



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MINUTES

Village Board - Village of Summit

March 14, 2024

CALL TO ORDER

Chairperson Riley called to order the Village of Summit Board meeting at 6:30 p.m. on Thursday, March 14, 2024 at Summit Village Hall, 37100 Delafield Road, Summit, WI.

ROLL CALL AND CONFIRM POSTING

Administrator Michael took roll call and confirmed that the meeting was noticed to the local media as required and requested and posted on the Village posting board and website. Trustees present were: Kraig Arenz, Sr., Jim Petronovich, Jeff Lee and Justin Phillips. Also, present were: President Jack Riley, Public Works Director Kamron Nash, Police Chief Mike Hartert and Administrator-Clerk/Treasurer Debbie Michael.

PUBLIC COMMENT

Gina and Dennis Krueger, 1920 N Oak Grove Road – here about the Certified Survey Map to combine two lots and the right of way complaint regarding some landscaping and rocks that have been there for the past 14 years and back in November they were asked to move some of them to comply with what the City asked him to do and feels there is no further reason for him to move any more rocks other than someone’s discomfort of seeing them there.

Ben Rogers, 38317 Sunset Drive – here to make public comment about White Stage 1894, he stated he has some concerns as he lives right down the road; changes to the community in general, changes to make commercial happen in their neighborhood, which they moved into to get rid of that, whatever the village decides will set a precedent for this in the future. Concerns he has are around; noise, traffic, and when you have an event venue, there’s alcohol consumption which he’s not against if it’s done responsibly but we are out in the sticks and how are people going to get to and from there when we are talking up to 225 people. Mr. Rogers stated he doesn’t think this is safe for his community and neighborhood based on the fact that there’s no guarantee that we won’t have weddings going on, people getting intoxicated and leaving there drunk. There is a liability to home owners and if someone stumbles out of there and falls into his pond and dies, that’s his problem then. This does not benefit the community as a whole, it is benefitting one particular landowner and a nuisance to the rest of the landowners around. Mr. Rogers asked that the Village Board deny the request, does not see a benefit that has been articulated to the community as a whole and is essentially a selfish request on behalf of one landowner.

Planner Amy Barrows made a comment stating that if the public makes a comment regarding the event facility or commercial vehicle parking, those are both text amendments that the Village is looking at that may or may not apply to the entire village, it depends on the conditions of the proposal. Those may get specific and narrow it down

to certain properties but there has been no specific proposal for either the event facility or commercial vehicle parking and it's important to not discuss property specific details regarding what may or may not be proposed because that information has not been submitted or considered by the Village and that does need to be part of an official public hearing.

Russ Morgan, 1921 N Oak Grove Road – stated he is here about the landscaping materials and rocks on Oak Grove Road that the owner just spoke about. The letter sent by the Village stated everything that needs to happen; safety and encroachment is illegal, what he didn't understand is if the letter was sent that it was illegal and unsafe then why didn't we do anything about it. It still is illegal and unsafe and every tree and rock is still in the right-of-way. Mr. Morgan referenced pictures #5 & #6 that he had provided showing the trees and bushes creating a hidden driveway. Lots of motorcycles, cars and it's a deadend street but people still zip up and down it. Picture #6 is across from his house and there are a lot of grandkids in this area riding bicycles, tricycles, buggies, strollers. The Kruegers are good at coming out of the driveway slowly but there are other delivery trucks and traffic too. If it's illegal and unsafe it should be taken care of and there is no statute of limitations for how long they have had things that they can stay there.

Kodie Arenz, stated he knows that the matter was moved to April but he is here trying to be proactive and keep everything going with the ATV/UTV routes. Did hear that Ottawa's passed but nothing is written down yet and hopes the Village is headed in that direction. Mr. Arenz added he does appreciate the board's time.

James Hammes, Attorney for White Stag - has been working on drafting the ordinance that will be considered tonight. Attorney Hammes stated he realizes that with public comment there is no exchange between the board members. A couple things he wanted to point out; he has drafted this type of ordinance for municipalities that he has represented over the years and he has heard same concerns many times with these types of ordinances. The first being noise; Attorney Hammes pointed out that the Village has an ordinance in place that restricts sound at the property line of residential property to 70 decibels, 70 decibels is normal conversation. If this ordinance is approved, and if a conditional use is ever issued, the decibel level permitted for that property would be the same then as it is now. Then, a lot of people like to say how are we going to enforce this and the answer was explained at Plan Commission that the police department can measure that and anyone with an Apple watch can measure decibel levels at a property line or anywhere else. If a conditional use permit is issued, there would be a lot of self-enforcement if there is any excess of that limitation. Attorney Hammes explained why this ordinance is different than a lot of ordinances that he's been involved with because this ordinance restricts activities to buildings that were used for agricultural purposes or are being used for agricultural purposes and the use has to be prior to September of last year when the process of drafting the ordinance was started. This means that, unlike many municipalities that adopt these ordinances, someone can't come in and propose new buildings or new structure, the purpose here was to allow a mechanism to preserve agricultural buildings by using a source of revenue. The idea here is to provide a mechanism for preservation and that's why the use is restricted to agricultural land with buildings that existed prior to September of last year.

