



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

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MINUTES

Village Board - Village of Summit

July 11, 2024

CALL TO ORDER

President Riley called to order the Village of Summit Village Board meeting at 6:30 pm on Thursday, July 11, 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: 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. Trustee Kraig Arenz, Sr was absent.

PUBLIC COMMENT

President Riley read a letter from White Stag that stated they would like to formally withdraw their request for a text amendment to the Village of Summit Zoning and Shoreland Protection Ordinance and stated that the Village Board would not be taking up that matter this evening because it is no longer before the board.

Kathryn Olson, 37819 Valley Road – stated she is here to oppose the party barn proposal, this proposal has already been rejected by the Summit Plan Commission and a similar proposal for the same piece of land was previously not approved by the board a few years ago. A party barn goes against most Summit’s residents and it commercializes agricultural land at the expense of all their neighbors, it also would happen at the same time when people want to enjoy their properties without extra noise, traffic, people, or more people driving past having partied with alcohol. That is on the weekends, holidays, and evenings. Dozens of immediate neighbors of this parcel have signed a petition asking them to reject the party barn. Don’t let one neighbor profit at the expense of so many others. The whole of the voters of Summit, not just these immediate neighbors, have already ruled on whether they want any party barns in their community and they do not. In the April election, two incumbent board members who reflect the majority, were challenged by a candidate who has declared herself as pro-party barn, consistent with her agenda of being pro-active with progress. That is not the type of progress they want. Mrs. Olson stated the two incumbents won over the one challenger. Please stand with the majority of their constituents and the planning committee and defeat this proposal.

President Riley stated as a reminder that the party barn that she is referring to, is no longer on this agenda.

Nancy Eiff, 38122 Sunset Drive – stated she still would like to say that as a property owner adjacent to this property, wants to register an objection to the proposal. This is a rural area and she enjoys the peace and country

life and does not want the increase in noise, the potential lights of a parking lot, and an increase in traffic. The best qualities the Village of Summit has is: farmland, wetlands, woods that provide a haven for nature, wildlife and a getaway from commercial development. A good community has balance and separation between its commercial area and its rural area. Also has concern about the effect of potential parking lot and the land's water drainage system and because Genesee Lakes had drainage issues and water was directed towards this property and her property and concerned about the impact on 100-year-old ditches and where the extra water from a parking lot would go. Objects to the change in this property use.

Brian Porter, 37500 Stillwater Drive – stated that given the change in circumstances, his comments are a little different: he talked about things to consider in the future, because it seems like they will be taking up an ordinance that the Village would sponsor regarding these event barns. Mr. Porter made reference to the public hearing at the Plan Commission meeting stating that some of the residents asked directly of the Plan Commission members to speak to benefits of these event barns to the rest of the Village and they didn't speak to those benefits in any sort of factual matter. He asked if they go down the path in the future to delineate what the benefits are, besides it's neat and cool. There are some benefits but thinks it needs an in-depth discussion. The folks that presented this have the noise ordinance says 77 decibels in the daytime which goes until 10 pm and prior to that he believes it is 70 decibels. In Stillwater subdivision, they can hear a lot of stuff: go -karts, jet skis on Genesee Lake, Dousman Derby Days, and they don't have a problem with any of those noises and he bets those are all well below the ordinance levels, with the exception of thump, thump once per year, the other noises are done before sunset and would ask that the board consider that in the future. More noise would be disturbing silence that they all enjoy as they sit on their decks and lawns and sleep with their windows open.

David Hoffmann, 34632 Bartlett Road – stated he is talking about the ordinance to limit wake boats and that he was on Lake Association board and the only dissenting vote for creating an ordinance for limiting wake boats. The lake has very limited access for public boating, the have paddleboards, kayaks that have easy access to Lower Nashotah Lake but in regards to getting wake boats or power boats through a small channel, there is no traffic on Lower Nashotah Lake. So in regards to the other boat launch that was available at Roger's, that was shut down several years ago. The lake is very low traffic with very limited access and if you're bringing a wake boat on the lake, you're looking at \$5,000 – \$10,000 just to bring it in and store for the season. Lake owners that have wake boats on the lake, there's not that many maybe three or four and in regards to that type of traffic, it's not going to overrun the lake, no evidence of damage to the lake per DNR and has become more clear over the last 5 years and better than it has been, nothing is visible as far as damage to the lake by wake boats, pontoon boats have more destruction on shallower areas of the lake than any wake boat does. He doesn't see wake boats as causing a problem and there are no wake times on the weekends, plenty of time for kayaks and paddle boards to move about, doesn't know that there is a safety hazard with regards to speed as wake boats are running at 10 mph and very visible compared to a skier.

Pete Engel, 3038 N Interlaken Drive – stated he is speaking about Item 13A, the restriction of wake enhancement on their lake and wants to be clear upfront that they aren't talking about restricting wake boats but only the wake enhancement. There are studies that show the thirty-degree angle down and the damage it does to the lake, height of waves damage to shoreline along with safety issues to kayakers and boaters. Speaking as President of the Lake Association and as a full-time resident and boater in the Village of Summit. Mr. Engel stated that he provided detailed information and that they have been working on this since June, 2023 with conversations going on long before that. He explained the confidential voting process and that they received an 84% response rate to their vote, 73% voted to send the petition to the Village to restrict the wake enhancement on their lake. A statement made at

the May meeting was an inaccurate statement when it was said that votes not cast were counted as “yes” votes. The association did not count votes that weren’t cast. As of tonight, there are 25 communities (approximately 75 lakes in Wisconsin) that have passed an ordinance very similar to the draft that they submitted. At the DNR meeting and the Conservation Conference, 73% of the votes tallied support prohibiting wake boat ballast systems on Wisconsin Lakes and more importantly for Lower Nashotah, 75% support it on lakes of 1,500 acres or less. For clarification, Lower Nashotah is 92.84 acres. Mr. Engel stated that the Town of Ottawa just passed an ordinance for Pretty Lake, Hunters Lake and School Section Lake. On behalf of the Lower Nashotah Lake Association, they are requesting an ordinance that restricts artificial wake enhancement, not the boat, on Lower Nashotah Lake, they do create safety hazards, they do damage the environment, they do destroy personal property and they erode our shorelines.

Sandy Casterline, 3215 N DeKoven Road – stated that her thoughts are related to restricting artificial wake enhancements for the sport of wake surfing. This type of boat arrived several decades ago but multiplied during COVID and now 73% of the Lower Nashotah Lake Association members feel it’s prudent to restrict them on Lower Nashotah Lake. Mrs. Casterline added that some of the things she wanted to say have been said by Pete Engel already. There is a lot of information online and there a lot of studies now and a lot of communities even in other states discussing this topic. There is disappointment in the neighbors who create these large waves and they do create a dangerous situation for both lake residents and others coming onto the lake. The water is really for everyone, and they try to do a good job of giving everyone a chance to use it. Once you have high wakes, small children are being pulled from the water, other activities like swimming, kayaking, paddleboarding or floating are difficult to engage in. The waves that are generated from wake boats are in the 2 - 4 foot range and these waves are different than ski boat waves and there is a lot of documentation on that. It takes 2 – 3 more times difference for them to slow down. Specifically on their lake, they have almost 93 acres, a mean depth of 20’ and a narrow width of 738’. Encourages the Village Board to act upon this concern brought by the voice of the people on Lower Nashotah Lake as a specific local issue, even as there may be a broader discussion and regulations proposed for the entire village. Mrs. Casterline stressed that there isn’t a spot wide enough to dissipate the waves on Lower Nashotah Lake from these boats and that causes damage to the piers, docks, and tied up watercrafts. All of them have seen this first hand and have experienced it negatively in one way or another or we wouldn’t feel the way we do. State of Wisconsin hasn’t been able to establish a state wide law and that takes a lot of work for one size fits all but other communities have done things to restrict this. Asking the board to take quick and decisive action to restrict artificial wake enhancement on Lower Nashotah Lake.

Mike McCauley, 37443 Still Water Drive – stated he doesn’t need to speak because he was here for the wedding venue.

Jim Recknagel, 3197 N DeKoven Drive – stated he is in full support of Peter and Sandy’s comments relative to the proposed ordinance to restrict wake enhancements.

