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

MINUTES

Village Board - Village of Summit

August 8, 2024

CALL TO ORDER

President Riley called to order the Village of Summit Village Board Meeting at 6:37 p.m. on Thursday, August 8, 2024 at the Summit Village Hall, 37100 Delafield Road, Summit, WI.

ROLL CALL AND CONFIRM POSTING

Administrator-Clerk/Treasurer 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. Village Trustees present were: Justin Phillips, Jim Petronovich, Kraig Arenz, Sr., and Jeff Lee. Also present were: President Jack Riley, Public Works Director Kamron Nash, Planner Amy Barrows, Chief Mike Hartert, WLF D Chief Brad Bowen and Administrator-Clerk/Treasurer Debbie Michael.

PUBLIC COMMENT - None

President Riley ANNOUNCED EXECUTIVE SESSION stating that 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*

President Riley ANNOUNCED EXECUTIVE SESSION stating that 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 – *Public Works Director*

*The Village Board will not return to open session following either of the above executive sessions

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 July 11, 2024 Meeting
- B. July 2024 payables
- C. Appointment of Election Inspectors: Ken Gear, Cindy Gear, Robert Sanders, Kathy Sanders for a term ending December 31, 2025

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

PLANNING DEPARTMENT

Discussion and action on request of Robert Zahn to accept an exhibit that provides a legal description and map depiction of an official road right-of-way width for a portion of Cedar Lane that was reduced by Village Board at their May 9, 2024 meeting.

Planner Barrows stated that they have already approved an ultimate road right of way and a Certified Survey Map for this property. This provides an exhibit recognizing the actual right-of-way reduction. Village Attorney has stated that a Resolution was not necessary and it hasn't been past practice.

MOTION: (Petronovich, Lee) *to accept the exhibit that describes the area of reduced official road right-of-way width of a portion of Cedar Lane.* Carried.

Discussion and action on request of Geoffrey Wold to combine 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 2110 N. Peninsula Road (SUMT0670017).

Planner Barrows explained this is a combination of two legal lots of record and they will be dedicating some additional right-of-way. Since this then becomes a legal non-conforming property, we need to consider the Article X conditions.

MOTION: (Petronovich, Lee) *to approve the Certified Survey Map with consideration given to Article X Existing Substandard Lots, Chapter 109 Subdivision of Land, 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 to adopt an ordinance to amend the text of the Village of Summit Zoning and Shoreland Protection Ordinance initiated by the Village Board of the Village of Summit. The request includes an amendment to Section 111-356 to allow day schools as a permitted use in the Institutional District subject to conditions and the removal

of any references in Sections 111-321 and 111-356 to day schools as a Conditional Use Permit.

Planner Barrows stated these text amendments have already been presented and the Plan Commission made a recommendation for approval. Attorney Macy has reviewed and provided comments, one recommendation was that the condition related to day schools that states “serving pre-kindergarten through 12th grade” should be better defined to describe what ages this includes. Planner Barrows added that the school who is requesting the text amendment stated they would not go younger than 4K.

MOTION: (Phillips, Petronovich) *to adopt the enclosed ordinance to create Section 111-356(b)(7) allowing day schools as a permitted use in the IN Institutional District, repeal and recreate Section 111-321(2) and Section 111-356(d)(1) to remove references to day schools as a Conditional Use Permit, subject to Village Attorney review with the change to D that the day school can serve grades 4K through 12.*

Trustee Lee stated he struggles to see the benefit of making this change. Planner Barrows stated that one thing is that the Institutional intent encourages schools and it was intended for that but schools are not permitted by right and the rest are allowed such as: medical clinic or church. During the Comprehensive Plan review, it was recommended that the Village consider permitted uses. When a use is a conditional use, you can't talk about the specifics of the property or the site plan. The Attorney has advised that if you can come up with a solid list of conditions for a permitted use, that it is clearer to the applicant.

Trustee Lee stated with the Potawatomi property, for example, would this change the potential for development there. Planner Barrows stated that there is one parcel that would meet the permitted use conditions that is owned by Potawatomi. Trustee Lee questioned how this is advantageous to the Village of Summit by going from a permitted use to a conditional use. Planner Barrows stated our challenge is that we can't have any discussions until later in the process. It does take away a public hearing requirement for future development on the current lands that fall into the new criteria.

Carried. Lee opposed.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash reviewed the report.