Mike McCauley, 37443 Still Water Drive – resident of Still Water, not long ago, the residents of Still Water were facing a challenge of having an event venue in their backyard, that particular request, which he spoke at, was denied by the Village of Summit. Fast forward a few years and once again a request for a newer and much larger event venue, is requested again in the backyard of Still Water, is this a pattern. Understands this new event venue will have a capacity for larger crowds than the previously denied venue, also Friday, Saturday and Sunday weekends will now become 3-day weekends for the venue operation spring, summer and into fall. Every week will bring a new 3-day weekend celebration in Still Water subdivision's backyard. A typical summer weekend in Still

Water subdivision is quiet, peaceful and relaxing. Why must the request of Still Water's subdivision again have to be dealt with a second time. Would you not think that the previous venue denial would be made clear by the Village decision. If the Village feels and believes this type of use is necessary, why not seek a location in the backyard of no subdivision or residential area instead of subjecting the residents of Still Water subdivision. Take the noise and annoyance and whatever else it may be somewhere else, be sensible with their request and give us our peaceful way of life.

Mike Nevins, 849 N Pointview Road – stated he was under the impression that the ATV/UTV was going to be at this meeting, so is assuming it is still under review. He questioned who would be enforcing the ordinance after regular business hours of the Village, will it still be the Village of Summit Police Department or will it have to be farmed out to the state or to the County Sherrif for enforcement. Mr. Nevins stated that he read in the paper that another municipality has a similar ordinance that will now allow golf carts, the next will probably be farm tractors or your lawnmower or a snowmobile and he is wondering where it will stop if we allow this. In his opinion, anytime you put exceptions into an ordinance, you're opening yourself up to various interpretations of what the ordinance and exception is. The ATV/UTV's were designed and built for off road, backwoods and mud holes, and doesn't think the Village has any of that and doesn't see that there is any benefit to the residents of Summit to have this ordinance approved.

John Niegelsen, 1161 S Opengate Road – stated he is here to say he very much supports the ATV/UTV and hopes that the Village Board will continue to proceed with this as soon as we can.

Matt Wedig, 1220 S Opengate Court– stated he is in favor of ATV/UTV routes, appreciates all the time that the Board has spent to review all this and all the Village employees and really hopes it will keep moving forward.

Mike Carr, 976 S Waterville Road – stated he is here to acquaint the Board with an inquiry/proposal the he made to Director Nash asking about the possibility to construct a put in/take out area for canoes and kayaks on the north side of Genesee Lake Road at the Bark River. This is an informal inquiry and wanted to get the blessing of the Board and Mrs. Nash before proceeding with further feasibility study to see what it might cost. The proposal explains details as he envisions them at this point. Mr. Carr stated that Director Nash stated that this item is in long-range planning for the Village. Mr. Carr added that he has made inquiries with Waukesha County regarding the possible similar put in/take out for canoes and kayaks, which would be a concrete ramp at Sawyer Road. Understands the Village wants to minimize any expenses to tax payers, and along those lines, once they receive some cost estimates, his wife and he would consider making a donation towards this and possibly some crowd funding to help defray costs. Need to have engineering drawing to help determine what would be needed as far as materials and costs.

Sasha Darby, W359 N9370 Brown Street, Town of Oconomowoc – stated she is here to speak on behalf of White Stag's proposal of the ordinance for an event venue. She is the owner operator of Mapleton Barn in the Town of Oconomowoc going on their eighth year of business. Here to say that it is possible to run a successful event venue business adjacent and in close proximity to neighbors while respecting them and their boundaries. They have yet to have a noise complaint. They also do outdoor music at times on Thursday evenings for their pizza farms and that hasn't been a problem either and it's all about checking your decibel levels at property lines and keeping open lines of communication and have had great success with that. Believes that her neighbors would agree with that.

Marc Spencer, 620 S Wayfare Trail – stated that he is in favor of an access route for ATV/UTV use in and out of Summit. His family enjoys recreational opportunities that this area has to offer and thinks it would be a great addition and hopefully this can come to a vote of the Village Board sometime in the near future.

Scott Baginski, 37678 Wildwood Lane – stated he is a 13-year resident and is opposed to the ordinance for White Stag rental of the agricultural buildings and respectively disagrees that 70 decibels is normal conversation, every chart he’s looked at says that is vacuum cleaner or busy street level. Very concerned about the noise, lives about two stones throw away from where this is going to go down and it is a very peaceful, tranquil neighborhood in Genesee Lake Farms which would also be affected as well as Stillwater subdivision. Also concerned about letting out a bar of 300-400 people every Friday and Saturday night who have been drinking in an agricultural area and now need to find their way back to I-94 or the hotels in Oconomowoc through these county roads and a lot of that goes by his neighborhood and doesn’t want to be dodging drunk drivers on his way home on Friday, Saturday and Sunday nights. We have a problem here with drunk driving and he doesn’t want it in his backyard. Mr. Baginski stated he is not against event centers but please keep them in commercial districts like near I-94, not in somebody’s backyard of residential areas.

