Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
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Summit Village Hall ● 37100 Delafield Road ● Summit, WI 53066

MINUTES
Village Board - Village of Summit
June 13, 2024

CALL TO ORDER
President Riley called to order the Village of Summit Village Board meeting at 6:30 pm on Thursday, June 13, 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, and Justin Phillips. Also, present were: President Jack Riley, Public Works Director Kamron Nash, Police Chief Mike Hartert and Administrator-Clerk/Treasurer Debbie Michael. Trustee Jeff Lee was absent.

PUBLIC COMMENT

Virginia Dalbke, W352 N5980 Nelson Road – support the action of initiating a text amendment to allow schools in Institutional District.

Brian Dalbke, W352 N5980 Nelson Road – supports the action to initiate a text amendment to allow schools

Michelle Pakenham, 35058 Wayfare Trail, 38-year resident of Summit, supports change for day school, understands that a big part of the school curriculum supports civics and thinks that would be a great addition to Summit.

Margarat Daigneau, Principal of school, hoping to ask question about Item e on the recommended list.

Nick Hayden, 1213 N Breezeland Road - supports day school change to Institutional District.

Nate Rice, 37803 Valley Road - applauds police department for using the speed board on Valley Road it has been a good help, he is excited to have speed patrols out over the Summer.

2023 AUDIT REPORT – Presentation by Brandon Panka, Reilly, Penner, Benton, LLP

Brandon Panka introduced himself as the Partner in charge of the audit and gave a brief high-level overview of the 2023 Audit Report. Overall, the audit went very well, because of the new accounting system switch over, it was a bit more time consuming but overall, Debbie and her staff did a good job of having that prepared for them

as usual and in the past is very good at having things prepared for audits and having things in pretty good order. His firm has issued an unmodified opinion which is the best opinion you can have for an audit and basically states that they believe the financial statements for the audit presented are materially correct. Fund Balance increase of $560,000 which brings it up to $4.2 Million, General Fund was up $681,000 to $3.2 million, capital projects went down $239,000 to $0, typically the Village keeps it at zero, it just so happened that there were some debt proceeds that were lingering from the year before and that is not abnormal. Non major funds went up $120,000 to about $1 Million. Overall, the Government Funds continue to see the positive increases which is good.

Utility wise: SUD #2 was up $330,000 and Silver Lake was down $43,000. No major changes there and no concerns with major increase or decreases in revenues or expenses causing issues.

Overall, the debit limit that the Village can take out is a little over $90 million, and as of December 31, 2023 the Village is only using $9.6 million. This is only 10% of debt limit which is a good percent and have seen many municipalities with much higher.

Another change during the year was that the ARPA funds were recognized in 2023 and we no longer have that liability out there so the funds are gone and don't need to be spent anymore.

Management letter comments: Mr. Panka stated as part of the audit they are required to analyze our procedures and compliance related things and then they issue management letter comments. They did have a couple significant deficiencies, which is basically saying, they are there, but they are not materially pervasive throughout the organization. They made audit entries that were material, a good amount of them and some of the larger entries were due to transition of software and should get cleaner next year, financial statement presentation is done by their firm and segregation of duties which with a small municipality it is hard to have a full accounting staff but the Village does a good job for what they have and there is good oversight, so he is not overly concerned about that.

Other comments made to improve one: utilize the fund accounting in the new software program so that will be cleaner and more accurate to do so during the year, bank recs and back dating checks in the Utility Districts was discussed with Debbie and believes those should be cleaned up when switching accounting systems during this year.

In closing, the audit went well, continues to go well and thinks the accounting system was a good improvement and will continue to be in the future.

President Riley **ANNOUNCED EXECUTIVE SESSION:** pursuant to Section 19.85(1)(e), Wisconsin State Statutes, "deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." for the following purposes: *Police Union Contract Negotiations*

*The Village Board will not return to open session following this executive session

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 May 9, 2024 regular meeting