Discussion and action on 2024 Asphalt Surface Rejuvenating Treatment Bid Results and authorization to award contract

MOTION: (Lee, Petronovich) *to approve the apparent low bid at a cost not to exceed \$122,022.45 in borrowed funds and to authorize Village staff to proceed with awarding the 2024 Village of Summit Asphalt Surface Rejuvenating Treatment Program contract to the lowest responsible bidder, Corrective Asphalt Materials, LLC.*

Trustee Arenz asked to get pictures before and after on one of the roads to use as a resource for reference in the future. It was suggested to do a small part of Mill Road since we didn't include that because of the sharing of the road with City of Delafield.

President Riley stated on the older roads, like his, will they double check to see if there is cracking filling needed. Director Nash responded, yes, they will and it can be done over the top of this treatment.

Carried.

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

Director Nash provided an update to the agreement in the last paragraph based on discussions with Trustee Arenz and she provided the changed language.

MOTION: (Arenz, Phillips) *to approve the Agreement Between the Village of Summit and the Okauchee Area ATV/UTV Club for the ATV Route Signage as revised, contingent upon review by the Village Attorney and with recommended change to the last paragraph to read ... "without designation of a successor approved by the Village Board" as discussed this evening.* Carried.

Discussion and action on State required five-year internal inspection of Village Hall Sprinkler System

Director Nash stated this is a request to get the required inspection completed. Cintas has been the only company that we have worked with since we moved into this building. They omitted this when we requested a quote for the 2024 budget but now it's on our radar so we can include in the budgets going forward. Director Nash added that she reached out to a couple other companies in the area but they did not respond. Chief Bowen stated they use Ahern. Director Nash stated that was one of the companies that she reached out to.

MOTION: (Arenz, Lee) *to consider this at the next regularly scheduled meeting.*

Trustee Arenz requested that Chief Bowen help us get another quote.
Carried.

POLICE DEPARTMENT

Monthly Report

Chief Hartert reviewed the report.

Discussion and action on designation of found monies

MOTION: (Arenz, Lee) *to designate the \$5 for placement in the Community Outreach account.* Carried.

WESTERN LAKES FIRE DISTRICT

Monthly Report

Chief Bowen reviewed the monthly report.

VILLAGE BOARD

Discussion and action on application for State Trust Fund Loan to finance 2024 Capital Improvement Projects in an amount not to exceed \$750,000

MOTION: (Arenz, Lee) *to approve the resolution and authorize application to the Board of Commissioners of Public Lands, State of Wisconsin, for a loan \$750,000 with a term of 5 years for the purpose of financing 2024 Capital Improvement Projects.*

The following preamble and resolutions were presented by Trustee Arenz and were read to the meeting:

By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

By the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

THEREFORE, BE IT RESOLVED, that the Village of **Summit**, in the County(ies) of **Waukesha**, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of **Seven Hundred Fifty Thousand And 00/100 Dollars (\$750,000.00)** for the purpose of **financing 2024 capital improvement projects** and for no other purpose.

The loan is to be payable within **5** years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of **6.00** percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the Village of **Summit**, in the County(ies) of **Waukesha**, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the Village of **Summit** by such loan from the state be applied or paid out for any purpose except **financing 2024 capital improvement projects** without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the president and clerk of the Village of **Summit**, in the County(ies) of **Waukesha**, Wisconsin, are authorized and empowered, in the name of the Village to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the Village pursuant to this resolution. The president and clerk of the Village will perform all necessary actions to fully carry out the provisions of Chapter 24 Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this Village forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

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

Discussion and action on Resolution to Amend Resolution #147 Entitled “Resolution Establishing Elective Form of Governance” Regarding Village Board Appointment Procedures of Upper Nemahbin Lake Management District

MOTION: (Arenz, Phillips) *to approve Resolution No. 24-466, a Resolution to Amend Resolution #147 entitled “Resolution Establishing Elective Form of Governance” regarding Village Board appointment procedures of Upper Nemahbin Lake Management District.* Carried.

Discussion and action on next meeting date and possible agenda items

Next meeting date: September 12. Trustee Arenz stated he would bring forward the ATV/UTV/Waukesha County issue.

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 – Public Works Director*

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

*The Village Board will not return to open session following the above executive sessions

ADJOURN VILLAGE BOARD MEETING

MOTION: (Lee, Phillips) *to adjourn at 8:40 p.m.* Carried.

Respectfully Submitted,

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

Next Regular Meeting: September 12, 2024