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

MINUTES

Village Board - Village of Summit

May 8, 2025

CALL TO ORDER

President Riley called to order the Village Board meeting at 6:30 p.m. on Thursday, May 8, 2025 at Summit Village Hall, 37100 Delafield Road, Summit, WI.

ROLL CALL AND CONFIRM POSTING

Administrator Michael took roll call and confirmed that the meeting was noticed to the local media as required and requested and posted to the Village posting board and website. Trustees present were: Jim Petronovich, Kraig Arenz, Sr., Justin Phillips and Jeff Lee. Also present were: President Jack Riley, DPW Director Kamron Nash, Police Chief Mike Hartert and Administrator-Clerk/Treasurer Debbie Michael.

PUBLIC COMMENT

Mike Nevins, 849 N Pointview Road stated this isn't on the agenda but should be on future agendas, becoming Brookfield West with the amount of development coming into the Oconomowoc area and now onto Highway P and I-94 with Costco. He is very concerned that development is within a mile of our lakes and within a mile of the Bark River and as a municipality we need to be vigilant and find a way of enforcing any contaminations that come in 20 acres of impervious surface that Costco is going to have plus the at least 5,000 to 10,000 cars a day coming in and out. If they have a parking lot of 500 and people stay there no more than an hour and they are open 10 hours per day that's 5,000 cars. It will affect Highway P and B and start affecting all our side roads. There will also be a gas station so trucks will be coming in. They are also looking at putting in a gas station so you will have trucks coming in and out. There is an aquafer underneath us and the majority of people in Summit are on private wells. What is Summit going to do 5 – 10 years down the road when some of those wells start getting contaminated from a development that is not in Summit but in a neighboring community. The Village has to have a plan to either be testing on a regular basis or do something else that can tie Oconomowoc down for their development. Thinks it needs to be on future agendas so the Village Board can start having a plan, he'd hate to see Highway P become a 3 or 4 lane highway, doesn't think that would help our property values. Thinks the Village will end up with more Police and Fire Protection, not because of the growth of Summit, but because of the annoyances that are coming into a neighboring community.

CONSENT AGENDA - Items listed under the Consent Agenda are considered in one motion unless a Village Board Member requests that an item be removed from the Consent Agenda

A. Minutes of April 10, 2025 regular meeting

B. April, 2025 payables

MOTION: (Lee, Petronovich) *to approve the consent agenda.* Carried.

PLANNING DEPARTMENT

Update on Plan Commission matters

Planner Barrows stated two of items that were considered by the Plan Commission are on the agenda tonight and the Lurvey subdivision, The Gathering, was withdrawn from the agenda because the applicants are redesigning their stormwater facilities. Anticipates the Final Plat to be submitted for the June or July meeting.

Update on Zoning Code Land Use Project

Planner Barrows reported that the Sub-Committee met tonight and wrapped up the Commercial Vehicle Parking and Contractor's Yard and also made recommendations for Commercial Storage of materials and vehicles in outbuildings in Agricultural Districts and also Limited Family Businesses. Last item to consider are nurseries and landscape businesses. May 29 is the joint Village Board and Plan Commission meeting beginning at 6 p.m. for a listening session. The group preliminarily scheduled the next meeting for July 12 but there was some discussion after that and it could potentially not meet again until the end of summer, approximately September.

Discussion and action on a request by Genesee Lake Road LLC, to amend the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the A-1 Agricultural District to the R-1 Estate Residential District in order to accommodate a 19-lot single-family conservation type subdivision on property owned by Mary Alice Eschweiler. The areas designated as wetland, floodplain, and environmental corridor will remain unchanged. The subject property is located on the south side of Genesee Lake Road, south and east of the Ravinia Park Subdivision. The property is part of the NW ¼ and NE ¼ of Section 26, T7N, R17E (SUMT0678996)