Matt Schmitz, 37010 Serenity Lane – stated that as elected trustees you are responsible to the community, responsible to following the approved Master Plan, altering and crafting ordinances to accommodate individuals seeking to operate a party barn or entertainment facility is not in the best interest of the community. Summit is a rural, peaceful community, and some people would like to change that for their own personal benefit, but what financial cost will the community incur crafting special considerations for one individual’s party barn. How many other requests for party barns are going to appear in the future and will they request special consideration to have fireworks like the baseball field is doing now. Any benefit for the community, won’t be a significant increase in real estate tax, there will be an increased work load for the police and emergency personnel, additional traffic and

noise, not much of a benefit for the community. Thinking of the community not just that one individual. Mr. Schmitz added that a lot of the trustees live where they are not surrounded by many open areas/land and they might be protected because they are in a tight subdivision. There are people who bought out in a rural area for the peace and quiet and there are other barns throughout the Village and in the future could come up and we'd have to twist and craft an ordinance and what does that cost in Village staff and the lawyers. Just follow the Master Plan showing it doesn't belong there and a number of residents are concerned about that.

Mitch Groenier, 34910 Pabst Road – stated he is here about the wake enhancement regulations. Under state law you cannot regulate what kind of boat you can operate, the only thing you can regulate is what that boat is doing. By adding ballast, a whale's tail or operating at a speed that is not on plane and it is not slow no wake. This has been going on for years, since the knee boarders came out, they changed the boats to have a bigger wave. At that time studies were done and showed that a knee boarding boats were about 200 - 300' from shore to have the same wake that a normal boat would have 100' from shore. Surfing boats take anywhere from 500 – 600' feet from shore to have the same wave as a normal boat 100' from shore. We are talking about Lower Nashotah, at the bottom south part of the lake it's only 770' wide, at the north part of the lake it is 1,233' wide, and if you took out 500' that would take 2/3 of the lake out. Just south of the north side and at 500' from shore, they'd have an area of about 600-700' to operate their boat in that category of wake surfing. At 20' of water it's really hard too, wake surfing boats are made for open water. Mr. Groenier added that the was on Lac LaBelle for the weekend on patrol, and it was slow no wake. There were kayakers, canoers, paddleboarders and it was flat calm and they were having a good time. This weekend it is off, so you can't go between Blackhawk and Biggs Island now because all the wake boarding boats are there and they tip over the kayaks and the paddle boarders. We need to regulate what they can do, Lower Nashotah is way too narrow to operate a wake surfing boat.

Debra Romano, 37514 Indian Mound Road – stated she is against the party barn. Wants to know how many times they can go on the agenda and then at the last minute go off. Should be 3 strikes and they're out. That's what they've been doing, going on the agenda and then going off.

Kevin Kane, 2942 N Interlaken Drive – stated he wants to speak against the proposed ordinance banning wake surfing on the lake and the neighbors can say as much as they want that it's just banning wake enhancement but banning what they want to ban, they take the sport out and they make it impossible to do the sport. They already put together an ordinance that they want you to rubber stamp, suspects they did it with the help of an activist group called the "Last Wilderness Alliance" as that seems to be where they got a lot of their information. The neighbors consider it a nuisance and they are trying to convince the board that the big waves are a safety issue and that they damage the lake. Based on the ordinance that they proposed, their strategy seems to be to throw some spaghetti at the wall and hope something sticks. Mr. Kane stated there is very little to no evidence that wake surfing has caused any damage to Lower Nashotah Lake or is a risk to public safety there. There are exactly four wake board boats on Lower Nashotah, his family wake surfs about 4 – 5 times per year for about an hour each time and the other surf boats go out very rarely as well. Mr. Kane added that one of the things the board needs to consider, that as you look at state statute and are restricting watercraft is the amount of traffic and whether there is any congestion. With four boats going out a handful a year, for a short period of time, there's really no congestion or increase in traffic. There are no other surf boats on the lake ever as mentioned because they can't get through the channel without significant assistance. A couple objections that they raised: environmental damage, including the resuspension of sediment and nutrients that increases algae blooms in the water, there is no evidence that wake surfing on Lower Nashotah has increased any of those items. On the DNR's website, their lake is in the lowest quartile of similar lakes for both for phosphorus and chlorofil. If his neighbors were really concerned about resuspension of sediment,

instead of the asking to ban wake surfing, they would be asking you to restrict other things that stir up the sediment like swimming at the sand bar, or pontoon boating in the shallow part of lake. They also alleged that shoreline erosion is caused by wake surfing, and surf boats make big waves, that's what they are designed to do, the question is: do those big waves cause any measurable erosion on Lower Nashotah Lake, all the studies agree that the largest decrease of wave energy happens within the first 200' of the wake boats. They operate their boats in the middle of the lake at a minimum of 300' from shore to give as much time as they can to lesson the impact before hitting the shore. The opponents assert that you need 500' or even 700' from shore. The St. Anthony Falls study from University of Minnesota found the distance needed for a wake surf wave to become the same size as a ski boat wave is over 400' this is not in dispute, the boats are designed for different purposes but this comparison doesn't mean anything. Of course, a ski boat makes smaller waves but that fact doesn't tell us anything about the only important question; is there measurable erosion occurring as a result of wake surfing. If you read the study it says: this report only characterizes the height, energy and power of a few recreational watercraft and does not address potential environmental impacts, such as shoreline erosion. There is erosion at certain places along Lower Nashotah, when they bought their property 7 years ago there was erosion from natural forces and they fixed the problem immediately before they even built their house they put up a protective barrier. Some of the lake homeowners on Lower Nashotah have elected not to protect their shoreline, they might see erosion but that is from natural forces, like wind driven waves, current, runoff, and ice expansion and ice melting. There is zero evidence that any significant erosion is caused by a rare wake surf boat passing a few hundred feet from shore. They alleged in the proposed ordinance that wake surf boats spread aquatic invasive species on Lower Nashotah and there are four boats that never leave the lake and no other boats can ever get there. Fishing boats and pontoon boats might bring hitchhikers, wake boats absolutely do not, there is zero evidence on this lake and that it was included in this proposed ordinance is laughable. They also alleged public safety issues from wake surfing, saying the boats obstruct forward vision, there is a riser in the seat that raises the captain to a height so there is no forward vision trouble ever and driving at 10 mph there is more than adequate time to see everything around you and be seen as well, it's not an issue. The studies show that a major proportion of the wave drops off in the first 200' related to the size and dissipation of the wake there is another fact that they won't tell you and they might have not noticed it either because he doesn't think they have read the St. Anthony Falls study but the same study they cite found that the ballast only affected the wave height and wave energy within 100' of the boat. Mr. Kane read a quote: "at distances greater than 100' the measured wake wave characteristic values did not seem to be affected by the addition of ballast water. So, banning artificial ballasts would have no measurable effect at distances greater than 100' from the wake boats." Mr. Kane stated that he does understand that they do make waves and he and the other wake boat drivers try to be considerate when driving and there are several instances where they will alter the course, stop, and wait for another boat to pass, turn around to leave as much space as possible. As a citizen of Wisconsin, we have a right to enjoy Wisconsin waterways as well. If the other boaters have concerns about the size of the waves, they have 99% of the daylight hours to enjoy the lake while no others are wake surfing, including all the best hours of the week from 2-5 every weekend and every holiday when no wake restriction is in effect. It's a beautiful lake, we all agree with that, water quality is outstanding, low nutrient levels, low algae levels compared to similar lakes in the state, but some people will still consider it a nuisance and it may cause a neighbor or two to hold onto their wine glasses once and a while on their nightly booze cruises. Wake surfing in reality it is a safe, low impact, family friendly activity that is neither a threat to the lake or to the people on it. Mr. Kane urged the Trustees to maintain the rights of all the citizens to enjoy the lake, and not restrict the fishing or pontoon boats on the south side of the lake even though both of those activities has demonstrated environmental damage to the lake and similarly he urges them not to restrict the rights of citizens who enjoy waterskiing or tubing, even though these activities present risk to public safety and welfare from injuries and high speed collisions and he certainly urges them to reject the attempt to have them rubber stamp a poorly written ordinance restricting wake surfing on Lower

Nashotah which has been shown to be a safe, low volume, family friendly activity and has and will continue to have no measurable impact on the quality of the lake water or the lake bed.