Dave Hotchkiss, 37471 Still Water – stated that he understands the vote tonight is for an ordinance change but it is well known that this was written specifically for one piece of property that we are talking about tonight. We’ve been here before with an ordinance request and it has been rejected twice. The residents have spoken and he doesn’t see the need to bring it up again now for the third time. To make matters worse, the last attempt was in a commercial area and this is residential. Mr. Hotchkiss stated that he is from a long string of homes east of the proposed property, they all have their back decks overlooking a lake, through a thin strip of woods and then onto the farm. The narrative you hear is protecting a farm hosting seminars, baby showers, flower shows, and other quiet activities. His guess is that proponents would be supportive of all these types of things. The reality is this singular objection is the loud party venue or weddings in the night time hours. Nowhere on their website, public narrative does it talk about weddings, the ordinance request would potentially allow three events per week throughout the entire summer months, or 72 times per year, this is the issue that needs to be addressed. Mr. Hotchkiss stated that he is also here tonight to present a petition signed by 40 local residents. The signatures are from local residents that are in the surrounding area of this property. Is urging the board to vote no to this ordinance change and prefers the option of a compromise; grant the applicant the daytime farm supporting events that they speak about publicly and exclude the loud party venues or parties that happen at night.

Rebekah Carsey, 37736 Sunset Drive – stated she is the person proposing this ordinance and does so for two reasons: to help keep privately owned barns economically sustainable and by allowing farms to host events, they can diversify their income especially in the bad or tough years of farming, secondly, the purpose is to bring community together, whether it’s to celebrate a life event such as a baby shower, or share our passions through educational seminars like bee keeping, gathering in a beautiful and peaceful place surrounded by nature is something special. Historic farms can be an unmatched place to experience that feeling of community. Asked for Lake Country support via local Facebook groups and the outpouring of love and excitement from the area has almost been overwhelming. Over 450 people have signed the petition and she continues to receive signatures, positive comments and emails daily. This proves to her that there is a need for these types of community-oriented venues in Summit. Mrs. Carsey highlighted some of the concerns that she has been hearing: that this is a proposal for a new, large, full-time commercial venue, however, their proposal specifically calls that the buildings should be original to the property and the character should not be altered, their historic barns are just that, “barns” and quite a bit rustic. The second concern she has heard is that there will be at least three events per week, or 72 per year, however, the language in the proposal specifically states “not more than 3 per week” so occupancy rate and our

lovely Wisconsin weather has to be considered and factored in. Any venue would need flexibility for their customers to choose dates, adverse weather events, etc. especially during an already short season. It is unlikely there will be three in one week and entirely possible that there could be weeks in the summer with no bookings at all. Farming is the priority and any farmer will be making hay when the sun shines.

Kevin Tadych, 37736 Sunset Drive – (father to Rebekah) stated that he wanted to highlight that the farm we’re looking at is at least a half mile or more from other homes and is not in their backyard. Mr. Tadych stated he wants to support Section 111 and thinks we are making a major mistake in our villages, states and nation and that’s all being talked about but we know that this is going to end badly. Referred to a recent article by an economist, which states that according to the recent U.S. Census, America lost 141,000 farms in the last recent years. That represents a loss of 20 million acres of food production, that’s about the size of Maine. This is logarithmic decay, little by little, then all of a sudden. We are losing food production in America. Many states are reliant on outside sources for their food, almost all of these east coast, New England states produce less than 20% of what they consume. Hawaii is a worse-case scenario with only seven days of sustainable food left. The most vulnerable are small farms, this trend is financial per the economist, farms are currently experiencing the highest production costs on record, profit margins are razor thin. In the big picture, we need not fear about a rare chance you might hear wedding music from a distant farm but we do need to fear losing more farms and its ugly consequences. Mr. Tadych stated that supporting this ordinance today to provide agricultural zoning with supplemental revenue is one major step we can all take to stop this trend and save our history.

President Riley ANNOUNCED EXECUTIVE SESSIONS, pursuant to Section 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: *Property Violation: 34339 N. Venice Beach Road*

*The Board may return to open session following this discussion

CONSENT AGENDA - Items listed under the Consent Agenda are considered in one motion unless a Village Board Member requests that an item be removed from the Consent Agenda

- A. Minutes of February 8, 2024 regular and March 7, 2024 special meetings
- B. February 2024 payables

MOTION: (Arenz, Phillips) *to approve the consent agenda.* Carried.

PLANNING DEPARTMENT

Discussion and action on request of Dennis & Gina Krueger to combine two lots by Certified Survey Map on property owned by Dennis & Gina Krueger, located at 1920 N. Oak Grove Road (SUMT0669109), and the adjacent property to the south (SUMT0669110) owned by Dennis W Krueger and Christine E Garlock Et. Al.