Planner Barrows explained that the applicant is proposing to develop the 62 acre property south of Genesee Lake Road, west of CTH P for a 19 lot single family subdivision, currently zoned A-1 and is being used for agricultural purposes there is some floodplain and environmental corridor on the property. They are proposing to rezone to the R-1 Residential Estate District as a conservation subdivision and the R-1 zoning does match the zoning district of Ravinia Park subdivision which is directly to the west. It is the most restrictive residential zoning that the Village has and the wetland, floodplain and environmental corridor will remain unchanged and untouched. Ravinia Park has 2 acre lots. All comments have been provided in the meeting materials and at the Plan Commission meeting, the concern was that this subdivision will be more dense than Ravinia Park. The lot sizes are smaller but they are maintaining the same required density of 1 unit per 2.3 acre density. Planner Barrows further explained that a conventional subdivision in R-1 zoning is required to have a minimum 2 acre lot size and a density of 1 unit per 3 acres. A conservation subdivision, which is what is proposed, is intentionally written to provide an incentive in order for them to do a conservation subdivision but it gives them smaller lot sizes of 1 acre and the density of 2.3 acres per unit. The Comprehensive Plan is written a little bit more straight forward and the most restrictive density that the Village has and what these properties are in. The plan allows for 2.4 acre density which yields 18 lots, 2.3

acre density yields 19 lots. The Comprehensive Plan suggests that it is a guide for the Village to use and that the zoning needs to be consistent with the Comp Plan. As part of the discussion, the Village Board needs to state if they feel that it is consistent with that 0.1 acre difference. It wouldn't make sense to require a density that is more restrictive than what the Conservation density standards allow in the most restrictive district because that would eliminate the whole purpose and intent of a conservation subdivision in the 2.4 acre category. The Comp Plan is a guide and as long as the board feels comfortable and can provide evidence that it is consistent, they can move forward. Plan Commission did recommend that the proposed development is consistent with the Comprehensive Plan. If they took away the incentive that the Code is providing, they are really reducing the whole use and purpose of the Conservation subdivisions, which the Village is generally encouraging to protect the resources and provide bigger buffers from adjacent lands. They could otherwise have big, large 3 – 5 acre lots out here but they reduced them to the 1 acre in order to have common open space buffer around the entire subdivision and also by providing that open space area, they are protecting all the natural resources and the lands along the Bark River. The requirement is at least 40% of the subdivision is in the common area space and the applicant is proposing 26.8 acres of open space so they exceed the requirement with 52.3% instead of the required 40%.

Planner Barrows further explained that there is a pond in the very southeast corner of the subdivision and was identified at Plan Commission that it might extend beyond the boundaries, and it does which puts additional criteria on how many lots can have access to the pond and because this is a conservation subdivision, all 19 owners have access right now so they would not meet the criteria. The applicant has agreed to transfer the area of the pond and the frontage to an adjacent lot owner.

Planner Barrows stated that the road will come off Genesee Lake Road and connect with the existing Meadow Park Place in Ravinia Park and that was always intended to be a road extension in the future. The applicant will be required to remove the turnaround area, restore it and extend the road. Plan Commission asked that Outlot 2 be extended to the adjacent lot to the south. The lots are served by septic and well, there are some high groundwater conditions so the applicant tested all of the lots. Minimum basement elevations have been included on the plat. They do need to grade and fill about five to seven feet on each lot. The applicants are required to have a 50' road setback but are proposing 75' so they can have a less severe driveway pitch. Proposing stormwater facilities and the engineering department has provided preliminary approval for. Waukesha County has an existing easement for a future trail already that is located on the east side of the property. When the applicant submitted the plat to the county, the county requested that they relocate the easement so that it is more practical for a trail in the future and the proposed trail location would run along Genesee Lake Road and then run down the west side of the parcel on the south side of Ravinia Park and then parallel to the river. The Plan Commission requested that this development have homeowner restrictions that are consistent with Ravinia Park since they will have an appearance of being connected. There is a difference in the home size; Ravinia Park requires 2,800 square feet for one-story and 3,200 square feet for two-story and this developer is proposing 2,650 square feet for one story & 3,000 square feet for a story and a half and 3,200 square feet for a two-story. Plan Commission recommended approval of the rezone subject to the conditions included in the report.

