



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](http://www.summitvillage.org)

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

---

**MINUTES**  
**Village Board - Village of Summit**  
**April 4, 2024**

**CALL TO ORDER**

Chairperson Riley called to order the Village of Summit Board meeting at 6:30 p.m. on Thursday, April 4, 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.

**SWEARING IN: Patrol Detective Justin Hennlich**

Chief Hartert explained the reason for adding this position of Patrol Detective explaining that this person will gain additional schooling and improvement of skills and it will benefit the entire Village. Chief presented Detective Hennlich with a gold badge and certificate. Administrator Michael swore Patrol Detective Hennlich in.

**PUBLIC COMMENT**

John Prokop, 34563 Hartwell Place – stated he is responding to April 2 version of ATV/UTV proposed ordinance. Thanked the Village Attorney for reviewing. Not opposed to ATV/UTV usage but you have to remember what they were initially established for; trail riding, not on public roads. Please do not open all Village Roads to ATV/UTV usage. No surrounding adjacent communities allow this right now named several: City of Oconomowoc, City of Delafield, Village of Dousman, Village of Oconomowoc Lake, Town of Oconomowoc and Town of Ottawa. Waukesha County doesn't allow ATV/UTV usage on their roads, State of Wisconsin doesn't allow, the Village of Summit would be an island. Question for Police Chief: can an ATV/UTV cross a state trunk highway or a county trunk highway. Regarding the licensing: do not require a driver's license, again, they were created for riding on trails, not on public highways, not mandatory to have liability insurance, come on you're out there on a public highway and you don't need to have insurance? It comes down to 344.01(2)(b) Motor Vehicle does not include an ATV/UTV what you're trying to do is lump two different identities and it

doesn't work. Thinks it is great to have it close to Jefferson County. Encourage to not open all Village roads to ATV/UTV usage.

Mary Prokop, 34563 Hartwell Place – stated she submitted questions and comments on February 21, related to traffic safety features, costs of signage, in preparation and use of emergency personnel. Related to the April 2 draft of the ordinance with Attorney Macy's comments. Most point out discrepancies in the Village language compare to the State law regulations. The question she asked is can the Village of Summit include and implement more restrictive practices relative to the use of ATV/UTV's on Village roads than those of the State of Wisconsin, for example: possession of valid driver's license and liability insurance.

Matt Schmitz, 37010 Serenity Lane – stated he is here about the pizza/party barns and that he doesn't think pizza/party barns belong in the Village, Summit doesn't have a lot of sound ordinances that would protect the residence's properties or areas. Statement about allowing party barns to preserve open space in the Village, can't see how that happens because someone could sell the farm off into smaller lots. A lot of people have moved here because it's a quiet community to live in to have something like this pop-up changes property values and traffic. The one property that they are discussing is in a wetland area, what would the parking area be like for that. Traffic concerns with the amount of people from a wedding venue. When opening the floodgate, what stops people from saying they want to try one in other places. Doesn't see how it preserves the Village, or helps the Village. A lot of people like it here because it's quiet, doesn't think it's a good thing.

Tom Adams, 2080 N Oakwoods Ct – stated that next month will bring up the party barn. In favor of the ATV/UTV. Is a mechanical engineer and uses logic, owned a motorcycle for 20 years, his wife too, they are allowed on the roads and have two wheels versus four on at ATV. Rather be on an ATV than a motorcycle, have had lots of people pull out in front of him. An ATV is more visible because it's bigger. Thinks they are safer than a motorcycle and certainly you need a driver's license and make sure you take the safety course to get certified. Looks at it as a much safer option than a motorcycle.

Mike Burnett, 3400 S Sawyer Road – stated he has been working with ATV/UTV for many years, in favor of them being on the road. Extremely safer than motorcycles on the road. South Dakota allows them all over the state as legal use. ATV/UTV sales have increased significantly over the last few years. Equipped with safety harnesses. Are on average quieter than most motorcycles are now. 100% for it.

