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

MINUTES
Village Board Meeting
August 12, 2025

CALL TO ORDER

Chairperson Riley called to order the Village Board meeting on Tuesday, August 12, 2025 at 6:30 p.m. at 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. Trustees present were: Kraig Arenz, Sr., Jim Petronovich, and Justin Phillips. Also present were: President Jack Riley, Planner Amy Barrows, Public Works Director Kamron Nash, Police Chief Mike Hartert, Village Attorney John Macy and Administrator-Clerk/Treasurer Debbie Michael. Trustee Jeff Lee was absent.

PUBLIC COMMENT

Kodie Arenz, 38751 Delafield Road, Summit. Regarding the jurisdictional transfer of Pabst Farms Boulevard to the City of Oconomowoc, we fought hard to stop getting our land annexed to become a village and now to give our land away is pretty tough. We spent 10 years with the hospital, fighting back and forth with Dousman and now we are just going to transfer a strip of land and that doesn't make sense to him and doesn't think that's the right thing to do.

Mike Nevins, 849 N Pointview Road stated there was a nice article in Journal with regards to wake boats and Lake Beulah Management District did a detailed study and will have their results published the end of this month and it might be good to have that information at hand. The next item is in regards to Pabst Farms and the commercial development and what affects it will have on the quality of life and on the dollars and cents that the village residents are going to have to pay for the pleasure of having that development whether with Costco and/or others. He thinks the village will have to increase the police department and fire costs are going to go up for our citizens, if they do something with Hwy P, DR, Valley Road that's going to affect the residents in the form of taxes. At some point in time he is quite confident that when Oconomowoc was dealing with Costco and others, they made certain concessions and gave them some ideas of what they are going to do to draw traffic to that area and he has to believe that Oconomowoc has a 5 year plan for what they would like to see DR look like, what they want Hwy P to look like Sawyer Road and the other adjoining roads to draw people to Costco and this huge development. All of that will affect the quality of life of the residents of Summit. The city should have a description of what that development will look like in 5 years so the residents have some

knowledge. If this comes in and takes away all the quality of life If it upsets our quality of life, with the trees and the nice country roads we have, he thinks we'll have some problems.

President Riley **ANNOUNCED EXECUTIVE SESSION**, stating that pursuant to Section 19.85(1)(g), Wisconsin State Statutes, “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: for the following purpose: *Wildwood Estates v. Village of Summit*

*The Board will not return to open session after this discussion

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 10, 2025
- B. July, 2025 payables
- C. Amendment to Declaration of Restrictions and Covenants of Newbridge Crossing Subdivision per request of William Toson, HOA representative

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

PLANNING DEPARTMENT

Update on Plan Commission matters

Planner Barrows explained there was a request at the Plan Commission’s meeting last month for a tree cutting within 35 feet of the lake, for a new home being constructed on the north side of Silver Lake, south of Valley Road. That lot is a severely non-conforming parcel, the house itself can be 35 feet from the shore so they proposed to cut two trees in order to accommodate drainage and to put in an infiltration system to help manage impervious surfaces. The property owner has agreed to replace those with three new trees and they recorded a deed restriction that they have to maintain those in perpetuity and provide the village an as built plan that shows the installation took place, the grading is complied with, and that the infiltration system is correctly installed. The Gathering Subdivision Final Plat was reviewed and approved and will come to the board next month.

Discussion and action on a request by Steve Hanke to amend the Zoning District Map from the R-1 Estate Residential District to the BP Business Park District to accommodate a conference center on property located at 37214 Delafield Road (SUMT0640998001).

Planner Barrows stated that this property is approximately 7.7 acres located just west of Village Hall and is currently zoned R-1 Residential and there is a residential structure on the property that’s used as a CBRF with two adults and two caretakers in the building. The applicant is proposing to rezone to BP Business Park, the Land Use Plan does accommodate the proposed zoning as the plan calls for industrial and business type uses. The applicant would like to construct a new building in place of the existing barn that’s close to the Village Hall that is in disrepair and they’d like to use that new barn-like building as a conference center. It would include corporate events, trade shows, family and community gatherings, to be noted also event-

type facilities that they have requested in the past but under the R-1 zoning district. The building would be about 5,000 square feet and seat 300 people. The Comp Plan category accommodates light to medium intensity business uses, such as corporate offices, light manufacturing and warehousing. Some of the other uses allowed in BP District that would be as intense or more intense than a conference center, include: indoor recreational facilities, health clubs, movie theaters, and restaurants.

