer.
- 0945 STA 22+27 Contractor severs 6" CMP attached to old storm main. Pipe appears dry. Deleah Willman, Ruekert and Mielke, contacted.
- 0955 Existing 18" storm sewer transitions from RCP pipe to CMP pipe.
- 1010 STA 24+22 Contractor severs 4" corrugated plastic drain tile. No outlet found. Pipe appears to end over old storm main.
- 1045 STA 24+08, 4" PVC pipe previously struck during installation of silt fence severed. Pipe appears to be an active sump pump discharge line. Pipe found to be connected to existing storm main. CRT instructs resident to contact City of Pewaukee plumbing inspector to possibly reconnect. D. Willman instructs CRT to leave end of pipe exposed for future repair. Discharge allowed to drop into stone cover over new main. Trench left open in this area, and barricaded.
- STA 24+20, (400' West of End Section), INV. 835.16, (0.01' low).
- 1130 Elizabeth Brown, Ruekert and Mielke, stops by to spot check erosion control. CRT told silt fence and waddles are OK.
- Existing concrete and metal pipe sections removed, crushed and hauled off site.
- New RCP storm sewer placed to grade using pipe laser and hand level. Stone chips bedding and cover. Tracer wire and warning tape routed over pipe.
- Spoil backfill compacted using tracked skid loader. Surface rough graded with skid loader.
- 1530 STA 23+26 Last pipe placed. Elevation checked. INV. 835.42, (0.02' high).
- Contractor begins site cleanup.

NAME: 20231017 KKJ

PROJECT # 26-10110.300

DATE: 10/17/2023

CONTRACTOR: Musson Brothers

	Information
	<p>Filename: 20231017 KKJ 001 Haul wet spoil.JPG</p> <p>Caption:</p>

	Information
	<p>Filename: 20231017 KKJ 002 Begin removing old pipe.JPG</p> <p>Caption:</p>

	Information
	<p>Filename: 20231017 KKJ 003 Route tracer wire over pipe.JPG</p> <p>Caption:</p>

	Information
	<p>Filename: 20231017 KKJ 004 All-Ways places waddles.JPG</p> <p>Caption:</p>

NAME: 20231017 KKJ

PROJECT # 26-10110.300

DATE: 10/17/2023

CONTRACTOR: Musson Brothers

Information	
	Filename: 20231017 KKJ 005 Place warning tape over cover.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 006 6in CMP at STA 24+27.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 007 6in CMP attached to storm sewer.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 008 RCP to CMP at STA 24+25.JPG
	Caption:

NAME: 20231017 KKJ

PROJECT # 26-10110.300

DATE: 10/17/2023

CONTRACTOR: Musson Brothers

Information	
	Filename: 20231017 KKJ 009 4in CPP at STA 24+22.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 010 Place stone cover.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 011 4in PVC sump line at STA 24+08.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 012 Sump line connected to main line.JPG
	Caption:

NAME: 20231017 KKJ PROJECT # 26-10110.300 DATE: 10/17/2023 CONTRACTOR: Musson Brothers

Information	
	Filename: 20231017 KKJ 013 Check slope with hand level.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 014 Sump drains into stone cover.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 015 Continue westerly.JPG
	Caption:

Information	
	Filename: 20231017 KKJ 016 Rough grade easement.JPG
	Caption:

NAME: 20231017 KKJ PROJECT # 26-10110.300 DATE: 10/17/2023 CONTRACTOR: Musson Brothers

	Information
	<p>Filename: 20231017 KKJ 017 Sump line left exposed.JPG</p> <p>Caption:</p>

	Information
	<p>Filename: 20231017 KKJ 018 Last pipe.JPG</p> <p>Caption:</p>

	Information
	<p>Filename: 20231017 KKJ 019 Barricade trench.JPG</p> <p>Caption:</p>

	Information
	<p>Filename: 20231017 KKJ 020 Begin cleanup.JPG</p> <p>Caption:</p>

Wagner, Magdelene

From: Rich Reinbold <rreinbold2@gmail.com>
Sent: Tuesday, March 26, 2024 8:35 AM
To: Wagner, Magdelene
Subject: Fwd: Valley Brook Drainage Easement

Fyi - more info
From homeowners

Rich

Begin forwarded message:

From: Eric Sipe <ericjsipe@gmail.com>
Date: March 26, 2024 at 8:23:26 AM CDT
To: wirtz@pewaukee.wi.us
Cc: Reinbold@pewaukee.wi.us
Subject: Valley Brook Drainage Easement

Mr. Wirtz,

I spoke with you on the phone a few weeks ago regarding standing water in our backyard where the new storm sewer was installed on the easement.

Please note that on 3/15/24, I extended our sump pump discharge hose to temporarily terminate in the storm sewer catch basin (as shown in the picture below) based on recommendations from Pewaukee Public Works. The sump pump has been draining into the storm sewer since then, but we continue to have standing water on the easement. Our sump pump discharge is not causing the standing water.

I understand that we have had melting snow and rain, but prior to the storm sewer project, we did not have standing water in our backyard from rain or snow.

I will send pictures of the standing water taken today in a separate email. The standing water is also affecting the neighbor's property to the east.

Is the contractor aware of this issue?



Thanks,

Eric Sipe
N39W22711 Grandview Drive

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Wagner, Magdelene

From: Fischer, Brennen <BFischer@ruekert-mielke.com>
Sent: Tuesday, March 26, 2024 12:51 PM
To: Wirtz, Rich; Wagner, Magdelene
Subject: RE: Valley Brook Drainage Easement

Maggie and Rich,

Melissa Sipe (N39W22711 Grandview Drive) called me following up on the standing water in the easement and inquiring about the sump pump line connection.

I told her that we would reach out to the contractor regarding the standing water.


She expressed frustration regarding the sump pump connection. She stated that they were not notified of what their options were and did not receive a notification letter/flyer. Kurt is adamant that he spoke to all 4 residents about the process to reach out the City Plumbing Department and did drop off notifications to the residents with this information. Unfortunately, I have not been able to find a copy of the notification that was delivered.


Just wanted to give you an update regarding this conversation. If you have any questions or need anything, please let me know.

Thank you,
Brennen

Brennen E. Fischer, P.E. (WI), CFM
Municipal Services Team Leader



 (262) 953-3054

 BFischer@ruekert-mielke.com

 ruekertmielke.com



Learn how our employee owners “make community possible” at R/M! [Watch Video](#)

From: Wirtz, Rich <wirtz@pewaukee.wi.us>
Sent: Tuesday, March 26, 2024 12:08 PM
To: Fischer, Brennen <BFischer@ruekert-mielke.com>; Wagner, Magdelene <wagner@pewaukee.wi.us>
Subject: FW: Valley Brook Drainage Easement

Caution: This is an external email of your Organization. Please take care when clicking links or opening attachments.

Rich Wirtz, P.E., CFM
Chief Engineer-Utilities

City of Pewaukee

W240 N3065 Pewaukee Road
Pewaukee, WI 53072
Phone: 262-691-0804
Fax: 262-691-5729
Email: wirtz@pewaukee.wi.us

(Licensed Professional Engineer in IA and WI)

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From: Eric Sipe <ericjsipe@gmail.com>
Sent: Tuesday, March 26, 2024 8:22 AM
To: Wirtz, Rich <wirtz@pewaukee.wi.us>
Cc: Reinbold, Rich <reinbold@pewaukee.wi.us>
Subject: Valley Brook Drainage Easement

Mr. Wirtz,

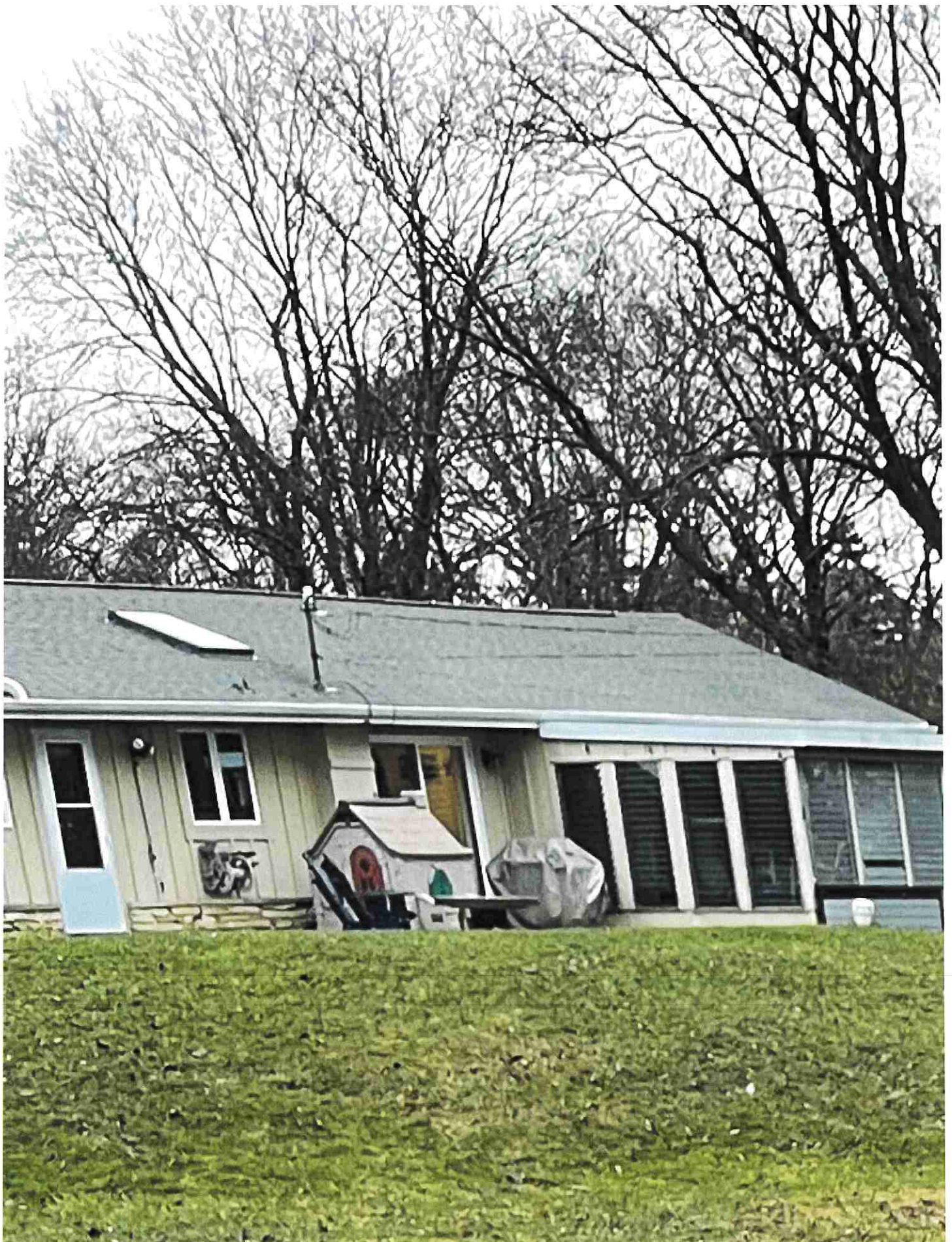
I spoke with you on the phone a few weeks ago regarding standing water in our backyard where the new storm sewer was installed on the easement.

Please note that on 3/15/24, I extended our sump pump discharge hose to temporarily terminate in the storm sewer catch basin (as shown in the picture below) based on recommendations from Pewaukee Public Works. The sump pump has been draining into the storm sewer since then, but we continue to have standing water on the easement. Our sump pump discharge is not causing the standing water.

I understand that we have had melting snow and rain, but prior to the storm sewer project, we did not have standing water in our backyard from rain or snow.

I will send pictures of the standing water taken today in a separate email. The standing water is also affecting the neighbor's property to the east.

Is the contractor aware of this issue?



Thanks,

Eric Sipe
N39W22711 Grandview Drive

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Wagner, Magdelene

From: Wirtz, Rich
Sent: Tuesday, March 26, 2024 2:29 PM
To: Eric Sipe
Cc: Reinbold, Rich; Wagner, Magdelene; Fischer, Brennen; Leightner, Brian
Subject: RE: Valley Brook Drainage Easement

Good afternoon Eric,

Thank you for the pictures. We are aware of areas of ponding water within the drainage easement and intend to have the contractor correct these areas when the ground is firm enough to bring in equipment.

Thanks,

Rich

*Rich Wirtz, P.E., CFM
Chief Engineer-Utilities*

*City of Pewaukee
W240 N3065 Pewaukee Road
Pewaukee, WI 53072
Phone: 262-691-0804
Fax: 262-691-5729
Email: wirtz@pewaukee.wi.us*

(Licensed Professional Engineer in IA and WI)

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From: Eric Sipe <ericjsipe@gmail.com>
Sent: Tuesday, March 26, 2024 8:22 AM
To: Wirtz, Rich <wirtz@pewaukee.wi.us>
Cc: Reinbold, Rich <reinbold@pewaukee.wi.us>
Subject: Valley Brook Drainage Easement

Mr. Wirtz,

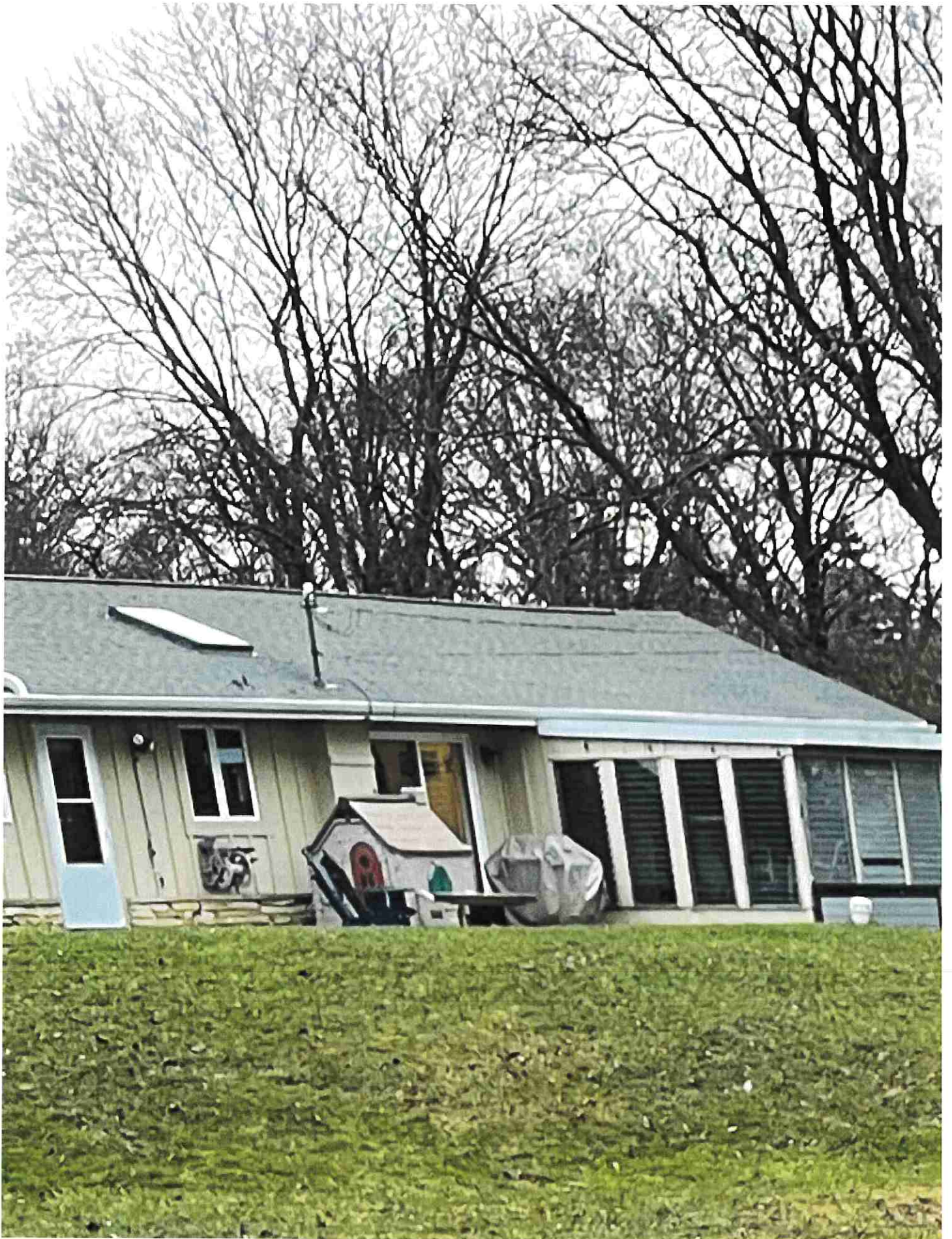
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I understand that we have had melting snow and rain, but prior to the storm sewer project, we did not have standing water in our backyard from rain or snow.

I will send pictures of the standing water taken today in a separate email. The standing water is also affecting the neighbor's property to the east.

Is the contractor aware of this issue?



Thanks,

Eric Sipe
N39W22711 Grandview Drive

Wagner, Magdelene

From: Wagner, Magdelene
Sent: Monday, April 15, 2024 7:54 PM
To: Melissa Sipe
Subject: RE: Sump pump

Ms. Sipe,

My apologies for the delay in responding to you. I had been out of the office on FMLA longer than I anticipated and am working through my backlog.

I will revisit where I was on your issue and will follow up with you by the end of the week.

Thank you,
Maggie Wagner

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-0804

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-----Original Message-----

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Friday, April 12, 2024 1:59 PM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Subject: Sump pump

Good Afternoon, Maggie,

I am wondering what the status is in regards to our sump pump line that was cut during the Valley Brook Storm Sewer project last Fall. When we spoke on the phone on March 6th, you asked me to give you some time to reach out to the contractors. It has now been over a month and I still have not heard from you. I left you a voicemail on March 10th and March 11th asking for a return phone call as I would like to know what steps are going to need to be taken to fix this issue. We have purchased additional drain pipe per your suggestion and have temporarily run the end of the pipe all the way to to junction box in the corner of our yard. As we discussed, this was a temporary fix until you had spoken with the contractors. We are going to need to mow our lawn in the next month and we are currently not able to do that with the long pipe that we have extended for our sump pump.

Please let me know where we stand with this issue and how it's going to be fixed.

Thank you,
Melissa Sipe

Sent from my iPhone

Wagner, Magdelene

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Friday, April 19, 2024 3:03 PM
To: Wagner, Magdelene
Subject: Re: Sump pump

Maggie,

I just left you a voicemail. My plumber is here to help us with an estimate. I need to speak with you. however. My neighbor said that the contractor told him he CAN attach his sump pump back to the pipe. This would save a couple of thousand dollars rather than running it to the junction box. I would like to know how to proceed and what estimate you would like.

Thanks,
Melissa

Sent from my iPhone

On Apr 16, 2024, at 10:15 AM, Melissa Sipe <sipemelissa@gmail.com> wrote:

Maggie,

He is working on an estimate and is on vacation until Thursday.

Melissa

Sent from my iPhone

On Apr 16, 2024, at 9:10 AM, Wagner, Magdelene
<wagner@pewaukee.wi.us> wrote:

Ms. Sipe,

I appreciate your patience. Do you have an estimate from the plumber for the cost so I can review that with my notes?

Thank you,
Maggie

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road

Pewaukee, WI 53072
262-691-0804

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From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Tuesday, April 16, 2024 8:58 AM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Subject: Re: Sump pump

Maggie,

I appreciate the email. I have been on the phone quite a bit while I was awaiting your response.

I have spoken to my plumber who has been to our house 4 times since March. He is willing to do the work that needs to be done to route the sump pump pipe to the junction box. Would you be willing to work with him to cover the invoice? I would be happy to give you his information and he is willing to speak to you.

I know you are busy, but we would like to get this taken care of since it has been a month since we had previously talked. We have a very long pipe (per your recommendation) running along our backyard currently and it needs to go into the ground so that my husband can mow and we can get on with the yard work that needs to be done this Spring.

Thank you,
Melissa Sipe

Sent from my iPhone

On Apr 15, 2024, at 7:53 PM, Wagner, Magdelene
<wagner@pewaukee.wi.us> wrote:

Ms. Sipe,

My apologies for the delay in responding to you. I had been out of the office on FMLA longer than I anticipated and am working through my backlog.

I will revisit where I was on your issue and will follow up with

you by the end of the week.

Thank you,
Maggie Wagner

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-0804

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-----Original Message-----

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Friday, April 12, 2024 1:59 PM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Subject: Sump pump

Good Afternoon, Maggie,

I am wondering what the status is in regards to our sump pump line that was cut during the Valley Brook Storm Sewer project last Fall. When we spoke on the phone on March 6th, you asked me to give you some time to reach out to the contractors. It has now been over a month and I still have not heard from you. I left you a voicemail on March 10th and March 11th asking for a return phone call as I would like to know what steps are going to need to be taken to fix this issue. We have purchased additional drain pipe per your suggestion and have temporarily run the end of the pipe all the way to to junction box in the corner of our yard. As we discussed, this was a temporary fix until you had spoken with the contractors. We

are going to need to mow our lawn in the next month and we are currently not able to do that with the long pipe that we have extended for our sump pump.

Please let me know where we stand with this issue and how it's going to be fixed.

Thank you,
Melissa Sipe

Sent from my iPhone

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Wagner, Magdelene

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Thursday, April 25, 2024 2:27 PM
To: Wagner, Magdelene
Subject: Grading in the backyard

Hi Maggie,

All-ways was here Tuesday night to spread more grass seed. They didn't do any digging or grading work. Is the seeding part of the plan to fix the grading or was that considered the final step?

We are still waiting on an estimate from the sewer/plumber for our sump pump. He told me we should have it by Friday. As soon as I get it, I will pass it on.

Thanks,
Melissa

Sent from my iPhone

Wagner, Magdelene

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Monday, April 29, 2024 6:19 AM
To: Wagner, Magdelene
Subject: Fwd: Sump Pump Proposal from Contek Enterprises
Attachments: Melissa Sipe 4.26.2024.pdf

Maggie,

Attached you will find the estimate to complete the work for the sump pump in our backyard.

Please let me know when I can give the go ahead to complete this work.

Thanks,
Melissa

Sent from my iPhone

Begin forwarded message:

From: Meridith Schoessow <mrss@mkesnow.com>
Date: April 28, 2024 at 10:21:51 PM EDT
To: sipemelissa@gmail.com
Subject: Sump Pump Proposal from Contek Enterprises

Melissa,

Attached you will find our proposal for work discussed for your sump pump project.
Please let me know if you have any questions or concerns.

Best regards,

Meridith Schoessow
Contek Enterprises, Inc.
(262)389-8554, Cell

Contractor Proposal

4/26/2024

Contek Enterprises, Inc.
P.O. Box 240243
Milwaukee, WI 53224

Melissa Sipe
N39W22711 Grandview Dr
Pewaukee, WI 53072

JOB LOCATION

N39W22711 Grandview Dr
Pewaukee, WI 53072

SCOPE OF WORK

Contek Enterprises Inc., (Contractor) will provide the labor, equipment, and materials for Melissa Sipe (Customer) for the work outlined below.

Sump Pump Discharge..... \$5,600.00

- Contractor will contact Diggers Hotline to locate public utilities
- Plumbing permit
- Run approximately 110' of 4-inch SDR 35 from storm sewer catch basin on southwest property end to connect existing 4-inch sump pump discharge pipe
- Repair any turf damage incurred as a result of the work performed by the Contractor
- Clean-up of any debris as a result of work performed by the Contractor

Exclusions

- Additional time/labor for any unforeseen underground obstructions
- Marking of private utilities

Terms & Conditions

- Customer will be invoiced upon completion of the work outlined herein
- Terms will be due on receipt
- Any applicable taxes will be added at the time of invoicing

Party Signatures & Date:

Meridith Schoessow
Contek Enterprises, Inc.

Melissa Sipe
N39W22711 Grandview Dr, Pewaukee

Wagner, Magdelene

From: Wagner, Magdelene
Sent: Tuesday, May 14, 2024 8:44 PM
To: Melissa Sipe
Cc: Reinbold, Rich; Wirtz, Rich; Leightner, Brian
Subject: RE: Looking for an update

Ms. Sipe,

I appreciate your patience while I reviewed your sump pump issue. Below is my findings so far. I am still investigating a few ideas but am waiting for some information to come back before I may finalize our analysis.

The records provided by the consultant indicate he did contact property owners during the construction. I understand that you dispute this and have noted it.