Jeremiah Behling, 34429 Valley Road – stated he speaking regarding wake enhancement ordinance and his preference is to turn down the proposed ordinance. Wanted to say to his fellow lake association members and friends and neighbors that they have different preferences on this and doesn't want to break peace with any of them over this but thinks this has become hostile and contentious and politicized and we are really talking about preferences here, the science is inconclusive so far and he has full trust that the board of trustees and DNR will evaluate the science and make a decision for all the lakes in Wisconsin or in the Village jurisdiction and have some parody and not just pick and choose based on preferences and popularity. Ask the board not to write laws based on one sided information but look at the information to see if and it is conclusive and if it is worth the decline in property value by singling out one lake over other lakes.

Michelle Randgaard, 37477 Still Water Drive – stated that she understands the party barn has withdrawn but it will come back in the future, and wants the village trustees to know that residents came out to show our support against this. What was particularly disturbing at the Plan Commission when a commissioner said if people really cared about this issue the room would be full. Mrs. Randgaard stated “the room is full”.

Brenda Doyle, 2902 N Interlaken Drive – stated she is here to talk about the wake enhancement boats. She is a monster boat owner (term used by association President), she stated that her family grew up in Waukesha County and did not have the privilege of living on a lake but they had the privilege of enjoying many of the lakes in the area. They found Lower Nashotah Lake when her father-in-law purchased a place for their families to all enjoy back in the 90's. Her husband and her thought this is a dream, the lake is beautiful and they needed to find a way to get on the lake. In 2007, they found a property and they purchased it. Went through two years of planning with Summit, with the DNR, Waukesha County. Jumped through everyone's hoops and followed all the rules because they love the lake. Couldn't afford a boat right of way, neighbors had a boat and were wake surfing 14 plus years ago, didn't expect this contention when they purchased the property on the lake and if that was known, they wouldn't have purchased property on this lake. Picked out the boat, not to hurt the lake, but for the safety of their family, wanted an inboard boat so that her children wouldn't get hurt by the propeller. Her neighbors taught her about this wake surfing, how you're going at a very low speed, not whipping people around, never any malice towards the neighbors, just wanting to do what's safest for her family. Suggested that we should come together and follow what other lakes are doing in the area, for instance: North Lake has come together, they did not make an ordinance, put together a committee of three pro-wake surfers and three non-wake surfers, to come up with the best thing for their lake. Would like to see them follow those same guidelines. Become a kind, loving lake association with everyone's best interests at heart. Mrs. Doyle stated she has every intention of standing up for her family's legal rights. Her neighbors have no right to take her property away from her, where does this end, it's a terrible way to come to a conclusion of what is best for our community.

Larry Sheveland, 34821 Valley Road – stated he is here in regards wake board ordinance from Lake Association. A number of people have quoted studies but thinks there are some things that need to be said about the Lake Association, when it first was started it was for social family events and planning coordinating and getting together but that has gone away. They have packed their board, met confidentially and developed this ordinance and plan without involving everyone on the lake, just their small group. Their lake association has no legal enforcement rights of people on the lake as riparian owners. He stated his position here tonight is in support of the wake surfing because he doesn't think people should be telling others how to use the lake, he doesn't tell them when to pontoon

boat or put a cover on their drinks so they don't spill it. They call them wave makers and he calls them drink spillers and that's the problem they have. The studies that others have said, there's only four wake surfing boats on this lake and they are spoiled because there is no activity, you can have the most beautiful day in the summer and you won't see a boat out there, but they are going to complain about four boats that operate 6-8 times per year for an hour and a half all summer long and that's a problem. All their stories about erosion problems, if lakes eroded from the inside out, they would be getting bigger, and the fact of the matter is that most erosion comes from ice, wind and runoff from rain coming in, so unless you can change the weather, you're not going to change erosion and the quality of the lakes by just banning wake surf boats. Mr. Sheveland stated he is here to say leave them alone and they will agree with what the DNR says when they come up with a decision. Nit picking on a few users who barely use the lake he thinks is ridiculous. In the proposed ordinance, they also want to include the ability to pull tubes and that involves making circles and waves. Their ordinance is half baked and it was put together by just a minority of people.

Marcia Sheveland, 34821 Valley Road – stated she has the same points that husband (Larry) pointed out. One of her main issues is they own a property with similar frontage on Upper Genesee Lake which is a no wake lake and now they own on Lower Nashotah and the difference in property taxes on a no wake lake and on a lake that you can have fun on are very different. As the Lake Association continues to take things away and next it will be tubing and they will keep on going and going. The problem she has is that these are people that have been on the lake a long time and they think that longevity gives them authority, which it doesn't and she knows people who are on the board now that are against this and when they had kids at home, they were putting water in bladders and putting them in their boats and going out there purposely to make the waves. Now they have a boat that makes waves, and those people's kids are gone so they don't have a need for them, so now they should ban them. Mrs. Sheveland stated she wanted to point out tax basis and that there are four boats, no other boats can get on the lake and the amount of times they are out there are minimal and they already have weekend hours that they can be out there on their paddle boards, kayaks, swimming. Disgusted in the way that this board went about this. Read a note from one member on the association to another: "If we really are upfront, we would say, there is no evidence that the lake is in danger from surf boats during the last five years. Clarity, phosphate analysis indicates no change, weed growth appears to be grey, more damage to the weeds by pontoons moving through shallow water, fishing is great, do surf boats turn up the bottom, yes, but it settles very fast. This will cause more erosion on shorelines than normal boats for the property owners who elect not to protect them. They do interfere with boarding, swimming, etc., more than any other boats. Of course, that is the only argument that really matters to me. Selfish? Yep."

Chuck Blumenfield, 2856 N Interlaken Drive – stated he is a member of the Board of the Lower Nashotah Lake Association, immediate past president, involved in discussion that led to the proposed ordinance and has read a lot of the material that has been provided about the dangers of wake enhancement boats. Some of what was said here tonight was provided by the wake boat industry which sells these boats for \$150,000 to \$250,000. They cited one study that has been vastly discredited so would ask the board not consider much of what Mr. Kane said because much of what he said is inaccurate. There has been some evidence video/camera observed evidence of areas on the lake, not too far from their property which has been denuded of plant life, when you have lack of plant life, the fish don't have food to eat and eventually you don't have fish. What you are really hearing is the suggestion that the personal pleasure pursuits of particular people should predominate over the vast majority of the members of the association who have proposed a petition and an ordinance which has already been adopted by about 20 different communities around the state. There is almost no chance with the wake boat industry having control over the legislature and there can be no way to differentiate between a 1,500 acre lake and a 50 acre lake. Their lake is a 93-acre lake, people who buy wake boats on a 93-acre lake, are like people who buy a Lamborghini that can go 170

mph but are limited by the speed limit signs. Many people don't like the building codes that are enforced by the board and other members of the Village operation but, they are enforced for purposes that benefit everyone. So too is this proposed ordinance is seeking to benefit everyone, not just the few people (4 on their lake) and they use it four times per year or eight times per year so it's never really being used, why can't we just satisfy ourselves (the ones that don't have wake boats) with the reality that we have free time on weekends when there is no wake allowed. That's 2 o'clock to 5 o'clock on Saturdays, Sundays and Holidays. What they are saying is let us keep our wake boats and if people don't like it then they can get out on their paddleboards and kayaks that will be upended by the wake boats. Mr. Blumenfield stated what he is asking is for the board to adopt an ordinance that protects everyone, not just the people who have a desire to go faster and stir up more of the bottom of the lake when studies have been done that indicate there is no reason and it doesn't make common sense to allow wake boat operation on a 93-acre lake. Suggestions have been made that you can't allow wake boats within 500' of the shore, you can't do that on their lake. The suggestion that no damage is occurring is without basis and the comments made about the nature of the dispute are accurate. Mr. Bloomenfield added that he has been out here for 7 years now and they have come before the board with a number of other issues, and there has never been more animosity generated over a proposal and he hates it, that's not what they are seeking. They aren't seeking people to attack them personally because they've done what they believe is appropriate, can they take the brunt of it, sure, but should they have to, no. If somebody disagrees with them, this is the forum in which to make their position known and the board has the ability then to determine whether or not the proposed ordinance, which has been adopted in 17-18 other communities and pending in another few and will continue to be introduced in others because it makes good sense. Jim Recknagel at their recent annual meeting said that anyone that wants to come to his house and stand on his shore when a wake boat goes by to observe the impact of that wake boat on him would be amazed by the impact. Comment made by Brenda Doyle, who is a wonderful person, about North Lake coming to an agreement which he wasn't aware of but he can say that there are no fish left and no growth on the bottom of that lake and is becoming a dead lake. What you are confronted by is evidence that that this particular type of motorized craft is unnecessary because you can still pull skiers if it's a regular power boat, you don't have to have a boat that multiplies that force by 3 or 4 times so that a person trailing behind the boat can let go of the boat and surf as if they are on an ocean. These boats were made for much larger bodies of water, they were not made for a 100 acre lake and anyone who bought a house on a 100 acre lake and thought that watercraft would be appropriate was mistaken and should have expected that there would be an effort to modify the ability to use certain aspects of those boats. They can keep the boats they just can't use them with full bladders and at full speed and destroy the lake. They say there is no proof that it's destroying the lake, do we want to wait until it is destroyed and then come back and say we made a mistake. The evidence is clear, other communities are acting despite the fact that there are opponents in each of those communities for many of the same reasons that are being promoted here. He sees a lot of placards tonight and isn't sure if they are property owners, family or friends but he knows the board won't be swayed by the number of people with the placards or signs, What the board should be swayed by is what's best for the community and in this case we have a volunteer association, it's not a homeowner's association where they have a board and they are told what they can and can't do, that's not the way they operate. There have been some suggestions that they didn't count votes correctly such as those that didn't get returned were counted as positive votes, and that is not true. The way the operate is to have people come together on a volunteer basis to make rules that make sense. The process they used was appropriate, it was confidential, and the suggestion that anything was done improperly is without basis and doesn't know why anyone would want to stoop to this level to tell the board that. Asking that the board affirmatively consider the proposed ordinance, all of the reasons they've provided. As a volunteer association, they are trying to do what's best for all of the residents including those that are opposed to this particular proposal, and ask that the board adopt the ordinance at the next meeting at which they discuss it.