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 March 14, 2024 regular meeting
- B. March 2023 payables
- C. Appointment of Weed Commissioner
- D. Authorize publication of Class II Notice for Noxious Weeds
- E. Appointment of Gerald Goggins as election inspector for term of April 5, 2024 – December 31, 2025

**MOTION:** (Lee, Arenz) *to approve the consent agenda minus the payables.* Carried.

**MOTION:** (Lee, Arenz) *to approve the payables in the amount of 49,432.46.*

Trustee Lee asked about the Kleanline issue. Administrator Michael explained the situation and reason for the removal of their invoice from the payables for this month.

Carried.

#### PLANNING DEPARTMENT

##### Update regarding Zoning Code Text Amendment project related to Permitted and/or Conditional Uses

Planner Barrows provided a written update that was explained by Administrator Michael.

#### PUBLIC WORKS DEPARTMENT

##### Monthly Administrative Report

Public Works Director Nash reviewed the report.

##### Discussion and action on an Ordinance Repealing and Recreating Chapter 26, Article I, Section 26-7 Relating to All-Terrain Vehicles & Utility Terrain Vehicles of the Code of Ordinances of the Village of Summit

Trustee Arenz reviewed the timeline that was provided in the staff report. Started in September, 2023 talking about request from group and at February meeting the draft ordinance was brought forward as adopted in the Town of Ixonia. Staff requested additional time to review and revise during March and Attorney comments were provided, those were reviewed this afternoon.

Director Nash stated that herself and Chief Hartert reviewed dozens of ordinances that were adopted by other municipalities, some of them were provided by the club and from other model ordinances throughout the state. The additions and changes that they incorporated address a lot of concerns that the staff had and were included to provide a very comprehensive ordinance. Director Nash has received lots of questions about what roads would be included in the proposed ordinance. There are two definitions of the routes: designated routes are all roads under village jurisdiction and our owned parking lots, the second is authorized routes which include all County and State highways with speed limits of 35 mph or less. Some provisions have been included that may or may not be enforceable per State and DNR. What is proposed, she is fairly comfortable with in the event that the Village Board approves it.

The group went through the changes made in response to the Attorney comments:

**Section I:** updated with the correct Statute reference for Villages State Statute 61.34 and added references as recommended by the Village Attorney.

**Section III:** (a) added language to clarify that all designated routes must be signed as required by the DNR, and until that is done, they are not to be used.

(b) added language for excluded road from authorized routes which is Valley Road or CTH B – there was further discussion about multi-jurisdictional areas and how those need to be called out specifically with reference to Valley Road, in the future if we’d go northbound on Golden Lake Road then we’d try to get permission from the City for the connecting portion of Valley Road. Other county roads were discussed along with the other steps required with the County. Trustee Lee had concerns about the area by Hogg Alley and Panga since we already have a fair amount of issues there and adding ATV/UTV in the mix potentially causes more problems. President Riley stated that people will either drive their car, motorcycle or ATV but they will still get there. Trustee Lee stated he rides an ATV for hunting, fishing, he rides trails and is fully in support of it and that the biggest benefit of this was access to the West, so potentially opening up a road that we know we have problems on, just puts us in a situation.

(e) revised the annual review to state a mandatory review after first year of initial adoption and then as needed periodic reviews at the Village’s discretion.

**Section V:** (a)(2) struck language involving the slowing of ATV/UTV to 10 miles per hour. This exact language is located in Chapter NR 64 so regardless if we strike it in the ordinance, this is still a provision that applies per Chapter NR 64.

(3) added Wisconsin Administrative Code Chapter NR 64 to the list of regulations.

(6) added exclusions for protective headgear, word for word as recommended by Village Attorney.

(a)(13) added “paved” in the description of the designated parking areas in municipal parks.

**Section VIII:** added language that the Village Clerk will provide copies of this Ordinance to the Waukesha County Public Works Department and the Wisconsin Department of Transportation and are in addition to the requirements that are currently listed.

