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

MINUTES

Village Board - Village of Summit

May 9, 2024

CALL TO ORDER

President Riley called to order the Village of Summit Village Board meeting at 6:30 pm on Thursday, May 9, 2024 at the 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

Wayne Euclide, N63W3288 Burtonwood Dr. – County Supervisor District 2, gave an update on what has happened since he was sworn in April 16. They elected a new chairman and vice chairman, he was appointed to the public works and finance committee and nominated to the budget task force and working on selling naming rights for buildings and properties within Waukesha County as a revenue source. Meeting with Kraig Arenz related to AVV/UTV use on County roads.

John Niegelsen, 1161 S Opengate Ct. – requesting variance for Item 8. F. on the agenda to replace their 29-year old driveway as is.

Elizabeth Kane, 2942 N Interlaken Dr – here with husband and 2 kids, they are wake surfers, their boat doesn't have loud speakers and they use it about 4 times per season and follow all rules and regulations. They along with other property owners on Lower Nashotah Lake have recently received a request to provide their feedback on whether or not the Village Board should be asked to adopt an ordinance that would prohibit the use of wake boats. If that is passed, they won't be able to wake surf on the lake anymore. Mrs. Kane stated that they already have a slow no wake every holiday and weekend from 2 – 5 pm. Her and her husband have built a new home, boathouse, rip rap, permanent pier, and \$200,000 worth of water features. If an ordinance is passed, they would face additional expenses to move the boat off the lake. Being a minority on that lake, she is concerned that decisions are being made by noisy neighbors and many are indifferent to wake surfing. Other concerns are that this is a legal watercraft in the state but their legal rights would be taken away, also that this will never stop and there will always be something brought up by the older residents who have harassed younger residents regarding other matters. The lake is still most of the time still very, very quiet, could wait for State to make a decision, Village of

Summit has many lakes and should perhaps consider all. Another option would be dredging the channel between Lower Nashotah and Upper Nemahbin to get the wake surfers onto Upper Nemahbin. Feels there would be a financial impact to the Village by saying we don't want younger families there. Hopes the Village will take this information into consideration.

President Riley ANNOUNCED EXECUTIVE SESSIONS, stating that pursuant to Section 19.85(1)(g), Wisconsin State Statutes, "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: for the following purpose: *Wildwood Estates v. Village of Summit*

AND, pursuant to Section 19.85(1)(g), Wisconsin State Statutes, "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" for the following purposes: *Fire Fee objection*

AND, pursuant to Section 19.85(1)(e), Wisconsin State Statutes, "deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session" for the following purposes: *Western Lakes Fire District Intermunicipal Agreement and Ownership*

*The Board will not return to open session following these discussions

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 April 4, 2024 regular meeting
- B. April 2024 payables
- C. Resolution regarding Roger's Memorial Hospital Claim for Unlawful Tax (s.74.35, Wis. Stats.)
- D. Appointment of Election Inspector: Harry Pigsley

MOTION: (Lee, Phillips) *to approve the consent agenda as presented.* Carried.

PLANNING DEPARTMENT

Discussion and action on request of William and Laura Flood, property owners in the Town of Sullivan at N4615 Indian Point Road, for a Certified Survey Map to create two lots and an outlot within the extraterritorial limits of the Village of Summit

MOTION: (Arenz, Phillips) *to acknowledge the Certified Survey Map for William and Laura Flood at N4615 Indian Point Road and report no objections to the Town of Sullivan and Jefferson County.* Carried.

Discussion and action on request of Robert Zahn to reduce a portion of the road rights-of-way of N. Golden Cedar Lane and Cedar Lane adjacent to property owned by Colton and Victoria Ziemanski located in the northwest corner of N. Golden Cedar Lane and Cedar Lane (SUMT0695039)

Planner Barrows explained that the applicant is looking to purchase a property in the NE corner of Golden Lake, would like to build a house on the West side of the property near the curve of the road. There is additional road right of way that abuts the property. Plan Commission recommended that Cedar Lane remain at 66' wide, and the

area that surrounds the curve that they dedicate 5' north of the physical road and if road is in the right of way and there is already 5' then we'd leave it as is. This is just for the established width map. A legal description exhibit must be provided. Applicant has a CSM that includes the subject property and dedicates the right-of-way on the north side of the road and they are preparing the exhibit. They are looking for approval so they can move forward but pending final approval from the Village Board.