B. May 2024 payables
C. Resolution No. 24-461 to Combine Wards
D. Renewal applications for Alcohol Beverage Retail License Class "B" Beer and "Class B" Liquor for a term of July 1, 2024 to June 30, 2025:
    i. Stolley's Hogg Alley, LLC, Agent: Jeffery David Stoll, Trade Name: Stolley's Hogg Alley LLC 2008 North Venice Beach Road
    ii. Phil Zagrodnik, Trade Name: Ole's Tap LLC 34324 Delafield Road
    iii. Nemahbin Lake Partners, LLC, Agent: Daniel Della, Trade Name: Panga Bar & Grill 34422 Delafield Road
    iv. S&S Lakeside, Inc., Agent: Karlis Vecitis, Trade Name: Lucky Chucky's 37238 Valley Road
    v. GLP Acquisitions LLC, Agent: Ann Rollefson, Trade Name: Golden Lake Pub 604 S Golden Lake Road
E. Application for Alcohol Beverage Retail License Class "B" Beer for a term of July 1, 2024 to June 30, 2025:
    i. Miller's Sandy Beach Diner, LLC, Agent: Ann Rollefson Trade Name: Miller's Sandy Beach 460 S Golden Lake Road
F. Application for Cigarette and Tobacco Products Retail License for: Stolley's Hogg Alley, LLC and Ole, LLC for a term of July 1, 2024 to June 30, 2025
G. Application for Special Events: Jeffery Stoll, d/b/a Stolley's Hogg Alley, at 2008 N Venice Beach Road, June 23: 10 am – 7 pm and August 18: 8 am – 7 pm

MOTION: (Petronovich, Arenz) *to approve the consent agenda as presented.* Carried.

PLANNING DEPARTMENT

Discussion and action on request of Adam and Nedret Rix to combine two lots on property located at 456 N. Waterville Road and 502 N. Waterville Road (SUMT0676993002 & SUMT0676993003)

MOTION: (Petronovich, Arenz) *to approve the 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.

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. UTILITY CONNECTION FEES. As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all utility connection fees owed to the Village of Summit. Note: **The subject property is served by a private septic system. No fees apply.**

D. 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.

E. **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 of Andrew and Rebecca McNulty to reconfigure two lots on property located at 523 N. Waterville Road (SUMT0675996002) and property abutting Breen's Road (SUMT0675996004)

MOTION: (Petronovich, Phillips) *to approve the 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.

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. **UTILITY CONNECTION FEES.** As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all utility connection fees owed to the Village of Summit. Note: **The subject property is served by a private septic system. No fees apply.**

D. **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.

E. **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 to initiate a text amendment to allow day schools as a permitted use with amended conditions in the Institutional District

Planner Barrows stated that the Public Hearing for this matter will take place at the July Village Board meeting for a land use amendment to the institutional category to allow for schools, regardless and separate from that application, staff has discussed the need to consider a text amendment regarding schools. Plan Commission has considered the matter and is asking Village Board to initiate the application so it is Village driven with the text coming from the Village and not a private applicant.

Staff meet and is recommending the language provided tonight. The reason for recommending changes to the provision based on some previous discussion (2045 Comprehensive Plan update) that day schools should be a permitted use in the institutional district because the intent of the zoning district for Institutional specifically

does state that the district is inclusive of areas of governmental, educational, religious or medical property uses and it doesn't distinguish between public or privately owned property developments. All of the uses that are laid out in the intent section are permitted by right currently, except schools were not including until 2021 when Lake Country Classical Academy requested a code amendment and they recommended that schools be allowed as a conditional use in the Institutional District. Since the request was applicant driven it applied specifically to a certain property in the Village. As part of the Comprehensive Plan update, the subcommittee recommended that (and it is written in the plan update) that the Village look at the Institutional category and make sure all of those uses are either permitted or conditional use, with a recommendation that schools be permitted as a permitted use.

Planner Barrows explained that based on the amendments staff is recommending that the current properties in the Village which would have the availability for a school would be limited to 5 properties:

- Abundant Life (already has a school operating)
- Aurora Hospital
- Summit Cemetery (1 of the 2 properties)
- Roger's Main Campus
- Boy Scouts of America (1 of the properties that abuts Golden Lake Road)

Any other properties would need to go through a land use plan amendment and rezoning to even be considered.

As a starting point, the staff took the conditions of the Conditional Use and reached out to Lake Country Classical Academy and asked what they preferred since if this text amendment goes through, they would become an applicant.