Diane Knutson, 2534 N Interlaken Drive – thanked the board for scheduling this opportunity to speak on the wake board topic. She visited Tinus Marine about a year ago and was discussing various boats with the salesperson and he asked what lake she was on and when she responded with Lower Nashotah they informed her that they wouldn't sell a wake boat to somebody that lived on Lower Nashotah because that lake is too small. Lower Nashotah Lake is not round or oval, it is peanut shaped, there is a pinch in the middle, so it's like two smaller lakes and the smaller the diameter, it becomes a matter of physics as to what it takes for waves to dissipate. In terms of the lake owners discussing this, they have been discussing it for several years at the lake association meetings, so this is not something that just cropped up in the last few months, lots of back and forth between those in favor and those not. Finally, the lake association decided to do a survey and three quarters of the residents oppose the wake boats. Mrs. Knutson referenced a story recently in the news about 200 year old canoes that were discovered at the bottom of the lake and they were able to be found because of the damage of wake boats removing the sediment from the bottom. Mrs. Knutson stated that if you've been around Oconomowoc, back to 1980's, there was a man name Bob Held and had a couple of sons and they built a lot of sea walls in this area, including hers. It took three very large, strong men to lift the stones and put them into place to create their seawall and it was fine until the wake boats appeared on their lake and now the seawall is collapsing from the enhanced wake backwashing the land behind the stone. If they want to see evidence of the damage, they can come and see the damage for themselves at her house. Interesting that the next door neighbor stated there is no evidence on the lake, when all he has to do is look at her seawall. Thanked the board for their time and consideration.

Richard Klick, 325 Wood Side Drive – stated he wanted to oppose the event barn as being proposed and would ask that the board consider the Master Plan and not allow a business to operate in an agricultural zone. Assumes a lot of thought was put into the Master plan and they should consider that when making decisions.

JJ Alaily, 2593 N Mill Road – stated he is a resident of Upper Nemahbin Lake and also on the Lake Management District and a resident of the lake for the last 10 years. Speaking to oppose this ordinance on the wake ban. Mr. Alaily added he's been an avid boater his entire life and participated in all wake sports. He added a few clarifications: there's been a lot of comments on lake depth and causing problems with the bottom of the lake and the one thing with these boats is that they need to operate in deep water for the wake to be generated, so they typically like to operate in areas of 12' or deeper and once in that depth you are no longer affecting the bottom of the lake. There's also been a lot of talk about erosion causing damage to the shoreline and he would point to every resident on the lake that they are part of the problem when it comes to erosion, everybody built a house on the lake, a large impervious surface, that has caused more damage to the shoreline than anything else. Then you have to ask these residents if they follow best practices by the DNR, and creating a 75' natural buffer along the lake, seawalls don't work, the DNR will allow them but don't like them because what happens when you have all this rain and you have erosion coming down the grass lawn and it undercuts the seawall. To point to the waves and the wake boats causing the damage, is just not true. There is nothing that can be pointed to specifically that those wakes cause the damage, there are many other factors. This isn't a commonsense regulation and a complete ban doesn't make any sense and Wisconsin lakes are meant to be used by people and enjoyed. Boaters have rights and this is purely a nuisance, they don't like it, they don't want it and that's why they're proposing the ordinance. Mr. Alaily's last point was that he is on the water quality district for their lake, they have a management plan and at no point have they brought up the concept of concern that the wakes are causing issues with their lake, rather it's fishermen that are bringing invasive species. Complete ban doesn't make any sense to him and he hopes that the Village Board doesn't support it either.

Julie Smith, 312 Watersedge Drive – stated she is opposed to the party barn and apologized that they didn't know it was canceled off the agenda tonight after they made time to be here. Thinks many chose Summit as their home to enjoy a quiet, safe community, it's a great place to raise a family and did not chose this location to have a commercial party barn in their back yard. Mrs. Smith stated she is fairly certain to say that anyone in this room would not choose to have a party barn in their backyard. They live on a small private lake, paid a premium for their homes and now they are set up to listen to this music, not sure how many nights per year but it's ridiculous. Not only the noise complaints she has but looking at property values and a lot more drunk drivers in our area, and it sets a precedence for more commercial locations in this area and doesn't think it's benefiting any of the community members. Regardless of how many times they come in and change their proposal and no matter how many times we come in here and oppose this, it doesn't change any of those things. Would appreciate the board consider opposing the proposal.

Nate Rice, 37803 Valley Road – stated he appreciates the board taking comments on the event barn, and there was some discussion about if it's not going to be a party barn, it's going to be a subdivision, and thinks that's a false choice, there are many other uses for the property. The first thing that comes to mind is a horse farm, they are very profitable and are all over the place, he'd love to see a horse farm out there but is against a party barn there or anywhere else. The Plan Commission said there were 43 signatures of people who live in Stillwater, the neighboring subdivision that are against it, to go against that and say no we really don't care and we're going to move forward, it will be fine isn't acceptable and hope the board wouldn't vote that way.

Herb Rosenberg, 1243 N Genesee Woods Drive – stated he had a few quick things on the issue of wake boats and that the water enhancement feature of the boats is the real issue around the state and everywhere else. To consider an actual ordinance, the board needs to consider it for all lakes, other than perhaps the Nemahbins in the Village of Summit, not just Lower Nashotah. They will be talking about it next week at their lake management district meeting for Middle Genesee Lake, doesn't know where it will go but they will have a discussion. Town of Ottawa is close to putting an ordinance together for their three little lakes, the board might want to consider checking in with them and knows they are going through the pros and cons too. August 12 they will have a board meeting to make a final decision. SEWRPC has come up with a suggestion for this kind of boats such as: that you should be 500' from the shoreline and in 20' of depth. Sees that the Village has a potential for a Park Committee or Friends Group on the agenda for fund raising and he strongly encourages that and knows he's talked to folks before about the fact that we are underutilizing our parks, especially Village Park and thinks there are many more activities that could go underway there and right now it's basically all for kids but there's more that can be done and we've talked about pickleball, tennis courts, volleyball, things for adults 50 and older. Mr. Rosenberg encourages that using a survey or other action to take to see what people in the Village would like to see done and what they'd be willing to pay for.

President Riley stated that anybody who wants to be on a Park Committee should send an email to the Village.