Trustee Petronovich stated that he is glad to get this cleaned up. There have already been reductions along this section of the road.

Trustee Arenz stated he knows what we are doing and why but all of the road is on that parcel, would there ever be a plan to move the road to the identified right-of-way. Director Nash stated we could take that approach but thinks it makes more sense to adjust the right-of-way.

MOTION: (Arenz, Petronovich) *to approve the proposed official right-of-way width reduction of N. Golden Cedar Lane as recommended by Plan Commission provided the Certified Survey Map and exhibit that describes the reduced official road right-of-way width be accepted by Village Board prior to the official right-of-way width reduction being effective. Carried.*

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 –

****APPLICANT HAS WITHDRAWN THIS PROPOSAL, THERE WILL BE NO ACTION****

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash reviewed the department's monthly report.

Discussion and action on Resolution proclaiming National Public Works Week: May 19 -25, 2024

MOTION: (Lee, Phillips) *to adopt Resolution #24-459 Recognizing the week of May 19 – 25, 2024 as “National Public Works Week” in the Village of Summit. Carried.*

Discussion and action on Agreement between the Village of Summit and the Okauchee Area ATV/UTV Club for ATV Route signage

Director Nash stated at the last board meeting an ordinance was adopted for ATV/UTV routes in Summit and she was directed by Trustee Lee to put together a draft to present to the board for consideration, this is a preliminary draft and feels there is still some negotiation needed. Comments from Village resident provided. ATV Club provided comments and a sign map.

Trustee Petronovich asked if these are signs that are standard throughout the state. Director Nash responded yes.

Trustee Arenz stated there was an email provided from Matt Thompson and asking if they could install the signs themselves, there is someone here that has installed them in Wisconsin in the past.

Director Nash feels that the installation responsibility or at least a final inspection is very important in terms of liability for the Village. Trustee Arenz agreed and stated the other community in Adams County manages it with the club doing the majority of the work but ultimately the DPW is in charge of it. There is also an annual inspection element.

Trustee Lee stated we own this and it's a cross that we have to install them and make sure it's done properly. They are public roads, Village of Summit roads and having someone else install them on our roads is not proper.

Trustee Petronvich stated he thinks the club can do it, if they've done it before. Trustee Arenz gave a comparison of the baseball club coming to the Village to install something at the Village park.

Trustee Lee asked what is the liability to the Village, what if someone gets hit by a car while putting up a sign on the Village road. Director Nash stated she doesn't have an answer to that.

President Riley stated he thinks the club can do it faster and cheaper but the Village should be doing a final inspection after installation and an annual inspection.

Trustee Phillips stated he doesn't have a strong feeling one way or another.

Tim Rohrer, President of Kettle Moraine ATV Association, West Bend, explained that he has helped or done other municipalities including some counties. They will work with the board or the directors however we want. Some municipalities told them to just go do it. Other places have asked to see the map beforehand, other places want to check after they stake out where a sign should be. If Diggers comes along and marks the area, they would move it. Personally thinks it works best where we have good communication back and forth and it is checked after every step. They contact Diggers Hotline and then after that they would go out and install the posts and the signage. They have worked with DOT to come up with standards to follow. Himself and another guy asked what their liability is in all of this and finally reached out to DOT and asked how to make sure this work is legal and safe. Worked with Bob from DOT, DOT's website under ATV route tab has the documentation that the DOT has sent to their attorneys for review. Wanted to do it right because there were signs in all different locations and at one of the meetings a board member made a comment about signs going up in the middle of the night and going on the back of poles, wrong side of the road. They go a step further than what the state requires. When it's just municipal streets, they say the county or state highways don't have to be marked, he doesn't agree with that. Every entrance or exit to the Village has at least the edge of town signage (referred to map).