MOTION: (Petronvich, Lee) *to adopt the enclosed ordinance, subject to Village Attorney review, to amend the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the A-1 Agricultural District to the R-1 Estate Residential District (Conservation Development) on the Subject Property. More specifically, the area to be zoned R-1 Estate Residential District is legally described in*

Exhibit A and B. The Wetland Conservancy District and Environmental Corridor and Floodplain Overlay Districts will remain unchanged. The zoning map amendment is subject to the following conditions:

1. **COMPLIANCE WITH PLAT:** This rezone is not effective until a Subdivision Plat is reviewed and approved by the Village of Summit and recorded by Waukesha County Register of Deeds in substantial conformance with the Preliminary Plat revised on February 26, 2025 and presented at the March 20, 2025 and April 17, 2025 Plan Commission meetings.
2. **RESIDENTIAL DENSITY/PRESERVATION LANDS:** This rezone is not effective until the Village Board, following a recommendation from Plan Commission, confirms that the density calculations are consistent with the 2045 Comprehensive Plan and comply with the Zoning Ordinance, and that Plan Commission has approved the establishment of “preserved lands” pursuant to the criteria and development goals set forth in subsection 111-129(2)(c) & 3. Compliance with the preservation of lands criteria will be determined as part of the Preliminary Plat review by Plan Commission and Village Board.

Plan Commission determined that this condition has been satisfied.

3. **SUBJECT TO REIMBURSEMENT OF EXPENSES:** As a condition precedent to this conditional rezone 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 rezone approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
4. **OWNER & APPLICANT ACKNOWLEDGMENT:** The property owner and applicant shall acknowledge and accept all conditions of this approval. This condition will be satisfied upon the property owner and applicant signing the ordinance after adoption by the Village Board.

Trustee Petronovich stated to this motion he would like to add: the Village Board acknowledges that the proposed rezoning is consistent with the intent of the Comprehensive Plan for this plan.

Trustee Petronovich asked a question related to the septic systems and if they are conventional or mound or if they know what they will be. Dean, representing Victory Homes, responded that they will be conventional systems.

Trustee Petronovich stated he would like to talk to his fellow trustees and is the Village going to keep allowing these types of subdivisions, he gets that they have a right to do this but this is kind of marginal land there’s a lot of high water requiring raising everything up so it goes right into the Bark River and thinks this is a discussion they should have in the future. Trustee Arenz stated he has tried for the last 20 years and as long as Trustee Petronovich has been here about the density of developments like this and that he would love to have that discussion. He added that he has no problem with the conservation premise but if you look at the map, they are doing what they can and there’s a lot going on there.

Trustee Petronovich stated the other thing he wanted to note is that this is one developer, and if someone buys a lot, they cannot pick their builder, you have to go with Victory Homes. Now all the homes will look

the same. Trustee Arenz stated that isn't for us to decide.

President Riley asked about the trail easement and stated that it seems that the red is a better plan than the blue because he doesn't think the people in Ravinia Park are going to want a trail behind their homes, he asked if that was discussed at the Plan Commission. Trustee Petronovich responded yes, but he agreed with President Riley. The red trail only affects eight properties and the blue affects 15 properties. Planner Barrows added that the reason the county wanted to relocate it is because it would be challenging to ever construct a trail in the location that it is currently in. Dean, Victory Homes, agreed and stated there is some slope and wetland areas and would involve putting boardwalk systems in and the construction would be much more intense and potentially damaging to the environmental corridor and wetlands. He added that he can't give a good reason why the county chose this path. This could be feedback provided to Waukesha County and ask them to reconsider the location.

Planner Barrows stated that these are getting into details of the Preliminary Plat and not the rezoning.

Trustee Petronovich also said because of the 75' setback from the road and a lot of the people from Ravinia Park didn't like that because now the houses will be closer to their back yards and it is taking away a little bit of their backyard. Dean, representing Victory Homes, added that Ravinia Park also has a 75' setback so they were trying to match that.