Trustee Lee wanted to discuss Section VII B. about insurance and would like to understand it a bit more. Trustee Arenz stated that the discussion of the group was to leave it the same and we would require liability insurance. President Riley added that this goes into the bucket of items that are nebulous now. Trustee Arenz added that there are about 300 – 400 other communities in the state that require this.

Trustee Petronovich asked if we are going down the same road as the vacation rentals with this.

President Riley stated we aren’t blazing the trail, this is in many other ordinances.

Trustee Petronovich stated we are relying if the County allows these ATV/UTV’s to go down their roads, but what happens with Lake Country Village and if there are two or three people that have them and we get to a point where the County doesn’t allow them on their roads, so then we have Lake Country Village essentially locked. Trustee Arenz replied that until the County makes a decision we can’t get out of our community. Trustee Petronovich added the question: aren’t we putting the cart before the horse here to a certain degree? Trustee Arenz stated the County won’t address this unless we have an ordinance in place. Trustee Petronovich stated he is worried about some little areas like Brightwater, Lake Country Village and even his road, they can’t get out of there. Trustee Arenz responded that we have to take step 1. Trustee Petronovich stated the most important part of this whole ordinance is Section III (e) which states the Village Board can

remove routes at any time, so that protects us if it becomes a big problem. If the County says no, they aren't going to open their roads, then what should the Village do. Trustee Arenz stated we will have to talk about that if the time comes.

**MOTION:** (Arenz, Phillips) *to approve ATV/UTV ordinance as proposed with changes as discussed here tonight and direct DPW Director Nash and Kraig Arenz to work with the Okauchee ATV group to complete signage.*

Trustee Phillips congratulated the group for getting this together and likes that there are options for the Village to reconsider the ordinance and make changes as they see necessary.

Trustee Lee thinks the Village Board should consider having another open house before we move forward on this, the last open house had two days-notice and thinks we've uncovered a lot in the last month, including a new ordinance that's just been released this week and personally would like see us go public with this first before we vote this forward.

Carried. Lee opposed.

Discussion and action on a proposed Ordinance related to the Excavation and Driveways in the Village of Summit

Director Nash stated we previously discussed this at last year's strategic planning meeting and came back to the group with some questions and finally was able to make some amendments and summarize the major changes and updates she made to the ordinance. Director Nash added that she asked the Building Inspector to also take a look at this and he provided his comments after she had already put everything together. He did have some fairly minor suggestions and she does want to incorporate them. Director Nash provided those items:

**Section III (b)** to clarify the type of survey or site plan required with the application.

**(h)** changing time period for appeals from 20 days to 30 days.

Director Nash stated that there was discussion with the Building Inspector about vision triangles and would like to define those, makes sense to include and make the requirement to stay outside of vision triangles.

**Section IV (3) (i)** removing HDPE from the materials that a culvert may be constructed from, and for the sake of consistency in the Village we will just require galvanized steel basic culverts.

Those were the additional items that she would like changed to the proposed ordinance, the rest of the document she feels fairly comfortable with and she did reach out to the Fire Department and discussed some of their requirements and they gave their input which Director Nash incorporated.

Trustee Arenz stated he wanted to discuss HDPE and that much of the Village's infrastructure is HDPE and although it hasn't had a lot of practice, it is lighter, is self-cleaning and actually lasts longer and we had added it back in to allow it and he struggles because he knows Director Nash wants to keep it consistent but that is the way the industry is going. Trustee Petronovich responded that the only problem with that as Bill Miller previously pointed out is that people like

to burn in their ditches and then it melts those things. Director Nash stated she is comfortable leaving the option in.

**MOTION:** (Arenz, Lee) *to approve Ordinance #128-2024.* Carried.

Discussion and action on Resolution #24-457 Arbor Day Proclamation

**MOTION:** (Phillips, Arenz) *to adopt Resolution #24-457 Proclaiming April 26, 2024 as Arbor Day in the Village of Summit.* Carried.

President Riley read the Arbor Day Proclamation.