Trustee Lee asked if Kamron expects to specify the posts and signs. Director Nash stated they talked about the club providing the map and likes the idea of looking at the locations after they are marked. Trustee Arenz stated he likes the idea of staking first and then looking at them to catch anything that is not correct on the base map.

Trustee Lee asked if there are speed limit signs that get posted for ATV routes. Mr. Rohrer stated yes in those cases where the ATV speed limit is less than the normal posted speed limits.

The Board went through the agreement to review the suggested changes to the Agreement for Route Signage. Direction was given to Director Nash to revise based on their comments.

Discussion and action on 2024 Road Paving program bid results & authorization to award contract

Director Nash the bids came in under budget.

Trustee Petronovich stated he likes the bid but doesn't understand why we are still paying \$50,000 for engineering costs.

MOTION: (Arenz, Lee) *to approve the recommended paving program and option and to authorize SEH to proceed with awarding the 2024 Village of Summit Road Paving program contract to the lowest responsible bidder, Wolf Paving, Inc. Carried.*

Discussion and action on Agreement for Village Hall Cleaning Services

Director Nash stated at the April meeting the RFP's were presented and the bids ranged from \$3,200 to \$6,000 per month.

MOTION: (Lee, Arenz) *to authorize staff to enter into an agreement with OCD Cleaners for the remainder of the 2024 calendar year and have another RFP for 2025. Carried.*

Discussion and action on request for replacement driveway width variance for 1161 S. Opengate Court

Director Nash stated this came up because a contractor was doing work to replace a driveway and it was discovered that the current width exceeds what the ordinance allows. This is a policy decision. The driveway was originally installed in 1995, not sure what the specifications were back then.

Trustee Arenz stated he has been out to this property and it isn't a safety issue and it doesn't stand out, likes the idea about being consistent. We already have a policy and a standard for when they build anything new and the ones that come up after the fact, we would deal with as a variance.

President Riley stated he likes the process but doesn't think some of the points should be so stringent. Thinks they could still replace in kind even if the culvert would have to be replaced.

Trustee Lee stated his opinion is that we will be looking at driveways every single meeting if we leave it up for consideration and thinks we should be in compliance with the current ordinance.

MOTION: (Arenz, Petronovich) *to approve a variance for the driveway width at 1161 S Opengate Court to allow for replacement of the existing driveway. Carried. Lee opposed.*

Discussion and action on SEH change order for Professional Services related to N. Venice Beach Road drainage improvements

Director Nash stated she opted to not have Mike Court attend the meeting tonight to save the Village some money. Originally the thought was that there would be an exemption for certain areas and we would not be required to get a permit. Another DNR official has inserted themselves into the process and is making new requests. Staff is trying to take some of this work in house but there is work to be done for DNR permitting that requires SEH.

MOTION: (Lee, Phillips) *to approve the SEH change order for professional engineering services for the N Venice Beach Road drainage improvements project for a cost not to exceed \$6,200 to be paid with borrowed funds allocated to the 2024 Road Paving Program. Carried.*

Discussion and action on disposal options for old village street name signs

Director Nash suggested we do a spreadsheet of all the available signs, do a press release and have people bid on them.

Trustee Lee stated if we do a silent auction type of thing we could set a minimum price and let people bid on them.

MOTION: (Lee, Phillips) *to create a silent auction program to be managed by Director Nash and use the recycle cost as the minimum for the signs. Carried.*

POLICE DEPARTMENT

Monthly Report

Chief Hartert reviewed the monthly report.

Discussion and action on Ordinance #130-2024 to repeal & recreate Section 20-1 of the Summit Village Code

MOTION: (Arenz, Lee) *to approve Ordinance #130-2024 which repeals and recreates Section 20-1 of the Summit Village Code. Carried.*

Discussion and action on purchase of records management software from Deer Creek Technologies services

Chief Hartert explained that the League insurance company has agreed to reimburse the Village for the cost of this program.