In order to rezone to BP, the property must have sewer and water available and the applicant has been working with the City of Oconomowoc and before the village would approve any site plan, business plan of operation or development of the site, we would need written confirmation and have agreements in place between the city, village and applicant. The residential use would remain as is and continue as a legal, non-conforming use on the property.

Planner Barrows stated that even though site development isn't part of this proposal, we are just looking at the rezone, there are some conditions that are required: substantial compliance with type of development that is being proposed and submitted to the Plan Commission was included in the packet materials. There were some renderings of what the structure would look like and what type of materials would be used and that ultimately will go back to Plan Commission for final approval. There would be a parking lot with 150+ stalls with light poles similar to the Village Hall light poles in size and appearance, no need for changes in public services, no impacts to natural resources, currently the adjacent uses, other than Village Hall are agricultural but all planned for Business Park in the future.

The Public Hearing was held in June and continued to the July meeting, a summary of the public comments was included in the report. There were concerns that the term "conference center" is not defined and whether or not the applicant should be allowed to have events in addition to meetings/conferences, and concerns about it turning into a party barn and that the village is having that ongoing discussion with the sub-committee regarding certain uses. Talk about change being detrimental to the community and residential uses result in a greater tax benefit. Spent time talking about if someone was proposing to do something different to the site, like dividing it, develop it further than what's there now, they would not be allowed residential uses based on the Land Use Plan future designation by the village as Business Park, any change to that property does need to be converted to Business Park. At the July meeting there was mixed support: sewer access, traffic, potential future expansion of uses, and the lack of definition were mentioned as concerns. One person came back in July, who was concerned in June, and stated that after speaking to his Homeowner's Association he found out they supported the proposed use and so he came back to retract his concerns expressed at the June meeting.

After the July meeting, the Plan Commission requested a legal opinion from the Village Attorney to understand how they could specifically define the term "conference center" and if the village had an ability to be specific on what that meant and if hours of operation could be controlled as part of the rezone. In summary, because the applicant submitted a complete application, the village needs to rely on the current ordinance and since the term is not defined, you need to rely on reliable sources. Several sources of the definition were provided and the Plan Commission determined the proposed uses fell in the definition of conference center and considered the fact that there are other more intense uses that are provided in BP District. Determining hours of

operation should not be part of the rezone but the Plan Commission can review hours of operation under the Business Plan of Operation and Site Plan approval process. The Plan Commission recommended approval.

Planner Barrows reviewed the conditions (reference below in the motion, Items 1 – 6).

Trustee Petronovich had a question in regards to the sewer and water and that it doesn't address the residential water. Planner Barrows stated that can be determined but the only place in the ordinance that requires connection within one year is for sewer not water. That can be discussed as part of the Site Plan.

MOTION: (Petronovich, Arenz) *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 R-1 Estate Residential District to the BP Business Park District on the Subject Property described in the enclosed ordinance. The zoning map amendment is subject to the following conditions:*

1. **INITIAL DEVELOPMENT:** The zoning map amendment shall not be effective until such time the Applicant obtains Building, Site and Operational approval to construct a conference center in substantial conformance with the use, site plan, and architectural design materials presented at the June 19, 2025 Plan Commission meeting. The Building, Site and Operational plans will require Plan Commission approval and this rezone does not guarantee said approval as presented.
2. **RESIDENTIAL USE:** The existing residential structure inclusive of a community living arrangement for two adults and two caretakers is considered a legal nonconforming use and all provisions of Section 111-224 and Section 111-225 shall be met.
3. **FUTURE DEVELOPMENT - COMPLIANCE WITH COMPREHENSIVE PLAN AND ZONING:** Any future use, not presented as part of the Initial Development, that is proposed on the property shall comply with the guidelines stated in the Village of Summit Comprehensive Plan and standards of the Village of Summit Zoning and Shoreland Protection Ordinance.
4. **SEWER AND WATER:** The Applicant shall serve any and all business uses on the property with public sewerage and water facilities provided by the City of Oconomowoc. All costs associated with connection, installation, and maintenance are the responsibility of the Applicant and not the Village of Summit. The existing residential structure shall connect to the public sanitary sewer collection and treatment system within one year of the service being provided to the property with all costs related to the connection, installation, and maintenance being the responsibility of the Applicant and not the Village of Summit.
5. **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.