We reviewed our records and confirmed that the old sump pump connection to the storm sewer does not appear to have been permitted. Since it was not located during the design process, it was not indicated on the plan. Once discovered by the contactor, the City was notified of the illegal connection and direction was given that it may not be reconnected as there is not a structure at the location. Communication was given to the property owners by City Staff and the consultant that they may re-route the line to surface drain to the ditch or the structure, or a plumbing permit may be obtained to connect to the structure at the southwest corner of the lot. Connection of sump lines are only allowed at structures where they may be monitored and not cause damage or compromise the integrity of our infrastructure. At the time of restoration, the sump line was not redirected or daylighted by the property owner and a stone trench and stake was installed to allow the sump to discharge to the stone bedding for the storm sewer and for future location of the line for final resolution by the property owner.

The City was notified by you of your sump line backing up and that a temporary disconnection was made. The sump line is currently discharging to grade. An estimate was provided to connect the line to the storm structure in the southwest corner of the lot from the property owner. Upon further review of this structure, it has been determined that a connection to this structure will not be permitted due to the construction of the structure. At the point of the potential connection point, the minimum width of concrete exists between the storm sewers. No additional concrete may be removed between the storm sewers without compromising the integrity of the structure and therefore connecting to the structure will not be allowed.

Some alternatives that you may consider to date are:

1. Redirect the discharge of the sump line to the front ditch on the west side of the property. This would require about 150 feet of sump line to be installed to discharge to the northwest corner of the lot.
2. The current discharge of the sump line invert elevation at the easement line is 837.40. The top of the City's storm sewer is approximately 836.70. The sump line discharge may be extended over the storm sewer so that it may discharge south over the storm sewer onto the existing wetland/floodplain. This area drains south and southeast from the property.

In regards to the ponding water and restoration issues, I understand you are working with Rich Wirtz on the punchlist items to address this issue. This is ongoing and we are working to obtain a schedule from the contractor to address this matter. Once we have this information, we will share it with all affected residents. Please note, we are trying to allow the site to dry up some so when the contractor does re-mobilize equipment to this area that he does not destroy areas that do not need to be repaired. It has been a very wet Spring so this has been a challenge for everyone involved and we appreciate your patience.

Once I receive the additional information I have requested, I will finalize our analysis and alternatives.

Thank you,
Maggie Wagner

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-0804

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-----Original Message-----

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Friday, May 3, 2024 9:34 AM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Subject: Looking for an update

Maggie,
I'm wondering if you received my previous two emails.

The first email was sent over a week ago asking about the grading in the backyard. As I stated, All ways came and threw more seed down over the patches. They did not fix any grading issues and it is VERY mushy and swamp like back there. It's extremely difficult for my husband to mow and my kids are not able to play in the back area and the side of the house. Please let me know what will be done to fix this and when.

I also sent you the estimate to fix our sump pump. We need to start moving on this in order to get the pipe out of our yard so that we can do the yard work that needs to be done. Just wondering if you got the estimate and where we stand with this issue as well.

I know that you are busy. Is there someone else that I should talk to or work with in order to get this taken care of in a timely manner? As the weather gets nicer, our family would like to enjoy our yard and this whole project has made it a bit difficult since we have small children. I know that you understand my frustrations, but we have been dealing with this since March when we had water in our basement (after we were told "it would be fine"). have been making numerous calls since then to resolve this and would just like to be able to enjoy my time with my family and get this taken care of.

Please let me know how both of these issues are going to be resolved.

Thank you,
Melissa Sipe

Wagner, Magdelene

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Wednesday, May 15, 2024 2:00 PM
To: Wagner, Magdelene
Cc: Reinbold, Rich; Leightner, Brian; Wirtz, Rich; Mayor
Subject: Valley Brook Drainage Easement

Ms. Wagner,

Thank you for your email. I have been trying to contact you frequently over the last few weeks. I'm sure you can understand my sense of urgency as I have 3 children (one who is quite small). We have not been able to fully utilize our backyard this Spring because of the long pipe that we were told to lay down to re-route our sump pump to the junction box. This has resulted in very tall grass. We now have to be very cautious of ticks, which I'm sure you have heard, are bad this season. My husband is not able to mow the grass properly because of the pipe. He cannot move it to mow because our sump pump, like I have said previously, runs every 30 seconds.

I know that when we first spoke in March, I shared with you the fact that no one contacted us. We have all the documentations (letters that were written) from the City in relation to this project. We do not have any letter stating that our sump pump was disconnected and options given to us going forward. If we had, we would have worked with the City to fix the problem while our yard was ripped up last Fall during this project. Each time that I went out to ask a worker about our sump pump, we were told that we would hear from the City. You stated in your email that communication was given to us by City staff. Who communicated this information to us? When and how was it communicated? We weren't even made aware that the City was waiting on us to make a decision. Again, no one contacted us. We had a large stake in our yard after restoration was done. When I asked the workers about it, they said that I would hear from the City. After not hearing anything, I called Brian in November and was told that a drywell was put in place. He did not mention that it was there because we, as property owners, didn't contact anyone. When I questioned him on the amount of water going into the drywell and if this option would be sufficient, he told me "it will be fine." It was not fine on March 5th when we woke up in the middle of the night to a loud thumping sound and water in our basement.

We have done what you recommended. My plumber has been out here several times and has put us in contact with a sewer company to give us the estimate you requested. Now, we are being told that your recommendation is not acceptable. We are not able to do your first alternative. We cannot reroute our sump line to the front as we have various obstacles (trees, landscaping, well pump) in the line that would need to be dug up to get it to the

front. I'm not sure I understand your 2nd alternative. Do you mean that we should bury it over the sewer pipe and into the woods? Won't that area always be wet and mushy?

In regards to the ponding water, we have been in contact with Rich and are awaiting a reply. We understand that weather can be an issue, but the rest of our yard is solid. We realize you need to work with the contractor. I appreciate you letting us know that you are waiting to hear from them and then will update us. Again, I'm sure you understand our frustration and urgency with this. We would just like to enjoy our yard as a family as we did before this project began.

Thank you,
Melissa Sipe

Sent from my iPhone

Wagner, Magdelene

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Wednesday, May 29, 2024 12:40 PM
To: Wagner, Magdelene
Cc: Reinbold, Rich; Leightner, Brian; Wirtz, Rich; Mayor
Subject: Re: Valley Brook Drainage Easement

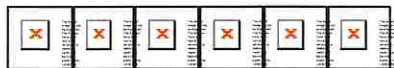
Ms Wagner,

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All I am asking for is an update on where this stands so that we can move forward.

I have attached some more pictures of our backyard in its current state. It is a mushy swamp and it needs to be fixed.



As you can see from the photos, it's not a small patch of our yard. The whole thing is squishy and wet. It can't be mowed effectively or used as our yard. Yes, we did have rain, but as I have said before, we never had any standing water in our backyard until this project.

Melissa Sipe

Sent from my iPhone

On May 15, 2024, at 2:00 PM, Melissa Sipe <sipemelissa@gmail.com> wrote:

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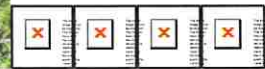
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Thank you,
Melissa Sipe

Sent from my iPhone



Wagner, Magdelene

From: Wagner, Magdelene
Sent: Friday, May 31, 2024 2:43 PM
To: Melissa Sipe
Cc: Reinbold, Rich; Leightner, Brian; Wirtz, Rich; Bierce, Steve
Subject: RE: Pictures

Ms. Sipe,

Your pictures were received.

Thank you,
Maggie

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-0804

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From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Thursday, May 30, 2024 7:15 AM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Cc: Reinbold, Rich <reinbold@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>; Wirtz, Rich <wirtz@pewaukee.wi.us>; Bierce, Steve <sbierce@wi.rr.com>
Subject: Pictures

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I will be waiting to hear from you. Thank you for letting me know that you have the information you were waiting for. I appreciate the update.





Thanks,
Melissa Sipe

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On May 29, 2024, at 9:13 PM, Wagner, Magdelene <wagner@pewaukee.wi.us> wrote:

Ms. Sipe,

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Maggie Wagner

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Cc: Reinbold, Rich <reinbold@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>; Wirtz, Rich <wirtz@pewaukee.wi.us>; Mayor <mayor@pewaukee.wi.us>
Subject: Re: Valley Brook Drainage Easement

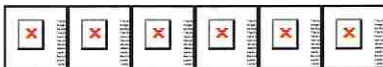
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Wagner, Magdelene

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Wednesday, June 12, 2024 12:04 PM
To: Wagner, Magdelene
Cc: Reinbold, Rich; Leightner, Brian; Wirtz, Rich; Bierce, Steve
Subject: Re: Pictures

Ms. Wagner,

Just wanted to make sure you received my email on Monday. Please advise, thanks!

Melissa
Sent from my iPhone

On May 31, 2024, at 2:42 PM, Wagner, Magdelene <wagner@pewaukee.wi.us> wrote:

Ms. Sipe,

Your pictures were received.

Thank you,
Maggie

Magdelene Wagner, P.E.
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City of Pewaukee
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Sent: Thursday, May 30, 2024 7:15 AM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Cc: Reinbold, Rich <reinbold@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>; Wirtz, Rich <wirtz@pewaukee.wi.us>; Bierce, Steve <sbierce@wi.rr.com>
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Thank you,
Maggie Wagner

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Subject: Re: Valley Brook Drainage Easement

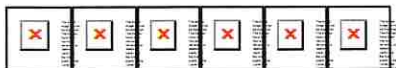
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Yes, we did have rain, but as I have said before, we never had any standing water in our backyard until this project.

Melissa Sipe

Sent from my iPhone

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Thank you,
Melissa Sipe

Sent from my iPhone

Wagner, Magdelene

From: Wagner, Magdelene
Sent: Thursday, June 13, 2024 5:52 PM
To: Melissa Sipe
Cc: Reinbold, Rich; Leightner, Brian; Wirtz, Rich; Mayor
Subject: RE: Valley Brook Drainage Easement
Attachments: 20240613-sipe sump pump issue w attachments.pdf

Ms. Sipe,

Thank you for your patience. Please find the attached letter regarding your sump pump discharge.

If you have any questions or concerns, please feel free to contact our office.

Thank you,
Maggie Wagner

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-0804

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From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Monday, June 10, 2024 6:35 AM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Cc: Reinbold, Rich <reinbold@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>; Wirtz, Rich <wirtz@pewaukee.wi.us>; Mayor <mayor@pewaukee.wi.us>
Subject: Re: Valley Brook Drainage Easement

Ms. Wagner,

Please send me the final analysis that you indicated you would send me last week.

Thank you,
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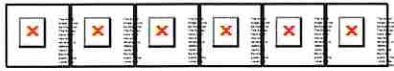
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Melissa Sipe

Sent from my iPhone

On May 15, 2024, at 2:00 PM, Melissa Sipe <sipemelissa@gmail.com> wrote:

Ms. Wagner,

Thank you for your email. I have been trying to contact you frequently over the last few weeks. I'm sure you can understand my sense of urgency as I have 3 children (one who is quite small). We have not been able to fully utilize our backyard this Spring because of the long pipe that we were told to lay down to re-route our sump pump to the junction box. This has resulted in very tall grass. We now have to be very cautious of ticks, which I'm sure you have heard, are bad this season. My husband is not able to mow the grass properly because of the pipe. He cannot move it to mow because our sump pump, like I have said previously, runs every 30 seconds.

I know that when we first spoke in March, I shared with you the fact that no one contacted us. We have all the documentations (letters that were written) from the City in relation to this project. We do not have any letter stating that our sump pump was disconnected

and options given to us going forward. If we had, we would have worked with the City to fix the problem while our yard was ripped up last Fall during this project. Each time that I went out to ask a worker about our sump pump, we were told that we would hear from the City. You stated in your email that communication was given to us by City staff. Who communicated this information to us? When and how was it communicated? We weren't even made aware that the City was waiting on us to make a decision. Again, no one contacted us. We had a large stake in our yard after restoration was done. When I asked the workers about it, they said that I would hear from the City. After not hearing anything, I called Brian in November and was told that a drywell was put in place. He did not mention that it was there because we, as property owners, didn't contact anyone. When I questioned him on the amount of water going into the drywell and if this option would be sufficient, he told me "it will be fine." It was not fine on March 5th when we woke up in the middle of the night to a loud thumping sound and water in our basement.

We have done what you recommended. My plumber has been out here several times and has put us in contact with a sewer company to give us the estimate you requested. Now, we are being told that your recommendation is not acceptable. We are not able to do your first alternative. We cannot reroute our sump line to the front as we have various obstacles (trees, landscaping, well pump) in the line that would need to be dug up to get it to the front. I'm not sure I understand your 2nd alternative. Do you mean that we should bury it over the sewer pipe and into the woods? Won't that area always be wet and mushy?

In regards to the ponding water, we have been in contact with Rich and are awaiting a reply. We understand that weather can be an issue, but the rest of our yard is solid. We realize you need to work with the contractor. I appreciate you letting us know that you are waiting to hear from them and then will update us. Again, I'm sure you understand our frustration and urgency with this. We would just like to enjoy our yard as a family as we did before this project began.

Thank you,
Melissa Sipe

Sent from my iPhone

Wagner, Magdelene

From: Wirtz, Rich
Sent: Thursday, October 10, 2024 2:16 PM
To: Fischer, Brennen; Wagner, Magdelene
Subject: RE: Valley Brook

Good afternoon Brennen,

After an eventful morning, I was able to discuss Musson's quote with Maggie and we will not be pursuing the extension of the sump pump line. Let's proceed with wrapping up the landscaping issues and call it a day.

Let me know if you have any questions and have a great evening.

Rich

Rich Wirtz, P.E., CFM
Chief Engineer-Utilities

City of Pewaukee
W240 N3065 Pewaukee Road
Pewaukee, WI 53072
Phone: 262-691-0804
Fax: 262-691-5729
Email: wirtz@pewaukee.wi.us

(Licensed Professional Engineer in IA and WI)

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From: Fischer, Brennen <BFischer@ruekert-mielke.com>
Sent: Wednesday, October 9, 2024 4:30 PM
To: Wirtz, Rich <wirtz@pewaukee.wi.us>; Wagner, Magdelene <wagner@pewaukee.wi.us>
Subject: FW: Valley Brook

Hi Rich and Maggie,

I received the below response from Matt Zander from Musson regarding the sump pump line extension for Valleybrook.

Musson's revised price for this work is \$6,727.46. I did some quick math and the cost makes sense IF the work were to take 8 hours to complete. However, the extension of the sump pump line is about 60-feet and should be reasonably expected to be completed in 2-3 hours.


My assumption is that they are trying to recover the cost of the additional filling/restoration that is needed in the low spots in the easement. One option is to ask that this work gets completed on a time and materials basis and track the work associated to the sump pump line closely.


Please let me know your thoughts. Thank you!

Brennen E. Fischer, P.E. (WI), CFM

Municipal Services Team Leader



 (262) 953-3054

 BFischer@ruekert-mielke.com

 ruekertmielke.com



R/M Adds Axiom Consultants and Expands Offerings with Building Services. [Learn More](#)

From: Matt Zander <mzander@mussonbrothers.com>

Sent: Tuesday, October 8, 2024 10:59 AM

To: Fischer, Brennen <BFischer@ruekert-mielke.com>

Subject: RE: Valley Brook

Caution: This is an external email of your Organization. Please take care when clicking links or opening attachments.

Morning Brennen,

I updated the quote to include the stone bedding and cover as well as the rodent shield, the updated price totals \$6727.46.

This price is figured on a 3 man crew for 8 hours.

-Equipment will be a mini excavator, skid steer and a small dump truck.

-Materials include the pipe, fittings, 3/8" stone pipe cover, rodent shield, removal of spoil and restoration needed to complete the work.

Please let me know if you need anything else.

Thanks,

Matt Zander

Musson Brothers, Inc.

1522 Pearl Street

Waukesha, WI 53186

Cell: 414.303.1387

rom: Fischer, Brennen <BFischer@ruekert-mielke.com>

Sent: Tuesday, October 1, 2024 11:16 AM

To: Matt Zander <mzander@mussonbrothers.com>

Subject: RE: Valley Brook

CAUTION: This email originated from outside of Musson Brothers. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any doubts about the authenticity of this message, please contact the IT department immediately.

Hi Matt,

Thank you for the response. Can you please provide a breakdown of the \$6,641.21?

The sump line should likely also have a rodent guard at the end. Spoil backfill is okay, but can you please confirm that the pipe would have stone bedding and cover?

I have attached Pay Application No. 2 with the quantities as discussed in the email below with the exception of the restoration quantity.


For the restoration, we have a total quantity measured of 2,406 SY. The unit price payment description states that there would be a 50% payment upon completion of restoration (1,203 SY was included in Pay App 1), 25% payment upon germination of seed (601.5 SY is included in this Pay App No. 2), and 25% payment upon acceptance. Due to the low areas and lack of restoration in these areas, the restoration is not accepted.


Please let me know if you have any questions.


Thank you in advance,
Brennen

Brennen E. Fischer, P.E. (WI), CFM
Municipal Services Team Leader



 (262) 953-3054

 BFischer@ruekert-mielke.com

 ruekertmielke.com



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From: Matt Zander <mzander@mussonbrothers.com>

Sent: Friday, September 27, 2024 3:02 PM

To: Fischer, Brennen <BFischer@ruekert-mielke.com>

Subject: RE: Valley Brook

Caution: This is an external email of your Organization. Please take care when clicking links or opening attachments.

Hi Brennen,

I have worked up a price to install the sump drain that totals \$6641.21. I will want to coordinate the landscaping repair work with the install of the drain line to minimize mobilization. When I spoke to the landscaper the estimated schedule will be about 4 weeks out. The price for install includes the hook up at the existing PVC sump line, installing the pipe to the opening at the trail opening, backfilling with spoil and restoring the area. If there is anything special you will want

like rodent guards, stone backfill etc. please let me know as I didn't figure that in the price. Please let me know if the City will want to move forward with this work or not as I will need to get a better schedule from the landscaper to do only the repair work.

I also was looking at the outstanding quantities that weren't on estimate 1. Now being so far past the final payment date of June 7, I want to request that the remaining quantities be paid because I'm getting calls for payment from my subs. please let me know if you have any questions.

Thanks,
Matt Zander
Musson Brothers, Inc.
1522 Pearl Street
Waukesha, WI 53186
Cell: 414.303.1387

From: Fischer, Brennen <BFischer@ruekert-mielke.com>
Sent: Tuesday, September 24, 2024 4:43 PM
To: Matt Zander <mzander@mussonbrothers.com>
Subject: RE: Valley Brook

CAUTION: This email originated from outside of Musson Brothers. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you have any doubts about the authenticity of this message, please contact the IT department immediately.

Hi Matt,

Following up on my email below, can you please provide an update on the restoration and price for extending the sump line?

Thank you in advance,
Brennen

Brennen E. Fischer, P.E. (WI), CFM
Municipal Services Team Leader



 (262) 953-3054
 BFischer@ruekert-mielke.com
 ruekertmielke.com



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From: Fischer, Brennen
Sent: Tuesday, August 20, 2024 10:34 AM

To: mzander@mussonbrothers.com

Cc: Rich Wirtz <wirtz@pewaukee.wi.us>; Magdalene Wagner (wagner@pewaukee.wi.us) <wagner@pewaukee.wi.us>

Subject: RE: Valley Brook

Good morning Matt,

I apologize for my delay in getting back to you on this. I visited the site last Thursday and have included photos in the link below. As I mentioned earlier this year, there are low areas in the easement that pond water and do not allow the restoration to grow. After reviewing the photos taken shortly after the erosion mat was placed, it appears as though these areas were always low. The attached survey mark-up shows these areas. These areas will need to be filled with additional topsoil and restoration to get positive drainage away from the low spots.

The City has also been in discussion with the resident at N39W22711 Grandview Drive regarding their 4" PVC sump line discharge pipe. This line was previously connected to the existing storm sewer. As part of the project, the pipe was backfilled with stone and not reconnected to the new storm sewer. Since then, the resident has extended a corrugated pipe which discharges into the manhole. Can you please provide a price to extend the buried sump line approximately 62-feet to the southwest to discharge at grade at a trail opening at the tree line as shown on the survey mark-up?

 [Pewaukee - Valley Brook](#)

We have the following comments regarding the submitted Pay Application/Quantities:

1. Bid Item No. 3, Tracking Pad – The requested quantity is 630 SF. We have a recorded quantity of 15'x35' which equals 525 SF. I have included a photo of when the tracking pad was being installed in the link above. The photo shows the stone being installed on the geotextile fabric. Typically, the roles of the geotextile are 15-feet wide. It appears as though additional stone was installed wider than the geotextile fabric that was installed. For this reason, we are sticking with the quantity of 525 SF as it was recorded in the field.
2. Bid Item No. 7, Clearing and Grubbing – The recently requested quantity is 388 SY. In the attached email correspondence, Interstate Tree requested 385 SY. After review of their quantities and ours, I am in agreement with 385 SY.
3. Bid Item No. 9, Tree Removal – The recently requested quantity is 74 ID. In the attached email correspondence, Interstate Tree requested 58 ID. After review of their quantities and ours, I am in agreement with 58 ID. There was a 6" diameter tree identified on the plans. However, this was a singular tree that had a 6" trunk and two 4" trunks (14" total). The revised quantity is 58 ID, which matches the request from Interstate Tree.
4. Bid Items No. 12 and 14 – 12" RCP and 14"x23" HERCP – We have recorded quantities of 231 LF and 508 LF, respectively.
5. Bid Item No. 16, Riprap Medium – We have a recorded quantity of 2.5 CY. Do you have a ticket for this that you can provide?
6. Bid Item No. 18, Topsoil, Seed Fertilizer & Erosion Mat – The requested quantity is 2,493 SY. We have a recorded total quantity of 2,406 SY. I have attached a marked-up exhibit showing this area.

Please let me know if you have any questions or would like to meet on site to discuss these items.

Thank you in advance,
Brennen

Brennen E. Fischer, P.E. (WI), CFM
Municipal Services Team Leader

From: Matt Zander <mzander@mussonbrothers.com>
Sent: Thursday, August 15, 2024 3:06 PM
To: Fischer, Brennen <BFischer@ruekert-mielke.com>
Subject: RE: Valley Brook

Caution: This is an external email of your Organization. Please take care when clicking links or opening attachments.

Good afternoon Brennen,

I'm reaching out to see if you a chance to review the quantities I sent over. I would like to get this project closed out as soon as possible, if you would like to schedule a onsite visit to go over any out standing quantities please let me know.

Thanks,
Matt Zander
Musson Brothers, Inc.
1522 Pearl Street
Waukesha, WI 53186
Cell: 414.303.1387

From: Matt Zander
Sent: Monday, July 29, 2024 11:23 AM
To: Fischer, Brennen <bfischer@ruekert-mielke.com>
Cc: Matt Zander <mzander@mussonbrothers.com>
Subject: Valley Brook

Hi Brennen,

I'm reaching out on the status of the Valley Brook project, we have passed the final completion date and I would like to close this project out. Please review the quantities I show to date and let me know if you if you agree or disagree and when payment can be anticipated.

Thanks,
Matt Zander
Musson Brothers, Inc.
1522 Pearl Street
Waukesha, WI 53816
Cell: 414.303.1387

From: [Melissa Sipe](#)
To: [Leightner, Brian](#)
Subject: More pictures
Date: Tuesday, November 7, 2023 4:15:56 PM

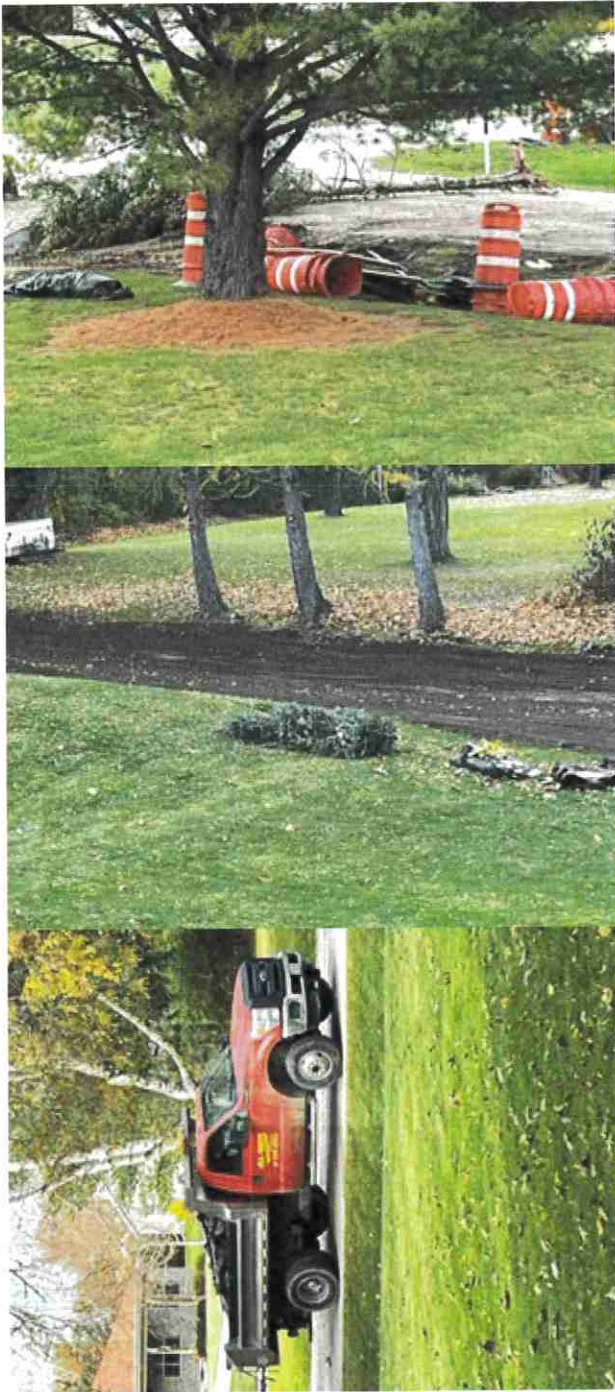
Please see attached photos on the tree that they took down (without permission and was not originally part of the plan). When I approached him (the man on the skid steer) about the tree, he said he "didn't mean to" and that was it. They shoved it into the woods and when I asked him about it laying in the woods, he restated that he "didn't mean to take down the tree". After I came inside the house, they moved the tree to the road and hauled it away.