Trustee Lee asked about comments from the Plan Commission and were they able to incorporate any of those into the plans. Dean, Victory Homes, responded that all of the comments were incorporated in the plans. Trustee Lee stated there was a question about lighting on a sign and construction entrance off of Genesee Lake Road. Dean responded that they are working on the sign but there would be no light at all to preserve the darkness they have out there. The construction traffic will not go through Ravinia Park, there will be signage directing them to the other entrance and an advantage of having one or two builders here is that they control all the subs. Planner Barrows added that the construction access will be included in the Developer's Agreement.

Carried.

Discussion and action on a request by Genesee Lake Road LLC, for a Preliminary Plat to accommodate a 19-lot single-family conservation type subdivision on property owned by Mary Alice Eschweiler. The areas designated as wetland, floodplain, and environmental corridor will remain unchanged. The subject property is located on the south side of Genesee Lake Road, south and east of the Ravinia Park Subdivision. The property is part of the NW ¼ and NE ¼ of Section 26, T7N, R17E (SUMT0678996)

Planner Barrows stated that in the Preliminary Plat review letter there are fifteen recommended Planner comments that need to be addressed prior to submitting the Final Plat. The recommended motion is more general and that it is requiring compliance with all engineering, surveyor and planner comments. They will need to further refine their stormwater management as part of submitting the Final Plat. They will need a Developer's Agreement, Stormwater Maintenance Agreement, Letter of Credit, depending on when they do the construction, and as part of the plat the Plan Commission will be reviewing the landscape plan and signage plan. The landscaping being proposed is limited to along Genesee Lake Road which includes several trees and shrubs. Some of the neighbors wanted to see additional landscaping along the border of the property adjacent to the properties along the east.

Planner Barrows went through the 15 comments as included in her report.

Planner Barrows stated that the likelihood of the county ever putting in a trail is more likely with the easement on the west side, that's the reality as it will be more expensive on the east side. President Riley stated that we should tell them that our preference is for it to stay on the east side. Dean stated he is happy to work with Amy and go back to the county again.

MOTION: (Petronovich, Lee) to approve the Preliminary Plat, 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, and all other objecting and approval authorities. Village Staff comments shall be addressed prior to submitting a Final Plat for consideration by the Village.
- B. SUBJECT TO REIMBURSEMENT OF EXPENSES.** As a condition precedent to this preliminary plat approval, 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 preliminary plat approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- C. 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 preliminary plat.
- D. REZONING.** The application to rezone the property to the R-1 Estate Residential District shall be reviewed and conditionally approved by Village Board prior to submitting a Final Plat for consideration by the Village.
- E. LAKE FRONTAGE.** The developer shall either transfer the land directly adjacent to the navigable lake located in the southeast corner of the property to an adjacent property or create a separate outlot for the area that has lake frontage and restrict the outlot so that it must be held in common ownership with Lot 7 with no construction of piers.
- F. STAFF TO REACH OUT TO WAUKESHA COUNTY TO RELOCATE EASEMENT TO THE EAST SIDE OF THE PROPERTY.**

Trustee Petronovich stated to this motion he would like to add: the Village Board acknowledges that the proposed plat is consistent with the intent of the Comprehensive Plan for this plan.

Carried.

Discussion and action on Quit Claim Deed transferring land from Mackenzy Raabe to Village of Summit (SUMT0655992003)

MOTION: (Arenz, Lee) *to accept the quit claim deed and direct staff to coordinate with the Grantor (Mackenzy Raabe) to finalize and record the Quit Claim Deed with Waukesha County Register of Deeds.*

Administrator-Clerk/Treasurer Michael stated that in her discussion with Attorney Macy, it was recommended to further protect the Village, that we should request a waiver of condemnation.

AMENDED MOTION: (Arenz, Lee) *to add the completion of a Waiver of Condemnation as recommended by the Village Attorney.* Carried.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash reviewed the report.

