

174<sup>th</sup> BOARD YEAR  
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-O-086	02/03/20 02/06/20	Land Use	ORD: Amend The District Zoning Map Of The Waukesha County Shoreland And Floodland Protection Ordinance And The Waukesha County Zoning Code For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The W ½ Of The SW ¼ Of Section 24, T8N, R17E, Town Of Oconomowoc, Waukesha County, Wisconsin, From The A-T Agricultural Transition District To The R-2 Residential District (RZ48)
174-O-087	02/06/20 02/06/20	Land Use Finance	ORD: Authorize The Department Of Parks And Land Use To Enter Into An Agreement And Accept Grant Funding From The Waukesha County Land Conservancy To Complete Habitat Restoration In The Middle Fox River Watershed And Modify The Department's 2020 Budget
174-O-088	02/06/20 02/06/20	Public Works Finance	ORD: Modify The 2019 Transportation Fund Budget For Additional Transit Expenses And State Highway Operations Expenses
174-A-029	02/04/20 02/06/20	Executive	APPT: Mary Berg to the Health & Human Services Board
174-A-030	02/04/20 02/06/20	Executive	APPT: Mary Baer to the Health & Human Services Board
174-O-089	02/04/20 02/06/20	Judiciary	ORD: Approve Fourth Amendment To Lease With New Cingular Wireless At The Health And Human Services Smokestack
174-O-090	02/06/20 02/06/20	HR HHS Finance	ORD: Modify The 2020 Health And Human Services Budget To Accept Additional Revenue And Expenditures Related To The Child And Family Aids Allocation And Create Three Positions
174-O-091	02/06/20 02/06/20	HHS Finance	ORD: Modify The Department Of Health And Human Services 2020 Budget To Accept The WIC Fit Families Grant And Appropriate Additional Expenditures
174-O-092	02/04/20 02/06/20	Finance	ORD: Authorize The Issuance Of Not To Exceed \$18,000,000 General Obligation Promissory Notes For Capital Projects
174-O-093	02/06/20 02/06/20	Finance	ORD: Modify The 2020 Budget By Transferring Carryover Funds From 2019 Unexpended Appropriations To 2020 Budgeted Appropriations
174-O-094	02/01/20 02/06/20	County Board	ORD: Approve Compromise Settlement For Worker's Compensation Case Entitled Jayson Schenker vs. County Of Waukesha
174-O-095	03/02/20 03/05/20	Land Use	ORD: Amend The Text Of The Town Of Eagle Zoning Code By Repealing And Recreating Subsection 500.522(A)(1) Of The Town Of Eagle Zoning Code Relating To The Public (P-1) District (RZ59)
174-O-096	03/02/20 03/05/20	Land Use	ORD: Amend The District Zoning Map Of The Town Of Eagle Zoning Code By Conditionally Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 11, T5N, R17E, Town Of Eagle, Waukesha County, Wisconsin, From The Rural Residential (RR) District To The Public P-1 District (RZ58)

174<sup>th</sup> BOARD YEAR  
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-O-097	03/02/20 03/05/20	Land Use	ORD: Amend The District Zoning Map Of The Town Of Lisbon Zoning Code By Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 25, T8N, R19E, Town Of Lisbon, Waukesha County, Wisconsin, From The A-10 Agricultural District To The M-2 General Industrial District (RZ45)
174-O-098	03/02/20 03/05/20	Land Use	ORD: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Vernon And The District Zoning Map Of The Town Of Vernon Zoning Code By Conditionally Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 10, T5N, R19E, Town Of Vernon, Waukesha County, Wisconsin, From The A-5 Mini Farm District To The B-3 General Business District (Town And County) (RZ51)
174-O-099	03/02/20 03/05/20	Land Use	ORD: Amend The District Zoning Map Of The Town Of Brookfield Zoning Code By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼ Of Section 31, T7N, R20E, Town Of Brookfield, Waukesha County, Wisconsin, From The B-3 Office And Professional Business District To The B-2 Limited General Business District (RZ57)
174-O-100	03/02/20 03/05/20	Land Use	ORD: Adopt Text Amendments To The Waukesha County Shoreland And Floodland Protection Ordinance Modifying The Conditional Use Provisions For Contractor's Yards (RZ52)
174-O-101	03/02/20 03/05/20	Land Use	ORD: Adopt Text Amendments To The Waukesha County Zoning Code Modifying The Conditional Use Provisions For Contractor's Yards (RZ53)
174-O-102	03/02/20 03/05/20	Land Use	ORD: Authorize Participation In Wisconsin Outdoor Motorized Recreational Trails Aid For Waukesha County Snowmobile Trails
174-O-103	03/04/20 03/05/20	Land Use	ORD: Approve Distribution Easement To Wisconsin Electric Power Company To Install, Operate, Maintain, Repair, Replace And Extend Overhead And Underground Utility Facilities On Waukesha County Property Known As Menomonee Park
174-O-104	03/04/20 03/05/20	Land Use	ORD: Amend The Text Of The Town Of Lisbon Zoning Code To Repeal And Recreate Section 28, Relating To The B-P Industrial/Business Park Special Use Zoning District (RZ54)
174-O-105	03/04/20 03/05/20	Public Works	ORD: Laying Out, Relocation And Improvement Of County Trunk Highway Y, Pilak Creek Tributary Structure, Waukesha County Project I.D. 18-2779(18)
174-O-106	03/04/20 03/05/20	Public Works Finance	ORD: Modify 2020 Capital Budget To Increase Construction Expenditures For Capital Project #201004 CTH ES, Fox River Bridge
174-R-003	03/04/20 03/05/20	Executive	RES: Support Of Rights Guaranteed By The Second Amendment To The U.S. Constitution And Art. 1 Sec 25 Of The Wisconsin Constitution
174-R-004	03/04/20 03/05/20	Executive	RES: Resolution Supporting Creation Of A Nonpartisan Procedure For The Preparation Of Legislative And Congressional Redistricting Plans

174<sup>th</sup> BOARD YEAR  
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-R-005	03/04/20 03/05/20	Executive	RES: Resolution To Conduct Countywide Advisory Referendum On Creation Of Nonpartisan Procedure For The Preparation Of Legislative And Congressional Redistricting Plans And Maps
174-O-107	03/04/20 03/05/20	Judiciary Finance	ORD: Modify The Sheriff's Department 2020 Budget For Expenditure Of Donated Funds To Purchase A New Canine
174-O-108	03/04/20 03/05/20	Judiciary Finance	ORD: Modify The Waukesha County Sheriff's Department 2020 Budget To Accept The Cops Office Anti-Methamphetamine Program Grant From The State Of Wisconsin Department Of Justice And Authorize Grant Expenditures
174-O-109	03/04/20 03/05/20	Judiciary Finance	ORD: Modify The Waukesha County Sheriff's Department 2020 Budget To Accept The 2020 State Of Wisconsin Department Of Military Affairs Emergency Police Services Grant And Authorize Grant Expenditures
174-O-110	03/04/20 03/05/20	Judiciary Finance	ORD: Modify The 2020 Sheriff's Department Budget For The Expenditure Of Seized Funds To Participating Agencies
174-O-111	03/04/20 03/05/20	HHS Finance	ORD: Modify The Department Of Health And Human Services 2020 Budget To Accept The Wi Department Of Justice Pretrial Pilot Sites Supplemental Grant Funding And Appropriate Additional Expenditures
174-O-112	03/04/20 03/05/20	HHS Finance	ORD: Modify The Department Of Health And Human Services 2020 Budget To Accept Cash Donations And Appropriate Additional Expenditures For Veterans Services
174-O-113	03/04/20 03/05/20	HR Finance	ORD: Establish Salaries For Register Of Deeds, Treasurer, And County Clerk For 2021-2024
174-O-114	03/05/20 03/05/20	Land Use Finance	ORD: Modify The 2020 Budget To Accept Additional Home Investment Partnership (HOME) Program Funds, Community Development Block Grant (CDBG) Funds, Program Income Funds, And Home Program Fees For The 2020 Program Year
174-O-115	03/05/20 03/05/20	Judiciary HR Finance	ORD: Modify The 2020 Sheriff's Department Budget, Authorize The Sheriff's Department To Amend The 2020-2024 Police Services Contract With The City Of Pewaukee, And Create Two Sunset Positions Funded By The City Of Pewaukee Contract, Beginning July 1, 2020

1 AMEND THE TEXT OF THE TOWN OF EAGLE ZONING CODE BY REPEALING  
2 AND RECREATING SUBSECTION 500.522(A)(1) OF THE TOWN OF EAGLE  
3 ZONING CODE RELATING TO THE PUBLIC (P-1) DISTRICT (RZ59)  
4  
5

6 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
7 this Ordinance was approved by the Eagle Town Board on February 3, 2020; and  
8

9 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
10 Planning Commission, which recommended approval and reported that recommendation to the  
11 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
12 as required by Section 60.62, Wis. Stats.  
13

14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
15 that the text of the Town of Eagle Zoning Code, adopted by the Town of Eagle on March 31,  
16 2017, is hereby amended to repeal and recreate Subsection 500.522 (A)(1) relating to the Public  
17 (P-1) District, more specifically described in the "Staff Report and Recommendation" on file in  
18 the office of the Waukesha County Department of Parks and Land Use and made a part of this  
19 Ordinance by reference RZ59, is hereby approved.  
20

21 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
22 this Ordinance with the Town Clerk of Eagle.  
23

24 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
25 approval and publication.

COMMISSION ACTION

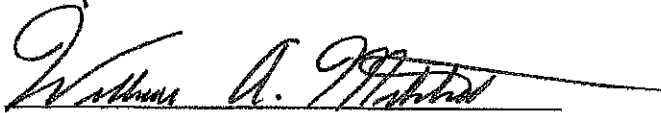
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Eagle Zoning Code hereby recommends **approval** of **RZ59 (Text Amendment/Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

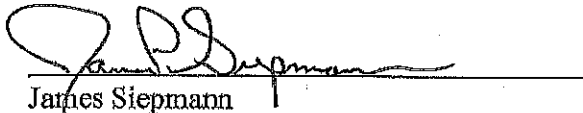
February 20, 2020



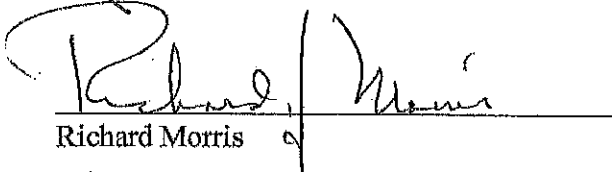
Robert Peregrine, Chairperson



William Mitchell, Vice Chairperson



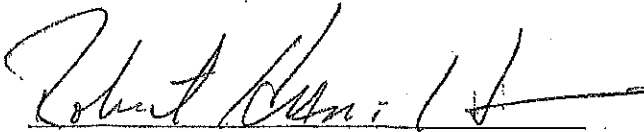
James Siepmann



Richard Morris



Thomas Michalski



Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**FILE NO.:** RZ59  
**DATE:** February 20, 2020  
**PETITIONER:** John Skatrud  
N6 W30191 Bryn Dr.  
Waukesha, WI 53188

**NATURE OF REQUEST:**  
Repeal and recreate Subsection 500.522(A)(1) of the Town of Eagle Zoning Code relating to the Public (P-1) District.

**PUBLIC HEARING DATE:**  
February 3, 2020.

**PUBLIC REACTION:**  
None.

**TOWN PLAN COMMISSION:**  
On February 3, 2020, the Town of Eagle Plan Commission unanimously recommended adoption of the proposed ordinance.

**TOWN BOARD ACTION:**  
On February 3, 2020, the Town of Eagle Board unanimously approved the proposed ordinance.

**OTHER CONSIDERATIONS:**  
The petitioner is seeking to operate a school and has a pending application to rezone a parcel to the P-1 District for the purpose of operating a private, for-profit school. The Town of Eagle Zoning Code currently describes that the P-1 District is intended for publicly-owned facilities and lands or non-profit facilities and lands that serve a public purpose. The proposal is to amend the intent language to also provide for K-12 schools and facilities and lands used for telecommunications or utilities.

The existing code already identifies schools as a permitted use within the P-1 District, so the amendment is simply making purpose and intent language consistent relative to all schools.

**STAFF RECOMMENDATION:**  
It is the opinion of the Planning and Zoning Division staff that the proposed text amendment be approved. The proposed amendment clarifies that both public and private schools are permissible within the town's P-1 District.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager  
Attachment: Town Ordinance 2020-02

STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

RECEIVED  
2/6/2020  
DEPT OF  
PARKS & LAND  
USE

ORDINANCE 2020-02

AN ORDINANCE TO REVISE THE TEXT OF THE TOWN'S ZONING REGULATIONS

WHEREAS, the Town Board for the Town of Eagle adopted a zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, John Skatrud has submitted a petition to the Town that, if adopted, would amend subsection 500.522(A)1) of the zoning code; and

WHEREAS, the Town Clerk for the Town of Eagle has (1) referred the matter to the Plan Commission, (2) notified the Waukesha County Park and Planning Commission of the proposed amendment, and (3) published a class II public hearing notice; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a public hearing for the Plan Commission and the Town Board; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on February 3, 2020; and

WHEREAS, Section 500.165 of the zoning code sets forth factors that should be considered in evaluating a proposed text amendment; and

WHEREAS, the following determinations are made with respect to the aforementioned factors: and

1. The proposed text amendment is consistent with the town's comprehensive plan.
2. The proposed text amendment is consistent with other planning documents adopted by the town board.
3. The zoning code with the proposed text amendment is internally consistent.
4. The proposed text amendment is the least restrictive approach to address issues of public health, safety, and welfare.