Please let me know what can be done to fix the sump pump stakes and the tree problem.

The first attached photo is what it looked like at the beginning of the project. You can see the tree I'm talking about on the right side of the skid steer. The rest of the pictures are from this afternoon.

Thank you!
Melissa Sipe





Sent from my iPhone

Wagner, Magdelene

From: Wagner, Magdelene
Sent: Wednesday, November 13, 2024 8:33 PM
To: Melissa Sipe; Mayor; Reinbold, Rich; Wirtz, Rich; Leightner, Brian; Eric Sipe
Subject: RE: Valley Brook storm sewer project
Attachments: 20240613-sipe sump pump issue w attachments.pdf

Ms. Sipe,

The last correspondence we had was the letter outlining your options (attached). As I outlined in the letter, the connection of the sump to the storm sewer will not be allowed. Since sump lines are not required to be buried by the City, it would be the properties responsibility to bury the line either to the right of way along the street or over our storm sewer in the easement discharging to grade with an agreement. Since I received no further communication from you, we pursued only completing the punchlist items with the contractor including the restoration and the ponding water issues.

The cost estimate we received from the contractor to complete option 2B as part of the punchlist work was \$6,727.46 which was not authorized.

I apologize you were not notified of the contractor mobilizing to the site. We just received notice this morning which I did not receive until this evening due to my schedule today. They are addressing the ponding water concerns and the restoration issues only.

Thank you,
Maggie Wagner

Magdelene Wagner, P.E.
Director of Public Works/City Engineer
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-0804

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-----Original Message-----

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Wednesday, November 13, 2024 12:16 PM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>; Mayor <mayor@pewaukee.wi.us>; Reinbold, Rich <reinbold@pewaukee.wi.us>; Wirtz, Rich <wirtz@pewaukee.wi.us>; Leightner, Brian <leightner@pewaukee.wi.us>; Eric Sipe <ericjsipe@gmail.com>

Subject: Valley Brook storm sewer project

Good Afternoon Maggie,

I left you a voicemail and would appreciate a response.

There is a contractor here with equipment to do work on our backyard. The last time I have heard from you was in an email in June 2024. You stated in that email that you were waiting for some estimates and that we would be updated as to what the plan of action was for our yard and our sump pump to be buried. We have not gotten an update and have not heard from the City regarding what the plan is.

We would like to know that they are doing here and what the plan of action is.

Thank you,
Melissa Sipe
Sent from my iPhone

Wagner, Magdelene

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Wednesday, November 13, 2024 12:16 PM
To: Wagner, Magdelene; Mayor; Reinbold, Rich; Wirtz, Rich; Leightner, Brian; Eric Sipe
Subject: Valley Brook storm sewer project

Good Afternoon Maggie,

I left you a voicemail and would appreciate a response.

There is a contractor here with equipment to do work on our backyard. The last time I have heard from you was in an email in June 2024. You stated in that email that you were waiting for some estimates and that we would be updated as to what the plan of action was for our yard and our sump pump to be buried. We have not gotten an update and have not heard from the City regarding what the plan is.

We would like to know that they are doing here and what the plan of action is.

Thank you,
Melissa Sipe
Sent from my iPhone

Wagner, Magdelene

From: Leightner, Brian
Sent: Tuesday, November 14, 2023 4:23 PM
To: Melissa Sipe
Cc: Wagner, Magdelene
Subject: RE: Valley Brook Storm Sewer Replacement

Hi Melissa,

You may remove the stakes by the swing set as they were placed to mark the underdrain termination point.

You also mentioned that you had less-than-ideal conversations with contractor personnel. If you experience anything serious, such as discriminatory or vulgar language, please contact us at (262) 691-0804.

Sincerely,

Brian G. Leightner, P.E.

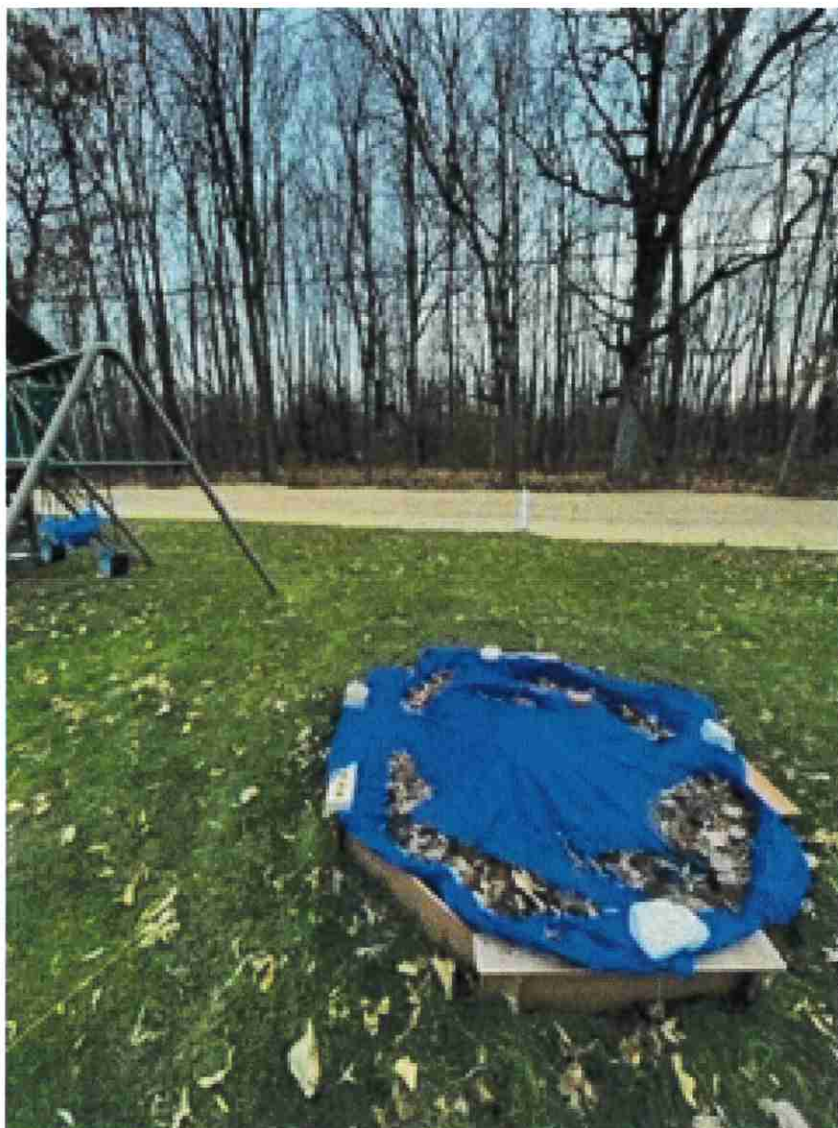
Civil Engineer

City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee WI 53072
Phone: 262-691-0804
Web: www.cityofpewaukee.us

From: Melissa Sipe <sipemelissa@gmail.com>
Sent: Tuesday, November 7, 2023 4:08 PM
To: Leightner, Brian <leightner@pewaukee.wi.us>
Subject: Valley Brook Storm Sewer Replacement

Hi Brian,

Thank you for calling me back. Here are some pictures that you requested. I have attached pictures of the 2 stakes that we have sticking up in our backyard. We would these taken care of as they were not there before this project began and we have 3 small children. Having stakes behind their playset is not safe.









Sent from my iPhone



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

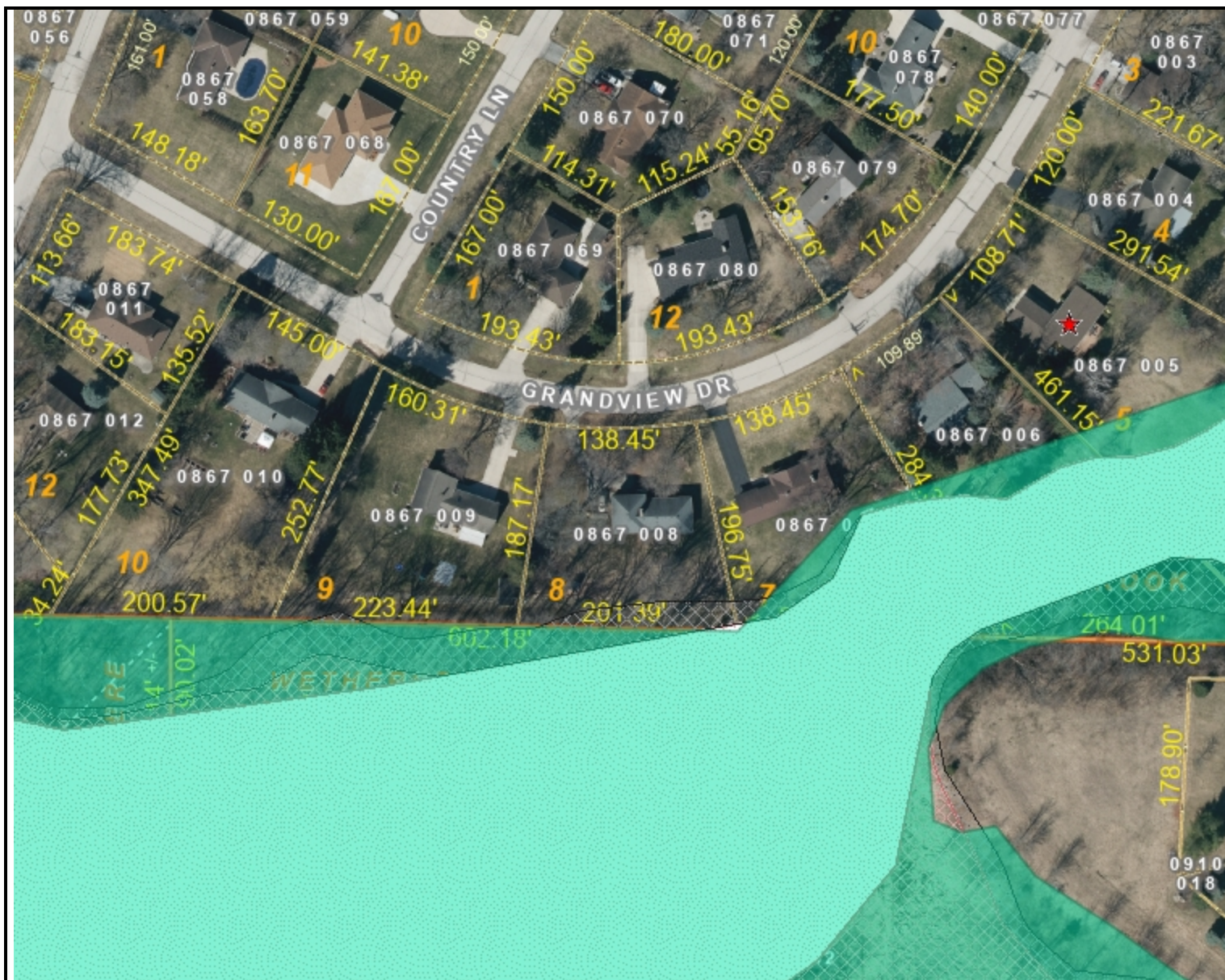
0 140.32 Feet

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Notes:

Printed: 2/11/2025





Legend

- DNR Wetlands < .25 Acre
- DNR Wetlands > .25 Acre
- FEMA Floodplain**
 - 0.2% Chance Flood
 - 1% Chance Flood (Zone A)
 - 1% Chance Flood Area (Zone AE, Floodway)
- Letters of Map Amendment**
 - Invalid-Insufficient Information Grade/Lowest Finished Floor Ground Elevation Below BFE
 - Still in Effect
 - Unknown
 - Pending
 - <all other values>
- Other Regulatory Floodplains**
 - Flood Study from SEWRPC
 - Flood Study from Dam Failure
 - Flood Study from Approximate
- 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>

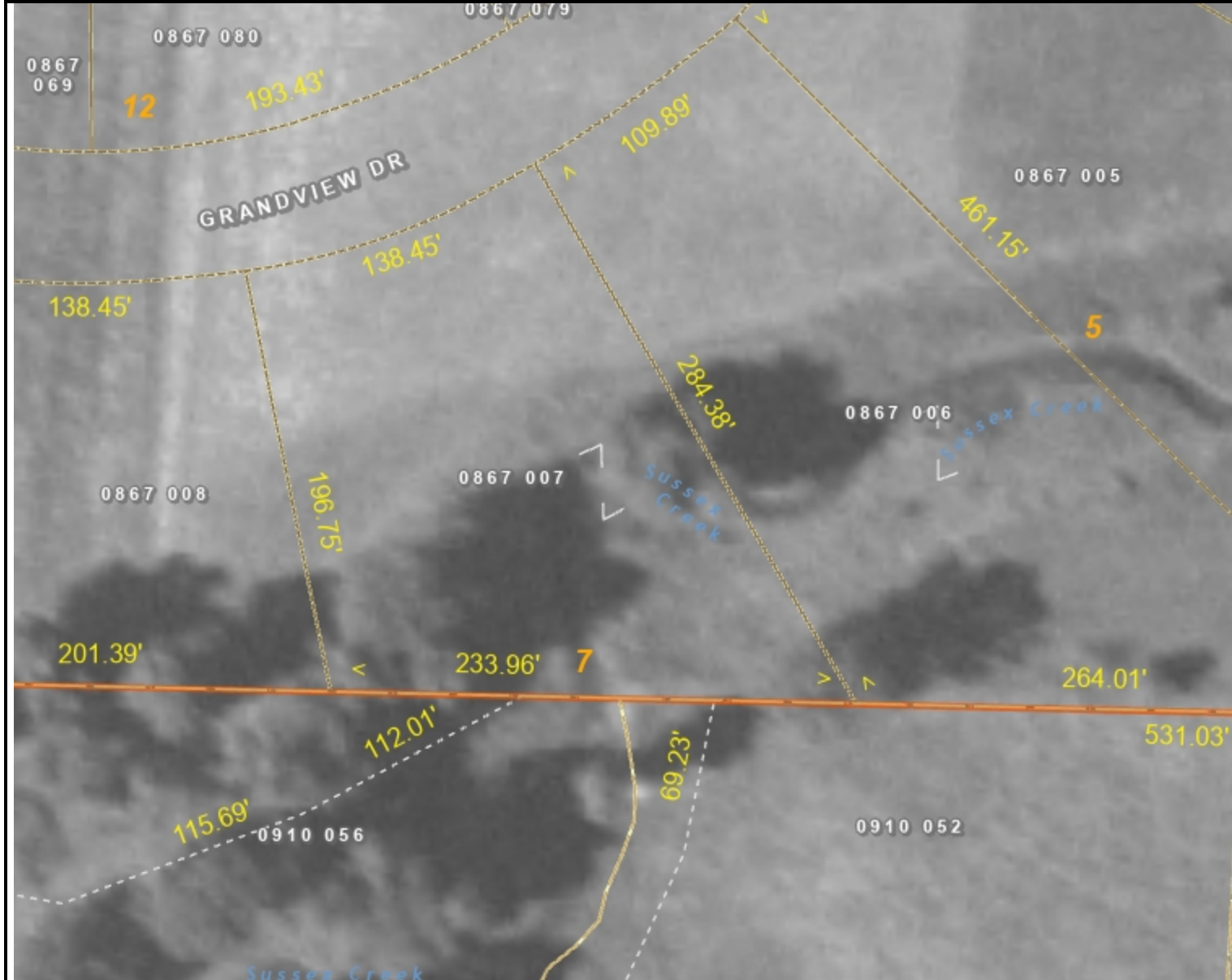
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Notes:

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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

0 70.16 Feet

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Notes: 1950

Printed: 2/11/2025





Legend

- Municipal Boundary_2K
- Parcel_Dimension_2K
- Note_Text_2K
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- Lot
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- PL-Tie_Line
- <all other values>
- Railroad_2K

0 70.16 Feet

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Notes: 2024

Printed: 2/11/2025



Valley Brook Storm Sewer Replacement Project

Began in Fall of 2023

Tom and Sue McCarron Residence

W226N3971 Country Lane

Ditch is not pitched correctly and water does not exit to the culvert at the corner of the street. The culvert is pitched towards the lot and not the drain pipe that was just recently installed.



Eric and Melissa Sipe Residence

N39W22711 Grandview Drive

Pictures from 9/17/23 of our backyard prior to excavation:
(note level grading)



11/7/23

Stakes were left in our yard after project was completed.



3/13/24

Ponding in yard with minimal rainfall



Additional pictures from 3/13/24



Additional pictures from 3/13/24

As instructed by Public Works, we added additional pipe to route the sump pump to drain on the easement. We then re-routed to the junction box/structure as instructed for a temporary solution.



3/26/24



5/8/24



5/29/24



Additional picture from 5/29/24

Side view between N39W22711 Grandview Drive and N39W22737 Grandview Drive



10/15/24



10/20/24- Water is about 2 inches deep
Pewaukee only received .67" of rain the whole month of October



Additional pictures from 10/20/24

Green slime now growing on top of standing water



Pictures from 11/18/24



Please see attached pdf files for quotes from companies to bury the disconnected sump pump line

Neal and Peg Aitchison Residence

N39W22671 Grandview Drive

Severe land erosion due to the creek expansion

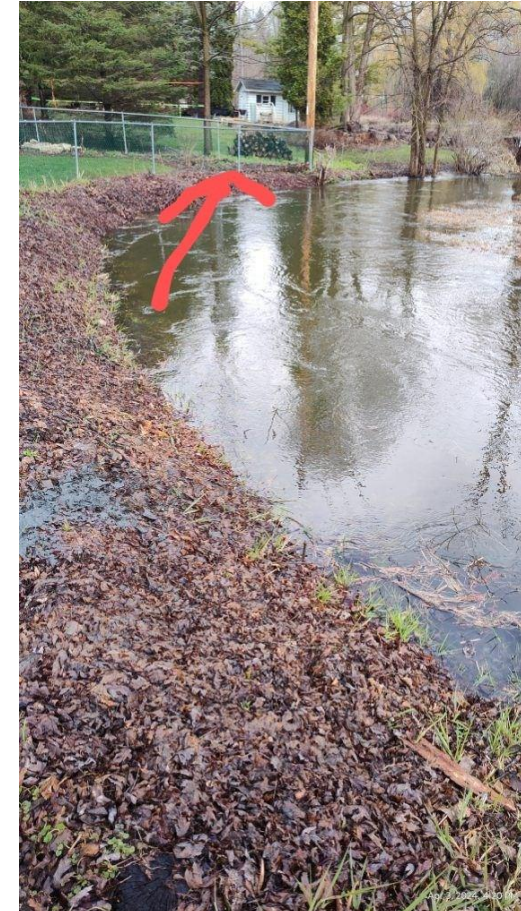


Pictures from 4/2024



Pictures of creek behind Aitchison residence

Creek has expanded greatly.





Melissa Sipe <sipemelissa@gmail.com>

Sump pump discharge pipe

Jason Gindhart <jgindhart@virtuewi.com>
To: Melissa Sipe <sipemelissa@gmail.com>

Fri, Jan 10, 2025 at 12:28 PM

Melissa,

Good afternoon, it was a pleasure meeting with you yesterday. Below are 3 options that I believe will convey your water from your sump line to areas that will direct the water away from your house. Pros and Con to compare and consider are:

Exterior plumbing cost, interior plumbing cost, yard restoration cost, possible additional cost per city requirements.

I can Send out an official proposal once you hear back from the City and have come up with an option to proceed with. Feel free to give me a call to discuss further.

Option #1 (BETTER)

To have a plumber pipe your sump line in your basement ceiling to the front of your house. We would pipe from house to the South ditch line in front of your house.

- Depth of 4" PVC at house to daylight in ditch 2 feet
- Length of 4" PVC from house to ditch 85 feet
- Pipe Drop .30 Feet
- Pitch of 4" PVC .35% maximum flow 50GPM
- Est. Cost \$ 5,900.00

Option #2 (GOOD)

To connect to the sump line in back of your house and pipe to the Southwest ditch line in front of your house (corner of your lot).

- Depth of 4" PVC at house to daylight in ditch 3 feet
- Length of 4" PVC from house to ditch 165 feet
- Pipe Drop .92 Feet
- Pitch of 4" PVC .55% maximum flow 80GPM
- Est. Cost \$ 8,300.00

Option #3 (BEST)

To connect to the sump line in back of your house and pipe to and connect into the RCP in the city easement West of your house.

- Depth of 4" PVC at house to daylight in ditch 2 feet
- Length of 4" PVC from house to ditch 105 feet
- Pipe Drop .92 Feet
- Pitch of 4" PVC .55% maximum flow 80GPM
- ROW permits will be needed.
- City approval will be needed.
- Est. Cost \$ 6,700.00

All the above options inclusions and exclusions but not limited to the following:

Includes all spoils to remain on site; Includes spoil backfill in all areas; Includes plumbing permits; Excludes hard or soft surface restoration; Excludes ROW permits. Excludes inside plumbing work.

***Spoils trucked off site ADD \$300 per load

All the best,

Jason Gindhart



Virtue Construction Corporation

PO Box 196

Sussex, WI 53089

Direct: (262) 210-3546

jgindhart@virtuewi.com

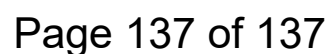
From: Melissa Sipe <sipemelissa@gmail.com>

Sent: Wednesday, January 8, 2025 10:20 AM

To: Jason Gindhart <jgindhart@virtuewi.com>

Subject: Sump pump discharge pipe

[Quoted text hidden]



**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 4.**

DATE: February 17, 2025

DEPARTMENT: PW - Stormwater

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion Regarding Winter Parking Regulations [Reinbold]

BACKGROUND:

Alderperson Reinbold requested this item on the agenda to discuss the winter parking regulations. Attached is a portion of Chapter 5 related to parking. The Winter Parking regulations are on Page 6 under Subsection (5).

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Partial Chapter 5 - Parking Regulations

Draver Parking

Rogowski Parking

Stutzman Parking

- (b) **Violations Prohibited.** When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this code. Nothing herein shall be interpreted to require that all signs be shown on the Official Traffic Map, or to exempt compliance with applicable laws in the event the actual signage is not reflected in the Official Traffic Map.
- (c) **Map to be Maintained.** A copy of the Official Traffic Map shall be maintained and displayed in the office of the City Clerk.
- (d) **Additions to Map.** The Common Council may from time to time make additions to or deletions from the Official Traffic Map by resolution and the City Engineer or designated representative shall keep such Official Traffic Map current.
- (e) Nothing herein shall be interpreted to restrict the locations where signs may be placed to only those places depicted on the Official Traffic Map. Signs shall be erected in such locations and manner as to give adequate warning to users of the street, alley or highway in question.
- (4) **Prohibited Signs and Markers in Highways.** No person, other than an officer authorized by this Code to erect and maintain official traffic control devices or his or her designee, shall place within the limits of any street or highway maintained by the community any sign, signal, marker, mark or monument unless permission is first obtained from the Public Works Department or State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this subsection shall be subject to removal as provided in Section 5.03, Subsection 5.
- (5) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Public Works Department may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Code or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Police Chief to the City Common Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal charge.
- (6) **Vehicles must Stop.** It shall be unlawful in the City of Pewaukee for the operator of any vehicle, and every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, to fail to come to a full and complete stop within thirty (30) feet of the main limits of the intersection, at which has been erected an "official stop sign" or traffic signal, designating an artery for through traffic.