Elizabeth Kane, 2942 N Interlaken Drive – thanked the trustees for allowing them to speak about the proposed ban of the full utility of your wake surf boat on Lower Nashotah Lake. She stated she is opposed to the proposed ordinance and reviewed the State of Wisconsin statutes regarding local boating regulations, her understanding is that the statute that gives the municipality power to create individual ordinances is §30.77 and thinks this is the same statute that Lower Nashotah used that to draft their ordinance, In that statute is states that the municipality may in the interest of public health, safety or welfare including the public's interest in preserving the state's natural resources, enact ordinances applicable on any waters on the state within its jurisdiction. Wants to use that as a

litmus test as to whether or not we are all wasting our time here tonight. Her understanding is that the Village Board and the Lake Association in order to adopt an ordinance will need to provide information that corroborates that wake boats are an endangerment to our Lower Nashotah community. The four main tools the board is going to use is: public health, safety, welfare and preservation. When she looked at this, the public health and welfare she doesn't see a public health threat and welfare is related to the happiness and whatever the board decides, someone is not going to be happy. Then she delved into the safety because that has been brought up many times by other people and she stated that the major factor in boating accidents is speed and with wake surfing you go at 10 mph, and have a very deep hull so there are certain areas they can get into or not. A ski boat travels at 30 mph, when you are wake boarding you are traveling at 20 mph and jet skis range from 20 – 40 mph, it's probably the safest water activity if you're basing it on speed alone. Took a look at some facts on State of Wisconsin boating fatalities from DNR website, she grabbed the report from 2023 and analyzed every incident, not one was related to wake surfing or wake surfing boats. Out of the 28 fatalities; 7 were pontoon boats, and all victims had either alcohol or drugs in their system. Mrs. Kane stated she thinks it is safe to say that wake surfing is one of the safest activities on the water for everyone. The last topic is preservation: they all love their lake, it's beautiful and pristine and about 85 - 95% of the time it's very quiet. They have invested a lot of money on their shoreline, love to have people over and love seeing people out there having fun. Health of a lake is measured by clarity, phosphorus, nutrient levels related to weed growth, and chlorofil, and indicator of algae, Lower Nashotah results: clarity was 10.5 feet and average was 12 feet, phosphorus rating was .011, they are in the bottom quartile, the chlorofil rating was 2.1. In the past 10 years their lake is healthier now than it was back then. They claim that wake boats damage the lake bottom, she disagrees, they all responsibly drive in the middle of the lake. Showed pictures of lake areas of vegetation and showing were this is happening and it is only 2' deep and the damage is being done by pontoons because wake surfing boats can't get in that area. Is the lake association really concerned about the bottom of the lake or is this a fabricated concern. When a legal case ensues, and it should be assumed it will, the Lake Association will need to produce evidence. This isn't a popularity contest it is a legal matter. This lake association has used generalities, not specific evidence on their lake, scare tactics with slanted information and emotion. One of the association members commented in an email: if we were upfront we would say there is no evidence that the lake is in danger from wake boats in the past 5 years. Her neighbor, Diane Knutson, mentioned her seawall and Mrs. Kane showed where she is located on a map and stated that the wake boats turn before they get to her seawall, the reason for the damage to her seawall is because she has chosen not to fix it for the past 8 years. Are we willing to take away the rights of people just because they don't like this type of boat.

Frederick Ehle, 3138 N Interlaken Drive – stated he is probably the reason everyone is here and that he has been lake testing with the DNR for about the last 10 years. He was at a clear lakes conference a couple years ago and saw a video on how they tested North Lake and anybody who's seen that cannot question what happens as a result of the boats. It is not the waves, it's the prop angle. The last thing he wanted was to have conflict on their lake, as far as their association is concerned, everyone is welcome, and it breaks his heart they are fighting over the matter and isn't a matter of him not liking wake boats but a matter of preserving the lake and suggested the board look at the video.

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

President Riley **ANNOUNCED EXECUTIVE SESSION:** pursuant to Sections 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – *Deputy Clerk/Deputy Treasurer*

*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 June 13, 2024 regular meeting & June 12, 2024 Special Meeting
- B. June 2024 payables
- C. Release of Letter of Credits: Lake Country Village Phase 6 & Interlaken Village Phase 2

MOTION: (Lee, Petronovich) *to approve the Consent Agenda as presented. Carried.*

PUBLIC HEARING

Receive comments regarding a request by Margaret Daigneau, applicant on behalf of Lake Country Classical Academy, to amend the Village of Summit Future Land Use Map, which is part of the Village of Summit 2045 Comprehensive Plan, from the Industrial/Business Park category to the Institutional category in order to accommodate a day school on property currently owned by Pabst Farms Land Company located in the northwest corner of Pabst Farms Boulevard and N. Sawyer Road (SUMT0629998011). The property is more specifically described as Lot 2 of Certified Survey Map No. 11510, Book 114, Page 310-319, part of the NE ¼ and SE ¼ of Section 14 and part of the SE ¼ and SW ¼ of Section 11, T7N R17E.

Planner Barrows stated LCCA is proposing to amend about 41 acres from Industrial/Business Park to Institutional category of Land Use Plan, same category in the City of Oconomowoc properties to the west. Institutional uses are intended for if you go into the zoning districts that match up there are tax exempt uses available in both districts. If the land use plan is amended that specifics be held until that conditional use portion. Village initiated text amendment if that passes then comes to Village Board and passes then the site plan and can be done.

All residents within 500' of the property boundaries were notified for the April meeting, continuation in May where Plan Commission adopted an ordinance. Published in the Waukesha Freeman and Oconomowoc Enterprise. Applicant hired Public Relations Officer Mary Claire Lanser who is in attendance and can provide her own summary of feedback received from the neighborhood.

Consideration of any public comments provided by the Public Relations Officer need to be limited to the high-level land use plan amendment and not specifically related to the operations of that particular school. Plan Commission unanimously recommended approval of the resolution, applicant agreed to pay in lieu of taxes and that has not been negotiated with the Village at this time and that is voluntary and per state statues the Village cannot require it. Confirmation that school will move forward with the property if they don't proceed to develop this site in a short amount of time it would continue to remain in the Industrial/Business Park category. Traffic and waste water management were discussed and it was determined that gets reviewed at time of site plan development, provide a traffic impact analysis, and the property is intended to be served by sewer and water through the City of Oconomowoc and is this does pass, the Village would need to initiate a request to the City and

would require an amendment to the City's plan to allow for institutional uses as right now it is restricted to Industrial/Business Type uses.

Planner Barrows went through the conditions from the Plan Commission:

- 1) This Future Land Use Map amendment is not effective until such time the subject property is rezoned to the IN Institutional Zoning District and provided any necessary Conditional Use Permits are obtained to accommodate a K-12 day school campus with outdoor amenities.
- 2) The property shall have all necessary permits to operate a K-12 day school campus with outdoor amenities within one year of the Land Use Map Amendment being approved by Village Board.
- 3) The property shall be developed and occupied within two years of the Land Use Map Amendment being approved by Village Board.
- 4) The Land Use Plan Amendment is not effective until that agreement between the Village and City is amended to allow Institutional uses

Trustee Petronovich asked in regards to Oconomowoc sewer and have they expressed anything on that yet. Planner Barrows stated the City of Oconomowoc has asked several questions specific to the site development and we cannot answer those yet.

Public Comments:

Tom Schermerhorn, Excel Architect & Engineering for the project, here in support of the land use amendment for LCCA and here if any questions come up.

Thomas Pakenham, left the meeting.

Dan Pazurek, 2297 N Brightwater Blvd – in favor of school being put where it is, is about 1.25 miles from his house and they have 4 boys that attend that school and would love to have it in that location.

Peter Zielski, 35263 Yahara Drive – lives in Lake Country Village, immediately north of this property and are in favor of Village approving this amendment from Industrial/Business Park to Institutional category and feels that LCCA would be a real blessing to our community.

Laura Zielski, 35263 Yahara Drive – they live right off the berm and very excited about this school coming and speaks almost every day to neighbors and they have two grandchildren that will be attending the school in the Fall and thinks so highly of it and hopes it will go through.

Planner Barrows added that there were two meetings at Plan Commission during that meeting process, the Village received 58 written comments in favor, 3 members opposed and 1 comment with concerns, and several people in attendance at the April meeting that were in support of the request and 1 member of public had questions about whether or not the Institutional category would be limited to a school or if other uses could be accommodated.

Margaret Daigneau, Principal of Lake Country Classical Academy, in attendance to answer any questions they may have and here to also represent the over 600 students that will be enrolled in the upcoming school year.