6. **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.

Carried.

Discussion and action on Stormwater Maintenance Agreement with Rogers Behavioral Health for improvements at the Cedar Ridge Campus located at 3011 N Cedar Ridge Road (SUMT0625998)

Planner Barrows explained that Rogers is proposing to remove three buildings at their Cedar Ridge site that currently accommodate a total of 20 beds. They are going to replace those three buildings with one new building that will also accommodate 20 beds and provide for clinical management treatment and programming. For stormwater management, there currently is not an agreement for this site but they do have a kettle in the middle of the buildings and an existing rain garden. Rogers recently provided an as built for the rain garden and made sure it was constructed and operating in a functional manner, which it is. Rogers has agreed to record the Stormwater Maintenance Agreement which will provide the long-term provisions for maintenance, repair and upkeep of the facilities. This also will give the village the authority to go on the property for inspections and if they don't comply with any requirements, the Village can charge them for the work to be done. Stormwater Maintenance Agreements are required to be approved by the Village Board.

MOTION: (Arenz, Phillips) *to approve the Stormwater Maintenance Agreement for improvements at Roger's Behavioral Health Cedar Ridge Campus as recommended by the Village Engineer's email dated August 3, 2025. Carried.*

Discussion and action on a Developer's Agreement for Bark River Crossing Subdivision located on the south side of Genesee Lake Road, south & east of the Ravinia Park Subdivision. (SUMT0678996)

Planner Barrows stated this is for a 19 lot subdivision, named Bark River Crossing, located east of Ravinia Park. The developer would like to start construction before getting final plat approval. They can do that provided they submit a Developer's Agreement and Financial Guarantee and both approved by the Village Board. The Developer's Agreement was submitted and staff met yesterday to go through all comments and a revised copy has been provided. The Developer has accepted those comments. There are a few policy issues that need to be resolved. Those would be incorporated and a final write up produced and the approval should be subject to staff incorporating those changes. The following requirements were discussed: the first lift of asphalt be completed by November 1 of this year, their goal is to start construction on September 1st, then the final lift of asphalt cannot be installed until after a winter season but within one year of

the first lift, all of the improvements including; stormwater management, road improvements and landscaping do have to be completed prior to the issuance of any building permits, except that, the engineer would like the engineered soil at the top of the bottom of the basins to be installed towards the end of the landscaping so there is an exception that those must be provided prior to July 31, 2026. Throughout the document the developer is asking to have permission to build a house on proposed Lot 11.

Policy issues:

1. Lot 11 early building permit, prior to the improvements being completed. Lot 11 is the first lot off Genesee Lake Road and the developer would like to use as an initial spec home. The lot is to the west of the new road so there will be emergency access to the site. Staff is comfortable with that provided they do put that gravel base down and that they meet all the other engineering grading requirements related to that lot.

Response: all okay.

2. Placing a dollar amount in an escrow account for replacement of landscaping in the event it isn't properly maintained over a longer period of time. Village hasn't had past practice of requiring this as a separate financial guarantee. Landscaping was included in the financial guarantee but the village can only hold financial guarantee for 14 months.

Response: all okay to leave it out.

3. Developer not proposing any street lights, Ravinia Park doesn't have street lights, most subdivisions do not have street lights in the village. Response: not a requirement.

4. Section XV has limitation on unfinished or unoccupied homes, the developer is asking to build all 19 homes at one time, so if the Village agrees, this section can be excluded. Developer would prefer this not be in here, six lots are already spoken for. Doesn't believe the Village has had this restriction in other subdivision plats. President Riley stated it would seem to slow down the whole process. Planner Barrows agreed that yes, otherwise construction would take longer. Response: all ok to leave it out.

5. Tree Planting provision is newer in Developer's Agreement and there already is a requirement in the land division ordinance that does require street trees on both sides of the road and that the trunks need to be at least 1 ½ inches at a point 1 foot above the root system. Recommends changing this provision to match the 1 ½ inches in the ordinance. Plant quality and species of tree be approved by the Plan Commission. In talking with Director Nash, the preference of having trees on private lots would be better than having them in the right-of-way of the road. Developer is willing to do that as long as planting could be done at the time of building permit issuance. Response: to be added to the initial building permit process and planted prior to occupancy. Change to 1 ½ inches, at 4 feet.