5.04 PARKING ZONES LIMITATIONS AND REGULATIONS.

- (1) **General Parking Restrictions.** (Rep.&Rec.#10-06)
 - (a) It shall be unlawful in the City of Pewaukee for the owner, person, firm, partnership or corporation nor any officer, member, agent, servant, employee of any firm, partnership or corporation or operator of any vehicle or any device in, upon or by which any person or property is or may be transported or drawn upon a public highway to park, stop, leave standing, or suffer any such vehicle or devise at the curb, shoulder, or edge of any highway

area, roadway or fire lane in the City of Pewaukee upon which or upon a portion of which any sign has been erected restricting, limiting or prohibited in any way the same.

(2) General "No Parking" Zones. No owner, person, firm, partnership or corporation nor any officer, member, agent, servant, employee of any firm, partnership or corporation or operator shall:

- (a) Stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, in any of the following places:
 - 1. Within the driving lane.
 - 2. Alongside another vehicle properly parked along such highway.
 - 3. On a sidewalk or sidewalk area.
 - 4. Alongside or opposite any highway excavation or obstruction, when such stopping would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - 5. Upon any portion of highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - 6. No truck, tractor, trailer, or semi trailer as defined by Section 340.01 vehicle code definition (73) (71) and (57) W.S.A. shall be parked on any residential street between the hours of 2:00 A.M. and 6:00 A.M. on any day of the week.
- (b) Stop or leave standing any vehicle in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic:
 - 1. In a loading zone.
 - 2. Within fifteen (15) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - 3. Within four (4) feet of the entrance to any alley or private driveway.
 - 4. Closer than thirty (30) feet to the driveway entrance to a fire station.
 - 5. Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - 6. With the wheels more than twelve (12) inches from the curb.
 - 7. Closer than two (2) feet to a vehicle parked to the front or rear.
 - 8. Upon any portion of a highway any vehicle displayed for sale.
 - 9. Without the permission of the owner or lessee of any public or private property, contrary to a posted sign thereon, if there is in plain view on such property a "No Parking" sign or a sign indicating limited or restricted parking.
- (c) Stop or leave standing any vehicle which in any way blocks the entrance to any private driveway or garage, without the consent of the owner of said driveway, so as to prevent free passage of vehicles.

- (d) Stop or leave standing any vehicle on a street in such a manner as to obstruct the free flow of traffic. Any such obstruction shall constitute an emergency condition detrimental to the health, safety, welfare, and good order of the general public in that the movement of food, fuel supplies, medical care, fire, health and police protection is impaired, as provided for in Section 66.325(2) of the Wis. Stats., and said vehicle may, at the direction of a law enforcement officer, be removed by the City or its representative after first attempting to give notice to the owner of said vehicle that the same must be removed. (Rep. & Rec. 09-21)
 - (e) The Director of Public Works or their designee may establish and direct the posting of temporary “no parking” zones within the City of Pewaukee as necessary. The Director shall provide notice to the Common Council regarding the temporary no parking zones, within 10 business days of making such decisions. (Cr. 10-02)
- (3) Specific "No Parking" Zones. No owner, person, firm, partnership, or corporation, nor any officer, member or agent, servant, employee of any firm, partnership, corporation or operation shall: (Rep. & Rec. 06-18)
- (a) To put or leave a vehicle or equipment for a time in a certain area unattended:
 - 1. On the east side of C.T.H. "SS" between Edgewater Drive on the south and Lehman (Edgewood Avenue) on the north.
 - 2. On either side of Duplainville Road from its intersection with Green Road to its intersection with Capitol Drive (S.T.H. "190"), with the exception that a loading zone will be provided on said Duplainville Road on the east side of the road where posted by the City Highway Department with the appropriate "Loading Zone" signs.
 - 3. On WEPCO easements and right-of-way in the City of Pewaukee. The City Highway Superintendent is authorized and instructed to place "No Parking" signs at all locations where he deems necessary to warn the public of this parking restriction. This Code shall not apply to WEPCO trucks and other vehicles owned or authorized by the WEPCO.
 - 4. On either side of North Avenue from its intersection with Watertown Road south to its end.
 - 5. On either side of Oak Street from Woodland Drive to Rocky Point Road.
 - 6. On the east side of Oakwood Lane from Springdale Park north to Aspenwood Lane.
 - 7. On the south side of Meadowood Lane from Emberwood Court to Alderwood Lane.
 - 8. On the west side of Springdale Road.
 - 9. On Lindsay Road.
 - 10. On either side of Milwaukee Avenue.
 - 11. On either side of Hillside Grove Road and the south side of Parkside Lane. (Rep. & Rec. 09-09)
 - 12. On either side of Meadowood Lane from Elmwood Drive to Alderwood Lane.
 - 13. On the west side of Oakridge Drive 450 feet south of Bluemound Road (C.T.H. "JJ").
 - 14. Silvernail Road in the City from University Drive east to Grandview Blvd.

(C.T.H. “T”).

15. On the west side of Chicago Avenue.
 16. On the west side of Oak Street from Prospect Avenue (C.T.H. “SS”) south to end.
 17. On either side of Coachman Drive from Steeplechase Drive to Pewaukee School District parcel.
 18. On Edgewater Drive – on the south side of the road east of C.T.H. “SS”, on the north side of the road from two hundred thirty five feet (235’) east of C.T.H. “SS” to Lakeview Drive, on the north side of the road from west of C.T.H. “SS” to the City Limits, and on Both Sides of Edgewater Drive from Lakeview Drive easterly to Spring Creek Drive. (Cr. 09-14; Rep. & Rec. 10-16, 13-15)
 19. Along both sides of Lakeview Drive from Edgewater Drive southerly approximately 370’ ending at the north side of the driveway to W277 N2146 Lakeview Drive (on east side of Lakeview Drive). (Cr. 13-14)
 20. No Parking on E. Fieldhack Drive between Meadowbrook Road (CTH G) and Milkweed Lane (easterly intersection of E. Fieldhack Drive and Milkweed Lane), further described as: (Cr. 15-01)
 - a. No Parking on both sides of E. Fieldhack Drive from Meadowbrook Road (CTH G) easterly approximately 1,200 feet to the intersection with Conservancy Drive.
 - b. No Parking on the north side of E. Fieldhack Drive from the intersection of Conservancy Drive easterly approximately 435 feet to the intersection of Tall Reeds Lane (the westerly intersection of E. Fieldhack Drive and Tall Reeds Lane).
 - c. No Parking on both sides of E. Fieldhack Drive from the westerly intersection of E. Fieldhack Drive and Tall Reeds Lane easterly approximately 615 feet to the driveway entrance to the Spice Creek Rec Center.
 - d. No Parking on the north side/westerly side of E. Fieldhack Drive from the driveway entrance to the Spice Creek Rec Center easterly approximately 850 feet to the intersection with Golf View Lane (the northerly intersection of E. Fieldhack Drive and Golf View Lane).
 - e. No Parking on the east side of E. Fieldhack Drive from the northerly intersection of Golf View Lane and E. Fieldhack Drive northerly approximately 1,400 feet to the intersection of E. Fieldhack Drive and Milkweed Lane (the easterly intersection of E. Fieldhack Drive and Milkweed Lane).
- (b) Park or leave an item designed or constructed to be towed or hauled by a motor vehicle on*: (Rep. & Rec. 09-16)
1. Lakeview Boulevard
 2. Woodland Drive
 3. Ash Street
 4. Maple Street (north of C.T.H. “SS”)
 5. Front Street
 6. Elm Avenue/Street

7. Arlington Drive
8. Arlington Court
9. Fairmount Court
10. Covington Court
11. Orchard Lane (from Arlington Court to 575 feet east of Arlington Court)

* Except trucks or trailers owned by persons or companies which hold an active building permit and are engaged in construction on adjacent property.

- (c) Park or leave any motor vehicle standing on either side for the entire length of the following industrial/commercial development streets without permission of a law enforcement officer or in the case of local temporary construction, the Building Inspector/Zoning Administrator: (Rep. & Recr. 09-21)

1. All streets in Bluemound Industrial Park (Westmound, Eastmound, Northmound, Saratoga Rd., Cheaney Rd., Johnson Drive or Johnson Road).
2. All streets in Jericho Industrial Park (Jericho Drive, Jericho Court).
3. All streets in Roundys/Opus Industrial Park (Paul Road, Roundys Drive, Woodgate Rd, Creative Way, Roundy Circle).
4. Westwood Drive.
5. Tower Place.
6. All streets in WEPCO Stone Ridge Development area (Rockwood Drive, Busse Road, Stoneridge Dr. (east of Busse Rd.), Corporate Court, Ridgeview Parkway, and Ridgeview Parkway Court).
7. Badinger Road.
8. Marjean Lane.
9. Joseph Road.
10. Foster Court.
11. Nancy's Court.
12. Riverwood Drive.
13. Paul Court.
14. Highfield Drive.
15. Schuett Drive.

(4) Parked in a Tow-away Zone.

- (a) Any vehicle parked or stopped on a section of highway marked as a tow-away zone during the time in which such parking or stopping is prohibited, may, at the direction of a law enforcement officer, be removed by the towing company under contract with the City of Pewaukee to the storage area maintained by such company and kept there until the owner shall present to the towing company a release from a law enforcement officer. (Rep. & Recr. 09-21)

- (b) The following areas of the City of Pewaukee public streets and highways are hereby

designated as tow-away zones: (Rep. & Ren. 09-14)

1. Edgewood Avenue, both sides, from C.T.H. "SS" east to intersection of Edgewood Avenue (north-south portion of Edgewood Avenue).
 2. The east side of the north bound lane of Lakeview Boulevard from C.T.H. "SS" to the intersection of Woodland Drive and the west side of the south bound lane of Lakeview Boulevard from C.T.H. "65" to the intersection of Woodland Drive.
- (5) Winter Parking Regulations. It shall be unlawful in the City of Pewaukee for the owner, person, firm, partnership or corporation nor any officer, member, agent, servant, employee of any firm, partnership or corporation or operator of any vehicle or any device in, upon or by which any person or property is or may be transported or drawn upon a public highway to park, stop, leave standing, or suffer any such vehicle or device at the curb, shoulder, or edge or any highway area, roadway or fire lane in the City of Pewaukee during the months of November, December, January, February and March of each year.
- (6) Other "Parking" Limitations.
- (a) Open parking of automobiles accessory to a residential use shall be limited to no more than those actually owned or leased by the residents. Temporary parking of guests shall be permitted, not to exceed three (3) days. In the event the owner of the premises requires parking for additional automobiles, the owner may make application to the City of Pewaukee on forms provided by the City and if good cause is shown for the need for additional vehicle parking other than allowed herein a permit will be issued on a yearly basis. Law enforcement officers for the City shall administer the provisions of this paragraph. (Rep. & Recr. 09-21)
 - (b) No trucks, commercial trailers, mobile homes, camping trailers, campers, buses, or other vehicles not commonly known of as an automobile shall be parked on a lot in any district except where permitted as a use in an industrial or commercial district, as hereinafter provided or as follows:
 1. Parking of agricultural equipment shall be permitted without limitation where accessory to a permitted agricultural use.
 2. Parking of one panel or pickup truck on the owner's premises shall be permitted in any district.
 3. Unenclosed parking of no more than one mobile home, camper home, camping trailer or camper on an occupied residential lot where the length of said vehicle is twenty-four (24) feet or less (excluding therefrom the length of the trailer's tongue) shall be permitted in any district and only when the vehicle is actually owned or leased by the resident. All other vehicles other than trucks and commercial trailers prohibited in this Code shall be permitted to temporarily park on a residential lot for no more than three (3) consecutive or ten (10) cumulative days in any twelve (12) month period. Those vehicles described above longer than twenty-four (24) feet in length (excluding tongue or draw-bar) may be permitted for longer periods of time by special permission of the City Common Council. Applicant shall make application for longer parking of those

vehicles by filing with the City Clerk a sketch of his lot, the location of the proposed unit to be parked, the location of his neighbor's buildings. The City Common Council, after recommendation of the Building Inspector/Zoning Administrator and after on-site observation, may grant a yearly parking permit to those units described herein where it appears that the parking of that mobile home, camper home, camping trailer or camper in excess of twenty-four (24) feet in length will not be an eyesore, nuisance or hazard to any adjoining properties or to the residential neighborhood in which it shall exist. No such vehicle units may be used as living quarters.

4. Parking of trucks and commercial trailers shall be permitted in those districts where not permitted as a use only when making deliveries or pickups to the building where parked and then only during the hours of 7:00 a.m. to 7:00 p.m. and, only while actually making said delivery or pickup. The temporary, overnight parking of truck-tractors may be permitted in a residential zoning district when the owner/operator of the truck-trailer is being temporarily parked, and the City law enforcement office is duly notified of the time(s) in advance of such overnight parking. For the purposes of this Code, "temporary, overnight parking" is defined as not more than one continuous twenty-four (24) hour period twice a month. (Rep. & Rec. 09-21)
- (7) Registration record of vehicle as evidence. When any vehicle is found upon a street or highway in violation of any provision of this code regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other State, shall be deemed to have committed the violation for purposes of enforcement of this Code and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Section 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation. (Renumbered 09-21)

5.05 VEHICULAR WEIGHT LIMITATIONS. (Rep. & Rec. 10-15)

- (1) **CLASS "B" HIGHWAYS DESIGNATED.** All streets and alleys within the City except the following enumerated streets and alleys are hereby designated Class "B" highways and shall be subject to the weight limitations imposed by § 348.16, Wis. Stats.:
 - (a) All State Trunk Highways and connecting streets and all County Trunk Highways, unless otherwise designated by the County Board.
 - (b) Silvernail Road between Meadowbrook Road and CTH SS.
- (2) **SPECIAL AND SEASONAL WEIGHT LIMITATIONS. (Rep. & Rec. 16-05)**
 - (a) Section 349.16, Wis. Stats., is hereby adopted by reference. The City's Highway Superintendent (or Director of Public Works) shall have the authority to impose special or seasonal weight limits to prevent injury to the roadway of any highway, bridge or culvert within the jurisdiction of the City or for the safety of users of such highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with § 349.16, Wis. Stats.

Tarczewski, Kelly

From: Kristi Draver <kjdraver08@gmail.com>
Sent: Monday, February 17, 2025 6:39 AM
To: woodleafhoa@gmail.com
Cc: Reinbold, Rich; Tarczewski, Kelly
Subject: Fwd: parking restrictions

Forwarding to include HOA Woodleaf Reserve.

Thank you,

Kristi Draver

----- Forwarded message -----

From: **Kristi Draver** <kjdraver08@gmail.com>
Date: Mon, Feb 17, 2025 at 6:31 AM
Subject: Fwd: parking restrictions
To: <Tarczewski@pewaukee.wi.us>, <reinbold@pewaukee.wi.us>@

Please read the email below. I am resending to include Clerk Kelly Tarczewski

Thank you for your time,

Kristi Draver
414-828-4261

----- Forwarded message -----

From: **Kristi Draver** <kjdraver08@gmail.com>
Date: Mon, Feb 17, 2025 at 6:24 AM
Subject: parking restrictions
To: <reinbold@pewaukee.wi.us>

Good morning, Alderman Rich Reinbold,

I am writing regarding the current parking restrictions in Pewaukee.

We have lived in Woodleaf Reserve for about 4 years, and bought our house in part due to the spacious gathering areas and yard. In December, not a flake of snow to be found, and no other cars parked on the street, we had a Sunday afternoon gathering with 40 guests. Our guests and myself were approached by a sheriff's deputy to move all of the cars off the street or be ticketed.

Many of my guests left at that time, others squeezed into our driveway. I think we can have a better policy than restricting parking 100%. I was also informed that the police chief required notification prior to a gathering.

Christmas Day I had guests at my house. Contacted the police chief where I was asked the number of cars, the time of our gathering. The individual took the request to the police chief and got back to me with his decision.

I would think that with an updated winter parking policy, that the police chief could spend his time focusing on more important issues.

Many reasonable options are available- perhaps a combination of some of the following:
no parking 2-6 am

alternate side parking - the cars are allowed to park on the side of the street that aligns with the date (even day, even side of the street for parking)

snow emergency - parking restricted for snowfalls over 2 inches to allow plows space to work until roads are cleared

Typically, the driveways are able to accommodate guests, it is unreasonable to allow no street parking at all.

I am urging the common council to update their policy.

Thank you for your time,

Kristi Draver
414-828-4261

Tarczewski, Kelly

From: Tracy R <tracyrogo@gmail.com>
Sent: Saturday, February 15, 2025 2:19 PM
To: Reinbold, Rich; Vetterkind, Phil
Cc: Tarczewski, Kelly; woodleafhoa@gmail.com
Subject: Meeting 2 /17/2025 agenda item : Winter Parking Restriction for Pewaukee

Hello Aldermen Rich Reinbold and Phil Vetterkind, County Clerk Kelly Tarczewski, and HOA of Woodleaf Reserve Association:

We are unable to attend the common council meeting on 2/17/2025. Please use this letter as a representation of my presence during the winter parking item on the agenda .

The current winter parking restriction for Pewaukee does not take into account residents holiday gatherings or other celebrations.

Anyone who is planning a party already has alot on their mind besides calling the city during business hours ,in the cited timeframe and guessing how many cars will be at the event.

I am confident that our city hall representatives understand the ill situation and can achieve a better rule that would be more specific to snowfall relating to residential street parking.

Thank you ,

Pewaukee residents

Kevin and Tracy Rogowski
N47W22174 Woodleaf Way

Tarczewski, Kelly

From: John Stutzman <stutzman30@yahoo.com>
Sent: Saturday, February 15, 2025 11:28 AM
To: Reinbold, Rich; Vetterkind, Phil
Cc: Tarczewski, Kelly; woodleafhoa@gmail.com; stutzman30@yahoo.com
Subject: City of Pewaukee Parking Restrictions

Good morning Gentlemen:

I'm writing regarding the upcoming meeting at which the current City of Pewaukee parking restrictions are to be discussed. While I'm unable to attend, I wanted to share my insights on the subject. I have been a resident in the Woodleaf Reserve subdivision for almost eight years. Most of us have no need for street parking, on a daily basis, since driveways and garages are normally enough for residents and their vehicles. That being said, my wife and I built the home we did, with a larger living area, specifically for family gatherings. We have a larger-than-average family (possibly still growing), celebrate birthdays, Thanksgiving, Christmas, etc., and struggle to play "musical cars" on the driveway during these family celebrations. I'm sure you can see it would be uncomfortable to ask some family members not to attend, or to "carpool" with others, "because we don't have room on the driveway." The current Pewaukee restrictions seem quite excessive with NO street parking (even in front of my own house) for a full FIVE months (almost half of the year).

My wife and I previously lived in Oak Creek for 35 years, and never had an issue with street parking. In Oak Creek, their winter parking restrictions are: Dec. 1 - Mar. 31 with no parking Mon-Fri from 2am-6am and Sat & Sun from 2:30am-6am. Exceptions may be granted (on a day-to-day basis) during emergencies, if a vehicle becomes disabled, or if there is an overnight guest. Residents can contact the police dept. to gain such permission."

I think we could agree that a policy similar to this sounds both reasonable and doable. Hope these insights can help to promote a solution that is acceptable to all.

Thank you for your attention to our concern.

John Stutzman

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 5.**

DATE: February 17, 2025

DEPARTMENT: PW - Streets

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action Regarding Adoption of **Ordinance 25-03** All-Terrain Vehicle (ATV) / Utility Task Vehicle (UTV) Operations *{First Reading}* [Tabbert]

BACKGROUND:

As directed by the Common Council, a draft ordinance for allowing ATV/UTV's to operate in a specific area of the community was drafted. The Ad-hoc committee recommended an ordinance. The City Attorney reviewed the ordinance and created a version of the proposed ordinance. There are substantial changes from the Committee recommendations. If the Council wants to proceed with the ordinance, I recommend sending the ordinance back to the Committee for review of the Attorney revisions.

Also attached are emails that were sent to Staff from residents in the affected area. A summary phone log from phone calls to Staff is also included.

FINANCIAL IMPACT:

The City will be required to install route signage. Signs are estimated at \$45 each and post is approximately \$45 each. If we just post the perimeter of the limits, we will need approximately 12 signs. Total supply cost is estimated at \$2,000 plus labor. It should be noted that we did not budget for this additional signage in our current budgets. If the ordinance is approved, we will seek additional funding to cover this expense from contingency funds.

RECOMMENDED MOTION:

If Council would like to move this ordinance forward, I recommend sending it back to Committee to review the City Attorney recommendations.

ATTACHMENTS:

Description

Proposed Ordinance

Proposed Ordinance - Attorney Version

Ward Email Opposing

Rogers Email Concerns

Smith Email Trial Period

Ladwig Email Concerns

Kara Opposing

J. Kara Opposing

Phone Log
Matson Phone Call
Braatz Support
Czechan Support ATV
Fenner Support ATV
Haug Support ATV
Heim Support ATV
Page Support ATV
Perz Support ATV
Poytinger Support ATV

ORDINANCE NO. _____**An Ordinance Creating Chapter _____ Relating to All-Terrain Vehicles and Utility Terrain Vehicles of the Code of Ordinances of the City of Pewaukee**

WHEREAS, the City of Pewaukee recognizes that surrounding communities permit the use of non-traditional vehicles, including all-terrain vehicles and utility terrain vehicles, on their roadways; and

WHEREAS, the City of Pewaukee recognizes that there is interest in allowing the use of such vehicles on roadways within a set boundary in the City; and

WHEREAS, the City of Pewaukee also recognizes that such use, if permitted, requires appropriate regulation to ensure the safety of all citizens; and

WHEREAS, Wis. Stats. § 23.33 authorizes municipalities to designate municipal roads as all-terrain vehicle routes to allow all-terrain vehicles and utility terrain vehicles to operate on certain roads within the municipal boundaries.

NOW, THEREFORE, the City Common Council of the City of Pewaukee, Waukesha County, Wisconsin do ordain as follows:

Chapter ____ – Traffic and Vehicles, Article _____, Section _____ of the City Municipal Code is hereby repealed and recreated to read as follows:

All-Terrain Vehicles and Utility Terrain Vehicles**Section I – Authority**

The Common Council of the City of Pewaukee adopts the provisions of this Ordinance pursuant to the authority of § 23.33 and § 62.XX, Wis. Stats., to regulate, control, prevent and enforce certain uses, activities, and operations by persons that may affect all-terrain use and traffic in the City of Pewaukee, and has the power to designate all-terrain routes and trails by § 23.33, Wis. Stats, all terrain and utility terrain vehicle speed limits under Wis. Stats § 349.11(11), and regulations under Wis. Admin Code Chapter NR 64.

Section II – Regulation of All-Terrain Vehicles (ATV and UTV)

Except as otherwise specifically provided in this Ordinance, the statutory provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, Wis. Admin. Code NR § 64, describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions, or modifications of the statutes of administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

Section III – Designation and Authorization of ATV Routes

Except as otherwise specifically provided in Wis. Stats. § 23.33, and subject to the conditions and limitations hereinafter set forth:

- (a) *Designated Routes.* All maintained roads, streets, and highways in an area designed as north of Prospect Avenue (CTH SS), west of Prospect Avenue (CTH G) and south and east of Pewaukee Lake specifically excluding Prospect Avenue (CTH SS and CTH G), with a speed limit as posted, will be designated as ATV Routes in accordance with Wis. Stat. § 23.33(8)(b)(2).
- (b) *Temporary Closure or Suspension of ATV Routes.* The City Engineer, at his or her discretion, shall have the authority to temporarily close or suspend operation of ATVs and UTVs on any road, street, or highway on an ATV Route designated or authorized herein for a period of ninety (90) days or less due to hazard, construction, or emergency conditions.
- (c) *Permanent Closure of ATV Routes.* The Common Council may permanently restrict operation of ATVs and UTVs on any ATV Routes designated or authorized herein at any time, for any reason, through removal of route signage and by providing notice to the public.
- (d) *Annual Review of Ordinance.* The Common Council shall review this ordinance annually. Said review shall include a report from the Public Works Department regarding highway damage. In addition, the Sheriff Department shall give a report on ATV and UTV violations, crashes, and safety concerns.

Section IV – Signage

All ATV Routes shall be signed in accordance with Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64.12(7).

- (a) The City of Pewaukee Public Works Department shall have the sole responsibility for ATV/UTV signage on City roads, streets, and highways. The Public Works Department shall coordinate the installation of any signage required on State or County highways with the respective agency that maintains jurisdiction of each segment of highway authorized or designated as an ATV Route.
- (b) All signs shall be in compliance with the most current version of the Wisconsin Manual on Uniform Traffic Control Devices.
- (c) No sign shall be mounted to an existing County sign post unless authorized by the Waukesha County Highway Commissioner or designee.
- (d) No sign shall be mounted to an existing Wisconsin Department of Transportation sign post.
- (e) ATV and UTV operation shall be subject to all provisions of Wis. Stats. § 23.33, which is adopted as part of this ordinance by reference. Pursuant to Wis. Stat. § 23.33(8)(f), no person may do any of the following in regard to signs marking ATV Routes:
 - (1) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign, if the sign is legally placed by the state, any municipality, or any authorized individual.