Planner Barrows explained that the applicant is proposing to combine two lots of record, including Lot 5 and Lot 6 in Map of Oak Grove Subdivision. It has been determined that the applicant’s CSM must include a dedication of an additional 18’ this makes a better situation with combining two lots. The Plan Commission has made recommendation for approval.

MOTION: (Petronovich, Arenz) *to approve a Certified Survey Map* subject to the following conditions:

- A. APPROVALS FROM ALL OBJECTING AND APPROVING BODIES: Petitioner shall satisfy all

comments, conditions and concerns of the Village Engineer, Surveyor, and Planner prior to approval of the final Certified Survey Map. *This condition has been met.*

- B. SUBJECT TO REIMBURSEMENT OF EXPENSES.** As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this conditional CSM approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- C. NO BUSINESS OR COMMERCIAL USE.** There shall be no commercial or business use on this lot, except as specifically permitted within or pursuant to the applicable Zoning Code.
- D. ONE YEAR TO SATISFY CONDITIONS.** Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting conditional final approval of the CSM.

Carried.

Discussion and action on request from Christopher and Jessica Kadow, property owners at 740 N. Griffith Road, to adopt an ordinance that amends the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow commercial vehicle parking on properties zoned in the A-2 Agricultural District as a Conditional Use. Specifically, the applicant is proposing to modify Section 111-431 Definitions, add Section 111-358(d)(2) Conditional uses in the A-2 Agricultural District, and modify Section 111-321 Conditional uses permitted.

President Riley recused himself because his son works for Mr. Kadow and he left the meeting room. Trustee Arenz took over as acting President.

Planner Barrows explained that the applicant is proposing a text amendment to allow the commercial vehicle parking as a conditional use in the A-2 category only and this is the agricultural district that allows 10 to 35 acres per unit versus A-1 that requires a minimum of 35 acres, so it is a bit of a more transitional district. Communications with the applicant did start with a violation related to a tree service business on his personal property and the application did originally propose a text amendment to allow tree service operations, there was some concern raised at the Plan Commission meeting. Then the applicant decided to modify that and changed it to request the vehicle parking only and they did remove all tree service operations from their individual property so there is no longer a violation. Planner Barrows added that the Plan Commission did consider this matter during their public hearing which took place in January and then they tabled it until February for a clarification on the number of vehicles that would be allowed on the property and then they unanimously recommended the approval of the text that is included in part of the ordinance for consideration.

This ordinance would be adding a definition for commercial vehicle parking and adding commercial vehicle parking as a conditional use in the A-2 district, and then the conditional use section of the code adds the minimum conditions that must be met in order for the conditional use to be granted. Those conditions include that the property needs to be 15 acres in size, the vehicles must be owned or leased by the owner/occupant of the property, no more than 6 commercial vehicles can be stored, if there are 4 or more proposed than 2 of them shall not exceed two-axles, the property has to be located within 200 feet of a County or State highway, and vehicles must be parked or stored in an enclosed structure with a floor that is concrete or other impervious surfaces, no other commercial activities are allowed and they can park up to 4 employees on site and those stalls must be screened

from view from roads or adjacent properties by landscaping or architectural means and the conditional use would terminate upon sale of the property since it is so specific to the use of that particular owner.

Planner Barrows stated that there are about 21 properties within the Village that may potentially be applicable with this type of a text amendment.

Only comments during the public hearing were in favor of the request.

MOTION: (Petronovich, Phillips) *to adopt the enclosed ordinance that adds a definition to Section 111-431, repeals and recreates Section 111-321(4) Conditional uses permitted, and creates Section 111-358(d)(2) Conditional uses in the A-2 Agricultural District of the Village of Summit Zoning and Shoreland Ordinance subject to Village Attorney review. Carried.*

President Riley returned to the meeting and proceeded with the remainder of the agenda items.

Discussion and action on request from Rebecca Carsey on behalf of White Stag 1894 to adopt an ordinance that amends the text of the Village of Summit Zoning and Shoreland Protection Ordinance to allow the rental of agricultural buildings in the A-1 Agricultural District as a Conditional Use. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for activities or events in the A-1 Agricultural District as a Conditional Use and create Section 111-321(7) to provide the standards and conditions that must be met in order for the rental of agricultural buildings to be considered.

Planner Barrows stated the applicant is proposing a text amendment that would allow the rental of agricultural buildings for activities or events as a conditional use in the A-1 Agricultural District (35 acre density and lot size required). The amendment also provides for minimum conditions that must be met as part of a conditional use if someone were to apply. The event facility would only be allowed in agricultural buildings that exist as of September 1, 2023, so no new buildings can be constructed in order to accommodate this use. Several other conditions are included in the ordinance and she is happy to go through any of the conditions; they do relate to property minimum size, access to a State or US highway, increased setbacks, parking requirements, seasonal use, limited hours of operation, number of events, number of attendees, compliance with all codes, lighting provisions, provisions on alcohol service, use of tents, music and noise limitations (matches the Village's existing code). Planner Barrows explained the importance of putting minimum requirements on the conditional use based on the new conditional use criteria that was passed as part of Act 67 by the State Legislature in 2017. That law makes it more difficult for municipalities to use their discretion when reviewing a specific use. If an applicant meets or says they will meet the requirement of the conditions or the provisions of the application once requested, then the municipality is required to approve that conditional use. Based on the conditions the applicant is proposing: minimum of 150 acres and it abutting a State or US highway, it does happen to limit the use to 1 property in the Village. That property is directly west of Still Water and owned by the Tadych's.