Planner Barrows went through and compared the current list, the school's preferences and the Village Staff Proposal:

1. School has to have a valid license from the State of Wisconsin – since this is a requirement by law, staff proposes to remove it
2. Must meet the requirements of the fire code and pass inspections- since this is a requirement on any property, staff proposes to remove it
3. Cannot allow any overnight housing – removed because hours of operation don't allow contiguous hours
4. Parcel shall include at least 8 acres of land under one ownership – proposal to keep this and add "as a single lot of record"
5. Parcels shall front and have access to a County or State Highway – proposal to remove the access as a requirement
6. Parcel shall not abut a lake or river – proposal to remove, not clear on initial reasoning
7. All buildings shall be a minimum of 75' from a property line – proposal to make more restrictive to 100' from a contiguos residentially zoned lot line. Didn't feel if it was commercial or industrial that the added setback was necessary
8. Off street parking – proposal to remove because that is implied and you have to meet what's in the code
9. Principal building shall be 30,000 square feet in area on first floor – proposal to remove because it was not fully understood why a small school wouldn't be allowed or promoted versus a large school
10. Adequate septic or sewer system shall be provided – proposal to remove because you have to have proper sewage disposal per the code
11. Submit site plan/plan of operation – proposal to remove because it is already written in the Institutional

District and criteria that has to be met

12. Uses of all existing structures should be identified in site plan – proposal to remove since it is already written in the general section of the code

13. Any outdoor athletic fields, playgrounds and instruction areas shall be used only by the day school – proposal to remove but added to a lower condition. LCCA would like to be able to lease those facilities out and looking for further discussion. Staff felt if the Village is approving a day school on the property that all uses should be of the day school

14. Day school may serve students in grades pre-k through 12th grade – proposal for no changes

15. Day school shall not exceed 500 students – the school has asked that be increase to 900 students - proposal to remove since students aren't the driving factor but rather the increase student's impact traffic and it would be more important to have a traffic impact analysis (TIA) to be completed and submitted and approved by Plan Commission and shall include provisions for traffic control during the beginning and end of the school day and regarding stacking of vehicles on private property not on public roads, with off street parking provisions for students in 9 – 12 grade

16. Indoor and outdoor operations – revised

17. Special events – proposal to remove because if their events take place during hours of operation then they are ok and it's hard to define what a special event even is with the amount of activities that a school has

18. Plan of Operations including traffic control information – proposal to remove since that language was incorporated up above

19. Exterior lighting shall be for parking lot and circulation only – original language in code prohibits exterior lighting other than for parking and circulation only and that no athletic field lighting will be permitted – proposal to remove because a school will have evening activities as part of their normal operations

20. Day school – proposal to remove because that is implied and compliance with Chapter 18 has to be met.

21. Proposal to add an additional requirement: public safety plan dealing with emergency, police and fire shall be submitted for review and approval by the Plan Commission.

Planner Barrows explained that the idea here is to initiate the application, she will summarize their action and take that to next week's Plan Commission meeting and if it does pass tonight, then it would be scheduled for a public hearing for July. The Village Board can decide if it wants to change any of these conditions, allow Plan Commission to further refine them, that's part of the benefit of having this a Village initiated.

Trustee Petronovich explained he was in the group that worked on this and the attorney looked at it too and he thought it worked very good and obviously lights and sound are always an issue and placement of buildings could be an issue and we haven't resolved any of that yet. The neighbors to the north gave their blessing on this proposal and there was nobody really against it. Planner Barrows state that to date regarding this, the proposal that's coming forward in July, these text amendments are really are separate from that. Plan Commission hasn't been able to consider specific site elements related to that development because it was being proposed as a conditional use. Having it be a permitted use will open up the conversation regarding site plan details earlier in the process but as of right now, the Village has not discussed the details of the site for that specific proposal and that these conditions would apply to any Institutional zoned properties and should be looked at on a broader scale. This is the first time that there will be a permitted use with conditions attached to it.