- (2) Possess any uniform all-terrain vehicle route or trail sign of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign creates a rebuttable presumption of illegal possession.

Section V – Operation of All-Terrain Vehicles and Utility Terrain Vehicles on Designated and Authorized ATV Routes

- (a) Conditions and Restrictions on ATV and UTV Operation. The operations of an ATV or UTV on a roadway that is a designated or authorized ATV Route and signed in accordance with Wis. Stat. § 23.33(8)(e) by the City of Pewaukee shall be subject to all provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, and Wis. Admin. Code NR § 64, which are adopted as part of this ordinance by reference. In addition, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:
 - (1) On all designated and authorized ATV Routes that are roadways shared with another jurisdiction, the more restrictive Ordinance shall apply.
 - (2) Allowed only from November 1st to March 31st annually. Operation outside this window is prohibited on all designated and authorized ATV Routes.
 - (3) ATVs and UTVs shall not be operated at a speed greater than the posted speed limit, except that no ATV or UTV may be operated at a speed greater than 25 miles per hour. An operator of an ATV or UTV shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an ATV or UTV, a snowmobile or a motorcycle except as provided under Wis. Stats. Chapter 346, where applicable.
 - (4) ATV and UTV operators shall comply with all applicable rules of the road governing motorized vehicles operating on municipal roadways in accordance with Wis. Stats. 23.33 and Wis. Stats. Chapter 346 and all other applicable traffic and parking laws, local ordinances, and Wisconsin Department of Natural Resources regulations.
 - (5) No persons under the age of sixteen (16) and no persons without a valid driver's license may operate an ATV or UTV on designated or authorized ATV Routes in the City.
 - (6) All ATV and UTV operators born after January 1, 1988 are required to have an ATV Safety Certificate and it must be carried at all times while operating the ATV and UTV.
 - (7) No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in Wis. Stat. § 347.485(1)(a) and with a chin strap properly fastened, unless the person is at least eighteen (18) years of age, the person is being transported for medical reasons while under the care of emergency personnel, or the person is an emergency responder who is responding to an emergency that is directly related to the function of a city, town, village, county, state agency, federal agency, federally recognized American Indian tribe, or public safety corporation.

- (8) All ATV and UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the roadway, unless otherwise marked for operation on the shoulder or in the right-of-way. Left turns may be made from any part of the road or highway that is safe given prevailing conditions.
 - (9) All ATVs and UTVs shall have fully functional headlights, tail lights, and brake lights while operating on designated or authorized ATV Routes in the City. Every ATV and UTV operator on any highway must display a lighted headlight and taillight at all times.
 - (10) Approved hand signals are required whenever the operator intends to change direction if the ATV or UTV is not equipped with turn signals.
 - (11) No person may drive or operate an ATV or UTV while under the influence of alcohol or a restricted controlled substance, including absolute sobriety by operators under the age of twenty-one (21).
 - (12) Open intoxicants are prohibited for ATV and UTV operators or passengers while the ATV or UTV is in operation in the City.
 - (13) No person shall drive or operate an ATV or UTV on any designated or authorized ATV Route between the hours of 11:00 p.m. and 5:00 a.m.
 - (14) Operation of an ATV or UTV within any municipal park is prohibited, with the exception of designated driving lanes and parking areas.
 - (15) Operation of an ATV or UTV on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch, or other area of any public right-of-way other than on the paved roadway is prohibited, unless specifically designated and posted otherwise by the City.
 - (16) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property.
 - (17) Studded tires or track ATV or UTV are not allowed on any designated or authorized route.
 - (18) If seatbelts are available on the ATV or UTV, they must be worn by all operators and passengers.
 - (19) A golf cart is not an ATV or UTV. Operation of golf carts on City roads is prohibited.
- (b) Licensing, Insurance, and Registration.
- (1) *Driver's License.* Persons sixteen (16) years of age or older must possess a valid driver's license to operate an ATV or UTV on a designated or authorized ATV Route in the City.
 - (2) *Insurance.* No person may operate an ATV or UTV on designated or authorized ATV Routes in the City unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for operation of a motorized vehicle by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.

- (3) *Registration.* All ATVs and UTVs shall be registered for public use in accordance with Wisconsin Department of Natural Resources regulations with proof of registration displayed as required by statute during all times of operation.
- (c) *Disturbing the Peace and Nuisance Activities.*
 - (1) *Exhaust System/Muffler Modifications Prohibited.* Every ATV and UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise in accordance with all applicable provisions in Wis. Stat. § 23.33(6m). No person shall operate an ATV or UTV on a designated or authorized ATV Route unless such ATV or UTV is equipped with a muffler or other noise suppression system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV or UTV in a manner such that noise is emitted by the ATV or UTV increases to a level higher than as originally manufactured.
 - (2) *Radios, Sound Systems, and Electronic Sound Amplification Devices.* ATVs and UTVs equipped with radios, sound systems, or electronic sound amplification devices must be operated at a volume that is limited to within the personal space of the vehicle, unless the electronic sound amplification device is being used to request assistance or to warn against an unsafe condition.
 - (3) *Cruising Prohibited.* No ATV or UTV operator shall engage in the practice of cruising on any authorized or designated ATV Route in the City. Cruising is defined as running all or part of the length of a roadway multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging or departing or arriving at a public boat launch.

Section VI – Enforcement and Penalties

- (a) Pursuant to Wis. Stat. § 23.33(12), any state traffic patrol officer under Wis. Stat. § 110.07(1), inspector under Wis. Stat. § 110.07(3), conservation warden appointed by the Wisconsin Department of Natural Resources under Wis. Stats. § 23.10, county sheriff, or municipal peace officer shall have authority and jurisdiction to enforce this Ordinance.
- (b) No operator of any ATV or UTV may refuse to stop after being requested to do so by a law enforcement officer or a conservation warden.
- (c) Penalties related to violations of this Ordinance as set forth in Wis. Stats. § 23.33(13), are incorporated herein by reference.

Section VII – City Immunity from Liability

- (a) ATV/UTV operation is at the risk of the operator and any passenger(s). In establishing ATV Routes under this Ordinance for recreational use, the City of Pewaukee intends to utilize the liability and immunity protections provided under Wis. Stats. § 895.52. provided, however, that the City does not waive any other liability exemption(s) and/or limitation(s) afforded the City under Wisconsin law.
- (b) Designation of segments of the City highway system as ATV Routes does not impose upon the City of Pewaukee Public Works Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of City highway. Operators of

ATVs and UTVs on City highways assume all the usual and normal risks of ATV and UTV operation.

Section VIII – City Clerk to Provide Required Notices

Pursuant to Wis. Stat. § 23.33(11)(b), following adoption, the City Clerk shall provide copies of this Ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, and the Waukesha County Sheriff's Office.

Section IX - Severability

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section X – Effective Date

This ordinance shall become effective upon its passage and publication/posting.

Dated this ____ day of _____, 2025

CITY OF PEWAUKEE

Steve Bierce, Mayor

Attest:

Kelly Tarczewski,
City Clerk/Treasurer

Published and/or posted this ____ day of _____, 2025.

ORDINANCE NO. _____**An Ordinance Creating Chapter _____ Relating to All-Terrain Vehicles and Utility Terrain Vehicles of the Code of Ordinances of the City of Pewaukee**

WHEREAS, the City of Pewaukee recognizes that surrounding communities permit the use of non-traditional vehicles, including all-terrain vehicles and utility terrain vehicles, on their roadways; and

WHEREAS, the City of Pewaukee recognizes that there is interest in allowing the use of such vehicles on roadways within a set boundary in the City; and

WHEREAS, the City of Pewaukee also recognizes that such use, if permitted, requires appropriate regulation to ensure the safety of all citizens; and

WHEREAS, Wis. Stats. § 23.33 authorizes municipalities to designate municipal roads as all-terrain vehicle routes to allow all-terrain vehicles and utility terrain vehicles to operate on certain roads within the municipal boundaries.

NOW, THEREFORE, the City Common Council of the City of Pewaukee, Waukesha County, Wisconsin do ordain as follows:

Chapter ____ – Traffic and Vehicles, Article _____, Section _____ of the City Municipal Code is hereby repealed and recreated to read as follows:

All-Terrain Vehicles and Utility Terrain Vehicles**Section I – Authority**

The Common Council of the City of Pewaukee adopts the provisions of this Ordinance pursuant to the authority of § 23.33, Wis. Stats., to regulate, control, prevent and enforce certain uses, activities, and operations by persons that may affect all-terrain use and traffic in the City of Pewaukee, and has the power to designate all-terrain routes and trails by § 23.33, Wis. Stats., all terrain and utility terrain vehicle speed limits under Wis. Stats § 349.11(11), and regulations under Wis. Admin Code Chapter NR 64.

Section II – Regulation of All-Terrain Vehicles (ATV and UTV)

Except as otherwise specifically provided in this Ordinance, the statutory provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, Wis. Admin. Code NR § 64, describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions, or modifications of the statutes of administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

Section III – Designation and Authorization of ATV Routes

Except as otherwise specifically provided in Wis. Stats. § 23.33, and subject to the conditions and limitations hereinafter set forth:

- (a) *Designated Routes.* All City-maintained roads, streets, and highways in an area designated as north of Prospect Avenue (CTH SS), west of Prospect Avenue (CTH G) and south and east of Pewaukee Lake specifically excluding Prospect Avenue (CTH SS and CTH G), with a speed limit as posted, will be designated as ATV Routes in accordance with Wis. Stat. § 23.33(8)(b)(2). These routes do not include any highway that is part of the national system of interstate and defense highways, pursuant to Wis. Stat. §23.33(11)(am)4.
- (b) *Temporary Closure or Suspension of ATV Routes.* The City Engineer, at his or her discretion, shall have the authority to temporarily close or suspend operation of ATVs and UTVs on any road, street, or highway on an ATV Route designated or authorized herein for a period of ninety (90) days or less due to hazard, construction, or emergency conditions.
- (c) *Permanent Closure of ATV Routes.* The Common Council may permanently restrict operation of ATVs and UTVs on any ATV Routes designated or authorized herein at any time, for any reason, through removal of route signage and by providing notice to the public.
- (d) *Annual Review of Ordinance.* The Common Council shall review this ordinance annually. Said review shall include a report from the Public Works Department regarding highway damage. In addition, the Waukesha County Sheriff Department shall give a report on ATV and UTV violations, crashes, and safety concerns.

Section IV – Signage

All ATV Routes shall be signed in accordance with Wis. Stats. § 23.33 and Wis. Admin. Code NR § 64.12(7).

- (a) The City of Pewaukee Public Works Department shall have the sole responsibility for ATV/UTV signage on City roads, streets, and highways. The Public Works Department shall coordinate the installation of any signage required on State or County highways with the respective agency that maintains jurisdiction of each segment of highway authorized or designated as an ATV Route.
- (b) All signs shall be in compliance with the most current version of the Wisconsin Manual on Uniform Traffic Control Devices.
- (c) No sign shall be mounted to an existing County sign post unless authorized by the Waukesha County Highway Commissioner or designee.
- (d) No sign shall be mounted to an existing Wisconsin Department of Transportation sign post.
- (e) ATV and UTV operation shall be subject to all provisions of Wis. Stats. § 23.33, which is adopted as part of this ordinance by reference. Pursuant to Wis. Stat. § 23.33(8)(f), no person may do any of the following in regard to signs marking ATV Routes:
 - (1) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign, if the sign is legally placed by the state, any municipality, or any authorized individual.

- (2) Possess any uniform all-terrain vehicle route or trail sign of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign creates a rebuttable presumption of illegal possession.

Section V – Operation of All-Terrain Vehicles and Utility Terrain Vehicles on Designated and Authorized ATV Routes

- (a) Conditions and Restrictions on ATV and UTV Operation. The operations of an ATV or UTV on a roadway that is a designated or authorized ATV Route and signed in accordance with Wis. Stat. § 23.33(8)(e) by the City of Pewaukee shall be subject to all provisions of Wis. Stats. § 23.33, Wis. Stats. § 340, and Wis. Admin. Code NR § 64, which are adopted as part of this ordinance by reference. In addition, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:
 - (1) On all designated and authorized ATV Routes that are roadways shared with another jurisdiction, the more restrictive Ordinance shall apply.
 - (2) Allowed only from November 1st to March 31st annually. Operation outside this window is prohibited on all designated and authorized ATV Routes.
 - (3) ATVs and UTVs shall not be operated at a speed greater than the posted speed limit, except that no ATV or UTV may be operated at a speed greater than 25 miles per hour. An operator of an ATV or UTV shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an ATV or UTV, a snowmobile or a motorcycle except as provided under Wis. Stats. Chapter 346, where applicable.
 - (4) ATV and UTV operators shall comply with all applicable rules of the road governing motorized vehicles operating on municipal roadways in accordance with Wis. Stats. 23.33 and Wis. Stats. Chapter 346 and all other applicable traffic and parking laws, local ordinances, and Wisconsin Department of Natural Resources regulations.
 - (5) No persons under the age of sixteen (16) and no persons without a valid driver's license may operate an ATV or UTV on designated or authorized ATV Routes in the City.
 - (6) All ATV and UTV operators born after January 1, 1988 are required to have an ATV Safety Certificate and it must be carried at all times while operating the ATV and UTV.
 - (7) No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in Wis. Stat. § 347.485(1)(a) and with a chin strap properly fastened, unless the person is at least eighteen (18) years of age, the person is being transported for medical reasons while under the care of emergency personnel, or the person is an emergency responder who is responding to an emergency that is directly related to the function of a city, town, village, county, state agency, federal agency, federally recognized American Indian tribe, or public safety corporation.

- (8) All ATV and UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the roadway, unless otherwise marked for operation on the shoulder or in the right-of-way. Left turns may be made from any part of the road or highway that is safe given prevailing conditions.
 - (9) All ATVs and UTVs shall have fully functional headlights, tail lights, and brake lights while operating on designated or authorized ATV Routes in the City. Every ATV and UTV operator on any highway must display a lighted headlight and taillight at all times.
 - (10) Approved hand signals are required whenever the operator intends to change direction if the ATV or UTV is not equipped with turn signals.
 - (11) No person may drive or operate an ATV or UTV while under the influence of alcohol or a restricted controlled substance, including absolute sobriety by operators under the age of twenty-one (21).
 - (12) Open intoxicants are prohibited for ATV and UTV operators or passengers while the ATV or UTV is in operation in the City.
 - (13) No person shall drive or operate an ATV or UTV on any designated or authorized ATV Route between the hours of 11:00 p.m. and 5:00 a.m.
 - (14) Operation of an ATV or UTV within any municipal park is prohibited, with the exception of designated driving lanes and parking areas.
 - (15) Operation of an ATV or UTV on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch, or other area of any public right-of-way other than on the paved roadway is prohibited, unless specifically designated and posted otherwise by the City, subject to any exceptions to this rule as identified in Wis. Stat. § 23.33.
 - (16) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property.
 - (17) Track ATV or UTV are not allowed on any designated or authorized route, except as noted in Wis. Stat. §23.33(6)(g).
 - (18) If seatbelts are available on aUTV, they must be worn by all operators and passengers.
 - (19) A golf cart is not an ATV or UTV. Operation of golf carts on City roads is prohibited.
- (b) Licensing, Insurance, and Registration.
- (1) *Driver's License.* Persons sixteen (16) years of age or older must possess a valid driver's license to operate an ATV or UTV on a designated or authorized ATV Route in the City.
 - (2) *Insurance.* No person may operate an ATV or UTV on designated or authorized ATV Routes in the City unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for operation of a motorized vehicle by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.

- (3) *Registration.* All ATVs and UTVs shall be registered for public use in accordance with Wisconsin Department of Natural Resources regulations with proof of registration displayed as required by statute during all times of operation, subject to the exceptions as listed in Wis. Stat. § 23.33(2).
- (c) *Disturbing the Peace and Nuisance Activities.*
- (1) *Exhaust System/Muffler Modifications Prohibited.* Every ATV and UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise in accordance with all applicable provisions in Wis. Stat § 23.33(6m). No person shall operate an ATV or UTV on a designated or authorized ATV Route unless such ATV or UTV is equipped with a muffler or other noise suppression system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV or UTV in a manner such that noise is emitted by the ATV or UTV increases to a level higher than as originally manufactured.
- (2) *Radios, Sound Systems, and Electronic Sound Amplification Devices.* ATVs and UTVs equipped with radios, sound systems, or electronic sound amplification devices must be operated at a volume that is limited to within the personal space of the vehicle, unless the electronic sound amplification device is being used to request assistance or to warn against an unsafe condition.
- (3) *Cruising Prohibited.* No ATV or UTV operator shall engage in the practice of cruising on any authorized or designated ATV Route in the City. Cruising is defined as running all or part of the length of a roadway multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging or departing or arriving at a public boat launch.

Section VI – Enforcement and Penalties

- (a) Pursuant to Wis. Stat. § 23.33(12), any state traffic patrol officer under Wis. Stat. § 110.07(1), inspector under Wis. Stat. § 110.07(3), conservation warden appointed by the Wisconsin Department of Natural Resources under Wis. Stats. § 23.10, county sheriff, or municipal peace officer shall have authority and jurisdiction to enforce this Ordinance.
- (b) No operator of any ATV or UTV may refuse to stop after being requested to do so by a law enforcement officer or a conservation warden.
- (c) Penalties related to violations of this Ordinance as set forth in Wis. Stats. § 23.33(13), are incorporated herein by reference.

Section VII – City Immunity from Liability

- (a) ATV/UTV operation is at the risk of the operator and any passenger(s). In establishing ATV Routes under this Ordinance for recreational use, the City of Pewaukee intends to utilize the liability and immunity protections provided under Wis. Stats. § 895.52. provided, however, that the City does not waive any other liability exemption(s) and/or limitation(s) afforded the City under Wisconsin law.

- (b) Designation of segments of the City highway system as ATV Routes does not impose upon the City of Pewaukee Public Works Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of City highway. Operators of ATVs and UTVs on City highways assume all the usual and normal risks of ATV and UTV operation.

Section VIII – City Clerk to Provide Required Notices

Pursuant to Wis. Stat. § 23.33(11)(b), following adoption, the City Clerk shall provide copies of this Ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, and the Waukesha County Sheriff's Office.

Section IX - Severability

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section X – Effective Date

This ordinance shall become effective upon its passage and publication/posting.

Dated this ____ day of _____, 2025

CITY OF PEWAUKEE

Steve Bierce, Mayor

Attest:

Kelly Tarczewski,
City Clerk/Treasurer

Published and/or posted this ____ day of _____, 2025.

February 7, 2025

Mayor Steve Bierce
Aldersperson Spencer Tabbert (District 2)
Aldersperson Colleen Brown (District 2)
Director of Public Works Magdelene Wagner
Lt. Marc Moonen, City Sheriff

RE: Possible ATV/UTV Ordinance

Dear Madams/Sirs,

Thank you for the note concerning the proposed ATV/UTV ordinance for use on our City streets.

My wife Stephanie & I have lived in Pewaukee since 1992. We lived on Peninsula Drive until 2002, then on Rocky Point until present. I personally have been visiting the area since my aunt & uncle lived on Woodland in the 60's & 70's. All of our time has been spent within the targeted area of this ordinance for 6 decades.

We are against the proposed ATV/UTV ordinance. Use of these vehicles within our streets and neighborhoods will cause more congestion, more noise and more damage to yards. All-terrain describes exactly what these vehicles do – move off roads.

We walk the exact targeted roads EVERY day with our dogs. So do dozens of other walkers we see daily. With all the construction that has transpired yearly, there is already a tremendous amount of traffic to contend with just to safely transit the streets. ATV/UTV's will make this experience more difficult, less safe and less enjoyable.

We already contend with traffic on Milwaukee Avenue, and with drivers using our driveways and our yards to turn around in. How is ATV/UTV use going to make living in Pewaukee any better for taxpayers who will be subject to the whims of these drivers – 5:00am to 11:00pm? We assume ATV/UTV users will try to use this street and our property for access points to the lake. Will this force us to erect a fence on our property and driveways to maintain some privacy?

Further, I am originally from Woodruff and visit my Mom regularly. We have watched how the ATV/UTV use up north has caused some of the issues with the same concerns I have previously listed. Being rural, there are fewer people to impact. Yet even there, it changes the way of life from where you walk, when you walk, where you hunt and the dust, debris and damage from all-terrain vehicles.

Acceptance of this ordinance will also almost certainly reduce property values for when owners go to sell their properties.

An ordinance like this will increase use of the vehicles on the Lake. With the tragic death of the gentleman this past week, and our winters being less strong forming thinner ice, there is a mathematical certainty that more of these tragedies will occur due to more use of ATV/UTV's.

I will be traveling February 17th and cannot be present for this meeting. However, if any of you wish to speak to me before the meeting, I would be happy to talk with you about our concerns. You could even take a walk with us and our dog and see the neighborhoods up close yourself. Please consider this letter two votes from City residents against this proposed ordinance.

Sincerely,

Shawn and Stephanie Ward
W278N2697 Rocky Point Road
Pewaukee, WI 53072
Cell 414-698-1000

Tarczewski, Kelly

From: Brown, Colleen
Sent: Tuesday, February 11, 2025 9:56 AM
To: Tarczewski, Kelly
Subject: Fw: Against the Proposed ATV/UTV area

Please add this email to the council packet.

Colleen Brown
District #2 Alderman
City of Pewaukee

From: David Rogers <davidrogers800@gmail.com>
Sent: Sunday, February 9, 2025 9:46:50 AM
To: Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>
Subject: Against the Proposed ATV/UTV area

Dear Alderpersons Tabbert and Brown,

Thank you for the informational letter describing the proposed ATV/UTV area that will affect our neighborhood. After reading the description of the ordinance, including the streets involved and the timing during the year, we realize that it is possibly intended to provide ice fishermen and others access to the lake with their vehicles. We are opposed to the proposal for three primary reasons. The first is safety concerns for pedestrians, the second is the noise and lastly enforcement.

We are dog walkers and on a daily basis, walk our two Border Collies from our home on Rocky Point Road through the affected neighborhoods. Our usual route takes us along Oak St, Woodland Dr, Miami Dr, Peterson Dr, and then back home essentially along the same streets. There are no sidewalks along our route so we walk along the edge of the streets. We feel that the increased motor vehicle activity will decrease the safety of our walks.

The second concern is the noise produced by ATVs and UTVs. In our experience, these vehicles are much louder than automobiles and pickup trucks. Unlike automobiles, they also tend to ride in groups when being used for recreational riding. This magnifies the noise levels. We know this to be true first hand because our cottage in Northern Wisconsin's Oneida county lies on a road that is a designated ATV/UTV route. These vehicles are heard long before and after they are seen traveling past our property.

Lastly, we feel that enforcement of the rules of the proposed ordinance will be challenging for our police officers to oversee. Preventing speeding or after hours riding, for instance, will be nearly impossible without a police presence in the area regularly. Using our police officers' time patrolling the area for violators, taking officers away from other more important duties, is an unnecessary waste of our tax dollars.

We are not opposed to the local neighborhood residents using the roads to take their ATV/UTV from their homes directly out onto the lake for ice fishing. But this proposal will allow both local residents and non-resident ATV/UTV owners access to our roads for recreational driving. For these reasons, we are strongly opposed to the proposal.

Sincerely,

David and Donna Rogers
Aldermanic District 2, ward 5 residents

W277N2559 Rocky Point Rd
Pewaukee, WI 53072

davidrogers800@gmail.com
Dsamuelsrogers@gmail.com

262-366-1185 Dave
262-844-3374 Donna

Tarczewski, Kelly

From: Brown, Colleen
Sent: Tuesday, February 11, 2025 9:58 AM
To: Tarczewski, Kelly
Subject: Fw: ATV/UTV Ordinance

Please add to the council packet.

Colleen Brown
District #2 Alderman
City of Pewaukee

From: Steve and Sara Smith <stevesarasmith@gmail.com>
Sent: Tuesday, February 4, 2025 10:42:54 AM
To: Brown, Colleen <brown@pewaukee.wi.us>; Tabbert, Spencer <tabbert@pewaukee.wi.us>
Subject: Re: ATV/UTV Ordinance

As with anything there can be positive and negative benefits. We are a family that does not have an ATV/UTV. We know the ordinances call for safety measures and for appropriate handling of motorized vehicles. To be honest if it were strictly our call we would not support such an ordinance. Are we asking the local police department to monitor and enforce the rules? Our view is that we live in an urban environment complete with children, roads, families, and homes. Not an ideal environment for the use of ATV/UTVs.

We are not active users of the lake. We understand the primary intent. As stated earlier we are not proponents for such an ordinance but we also do not strongly oppose such a measure either. We would like to suggest a temporary one or two year trial period and then revisit the ordinance after that to see if it has had any negative effects or complaints.