MOTION: (Arenz, Phillips) *to conditionally approve the Developer's Agreement for the Bark River Conservancy Subdivision subject to Village Staff review and approval, including the Building Inspector, Engineer, Planner, Attorney, Public Works Direction, and Administrator and including those changes discussed this evening.* Carried.

Discussion and action on proposed Letter of Credit amount for Bark River Crossing Subdivision

MOTION: (Arenz, Phillips) *to approve the cost estimate associated with the Letter of Credit for the development of the Bark River Conservancy Subdivision.* Carried.

Discussion and action on a Stormwater Maintenance Agreement with Mark & Eileen Lurvey Trust for The Gathering development (SUMT0714999001)

Planner Barrows stated this subdivision has a stormwater facility in the middle of the site and they revised their original plan from a wet pond to a dry basin that will be planted like a meadow so there will only be water there in a major rain event. There is an infiltration strip that goes behind the back of the lots along Wayfare and another strip between the natural resources and the northern lots 11 and 12. This is what is documented in the Stormwater Maintenance Agreement for maintenance provisions and upkeep. Stormwater Maintenance Agreements are required to be approved by the Village Board.

MOTION: (Petronovich, Phillips) *to approve the Stormwater Maintenance Agreement for The Gathering Subdivision as recommended by the Village Engineer's letter dated July 15, 2025.*
Carried.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash reviewed the monthly report and added a description of the work done these last two days with the storm cleanup efforts.

Discussion and action on Waterville Dam ownership

Director Nash provided an update on conversations with the Waterville Lake Homeowner's Association. She included a summary in the packets of the actions that the village has taken so far, including action items the village was responsible to do per the DNR. The dam failure analysis was completed by the H.O.A. and submitted to the DNR in March. The dam came back as a high-risk dam which requires significant improvements to be made. The rating is not because of the condition of the structure but more a factor of how much development has happened downstream. Director Nash received an update from Diane Rogers, President of the H.O.A., who stated that the board has considered every option and believe the only option is to form a lake management district. The H.O.A. still needs to meet with the lake homeowners to explain everything and come to terms that this is the path they'd like to take. The H.O.A. still wants to have control of the dam and taking over ownership is still being explored. The DNR still has not certified the dam analysis and the requirement is for the repairs to be made within five years of the certification. Mrs. Rogers sent a request to the DNR for an extension of two years in regards to the ownership of the dam but has not received a response yet, the current deadline is November, 2025. There weren't any issues with the recent rain events, they removed one board as a precautionary measure but there were no issues on the lake or downstream.

Trustee Arenz stated if they are heading towards a lake management district, could the Village request an extension for them to be able to accomplish setting that district up.

MOTION: (Arenz, Phillips) *to direct staff to ask the DNR for an additional extension with*

describing the process and how we've arrived to where we are and that the H.O.A. should give us a timeframe of when they think they should accomplish that and we would recommunicate that to the DNR. Carried.

Discussion and action on Cemetery Policy and Ordinance updates

Director Nash explained this is coming forward based on the review and recommendation of the Cemetery Board.

MOTION: (Arenz, Petronovich) *to approve the Cemetery Rules and Regulations Policy and the update to Village Ordinance Chapter 8 Article II Village Cemetery, contingent upon review of the Ordinance language by the Village Attorney. Carried.*

Discussion and action on request from City of Oconomowoc for a Jurisdictional Transfer for Pabst Farms Boulevard

Director Nash stated Administrator Frye is here to make the formal request. Administrator Frye handed out some supporting documentation to the board members and audience members. He stated that he is here to request a jurisdictional transfer of roughly 800 linear feet of Pabst Farms Boulevard. This is a section of street that is between the roundabout on CTH P and heading west to where the city and the village meet. In this area, the city has a Costco development that is going to go in and they have been discussing the access to that site. The City saw early plans that had the access completely on the city property and thought that would not be ideal in relation to access to the adjoining Summit parcels. They asked Costco to look at a shared driveway and that was discussed with village staff and was approved and that is shown on the drawing provided. One of the things the city requested at that time was the jurisdiction of Pabst Farms Boulevard. The reason for that was based on Administrator Frye's concerns of having an intersection that is straddling over two communities, they would have traffic signals being in two different communities, even though our law enforcement work well together and if something happens there, they both are responding but with a jurisdictional transfer, the city would be the one responsible and there wouldn't be a question about that. Not a real benefit to the City, other than making this a clean intersection. Director Frye stated that a gentleman spoke tonight and raised a question about the village giving the city something. The only thing the city is obtaining through this request is the jurisdiction, there is no CSM, no land dedication and the DOT owns the land under the streets. When you look at the development and the steps they've taken for the shared driveway in order to access the village parcels on both the north and south sides of the boulevard and providing signal lights will make the whole area safer there for development overall. The request does not have any conditions on it other than that was asked if a right in/right out were approved in the future by the DOT would the City allow that to happen. In the provided memo, the city has agreed to that request as long as the DOT approves it.