Trustee Arenz asked about the athletic fields and wanted to better understand what was proposed for Item 4e on the redlined version and what the change differential is. The way he reads that is it can only be operated and used by the day school, so that means they could do whatever they want on a private scale but that it would be managed by the day school. Trustee Arenz continued to state there are a lot of consortiums and groups in the

Town of Oconomowoc, the City of Oconomowoc, that use athletic fields in numerous ways and it seems like we are excluding use. Planner Barrows stated that was intentional and something they should consider and if they want it to be written differently, we can discuss with the Village Attorney about writing it so that it says what the board wants it to say. The condition is intended to say is that a day school may operate on a property from the owner or be leased but that the athletic fields actually be used by the school. The intent was that they not to be leased out to outside of the school. Reasoning was to limit the intensity of the use where there is such a strong need from the area schools and organizations and we have pressure at Genesee Lake Road Park for example, and those fields may be used on a very regular basis compared to other typical sporting activities and that was part of the concern. If the board doesn't share the same concern, they should make that clear tonight and it will be written differently. Trustee Arenz added that overall, this is the biggest item that stands out from other operations that do something similar, for example; St. Matthews and even the public school system have a joint ownership viewpoint and this is very pigeonholing in comparison to that. It seems to be a restraint and not that we couldn't change it in the future but it sounds like that is what the intent was for a specific reason and he questions if that is what we really want for the use. Trustee Petronovich stated he thinks we can review that later on and he doesn't know what the school's intent is for that. Trustee Arenz suggested that Planner Amy talk to John (Attorney Macy) to develop verbiage to give more latitude without having it be over the top, which isn't his intent but, the way it is written here is very focused. Planner Barrows explained that one way you could say that is any leasing of the athletic fields requires Plan Commission approval related to timing, volume of them, etc. and they could come in with an annual report of their intentions. Trustee Arenz stated he likes that because it isn't mutually exclusive then and it's not a yes or no, there's a path on how to do something. Trustee Petronovich stated it also depends on where the fields will be located and in relation to Lake Country Village. Trustee Arenz added that he likes giving the owner some flexibility and if the Plan Commission is will to come up with verbiage and manage that, he would be on board. President Riley is in agreement with it and he wouldn't want to say it's impossible to do it so having a path to get it done is a good idea.

President Riley stated the hours of operation and use of outdoor areas go together. He questioned why no operations on Sunday, and feels that Sunday daytime would be fine. Planner Barrows stated she believes that came from a couple of sources: 1. The existing code does not allow Sundays, but the group wanted to be clear by stating it, but the hours didn't include Sundays, and 2. Staff felt that neighborhood should have a day of rest from the activities. Trustee Petronovich added that was correct, the group was focused on the impacts to the neighborhood. President Riley that it seems like weekends are very few in the Summer. Planner Barrows stated that having it open for Sundays would open up the intensity of use. President Riley stated he would rather see kids outside playing instead of not playing outside. Trustee Arenz related this to a special use for the bars and if they wanted to do something on a Sunday, they could come in and ask for a special event. President Riley agreed, they would fill out an application for a special use that's not spelled out. Trustee Phillips explained he would rather say no Sunday evenings and restrict by times, maybe 10 am– 5 pm. Planner Barrows asked for clarification; they would limit the hours on Sundays from 10 am – 5 pm by special request with approval coming from the Plan Commission on an annual basis.

President Riley stated he likes the change to size and thinks that's a good compromise instead of just saying the total number of students because that makes it flexible enough to be for whatever property it would be on.

Trustee Phillips stated he agrees with the direction they are taking.

Planner Barrows outlined the next process: will take this language to the Plan Commission next week and if they want to be more restrictive, does the board want to continue on with the public hearing with more

restrictive provisions or should it be held up and brought back to the Village Board. President Riley stated he would recommend to keep moving forward. Planner Barrows confirmed that the Village Board is the final decision maker after the public hearing for ordinance adoption. If they would choose to, they could hold a joint public hearing with the Plan Commission. Planner Barrows went on to further explain that the process is a little looser than they may have seen in the past because this is Village driven however, if the Plan Commission proposes language and they are more restrictive than what the Village Board wants and it gets noticed and then the board loosens up the language, then that would have to go back to Public Hearing because the public would not have been aware of it. If the Village Board becomes more restrictive with the previous application, it had to go back but because it's Village initiated, they can tighten it up and carry through. Attorney Macy doesn't recommend joint public hearings because the Plan Commission is solely looking at land use and land use impacts and then when it comes to the Village Board there is a bit of a more political spin to it.

President Riley asked if everyone is in agreement that they want to allow a process for leasing or special uses and the change to Sundays. Everyone present is in agreement.