Planner Barrows added that since the text amendment could result in a conditional use application, it is important that discussion related to any specific use, which has not been requested, not take place as part of the discussion here. Conditional uses are quasi-judicial matters which differs from the text amendment itself and all of that discussion needs to occur during the public hearing of that request.

It has been brought up that there have been 2 requests made in the past during 2017 and 2020, those requests are different than what is requested tonight, the first was for a formal event venue and it would've allowed event

facilities as a conditional use in the A-1 district, it didn't distinguish between new and/or existing buildings, allowed up to 500 guests and had a shorter list of other conditions. In 2020, there was a request to allow event barns in R-1 Residential District, subject to several conditions, which included: 7 acre minimum lot size, had to abut a County highway and have proper sewer and water, meet setbacks, parking and noise regulations. That request was a little unique because it was in an area planned for commercial development and the Village Comp Plan requires that properties within that district have municipal sewer and water.

During the Public Hearing process, a majority of the public comments related to objections were: protecting rural environment, noise, use of tents, isolated use on a single property, code requirements related to use, sprinkler system, proper waste disposal, parking, party nature of use, types of events in general, enforcement, number of events, hours of operation. Plan Commission had concerns: public versus private events, hours and number of people attending, consideration to be given to area and use of tents, and number of events allowed. Written comments were part of public hearing record and some of those issues were: access to site, driveway width, parking surface types, placement and number of tents.

Plan Commission recommended approval of the text amendment with a 4-3 vote. Additional comments coming in after the public hearings, and staff members have been getting information which may or may not have been passed onto the Board. After talking to the Village Attorney, he has advised that those comments and the comments provided during the Public Comment section tonight, should not be considered in their decision making because they were not available as part of that public hearing process and it is important for the applicants to have an opportunity to hear those comments, for the neighbors to hear them and for the Board and all the staff to have that which is what the public hearing process is for.

President Riley stated that the Village Attorney did talk to him about that as well and we have to be careful when we are making this decision that everybody has the same amount of information. There were 3 public hearings and what was provided and responded to during those is what we should consider and not additional information that was provided after because the other side didn't have time or opportunity to respond to that information, so base the decision on what the Plan Commission recommended and the outcome of the public hearing and the Board members individual opinion of whether this is a good idea or not.

President Riley stated in general, the Village Board doesn't get to decide who brings what to us, so when someone comes up and says, why do we keep considering the same things over and over, we respond to what is brought to us and don't have a say in what people propose.

Trustee Petronvich stated he is on the Plan Commission and voted against this and wanted to state his reason, he is not comfortable defining under what circumstances event facilities should be allowed without doing a more comprehensive study for the Village, which we are going to do in the future.

Trustee Phillips stated he thinks this is a good idea, seeing the opportunities that this has created for other communities. Trustee Phillips added that he has been to other similar events with his family and overall, he thinks this is a good proposal to showcase the Village. He remembers the issues with and the debate around the stadium and concerns about the noise, thinks he lives closer to the stadium than some of the closest houses in this proposal and he hears it on occasion and that amount of noise and the rarity that it happens doesn't constitute a concern. When the Village rejected the proposal for the stadium, we lost all of our voice and all of our say because they went right across the street. Thinks that we missed that opportunity then and doesn't want to do that again.

Trustee Lee stated he agrees with Trustee Petronovich and that further work needs to be done by the Village.

Trustee Arenz stated he doesn't have enough information here to be able to make a decision, it's not a yes, it is not a no, it's not enough for him. We did make a decision on the other 2 proposals and like the Chris Kadow item, it really is a bigger question and we are keyholing these. Should we be asking and addressing the bigger, broader question and that's the struggle he has. If we are going to move forward with this, we have to have a joint public hearing so we would hear and get the same information as the Plan Commission, which was split as well. This is the first time in 22 years that he doesn't have enough information to push him and make a decision affirmatively yes or affirmatively no. What he does know about this property request in the past and the property across the street and the bigger question about venue. Right now, he would abstain because the information he has doesn't lead him to a decision one way or another.

President Riley stated he thinks the idea is a great idea, save old barns and farms and it also kind of meets our rural character that we always talk about. President Riley asked Planner Barrows what the Master Plan shows for this property. Planner Barrows responded 2.4 acres per unit residential. He'd much rather see open fields and an old barn than 75 homes and a cul de sac and detention ponds and things like that. Thinks that this in general is a really good idea. The issue about noise, lights and drunk driving, can be handled and be dealt with and those are things that happen all over the place no matter what, we already have a lot of traffic and issues and he doesn't think those are new issues. Thinks it would be a great addition to the Village to have the open space and the maintenance of the buildings. The specifics can be worked out as part of the conditional use; waste management, lighting, parking and he would push for approval.