President Riley asked Director Frye to clarify what having jurisdiction includes. Does it include road maintenance, plowing, maintenance of any lights, mowing in the right-of-way, striping, asphalt, and curb and gutters. Director Frye responded it would include all of that going forward.

President Riley stated the new picture it shows an internal roundabout and it looks like that

would be shared jurisdiction. Director Frye stated no, that is private.

Trustee Petronovich stated there is an elevation change between the Costco property and the parcel in Summit and how are they going to address that. Administrator Frye responded that in the proposed grading plan for Costco, that is getting tapered down and that was originally set up that way so all the stormwater off of that parcel goes north and east to the large 13 acre pond. Trustee Petronovich also asked about the property to the north and south and how the sewer and water hook ups for the Village properties would be handled and where they would be. Administrator Frye stated he would have to look to see where the stubs would be and if they go across the street but it would make sense to put in now. On the north side, as part of the Developer Agreement with Costco, they will be extending the water main up along the city/village line to connect into a stub the city has that's coming out of the Lake Country Village subdivision and will create a loop for the water main. Trustee Petronovich stated that the thing that concerns him and was brought to his attention is over on Pabst Road the city and Oconomowoc own a portion of property on the east side of Pabst Farms that is in the city but the road is owned by the Village of Oconomowoc Lake and they could shut the city down by not letting the city develop that because the village owns the road. He's afraid Summit is putting themselves in that situation. Administrator Frye responded that is not true, Summit has the access per an approved site plan showing it, the area is limited length, there is nothing the village will be doing with traffic control and the city is willing to approve any right in/right out that could be requested along that 800' stretch if the DOT approves it.

Trustee Arenz questioned why wouldn't the village just manage this with an Intermunicipal Agreement, like the city did with the county and other areas that wouldn't say "you can have this jurisdiction". Administrator Frye responded, you could and if the village does not want to provide the jurisdiction and leave this intersection split, then they will have to have some type of agreement for the signals that are in Summit and Summit will also have the responsibility for the law enforcement at that half of the intersection and he doesn't think that's good planning, not a good way to operate anything, only because it leads to confusion and potential issues in the future. If this was a longer street and there is no access to it right now except through a very limited area right next to the city/village border, if this went on for another half mile where you would have those things, he could understand where they wouldn't want to do that, but this is so limited to just this area. His big concern is the operation of the intersection and keeping that working properly and having that under a single jurisdiction for the plowing and everything, to him it makes more sense.

Trustee Petronovich asked why wasn't this done when the city designed this whole thing (the road). Administrator Frye stated when that was built, he was led to believe that the DOT maintained the jurisdiction of the section of Pabst Farms Boulevard through the Village of Summit so when this project came up he reached out to the DOT and asked to speak with them about a jurisdictional transfer of that stretch and the DOT indicated that the locals now had jurisdiction of that, which would be the Village, he was not aware that had taken place.

Trustee Phillips asked if there is a reason why we have to do this right now, does Costco even have a shovel in the ground? Trustee Arenz responded that yes, the city needs to understand if this can be accomplished by Intermunicipal Agreement or having under one umbrella. President

Riley agreed, otherwise we'd have to learn how to buy stoplights and coordinate with them.

President Riley said reference was made to the transfer agreement but he doesn't see it written anywhere about the right in/right out for that parcel in Summit that the city wouldn't have a problem with that. Administrator Frye responded they would honor that. President Riley asked if it is written somewhere. Administrator Frye stated that in the jurisdictional transfer agreement, the city can make sure it gets put in that document, but the city would agree to allowing that to happen as long as the DOT approved it.