Thank you for your dialogue and communication.

Thank you,

Steve Smith
262.620.6521
stevesarasmith@gmail.com

On Mon, Feb 3, 2025 at 3:52 PM Brown, Colleen <brown@pewaukee.wi.us> wrote:

Good afternoon

This ordinance was brought forward from Alderman Spencer Tabbert. He was approached by residents in your area to access the lake with UTV/ATV for riding on Pewaukee lake.

It would potentially benefit those that are a couple blocks off the lake to assess without getting tickets from the DNR.

This is what I have been told so far from Spencer and the group that has asked for this ordinance to be enacted. There will be a public meeting to discuss on Feb 17th at 6:30pm.

I would like to know your opinions - positive or negative and will pass them on to the council.

I am not sure it benefits anyone in your area but a select few.

Colleen Brown
District 2 Alderman

Colleen Brown
District #2 Alderman
City of Pewaukee

From: Steve and Sara Smith <stevesarasmith@gmail.com>

Sent: Monday, February 3, 2025 10:42:45 AM

To: Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>

Subject: ATV/UTV Ordinance

Steve and Sara Smith of N28W26690 Miami Drive, Pewaukee WI.

I am writing to ask about the reasoning and purpose for the possible ATV/UTV ordinance in an area that includes our home. The majority of the area outlined is residential.

Can you advise why this is being requested and how it benefits the City of Pewaukee and all of its residents?

--

Thank you,

Steve Smith
262.620.6521
stevesarasmith@gmail.com

Disclaimer

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Tarczewski, Kelly

From: Brown, Colleen
Sent: Tuesday, February 11, 2025 9:59 AM
To: Tarczewski, Kelly
Subject: Fw: Possible ATV/UTV Ordinance

Same.
Thanks

Colleen Brown
District #2 Alderman
City of Pewaukee

From: Jeff Ladwig <jeffladwig@live.com>
Sent: Sunday, January 26, 2025 11:11:24 AM
To: Wagner, Magdelene <wagner@pewaukee.wi.us>
Cc: Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>
Subject: Possible ATV/UTV Ordinance

I'm not sure how this proposed ordinance allowing ATVs on city streets particularly in densely populated neighborhoods with higher value homes is a good idea. ATVs are built for off-road, not urban environments. This ordinance would effectively create a state ATV trail on streets within our area. It's odd that the first sentence of the ordinance tries to justify this by alleging surrounding communities permit this so evidently this must be an okay thing to do in Pewaukee?

It's folly to believe that ATVs will slowly, quietly follow each other single file to the far right of the streets of our neighborhoods. The ordinance recognizes the likely main objection to the proposal by including a "Disturbing the Peace and Nuisance Activities" section. The section is poorly worded and the enforcement of any of the provisions is highly unlikely. ATVs by their very nature and with the type of engines they have are not quiet vehicles. I live on the lake and experience it first hand. The manufacturers noise level is loud, it's part of the allure. Because they are louder, riders crank up sound systems not to be obnoxious, they simply can't hear the music over the engine noise. To believe that sound will be limited to within the personal space of the vehicle is just not realistic. The cruising section attempts to alleviate concerns that ATVs will be allowed to aimlessly driven around but is ambiguous enough to prevent nothing of the sort and even if it could, how would it even be controlled. It seems to try and limit non resident activity but allows residents to clearly engage in "cruising" as long as they arrive and depart from their residence?

This ordinance adds very little upside and more detriment to the enjoyment of the majority of residents in the area and should be rejected. And if it is deemed to be beneficial for this area why isn't it beneficial to Five Fields, SteepleChase, Deer Haven and other neighborhoods in the city? Please share my concerns with the rest of the Common Council.

Jeff Ladwig

Tarczewski, Kelly

From: Jeff Kara <jkara@aol.com>
Sent: Friday, February 14, 2025 9:30 AM
To: Brown, Colleen; Reinbold, Rich; Vetterkind, Phil; Wamser, Jerry; Dziwulski, Brian; Bierce, Steve; Tabbert, Spencer
Cc: Tarczewski, Kelly; Wagner, Magdelene
Subject: ATV and UTV ordinance

I am writing to express my opposition to the proposed ordinance to allow ATV and UTV operations on city streets in the area described in the 1/22/2025 letter from the Department of Public Works.

These vehicles are not built or equipped for roadway travel.

Although some UTV have seatbelts, ATV generally do not.

Speedometers are not standard equipment on all of these vehicles.

Our sheriff departments officers have a challenging time enforcing speed limits on the "Rocky Point strait away" (the area between SS and the fire lane). How will they monitor speed, cruising and noise in the entire indicated area?

Small vehicles driving on city streets in the dark doesn't seem safe for the drivers of ATV and UTV or residents.

The cost of preparing this proposal and the potential cost of creating and posting the required signage is not a good use of my tax payer dollars.

How many ATV and UTV are currently registered in this area?

Perhaps this is a desired initiative for a few, but I don't see this proposed ordinance as good for our community.

Sincerely,
Catherine Kara
W277N2610 Rocky Point Rd.
Pewaukee, WI 53072
414-690-0253

From: Jeff Kara
To: Brown, Colleen; Reinbold, Rich; Vetterkind, Phil; Wamser, Jerry; Dziwulski, Brian; Bierce, Steve; Tabbert, Spencer
Cc: Tarczewski, Kelly; Wagner, Magdelene
Subject: Proposed ATV UTV Ordinance
Date: Friday, February 14, 2025 2:07:25 PM

I also oppose allowing ATV's and UTV's to operate on City streets. I live in the designated area included in the ordinance so this impacts me directly. The area is primarily residential and is no place for recreational vehicles even under the restricted terms included in the rule. We really don't need more traffic on the roads.

I did a search for "surrounding communities" that allow this type of vehicle on their roadways. Ottawa, Dousman, Summit and North Praired came up. They are in Waukesha County, but hardly surrounding the City of Pewaukee. The character of these communities is much different than residential neighborhoods.

Pewaukee did come up in the search with a copy of the draft ordinance. If this is approved, Pewaukee will likely be added to the numerous sites that list trails in the state that allow this activity.

Jeffrey C. Kara
W277N2610 Rocky Point Rd

City of Pewaukee
Maggie Wagner, P.E., DPW/CE
Phone Log Summary as of 2/12/2025 10:15 am
ATV/UTV Ordinance Proposal

1/27/2025 9:28 am William Albrecht Miami/Woodland
Concerned with ATV/UTV ordinance. Talked to Alderman Tabbert already. The ATV/UTV's are already using the roadways and they are running stop signs and speeding. Concerned with safety constraints not being used. He would like to know who is going to enforce the ordinance as he has never seen one pulled over by the Sheriff in the past 23 years.

2/3/2025 9:50 am Jane Schiro (sp?) Woodland
Home is near Waterfront. Concerned with ATV's when backing up from garage (not a lot of space and sight distance). Many concerns with safety. Feels they have enough traffic, vision concerns, and walking family/pets in the roadway so don't need another thing to be concerned with.

2/10/2025 3:03 pm MaryAnn Wordel (sp?) Woodland
Can't attend the meeting regarding the ATV/UTV ordinance. Totally against the ordinance. Roads are already congested with walkers, pets, and kids on bikes. This is too risky.

Wagner, Magdelene

From: Gabbey, Michaelis
Sent: Wednesday, February 12, 2025 3:11 PM
To: Wagner, Magdelene
Subject: ATV Ordinance

Maggie,

I received a call this afternoon from the following person this afternoon regarding the ATV ordinance:

Adele Matson
W277N2567 Rocky Point Road
(414) 881-9403

It's her opinion that the ATV ordinance is not a good idea for the following reasons:

1. The area does not have adequate shoulders. There is already unsafe walking conditions because there are no places for pedestrians to step off the roadway.
2. It's a residential area with no useful reason for ATVs.
3. She is not against ATVs, but this area does not have appropriate accommodations.

Michaelis Gabbey, P.E.
Chief Engineer – Streets & Development
City of Pewaukee
W240N3065 Pewaukee Road
Pewaukee, WI 53072
Office: 262-691-0804

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Tarczewski, Kelly

From: Vetterkind, Phil
Sent: Monday, February 17, 2025 2:21 PM
To: Tarczewski, Kelly
Subject: FW: ATV/UTV Route Ordinance - IN SUPPORT

fyi

Phil Vetterkind
City of Pewaukee
Alderman – District #1
N37W23788 Broken Hill Cir. S.
Pewaukee, WI 53072
414-531-1127

From: Shane Braatz <srbraatz@hotmail.com>
Sent: Sunday, February 16, 2025 8:55 PM
To: Mayor <mayor@pewaukee.wi.us>; Reinbold, Rich <reinbold@pewaukee.wi.us>; Vetterkind, Phil <vetterkind@pewaukee.wi.us>; Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>; Wamser, Jerry <wamser@pewaukee.wi.us>; Dziwulski, Brian <dziwulski@pewaukee.wi.us>
Subject: ATV/UTV Route Ordinance - IN SUPPORT

Good evening Mayor and City Council members,
I'm writing you in SUPPORT of the ATV/UTV route ordinance. Here are several reasons I feel should be considered in your decision.

1. Many towns, villages and cities in northern and central Wisconsin have already approved ATV/UTV routes on roads and highways.
 - a. Locally, many of our bordering communities have passed ATV routes already, with many others going through the process.
 - b. If so many communities are doing this, successfully, without issue, why shouldn't Pewaukee be able to do the same?
2. ATVs have been using the roadways for years, with very minimal issues. Having an ordinance only helps solidify rules and safety expectations.
3. Many times ice conditions get bad quickly, and forcing permanent shack owners to take trucks out to retrieve them is a big safety concern - being able to use an ATV to get shacks off promotes a safer option. I would hope we want to promote safety.
4. This is a great thing for local businesses and restaurants during the ice fishing season, generating more business for our small business community.
5. If you've been around the launches, roads and parking lots are filled with trucks/trailers because ATV users have to transport their ATVs to avoid driving them on the roads on/around the lake. Allowing access will significantly reduce parking congestion.
6. I've heard grumblings that ATVs are "too loud". Motorcycles and big diesel trucks are just as loud if not louder, yet we allow those on our streets, so not a very good argument in my opinion.
7. Enjoying recreational vehicles is a great family activity. Being able to access the roadways surrounding the lake allows for families to enjoy the lake and spend time together. I see so many kids out there

having a great time with their dad or mom, I would hope as a community we would want to have activities that allow families to enjoy our lake and their time together as a family.

8. There is zero financial impact to the City (that I'm aware of) in approving this. If anything, it financially benefits our community as noted above in #4. If there is a need for producing ATV route signage and installing signage, I'm happy to volunteer my time to help raise funds for signs and get them installed - I don't think any of our supporters are looking for the City to fund a dime to help with this.

I'm not pleased that our tax dollars are being used by the DNR to sit in their trucks at the launches, ticketing people for simply driving ATVs. The DNR should better utilize their time and resources to actually patrol the lakes and ensure people are complying with fishing regulations and ensuring lake owners properly mark their hazardous/unsafe aerators. If the DNR is removed from ticketing ATVs using the roadway they will be forced to better utilize their time protecting the fishery and ensuring safety.

In closing, I know there are people that are not in favor of this (though I've yet to hear a valid argument or one that couldn't be addressed through regulations/laws within the ordinance), and to those individuals, I hope they bring forward their concerns so that you are able to design rules and regulations to address those concerns while still approving the ordinance - I believe both sides can get what they want.

Thank you for your time and consideration.

Shane Braatz
W273N2407 Arlington Ct.
City of Pewaukee - District 2
262.501.2801

Tarczewski, Kelly

From: Vetterkind, Phil
Sent: Monday, February 17, 2025 2:20 PM
To: Tarczewski, Kelly
Subject: FW: Pewaukee Lake UTV/ATV Access

fyi

Phil Vetterkind
City of Pewaukee
Alderman – District #1
N37W23788 Broken Hill Cir. S.
Pewaukee, WI 53072
414-531-1127

From: Jake Czechan <jczechan@gmail.com>
Sent: Friday, February 14, 2025 4:30 PM
To: Mayor <mayor@pewaukee.wi.us>; Reinbold, Rich <reinbold@pewaukee.wi.us>; Vetterkind, Phil <vetterkind@pewaukee.wi.us>; Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>; Wamser, Jerry <wamser@pewaukee.wi.us>; Dziwulski, Brian <dziwulski@pewaukee.wi.us>
Subject: Pewaukee Lake UTV/ATV Access

Hello, I am writing to express my support in increasing accessibility for Pewaukee Lake access via ATV/UTV travel on surrounding streets. Please pass this ordinance!!

Tarczewski, Kelly

From: Tabbert, Spencer
Sent: Monday, February 17, 2025 2:26 PM
To: Tarczewski, Kelly
Subject: Fwd: Ordinance 25-03

Please add to council packet

Spencer Tabbert
Alderman, District 2
City of Pewaukee

262-442-9780
tabbert@pewaukee.wi.us

Begin forwarded message:

From: matthew fenner <mfenner@att.net>
Date: February 17, 2025 at 8:09:18 AM CST
To: "Tabbert, Spencer" <tabbert@pewaukee.wi.us>
Subject: Ordinance 25-03

Good morning
I am unable to attend the meeting tonight but would like to express my full support of the following Ordinance to allow this ATV travel.

Discussion and Possible Action Regarding Adoption of Ordinance 25-03 All-Terrain Vehicle (ATV) / Utility Task Vehicle (UTV) Operations {First Reading} [Tabbert]
tabbert@pewaukee.wi.us

Regards,
Matthew J Fenner

Tarczewski, Kelly

From: Vetterkind, Phil
Sent: Monday, February 17, 2025 2:21 PM
To: Tarczewski, Kelly
Subject: FW: ATV/UTV Routes in the City of Pewaukee

fyi

Phil Vetterkind
City of Pewaukee
Alderman – District #1
N37W23788 Broken Hill Cir. S.
Pewaukee, WI 53072
414-531-1127

From: Kyle Haug <hauger_19@yahoo.com>
Sent: Sunday, February 16, 2025 5:36 PM
To: Mayor <mayor@pewaukee.wi.us>; Reinbold, Rich <reinbold@pewaukee.wi.us>; Vetterkind, Phil <vetterkind@pewaukee.wi.us>; Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>; Wamser, Jerry <wamser@pewaukee.wi.us>; Dziwulski, Brian <dziwulski@pewaukee.wi.us>
Subject: ATV/UTV Routes in the City of Pewaukee

Good Evening Mayor and Alders,

I am writing you tonight in support of the proposed plan for ATV/UTV route access to our City's best natural resource-Pewaukee Lake. Allowing residents to access the lake will help encourage utilization of the lake in the winter months, and follows suit with many other communities across the state.

The proposed route would allow me to explore the entire lake in the winter with my teenage son and/or daughter-time I greatly cherish. Having had 2 back surgery's and shoulder surgery, I no longer have the option of pulling a heavy sled around the beautiful 5 mile wide lake.

Machine access to the lake will also encourage additional tourism \$'s coming into the city by providing additional access options to those like me in need of machine access in order to fish in the many fisherees that would in turn be spending \$'s in local bait shops, gas stations, and restaurants.

I do recommend expanding the route south of HWY 55 down Oak Street to include Nettesheim Park to allow for ample for those parking vehicles with trailers used to ATV/UTV and avoid parking congestion at the City Boat Ramp.

Having being a part of the community for 30+ years I am excited to see this ATV/UTV Route become a reality in our community.

Thank you for your consideration,

Kyle J. Haug
W277 N2773 Chicory Ln

Pewaukee, WI 53072

(414) 405-0406

Please excuse typos and autocorrects (sent from iPad)

Tarczewski, Kelly

From: Tabbert, Spencer
Sent: Monday, February 17, 2025 2:31 PM
To: Tarczewski, Kelly
Subject: In support of ATV Ordinance

Please add to council packet

2:30



+1 (414) 617-3134 >

Alderman Tabbert

My name is John Heim. I live on Rocky Point Rd a few houses north of Gary Bach. I'm not able to attend the meeting ref utv atv's allowed on the residential streets around Pewaukee lake as I'm out of state this week. I am in favor for allowing these vehicles on the residential streets however I would like to see it expanded to include golf carts as many elderly residents in the area use golf carts due to mobility problems and the hilly terrain. I'd like to also include the subdivisions south of Prospect Av. Such as Rocky Point South to be granted access to the roads as long as they can access intersections that allow them to cross Prospect Av from south to north, etc without having to drive on Prospect (where the intersection is off set and not a

+ Text Message • RCS



Spencer Tabbert
Alderman, District 2
City of Pewaukee

262-442-9780

tabbert@pewaukee.wi.us

Tarczewski, Kelly

From: Tabbert, Spencer
Sent: Monday, February 17, 2025 2:30 PM
To: Tarczewski, Kelly
Subject: Fwd: City of Pewaukee ATV/UTV Ordinance

Please add to council packet

Spencer Tabbert
Alderman, District 2
City of Pewaukee

262-442-9780
tabbert@pewaukee.wi.us

Begin forwarded message:

From: Brad Page <ltcpage1960@gmail.com>
Date: February 17, 2025 at 11:46:34 AM CST
To: "Tabbert, Spencer" <tabbert@pewaukee.wi.us>
Subject: City of Pewaukee ATV/UTV Ordinance

Good morning, Spencer. Unfortunately, I am unable to attend the City of Pewaukee Common Council meeting this evening. My wife and I are currently on vacation in Florida. Looks like we picked a good week!

I have enjoyed being a member of the ATV/UTV Ordinance Subcommittee and thank those who allowed me the opportunity to participate. Please let the Council know that I support the adoption of an ATV/UTV ordinance, which may include such reasonable parameters as we have discussed in committee. I think such an ordinance would strike a nice balance between the interests of residents, sportsmen and lake enthusiasts, and local businesses that would be impacted by the ordinance.

Please let me know if you have any questions.

Thank you,
Brad

Bradley D. Page
W276N2850 Oak Street
Pewaukee, WI 53072

Tarczewski, Kelly

From: Vetterkind, Phil
Sent: Monday, February 17, 2025 2:22 PM
To: Tarczewski, Kelly
Subject: FW: In SUPPORT of Pewaukee Lake ATV/UTV Route Ordinance

fyi

Phil Vetterkind
City of Pewaukee
Alderman – District #1
N37W23788 Broken Hill Cir. S.
Pewaukee, WI 53072
414-531-1127

From: Brian Perz <brperz@gmail.com>
Sent: Monday, February 17, 2025 2:18 PM
To: Mayor <mayor@pewaukee.wi.us>; Reinbold, Rich <reinbold@pewaukee.wi.us>; Vetterkind, Phil <vetterkind@pewaukee.wi.us>; Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>; Wamser, Jerry <wamser@pewaukee.wi.us>; Dziwulski, Brian <dziwulski@pewaukee.wi.us>
Subject: In SUPPORT of Pewaukee Lake ATV/UTV Route Ordinance

Good afternoon Mayor and City Council members,

I am unable to attend tonight's Common Council meeting but would like to express my support of a reasonable ATV/UTV route on Pewaukee streets around Pewaukee Lake. Pewaukee Lake is a busy place in winter and safe access is very important to ice fishermen, ice boaters, recreation vehicle users, etc. Moving ice shanties and ice boat trailers, along with accessing remote areas of the lake is much safer with an ATV. Ice thickness can vary greatly, especially this year, and risking driving full size trucks on the ice always poses safety concerns. Parking at launches can be difficult especially when the police hand out street parking tickets. Allowing ATV/UTV's to use the local streets reduces parking issues especially if the users live close to the lake. It also opens opportunities like parking trailers at Netteshiem park and driving ATV/UTV's to the Smokey's public launch.

Allowing ATV's on local streets is very common in Northern and Central Wisconsin. It is part of the community. Easier access brings tourists in, which brings more customers to local bars, restaurants, gas stations, and businesses. Pewaukee Lake is known for the walleye and crappie night bite which is not on every lake. Fishermen travel to fish this lake because of this. They bring business to Curly's Waterfront, Mugshotz, The Beer Depot, and the BP gas station bait shop. Allowing the use of ATV's on streets reduces parking congestion which in turn makes this lake and it's launches more desirable.

DNR has been using their time to sit at the launch and hand tickets out to ATV operators instead of getting out on the ice to ensure fishing laws are being followed which in turn keeps the fish population healthy and safe. A much better use of the tax dollars going towards DNR enforcement is helping the environment, not being a traffic cop.

Noise and speed should not be a concern, Harley's ripping down the road in summer are significantly louder and completely legal. Speed should be regulated like any other automobile. I ask that you consider the benefits of creating ATV routes and appreciate your time.

Thank you,
Brian Perz
W270N2480 Orchard Ln
City of Pewaukee District 2
414-331-7057

Tarczewski, Kelly

From: Vetterkind, Phil
Sent: Monday, February 17, 2025 2:21 PM
To: Tarczewski, Kelly
Subject: FW: ATV ordinance

fyi

Phil Vetterkind
City of Pewaukee
Alderman – District #1
N37W23788 Broken Hill Cir. S.
Pewaukee, WI 53072
414-531-1127

-----Original Message-----

From: davidjpoytinger@gmail.com <davidjpoytinger@gmail.com>
Sent: Sunday, February 16, 2025 7:49 PM
To: Mayor <mayor@pewaukee.wi.us>; Reinbold, Rich <reinbold@pewaukee.wi.us>; Vetterkind, Phil <vetterkind@pewaukee.wi.us>; Tabbert, Spencer <tabbert@pewaukee.wi.us>; Brown, Colleen <brown@pewaukee.wi.us>; Wamser, Jerry <wamser@pewaukee.wi.us>; Dziwulski, Brian <dziwulski@pewaukee.wi.us>
Subject: ATV ordinance

I am emailing in support of the ATV ordinance.

—

David Poytinger
Pewaukee Resident

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 6.**

DATE: February 17, 2025

DEPARTMENT: Administration

PROVIDED BY: Nick Phalin

SUBJECT:

Discussion and Possible Action on Proposed Park Use and Retail Sales License for Brewfinity Brewing Company at City Parks for the 2025 Season [Phalin].

BACKGROUND:

Brewfinity Brewing Company started working with Pewaukee Parks and Recreation in 2024 and did a wonderful job hosting public beer gardens. They have a proposed (attached) 2025 schedule at City parks.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

To approve the schedule as proposed.

ATTACHMENTS:

Description

Brewfinity City

AB-105 Retail Sales Application

Brewfinity 2025 Proposed Schedule										
May										
Day	Date	Amount	Park	Note 1		Miscellaneous Notes				
Friday	16	\$ 100.00	Springdale			Brewfinity Schedule as proposed shows \$2,700 of rental fees				
Tuesday	20	\$ 100.00	Wagner	Pickleball Night		Amount would be paid to City				
	May Total	\$ 200.00								
June										
Tuesday	3	\$ 100.00	Wagner	Pickleball Night						
Tuesday	10	\$ 100.00	Wagner	Pickleball Night						
Tuesday	17	\$ 100.00	Wagner	Pickleball Night						
Friday	20	\$ 100.00	Springdale							
Tuesday	24	\$ 100.00	Wagner	Pickleball Night						
Friday	27	\$ 100.00	Nettesheim							
	June Total	\$ 600.00								
July										
Tuesday	1	\$ 100.00	Wagner	Pickleball Night						
Tuesday	8	\$ 100.00	Wagner	Pickleball Night						
Tuesday	15	\$ 100.00	Wagner	Pickleball Night						
Friday	18	\$ 100.00	Springdale							
Tuesday	22	\$ 100.00	Wagner	Pickleball Night						
Friday	25	\$ 100.00	Nettesheim							
Tuesday	29	\$ 100.00	Wagner	Pickleball Night						
	July Total	\$ 700.00								
August										
Tuesday	5	\$ 100.00	Wagner	Pickleball Night						
Tuesday	12	\$ 100.00	Wagner	Pickleball Night						
Friday	15	\$ 100.00	Wagner	Summer Sundown						
Tuesday	19	\$ 100.00	Wagner	Pickleball Night						
Friday	22	\$ 100.00	Nettesheim							
Tuesday	26	\$ 100.00	Wagner	Pickleball Night						
	Aug Total	\$ 600.00								
September										
Tuesday	2	\$ 100.00	Wagner	Pickleball Night						
Tuesday	9	\$ 100.00	Wagner	Pickleball Night						
Tuesday	16	\$ 100.00	Wagner	Pickleball Night						
Friday	19	\$ 100.00	Springdale							
Tuesday	23	\$ 100.00	Wagner	Pickleball Night						
Friday	26	\$ 100.00	Nettesheim							
	Sept Total	\$ 600.00								
Final Total										
\$ 2,700.00										

Part A: Producer Information

1. Business Legal Name (individual name if sole proprietor) KELLERMEISTER BEVERAGES LLC		
2. Business Name or DBA BREWFINITY BREWING CO	3. Agent Name CHAD OSTRAM	
4. FEIN 47-5354872	5. Wisconsin Seller's Permit Number 456-1028904632-02	
6. Wisconsin Producer Permit Number BREWFINITY BREWING CO	7. Producer Type <input checked="" type="checkbox"/> Brewery <input type="checkbox"/> Winery <input type="checkbox"/> Liquor Manufacturer/Rectifier	
8. Contact Person's First Name CHAD	9. Last Name OSTRAM	10. M.I. R
11. Contact Person's Phone (262) 271-2701	12. Contact Person's Email BREWFINITY BREWING CO	

Part B: Production Quantity

Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.