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board concurs with the Plan Commission's recommendation; and

WHEREAS, the Town Board for the Town of Eagle, after carefully reviewing the recommendation of the Plan Commission and having given the matter due consideration, having determined that all procedural requirements and notice requirements have been satisfied, and having based its determination on the effect of the adoption of the ordinance on the health, safety and welfare of the community and the preservation and enhancement of property values in the community, and having given due consideration to the municipal problems involved hereby determine that the ordinance amendment will serve the public health, safety and general welfare of the Town of Eagle, will enhance property values in the Town and will not be hazardous, harmful, noxious, offensive or a nuisance, and will not unduly limit or restrict the use of property in the

Town or for any other reason cause a substantial adverse effect on the property values and general desirability of the Town.

NOW, THEREFORE, the Town Board for the Town of Eagle, Waukesha County, does hereby ordain as follows:

**Section 1.** Repeal and recreate Subsection 500.522(A)(1) to read as follows:

(1) Public (P-1) district. This district is intended to include publicly-owned facilities and lands, facilities and lands used for telecommunications or utilities, facilities and lands used for K-12 schools, and non-profit facilities and lands that serve a public purpose.

**Section 2.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**Section 3.** The Town of Eagle Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

**Section 4.** This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

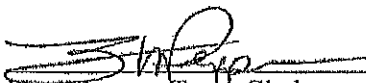
Adopted this 3rd day of February 2020

TOWN OF EAGLE TOWN BOARD



Don Malek, Town Chairman

ATTEST:



Lynn Pepper, Town Clerk

Published and posted this 5<sup>th</sup> day of February 2020



1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING CODE BY  
2 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE  
3 SE ¼ OF SECTION 11, T5N, R17E, TOWN OF EAGLE, WAUKESHA COUNTY,  
4 WISCONSIN, FROM THE RURAL RESIDENTIAL (RR) DISTRICT  
5 TO THE PUBLIC P-1 DISTRICT (RZ58)  
6  
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
9 this Ordinance was approved by the Eagle Town Board on February 3, 2020; and  
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
12 Planning Commission, which recommended approval and reported that recommendation to the  
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
14 as required by Section 60.62, Wis. Stats.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
17 that the District Zoning Map for the Town of Eagle Zoning Code, adopted by the Town of Eagle  
18 on March 31, 2017, is hereby amended to conditionally rezone from the Rural Residential (RR)  
19 District to the Public P-1 District, certain lands located in part of the SE ¼ of Section 11, T5N,  
20 R17E, Town of Eagle, Waukesha County, Wisconsin, and more specifically described in the  
21 "Staff Report and Recommendation" and map on file in the office of the Waukesha County  
22 Department of Parks and Land Use and made a part of this Ordinance by reference RZ58, is  
23 hereby approved subject to the following conditions:  
24

- 25 1. The proposed map amendment is consistent with the town's comprehensive plan,  
26 including the future land use map.  
27
- 28 2. The lot and the structures on the subject property conform to the dimensional standards  
29 that apply to the proposed zoning district.  
30

31 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
32 this Ordinance with the Town Clerk of Eagle.  
33

34 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
35 approval and publication.

COMMISSION ACTION

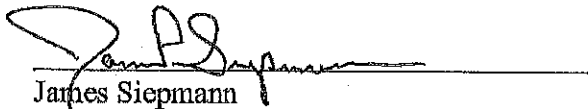
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Eagle Zoning Ordinance hereby recommends approval of RZ58 (Skatrud) in accordance with the attached "Staff Report and Recommendation".

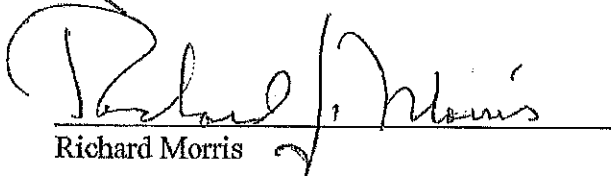
PARK AND PLANNING COMMISSION

February 20, 2020

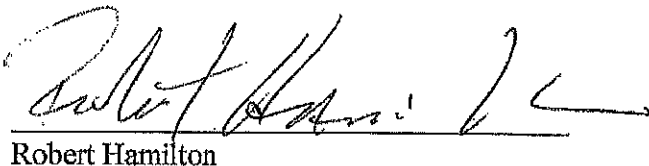
  
Robert Peregrine, Chairperson

  
William Mitchell, Vice Chairperson

  
James Siepmann

  
Richard Morris

  
Thomas Michalski

  
Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**MAP AMENDMENT**

**FILE NO:** RZ58  
**TAX KEY NUMBER:** EGLT 1772.998  
**DATE:** February 20, 2020  
**PETITIONER/OWNER:** John Skatrud  
N6 W30191 Bryn Dr.  
Waukesha, WI 53188

**LOCATION:**  
Part of the SE ¼ of Section 11, T5N, R17E, Town of Eagle. More specifically the property is located at W351 S7510 Hwy 59, containing approximately 1.5 acres.

**EXISTING LAND USE:**  
Former school.

**PROPOSED LAND USE:**  
School.

**EXISTING ZONING:**  
Rural Residential (RR) District (Town).

**PROPOSED ZONING:**  
Public P-I District (Town).

**PUBLIC HEARING DATE:**  
January 6, 2020, continued on February 3, 2020.

**PUBLIC REACTION:**  
A member of the audience expressed concern and did not feel it was appropriate to remove this parcel from the tax roll. The petitioner clarified that the school is for-profit and will be paying taxes. Commissioner Mommaerts noted that her neighbor, who formerly owned the school, was in support of the school re-opening. There was another question about the conservancy area on the south part of the property. The Town Planner clarified that the UC Upland Conservancy designation would remain on that part of the property.

**TOWN PLAN COMMISSION ACTION:**  
At their meeting of February 3, 2020, the Town of Eagle Plan Commission recommended conditional approval of the proposed rezoning to the Town Board.

**TOWN BOARD ACTION:**  
At their meeting of February 3, 2020, the Town of Eagle Board unanimously approved the proposed rezoning with conditions (see Town Ordinance).

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (WCCDP) AND THE TOWN OF EAGLE COMPREHENSIVE PLAN:**

Commercial and Office Park (County), Governmental-Institutional (Town). The town recently amended the designation of this property, while the county has not received an application to amend its designation. A for-profit private school is considered compatible with both categories. Areas of environmental corridor will remain unchanged.

**STAFF ANALYSIS:**

The petitioner is seeking to rezone the subject property to allow for a private school to occupy a historic schoolhouse that has recently been utilized as a daycare facility. Schools are not permitted within the RR District, whereas schools are provided for within the P-1 District. A related text amendment was recently approved by the town and is pending county approval to clarify that both public and private schools are permissible within the district. The petitioner would like to operate a one-room schoolhouse in a historic structure that was the last operating one-room school house in the State of Wisconsin.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends **approval** of the proposed rezoning subject to the following conditions imposed by the Town:

1. The proposed map amendment is consistent with the town's comprehensive plan, including the future land use map.
2. The lot and the structures on the subject property conform to the dimensional standards that apply to the proposed zoning district.

The re-use of this historic schoolhouse for uses similar to its original use provides the community with a unique educational option.

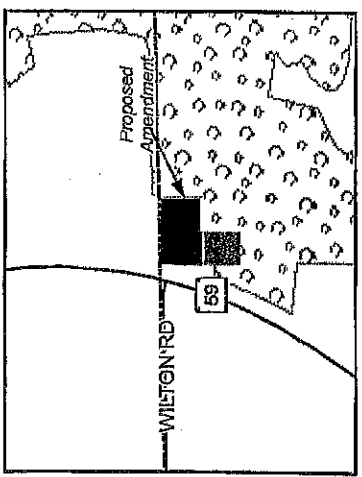
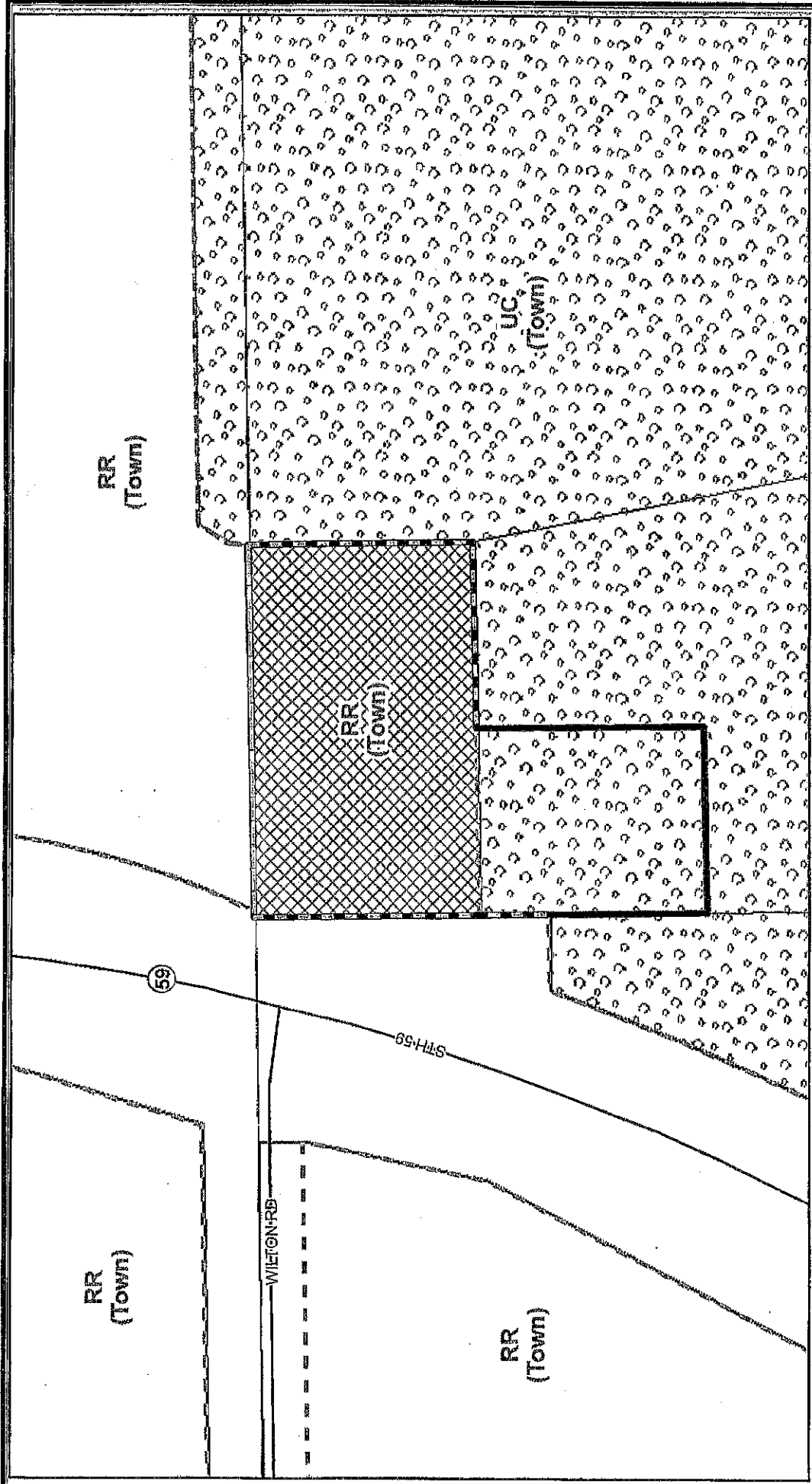
Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Map  
Town Ordinance No. 2020-03

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CONDITIONAL TOWN ZONING CHANGE FROM RR RURAL RESIDENTIAL DISTRICT  
TO P-1 PUBLIC DISTRICT

Environmental Corridor

FILE.....RZ58  
DATE OF PLAN COMMISSION.....02/20/2020  
AREA OF CHANGE.....0.98 ACRES  
TAX KEY NUMBER.....EGLT 1772.998

1 inch = 100 feet  
Feet  
0 50 100

Prepared by the *Waukesha County Department of Parks and Land Use*

**ZONING AMENDMENT**

PART OF THE NE 1/4 OF THE SE 1/4  
SECTION 11, TOWN OF EAGLE

## ORDINANCE 2020-03

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY  
IN SECTION 11 T5N R17E IN THE TOWN OF EAGLE AND TO AMEND  
THE ZONING MAP OF THE TOWN OF EAGLE

RECEIVED 2/6/2020 DEPT OF PARKS & LAND USE
--

WHEREAS, John Skatrud (herein "property owner") owns a parcel of land off of State Highway 59, designated as Tax Key EGLT1772998 (herein referred to as "subject property"), and more particularly described as follows:

PT NE1/4 SE1/4 SEC 11 T5N R17E COM NW COR NE1/4 SE1/4 E 264.0 FT S 163.3 FT W 260.0 FT N 163.3 FT TO BGN ALSO PT SE1/4 SEC 11 T5N R17E COM E1/4 COR W 1320 FT S0 33'W 163.3 FT THE BGN E 132 FT S0 33'W 165 FT W 132 FT N0 33'E 165 FT TO BGN VOL. 1242/671 DEEDS & R1205/270-276 & R1311/618-620 & DOC# 2702362 & DOC# 2702363 & DOC# 2702364 & DOC# 2702365 & DOC# 2702366 & DOC# 2738062 & DOC# 2738062 & DOC# 2748135; and

WHEREAS, the property owner has submitted a petition to the Town requesting that the part of the subject property that is currently shown as RR be rezoned to P-1; and

WHEREAS, the rezoning petition has been submitted to the Town of Eagle Plan Commission for report and recommendation; and

WHEREAS, required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Town's zoning code; and

WHEREAS, the Town of Eagle Town Board and the Town of Eagle Plan Commission conducted a joint public hearing on January 6, 2020 and February 3, 2020; and

WHEREAS, Section 500.165 of the zoning code sets forth factors that should be considered in evaluating a proposed revision of the zoning map; and

WHEREAS, the following determinations are made with respect to the aforementioned factors: and

1. The proposed map amendment is consistent with the town's comprehensive plan, including the future land use map.
2. The lot and the structures on the subject property conform to the dimensional standards that apply to the proposed zoning district.