MOTION: (Lee, Phillips) *to allow Chief Hartert to utilize Deer Creek Technologies services. Carried.*

Discussion and action on acceptance and designation of donated funds in the amount of \$5,000 from Silver Circle Sports Events, LLC.

MOTION: (Lee, Arenz) *to approve the designation of funds from Silver Circle Sports Events for services from First Responder Psychological Services, LLC and for implementation of the Taser 10 program. Any remaining funds would be used for the purchase of Community Service Officer equipment. Carried.*

Discussion and action on acceptance and designation of donated funds in the amount of \$2,477 from St. Mary's Church

MOTION: (Arenz, Phillips) *to approve the designation of \$2,477 in donated funds from St. Mary's Church for the purchase of a chip reader, an AED and safety equipment. Any leftover funds would be placed in the Community Outreach account. Carried.*

WESTERN LAKES FIRE DISTRICT

Monthly Report

Chief Bowen reviewed the monthly report.

Discussion and action on Intermunicipal Agreement – there was no discussion, this was the topic of the closed session.

VILLAGE BOARD

Discussion and action on petition to Waukesha County to open two segments of County Roads within the Village of Summit for ATV/UTV access

MOTION: (Arenz, Phillips) *to petition Waukesha County for ATV/UTV access on segments of CTH P and CTH BB as noted on the attached map and allow Administrator Michael and Trustee Arenz to work with the county on this request.* Carried. Lee opposed.

Discussion and action on Application for Special Events License for Panga Bar & Grill for May 24 – May 27, 2024 at 34422 Delafield Road

Joel Walskog spoke regarding the request and stated that they are lake owners too and he doesn't want to have noise bouncing and wants to respect the neighbors. He stated that they met with owners to west and east and explained their plan, one issue that came up was about light pollution.

MOTION: (Arenz, Petronovich) *to approve the Special Events License for Nemahbin Lake Partners LLC, d/b/a Panga Bar & Grill at 34422 Delafield Road, from May 24 – May 27, 2024 and additionally, to consider this one event per the Business Plan of Operation.* Carried.

Discussion and action on Cash Agreement with White Stone Community Church for Emmaus Road

MOTION: (Arenz, Lee) *to approve the Cash Agreement with White Stone Community Church for Emmaus Road in the amount of \$19,060 to be held until the end of the two-year warranty period for final consideration of release.* Carried.

Discussion and action on release of Letter of Credit with White Stone Community Church for Emmaus Road

MOTION: (Lee, Arenz) *to release the letter of credit in the amount of \$19,060 based on recommendation of the Village Administrator and with the agreement that a Cash Agreement deposit will be provided in place of the Letter of Credit.* Carried.

Discussion and action on updating the Village Investment Policy

Administrator Michael asked to remove this item and that it will be brought back at a later date.

Discussion and action on Proclamation: 55th Annual Professional Municipal Clerks Week

MOTION: (Lee, Phillips) *to approve the Proclamation as presented.* Carried.

Discussion and action to set items for June 13, 2024 regular Village Board meeting

Liquor licenses.

Discussion and action on request for Special Meeting on June 20, 2024

Administrator Michael stated she will send out an email with regards to this.

MOTION: (Petronovich, Lee) to enter into **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: *Wildwood Estates v. Village of Summit*

AND, 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: *Fire Fee*

AND, pursuant to Section 19.85(1)(e), Wisconsin State Statutes, “deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session” for the following purposes: *Western Lakes Fire District Intermunicipal Agreement and Ownership*

Roll Call Vote: Trustee Petronovich – aye, Trustee Arenz – aye, Trustee Phillips – aye, Trustee Lee – aye, President Riley – aye. Carried.

ADJOURN VILLAGE BOARD MEETING

MOTION: (Lee, Phillips) *to adjourn at 9:50 p.m.* Carried.

Respectfully Submitted,

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

Next Regular Meeting: June 13, 2024