MOTION: (Petronovich, Arenz) *to initiate an application to amend the text of the Zoning Ordinance to allow day schools as a permitted use in the IN Institutional District subject to conditions discussed during the June 13, 2024 Village Board meeting.*

President Riley stated we don't need to have a joint Public Hearing.

Carried.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash had no additional updates.

Discussion and action on request to vacate public right of way "Lake St" in Genrich's Bay Subdivision

Director Nash explained that the property owner has reached out and is still interested in splitting this property with their neighbor on the opposite side. This is the public right of way strip that is about 12' wide and is right next to the house being rebuilt because it burned down. Director Nash stated she has spoken to Attorney Macy regarding our ability to get rid of this property or turn it over to private ownership and he stated we have to do research and our due diligence on how the Village obtained the property in the first place because it is a lake access point and also the way it is listed on the plat is right-of-way. Director Nash added that she did some preliminary research and it's not really clear on how this was created. She is coming to the Village Board before spending more time and effort on this to find out if they have an interest of the Village pursuing looking into this and if so, the interested property owners would likely have to cover some of the costs for the research and she imagines a title search would need to be completed on these properties. Then determine what the proper procedure would be based on if it is lake access or public right-of-way.

President Riley asked if we can we do a chargeback form. Director Nash responded that yes, we could do that with our form and ask that they cover any reasonable costs. Trustee Arenz stated that before we go down that path, he would ask that this go before the Plan Commission because we just have done a couple of these some

public access/right-of-way portion on new subdivisions and we specifically had them add that in and here we have one with lake access, that we are looking to remove. It seems to be counter intuitive. So, before we go any further and spend Kamron's or legal time, he'd like to get Plan Commission opinion on should we or shouldn't we get rid of it.

MOTION: (Arenz, Petronovich) *to refer this question and the parcel described to the Plan Commission and wait back for their report.*

Carried.

Discussion and action on 2024 Asphalt Surface rejuvenating treatment program bid documents and advertisement for bids

Director Nash stated this is the new treatment we are going to be trying instead of seal-coating, it's a rejuvenating treatment that penetrates the asphalt and you apply it to newer pavements. A full bid package was put together since this is a fairly large program, we have to publicly bid it according to State law. Director Nash explained that she did include 3 of our older roads as an alternate since we've never bid out this type of work before and don't know where the costs will come in at.

Trustee Petronovich confirmed that all the roads listed in Lake Country Subdivision are included in the bid. Director Nash confirmed and added that this treatment is best installed on brand new roads and up to 5 years old. Trustee Arenz added that he likes the idea about the other old roads because it would give us a before and after as to how it would work for older roads and to potentially extend their life. Director Nash responded that the City of Brookfield does this on all their new roads as part of the road plan and they swear by it.

President Riley questioned what Dousman did on Main Street because whatever it is, it looks terrible. People won't be happy if it turns out like that. Director Nash responded she isn't sure what they used but this is a tried and true type of treatment.

Trustee Petronovich stated that he can't see us doing seal coating on those roads because of all the catch basins.

Director Nash explained the process is to spray it on and apply a coat of sand and then leave it for 1 – 2 days so there will be some initial annoyance and inconvenience but then they come back and clean it up.

MOTION: (Arenz, Phillips) *to approve the bid documents for the 2024 Village of Summit Asphalt Surface Rejuvenating Treatment Program as prepared and to authorize Village staff to proceed with advertisement for bids*. Carried

Discussion and action on approval of 2024 Farmland Lease Agreement with Daniel Rollefson for rental of land at Genesee Lake Road Park

MOTION: (Arenz, Petronovich) *to approve the 2024 Farmland Lease Agreement between the Village of Summit and Daniel Rollefson for rental of approximately 20 acres of land at Genesee Lake Road Park at a rate of $50 per acre, or $1,000 total*. Carried.

Discussion and action on 2024 paving program change order

Director Nash explained that she sent an email out this morning, there was an initial Change Order for Hartwell Place and Mariner Circle but unfortunately after that they found more issues with S Waterville Road and Oak Openings. Areas where asphalt was spread very thin. It's a testament to how long the roads have lasted but there is significant work to be done. Dig out and replace base material with some good quality base or dig out slightly less and put a leveling layer of asphalt in, gives similar results in the end. SEH costed out the base repairs and asked Wolf to give us a price for the leveling layer and the leveling layer came in much less cost ($30,000 to over $50,000). Director Nash stated that they went and met with Wolf to look at Oak Openings and S. Waterville Road and again did the same type of analysis and the best, most cost-effective option is also for leveling layer on those roads. Change Order 1 Revised is the latest version with the total adjustment to the contract being $33,980 for all 4 roads. Director Nash also wanted to note that they haven't gone out to mill Venice Beach Road, Lake Road or Peninsula Drive yet so we hope not to see similar issues out there as well.