WHEREAS, the Town of Eagle Plan Commission has recommended to the Town of Eagle Town Board that said rezoning change be made under certain conditions; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town of Eagle Town Board, after careful review and upon consideration of the recommendation of the Town of Eagle Plan Commission, having determined that all procedural

requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the zoning ordinance for the Town of Eagle, will not be contrary to the public health, safety or general welfare of the Town of Eagle, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Town of Eagle Town Board, Waukesha County, Wisconsin, ordains as follows:

**SECTION 1: ZONING MAP CHANGE**

That portion of the subject property that is currently designated as RR is conditionally rezoned to P-1 and the zoning map is hereby conditionally amended to incorporate such change.

**SECTION 2: CONDITIONS OF REZONING**

The rezoning of the subject property and the amendment of the zoning map of the Town of Eagle are conditioned approval of the rezoning by the Waukesha County Board within one year from the date of this ordinance.

**SECTION 3: CERTIFICATION**

Upon certification by the Town Clerk that the aforementioned conditions have been satisfied, the Town Planner shall change the zoning classification of the subject property on the Town of Eagle zoning map as indicated herein.

**SECTION 4: SEVERABILITY**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

**SECTION 5: EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.

Approved this 3rd day of February, 2020

TOWN OF EAGLE TOWN BOARD



---

Don Malek, Town Chairman

ATTEST:



---

Lynn Pepper, Town Clerk

Published and posted this 5<sup>th</sup> day of February, 2020



1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY  
2 REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 25, T8N,  
3 R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-10  
4 AGRICULTURAL DISTRICT TO THE M-2 GENERAL INDUSTRIAL DISTRICT  
5 (RZ45)  
6  
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
9 this Ordinance was approved by the Lisbon Town Board on January 27, 2020; and  
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
12 Planning Commission, which recommended approval and reported that recommendation to the  
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
14 as required by Section 60.62, Wis. Stats.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
17 that the District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of  
18 Lisbon on April 9, 2010, is hereby amended to rezone from the A-10 Agricultural District to the  
19 M-2 General Industrial District, certain lands located in part of the NE ¼ of Section 25, T8N,  
20 R19E, Town of Lisbon, Waukesha County, Wisconsin, and more specifically described in the  
21 "Staff Report and Recommendation" and map on file in the office of the Waukesha County  
22 Department of Parks and Land Use and made a part of this Ordinance by reference RZ45, is  
23 hereby approved.  
24

25 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
26 this Ordinance with the Town Clerk of Lisbon.  
27

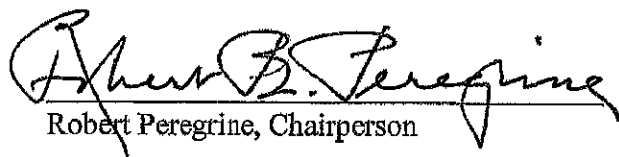
28 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
29 approval and publication.

COMMISSION ACTION

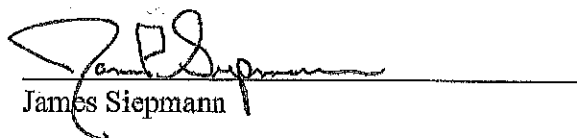
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Ordinance hereby recommends approval of RZ45 (Town of Lisbon Board) in accordance with the attached "Staff Report and Recommendation".

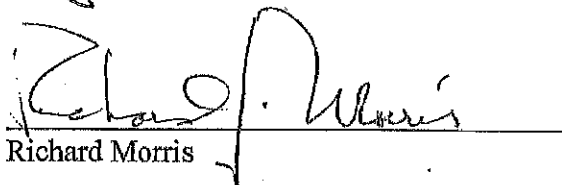
PARK AND PLANNING COMMISSION

February 20, 2020

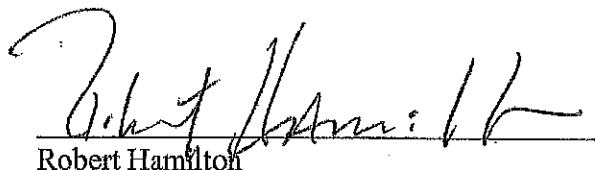
  
Robert Peregrine, Chairperson

  
William Mitchell, Vice Chairperson

  
James Siepmann

  
Richard Morris

  
Thomas Michalski

  
Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** February 20, 2020

**FILE NO.:** RZ45

**OWNER:** Town of Lisbon  
W234 N8676 Woodside Road  
Lisbon, WI 53089

**APPLICANT:** Town of Lisbon Board of Supervisors  
W234 N8676 Woodside Road  
Lisbon, WI 53089

**TAX KEY NO.:** (part of) LSBT 0241.999

**LOCATION:**

Part of the N ½ and NE ¼ of Section 25, T8N, R19E, Town of Lisbon. More specifically, the property is located at N63 W22039 CTH F, containing approximately 71.5 acres, however only approximately 45 acres are proposed to be rezoned.

**EXISTING ZONING:** A-10 Agricultural District (Town)

**PROPOSED ZONING:** Re-establish the M-2 General Industrial District

**EXISTING USES:** Former Lied's Nursery property, currently vacant

**PROPOSED USES:** Industrial

**PUBLIC HEARING DATE:** April 11, 2019

**PUBLIC COMMENT:** None

**TOWN PLAN COMMISSION ACTION:**

On April 11, 2019, the Town of Lisbon Plan Commission unanimously recommended approval of the rezone request, Ordinance 10-19, to the Town Board.

**TOWN BOARD ACTION:**

On May 13, 2019, the Lisbon Town Board of Supervisors unanimously approved Ordinance No. 10-19 specific to the subject rezoning request and recommended the same to Waukesha County.

On January 27, 2020, the Lisbon Town Board of Supervisors unanimously re-approved a modified Ordinance No. 10-19 (attached) specific to the subject rezoning request and recommended the same to Waukesha County.

**TOWN OF LISBON/VILLAGE OF SUSSEX JOINT PLANNING COMMITTEE (JPC):**

Pursuant to the Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and the Village of Sussex dated January 22, 2001, the Advisory Committee met on

July 10, 2019 to review, consider, and comment on the proposed rezoning request as required. The result of the JPC meeting was a 3-3 vote. It should be noted the JPC is advisory in nature and therefore a majority vote is not required.

In a conversation with the Village of Sussex Administrator, the Waukesha County Planning and Zoning Division staff inquired what concerns the Village had regarding the project and were told the Village was concerned the Town would not include the design standards. As noted below the Town of Lisbon has addressed these concerns by including a reference to the design standards as outlined in the Town of Lisbon Zoning Ordinance.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF LISBON CDP:**

The Town and County CDP's designate the west portion of the subject parcel as Industrial and Other Open Lands to be Preserved in the areas that contain hydric soils. It is unlikely development of this land would contain subsurface development, therefore, the proposed rezone will comply with both plans.

**STAFF ANALYSIS:**

In 2008, the subject area was conditionally rezoned to M-2 (ZT-1675, Town Ordinance 02-08). However, since the condition of that rezone approval was not fulfilled, and the Town has subsequently amended the text of their Zoning Ordinance in 2018 such that the condition cannot be satisfied, the zoning of the property has technically reverted back to its pre-2008 status, which was A-10 Agricultural. Through the proposed rezone request, the Town is now seeking to re-establish M-2 zoning on the property, and the proposed request would not include the condition of 2008 rezone request, which was specific to the development proposal at that time.

In 2019, the Waukesha County Planning and Zoning Division staff had conversations with the Town of Lisbon regarding the development of the overall former Lied's Nursery parcel, which contains 71.5 acres and is located at the southwest corner of CTH F and CTH V in the Town of Lisbon. County staff recommended that the proposed town ordinance require adherence to the design standards outlined in the Town of Lisbon Zoning Ordinance. These design standards are applicable in special use districts near the Village of Sussex boundary, and the Town has recently revised the proposed ordinance to include such a reference.

The Town currently owns the subject property and created a Tax Incremental Finance district to help finance development in the area. The proposed map amendment involves only the western portion of the overall property, which contains approximately 45 acres. The SEWRPC conducted a wetland delineation on the site in 2016 indicating wetland areas mainly around an existing stockpile in the northwestern portion of the property and along the ditch lines of CTH F. The property also contains hydric soils and bedrock conditions.

A Certified Survey Map has been drafted for the approximately 45 acres showing access from CTH F via a 75 foot wide road extension ending in a cul-de-sac. The property will be served with public sewer extended from Townline Road and a private well system. The testing for the water has already been completed. The Town will review a Site Plan and Plan of Operation for the new industrial use if the zoning amendment and subsequent Certified Survey Map are approved, and review of the development of the site will include the design standards outlined in the Town of Lisbon Zoning Ordinance. The proposed end user is proposing to construct a 40,000 square foot light industrial

building (refer to Exhibit A) to house an ink manufacturing company. There would be space for expansion and preliminary landscape plans show extensive screening consistent with the design standards outlined in the Town of Lisbon Zoning Ordinance (refer to Exhibit B).

The adjacent zoning is industrial (west – village, north - town), public and institutional (south), commercial (east - town, north - village). Adjacent land uses are industrial to the west (village), commercial (north – village, east – town), government and institutional to the south, and medium density residential to the north (mobile home park).

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends approval of the request in accordance with Lisbon Ordinance No. 10-19. The proposed zoning would re-establish the industrial zoning on the site which conforms with the land use designation of the site on the Town and County Comprehensive Development Plans and the immediately adjacent industrial zoning in the Village of Sussex while also incorporating the design standards outlined in the Town of Lisbon Zoning Ordinance as previously committed to by both the Town of Lisbon and the Village of Sussex. Further, the proposed industrial use is consistent with the use designated on the Comprehensive Development Plans and would be served with public sewer and a private well system. Therefore, the proposed map amendment complies with the Town and County Comprehensive Development Plans and the purpose and intent of the Town of Lisbon's Zoning Ordinance.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

Attachments: Town Ordinance 10-19  
Exhibit A  
Exhibit B  
Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ45 T Lisbon Board Leds 1st.doc

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

RECEIVED  
1/28/2020  
DEPT OF  
PARKS & LAND  
USE

Ord. 10-19

---

**AN ORDINANCE REZONING LSBT 0241.999, KNOWN AS THE LIEDS PROPERTY, TO ALLOW INDUSTRIAL USES IN ACCORDANCE WITH THE M2 GENERAL INDUSTRIAL DISTRICT ZONING CLASSIFICATION**

---

**THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:**

**WHEREAS**, the Town of Lisbon is owner of LSBT 0241.999, a 44.96 acre parcel of property described more particularly on Exhibit A, known as the Lieds Property, which is appended hereto and incorporated herein; and,

**WHEREAS**, the property was conditionally rezoned from the Agricultural District to the General Industrial District zoning classification by enactment of Ordinance 02-08 on May 12, 2008; and,

**WHEREAS**, the Town Board has determined that the condition necessary to place in effect the rezoning established by Ordinance 02-08 have not been fulfilled; and,

**WHEREAS**, the Town Board has now determined that the property should be rezoned to the M2 General Industrial District zoning classification;

**WHEREAS**, pursuant to the Boundary Stipulation and Intergovernmental Cooperation Agreement between the Village of Sussex and the Town of Lisbon dated January 22, 2001, the Town of Lisbon and Village of Sussex Joint Planning Committee on July 10, 2019 received, considered and commented on the Application for Rezoning those lands more particularly described on Exhibit A, appended to this Ordinance;

**NOW THEREFORE**, the Town Board of the Town of Lisbon does ordain as follows:

**SECTION 1:** That 44.96-acre parcel of property described on Exhibit A, which is appended hereto and incorporated herein by reference, shall be zoned for uses allowed by the M2 General Industrial District zoning classification as established by the Zoning Code of the Town of Lisbon.

**SECTION 2:** Development of Properties in the area described as Exhibit A shall be reviewed as provided in the Design Standards found in Addendum E of the Town of Lisbon Zoning Code.


**SECTION 3:** This Ordinance shall take effect upon passage and posting as provided by law.

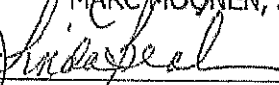
**AMENDED** by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 27<sup>th</sup> day of January 2020.