Trustee Arenz stated that since he has been involved with the Town/Village of Summit there were a few points he wanted to make: spending \$1 million on the Target disagreement, $\frac{3}{4}$ of \$1 million trying to come to our incorporation and dealing with a memorandum of understanding, turning over millions of dollars to the city for a fire station and given the resident's views, he is talking about decades on either side, and their boundaries to get to where we are today, he can't in good conscience feel like transferring the jurisdiction would be what he has been elected to or as a representative of our group to go out and do that. What Mark is asking for and was presented as far as the accomplishment section, Trustee Arenz concurs with as an engineer and a number of things that were mentioned, the village needs to be able to work with the city on common focus and process, his direction to the group is to put together an Intermunicipal Agreement. The city has a bunch of them, they exist, and these items need to have common focus. Our Attorney is here and there is a path that can be taken to accomplish that, and by addressing all the mutual concerns through an agreement.

Trustee Phillips stated that he wouldn't support this without something in writing that he hasn't seen yet, that says the city wouldn't impede anything the village would build in the two areas. He needs to see that in writing first. He doesn't want to be in a position where the city controls the village access to the Village properties. Administrator Frye stated on the CSM it already shows that the allowable access has been determined and a shared driveway was discussed and agreed upon. The only thing that could come up would be the future request for a right in/right out on those parcels and if the DOT would approve that and the city had the jurisdiction, the city would approve that access and they would put that in writing in a document.

President Riley stated it sounds like Administrator Frye doesn't think the DOT would approve it Administrator Frye responded he doesn't know what the DOT would do or what this area will look like in the next 10 years and could allow for something. President Riley added that if the village does the transfer, instead of saying approval of a right in/right out, it would be any access points between the city limits. Administrator Frye responded that most likely it would only be a right in/right out based on the medians.

Maintenance, plowing, construction, policing. Administrator

Chief Hartert stated he likes the cleanness of one jurisdiction having that because they do have that confusion on Highway 67 by Aurora Hospital right now and he wouldn't have a problem with turning the jurisdiction over.

Director Nash stated from a Public Works standpoint it makes sense to transfer the jurisdiction,

and we'd be cleaning our hands of any responsibility regardless of any intermunicipal agreement, it's one of those sections of road that are a floater that's surrounded by either the city or county or state owned. It is Wis DOT land, the village is not transferring ownership of anything, we're just transferring jurisdiction. Thinks the access has been addressed and Mark is correct there is very limited amount of land that's available to the southern parcel for access. To Justin's point about right in/right out access where there still is opportunity, we could get that in writing in the jurisdictional transfer language and that would cover us. The village did petition for right in/right on Sawyer Road and at this point, the DOT said that probably was not going to happen here. The property owner also has agreed that they feel comfortable with this set up. Feels what has been presented and approved for that shared access that we have addressed that problem.

President Riley likes it because it's clean, easy and clear and our concerns are addressed and doesn't agree that we are giving something for nothing, the village is benefitting from transferring it.

MOTION: (Riley, Phillips) *to conditionally approve the jurisdictional transfer for the segment of Pabst Farms Boulevard within the Village municipal boundary to the City of Oconomowoc, subject to approval from all objecting and approving bodies, to be completed after the installation of all improvements related to the intersection that bisects the municipal boundary with shared private roadways/drives. The City of Oconomowoc, the Village of Summit, and the Wisconsin Department of Transportation shall approve a jurisdictional transfer of the segment of Pabst Farms Boulevard within the Village municipal boundary that transfers jurisdiction of the above described roadway and associated right-of-way to the City of Oconomowoc as required by State Statute, with the inclusion of language that if a right in/right out is approved on either side by the DOT that it would be approved by the city.*

Administrator Frye stated that they weren't requesting that it be conditioned on the construction of the improvements first, they'd like to move ahead and get this done and everything built. President Riley responded that it is completed prior to the improvements.

Trustee Arenz stated our attorney is here and he appeared to want to say something.

Attorney Macy stated it is a policy decision but at the staff meeting he stated the board just needs to be absolutely clear whichever way they go about what they are getting and that it can't be changed, so that needs to be an exhibit or something related to the design of the intersection to ensure that is what we are getting and requiring mutual agreement of the two communities to change it. The motion should be subject to the addition of an exhibit setting forth the plans.

The second thing Attorney Macy mentioned, is none of the board members have talked about when years from now when someone goes to develop Summit's side and somebody says can they have that access off of the Costco driveway, let's go check the minutes, the board has not mentioned that at all. There is this little note on a map that says there is going to be access but the way Costco's driveway is designed, it doesn't look like there is an access. Attorney Macy explained that as the village attorney, he would assume that it wasn't important to the board because they didn't approve it in this action. President Riley responded that if the village includes it as part of the map, Attorney Macy responded the map is the design of the intersection

and the village does not have control over Costco. Costco is not a party to this agreement, so the village has to bind the city somehow to force Costco to allow that access. Costco is not going to want that access but his point is that the board hasn't talked about it.

Trustee Arenz questioned if the village ever wanted to change jurisdictional transfer back and asked the village attorney how hard that is. Attorney Macy replied it is not easy but he'd have to research it but he is aware of a complex one in the Village of Oconomowoc Lake and that they had to get the legislature involved. There are probably simpler ways.

Trustee Phillips asked if the board could discuss tabling this until they have a few more things clear. President Riley stated they could.

Attorney Macy went on to say that you cannot, in his opinion and again without research, in an intermunicipal agreement transfer the police department and there is a whole law that applies with shared ownership. He doesn't know of a way to write tickets if it's on the road. Also, if there isn't a jurisdictional transfer the road aids would go to the city, in an intermunicipal agreement, the road aids would remain going to the village and something would have to be in the agreement about that. Can't disagree that the jurisdictional transfer is cleaner because the intermunicipal agreement could be amended, could be modified and is much more difficult to change than the jurisdictional transfer.

President Riley stated that the direction from the motion and the second is to do the jurisdictional transfer but thinks we need Attorney Macy's help to help make sure that the village gets the guarantees that he is talking about as far as the access from Costco. How does the village get that documented before moving forward, can the board add a line that says: "with approval from our attorney". How do we tie this to the developer for an access point.

Administrator Frye stated the property owner and Costco are working on a reciprocal easement agreement for these accesses and are telling him that they want to keep that document as a private document but knows they would let the city and village attorneys review that and let the Village Board know if it is acceptable to provide the guarantees for the easement that the village is requesting.

Director Nash stated that she believes that that was a condition, the reciprocal easement agreement and that second access point was a condition of approval of the intersection, the shared access too. Administrator Frye stated that Costco and Pabst are in the process of finishing that agreement.

Attorney Macy stated the additional language would be: "and approval of the reciprocal access easement document between the property owner, Pabst Farms, and Costco."

AMENDED MOTION: (Riley, Phillips) *to add attorney approval of the reciprocal easement agreement document between Pabst Farms and Costco.*

Trustee Phillips stated at the last stormwater meeting there were questions about where the stormwater will go and he thinks that question has been answered and that the existing detention pond is well suited for the capacity to handle stuff from this area.

Carried. (Arenz opposed).

Discussion and action on variance to driveway width for 1612 Yardley Court

Director Nash stated this is in regards to a new home construction that recently was issued final occupancy this year. Ordinarily a right-of-way permit was not pulled for the curb cut but DPW staff saw work being done pre-construction and talked to the contractor about it and it was marked out to be in compliance with the approved plan of not more than 24' width as allowed in our ordinance. After final occupancy was issued, the DPW staff found that the driveway had been poured and the final width was 32'. They reached out to the property owner, who is here tonight. The property owner is cooperating and he wanted to petition the board for a variance for the driveway width that is allowed by our ordinance. This property is in a cul de sac.

Director Nash went through the questions that have been developed to help determine the request for a variance.

Trustee Petronovich stated he went and looked at it today and he hates doing this after-the-fact stuff but in this case his opinion is that if the property owner had to cut it all out and redo, it would make it look worse than it does now.

President Riley questioned why 24' was decided on when the ordinance was written. Director Nash responded that 18 – 24 feet is what our ordinance allows, and is pretty standard language. The only issue she sees for village staff is when they are plowing with the wing, it is likely that the wing will chip the far end of the curb cutout because it is hard to differentiate where the road is when there is a wide gap and they will likely ask that a marker be placed there. Otherwise, not seeing other safety issues for regular drivers.

Trustee Petronovich added that part of the problem with this property is that the driveway isn't real long and he has a three -car garage and could see how it is hard to make that work when you have a shorter driveway. President Riley responded that makes sense but when he is reading the information provided, it states the DPW was out there and it was verified at 24' but then after they left it somehow got installed at 32'. Director Nash added that there are quite a few contractors that don't check with the village on what the requirements are for right-of-way permits and don't pull the permit. Staff is working to better educate contractors during the building process to help alleviate future issues.

Trustee Phillips states every time one of these comes before the board, they say this is the last time we're going to do it and we're drawing a line in the sand that anyone else that comes forward, we aren't doing it. He is frustrated that the village has contractors that are not pulling the permits and then we are put in this position. That makes him undecided at this point related to this request because at some point the board has to say this has to be the last one and no more going forward.

Trustee Arenz stated that can't always be the case and either the buck stops here with the board reviewing it or the village has to give them some latitude, especially when dealing with short

driveways. Trustee Phillips stated that is understood and traditionally he leans on the side of allowing but is expressing his and the interests of a colleague that isn't here.

Director Nash stated every situation is different so if the board gives specific reasons for the variance, that would be helpful going forward. The property owner has agreed to provide an updated survey showing the final impervious surface and will have to supply an after-the-fact right-of-way permit.

Trustee Arenz stated along those lines, should the survey also include a note that says "a variance was given for the driveway width".

MOTION: (Riley, Arenz) *to approve a variance for driveway width at the road for 1612 Yardley Court, contingent upon an updated survey showing impervious surface requirements and submitting an after-the-fact ROW permit, the survey should also include a note that this variance was approved.* Carried.

POLICE DEPARTMENT Monthly Report

Chief Hartert reviewed the monthly report.

Discussion and action on donation of an AED and Fire Suppression tools by Dousman House and Wisconsin Masonic Foundation

Chief Hartert stated this kit that they gave us is fantastic and it will be put in the patrol boat.

MOTION: (Arenz, Phillips) *to allow the Police Department to accept the donation of an AED and Fire Suppression Tools.* Carried.

Discussion on amendments to the Police Commission Bylaws

Chief Hartert stated he wanted to preference this is there are Police Commission Bylaws which he sent for review to the board members. These were adopted in 2011, he wasn't aware of them so he would like to update them to provide a guideline for the Police Commission to follow, regardless of who that happens to be. He is trying to update them to reflect what they are really doing and found that they work in our community. Chief Hartert added that our legislature is set up so that these Police Commissions act as an independent body but they do need some oversight by the Village Board.

Chief Hartert stated he has run this by the Police Commission already and got input from them, he also sent it to Attorney Macy and received feedback, he is looking for board feedback on the proposed amendments which he will then review with the Police Commission and bring back to Village Board one final time for the okay. Also, looking for clarification on some points:

- Is it ok that any changes to the bylaws would come to the Village Board to okay what the Police Commission has reviewed and wants to run.

Response: Yes

- Appointment of Commissioners: Village President makes decision after conferring with the Village Board. Yes, something along those lines. *Noted to check Charter Ordinance
- Term limits- Chief recommends none. Response: Yes
- President - No rotation of President, Police Commission votes amongst the body who will be the President and President can serve multiple terms. Response: Yes.

Chief Hartert added that one thing they do for qualifications for Chief, Sergeant, Captain is to review annually and he'd like to keep it that way. Overall, Chief reported that the Commission runs very smooth, they just need to get some things tweaked.

WESTERN LAKES FIRE DISTRICT

Monthly Report

There was no representative in attendance and no report provided.

VILLAGE BOARD

Discussion and action on Trick or Treat times for the Village of Summit

Trustee Phillips stated the Village always has trick or treat on October 31 and neighboring communities have it on the Saturday before and he would like us to align with other communities.

MOTION: (Phillips, Arenz) *to align Summit's Trick or Treat time with the Village of Dousman & City of Oconomowoc to be held on the Saturday before October 31. Carried.*

Discussion and action to set items for September 11, 2025 regular Village Board meeting

Director Nash asked if we want to have a conversation about allowing truck traffic on Delafield Road in the future. President Riley stated that should be on the October agenda. Trustee Petronovich would like to have a discussion about how we determine Emergency Slow No Wake designations on other lakes in Summit.

MOTION: (Phillips, Petronovich) *to enter EXECUTIVE SESSION, pursuant to Section 19.85(1)(g), Wisconsin State Statutes, "conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: for the following purpose: Wildwood Estates v. Village of Summit*

**The Board will not return to open session following this discussion*

ROLL CALL on above motion

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

ADJOURN VILLAGE BOARD MEETING

MOTION: (Phillips, Riley) *to adjourn at 9:38 p.m.* Carried.

Respectfully Submitted,

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

Next Regular Meeting: September 11, 2025