Mary Claire Lanser, Lanser Public Affairs – stated the community outreach for LCCA followed her usual process which demonstrates respect to everyone and all opinions. Using a database within 500’ feet of the property she introduced herself and identified the 41 acre site, she described the applications to amend the Land Use Plan and rezone the site to Institutional to allow the LCCA campus to be built, she affirmed that she was hired to provide information, answer questions and write down comments. She had a binder of information and mostly what they talked about were the Business Park District and Institutional District. The site was shown on an aerial map and a conceptual layout of the school but she clearly explained they are only applying for the amendment and rezoning at that time. She asked each person if they’d prefer business park or institutional land use at this site. At homes where nobody answered she tried a second time. Exactly to the day 4 months ago is when she visited the homes. At that time nobody had previously heard about the LCCA plans yet. Named roads that she visited, knocked on 48 doors, made 30 contacts where she personally spoke to someone. Most common comment: would definitely rather have a school here than businesses. A lot of people knew about LCCA and the way the campus would look resembled a park. Everybody liked the outreach and no one she spoke with preferred Industrial/Business Park to a school. Hard copies of her reported were provided. It can be intimidating to speak at a public hearing and people have dedicated the time to be here so she asked anyone in favor of LCCA to stand. 13 people did so.

Planner Barrows stated we offered written comments to be submitted by a certain deadline and those written comments were provided to the Board Members ahead of the meeting.

President Riley asked if anybody else wanted to commend on the proposal. Hearing none, he closed the public hearing at 8:27 p.m.

PLANNING DEPARTMENT

Discussion and action on request by Margaret Daigneau, applicant on behalf of Lake Country Classical Academy, to amend the Village of Summit Future Land Use Map, which is part of the Village of Summit 2045 Comprehensive Plan, from the Industrial/Business Park category to the Institutional category in order to accommodate a day school on property currently owned by Pabst Farms Land Company located in the northwest corner of Pabst Farms Boulevard and N. Sawyer Road (SUMT0629998011). The property is more specifically described as Lot 2 of Certified Survey Map No. 11510, Book 114, Page 310-319, part of the NE ¼ and SE ¼ of Section 14 and part of the SE ¼ and SW ¼ of Section 11, T7N R17E.

MOTION: (Petronovich, Phillips) *at the recommendation of Plan Commission (Resolution 24-462), adopt the enclosed ordinance to amend the Future Land Use Map of the Village of Summit 2045 Comprehensive Plan from the Industrial/Business Park category to the Institutional category on property described as Lot 2 Certified Survey Map No. 11510, subject to Village Attorney review. Carried. Lee opposed.*

Discussion and action on proposed text amendment of the Village of Summit Zoning and Shoreland Protection Ordinance initiated by the Zoning Administrator. The request includes an amendment to Section 111-347€(1)j, reducing the accessory structure minimum front/street setback from 75 ft. to 50 ft. in the R-1 Estate Residential District.

MOTION: (Petronovich, Lee) *to adopt the enclosed ordinance to repeal and recreate Section 111-347€(i), reducing the accessory structure minimum front/street setback from 75 feet to 50 feet in the R-1 Estate Residential District, subject to Village Attorney review. Carried.*

Discussion and action on request of James Stoffer to combine multiple lots as part of a Certified Survey Map, including review based on Article X of Chapter 109 Subdivision of Land Ordinance, on property located at 3348 N. Silver Lake Drive (SUMT0612031).

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 CSM will not result in additional lots. Therefore, this condition does not 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 Robert Zahn to reconfigure a lot as part of a Certified Survey Map on property owned by Colton and Victoria Ziemanski located on N. Golden Cedar Lane and Cedar Lane (SUMT0695039).

Asking for a reduction of Cedar Road and one of the conditions was that they have a certified survey map prepared for the parcel.

MOTION: (Petronovich, Lee) *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 CSM will not result in additional lots. Therefore, this condition does not 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 from Sunset Family Farms, LLC as the petitioner/responsible party and property owner at 37736 Sunset Drive, and Rebekah Carsey, White Stag 1894, LLC, as the agent to amend 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 provided conditions are met. Specifically, the applicant is proposing to create Section 111-357(d)(3) to allow rental of agricultural buildings for private 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.

As stated at the beginning of the meeting, this request was withdrawn, no further discussion.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash reviewed the report.

Discussion and action on drainage easement agreement between Village of Summit and Upper Nemahbin Lake Management District

Director Nash stated both attorneys have reviewed and agreed on contract language. This is for the land where we will construct the drainage swale.

MOTION: (Lee, Phillips) *to approve the Drainage Easement Agreement between the Village of Summit and the Upper Nemahbin Lake Management District for construction and long-term maintenance of stormwater drainage facilities on parcel SUMT 0669058001.* Carried.

Discussion and action on 2024 Capital Improvement Plan amendment for N Dousman Road trail extension project

Director Nash explained that this is a request to amend the approved amount for 2024. In 2024 and 2025 we allocated impact fees to pay for design and construction, since that was approved, we found out we won the TAP and partial stewardship grant from the DNR. We can take half the funding and to maximize use of those funds we want to use that prior to impact fees. Recommend changing the CIP to reflect this. TAP is 80% reimbursement so

we have to pay invoices up front and then claim reimbursement.

MOTION: (Lee, Phillips) *to approve the proposed change to the 2024 Capital Improvement Plan for the N Dousman Road Trail Extension project, eliminating the use of park impact fees and authorizing the use of Stewardship Grant fees to cover the Village's responsible portion of design expenses incurred in 2024 and the use of General Fund reserves to pay for remaining costs that are eligible for reimbursement through the TAPs program.* Carried. Petronovich opposed.

MOTION: (Lee, Phillips) *to suspend the rules and consider item 13A next on the agenda.* Carried.

Discussion and action on request of Lower Nashotah Lake Association to consider the restriction of artificial wake-enhancement on Lower Nashotah Lake

Trustee Lee stated that he lives on Silver Lake and is an avid skier, was President of the Pewaukee Lake Waterski Club for several years and is against regulation on things like this and what worries him about this is the next step is boats have to go counter clockwise on lake and where does it stop from there. Does think there is an issue and not sure who should be the entity to determine what the rules are. He added that he had the opportunity of touring the Mastercraft facility las year and they had some boats sitting on their production floor and one of them in a Mastercraft Xstar S, seats 16 people, 23' long, weighs 5,800 pounds plus it can handle and additional 2,631 pounds of people or load it also has ballast weight of an additional 4,500 pounds, so that boat is possibly 10,000 pounds on a lake and that's going to cause problems. He added that he doesn't know what size boats the people on Lower Nashotah have He has been a wake boarder and has a wake surfboard in his garage, he had a 2009 Moomba that was a wakeboard boat and has four boys that grew up wake boarding and surfing, his wife can surf better than him and she can wake surf behind his ski boat with no ballast. He doesn't know which entity it should be to determine this but he does know the state legislature is looking at and thinks something will get done at the State level. His opinion is that it's eliminating a certain size boat on a certain size lake, not sure that is the right regulation or not but it certainly that makes some sense that you wouldn't have a 10,000 pound boat on a 90 are lake. Trustee Lee stated he talked to somebody on his lake who has a wakeboard boat and he was loaded up with about 14 people, and asked if he was going to be surfing that day and the man's response was that it was 4th of July so they'd do a little bit of surfing but normally when they come to Silver Lake, the cruise around and hang out, when they want to surf they go to bigger lakes like Nagawicka or Pewaukee and that they get it, they're a small lake and they don't want to abuse that. Most of the residents on Silver Lake have put in rip rap on their shoreline because of the size of the waves hitting the shoreline and if you don't do anything with the boat wake then you have to do something with the shoreline, the downside to the rip rap is now you will get bounce back. So, when you are skiing you have the wave hitting the shore and then bouncing off the shore and going back out. He does all his skiing at sunrise was out at 5:30 this morning and there were 2 other boats on the lake both fishing and they stay away from each other. It's scary to him that they are having all the issues on their lake that they will potentially have on his lake and doesn't want the fighting or have neighbors that potentially don't want to talk to him and vice versa. Hopeful that the State will regulate this topic.