Discussion and action on Resolution Recognizing the week of May 18 – 24, 2025 as “National Public Works Week” in the Village of Summit

MOTION: (Lee, Arenz) *to adopt Resolution No. 25-471 Recognizing the Week of May 18 – 24, 2025 as “National Public Works Week” in the Village of Summit.* Carried.

Discussion and action on On-Street Parking on Genesee Lake Road adjacent to Village Park

Director Nash stated that back in May, 2023, the board was asked about temporarily allowing parking on the south side of Genesee Lake Road to address overflow parking. At that point, the board approved it with some direction given to staff to look at if there was a resolution or ordinance to restrict parking however, staff has not located anything related to restrictions. Director Nash gave direction to the DPW staff to move some signs around out there but it sounds like that hadn't happened. The new issue is that there has been a complaint made by a resident who came over the hill eastbound and there was a vehicle parked there and there was a safety concern, so at Chief's recommendation, they are asking to restrict parking where you come over the hill west of the park entrance. Director Nash stated that she talked to Officer Butina after there was a tournament over the weekend at the park and he said it was a big mess over there, cars parked everywhere and the whole north side of the road, where there aren't any “No Parking” signs, was completely full and people were parking by the fields because they were running out of room. Asking to restrict parking for 325 feet from the west side of the park towards the main entrance. Once the new parking lot is completed it should relieve some of these parking issues.

MOTION: (Lee, Petronovich) *to restrict parking on the south side of Genesee Lake Road from the west property line of Genesee Lake Road Park to approximately 325 feet east of the west property line of Genesee Lake Road Park and to direct DPW staff to post appropriate No Parking signage.*

Trustee Arenz asked why wouldn't just go to the entrance of the park and why are we going 325 feet. Director Nash replied that we can but the biggest issue is that we still need areas for parking there until the parking lot is done. Chief Hartert stated that's what he asked for but Director Nash stated this is just temporary based on the recent complaint and after the new parking lot goes in, it is her recommendation that we make that entire stretch of road no parking. Trustee Arenz added that he thinks we should have no parking up to our entrance to the park and he agrees that the new parking will be fantastic but, if anyone has ever been out there during one of those events, it gets crazy out there. In his opinion, we are still going to need that extra but need to keep it safe on the roads. Director Nash added that the Village will be resurfacing

that road from Dousman Road to CTH BB next year and they could add in a wider shoulder and/or angle parking.

Carried.

Discussion and action on temporary limited easement acquisitions for N. Dousman Road Multi-Use Trail Project

Director Nash stated there are two parcels on Dousman Road, one owned by the Lurvey family and the other by the Larson family where their property lines show out to the middle of the road or crossing over the road entirely and as part of this project our hope was to acquire the whole 50' ultimate right of way on the road at this time instead of waiting for a CSM or for them to split the property. WisDOT has now come back and says that because we are taking Federal funding, we have to follow a specific process for acquisition, it doesn't matter if this is happening and we are claiming it is aside from the project, we cannot go to the property owner and ask them to donate or dedicate any land. If the Village is going to ask for the full 50', anything above 66' which is consider the standard right-of-way, we'd have to get an assessment done and offer fair market value for that land. Director Nash stated in her opinion, it doesn't make sense to do it at this time because a) it isn't necessary for the project, we can still fit it within the 33' on either side of the road and b) why would the Village pay for something that the Village will ultimately get anyways. Director Nash hasn't communicated this yet with the property owners but plans on doing that after this meeting. The other aspect is the temporary limited easements and we didn't realize that the State was going to come back and say because we are so close to property lines with our construction activities that they are still going to require the Village to get temporary limited easements, the path itself will be fully within the public or prescribed right-of-way on those two parcels. So, the Village doesn't have to worry about any permanent easements but because we are constructing so close and in the event that there is construction equipment that goes off the property line or there is some incidental grading that gets done, the State wants to have that buffer. As part of that, the Village has to get an assessment done and offer fair market value, it is different than a permanent easement because we are not permanently acquiring it and it's for a short amount of time so doesn't expect it to be a lot of money but, because this wasn't anticipated and is an additional cost to the project, this is being brought to the board for direction.