Trustee Arenz stated he is not countering what President Riley said, his issue is consistency across the rest of the Village, we say no to the property next store because of POWTs versus sewer, those are semantics and that comes back to a level of consistency for him and that would be a no because of the issue of consistency, not of good use or good land management, that is a disconnect. President Riley responded that just because you made a mistake one time, you don't have to keep making it over and over. Trustee Arenz responded, no, but we'd address it as a whole instead of just by one property.

Planner Barrows stated the other two properties are very different in the way that they are planned for the future. The property to the west of Village Hall is planned for business park/industrial uses so it's intended for commercial uses that are higher intensity and it's zoned differently. Sometimes those call out a new building, for example Fete in Wales is in a commercial district. What the applicant was trying to propose is to preserve existing agricultural buildings and they will not be seen in commercial districts or on sewer and water so they are a very different animal in the way they are viewed. Whether the Board does or does not approve this, the Village is undergoing a study of the code in general, so that we don't have to keep considering individual requests and that the Village is proactively looking at uses. Event facilities, because they have come for different districts, and different lot sizes will probably come up as a topic. If this text amendment did get approved and you changed the rules and provisions, it could potentially lead to this use becoming legal non-conforming or being regulated as an existing conditional use and/or the provisions don't change.

Trustee Petronovich stated the building to the west was denied because of septic and that's the reason why he voted against it. Trustee Lee stated he was in the same camp as Trustee Petronovich, it's planned for water and sewer and once there is sewer and water in this area then it seems that wouldn't necessarily be a bad spot for an event barn. Given the issues that we know we have with Battle Creek, that land to the west of us has some

environmental issues, he was adamantly against having the event barn here unless it had the water and sewer planned.

President Riley stated the argument he had at the time and he still has it is, the commercial event barn in Wales, which was built specific for weddings currently is assigned 3 DUE's by the municipality, which is the equivalent of 3 houses. That's a lot fewer than 75 homes on impact. That area in the future will not be sewered so having 75 houses would be putting a lot more into the ground than an event facility. Trustee Lee replied that he isn't arguing septic on this particular proposal. Trustee Petronovich stated he isn't either.

MOTION: (Petronovich, Lee) *to deny the proposed text amendments provided in the enclosed ordinance and as presented by the applicant for the following reasons: not wanting to define under what circumstances event facilities should be allowed without doing a more comprehensive study for the Village.*

ROLL CALL: Lee – aye, Arenz – abstained, Petronovich – aye, Phillips – nay, Riley – nay. Motion fails.

Trustee Arenz stated the alternative he has is in order for him to make a decision, he needs more information and his suggestion to the body would be to have a joint public hearing with Plan Commission. Planner Barrow stated if that is the case, the public hearing was closed, there have been multiple open public hearings so at this point is he saying they would want the applicant to start over or have the Village initiate the request to review event facilities. The public hearing is already closed and we can't go backwards in the process.

There was discussion about timing. Planner Barrows replied the Board could table it and listen to the tapes from the Plan Commission if that's what they want to do, or they can review the minutes. Trustee Arenz asked if there is additional information that could sway him one way or another. Planner Barrows replied that the application was included in packet, the only additional information she would advise is if they want to listen to all the public comments and the discussion from the applicant then they should come in and listen to the tapes or review the minutes. Trustee Arenz stated that the information says the Plan Commission was split but it doesn't share their concerns as appointed representatives of the community.

President Riley asked if it would help to walk through the ordinance. He thinks the issues that the Plan Commission deliberated on was feedback from the community and they are articulated in this ordinance. Amy could probably tell them what the discussion was and what any of the members have a hangup with.

Planner Barrows stated that the hanging concerns that were still out there at the last meeting of the members who voted were based around the number of events that could potentially be allowed and the rural character and number and location of tents.

President Riley proposed to do this: walk through the conditions. Trustee Arenz replied they can but the hurdle he continues to go back to is this is keyhole zoning. The Plan Commission keyholed this just like Chris Kadow for one parcel and 21 other parcels to be able to limit that. Planner Barrows stated the Plan Commission didn't keyhole anything, the advice was the applicant submitted an application, the Plan Commission cannot change any of the conditions, so the applicant came to the meetings, heard the concerns and they went on their own and proposed amendments to their proposed ordinance for the next meeting. They were also advised that as the Planner, she should not be advising the applicant, it is their request. Which is the difference between applicant driven and Village driven is that they are the ones proposing what they are asking for, not the Village.

Trustee Arenz stated that if there is another building and everything fits just like this and it is on 100 acres, we will be back going through the same thing and procedurally that doesn't make sense to him. Planner Barrows stated she thinks we will be back here going through the same thing as part of the conditional use project.