Trustee Phillips stated he echoes what Trustee Lee said and that he is a fisherman on a pontoon boat so he probably causes more damage to the lake. He wonders if we as the board actually have the authority and if we did would it stand up to a legal challenge. Wisconsin Constitution is very open to lake usage for all residents and this is a regulation for just this lake, if it was something for all lakes in the Village maybe there would be something there. He has a hang up with just doing this for one lake and the lake already has slow no wake times. Sounds like this is

more of a neighbor dispute and the penalty seems to be enormously steep at \$500 for the first offense, \$1,000 for second what it feels like we are doing is deputizing the people who don't want wake boats to tattle on their neighbors and then Chief has a whole thing where he has to pull people off other issues to hunt down who's this person on this lake and doesn't know if they'd have to launch the patrol boat to try and get up there and figure out who it is. That really was the first thing that stuck out to him was how punitive this fine was for a few boats on a relatively private lake in a tense situation with their neighbors.

Trustee Petronovich stated Lower Nashotah spoke at 73% and said they don't want these things. As a Village Board, what are we looking at, he's not going to argue if these boats are good, bad or ugly but if 73% of the people on that lake don't want them, does the Village Board have to react to that. He added that Lower Genesee, about 3 – 4 years ago came up with a no wake ordinance and it was a very close 49 – 50 number and they never got that because the Village went by their vote and with regards to this, now we are going to say no, we aren't going to vote on this.

Trustee Lee asked if Chief can talk through the process of putting regulations in place. Chief Hartert responded that the board would have to look at the ordinance and decide if they want it and if so then, before it can be an ordinance, the board would have to tentatively say it could be a good ordinance, then we have to send it off to the DNR for review and determination if it's in conformity with their rules and regulations they then send it back to the Village with a thumbs up or thumbs down and then the board has another review opportunity and then would decide to adopt the ordinance. Administrator Michael added that the Village Attorney should review the ordinance after going to the DNR. That way, both the DNR and Attorney comments can be reviewed together. Chief Hartert stated the Village Board and DNR should review it but the attorney doesn't need to, but that's the boards call.

President Riley addressed Trustee Petronovich's question asking if 90% of the people told him to paint his garage a different color would he do it. Trustee Petronovich stated his point is, what happens to the next lake that requests it and thinks we should at least look at it and he will make a motion and if they don't want it then don't vote for it.

Trustee Lee asked how the 84% participation was calculated and was that based on households and then number of people, and is it 2 people per household. Mr. Engel replied, yes. Trustee Lee summarized they had 84% of the possible people that could vote showed up for the meeting. Administrator Michael stated that it was mailed out, not done at a meeting. 73% voted yes and there are 54 homes on Lower Nashotah. Roger's Memorial was not included. The ordinance provided has been approved by the DNR by other communities per Mr. Engel. The DNR has 6 months to review a submitted ordinance.

Trustee Lee stated he spent a lot of time talking to people who sell boats and 9 out of 10 boats sold today are wake boats. This is a big deal for the entire state of Wisconsin, really all of North America so not sure where it's going but it seems to be stalled by the Wisconsin legislature. Trustee Phillips agreed that the legislature has all the legal resources to determine what is appropriate and is not comfortable with the Village doing their own thing and risking being sued. Trustee Lee stated the boats are getting bigger and there needs to be a decision on size of boat versus size of lake, he added that he doesn't like wake board boats because he likes to ski and when the wakeboard boats are out, they go in. When he's been on his pontoon, they had food fall off the table because of the wake, it's a big wake, he knows.

President Riley asked if we passed this, how would we enforce it. Chief Hartert stated they were able to get up there last week because the water was high but typically this is a lake where the department deploys a kayak every

so often, so they'd get a complaint and have the police boat respond if it's in the water, or they could look from land to see if someone is using a wake boat and if they get a complaint from a neighbor and it's already done they could go to the people's house and talk to them. It's not an easy enforcement thing. To issue a citation they could do it based on belief of a person on the lake but they'd have to go to court and prove what they saw.

Trustee Lee stated he personally thinks this needs to be based on size of the boat and size of weight meaning ballast. There are differences in the weight of the boards. Doesn't know if it's a good idea to just say all wake board boats are banned and all wake surf boats are banned, that seems like a false swoop, corrected the term to wake enhanced boats. He questioned if it makes sense to have Attorney Macy look at this first and get his comments before we decide what our next steps should be.

MOTION: (Petronovich, Phillips) *to move forward the Lower Nashotah Lake Association's request for enhanced wake ordinance, subject to Village staff and DNR review.*

President Riley questioned if Trustees Petronovich's direction is to take the provided draft to the DNR as it is or does he want to do something first. Trustee Petronovich responded he thought the attorney should look at first and then maybe send it to the DNR. President Riley stated the attorney's going to ask what the board wants to do. Trustee Petronovich replied that he doesn't know what he wants it to do, he looked at it but didn't look at that closely to determine every little portion of it, though the attorney would have to look at that. President Riley questioned if he wants to ban the activity on this lake. Trustee Petronovich stated he definitely doesn't want to do it Village wide, these people came ahead with this proposal and he wants to act on it. Their vote was like a public hearing.

Trustee Phillips stated once you ban one type of boat or lake hobby, he worries that someone won't like the way somebody water skis or tubes and really has concerns about that. Would much prefer that the Lake Association Board and the people that want to do it find some sort of solution internally It's frustrating that it's here because he would rather they find a solution on their own instead of bringing it to us. President Riley asked what is the intent of the ordinance. Trustee Petronovich stated he is trying to appease his constituents.

Trustee Lee stated that Nashotah Lake would be better served by taking it to their lake association and coming up with a reasonable solution, rather than leaving it up to the Village Board because they might not get what they want. Trustee Lee added that the State will be making a determination. President Riley stated there are too many questions still, Trustee Lee stated that Minnesota has regulations based on boat size and weight size. President Riley added that they still don't have consensus on the damage or how far away and all the questions that came up tonight and that they should be making a decision about it. That goes along with enforceability and also constitutional muster.

Failed 1 – 3. (Riley, Lee, Phillips opposed)

Discussion and action on salt brine pre-wet system installation on patrol trucks

Director Nash stated we had talked about updating the 3 oldest patrol trucks. Decided to not do the oldest because it will be getting completely replaced. The proposal is for a rear mounted and a saddle tank. Looking forward to work with Caspers on this project. Want to schedule work so it's completed before winter this year. The cost is

below \$40,000 but would like the flexibility to go up to that amount if needed without returning to board to ask again.

Trustee Petronovich stated he is against this because putting this system on a 10-year old truck and a 5-year old truck doesn't make sense and then, to get the brine we have to go all the way to Oconomowoc to get it and we only have a 320 gallon tote. We need to be start saving our pennies in the DPW because there are a lot of issues coming up.

Director Nash stated we have it in the budget to get a 3,000 gallon tank with a pump system, Using brine to pre-wet salt is a BMP and not recommended to not use brine when you place salt down. If you have a low traffic road this you apply brine to, it gives instant activation.

President Riley asked how much we would save in salt. Director Nash replied if we calibrate our equipment like we should be with the new controllers, we could save up to 30% of the salt we put down and that we have gone through transition with the material mix we use over the past few years and she thinks we are still using way too much and thinks we can reduce that. President Riley asked how much salt we usually purchase and Director Nash replied that we purchase 300 ton of seasonal fill and then between 100-175 of early season fill or reserve. Would be approximately \$8,000 savings at \$80 per ton for all trucks.

MOTION: (Lee, Phillips) *to approve the proposals for retrofitting the 2019 and 2014 International patrol trucks with salt brine pre-wet systems as provided by Casper's Truck for a total of \$27,329.50 and to allow staff the flexibility to authorize additional work as required up to the total budgeted amount of \$40,000 in borrowed funds as approved in the 2024 Capital Improvement Program, but please try not to do that.*

President Riley asked does it make sense to have some trucks using it but not all. Director Nash stated the truck that isn't going to be using it is the spare truck so that will get purchased new in approximately 2029 and it will be bought with unit already on.

Carried. Petronovich opposed.

Discussion and action on draft License Agreement for Use of Genesee Lake Road Park by Pirate Lacrosse LLC

Director Nash stated this is the lacrosse group that had the one-year agreement with the Village for the past two years and they would like to renew. This group uses the fields in the Fall after the Kettle Moraine Lacrosse teams are done using the fields and then they come back in the Summertime to use for practices. It has been a good arrangement so far with them, they generally pay the license fee the year before it's due. We have not had any complaints that she is aware of and recommends approval for another year.