Discussion and action on Engineering Services Agreement with Strand Associates, Inc. for N. Dousman Road multi-use trail project

**MOTION:** (Arenz, Lee) *to approve the proposed Engineering Services Agreement between WisDOT, the Village, and Strand Associates, Inc. for engineering services related to the N. Dousman Road Multi-Use Trail project, contingent upon review and approval by WisDOT.* Carried.

POLICE DEPARTMENT

Monthly Report

Chief Hartert reviewed the monthly report.

Discussion and action on Resolution #24-458 to change bond schedule for municipal ordinances

**MOTION:** (Arenz, Petronovich) *to approve Resolution #24-458 – Revised Municipal Bond Schedule.* Carried.

Discussion and action on Ordinance #127-2024 to repeal and recreate Section 1-7 © of Village of Summit Code related to General Penalty; Continuing Violations

Chief explained this applies to the general categories.

**MOTION:** (Arenz, Lee) *to approve Ordinance 127-2024.* Carried.

Discussion and action on contract with Custom Service Information, LLC for revision and updating of Police policies and procedures

**MOTION:** (Lee, Petronovich) *to allow Chief Hartert to enter into a contract with Custom Service Information, LLC.* Carried.

WESTERN LAKES FIRE DISTRICT

Monthly Report – no report provided and no representative present.

## VILLAGE BOARD

### Discussion and action on appointments to the following:

- a. Plan Commission: 2 three year (regular)
- b. Cemetery Board: 2 three year (1 regular, 1 alternate)
- c. Police Commission: 1 five year
- d. Zoning Board of Appeals: 3 three year (2 regular, 1 alternate)
- e. Board of Review: 1 two year (alternate)
- f. Residence Board: 1 three year
- g. Western Lakes Fire District Board: 1 three year
- h. Western Lake Fire District Commission: 1 five year

**MOTION:** (Arenz, Petronovich) to appoint Matt Katz as a regular member of the Plan Commission for a 3-year term. Carried.

**MOTION:** (Arenz, Lee) to appoint Jay Obenberger as a regular member of the Plan Commission for a 3-year term. Carried.

**MOTION:** (Riley, Arenz) to appoint Greg Kummrow as a regular member of the Cemetery Board for a 3-year term. Carried.

**MOTION:** (Riley, Arenz) to appoint Janet Gibeau as an alternate member of the Cemetery Board for a 3-year term. Carried.

**MOTION:** (Arenz, Petronovich) to appoint Ken Helbing as a regular member of the Police Commission for a 5-year term. Carried.

**MOTION:** (Arenz, Petronovich) to appoint Brett Etzel as a regular member of the Zoning Board of Appeals for a 3-year term. Carried.

**MOTION:** (Arenz, Petronovich) to appoint William Krill as a regular member of the Zoning Board of Appeals for a 3-year term. Carried.

**MOTION:** (Arenz, Petronovich) to appoint Lisa Mellone as an alternate member of the Zoning Board of Appeals for a 3-year term. Carried.

**MOTION:** (Riley, Petronovich) to appoint Herb Rosenberger as a regular member of the Residence Board for a 3-year term. Carried.

**MOTION:** (Riley, Arenz) to appoint Kent Lorenz as a member of the Western Lakes Fire District Board for a 3-year term. Carried.

**MOTION:** (Riley, Petronovich) to appoint Chris Kadow as a commissioner for the Western Lakes Fire District for a 5-year term. Carried.

### Discussion and action on 2024/2025 Village Insurance renewals

**MOTION:** (Arenz, Lee) to approve the renewal proposal for Village insurance through the League of Wisconsin Municipalities Mutual Insurance program as presented and direct staff to review the cyber security portion and report back with information. Carried.

Discussion and action to set items for May 9, 2024 regular Village Board meeting

Possible agenda items: WLFD intermunicipal agreement, ATV/UTV discussion with Waukesha County, text amendment for event venue, water and sewer agreement for service from City of Oconomowoc for lands to the west of Village Hall.

ADJOURN VILLAGE BOARD MEETING

**MOTION:** (Petronovich, Lee) *to adjourn at 8:12 p.m.* Carried.

Respectfully Submitted,

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

**Next Regular Meeting: May 9, 2024**