Per WisDOT, the Village and Strand will need to complete the following: receive approval from WisDOT of a Design Study Review, record a Transportation Project Plat, and hire an acquisition agent, an appraiser, and a review appraiser that is on the WisDOT approved list. Most acquisition agents have already used this process and have third parties that they use. Costs related to this are unknown so Director Nash is asking for authorization to go out and get quotes and move forward with something up to a certain dollar amount. The reason is because we are running out of time and to have to bring this back to the board again could delay getting this project completed in the time we are allowed. This process usually takes about six months and we need to get it done in a month and a half to two months. Once the appraisals come in, that would be brought back to the Village Board and they would make the decision on whether we want to move forward. There are six properties that we require this, technically seven if you count the park property. There is a resolution that needs to be brought forward in the future documenting the Village gives the contractor permission to enter onto the property to do the work.

MOTION: (Lee, Riley) *to authorize staff to enter into an agreement with an acquisition agent, appraiser, and review appraiser for the purpose of completing appraisals for required Temporary Limited Easements*

for the N Dousman Rd Multi-Use Trail Project at a cost not-to-exceed \$5,000.

Administrator-Clerk/Treasurer Michal inquired where the money will come from since this wasn't part of the plan. Director Nash replied that it is coming from the same pot as before and she isn't saying we will overspend the amount because we don't know what the total project cost is going to come in at. We had TAP funds and DNR Stewardship funds so they would continue to come out of that and once that runs dry, we get into our impact fees that we set aside for that.

Carried. (Petronovich opposed).

POLICE DEPARTMENT

Monthly Report

Chief reviewed the monthly report.

Discussion and action on acceptance and designation of \$3,000 grant from DAVgiving360

Chief Hartert stated that after discussing the upgrade to the camera system and there was a \$3,000 shortfall and someone came forward, Jeff and Sue Lee, and they donated the \$3,000 to cover that shortfall.

MOTION: (Arenz, Petronovich) *to approve the designation of the \$3,000 grant from DAVgiving360 to assist in funding the Village Hall Complex camera upgrade.*

Trustee Lee asked if the motion could be amended because the DAVgiving360 is just the name of the account.

AMENDED MOTION: *to say from Jeff and Sue Lee. Carried.*

Discussion and action on an Ordinance to create Chapter 2 – Administration Article IV – Departments Sec. 2-74 through 2-80 of the Village of Summit Code of Ordinances

Chief Hartert explained that our current ordinance has reserved this section for our ordinance to be added in there. This proposed ordinance almost parallels Oconomowoc's and this is exactly where they have theirs stuck in and they have these particular items inserted in there. The main reason this was done is because of property and Chief wanted a way to get rid of property that is in safe keeping or abandoned. Chief is requesting that if the board thinks this is fairly good then he would like to forward this to the Village Attorney and then bring back for final approval.

Trustee Arenz responded that he likes this but wanted to know Chief's thoughts on going from 60 days to 90 days. Chief replied that he has no problem with that.

MOTION: (Arenz, Lee) *to direct staff to change the two points that talk about timeframe from 60 to 90 days to move forward with review and present the proposed ordinance to the Village Attorney and bring back to the Village Board. Carried.*

WESTERN LAKES FIRE DISTRICT

Monthly Report

There was no representative in attendance.

VILLAGE BOARD

Discussion and action to set items for June 12, 2025 regular Village Board meeting

Trustee Lee will not be in attendance. Cemetery Sexton appointment, Cemetery Pet Ossuary Naming and potentially Rules and Regulations Policy. Police Department promotion. Trustee Arenz requested a Conservation Development discussion in September. Trustee Lee requested at July meeting to talk about Oconomowoc development and update on meetings with Mayor Magnus.

ADJOURN VILLAGE BOARD MEETING

MOTION: (Lee, Arenz) *to adjourn at 8:18 p.m.* Carried.

Respectfully Submitted,

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

Next Regular Meeting: June 12, 2025