MOTION: (Arenz, Phillips) *to approve Change Order No. 1 Revised in the amount of $33,980 for the 2024 Road Paving Program, as proposed to accommodate additional work on all four roads.* Carried.

POLICE DEPARTMENT

Monthly Report

Chief Hartert reviewed the monthly report.

VILLAGE BOARD

Discussion and action on correspondence from Waukesha County Department of Public Works related to the Village's approved Ordinance authorizing the use of ATV/UTV's

Trustee Arenz stated that Kamron received a letter from Allison at the County, since we haven't implemented our ordinance yet, meaning we don't have the signs out. We have Matt here and he handed some paperwork out and when he reads through this and correspondence with other County individuals, his hope is this is a misunderstanding of what Act 87 does, that was put into place in 2017. Since the Village is the first community that's going to Waukesha County and Allison is saying it is their interpretation that we can't do anything with their streets because it's their jurisdiction. Trustee Arenz added that he is not an Attorney but when he reads through these items and with what Matt handed out and it does seem reasonably clear and needs to have a discussion with them and understand if we are wrong, we need to change our ordinance. If we are not wrong, then we need to have them understand where that falls and what the future process is. There are several others that have adopted the exact same ordinance, we are either all wrong and will all have to change them or Waukesha County will acknowledge to what degree we can work with them to implement this.

President Riley questioned if Trustee Arenz plans on doing that. Trustee Arenz responded yes, since under the last process they had identified Deb, him and Kamron and so they would try and meet with the County, likely Corporate Counsel, DPW Director and then will likely have to circle back around with the State. Right now, he stated there is a differential and is not understanding what we are seeing.

Director Nash stated she was the one who reached out to the County because of the sign issue and was given a heads up the Engineering Services Manager that this was an issue. The County's legal counsel did quite a bit of research on this and they feel strongly that they themselves are considered a local agency that has the right to

dictate what happens on their roads, and these roads should be designated by the County and the Statute doesn't state that. Asked if they could share the legal opinion to with us to better understand but the letter is all she received. Trustee Arenz stated we have the League of Municipalities to ask how the DMV segment here applies to the County and then we'll have a point to start the discussion.

President Riley stated when we reach out to The League, there must be other instances in the State where local municipalities have already had this resolved and should ask for those examples.

Trustee Arenz stated we need to come to some sort of conclusion because other communities will be working on this with the County as well.

WESTERN LAKES FIRE DISTRICT

Monthly Report

Chief Bowen reviewed the monthly report.

Discussion and action on financing for 2024 Capital Improvement Projects

Administrator Michael stated she has provided the tracking spreadsheet for the 2024 projects. Notes and estimates have been added in red by Director Nash and Chief to better estimate the amounts to be spent in 2024. There was a separate estimate for the next 3 years on the Dousman Road bike path.

Annual Village projects and the funding sources were reviewed. The annual Village borrowing is estimated for 2024 $968,000. A couple ideas were presented: 2023 & 2024 LGIP interest has been good, and that could be used to offset borrowing (estimated as $166,000), over borrowing in 2023 compared to what was spent so that should be reduced because we already borrowed that money. That would reduce the amount to be borrowed to approximately $750,000. Current rates through the State Trust Fund Loan program are at 6% and the Village typically does a 5-year term resulting in approximately $120,000 in interest. Another option would be to use Fund Balance instead of borrowing. A request has been sent to Bank 59 for a possible proposal from them.

President Riley asked about the Local Government Investment Pool and Administrator Michael explained how that account has been used in the past.

Trustee Arenz made a suggestion that we use a mixed approach. Trustee Petronovich stated why don't we just get rid of some of these items like the pre-wet system and heated box, that's $80,000 right there. Trustee Arenz stated he'd like to try and use the resources that we have. President Riley stated this is a lot of good work and just because we can borrow doesn't always mean that we should.