President Riley responded that is part of the new law, if we write it too broadly than anybody who meets those conditions can do it as a right. So, we are kind of stuck writing it specific in the ordinance because we want to be able to control or manage where and when it happens.

Planner Barrows stated the day school ordinance for the Abundant Life Church property was doing the same thing.

Trustee Arenz stated that reading through the conditions isn't going to address his issues on the broader scale.

President Riley stated we need to think about what we are being asked to approve tonight, there are 15 items, when you break it down, that's what we are being asked to approve. He stated they could debate the numbers of days, the number of attendees, that's more of the feedback Planner Barrows would be looking for. Planner Barrows responded that Attorney Macy has advised her that the Village shouldn't be modifying conditions of the text but if you have feedback for applicants, then they would know what to come back with if they wanted change.

Planner Barrows asked if the Board is willing to accept a policy or is it in the Village's vision to allow event facilities within the Village boundaries at all under any kind of circumstance and if they do want to promote the use then they'd go down to under what circumstances what conditions should apply in order to allow that use. Then you'd have to look at conditions 1 -15 and determine if those conditions satisfy the Board's concerns that would come up if an event facility were to come in. If they absolutely don't want event facilities in the Village then you're done and if you do, then go through conditions 1 – 15 and determine what's throwing you off, if anything.

President Riley stated he's a yes and thinks we need to have event facilities and save old farms. Trustee Arenz stated he doesn't have a problem with the event. Trustee Lee stated he is not against event barns, and what he's hearing is it's a good venue but not in my backyard, if it were at this property to the west of us and it has sewer and water, even though it's in his backyard he wouldn't have an issue with it because he thinks that's the right spot for it, also thinks the Village needs to look at this and we need to determine what the factors are if we are going to allow and the Village needs to write the ordinance and that requires more research and that's what we should do. Trustee Petronovich stated he is not against event barns at all but wants to know where they'd be and we haven't determined that.

Planner Barrows stated what's being proposed with this ordinance is limited to one property. If you want to allow it on other properties in the Village, you'd have to undergo the process.

Trustee Phillips stated if the Village wants to write it themselves, he thinks what we will find is that most other ordinances look similar to this. Planner Barrows stated she believes this ordinance was taken from the Village of Waukesha.

MOTION: (Riley, Phillips) *to adopt the enclosed ordinance regarding the rental of agricultural buildings for activities or events that creates Section 111-321(7) Conditional uses permitted, and creates Section 111-357(d)(3) Conditional uses in the A-1 Agricultural District of the Village of Summit Zoning and Shoreland Ordinance subject to attorney review.*

ROLL CALL: Lee - nay, Arenz - abstain, Petronovich - nay, Phillips - aye, Riley - aye. Motion fails.

Trustee Arenz stated he thinks this would need to be done with the Plan Commission if the Village wants to initiate this.

President Riley suggested that this be tabled to see if Trustee Arenz's concerns are addressed by reading the minutes and to review the rest of the information. Trustee Arenz stated if he would've had specific questions, he would have reached out for that. All we are looking at is one individual conditional use, the 150 acres, so we set that yet we have a facility next door that nobody would have a problem with that's zoned commercial but doesn't fall into the same category and doesn't align with this.

Planner Barrows stated in the City of Delafield they recently approved event facilities only in agricultural districts and it was meant for existing buildings also. They also have event facilities downtown in their business district but are looked at differently in the code. Commercial property versus Agricultural property uses will look different and you'd want different conditions to apply to those.

President Riley stated that way the law is written is that we want to make it as specific as possible.

MOTION: (Riley, Phillips) *to table*. Petronovich and Lee opposed. Carried.

Notification of Public Hearings before the City of Delafield Plan Commission to consider text amendments to Chapter 52 of Municipal Code related to nonconforming uses, structures, lots and permits and boathouses

This was correspondence only for the board.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash stated she had nothing to add to the written report.

Discussion and action on proposal to vacate a portion of N. Venice Beach Road

Director Nash summarized the feedback from Open House: concerns with what happens during flooding, emergency access, impacts to drainage, could it be a full cul de sac, unauthorized parking, support was conditional and the residents wanted a guarantee that they could get their boats in and out and still have pedestrian traffic access. After internal discussions, staff feels this section of road should continue to be maintained as a public road, other alternatives to address additional parking can be future conversations with the owner of Hogg Alley.

Planner Barrows stated Hogg Alley will need to do a certified survey map and text amendment to address the additional parking on the residential lot to the west of Hogg Alley.

MOTION: (Petronovich, Lee) *to deny the proposal to vacate a portion of N Venice Beach Road and to direct staff to work with the applicant to determine alternate options to provide additional parking for business customers in this area.*

Trustee Petronovich stated that he supported this originally and thought it was a good idea.
Carried.

Discussion and action on 2024 Road Paving program bid documents and advertisement for proposals

MOTION: (Phillips, Riley) *to approve the bidding documents for the 2024 Road Paving Program as prepared by SEH and to authorize SEH to proceed with advertisement for proposals.*

Trustee Petronovich asked what about the driveway cutouts. Director Nash stated those are included in the costs.
Carried. Petronovich opposed.