MOTION: (Phillips, Lee) *to approve the one-year license agreement extension between the Village of Summit and Pirate Lacrosse, LLC for use of the Genesee Lake Road Park as proposed and contingent upon approval by Pirate Lacrosse LLC. Carried.*

Discussion and action on Department of Natural Resources Grant Contract for the Dousman Road trail extension project

Director Nash stated that the DNR sent the contract over for the partial Stewardship Grant that was received for the bike trail. There is an option to take half of that funding in advance, which would be approximately just shy of \$75,000 and as amended in the CIP for 2024, we would use those funds in lieu of impact fees this year.

MOTION: (Lee, Phillips) *to approve the contract for Acquisition and Development of Local Parks Grant No. SADLP6241434 in the amount of \$149,439.00 between the Village of Summit and the Wisconsin Department of Natural Resources with a request to received a project advance of \$74,719.50. Carried.*

Discussion and action on Park Impact Fee use for Capital Improvement Plan Development

Director Nash explained she is looking to prioritize some of the projects we have put in the CIP so that we can ensure we are spending down our impact fees. There is one remaining parcel in Lake Country Village that we still have to collect the park impact fee for. Two projects that were scheduled for 2024 that will not be completed this year: parking expansion/stormwater improvements (Village Park) and pickleball courts (Village Park). The pickleball group is still something the community wants. They are looking at 2026/2027 for courts to be built.

Priority projects:

1. Dousman Road Trail (\$45,000 of impact fees estimated)
2. Genesee Lake Road Park parking
3. Pickleball courts at Genesee Lake Road Park

Discussion and action on acceptance of resignation of Jared Beauchamp, DPW Operator

MOTION: (Phillips, Lee) *to accept the resignation of Jared Beauchamp, Department of Public Works Operator, with his last day of employment on July 16, 2024. Carried.*

Discussion and action on Resolution 24-464 Recognizing Jared Beauchamp for his employment with the Village of Summit

MOTION: (Phillips, Lee) *to adopt Resolution No. 24-464 Recognizing Jared Beauchamp for his employment at the Village of Summit. Carried.*

Discussion and action on Resolution 24-465 Recognizing Allen Bouton for his employment with the Village of Summit

MOTION: (Phillips, Lee) *to adopt Resolution No. 24-465 Recognizing Allen Bouton for his employment at the Village of Summit. Carried.*

Discussion and action on replacement of vacant DPW positions

Director Nash stated at the strategic planning meeting in March she was directed to come up with three options for organizational structure of the DPW: 1. maintain status quo, 2. adding 1 full-time for total of 4 full-time and reduce seasonal, 3. maintain 3 full-time and hire 3 regular part-time employees and eliminate seasonal positions. Approximate costs for each option were provided and included full family health insurance coverage. Hoping to get these positions posted at a minimum Jared's position and her preference is for the Crew Leader position which

includes the Cemetery Sexton position. We are anticipating a retirement at the end of the year and need to come up with our plan for filling that position. The whole idea with the part-time employees was getting that extra man power in lieu of hiring another full-time employee. Director Nash added there are some things we need to be careful about to, such as triggering WRS.

Trustee Lee stated his preference is that at a minimum we need to hire a crew leader, we need somebody that is going to run the day to day, head up the team, establish the culture, work with Kamron and buy in with what's going on in the front office and help get the work done through the crew. We need that person and that person is critical for this to work. So that is either 1a, 2a or 3a. That is the key component and his recommendation is that we hire a crew leader, then replace our seasonals and replace Dave when he retires, and his preference would be; let's see where we end up with a new crew leader and we potentially need another full-time but we don't really know if we need another FTE or another part-time and a new crew leader is going to give us another six months to help us get a feel on it. He affirmed that we need a minimum of 3 full-timers. Director Nash added that it's a struggle when they have crew that are off and we have seen what happens when someone gets hurt or takes an extended vacation it's hard to get anything done. We are not going to find another Al, if we do, that'd be amazing because he was able to do a bit more than the average seasonal worker.

Director Nash stated if we get a really ambitious group in there and a crew leader who's able to streamline the operations, we may be able to get a lot more work done and thinks we can definitely do that. So maybe it is not as important to get that fourth person right away. She can meet with the group and give them direction but can't hold them accountable if she isn't out there with them all the time and her job responsibilities keep her in the office quite a bit.

Trustee Lee stated Director Nash needs some direction that we want to hire a crew leader and we want to replace the two part-timers. Director Nash replied that she posted the two part-time seasonal positions on the website, in a press release and looking into posting in the paper. It's unlikely we will find anybody this late in the season. Needs permission on going ahead and posting for the vacant position that will be open next week and what is that position going to be. Trustee Lee stated it's a blessing the way this worked out and potentially if everybody agreed, it would be a crew leader when Dave retired but then you are potentially looking to hire right in the middle of snow season. Now we are looking at hiring someone in July, we are in a much better position now then we would be if Jared would've given notice in November or December.

Trustee Phillips agreed that we talked about this in March/April.

MOTION: (Lee, Phillips) *to post for a full-time DPW Crew Leader position and evaluate and go from there.*
Carried.

Discussion and action on Resolution Amending Cemetery Charges and Fees pursuant to Ordinance No. 22-2014

Director Nash stated this is to include the Pet Ossuary Fees as discussed by the Cemetery Board. None of the other fees have been changed.

MOTION: (Lee, Phillips) *to adopt the proposed Resolution No. 24-463 amending Cemetery charges and fees pursuant to Ordinance No. 22-204.* Carried.

Discussion and action on consideration of the establishment of a Park Committee or creation of a Friends Group

Trustee Phillips stated he has met with community members, folks from the old parks committee, and went through old documents. Meeting with a colleague from the City of Oconomowoc, for a Village our size, maybe we just need a Friends of the Park or do we need a park committee. The Village did a survey at one point, so doesn't necessarily think we need a survey because we know what we want to do next at the park.

President Riley stated we had a park committee and it was always contentious.

Trustee Phillips stated that he will work with Director Nash on getting this started.

Discussion and action on request for waiver of Park Rental Fees and permission to use fireworks at Genesee Lake Road Park

Director Nash stated the request came to Chief Hartert. Chief Hartert stated Adam May from Western Lakes Fire District reviewed the plan and caliber of fireworks and felt it would be ok at the park. It is not a 5-O's sanctioned event. It's a donation and they are doing it for a baseball group and because it is a donation Mr. Sokol is asking for a waiver of the \$50 park rental fee.

Trustee Phillips stated he doesn't want to make this a repeating event. Mr. Sokol explained that he puts plywood on the ground and will get rid of all garbage and doesn't require anything additional from the Village. The show will last approximately six minutes.

MOTION: (Lee, Phillips) *to accept the proposal as listed and waive the \$50 park fee.* Carried.

Discussion and action on Sealcoating and Pavement Marking of Village Park Parking Areas & Access Road

MOTION: (Lee, Phillips) *to authorize Village staff to enter into an agreement with RiverRun Seal & Stripe LLC for seal coating and pavement marking services of the Village Park parking lot and access roads at a cost not to exceed \$9,089.96 utilizing borrowed funds.* Carried.

POLICE DEPARTMENT

Monthly Report

Chief Hartert reviewed the monthly report.

WESTERN LAKES FIRE DISTRICT

Monthly Report - There was no representative present but a report was provided.

VILLAGE BOARD

Discussion and action on financing for 2024 Capital Improvement Projects

President Riley stated that we will probably stick with the Trust Fund because it will be cheaper.

MOTION: (Riley, Lee) *to submit the application to BCPL.* Carried.

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

Administrator Michael stated that we will have to amend our resolution and take the sentence out that states the appointment of a board member.

Discussion and action on Assessor contract expiring December 31, 2024

Administrator Michael reported on the response from Les at Catalis as to what is included in our current contract. There was a discussion on the options available and Les will put together a proposal and to include revaluation as an option. Direction was given to get additional quotes.

Discussion and action on next meeting date and possible agenda items

August 8 next meeting date. Possible agenda item: emergency slow no wake policy, update on Oconomowoc Parkway.

MOTION: (Lee, 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 AND to go into EXECUTIVE SESSION, pursuant to Sections 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – Deputy Clerk/Deputy Treasurer*

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

ROLL CALL VOTE

Trustee Petronovich – aye, Trustee Phillips – aye, Trustee Lee – aye, President Riley – aye. Carried.

ADJOURN VILLAGE BOARD MEETING

MOTION: (Lee, Phillips) *to adjourn at 11:16 p.m.* Carried.

Respectfully Submitted,

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

Next Regular Meeting: August 8, 2024