Brewery	Manufacturer/Rectifier	Winery
<input type="checkbox"/> Less than 250 barrels	<input type="checkbox"/> Less than 1,500 liters	<input type="checkbox"/> Less than 1,000 gallons
<input checked="" type="checkbox"/> 250 - 2,499 barrels	<input type="checkbox"/> 1,500 - 4,999 liters	<input type="checkbox"/> 1,000 - 4,999 gallons
<input type="checkbox"/> 2,500 - 7,499 barrels	<input type="checkbox"/> 5,000 - 34,999 liters	<input type="checkbox"/> 5,000 - 24,999 gallons
<input type="checkbox"/> 7,500 or more barrels	<input type="checkbox"/> 35,000 or more liters	<input type="checkbox"/> 25,000 or more gallons
Calendar year: 2024	Calendar year:	Calendar year:
Quantity: 504	Quantity:	Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises

1. Start Date	2. Production Premises Address		
3. City	4. State	5. Zip Code	
6. County	7. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		

Part D: Request for Fixed Full-Service Retail Outlet

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

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)**New Fixed Retail Outlet Information (complete boxes 10 through 23)**

10. Start Date

11. New Outlet Name

12. New Outlet Premises Address

13. City

14. State

15. Zip Code

16. County

17. Governing Municipality ☐ City ☐ Town ☐ Village
of:

18. Premises Phone Number

19. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.

20. Will you operate a restaurant on the premises? ☐ Yes ☐ No21. What alcohol beverages will be offered for sale? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)22. What alcohol beverages does the permittee produce? (check all that apply) ☐ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)23. How will customers be served? (check all that apply) ... ☐ Samples ☐ On-premises consumption ☐ Off-premises consumption**Part E: Request for Unlimited Transfer Full-Service Retail Outlet**

1. Name of Event (if applicable)

Brewfinity Beer Garden

2. Dates of Operation (attach a schedule, if necessary)

5/16/2025, 6/20/2025, 7/18/2025, 9/19/2025

3. Hours of Operation

5:30pm-9:00pm

4. Premises Address

SPRINGDALE PARK, W226N2400 OAKWOOD LANE

5. City

Pewaukee

6. State

WI

7. Zip Code

53072

8. County

Waukesha9. Governing Municipality ☒ City ☐ Town ☐ Village
of: **Pewaukee**

10. Organizer of Event (if not the named applicant)

11. Email and/or Phone Number for Organizer of Event

12. Organizer Website

13. Event Website

14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.

The event will be held outside. The Brewfinity van and dispensing trailer will be used with records stored in the van for the duration of the event.

15. On-Site Contact (Last Name, First Name)

Chad Ostram

16. On-Site Contact Phone

(262) 271-2701

17. On-Site Contact Email

chad@brewfinitybrewing.com18. Will you operate a restaurant on the premises? ☐ Yes ☒ No19. What alcohol beverages will be offered for sale? (check all that apply) ☒ Beer ☒ Wine ☒ Intoxicating Liquor (other than wine)20. What alcohol beverages does the permittee produce? (check all that apply) ☒ Beer ☐ Wine ☐ Intoxicating Liquor (other than wine)21. How will customers be served? (check all that apply) ... ☐ Samples ☒ On-premises consumption ☐ Off-premises consumption

Part F: Attestation

Who must sign this application?

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

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

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

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

Signature



Date

2/10/2025

Last Name

OSTRAM

First Name

CHAD

M.I.

R

Title

OWNER / MEMBER

Email

CHAD@BREWFINITYBREWING.COM

Phone

(262) 271-2701

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)1. Will the municipality limit the scope of alcohol beverages offered for sale? ☐ Yes ☐ No2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? ☐ Yes ☐ No

3. Describe municipal restrictions indicated in questions 1 or 2 above.

4. Last Name of Municipal Official

5. First Name

6. M.I.

7. Signature of Municipal Official

8. Date

9. Date Application was Filed with Clerk

10. Date Full-Service Retail Outlet Approved by Governing Body

Part A: Producer Information

1. Business Legal Name (individual name if sole proprietor)

KELLERMEISTER BEVERAGES LLC

2. Business Name or DBA

BREWFINITY BREWING CO

3. Agent Name

CHAD OSTRAM

4. FEIN

47-5354872

5. Wisconsin Seller's Permit Number

456-1028904632-02

6. Wisconsin Producer Permit Number

BREWFINITY BREWING CO

7. Producer Type

☒ Brewery ☐ Winery ☐ Liquor Manufacturer/Rectifier

8. Contact Person's First Name

CHAD

9. Last Name

OSTRAM

10. M.I.

R

11. Contact Person's Phone

(262) 271-2701

12. Contact Person's Email

BREWFINITY BREWING CO**Part B: Production Quantity****Note:** Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.

Brewery	Manufacturer/Rectifier	Winery
<input type="checkbox"/> Less than 250 barrels	<input type="checkbox"/> Less than 1,500 liters	<input type="checkbox"/> Less than 1,000 gallons
<input checked="" type="checkbox"/> 250 - 2,499 barrels	<input type="checkbox"/> 1,500 - 4,999 liters	<input type="checkbox"/> 1,000 - 4,999 gallons
<input type="checkbox"/> 2,500 - 7,499 barrels	<input type="checkbox"/> 5,000 - 34,999 liters	<input type="checkbox"/> 5,000 - 24,999 gallons
<input type="checkbox"/> 7,500 or more barrels	<input type="checkbox"/> 35,000 or more liters	<input type="checkbox"/> 25,000 or more gallons
Calendar year: 2024	Calendar year:	Calendar year:
Quantity: 504	Quantity:	Quantity:

Complete only ONE of Part C, D or E.**Part C: Request for Full-Service Retail Sales at the Production Premises**

1. Start Date	2. Production Premises Address		
3. City	4. State	5. Zip Code	
6. County	7. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of:		

Part D: Request for Fixed Full-Service Retail Outlet

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

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)**New Fixed Retail Outlet Information (complete boxes 10 through 23)**

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

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

1. Name of Event (if applicable) Brewfinity Beer Garden		
2. Dates of Operation (attach a schedule, if necessary) 6/27/2025, 7/25/2025, 8/22/2025, 9/26/2025		3. Hours of Operation 5:30pm-9:00pm
4. Premises Address NETTESHIEM PARK, N26W27495 PROSPECT AVE		
5. City Pewaukee	6. State WI	7. Zip Code 53072
8. County Waukesha	9. Governing Municipality <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: Pewaukee	
10. Organizer of Event (if not the named applicant)	11. Email and/or Phone Number for Organizer of Event	
12. Organizer Website	13. Event Website	
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. The event will be held outside. The Brewfinity van and dispensing trailer will be used with records stored in the van for the duration of the event.		
15. On-Site Contact (Last Name, First Name) Chad Ostram	16. On-Site Contact Phone (262) 271-2701	17. On-Site Contact Email chad@brewfinitybrewing.com
18. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. What alcohol beverages will be offered for sale? (check all that apply) <input checked="" type="checkbox"/> Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) <input checked="" type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input checked="" type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption		

Part F: Attestation

Who must sign this application?

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


READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

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

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

Signature



Date

2/10/2025

Last Name

OSTRAM

First Name

CHAD

M.I.

R

Title

OWNER / MEMBER

Email

CHAD@BREWFINITYBREWING.COM

Phone

(262) 271-2701

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)1. Will the municipality limit the scope of alcohol beverages offered for sale? ☐ Yes ☐ No2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? ☐ Yes ☐ No

3. Describe municipal restrictions indicated in questions 1 or 2 above.

4. Last Name of Municipal Official

5. First Name

6. M.I.

7. Signature of Municipal Official

8. Date

9. Date Application was Filed with Clerk

10. Date Full-Service Retail Outlet Approved by Governing Body

Form

AB-105

Producer Full-Service Retail Sales Application

Date

1/15/2025

Part A: Producer Information

1. Business Legal Name (individual name if sole proprietor)

KELLERMEISTER BEVERAGES LLC

2. Business Name or DBA

BREWFINITY BREWING CO

3. Agent Name

CHAD OSTRAM

4. FEIN

47-5354872

5. Wisconsin Seller's Permit Number

456-1028904632-02

6. Wisconsin Producer Permit Number

309-1028904632-09

7. Producer Type

☒ Brewery
 ☐ Winery
 ☐ Liquor Manufacturer/Rectifier

8. Contact Person's First Name

CHAD

9. Last Name

OSTRAM

10. M.I.

R

11. Contact Person's Phone

(262) 271-2701

12. Contact Person's Email

CHAD@BREWFINITYBREWING.COM

Part B: Production Quantity

Note: Check appropriate quantity for permit held (see instructions). If you hold more than one producer permit, check the total aggregate quantity produced for each type of permit. Enter the highest quantity produced in any of the last three calendar years.

Brewery	Manufacturer/Rectifier	Winery
<input type="checkbox"/> Less than 250 barrels <input checked="" type="checkbox"/> 250 - 2,499 barrels <input type="checkbox"/> 2,500 - 7,499 barrels <input type="checkbox"/> 7,500 or more barrels	<input type="checkbox"/> Less than 1,500 liters <input type="checkbox"/> 1,500 - 4,999 liters <input type="checkbox"/> 5,000 - 34,999 liters <input type="checkbox"/> 35,000 or more liters	<input type="checkbox"/> Less than 1,000 gallons <input type="checkbox"/> 1,000 - 4,999 gallons <input type="checkbox"/> 5,000 - 24,999 gallons <input type="checkbox"/> 25,000 or more gallons
Calendar year: 2024	Calendar year:	Calendar year:
Quantity: 504	Quantity:	Quantity:

Complete only ONE of Part C, D or E.

Part C: Request for Full-Service Retail Sales at the Production Premises

1. Start Date	2. Production Premises Address		
3. City	4. State	5. Zip Code	
6. County	7. Governing Municipality <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of:		

Part D: Request for Fixed Full-Service Retail Outlet

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

Continued →

Part D: Request for Fixed Full-Service Retail Outlet (Cont.)**New Fixed Retail Outlet Information (complete boxes 10 through 23)**

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

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

1. Name of Event (if applicable) BREWFINITY BEER GARDENS		
2. Dates of Operation (attach a schedule, if necessary) SEE ATTACHED DATES		3. Hours of Operation SEE ATTACHED TIMES
4. Premises Address N31W23320 GREEN RD (Wagner Park)		
5. City PEWAUKEE	6. State WI	7. Zip Code 53072
8. County WAUKESHA	9. Governing Municipality <input checked="" type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: PEWAUKEE	
10. Organizer of Event (if not the named applicant)	11. Email and/or Phone Number for Organizer of Event	
12. Organizer Website	13. Event Website	
14. Premises Description - Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed, and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary. The event will be held outside. The Brewfinity van and dispensing trailer will be used with records stored in the van for the duration of the event.		
15. On-Site Contact (Last Name, First Name) Chad Ostram	16. On-Site Contact Phone (262) 271-2701	17. On-Site Contact Email chad@brewfinitybrewing.com
18. Will you operate a restaurant on the premises? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
19. What alcohol beverages will be offered for sale? (check all that apply) <input checked="" type="checkbox"/> Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Intoxicating Liquor (other than wine)		
20. What alcohol beverages does the permittee produce? (check all that apply) <input checked="" type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Intoxicating Liquor (other than wine)		
21. How will customers be served? (check all that apply) ... <input type="checkbox"/> Samples <input checked="" type="checkbox"/> On-premises consumption <input type="checkbox"/> Off-premises consumption		

Part F: Attestation

Who must sign this application?

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

READ CAREFULLY BEFORE SIGNING:

I understand and agree to the following:

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Signature



Date

2/10/2025

Last Name

OSTRAM

First Name

CHAD

M.I.

R

Title

OWNER/MEMBER

Email

CHAD@BREWFINITYBREWING.COM

Phone

(262) 271-2701

Part G: For Municipal Use Only (Complete if Requesting Authorization in Part D or E)1. Will the municipality limit the scope of alcohol beverages offered for sale? ☐ Yes ☐ No2. Will the municipality impose any requirements or restrictions for the full-service retail outlet? ☐ Yes ☐ No

3. Describe municipal restrictions indicated in questions 1 or 2 above.

4. Last Name of Municipal Official

5. First Name

6. M.I.

7. Signature of Municipal Official

8. Date

9. Date Application was Filed with Clerk

10. Date Full-Service Retail Outlet Approved by Governing Body

Wagner Park Beer Garden Dates

Tuesday, 5/20/2025 5:30pm - 9:00pm
Tuesday, 6/3/2025 5:30pm - 9:00pm
Tuesday, 6/10/2025 5:30pm - 9:00pm
Tuesday, 6/17/2025 5:30pm - 9:00pm
Tuesday, 6/24/2025 5:30pm - 9:00pm
Tuesday, 7/1/2025 5:30pm - 9:00pm
Tuesday, 7/8/2025 5:30pm - 9:00pm
Tuesday, 7/15/2025 5:30pm - 9:00pm
Tuesday, 7/22/2025 5:30pm - 9:00pm
Tuesday, 7/29/2025 5:30pm - 9:00pm
Tuesday, 8/5/2025 5:30pm - 9:00pm
Tuesday, 8/12/2025 5:30pm - 9:00pm
Friday, 8/15/2025 5:00pm - 10:30pm
Tuesday, 8/19/2025 5:30pm - 9:00pm
Tuesday, 8/26/2025 5:30pm - 9:00pm
Tuesday, 9/2/2025 5:30pm - 9:00pm
Tuesday, 9/9/2025 5:30pm - 9:00pm
Tuesday, 9/16/2025 5:30pm - 9:00pm
Tuesday, 9/23/2025 5:30pm - 9:00pm

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 7.**

DATE: February 17, 2025

DEPARTMENT: Administration

PROVIDED BY: Nick Phalin

SUBJECT:

Discussion and Possible Action Regarding Balmer Park Baseball Fence Replacement and Reallocating Funds to Install Concrete Dugout Surface [Phalin].

BACKGROUND:

We had budgeted \$40,000 for the replacement of the Balmer Park ball diamond back stop, foul line and dugout fencing. Bids have come in very favorably with the low bid leaving ~\$14,000. We would like to reallocate these funds to also install concrete slabs as the dugout base at a cost of \$8,695.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

PLM Quote

PLM Paving and Concrete

W225N3178 Duplainville Rd
Pewaukee, WI 53072
262-691-3964
sales@plmpaving.com

Prepared By: Tom Opie
tom@plmpaving.com
414.406.2718



Prepared For:

Pewaukee Recreation Department
W240 N3065 Pewaukee Road
Pewaukee, WI 53072
262-691-7275.

Attention:

Nick Phalin

Project Address:

Balmer Park
N44W23875 Lindsay Rd
Pewaukee, WI 53072

Dear Nick Phalin, thank you for the opportunity to provide you with this proposal. We look forward to answering any questions you may have and working with you on this project.

CONCRETE INSTALLATION FOR DUGOUTS

\$8,695.00

Install two concrete floor areas in Dugouts (Each 8' x 22' by 4" thick):

- Excavate each area to depth of 10" and haul offsite
- Install 6" of crushed aggregate base.
- Shape, grade and compact base course.
- Frame and pour using 4,000 psi, air-entrained concrete with micro synthetic fiber reinforcement.
- Lightly broom finish and sawcut joints.

PROPOSAL TOTAL: \$8,695.00

This proposal is valid for thirty (30) days from the date written above. The proposal is subject to the terms and conditions enclosed, attached, and/or on the backside of the proposal.

This proposal contains confidential information belonging to the sender, which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this proposal is strictly prohibited. If you have received this proposal in error, please immediately notify us by telephone to arrange for the return of the original documents to us.

Required payment Schedule: 25% due at time of execution of proposal, 75% due upon completion. All invoices are due 15 days after date on the invoice. Any payment not made when due shall accrue compound interest at a rate of 2% per month. Progress payments not received per this payment schedule will result in stoppage of work. Should Customer wish to pay for this work with a credit card, a 4% markup to the total contract price including all accepted options and change orders will be added to the contract total.

Client Signature: _____ Today's date: _____

Parties: Parking Lot Maintenance, LLC, a Pave America company, ("PLM") and the Customer hereby mutually agree to be bound by these General Terms and Conditions ("Terms"), which are made part of and incorporated into the foregoing Proposal. These Terms and the Proposal including all attached pages are collectively referenced below as "the Agreement".

Terms and Conditions:

- Upon Customer's written acceptance of this proposal, the Customer accepts the project specifications and materials set forth herein. No other terms and conditions, or amendment to these terms and conditions, shall be enforceable unless set forth in writing and signed by all parties. Any refusal by the Customer to proceed with the project after acceptance of the proposal shall be deemed a material breach of this contract and Customer agrees to the recovery of damages incurred by Parking Lot Maintenance, LLC ("PLM") and/or its subcontractors for all lost profit and costs, including all planning, design, preparation, and materials identifiable to the contract.
- All permits are the Owner's responsibility prior to the commencement of the project unless PLM has specified otherwise in writing. • If PLM is unable to start or complete the proposed project due to obstructions (e.g., vehicles) or other actions of the Owner, the Owner shall be responsible for all costs associated with removing the obstruction (e.g., towing) or correcting the cause plus 30% over and above direct costs (labor, equipment) to cover PLM's overhead and profit.
- PLM shall not be bound to any construction schedules unless agreed to in writing by Contractor. If no schedule is established, the Contractor will undertake the work during its normal operating schedule.
- **Due to the uncertainty of material pricing, for example, but not limited to: asphalt, fuel and concrete; PLM reserves the right to modify the contract price in the event the documented cost of the products increase from the date of the proposal compared to the price at the time of contract execution.**

Exclusions: Customer acknowledges and shall be solely responsible for the following:

- Due to uncertainty with the soil conditions, if additional excavation is required due to unsuitable or unstable soils, any materials requiring to be removed at \$30/ton and replaced at \$30/ton. Final invoicing will be based on as-built quantities measured in the field and verified by load tickets.
- Unless otherwise noted in this proposal, PLM is not responsible for any damage to private electrical lines, private utilities, or anything not marked by Diggers Hotline
- PLM is not responsible for any landscape restoration related to construction activities.
- PLM is not responsible for tire marks on asphalt, sealcoat and/or concrete.
- PLM is not responsible for any damage to existing asphalt or concrete pavement from construction traffic requiring trucks and equipment to travel to perform the work outlined above.
- PLM is not responsible for property line delineation.
- All permits, engineering and testing, subgrade stabilization (undercutting), utility adjustments of underground facilities, manholes, water valves or underground structures and architectural drawings are by others including all fees associated unless otherwise agreed and noted in the above scope of work. Customer agrees to indemnify, protect and hold PLM harmless from any and all damages, expenses, attorneys' fees suffered or incurred on account of Customer's breach of any obligation or covenant of this proposal.

Site Drainage / Site Conditions:

- In the event underlying concrete, wood, other materials or unusual, unsuitable, unstable, or contaminated sub-surface conditions are discovered during excavation on the job.
- PLM reserves the right to refuse to perform the paving work unless minimum grades (slope) of 1.5% are attainable for surface drainage. If Customer/Owner directs construction with less than minimum of grade of 1.5% or the Specifications or Drawings provided by Owner do not provide for 1.5% drainage in all directions, it is understood and agreed that water ponding may occur and that no warranty will attach to the paving work.
- Unless specifically stated in the description of the work to be performed, PLM is not responsible for modifying or changing the elevations of the existing asphalt or concrete to meet or exceed ADA standards or Compliance.
- PLM at its sole discretion may refuse to construct work when temperatures and moisture do not allow for a quality, warrantable finished product. When necessary, Owner/Agent will be required to sign off on a waiver of warranty which will be delivered to Owner/Agent in advance of construction with advance notice prior to construction activities.

Materials and Workmanship:

- All materials will be as specified. All work will be performed in a workmanlike manner in accordance with industry standards. PLM does not guarantee or warrant the project from cracking, whether original installation or resurfacing, and Owner understands that cracking is likely to occur. PLM is not responsible for filling cracks in existing deteriorated (alligator) areas unless otherwise specified in writing. PLM shall not be responsible for any damages based on abuse, misuse or Owner's failure to backfill edges of paved areas. All labor performed and material provided is conclusively accepted and satisfactory unless PLM is notified in writing within 5 days after project is completed. All stone, asphalt and concrete depths indicated are to be average depths after compaction.
- Although PLM will endeavor to cooperate fully with the progress of the work, it reserves the right to delay the start of work until the entire area of the job is ready to be poured, paved, or sealed. Unless otherwise noted, the total price is based on one move-in and complete access to work areas at the time of move-in. Purchaser agrees to pay Contractor \$2,500.00 for each additional move-in. The removal of vehicles from the work site is the sole responsibility of the Purchaser. Damage to vehicles left on the worksite is the responsibility of the Customer. The contractor is not responsible for crack sealant that adheres to tires. The contractor is not responsible for overspray on vehicles, curb and gutter, and all structures within 50 feet of the edge of the parking lot and or area being sealed or treated.
- Concrete projects are not guaranteed to be 100% consistent in color and depending on ambient temperature, moisture/humidity, sun/shade combinations the concrete may cure with inconsistent appearance.
- Any sealcoat project with shaded areas due to tree cover, buildings and obstructions may not cure properly or in a timely manner consistent with the remainder of the project and PLM reserves the right to not warranty these portions of the completed project.
- Customer agrees that this proposal is subject to PLM standard one (1) year warranty, a copy of which Customer acknowledges receiving with this proposal on all materials and labor based on industry standards and reserves the sole right to determine the means and methods to complete any mutually agreed repairs.
- Warranty is voided in the event of non-payment for any payment due based on original Proposal and any subsequent Change Orders until payment is received in full.

EXCLUSION OF CONSEQUENTIAL DAMAGES AND DISCLAIMER OF OTHER LIABILITY EXCLUSION OF CONSEQUENTIAL DAMAGES AND DISCLAIMER OF OTHER LIABILITY:

- PLM's liability with respect to any breach of this Contract or any breach of any warranty that would be found to exist shall not exceed the contract price. PLM shall not be subject to and disclaims:
- (1) Any other obligations or liabilities arising out of breach of contract or warranty, including any implied warranty of merchantability or fitness for a particular purpose
- (2) Any obligations whatsoever arising from tort claims (including negligence and strict liability) or arising under other theories of law with respect to products sold or services rendered by PLM, or any undertakings, acts or omissions relating thereto, and (3) All consequential, incidental special and/or contingent damages whatsoever. Owner agrees to indemnify and hold harmless PLM from any and all claims, liabilities, costs and expenses of any nature arising from injuries to third parties at the job site or the interruption or destruction of Owner/private underground cable, pipes or installations.

Work of Others:

- PLM shall not be liable for any damage because of any delay due to any cause beyond PLM's complete control, including but not limited to any act of God, act of Owner, embargo or other governmental act, regulation or request, fire, accident, strike, slow-down, war, riot, delay in transportation, delayed delivery by suppliers or Owner's or PLM's inability to obtain the necessary permits or licenses or comply with any other governmental regulations concerning the installation or performance.
- In the event of any such delay, the date of completion shall be extended for a period equal to the time lost by reason of the delay. Claims by Owner against PLM must be made in writing to PLM within five (5) days of knowledge of the alleged claim and failure to give such notice shall constitute unqualified acceptance and a waiver of all such claims by Owner.

Severability:

- If any of these Terms and Conditions shall be deemed illegal or unenforceable, such illegality or unenforceability shall not affect the validity and enforceability of any legal and

enforceable provisions hereof which shall be construed as if such illegal and unenforceable provision or provisions had not been inserted herein, unless such illegality or unenforceability shall destroy the underlying business purpose of these Terms and Conditions.