Discussion and action on request from Village resident to require removal of landscaping encroaching public right-of-way adjacent to 1920 N Oak Grove Road

Director Nash stated a violation letter was sent to 1920 N Oak Grove Road regarding the large rocks placed within the public right-of-way. Police Chief and she went out after the property owner completed the work. Main complaint was that it was hard to get in and out of the driveway. The Highway department did add some shouldering material. The Village doesn't make it a policy to never put anything in the entire area of the right-of-way. Original complainant coming in and wants everything in the right-of-way removed. Chief and she feel the original safety complaint has been addressed and not seeing anything uncharacteristic from the rest of the road.

Chief Hartert concurs with all of Director Nash's statements.

President Riley stated if we force this property owner, we'd have to address all the other violations on this particular road. Director Nash responded that past practice has only been to address complaints.

MOTION: (Lee, Petronovich) *to close this issue and consider it resolved.* Carried.

Discussion and action on negotiation for Village Hall Cleaning services

Director Nash stated during the budgeting process we talked about cleaning services and have been having ongoing issues with the quality of the work. Three responses have been received. Would like to have a board member participate in reviewing the proposals and moving forward.

MOTION: (Arenz, Petronovich) *to authorize staff and Trustee Petronovich to identify a preferred cleaning service based on proposals received in response to the 2024 Village Hall Facilities Cleaning Services RFP and enter into negotiations for an agreement to bring to the Village Board for consideration.* Carried.

Discussion and action on 2024-2025 WisDOT salt contract

MOTION: (Lee, Petronovich) *to authorize the Public Works Director to participate in the statewide sodium chloride bid and to enter into a municipal agreement with WisDOT for the 2024 – 2025 winter season.* Carried.

Discussion and action on address number and street naming policy

MOTION: (Petronovich, Lee) *to adopt the revised Street Naming and Address Numbering Policy, as presented.*

Carried.

Discussion and action on request for a canoe/kayak launch on Bark River at Genesee Lake Road

Director Nash stated that Mr. Carr spoke during public comment about this improvement request. Trustee Arenz stated that the DNR needs to be involved and we need to address parking and the Sawyer Road access should be looked at as well. A phased system seems to be the best approach.

MOTION: (Lee, Arenz) *to give direction to Village staff to reach out to DNR to see if this is a potential project that they would participate in and include a proposal for the project in the CIP for 2025.* Carried.

POLICE DEPARTMENT

Monthly Report

Chief Hartert reviewed his report.

WESTERN LAKES FIRE DISTRICT

Monthly Report - There was no report or representative present at the meeting.

VILLAGE BOARD

Discussion and action on proposed update of building permit fees

Building Inspector Mike Sindorf stated the Village hasn't done a fee increase since 2015 and he did a survey of surrounding communities and what their current permit fees are. He added that the quadruple fees are applied on discretion when work is started without permits.

MOTION: (Lee, Petronovich) *to approve Resolution #24-456 to establish a schedule of fees related to Chapter 103: Buildings and Building Regulations as authorized by the Summit Municipal Code.* Carried.

Discussion and action on minor revisions to the Construction Code Ordinance

Building Inspector Mike Sindorf stated Wisconsin is going through changes to the state codes so we occasionally have to submit our code to the State to make sure our ordinances are up to date.

Trustee Arenz questioned adding back in the re-roofing, siding and windows. Mr. Sindorf stated there were lots of issues when we had hail damage and insurance companies did not want to cover the replacement costs to the homeowner because a permit was not required by the municipality. Could do something to not mandate it but some people wanted them.

MOTION: (Arenz, Riley) *to approve the ordinance that was presented with the exception of moving 10, 11, 12 on page 5 and reversing it back to b paragraph to what's not required.*

Trustee Lee asked for explanation about the windows. Mr. Sindorf stated if the wall is opened up and replaced with a larger window then headers need to be changed. There are several areas that have to have tempered glass and finding lots of contractors are not using them, it's a safety issue.

Carried. Lee and Petronovich opposed.

Discussion and action to set items for April 11, 2024 regular Village Board meeting

Trustee Phillips stated he will not be able to attend the April meeting. Appointments to committees, commissions and boards.

MOTION: (Phillips, Lee) *TO GO INTO EXECUTIVE SESSION*, pursuant to Section 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: *Property Violation: 34339 N. Venice Beach Road*

ROLL CALL VOTE: Lee – aye, Arenz – aye, Petronovich – aye, Phillips -aye, Riley – aye. Carried.

*The Board may return to open session following this discussion

The Board did not return to open session.

Discussion and action on property violation at 34339 N. Venice Beach Road

There was no discussion on this item.

ADJOURN VILLAGE BOARD MEETING

MOTION: (Lee, Phillips) *to adjourn at 9:14 p.m.* Carried.

Respectfully Submitted,

Debra J. Michael, WCMC
Village Administrator-Clerk/Treasurer

Next Regular Meeting: April 11, 2024