Direction was given to bring this back again next month to make a decision.

Discussion and action on appointment to Upper Nemahbin Lake Management District Board of Commissioners

Administrator Michael explained that a resident of the district was asking about the make up of the Upper Nemahbin Lake Management District Board of Commissioners. They are lacking an appointment from the Village and Waukesha County. Some research was done related to how the UNLMD was created. It was

established in 1991 by the Town Board. In March, 1992 there was a resolution director who would serve as the Board of Commissioners. It states an appointed representative of the Town Board. State Statutes today gives the Village Board the option, it could be a member or a resident of the district. Attorney Macy's opinion was that the Resolution should be followed. The Village Board had previously discussed this and felt that it wasn't appropriate to appoint a Village Board member. The other Lake Management Associations did not have resolutions that address the appointments from the Village Board therefore, following State Statute.

Trustee Arenz asked if we could abolish this. Administrator Michael stated the Resolution could be repealed but wasn't 100% certain and would ask Attorney Macy for assistance.

The board members are in agreement that they don't feel comfortable making decisions, or taking actions related to lakes that they don't live on.

MOTION: (Arenz, Phillips) *to direct staff to bring back action item to repeal and/or recreate the Resolution Establishing Elective Form of Governance*. Carried.

Discussion and action on Assessor contract expiring December 31, 2024

Administrator Michael explained the current contract and stated that the Village went out for RFP the last time. The current contract was provided along with the scope of the work that the Village pays $4,050 per month. There was discussion about the ratios set on an annual basis by the state and our Assessor estimated that would drop from approximately 81% to 70-75% for this year.

Trustee Arenz stated that his understanding of what we have been paying for in the current contract is that on a rolling 3 or 4-year program, that we should always be in the 90's and that's what we were paying for with this contract. The thought was that instead of paying for a parcel by parcel that if we did the market update and we stayed within the 90%, it was a benefit to our taxpayers instead of paying this $150,000 to do a specific revaluation, it was an on-going revaluation. President Riley agreed that every year would be closer to 90%. Mike Grota communicated how that would work and how it benefited our community. President Riley suggested that we get that question cleared up as to what does a market update mean, because apparently, he thought it was something different.

Direction was given for staff to clarify what the current contract includes and review the previous Request for Proposals.

Discussion and action on updated Job Description for Deputy Clerk/Deputy Treasurer

Discussion and action to set pay scale for Deputy Clerk/Deputy Treasurer position

Administrator Michael stated that the main reason for bringing this forward was to implement the new format that Director Nash has developed with current language. There were approximately five items that were revised to more clearly reflect what Sarah is currently doing in this position. The second part of this which is the next agenda item is in regards to a pay scale.

This was done for Public Work's job descriptions to add a starting pay and top end pay. In the past, Henry had developed a step program that went out to approximately 2017 and was more detailed as to what the steps were

for the Highway Crew. This provided an employee with a projected earning potential. This question was asked by Sarah and so that's why this is being proposed. Trustee Petronovich asked why it has to be such a big range. Administrator Michael explained that she looked at recent job postings and tried to compare job duties to get an idea, she also looked at neighboring communities for 2024. Wisconsin Municipal Clerk's Association has 2023 data for a large sampling of people that hold the same position. Looked at high/low and average. Proposed range is $21 to $29.

This discussion is more for the position overall, not specific to Sarah.

MOTION: (Arenz, Phillips) *to approve the Deputy Clerk/Deputy Treasurer Job Description with pay range as presented.*

Discussion and action on next meeting date and possible agenda items

July 11 next regular meeting. Possible agenda items: Public Works hiring plan, parks, wakeboard discussion,

MOTION: (Arenz, Phillips) to go into EXECUTIVE SESSION: pursuant to Section 19.85(1)(e), Wisconsin State Statutes, "deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." for the following purposes: *Police Union Contract Negotiations*

*The Village Board will not return to open session following this executive session

ROLL CALL VOTE

Petronovich – aye, Phillips – aye, Arenz – aye, Riley – aye. Carried.

ADJOURN VILLAGE BOARD MEETING

MOTION: (Arenz, Phillips) *to adjourn at 9:46 p.m.* Carried.

Respectfully Submitted,

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

Next Regular Meeting: July 11, 2024