Price and Payment:

- The prices in this proposal are PLM's prices for the goods and/or services with the Exclusion of Consequential Damages and Disclaimer of Other Liabilities, set forth above, including the disclaimer of strict liability and other tort liability, enforceable against the Owner. If Owner desires for PLM to provide a greater or additional warranty and/or to be liable for some or all of the matters disclaimed herein, then the Owner must notify PLM in writing and a new contract will be prepared which excludes this language, but which reflects higher sales prices reasonably compensating PLM for assuming that additional exposure.
- Each phase of work will be billed upon completion of that phase and payment is not contingent on 100% completion of the project.. Customer agrees to pay all invoices within 15 days of the invoice date. Customer agrees to pay a service charge of 2.0% per month (24% per annum) on all past due balances and consents to the assignment of collection rights to its designated agent or assignee. Customer further agrees to pay all collection costs including reasonable attorney fees, lien fees and court fees; and herewith waives all claims or rights to claim exemptions under applicable state laws.. This contract shall be governed by the laws of the State of Wisconsin, County of Waukesha. If full payment (including aforementioned late charges) has not been received by Contractor within 45 days of substantial completion, all of Customer's warranty rights hereunder will be forfeited and automatically become void and Contractor shall be excused from further performance of work under this proposal, or any other contract with Purchaser and all amounts then due and owing, including retainage, shall become immediately payable. Should Customer wish to pay for this work with a credit card, a 4% markup to the total contract price including all accepted options and change orders will be added to the contract total.
- The pricing contained herein is based on all work being completed within 30 days of the date of this proposal unless otherwise agreed in writing. The terms for doing any work after this date may, at Contractor's option, be renegotiated between Contractor and Customer. To the extent Contractor has performed any work within 30 days of the date of this proposal, Contractor shall be compensated for all such work under the terms and conditions and including price as set forth in this proposal, including retainage, together with any costs incurred as a result of Customer delay in completion of the work. Customer agrees to compensate Contractor for ALL reasonable costs (and associated overhead and profit) for delays incurred completing the work.

NOTICE OF LIEN RIGHTS: "AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, YOU ARE HEREBY NOTIFIED THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON YOUR PROPERTY MAY HAVE LIEN RIGHTS ON YOUR LAND AND BUILDING(S) IF THEY ARE NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED PRIME CONTRACTOR, ARE THOSE WHO CONTRACT DIRECTLY WITH YOU OR THOSE WHO GIVE YOU IDENTIFICATION NOTICE WITHIN SIXTY (60) DAYS AFTER THEY FIRST FURNISH LABOR AND MATERIALS FOR THE CONSTRUCTION. YOU PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR AND MATERIALS FOR CONSTRUCTION. YOU SHOULD GIVE A COPY OF EACH NOTICE YOU RECEIVE TO YOUR MORTGAGE LENDER, IF ANY. THE UNDERSIGNED PRIME CONTRACTOR AGREES TO COOPERATE WITH YOU AND YOUR LENDER, IF ANY, TO SEE THAT ALL POTENTIAL CLAIMANTS ARE DULY PAID.

PLM IS NOT RESPONSIBLE FOR PAVEMENT BREAKAGE DUE TO CONSTRUCTION TRAFFIC. PLM IS NOT RESPONSIBLE FOR DAMAGE TO OR INJURIES CAUSED BY ANY OWNER/PRIVATE INSTALLED UTILITIES, GAS, ELECTRIC, WATER, SEWER, CABLE, TELEPHONE, PIPES, LINES, CONDUITS, OR OTHER UNDERGROUND OBSTRUCTIONS, (herein "UNDERGROUND INSTALLATIONS").

- Customer shall not prematurely subject the work to any type of traffic; loads more than the design capacity before proper cure, or in a manner which may damage the work. PLM is not responsible for graffiti, tire tracks, animal, or human footprints, etc., on finished concrete/asphalt.

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 8.**

DATE: February 17, 2025

DEPARTMENT: Administration

PROVIDED BY:

SUBJECT:

Discussion and Possible Action to Accept the Lowest Qualified Bid from Level Up Construction, Inc. in the amount of \$530,536.01 for the All-Inclusive Playground and Garrison's Splash Pad Project and to Include an Additional \$56,053.60 for any Contingencies. [Phalin / Fuchs]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

ATTACHMENTS:

Description

Bid Tabulation

Parkitecture Recommendation

Pewaukee Inclusive Playscape & Splashpad (#9485050)
Owner: City of Pewaukee
Solicitor: Parkitecture + Planning
02/13/2025 03:00 PM CST

Section Title		Line Item	Item Description	UoM	Engineer Estimate		Level Up Construction, Inc.		Parking Lot Maintenance		Buteyn-Peterson Construction		Zenith Tech Inc		Vinton Construction Company		Poblocki Paving Corporation	
					Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price
General	1	Mobilization	LS	1	\$30,000.00	\$30,000.00	\$42,993.01	\$42,993.01	\$28,000.00	\$28,000.00	\$80,000.00	\$80,000.00	\$53,898.15	\$53,898.15	\$65,000.00	\$65,000.00	\$36,600.00	\$36,600.00
	2	Erosion Control	LS	1	\$10,000.00	\$10,000.00	\$6,435.00	\$6,435.00	\$4,610.00	\$4,610.00	\$9,000.00	\$9,000.00	\$5,940.40	\$5,940.40	\$6,500.00	\$6,500.00	\$9,410.00	\$9,410.00
	3	Demolition	LS	1	\$15,000.00	\$15,000.00	\$1,650.00	\$1,650.00	\$10,520.00	\$10,520.00	\$9,000.00	\$9,000.00	\$505.05	\$505.05	\$2,500.00	\$2,500.00	\$10,387.00	\$10,387.00
	4	Earthwork	LS	1	\$25,000.00	\$25,000.00	\$68,640.00	\$68,640.00	\$41,745.00	\$41,745.00	\$65,000.00	\$65,000.00	\$49,472.73	\$49,472.73	\$57,000.00	\$57,000.00	\$115,541.00	\$115,541.00
	5	Undercut Allowance	AL	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
	6	Dense Graded Basecourse	TON	2948	\$20.00	\$58,960.00	\$14.65	\$43,175.00	\$26.00	\$76,648.00	\$10.00	\$29,480.00	\$29.55	\$87,113.40	\$0.01	\$29.48	\$53.00	\$156,244.00
	7	Concrete Pavement - 5"	SF	4220	\$8.00	\$33,760.00	\$5.57	\$23,509.00	\$11.00	\$46,420.00	\$9.50	\$40,090.00	\$14.68	\$61,949.60	\$11.30	\$47,686.00	\$12.30	\$51,906.00
	8	Concrete Pavement - 5" Thickened	SF	4017	\$8.50	\$34,144.50	\$5.95	\$23,903.00	\$13.00	\$52,221.00	\$9.65	\$38,764.05	\$17.96	\$72,145.32	\$11.45	\$45,994.65	\$14.31	\$57,483.27
	9	Concrete Pavement - 5" Reinforced	SF	1150	\$10.00	\$11,500.00	\$20.11	\$23,122.00	\$18.00	\$20,700.00	\$10.25	\$11,787.50	\$18.84	\$21,666.00	\$13.75	\$15,812.50	\$14.43	\$16,594.50
	10	Concrete Pavement - 5" Reinforced Colored	SF	2513	\$18.00	\$45,234.00	\$8.91	\$22,383.00	\$22.00	\$55,286.00	\$18.25	\$45,862.25	\$28.84	\$72,474.92	\$21.75	\$54,657.75	\$27.00	\$67,851.00
	11	Asphalt Pavement - Paths	TON	236	\$125.00	\$29,500.00	\$133.10	\$31,412.00	\$125.00	\$29,500.00	\$121.00	\$28,556.00	\$122.22	\$28,843.92	\$187.21	\$44,181.56	\$140.00	\$33,040.00
	12	Pavement Markings	LS	1	\$4,000.00	\$4,000.00	\$495.00	\$495.00	\$750.00	\$750.00	\$450.00	\$450.00	\$454.55	\$454.55	\$500.00	\$500.00	\$2,567.00	\$2,567.00
	13	Regulatory Signs	LS	1	\$1,000.00	\$1,000.00	\$979.00	\$979.00	\$500.00	\$500.00	\$924.00	\$924.00	\$933.33	\$933.33	\$400.00	\$400.00	\$1,833.00	\$1,833.00
	14	4" Storm Sewer	LF	25	\$35.00	\$875.00	\$49.52	\$1,238.00	\$80.00	\$2,000.00	\$55.00	\$1,375.00	\$42.42	\$1,060.50	\$37.00	\$925.00	\$93.00	\$2,325.00
	15	6" Storm Sewer	LF	295	\$45.00	\$13,275.00	\$60.50	\$17,848.00	\$58.00	\$17,110.00	\$55.00	\$16,225.00	\$50.51	\$14,900.45	\$49.50	\$14,602.50	\$99.00	\$29,205.00
	16	Yard Inlet - 18"	EA	4	\$1,500.00	\$6,000.00	\$660.00	\$2,640.00	\$3,400.00	\$13,600.00	\$1,000.00	\$4,000.00	\$2,222.22	\$8,888.88	\$1,360.00	\$5,440.00	\$924.00	\$3,696.00
	17	4" Underdrain	LF	480	\$25.00	\$12,000.00	\$30.71	\$14,740.00	\$54.00	\$25,920.00	\$25.00	\$12,000.00	\$40.40	\$19,392.00	\$26.50	\$12,720.00	\$57.00	\$27,360.00
	18	Water Lateral - 4"	LS	1	\$5,440.00	\$5,440.00	\$7,106.00	\$7,106.00	\$6,820.00	\$6,820.00	\$8,000.00	\$8,000.00	\$5,555.56	\$5,555.56	\$8,140.00	\$8,140.00	\$22,662.00	\$22,662.00
	19	Water Service Connection and Fittings	LS	1	\$6,500.00	\$6,500.00	\$7,150.00	\$7,150.00	\$8,360.00	\$8,360.00	\$10,000.00	\$10,000.00	\$8,080.81	\$8,080.81	\$6,825.00	\$6,825.00	\$10,977.00	\$10,977.00
	20	Fencing - 4'	LF	388	\$55.00	\$21,340.00	\$28.32	\$10,990.00	\$29.00	\$11,252.00	\$27.00	\$10,476.00	\$26.01	\$10,091.88	\$25.75	\$9,991.00	\$40.00	\$15,520.00
	21	Electric Service	LS	1	\$7,500.00	\$7,500.00	\$3,627.00	\$3,627.00	\$14,200.00	\$14,200.00	\$10,000.00	\$10,000.00	\$8,692.00	\$8,692.00	\$8,692.00	\$8,692.00	\$15,860.00	\$15,860.00
	22	Stone Seat Blocks	LS	1	\$8,085.00	\$8,085.00	\$10,725.00	\$10,725.00	\$12,880.00	\$12,880.00	\$18,000.00	\$18,000.00	\$34,886.22	\$34,886.22	\$18,500.00	\$18,500.00	\$48,880.00	\$48,880.00
	23	Lawn Restoration	LS	1	\$21,000.00	\$21,000.00	\$18,288.00	\$18,288.00	\$36,440.00	\$36,440.00	\$21,000.00	\$21,000.00	\$15,951.60	\$15,951.60	\$55,000.00	\$55,000.00	\$29,890.00	\$29,890.00
	24	Trees	EA	43	\$450.00	\$19,350.00	\$553.49	\$23,800.00	\$400.00	\$17,200.00	\$300.00	\$12,900.00	\$845.45	\$36,354.35	\$650.00	\$27,950.00	\$995.00	\$42,785.00
	25	Landscape Beds	LS	1	\$5,000.00	\$5,000.00	\$5,004.00	\$5,004.00	\$3,500.00	\$3,500.00	\$10,000.00	\$10,000.00	\$5,394.55	\$5,394.55	\$3,000.00	\$3,000.00	\$5,673.00	\$5,673.00
	26	Splashpad Equipment and Plumbing Installation	LS	1	\$85,000.00	\$85,000.00	\$71,940.00	\$71,940.00	\$69,950.00	\$69,950.00	\$125,000.00	\$125,000.00	\$146,024.66	\$146,024.66	\$265,000.00	\$265,000.00	\$102,724.00	\$102,724.00
	27	Splashpad Rules Sign	LS	1	\$800.00	\$800.00	\$838.00	\$838.00	\$650.00	\$650.00	\$1,500.00	\$1,500.00	\$1,121.86	\$1,121.86	\$1,200.00	\$1,200.00	\$2,000.00	\$2,000.00
TOTAL						\$520,263.50		\$494,630.01		\$616,782.00		\$629,389.80		\$781,792.69		\$788,247.44		\$929,013.77
Alternates																		
A1		Dense Graded Basecourse	TON	545	\$20.00	\$10,900.00	\$21.39	\$11,660.00	\$26.00	\$14,170.00	\$10.00	\$5,450.00	\$29.49	\$16,072.05	\$0.01	\$5.45	\$53.00	\$28,885.00
A2		Asphalt Pavement - Path	TON	119	\$125.00	\$14,875.00	\$129.80	\$15,446.00	\$125.00	\$14,875.00	\$125.00	\$14,875.00	\$119.19	\$14,183.61	\$196.18	\$23,345.42	\$140.00	\$16,660.00
A3		Demolition	LS	1	\$5,000.00	\$5,000.00	\$3,300.00	\$3,300.00	\$4,700.00	\$4,700.00	\$19,000.00	\$19,000.00	\$5,127.30	\$5,127.30	\$10,200.00	\$10,200.00	\$19,443.00	\$19,443.00
A4		Lawn Restoration	LS	1	\$5,000.00	\$5,000.00	\$5,500.00	\$5,500.00	\$4,400.00	\$4,400.00	\$6,000.00	\$6,000.00	\$11,450.51	\$11,450.51	\$13,500.00	\$13,500.00	\$13,420.00	\$13,420.00
						\$35,775.00		\$35,906.00		\$38,145.00		\$45,325.00		\$46,833.47		\$47,050.87		\$78,408.00
Base plus Alt Total						\$556,038.50		\$530,536.01		\$654,927.00		\$674,714.80		\$828,626.16		\$835,298.31		\$1,007,421.77

**Pewaukee Inclusive Playscape & Splashpad
Recommendation of Bid Results**

February 13, 2025

Nick Phalin
Director of Parks & Recreation
City of Pewaukee
W240 N3065 Pewaukee Road
Pewaukee, WI 53072



Dear Nick:

This memo is in reference to the bid opening for the Pewaukee Inclusive Playscape & Splashpad project that took place Thursday February 13, 2025 at 3:00 PM.

We have reviewed the six bids received and found them all to be complete. **Level UP Construction, Inc.** submitted the low bid of \$494,630.01 for the base bid and \$35,906.00 for the alternate bid (trail connection) for a total bid amount of **\$530,536.01**. Bids ranged from \$494,630 to \$929,013 for the base bid scope. Level UP has built several similar projects recently for us and is qualified for this project. We have recent working project experience with them, confidence in their abilities as well as their sub-contractors to perform the project scope, and we have verified the scope of work and assumptions with them via phone call.

Our opinion of probable cost for the base bid project was \$520,263.50 and \$35,775 for the alternate for a total of \$556,038.50. The received bid was below our OPC by 4.5% and is favorable to the city. It would be typical to carry a 10% contingency in case of any unforeseen situations or sub-surface conditions that require additional effort. The unit pricing submitted appears to be reasonable for current industry standards. After reviewing the bid and discussions with the contractor, it is our opinion that the city should accept the base bid and alternate bid from Level UP as received. The alternate bid scope will finish an important link to the south parking lot and provide the last piece of pathway connectivity within this area of the park. With the favorable pricing and timing of this project, it is in the best interest of the city to complete the work now.

Please contact me if you have any questions.

Sincerely,



Blake Theisen, PLA, ASLA
Principal

Parkitecture + Planning
901 Deming Way, Suite 201
Madison, WI 53717

E blake@parkitecture.org
P 608.886.6808

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 9.**

DATE: February 17, 2025

DEPARTMENT: PW - Engineering

PROVIDED BY: Magdelene Wagner

SUBJECT:

Discussion and Possible Action to Approve an Agreement with Land By Label for Review of Municipal Services Reports and Design [Wagner]

BACKGROUND:

Land By Label is pursuing the development of the Willow Run Golf Course. The density of the development and how it will be served by municipal water and sewer needs to be reviewed in detail. The Developer has agreed to fund the review of the design and the study required to ensure capacity for this parcel.

The attached agreement allows for the City to hire a consultant to complete the studies and review and guarantees the reimbursement of those funds.

Staff recommends approval of the agreement and value of the financial guarantee will be set at 25% over the estimated cost. The cost estimate has been delayed and will be filled prior to execution. The City Attorney has approved this agreement.

Please note, this does not approve the development.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

Council approve the agreement with Land By Label.

ATTACHMENTS:

Description

Agreement

**AGREEMENT BETWEEN THE CITY OF PEWAUKEE AND LAND BY LABEL
FOR THE WASTEWATER IMPACT ANALYSIS**

THIS AGREEMENT, entered into this ____ day of _____, ____ by and between Land by Label, LLC a Wisconsin Limited Liability Corporation organized and existing under the laws of the State of Wisconsin with principal offices at _____, Wisconsin, hereinafter called the "LBL" and the City of Pewaukee, a Municipal Corporation organized and existing under the laws of the State of Wisconsin with principal offices at W240 N3065 Pewaukee Road, Pewaukee, Wisconsin, hereinafter called the "City," is as follows:

WITNESSETH

WHEREAS, The Land By Label development proposal consists of the development of the old Willow Run golf course into Multi Family and Single Family Dwelling Units (the "Project"), all outside of the 2035 and 2050 Land Use Plans, which may result in the discharging of more wastewater into the City sewer pipes, and

WHEREAS, the City sanitary sewer servicing the Project directs sewage through the Spice Creek City lift station, into and through the City Meadowbrook Farms lift station, through the Meadowbrook Farms sewer force main, into the Lake Pewaukee Sanitary District sewer interceptor, into the Village of Pewaukee sewage pumping station, and ultimately into the Fox River Water Pollution Control Center (Brookfield plant) for treatment, and

WHEREAS, the City must determine potential additional requirements the Project may place on the wastewater transport and treatment facilities and determine the capacity requirements for treatment of wastewater originating from the Project, and

WHEREAS, the City previously studied this area under a different development with Strand Associates, and

WHEREAS, the City has requested a proposal from Strand Associates, Inc. to evaluate the projected sewer flows for this development, the City's ability to transport the wastewater, and the status with its current purchased flow capacities with Lake Pewaukee Sanitary District, the Village of Pewaukee and the Brookfield plant, and

WHEREAS, the City must determine the potential additional impacts the Project may place on the water capacity requirements, treatment facilities, and water transport, and

WHEREAS, the LBL agrees to pay for the City's costs in evaluating the wastewater and water impact of its proposed development, and

WHEREAS, the wastewater to be treated and disposed of by the City from the LBL shall be only of the type and nature presently being collected and treated by the City, and

WHEREAS, the City has requested that LBL deposit funds in advance for the Strand Associates evaluation in the sum of \$ _____, and

WHEREAS, this amount is based upon the initial estimate of the cost of service in the amount of \$ _____ fee plus 25% to cover the potential other costs that will be incurred by the City such as legal and engineering review and administration, and

WHEREAS, this deposit shall be expended solely for capacity studies related to wastewater and water service anticipated to be generated by the Project and costs exclusively related thereto, and

WHEREAS, if this proposal is to proceed, it will require further testing, review and administration, incurring potential further costs to the City, at which time the LBL and the City will be able to execute addenda to this agreement in order to determine the payment of the additional legal, engineering, or administrative costs, and

NOW, THEREFORE, it is agreed:

1. LBL shall pay to the City \$ _____ to be held and used exclusively to pay the costs of the aforementioned Strand Associates capacity studies and related costs, so that the City's review of the Project may proceed.
2. In the event the costs of the Strand Associates capacity studies and related costs exceed the deposit, LBL shall pay the excess amounts upon demand provided that the City shall provide LBL prior notice that the costs will exceed the deposit.
3. In the event the costs of the Strand Associates capacity studies and related costs are less than the deposit, the City shall remit the remaining funds to LBL, without interest.

THIS AGREEMENT shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns, or such public board's committees, commissions or entities as shall succeed substantially to the rights, powers, and duties of the Parties hereto respectively.

IN WITNESS WHEREOF, the Developer and the City have caused this agreement to be signed individually by the Developer and by the appropriate officers of the City, with its seal to be hereunto affixed the day and year inserted above.

Land By Label LLC., by _____, _____

STATE OF WISCONSIN)
) ss.
WAUKESHA COUNTY)

Personally came before me this _____ day of _____, 20____, the above-named _____, as _____ of Land By Label LLC. to me known to be the persons who executed the foregoing instrument and who acknowledged the same.

Notary Public, State of Wisconsin.
My Commission expires: _____

CITY OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

Steve Bierce, Mayor

Kelly Tarczewski, Municipal Clerk

STATE OF WISCONSIN)
) ss.
WAUKESHA COUNTY)

Personally came before me this _____ day of _____, 20____, the above named Steve Bierce, Mayor, and Kelly Tarczewski, Municipal Clerk, of the above named municipal corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such individual and Municipal Clerk of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of said municipal corporation by its authority and pursuant to the authorization by the Governing Body of the City of Pewaukee from their meeting on the ____ day of _____, 20____.

Notary Public, State of Wisconsin.
My Commission expires: _____

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 10.**

DATE: February 17, 2025

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding the Status of the Sewer and Water Capacity Studies and the Potential Impacts [Wagner]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION:

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 11.**

DATE: February 17, 2025

DEPARTMENT: Planning

PROVIDED BY: Nick Fuchs

SUBJECT:

Discussion and Possible Action Regarding **Resolution 25-02-03** to Amend the 2024 Fee Schedule Pertaining to Impact Fees [Fuchs]

BACKGROUND:

The resolution to adjust impact fees is being brought forward In accordance with Section 17.0302b., which states that impact fees shall be adjusted annually by the percentage increase or decrease in the United States Bureau of Labor Statistics Midwest Region All Items Consumer Price Index for All Urban Consumers from January 1 of the preceding year.

The U.S. Bureau of Labor Statistics has published that the all items index rose 3.0% for the 12 months ending December 2024.

FINANCIAL IMPACT:

RECOMMENDED MOTION:

A motion to approve the amendment to the 2025 Fee Schedule pertaining to impact fees.

ATTACHMENTS:

Description

Resolution 25-02-03

RESOLUTION 25-02-03
A RESOLUTION TO AMEND THE 2025 FEE SCHEDULE
FOR THE CITY OF PEWAUKEE

WHEREAS, the City of Pewaukee Common Council has created a City Code of Ordinances; and

WHEREAS, the City of Pewaukee requires certain fees for services provided by the city as currently outlined in the sections of the Municipal Code; and

WHEREAS, the City Common Council has an obligation to the taxpayers in the City of Pewaukee to establish fair fees, cash bonds, and letters of credit requirements to offset the services and actual cost of City employees for review and inspection; and

WHEREAS, the City of Pewaukee adopted the 2025 Fee Schedule on December 16, 2024 through the passage of Resolution 24-12-28; and

WHEREAS, the City of Pewaukee decides from time to time, these fees for such approved activities within the City may be modified by the City Common Council by resolution; and

WHEREAS, Section 17.0302b. requires impact fees to be adjusted annually based upon the Midwest Region All Items CPI for All Urban Consumers from January 1 of the preceding year; and

WHEREAS, the increase is 3.0%.

NOW THEREFORE, the Common Council of the City of Pewaukee, **DOES HEREBY RESOLVE AS FOLLOWS**:

SECTION 1: SCHEDULE OF FEES.

The following shall be modified the Schedule of Fees for services provided by City of Pewaukee personnel:

8. Impact Fee – Also Zoning Ordinance		
Total Residential Impact Fee \$1,744.00 / dwelling unit		
Total Non-Residential Impact Fee \$2,295.00 / per acre		
➤ Impact Fee to be used for Parks, Playgrounds and Athletic Fields:		
○ Residential Buildings:		\$1,109.00 / dwelling unit
➤ Impact Fee to be used for Fire and Rescue Facilities:		
○ Non-residential building:		\$263.00 / per acre
○ Residential buildings:		\$107.00 / dwelling unit
➤ Impact Fee to be used for Hike/Bike Trails:		
○ Non-residential buildings:		\$2,032.00 / per acre
○ Residential buildings:		\$528.00 / dwelling unit

SECTION 2: EFFECTIVE DATE.

This resolution shall take effect upon passage and posting or publication as provided by law.

Dated the 22nd day of February, 2025.

CITY OF PEWAUKEE

ATTEST:

Steve Bierce, Mayor

Kelly Tarczewski, Clerk/Treasurer

**CITY OF PEWAUKEE
COMMON COUNCIL AGENDA ITEM 12.**

DATE: February 17, 2025

DEPARTMENT: Clerk/Treasurer

PROVIDED BY:

SUBJECT:

Discussion and Possible Action Regarding the Accounts Payable Listing Dated February 17, 2025 [Tarczewski]

BACKGROUND:

FINANCIAL IMPACT:

RECOMMENDED MOTION: