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

MINUTES

Village Board Meeting

September 11, 2025

CALL TO ORDER

President Riley called to order the Village Board Meeting at 6:30 p.m. on Thursday, September 11, 2025 at Summit Village Hall, 37100 Delafield Road, WI.

ROLL CALL AND CONFIRM POSTING

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

PUBLIC COMMENT

JJ Alaily, 2593 N Mill Road, stated he here offering public comment as a resident and member of Upper Nemahbin Lake Management District (UNLMD) Board to comment on the agenda item 10. Major flood event happened August 9 with a massive amount of rain in this area and southeast Wisconsin. The state of emergency for this area and the big impacts everyone felt. He is here to talk about the effects experienced by members of the Lake District and explained that 24 – 48 hours after the rain event the flood waters started to come down for most people in this area however, due to the release from Nagawicka Dam, the residents of their Lake District and especially on Venice Beach Road had 2 weeks of water rising rather than coming down after that event. That created road closures, safety hazards for those residents, garbage wasn't able to be picked up. On August 20 UNLMD Board had a meeting and some Village staff attended, residents voiced concerns and part of that process is talking about approaching the City of Delafield and having a discussion but don't feel they have the power to sway the City of Delafield on this issue so their hope is to engage the Village in discussion on how do we move that forward. Ask the Village to take this on and UNLMD is willing to be a stakeholder in those discussions. He sees that the item is low on the agenda and asked if the item could be moved up.

Mike Nevins, 849 N Pointview Road, concurs with what was just said and to see if there is a way to find out the property damage done to the Nemahbin Lakes versus the property damage to the

Nagawicka group. The other item is 7.B. with regards to Delafield Road being designated as a truck route.

Administrator Michael addressed Mr. Nevins to explain that item had already been removed from tonight's agenda and it will be on a future agenda.

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 August 12, 2025
- B. August, 2025 payables
- C. 2026 – 2027 Waukesha County Data Processing Services Property Tax Assessment and Billing Agreement

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

MOTION: (Riley, Phillips) *to suspend the rules and move item 10 to front.* Carried.

Discussion and action on options for filing a request to the Wisconsin DNR to investigate the parameters set per the 2010 order for Nagawicka Lake water levels and the Fish Hatchery Dam

Administrator Michael summarized contact with WDNR related to their process for making a request. At the UNLMD meeting, there is still concern about future events and the downstream effects from the Nagawicka Dam. She added that she reached out the Tom Hafner, City of Delafield Administrator and DPW Director and he was amenable to being involved in a workgroup.

MOTION: (Riley, Lee) *to direct staff to put together a work group, to include City of Delafield representative and may include a Village Board member if necessary, and Kamron and Debbie and a member of UNLMD to collaboratively determine the next steps for managing the dam.*

Trustee Lee volunteered to be Board representative.

Carried.

PLANNING DEPARTMENT

Update on Plan Commission matters

Planner Barrows reported that the Plan Commission approved some outdoor lights at Aurora Hospital, a dumpster enclosure and various plans approved for Roger's Memorial Hospital 24 bed CBRF at main campus and 20 bed at Cedar Ridge campus, both sites are actively under construction.

Update on Zoning Code Land Use Project

Planner Barrows reported that the sub-committee met before this meeting and they got through two more topics: Limited Family Business and Commercial Storage of boats, trucks and

equipment. They briefly talked about survey results from public listening session and she will share the summary document with the Plan Commission and Village Board. They started to talk about landscape businesses and nurseries. Hoping to wrap up by the end of year and next meeting is November 13.

Discussion and action on a request by Jon Spheeris for an Extraterritorial Certified Survey Map to create two lots on property owned by William and Mary Karen Irwin. The subject property is located at W330 N247 Kettle Moraine Drive in the Town of Delafield (DELT0840994003).

Planner Barrows explained that this property is in the Town of Delafield and in the extraterritorial jurisdiction and is about 0.7 miles east of the Summit boundary and we have extraterritorial jurisdiction within a mile and a half. Proposing to split a parcel that is 11.88 acres into two lots, the land division does not impact the Village's growth or planning objective. Plan Commission recommended unanimous approval and Planner Barrows recommends approval of the same with conditions.

MOTION: (Lee, Phillips) to acknowledge the proposed Certified Survey Map for the creation of two lots on property located at W330 N247 Kettle Moraine Drive, and report no objections to the Town of Delafield and Waukesha County, subject to the following conditions:

- A. APPROVALS FROM ALL OBJECTING AND APPROVING BODIES:** Petitioner shall satisfy all comments, conditions and concerns of the Town of Delafield, City of Delafield, and Waukesha County.
- 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. ONE YEAR TO SATISFY CONDITIONS.** Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting acknowledgement of the CSM.

Carried.

Discussion and action on a request by Phil Zagrodnik for a Certified Survey Map to combine multiple properties into a single lot of record on property owned by Northcrest Properties LLC, located at 34324 Delafield Road (SUMT0669053).

Planner Barrows explained that the owner is proposing to combine several parcels that are currently owned by him and known as Ole's. As part of the lot combination there was a requirement of Plan Commission last year when Phil came in to get his Plan of Operation due to change in ownership, the Plan Commissioner recommended unanimous approval of this combination back in March, subject to several conditions and the applicant gave the Village an extension to try and comply with conditions. There were some legal lot line issues between the Jeff Stoll property and this property and agreed Jeff Stoll would modify their boundary to agree

to match with this CSM. Planner Barrows recommends approval provided the staff conditions are met.

MOTION: (Lee, Phillips) *to approve the Certified Survey Map to combine several parcels located at 34324 Delafield Road, subject to the following conditions:*

- A. APPROVALS FROM ALL OBJECTING AND APPROVING BODIES:** Petitioner shall satisfy all comments, conditions and concerns of Waukesha County Department of Public Works, and the Village Engineer, Surveyor, and Planner prior to the Village signing 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 does not result in the creation of any new lots. Therefore, this condition does not apply.**
- D. BUSINESS OR COMMERCIAL USE.** This lot is subject to compliance with Site Plan and Business Plan of Operation approvals.
- E. ONE YEAR TO SATISFY CONDITIONS.** Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting conditional final approval of the CSM.

Carried.

Discussion and action on a Stormwater Maintenance Agreement with Genesee Lake Road LLC for The Bark River Conservancy development (SUMT0678996).

Planner Barrows explained this subdivision is currently under construction, Developer's Agreement was approved and a Letter of Credit was provided. They are proposing stormwater facilities through out the property and required by the Fire District to provide a Stormwater Maintenance Agreement to be approved by the Village Board. The entire outlot area has an easement over it to allow for Village access if needed.

MOTION: (Phillips, Lee) *to approve the Stormwater Maintenance Agreement for Bark River Conservancy subject to the conditions of the Village Engineer's email dated September 4, 2025 being complied with and subject to final review and approval by Village staff.* Carried.

Discussion and action on a request by John Siepmann, Siepmann Realty, for a Final Plat and related documents to accommodate a 12-lot single-family conservation type subdivision on property owned by Mark and Eileen Lurvey Trust. The subject property is located in part of the NW ¼ & SW ¼ of Section 35 T7N, R17E, at 543 S. Wayfare Trail (SUMT0714999001).

Planner Barrows explained that The Gathering is under construction, they have their stormwater and erosion control permits and they were able to get a right-of-way permit and because there are no other public improvements other than that they were not required to do a Developers' Agreement. The financial assurance requirement has been met with a cash deposit agreement. Stormwater Maintenance Agreement has also been approved. Plan Commission recommended approval of the Final Plat subject to the conditions included in the report.

Planner Barrows went over the list of documents: Declaration of Restrictions, Open Space Management document, Conservation Easement and Public Access Easement Agreement stating the Village and Attorney are reviewing the documents with the applicant. It was recommended that the Open Space Management Plan be filed with the Register of Deeds and the developer has requested for that Plan to be referenced in the Declaration of Restrictions which is then recorded with the Register of Deeds but that is a policy decision to be made.

Future parking area and future trail are shown on the plan. Notes regarding setbacks, the setbacks are more restrictive than the ordinance but gets trickier in the future to remember that those exist. Master grading plan approval and elevation of homes have been completed. The trail will be paved per Mr. Siepmann.

President Riley asked for clarification on the paths. Mr. Siepmann explained there are two different trail systems; one is the one that is dedicated to the Village as an easement and they can choose what to do with it, the internal trails are technically private so are not monumented on the Final Plat.

Planner Barrows went through the following related to the Declaration of Restrictions:

An area related to improvements to the outlot and want to make sure that any improvements that aren't shown on the landscape plan and plat are subject to Village approval. Should that be Village Board, Plan Commission or Village staff? The direction was for that to go to the Plan Commission.

Is Village approval needed for all changes to the Deed Restriction – yes, Village Board approval and per precedence.

One section allows the Developer to permit variances to the terms of the deed restrictions, as long as it isn't a violation of law, ordinance or evokes a previous approval and no requirement regarding the Village. Direction given to add Village to that paragraph.

Developer right to grant easements to the Village or other utility service providers on the property but eventually the Developer will lose those rights and will transfer to the HOA. The board felt easements should be in place by the time this would happen.

Timeframe of deed restrictions lasts 30 years and then can automatically extend for successive 10-year terms unless termination notice is given by 75% of all lot owners approving it. Encourage to use what the history of the village is and should be consistent. Mr. Siepmann stated that this has been used by them for many years. Administrator Michael reviewed the language in

the Newbridge Crossing agreement which is very similar to this. Direction was given to leave it the way presented.

Public Access Easement:

The document states the Village is solely responsible for the construction and maintenance of the parking area and the path (the one along the river). President Riley responded he thinks that is the way it should be. Mr. Siepmann stated that is fully disclosed in the documents related to the subdivision.

Another provision is that the Village does not have to be responsible for snow and ice removal of the trail. President Riley stated that is fine.

Planner Barrows asked if the Village can give Waukesha County right of first refusal incase the Village doesn't have the funds to construct the trail but that Waukesha County does. If we put it in, we would need to get Waukesha County's approval but should have the option to transfer easement rights if needed. Response was yes, add that in.

There is a section that says the easement can only be terminated on written agreement of the parties, is that the Village's intent. Ask Attorney Macy to resolve that matter related to dual termination.

There is a section that states both parties have the right to collect expenses and if the Village doesn't maintain, the HOA has the right to collect fees from the Village. Should reflect that the Village is responsible for maintenance but is not required to maintain it.

Indemnification Clause was updated to their standard language and will ask the Developer to review and approve.

Condemnation claims document was added for the Developer's signature by the Village Attorney.

MOTION: (Lee Phillips) *to conditionally approve the Final Plat, subject to the following conditions being met prior to obtaining Village signatures:*

- 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.
- B. APPROVALS OF SUPPORTING DOCUMENTATION FROM VILLAGE STAFF:** The Declaration of Restrictions, Open Space Management Plan, Conservation Easement, and Village of Summit Public Access Easement documents shall be reviewed and approved by Village Staff. *The Village Board has already approved the Stormwater Maintenance Agreement and Financial Guarantee amount and method.*
- C. SUBJECT TO REIMBURSEMENT OF EXPENSES.** As a condition precedent to this Final 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 final plat approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.

D. ONE YEAR TO SATISFY CONDITIONS. Subject to the Petitioner satisfying all of the aforementioned conditions and recording the plat within one year of the Village Board granting conditional approval of the final plat.

E. REZONING. All conditions of Ordinance No. 138-2025 that conditionally rezoned the property from the A-1 Agricultural District to the A-2 Agricultural District and the R-3 Village Residential District – Conservation Development shall be met.

Carried.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash stated she had nothing further to add. Report on file.

Discussion and action on Waterville Lake Dam ownership

Director Nash reported the DNR granted an extension through November, 2027. The DNR has advised the HOA that there are a few remaining comments from the consultant that need to be completed. DNR stated when dams are under the high-risk category, they could lower the normal ten-year timeframe applied for improvements to be made. The Waterville Lake HOA has indicated that they would like to take over ownership of the dam. President Riley stated that the worst-case scenario is the dam goes away and that is more likely to happen if the Village takes ownership. Director Nash provided some information regarding DNR funding available. Our recommendation is that they develop a Lake Management District to address ownership and continuity.

Discussion and action on playground equipment installation at Genesee Lake Road Park

Director Nash explained there were significant repairs at the Genesee Lake Road Park this year and ate up the general expense account for Recreation. Several thousand dollars to get the playground equipment installed by our staff. Three options: complete the project in 2025 utilizing professional installers, complete the project in 2025 utilizing Village staff, Defer the project to 2026. Staff preference is to get it done this year since we purchased the equipment in 2023 and need to get it installed. 5'O's had some issues about it not being installed.

Trustee Lee thinks we should have outside professional installers do it, there is liability having our group do it. The price is going to only go up.

MOTION: (Lee, Phillips) *to approve Resolution No. 25-474 approving an amendment to the 2025 Capital Improvement Plan budget for the purpose of providing \$15,000 of park impact fees for funding and hiring a certified installation contractor to install the new playground equipment at Genesee Lake Road Park and to authorize staff to move forward with Lee Recreation LLC for*

the playground installation, as proposed.

President Riley stated he thought we sent someone to school. Director Nash responded yes she did take a course but that is for auditing after installation.

Trustee Lee asked is it possible to reduce the bill by having one of our staff, like Scott, assist Lee with it. Director Nash said they asked that and there was no cost savings but were happy to have our staff watch the process to gain knowledge.

Carried.

Discussion and action on dumpster enclosure at Genesee Lake Road Park

Director Nash stated she is trying to get this done by the end of the year and would like to get this on the Plan Commission agenda next week.

MOTION: (Lee, Phillips) *to approve the proposed Location 3 placement of the dumpster enclosure at Genesee Lake Road Park and specifying vinyl material as a base bid and to direct staff to bring forward for consideration at the September 18th Plan Commission meeting.*

President Riley stated so we don't know the cost. Director Nash replied no, after the Plan Commission approves it then the bid documents have to be approved. What are the 5'O's doing this year. Director Nash responded they are doing nothing. President Riley asked if the 5'O.s could assist with this and directed staff to ask if they would contribute.

Carried.

POLICE DEPARTMENT

Monthly Report

Captain Wraalstad reviewed the report.

WESTERN LAKES FIRE DISTRICT

Monthly Report

No report provided, no representative present.

Discussion and action 2026 Western Lakes Fire District Operating Budget

MOTION: (Lee, Phillips) *to approve the 2026 Western Lake Fire District Operating Budget for the Village of Summit in the amount of \$1,458,685.*

Trustee Lee asked what the 2.5% increase is for. President Riley responded mostly from an increase in training.

Carried.

Discussion and action on Western Lakes Fire District 5-year Capital Improvement Plan Amendments

President Riley stated they try to level out the annual amounts to be more consistent and he went through the changes that were requested.

MOTION: (Phillips, Lee) *to approve the 5-year Capital Improvement Plan with amendments.* Carried.

Discussion and action on Resolution No. 25-475 Authorizing an Exception to the Levy Limits for Charges for Western Lakes Fire District Pursuant to 2025 Wisconsin Act 484

President Riley explained that this won't help us directly because we are no longer levying to Village residents but each owner of the Fire District must adopt this in order for one or more of the municipalities to utilize it. The City of Oconomowoc and Village of Lac LaBelle would like to use the exception.

MOTION: (Phillips, Lee) *to adopt Resolution No. 25-475 Authorizing an exception to the levy limits for charges for Western Lakes Fire District pursuant to 2025 Wisconsin Act 484.* Carried.

VILLAGE BOARD

Discussion and action to set items for October 9, 2025 regular Village Board meeting

Delafield Road truck route designation to be on the November meeting.

ADJOURN VILLAGE BOARD MEETING

MOTION: (Phillips, Lee) *to adjourn at 8:08 p.m.* Carried.

Respectfully Submitted,

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

Next Regular Meeting: October 9, 2025