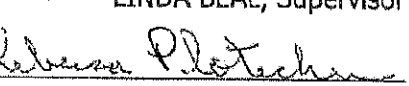
TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY:   
JOSEPH OSTERMAN, Chairman

BY:   
TEDIA GAMIÑO, Supervisor

BY:   
MARC MOONEN, Supervisor

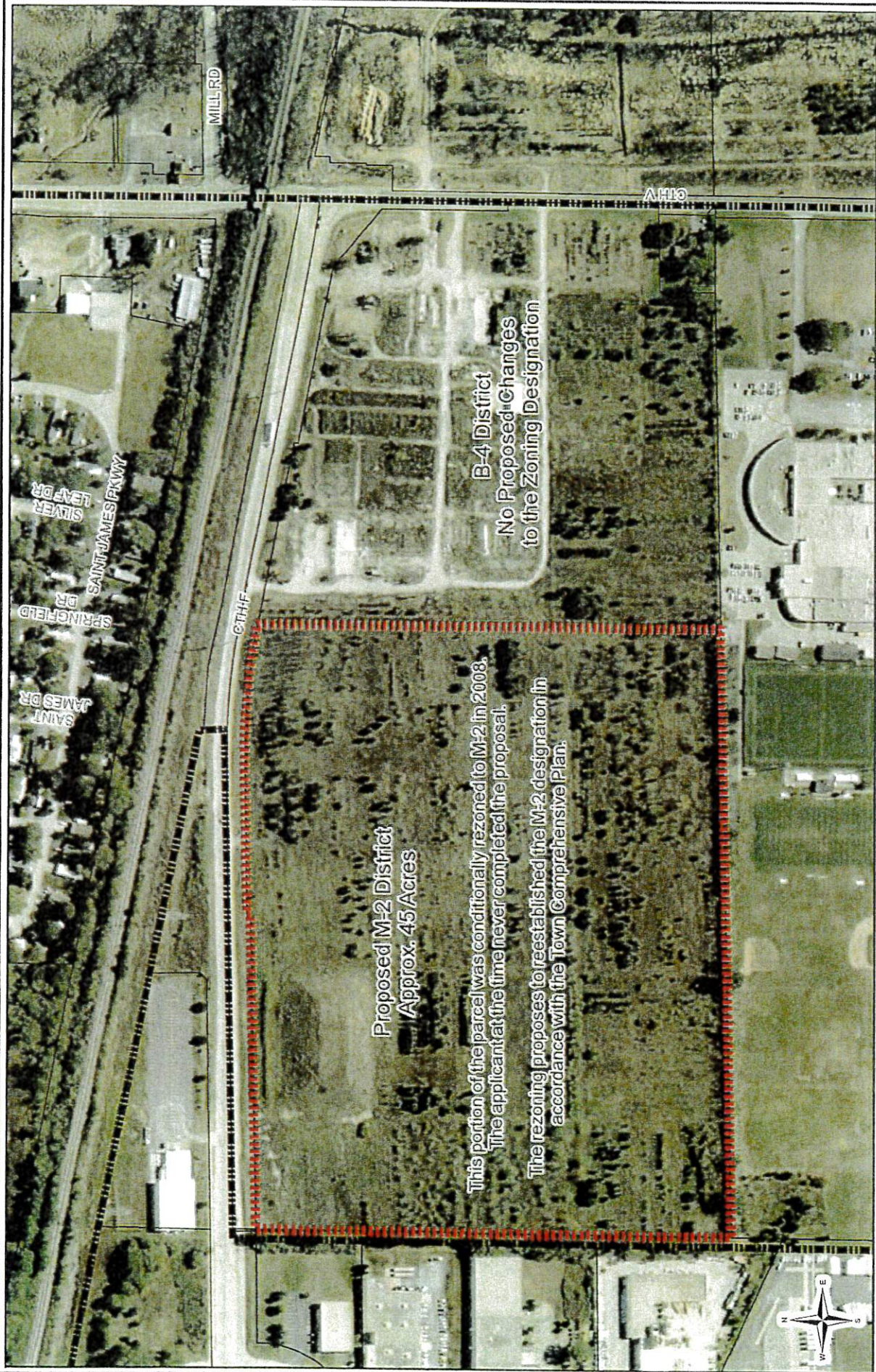
BY:   
LINDA BEAL, Supervisor

BY:   
REBECCA PLOTECHER, Supervisor

ATTEST:

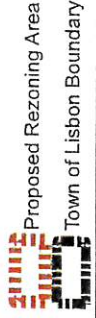
BY:   
Rick J. Goeckner, MMC  
Interim Town Clerk





# Portion of the Lied's Property (LSBT0241999) Site Map

Town of Lisbon

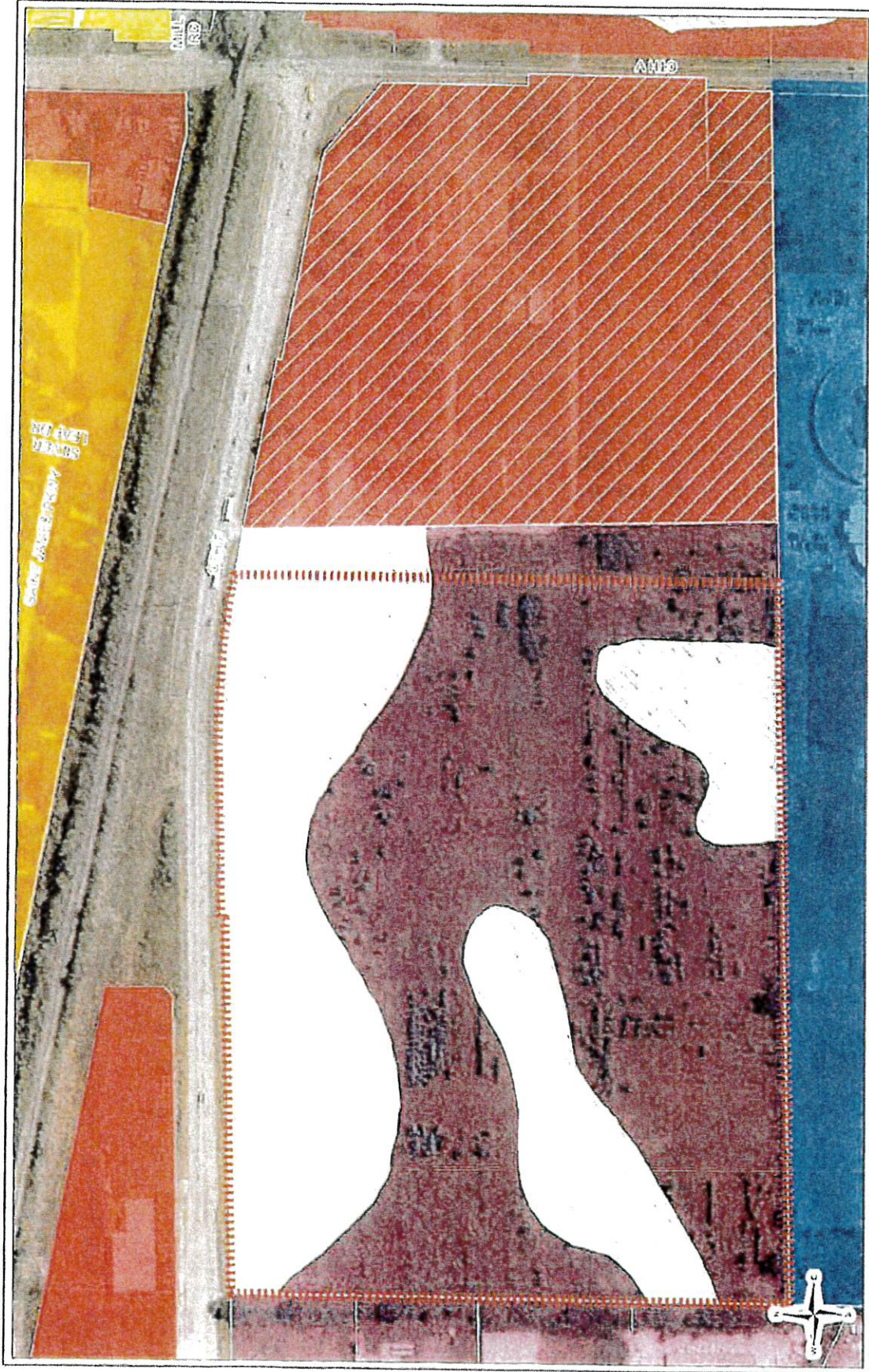


REEDSBURG - MADISON - WAUKESHA - WAUKESHA METRO  
 1427 W23952 Paul Road, Suite 105, Pewaukee, WI 53072  
 Phone: (262) 875-5000 Fax: (608) 924-0530

W:\Lisbon\_Town of\170246 - Town Planning\Planning & Zoning

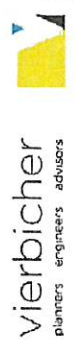
Data Source: Vierbicher, Town of Lisbon, Waukesha County, ESRI





**Lied's Property (LSBT0241999) Comprehensive Development Plan Map**  
 Town of Lisbon

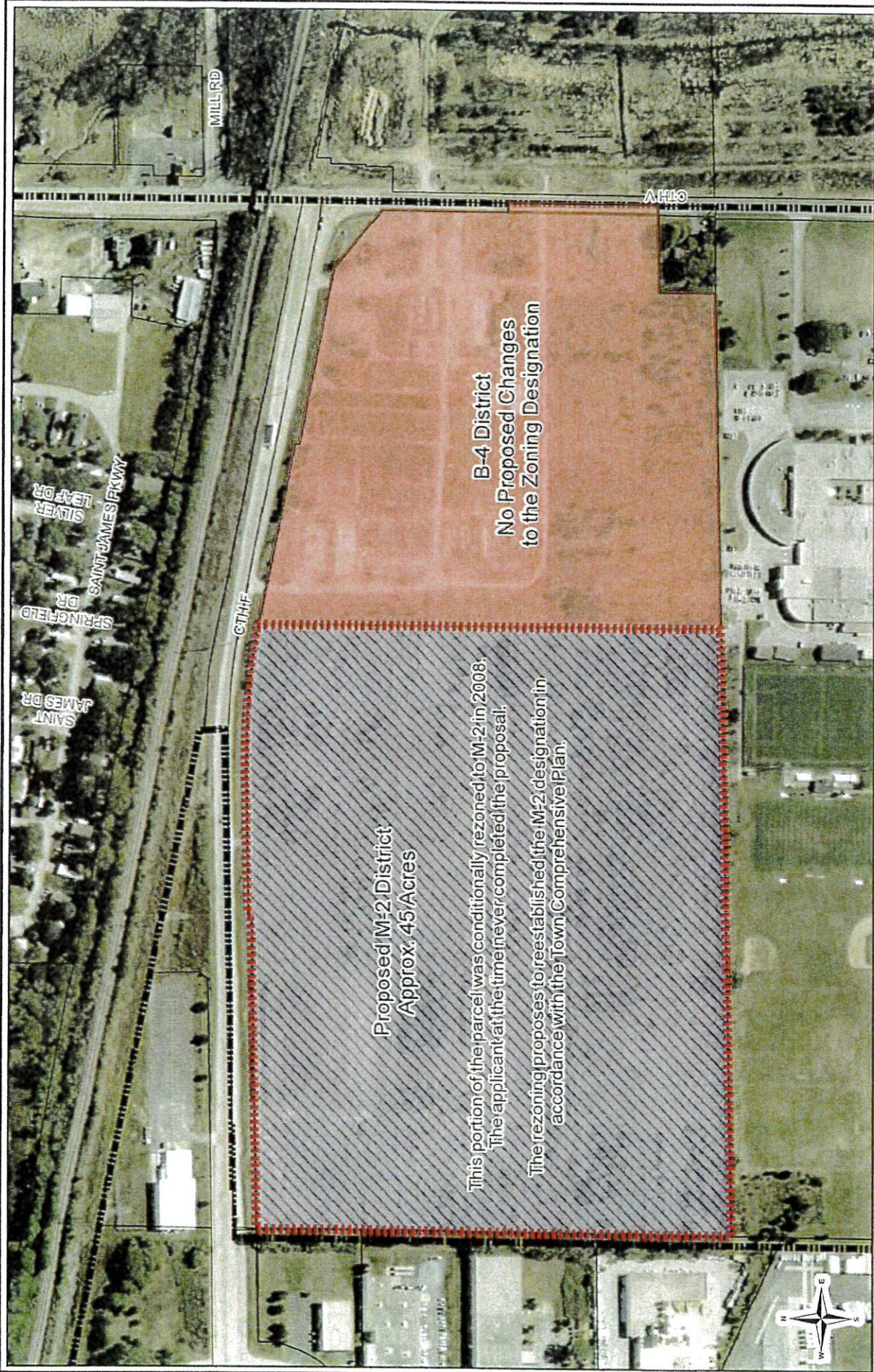
-  Medium Density Residential
-  Other Open Lands to be Preserved
-  Governmental & Institutional
-  Commercial and Office Park
-  Commercial Special Use



**vierbicher**  
 planners engineers advisors  
 REEDSBURG • MADISON • FRAIRIE DU CHIEN • MILWAUKEE METRO  
 N27 W23557 Paul Road, Suite 105, Pewaukee, WI 53072  
 Phone: (262) 875-5000 Fax: (262) 875-0030

© 2019 vierbicher, a member of the Urban, Wisconsin County, LLC

1 inch = 279 feet  
 0 165 330 660 Feet



Proposed M-2 District  
Approx. 45 Acres

This portion of the parcel was conditionally rezoned to M-2 in 2008. The applicant at the time never completed the proposal. The rezoning proposes to reestablish the M-2 designation in accordance with the Town Comprehensive Plan.

B-4 District  
No Proposed Changes  
to the Zoning Designation

### Exhibit A - Portion of the Lied's Property (LSBT0241999) Rezoning Town of Lisbon

Proposed Rezoning Area    B-4    M-2 (\*See ZT-1675)

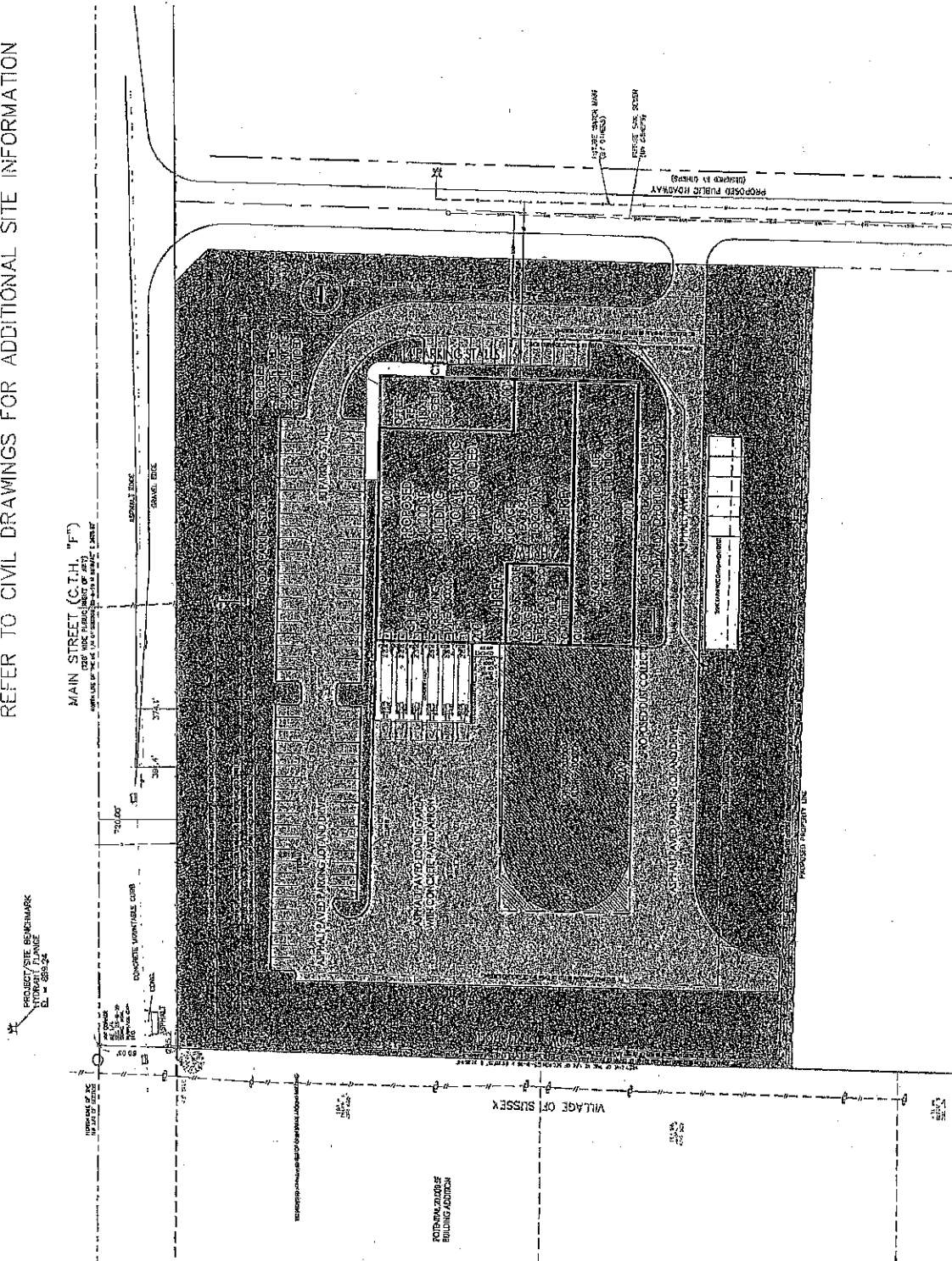
**vierbicher**  
planners    engineers    advisors

REDSBURG - MADISON - PRAIRIE DU CHIEN - MILWAUKEE METRO  
N27 W23957 Paul Road, Suite 105, Pewaukee, WI 53072  
Phone: (262) 875-5000    Fax: (414) 874-0530

Data Sources: Vierbicher, Town of Lisbon, Waukesha County, ESRI

**EXHIBIT "A"**

REFER TO CIVIL DRAWINGS FOR ADDITIONAL SITE INFORMATION



PROPOSED NEW MANUFACTURING FACILITY - BUILDING FOOTPRINT  
 WIKOFF COLORS  
 MAIN STREET C.I.H.  
 TOWN OF LIBON, WISCONSIN 53089

BRIDHN DESIGN GROUP  
 1000 W. WISCONSIN ST.  
 MILWAUKEE, WI 53233

COLORED ARCHITECTURAL SITE PLAN

A0.1

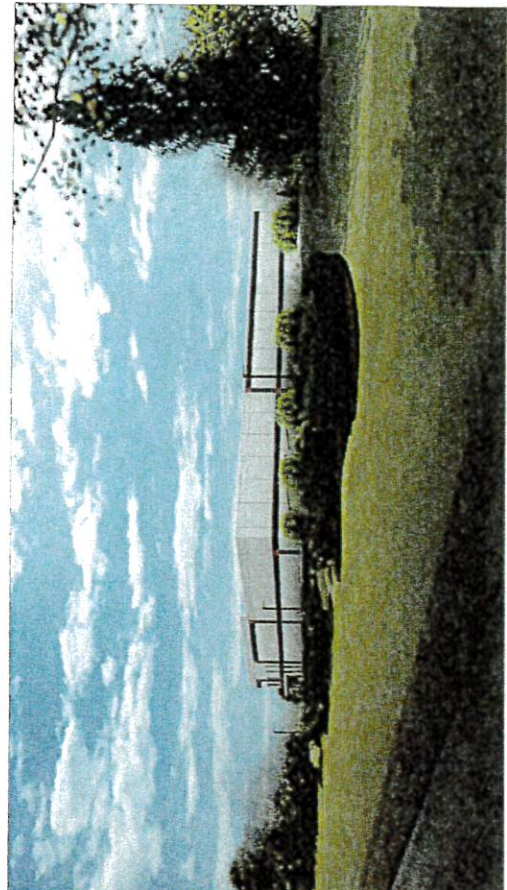
# EXHIBIT "B"



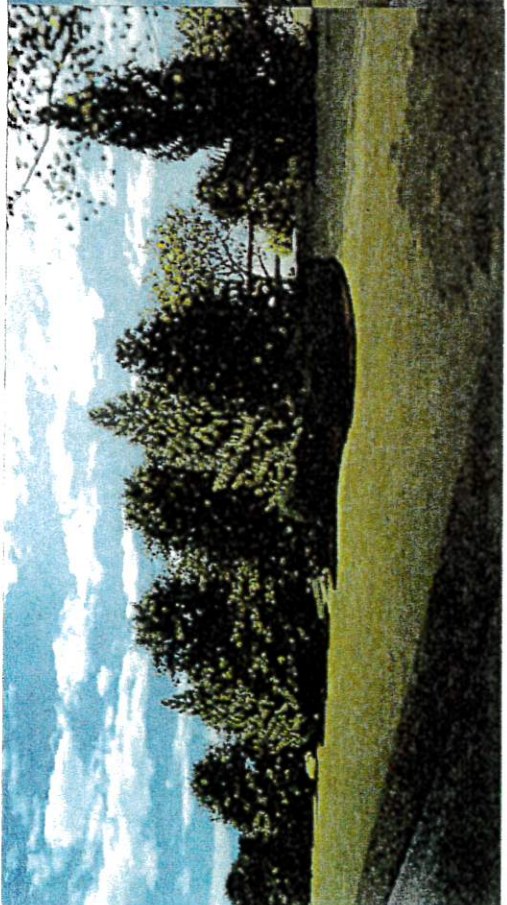
3 PERSPECTIVE RENDERING OF WIKOFF BUILDING  
VIEW LOOKING SOUTHWEST AT NEORHSEAD CORNER OF BUILDING WITH TREES FADED FOR BUILDING VISIBILITY



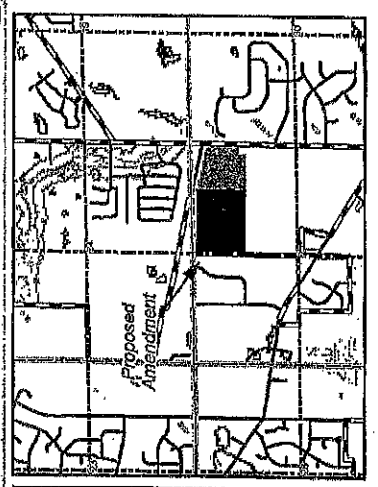
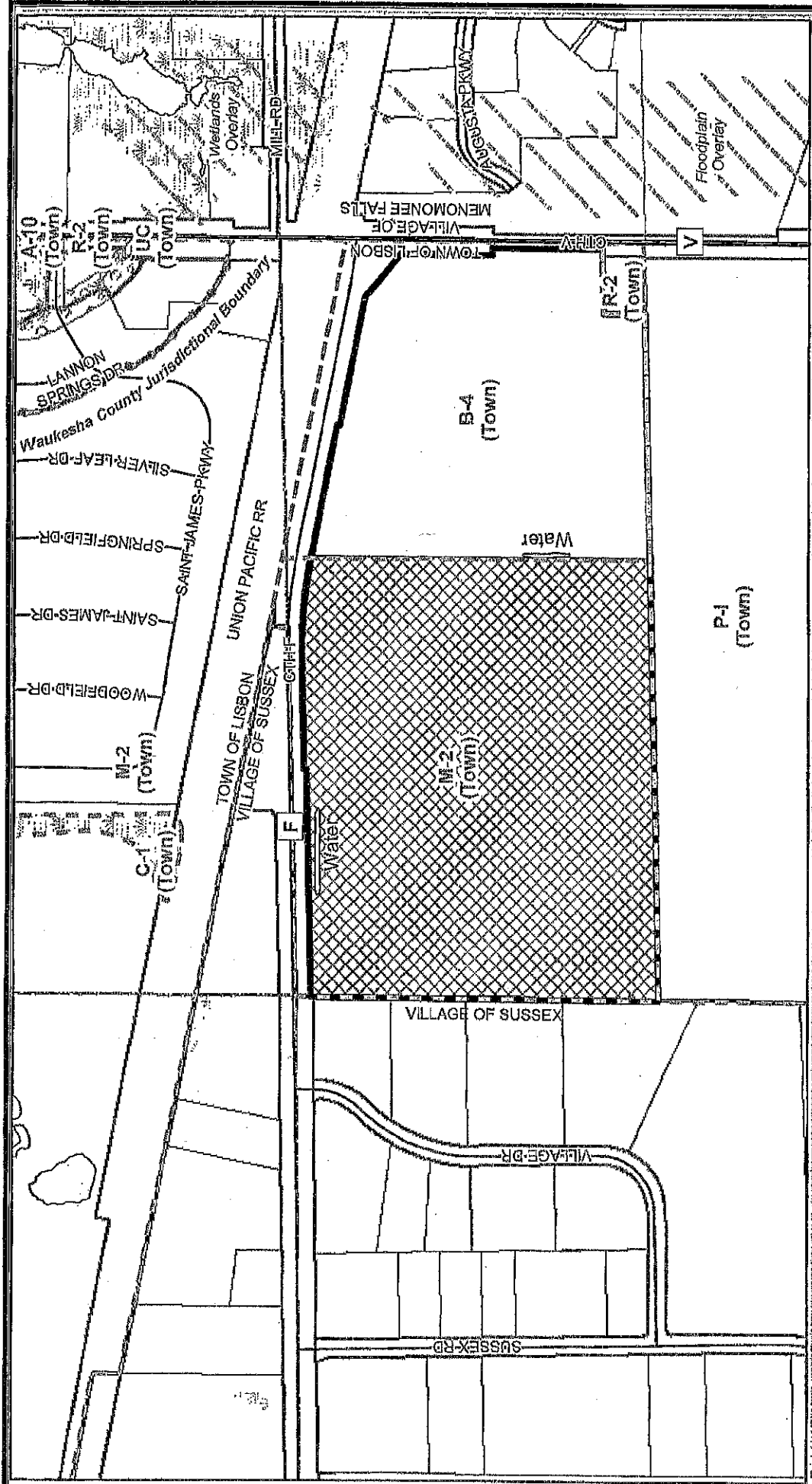
4 PERSPECTIVE RENDERING OF WIKOFF BUILDING  
VIEW LOOKING SOUTHWEST AT NEORHSEAD CORNER OF BUILDING WITH TREES SHOWN IN FULL



1 PERSPECTIVE RENDERING OF WIKOFF BUILDING  
VIEW LOOKING SOUTHWEST AT NEORHSEAD CORNER OF BUILDING AND DOCKS WITH TREES FADED AWAY FOR BUILDING VISIBILITY



2 PERSPECTIVE RENDERING OF WIKOFF BUILDING  
VIEW LOOKING SOUTHWEST AT NEORHSEAD CORNER OF BUILDING AND DOCKS WITH TREES SHOWN IN FULL



**TOWN ZONING CHANGE FROM A-10 AGRICULTURAL DISTRICT TO M-2 GENERAL INDUSTRIAL DISTRICT**

Wetlands Overlay  
Floodplain Overlay

FILE.....RZ45  
DATE OF PLAN COMMISSION.....02/20/2020  
AREA OF CHANGE.....44.98 ACRES  
TAX KEY NUMBER.....LSBT 0241.999

1 inch = 500 feet  
0 250 500 Feet

Prepared by the Waukesha County Department of Parks and Land Use

# ZONING AMENDMENT

PART OF THE N 1/2 OF THE NE 1/4 SECTION 25, TOWN OF LISBON

1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
2 ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF VERNON AND THE  
3 DISTRICT ZONING MAP OF THE TOWN OF VERNON ZONING CODE BY  
4 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE  
5 NE ¼ OF SECTION 10, T5N, R19E, TOWN OF VERNON, WAUKESHA COUNTY,  
6 WISCONSIN, FROM THE A-5 MINI FARM DISTRICT TO THE B-3 GENERAL  
7 BUSINESS DISTRICT (TOWN AND COUNTY) (RZ51)  
8  
9

10 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
11 this Ordinance was approved by the Vernon Town Board on January 8, 2020; and  
12

13 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
14 Planning Commission, which recommended approval and reported that recommendation to the  
15 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
16 as required by Section 59.692 and 60.62, Wis. Stats.  
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
19 that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map  
20 for the Town of Vernon, Waukesha County, Wisconsin, adopted by the Waukesha County Board  
21 of Supervisors on June 23, 1970, is hereby amended to conditionally rezone from the A-5 Mini  
22 Farm District to the B-3 General Business District, certain lands located in part of the NE ¼ of  
23 Section 10, T5N, R19E, Town of Vernon, and more specifically described in the "Staff Report  
24 and Recommendation" and map on file in the office of the Waukesha County Department of  
25 Parks and Land Use and made a part of this Ordinance by reference RZ51, is hereby approved  
26 subject to the following conditions:  
27

- 28 1. The Rezone shall not be in full force and effect until the Petitioner obtains approval of the  
29 Conditional Use request (CU40) for operation of a Contractor's Yard from the Town of  
30 Vernon and Waukesha County.  
31
- 32 2. All conditions of Town Ordinance 2020-01, approved on January 23, 2020, shall be complied  
33 with.  
34

35 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
36 this Ordinance with the Town of Vernon Clerk.  
37

38 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
39 approval and publication.

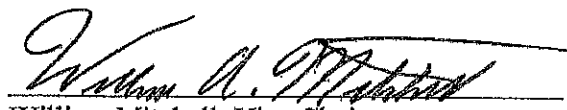
COMMISSION ACTION

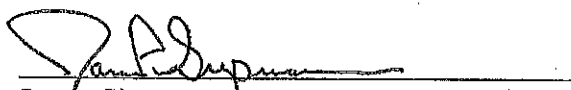
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of **(RZ51 Proven Properties LLC)** in accordance with the attached "Staff Report and Recommendation and Addendum"


PARK AND PLANNING COMMISSION

February 20, 2020

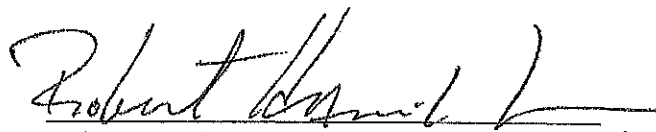
  
Robert Peregrine, Chairperson

  
William Mitchell, Vice Chairperson

  
James Siepmann

  
Richard Morris

  
Thomas Michalski

  
Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** February 20, 2020

**FILE NO.:** RZ51

**OWNER:** Proven Properties, LLC.  
970 E. Lake Street  
Lake Mills, WI 53551

**AGENT:** D&J and Sons, LLC.  
S95 W14509 Ryan Drive  
Muskego, WI 53150

**TAX KEY NO.:** VNT 2053.997.004

**LOCATION:**

Lot 2 Certified Survey Map No. 10648, Vol. 102, Pg. 242, located in part of the NE ¼ of Section 10, T5N, R19E, Town of Vernon. More specifically, the property is located on the south side of CTH ES, approximately ½ mile west of the intersection of STH 164 and CTH ES, containing approximately three (3) acres.

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Commercial

**EXISTING ZONING:** A-5 Mini-Farm District. (Town and County)

**PROPOSED ZONING:** B-3 General Business District. (Town and County)

**PUBLIC HEARING DATE:** January 8, 2020.

**PUBLIC REACTION:** None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On January 8, 2020, the Town Plan Commission unanimously (7-0) recommended approval of the request to the Town Board subject to conditions.

**TOWN BOARD ACTION:**

On January 8, 2020, the Town Board unanimously (5-0) recommended approval of the request to Waukesha County subject to conditions.

**CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF VERNON LAND USE PLAN:**

The Town of Vernon Land Use Plan and County Development Plans designate this parcel is in the Commercial land use category and Commercial and Office Park land use category respectively. The proposed rezoning to accommodate a foundation installation business would conform with said plans.



**STAFF ANALYSIS:**

The subject property is located on the south side of National Ave. (CTH ES) and a half-mile west of Hwy 164. The property is a remnant parcel adjacent to the former National Golf Center, golf course/driving range property that wraps around the subject parcel to the south and west. The Golf Center parcel is zoned Limited Industrial District (M-1 County and I-1 Town). The West Allis Kennel Club, zoned RRD-5 Rural Residential Density District 5, is located to the north across the highway. The topography and existing vegetation effectively screen the subject parcel from the Kennel Club. A vacant Village of Big Bend parcel is adjacent to the east and is zoned and planned for commercial use according to the Village Zoning Map and Land Use Plan.

In 2008, the property was conditionally rezoned (RZ-1674) from the A-5 Mini Farm District to the B-3 General Business District. The conditions were specific to the petitioner's proposed use of outdoor equipment sales and service. One condition of the rezone required that all conditions were to be met within two years of the approval. Those conditions were never satisfied, reverting the property to its prior district, the A-5 Mini Farm District.

The current petitioner, D & J and Sons, is requesting approval for a poured foundation business comprised of a 10,640 sq. ft. flex building containing office space, warehouse space, workshops and a loading dock, in addition to a contractor's yard to be used in conjunction with the business. A poured foundation business is a permitted use in the B-3 General Business District; however, a contractor's yard in the B-3 General Business District requires conditional use approval, which is also being sought by the petitioner. It should be noted that a ten-foot-tall planting screen between adjacent properties is an ordained requirement for any contractor's yard. Having said that, the requirement can be modified by the County Park and Planning Commission.

The Waukesha County Land Resources Division has conducted a preliminary review of the site plan including soil tests conducted by the previous petitioner and believes there is adequate space for the required stormwater management. To date, no formal application for stormwater approval has been submitted to Waukesha County.

The Waukesha County Department of Public Works has reviewed the site plan (see attached Exhibit A). The department has indicated that the petitioner will be required to install a Type A intersection (turn lane and tapers) due to the volume of traffic on County Trunk Highway ES. The Department will also require the removal of two additional access drives and culverts that are used for tractor mowing.

In addition to this proposed map amendment, both the Town and Waukesha County are currently pursuing respective text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance and Town of Vernon Zoning Code that would reduce the minimum lot size requirements in the B-3 General Business District for a Contractor's Yard to three (3) acres.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends this request be **approved**, subject to the following conditions, which are inclusive of the Town's conditions.

1. The Rezone shall not be in full force and effect until the Petitioner obtains approval of the Conditional Use request (CU40) for operation of a Contractor's Yard from the Town of Vernon and Waukesha County.
2. All conditions of Town Ordinance 2020-01, approved on January 23, 2020, shall be complied with.

The proposed use of this site conforms with the County Development Plan as well as the Town's Land Use Plan and will add to the economic base of the Town in an area planned for commercial development. The proposed use is compatible with the adjacent and surrounding uses and has good access to C.T.H. "ES" that will render a continued safe and adequate use of the County trunk highway with the required right of way improvements. The Conditional Use process requires vegetative screening and consideration of neighboring uses, ensuring that the rezoning will be compatible with surrounding land uses.

Respectfully submitted,

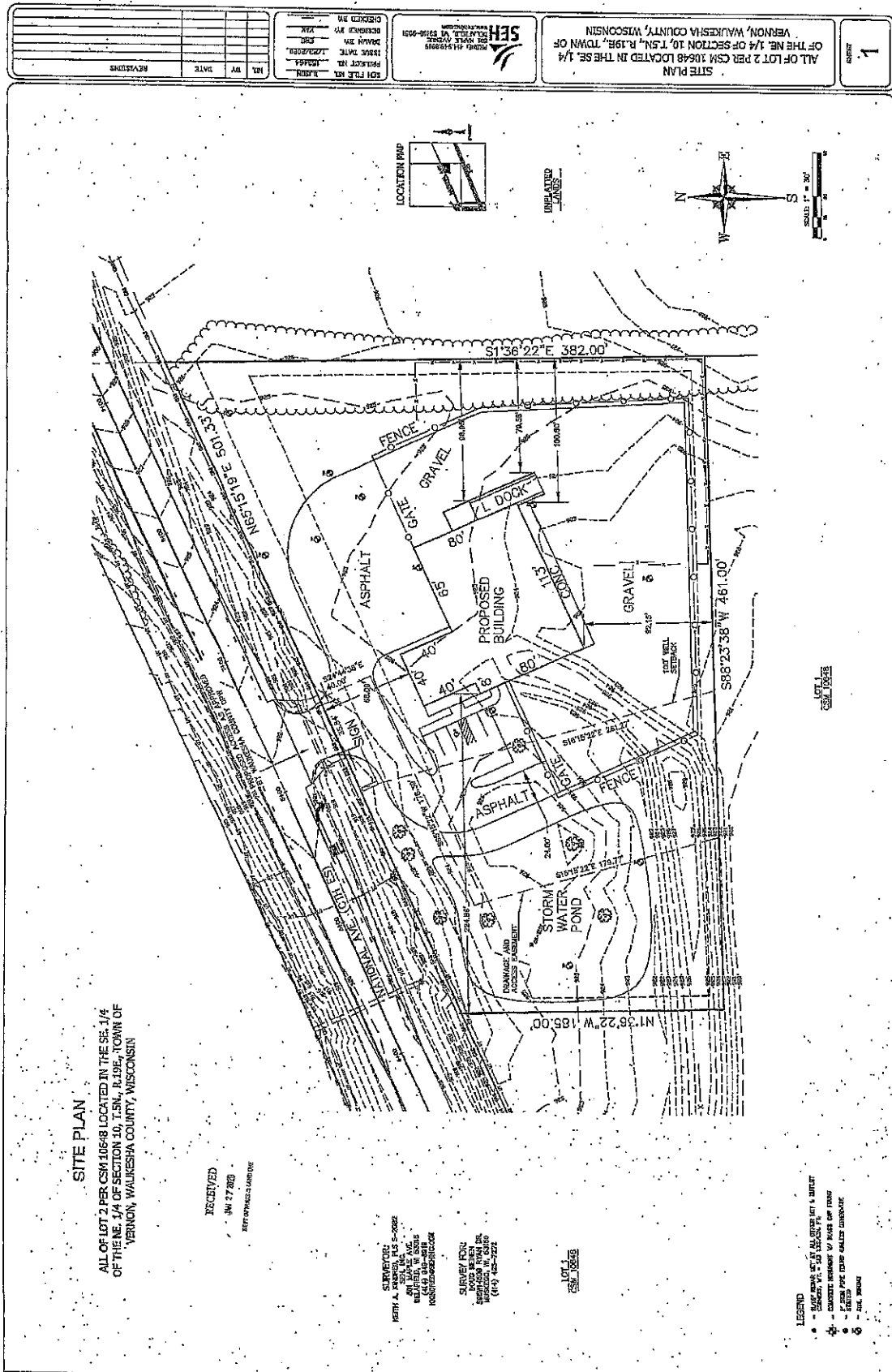
*Benjamin Greenberg*

Ben Greenberg  
Senior Land Use Specialist

Attachments: Exhibit A, Zoning Map, Town Ordinance 2020-01

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ51 D&J And Sons Vnt.Doc

EXHIBIT "A"



**SITE PLAN**  
 ALL OF LOT 2 PER CSM 10648 LOCATED IN THE SE 1/4  
 OF THE NE 1/4 OF SECTION 10, T15N, R139E, T10W OF  
 VERNON, WALKESHA COUNTY, WISCONSIN

RECEIVED  
 JAN 27 2009  
 WISCONSIN LAND REGISTRY

**SURVEYOR:**  
 MERRI A. KREMER, L.S. 5-2002  
 2011 W. MAIN ST.  
 SUITE 100  
 WAUKESHA, WI 53186  
 (608) 785-8811  
 MOKS@MOKSURVEYOR.COM

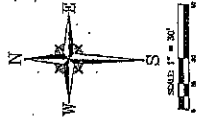
**SURVEY FOR:**  
 DONALD BEHN  
 1000 W. MAIN ST.  
 WAUKESHA, WI 53186  
 (608) 425-2222

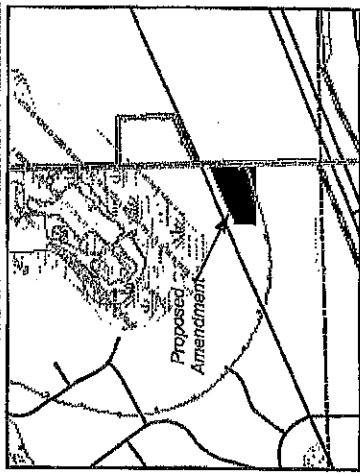
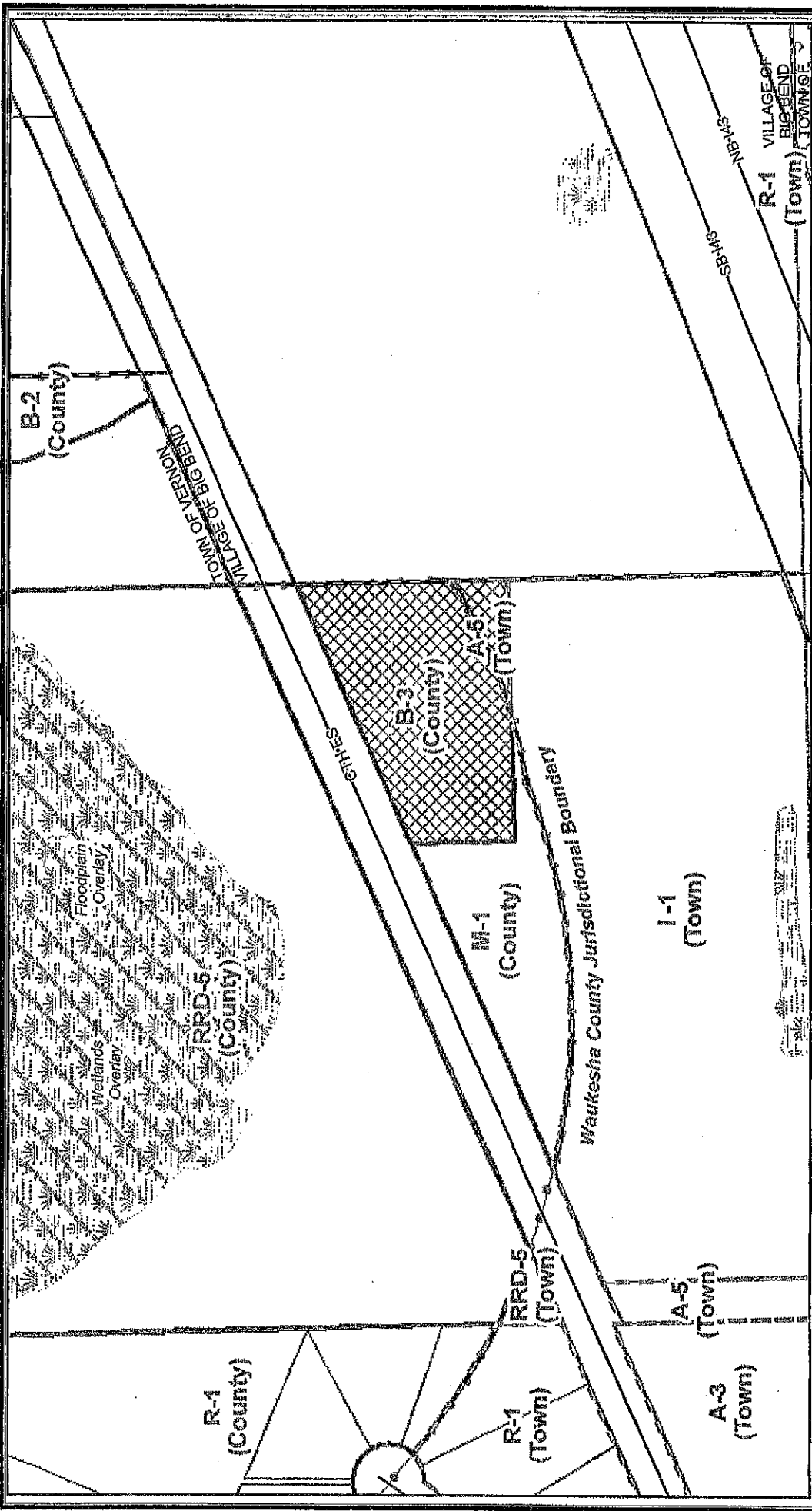
LOT 1  
 CSM 10648

**LEGEND**  
 - BOUNDARY OF LOT 2 PER CSM 10648  
 - PROPOSED BUILDING  
 - DOCK  
 - STORM WATER POND  
 - GRAVEL  
 - ASPHALT  
 - FENCE  
 - GATE  
 - WELL

<b>CSM FILE NO.</b> 10648		<b>PROJECT NO.</b> 10648		<b>ISSUE DATE</b> 12/20/08		<b>DATE</b> 12/20/08	
<b>DESIGNED BY</b> MOKS		<b>PROJECT NO.</b> 10648		<b>ISSUE DATE</b> 12/20/08		<b>DATE</b> 12/20/08	
<b>DRAWN BY</b> MOKS		<b>PROJECT NO.</b> 10648		<b>ISSUE DATE</b> 12/20/08		<b>DATE</b> 12/20/08	
<b>CHECKED BY</b> MOKS		<b>PROJECT NO.</b> 10648		<b>ISSUE DATE</b> 12/20/08		<b>DATE</b> 12/20/08	

**SITE PLAN**  
 ALL OF LOT 2 PER CSM 10648 LOCATED IN THE SE 1/4  
 OF THE NE 1/4 OF SECTION 10, T15N, R139E, T10W OF  
 VERNON, WALKESHA COUNTY, WISCONSIN





**CONDITIONAL TOWN AND COUNTY ZONING CHANGE FROM A-5 MINI FARM DISTRICT TO B-3 GENERAL BUSINESS DISTRICT**

Wetlands Overlay  
 Floodplain Overlay

FILE.....RZ51  
 DATE OF PLAN COMMISSION.....02/20/2020  
 AREA OF CHANGE.....3.0 ACRES  
 TAX KEY NUMBER.....VNT 2053.997.004

1 Inch = 250 feet

0 125 250 Feet

Prepared by the Waukesha County Department of Parks and Land Use

**ZONING AMENDMENT**

PART OF THE NE 1/4 SECTION 10, TOWN OF VERNON

## ORDINANCE 2020-01

AN ORDINANCE TO REZONE A PORTION OF A CERTAIN PROPERTY IN SECTION 10, T5N,  
R19E, IN THE TOWN OF VERNON AND TO AMEND THE ZONING MAP OF THE TOWN OF  
VERNON PURSUANT TO SEC. 300-46 OF THE ZONING ORDINANCE  
FOR THE TOWN OF VERNON

WHEREAS, Doug and Julie Meinen, the owners of D & J and Sons LLC (herein referred to as "property owner") owns the property located at S65W22175 National Ave in the LOT 2 CSM #10648 VOL 102/242 REC AS DOC #3625257 PT NE1/4 & SE1/4 SEC 10 T5N R19E, designated as Tax Key VNT 2053997004, (herein referred to as "subject property"); and

WHEREAS, the property owner has submitted a petition to the Town to rezone the area of the subject property currently designated as A-5 Mini Farm District 5 Acre Density to B-3 Business; and

WHEREAS, the rezoning petition has been submitted to the Town of Vernon Plan Commission for report and recommendation and a copy provided to Waukesha County, per Section 300-46 A.(3)(a) of the Town of Vernon Zoning Code; and

WHEREAS, the Town Plan Commission conducted the necessary investigation and scheduled a public hearing as required by Section 300-46 A.(3)(b) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Town Board and the Town of Vernon Plan Commission conducted a joint public hearing on January 8, 2020 as required by Section 300-46 A.(4) of the Town of Vernon Zoning Code, after providing the required public notice of the public hearing consistent with Section 62.23 of the Wisconsin Statutes and Section 300-46 B.(1) of the Town of Vernon Zoning Code; and

WHEREAS, the Town of Vernon Plan Commission has recommended to the Town of Vernon Town Board that said rezoning be made under certain conditions; and

WHEREAS, The Town Board finds that the proposed zoning is consistent with the Town's comprehensive plan; and

WHEREAS, the Town Board finds that this change to the Town Zoning Code is not a down zoning ordinance because it does not decrease the development density of land and it does not reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town of Vernon Town Board, after careful review and upon consideration of the recommendation of the Town of Vernon Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent of the zoning ordinance for the Town of Vernon will not be contrary to the public health, safety or general welfare of the Town of Vernon will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors, and will not for any other reason cause a substantial adverse affect on the property values and general desirability of the neighborhood; and

WHEREAS, The Town Board has included all seven conditions of its approval of the rezoning request.

NOW, THEREFORE, the Town of Vernon Town Board, Waukesha County, Wisconsin, ordains as follows:

#### SECTION 1. ZONING MAP CHANGE

The subject property is conditionally rezoned from A-5 Agricultural 5 Acre Density to B-3 Business and the zoning map is hereby conditionally amended to incorporate such change.

#### SECTION 2. CONDITIONS OF REZONING

The rezoning of the subject property as specified herein and the amendment of the zoning map of the Town of Vernon are conditioned on the following:

1. The Waukesha County Board approves the rezoning.
2. The property owner is responsible for any conversion penalties resulting from this rezoning. If there are any conversion penalties for this rezoning for which the Town is responsible, the property owner shall reimburse the Town for such costs prior to the rezoning taking effect.
3. The Rezone shall not be in full force and effect until such time the Petitioners obtain written approval of the Site Plan/Plan of Operation from the Town of Vernon Plan Commission and Town Board.
4. The Petitioners shall satisfy all comments, conditions, and concerns of the Town of Vernon Plan Commission, Town Board, Town Staff, and Waukesha County regarding the rezone request, and shall provide written proof of having done so to the Town Planner to the satisfaction of the Town Planner, prior to the rezoning taking effect.
5. Town Attorney Review. The Town of Vernon Plan Commission's approval shall not be in full force and effect until such time that the Town Attorney has reviewed the conditions and placed them in final form.
6. Professional Fees. The Petitioners shall, on demand, reimburse the Town of Vernon for all costs and expenses of any type that the Town of Vernon incurs in connection with this approval, including the cost of professional services incurred by the Town of Vernon (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this approval due to a violation of these conditions.
7. Payment of Charges. Any unpaid bills owed to the Town of Vernon by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town of Vernon; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Town of Vernon, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town of Vernon, including possible cause for termination of the conditional approval.

#### SECTION 3. CERTIFICATION

Upon certification by the Town Clerk that the conditions set forth in Section 2 have been satisfied within the time period established in Section 5, the Town Planner shall change the zoning classification of the subject property on the Town of Vernon zoning map as indicated herein.

#### SECTION 4. SEVERABILITY

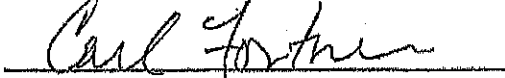
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed to those terms that conflict.

SECTION 5. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law subject to the conditions stated in Section 2, and this ordinance is null and void and the current zoning shall be in effect with no further notice if such conditions are not satisfied within one year of the date of this decision.


Approved this 23rd day of January 2020

BY THE TOWN OF BOARD OF SUPERVISORS



Carl Fortner, Town Chairman

ATTEST:



Karen L. Schuh, Town Clerk/Treasurer

Published and posted this 10<sup>th</sup> day of February 2020

1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF BROOKFIELD ZONING  
2 CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF  
3 THE NW ¼ OF SECTION 31, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA  
4 COUNTY, WISCONSIN, FROM THE B-3 OFFICE AND PROFESSIONAL BUSINESS  
5 DISTRICT TO THE B-2 LIMITED GENERAL BUSINESS DISTRICT (RZ57)  
6  
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
9 this Ordinance was approved by the Brookfield Town Board on November 5, 2019; and  
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
12 Planning Commission, which recommended approval and reported that recommendation to the  
13 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
14 as required by Section 60.62, Wis. Stats.  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
17 that the District Zoning Map for the Town of Brookfield Zoning Code, adopted by the Town of  
18 Brookfield on December 27, 1988, is hereby amended to conditionally rezone from the B-3  
19 Office and Professional Business District to the B-2 Limited General Business District, certain  
20 lands located in part of the NW ¼ of Section 31, T7N, R20E, Town of Brookfield, Waukesha  
21 County, Wisconsin, and more specifically described in the "Staff Report and Recommendation"  
22 and map on file in the office of the Waukesha County Department of Parks and Land Use and  
23 made a part of this Ordinance by reference RZ57, is hereby approved subject to the following  
24 condition:  
25

- 26 • If the property owner fails to receive all necessary approvals for the currently proposed project  
27 within 6 months, then zoning will revert back to the B-3 Office and Professional Business  
28 District.  
29

30 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
31 this Ordinance with the Town Clerk of Brookfield.  
32

33 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
34 approval and publication.

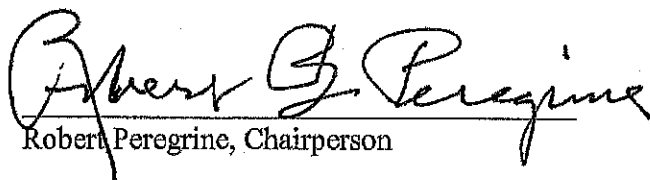


COMMISSION ACTION

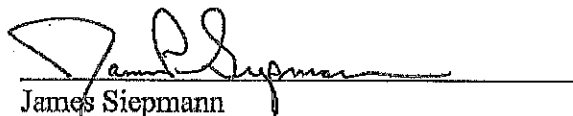
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Brookfield Zoning Code and Map hereby recommends approval of **RZ57 (Garni, LLC)** in accordance with the attached "Staff Report and Recommendation".

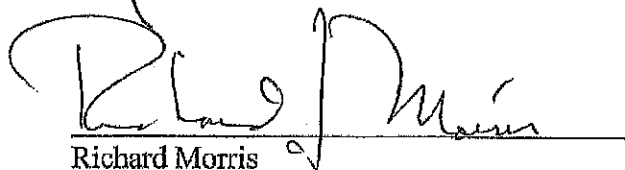
PARK AND PLANNING COMMISSION

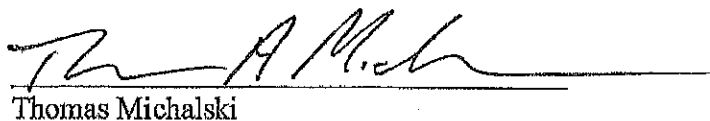
February 20, 2020

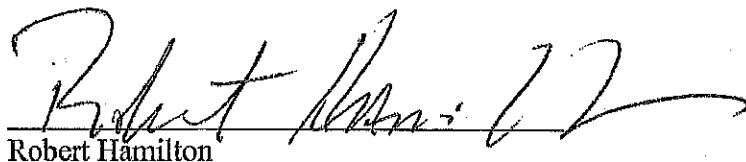
  
Robert Peregrine, Chairperson

  
William Mitchell, Vice Chairperson

  
James Siepmann

  
Richard Morris

  
Thomas Michalski

  
Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**ZONING MAP AMENDMENT**

**DATE:** February 20, 2020

**FILE NO.:** RZ57

**PETITIONER/OWNER:** Garni, LLC  
4221 Courtney Road  
Franksville, WI 53126-9795

**TAX KEY NO'S:** BKFT 1130.046 and BKFT 1130.047

**LOCATION:**

Part of the NW ¼ of Section 31, T7N, R20E, Town of Brookfield. More specifically, properties are located at 21725 and 21755 Longview Drive. The properties are approximately 0.50 acres in size each.

**EXISTING ZONING:**

B-3 Office and Professional Business District.

**PROPOSED ZONING:**

B-2 Limited General Business District.

**EXISTING USES:**

Single family residential.

**PROPOSED USES:**

Multi-tenant commercial building.

**PUBLIC HEARING DATE:**

October 22, 2019.

**PUBLIC COMMENT:**

A few nearby property owners asked questions regarding drainage, landscaping, the existing retaining wall, lighting and whether the neighbors would be able to construct a fence if the retaining wall is unsightly to them. Questions were also asked as to whether there would be additional meetings pertaining to the proposed development. The Town Chairman addressed some of the questions. He indicated that as the process continues, more complete details regarding redevelopment, including landscaping will be presented. He explained that there is no approved landscaping or grading plan at this time. He also indicated that there would be no further notifications via U.S. mail for future meetings but that meeting information is posted to the town website.

**TOWN PLAN COMMISSION:**

At their October 22, 2019 meeting, the Town of Brookfield Plan Commission unanimously recommended approval of the proposed amendment to the Town Board.

**TOWN BOARD ACTION:**

At their November 5, 2019, meeting, the Town of Brookfield Board unanimously approved the proposed amendment with the following condition:

- If the property owner fails to receive all necessary approvals for the currently proposed project within 6 months, then zoning will revert back to the B-3 Office and Professional Business District.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF BROOKFIELD CDP:**

The properties are planned in the Commercial and Office Park category and the proposed change in commercial zoning type is consistent with plan recommendations.

**STAFF ANALYSIS:**

The proposal is to rezone two parcels with visibility along E. Moreland Blvd. (USH 18) from a commercial office category to the more generalized B-2 Limited General Business District that allows for a slightly more broad range of commercial uses. The corridor is currently a mix of both B-2 and B-3 zoning. The properties have frontage on Longview Dr., which functions as a frontage road along the highway. It is possible that Longview Dr. may convert to a private road as part of this proposal.

The two parcels are approximately one acre in total and are located immediately southwest of a strip commercial/office building. There are a couple of residences the opposite direction and the properties abut a residential neighborhood that is to the south. All of the properties along Longview Dr. are planned and zoned for commercial use.

A strip type commercial/office building is proposed (see Exhibit A) with the parking area planned for the north and east sides of the property that front the road and an adjacent commercial property, respectively. The properties slope from southwest to southeast and the petitioner indicated that they will likely look to construct a retaining wall that would serve both these properties and his commonly owned commercial property to the northeast so as to avoid duplicative walls.

The Town Planner shared that the developer held a neighborhood meeting to solicit input and that several that attended that meeting also came to the public hearing. He indicated that none expressed opposition to the project.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** as conditioned by the Town Board:

- If the property owner fails to receive all necessary approvals for the currently proposed project within 6 months, then zoning will revert back to the B-3 Office and Professional Business District.

The proposed rezoning allows for re-development of lands to accommodate a multi-tenant retail strip mall, which is consistent with plan recommendations. The site plan review process will ensure that the use is well designed relative to grading, parking lighting and landscaping so as to be complimentary to adjacent residences.

Respectfully submitted,

*Jason Fruth*

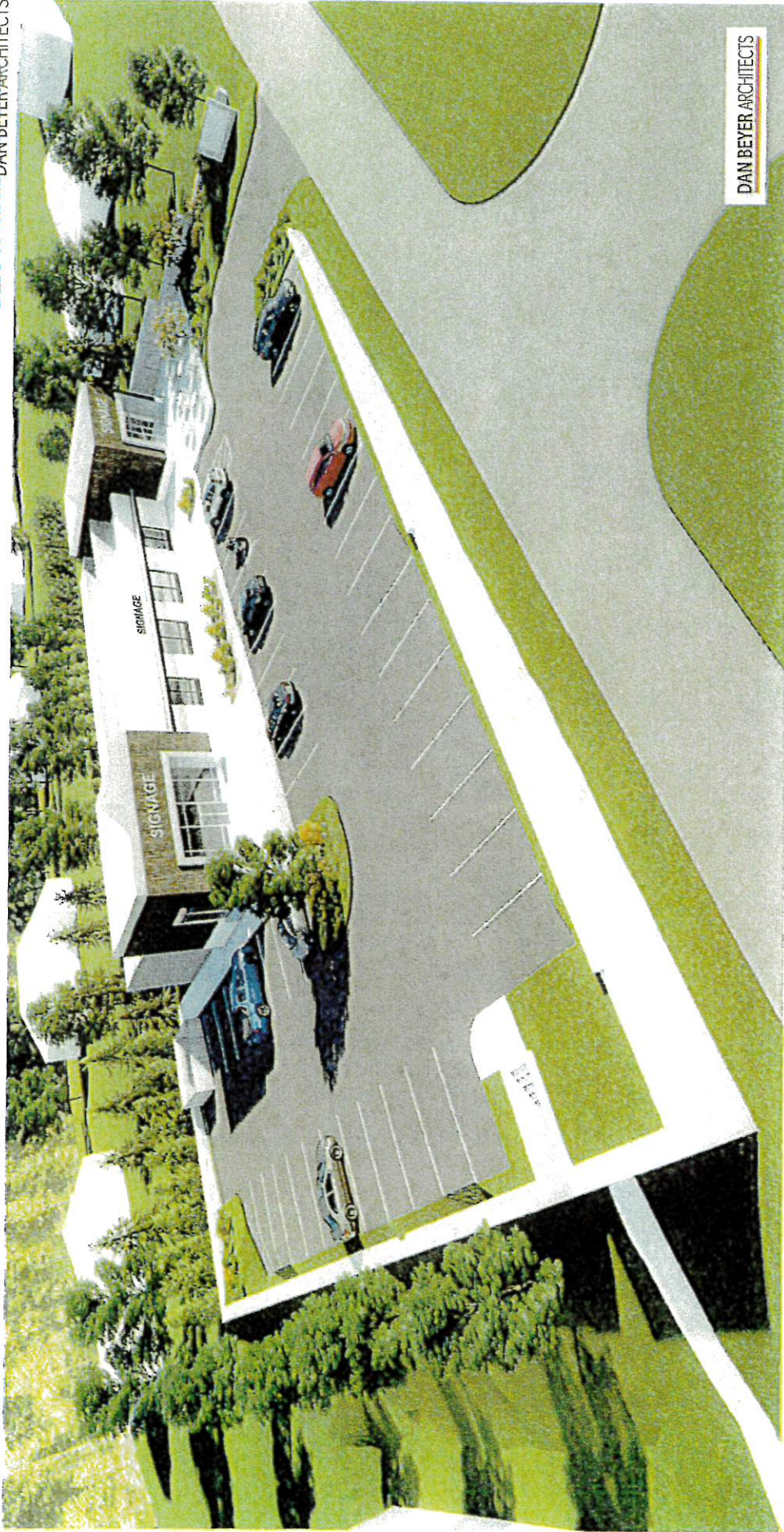
Jason Fruth  
Planning Manager

Attachments: Exhibit A, B  
Map

RECEIVED

FEB 14 2019

DEPT OF PARKS DAN BEYER ARCHITECTS



DAN BEYER ARCHITECTS

VIEW 01

**LONGVIEW RETAIL DEVELOPMENT**  
21725 & 21755 LONGVIEW DRIVE

DECEMBER 30, 2019

**EXHIBIT "A"**

DAN BEYER ARCHITECTS



VIEW 02

**LONGVIEW RETAIL DEVELOPMENT**  
21725 & 21755 LONGVIEW DRIVE

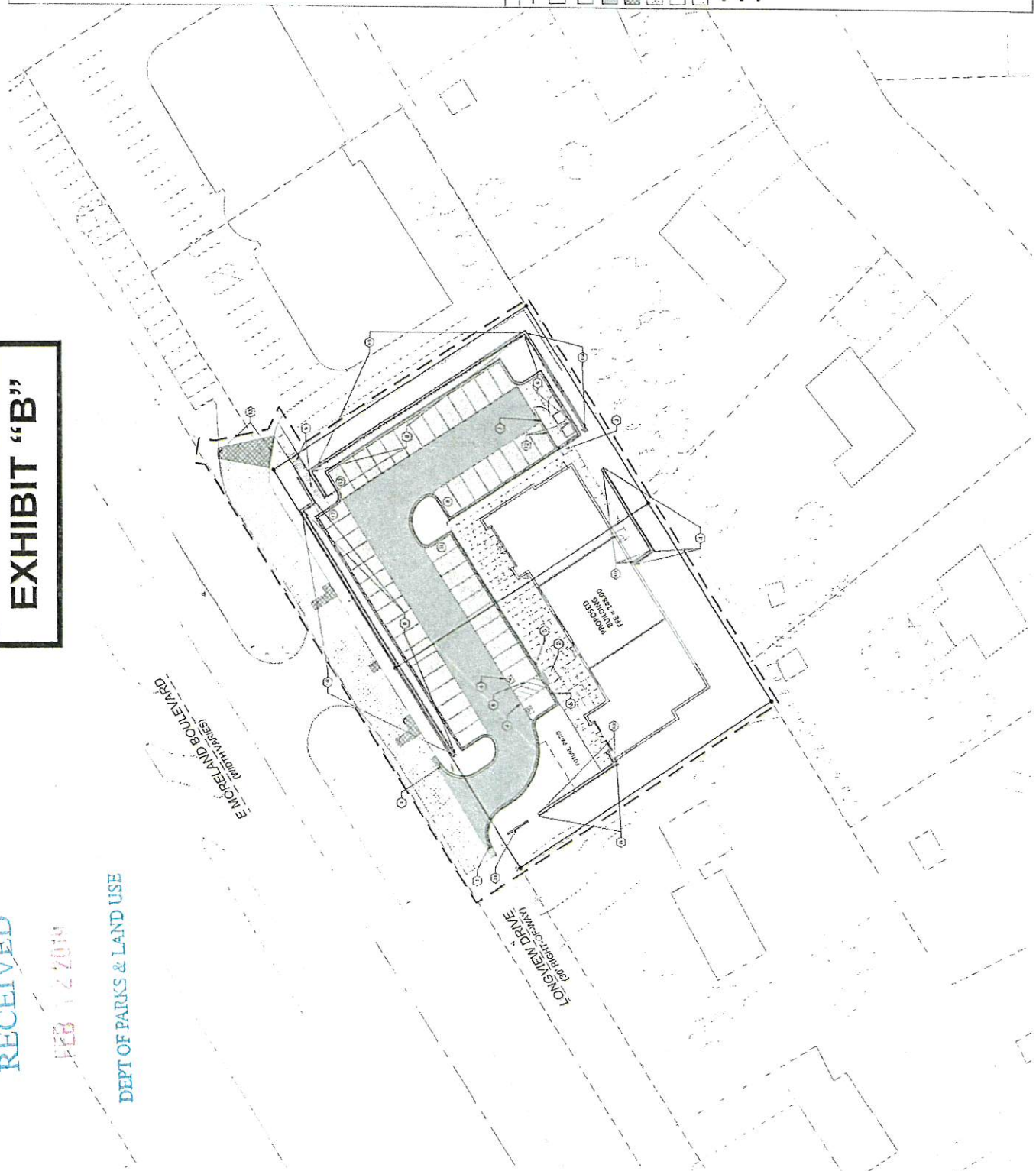
DECEMBER 30, 2019

RECEIVED

FEB 12 2019

DEPT OF PARKS & LAND USE

# EXHIBIT "B"



**KEY INDEX**

PROJECTS SHOWN	DESCRIPTION
(Symbol)	NEW PAVED DRIVE (10' WIDE)
(Symbol)	NEW PAVED DRIVE (12' WIDE)
(Symbol)	NEW PAVED DRIVE (14' WIDE)
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(Symbol)	NEW PAVED DRIVE (100' WIDE)

DAN BEVER, INC.  
 205 OF JAMES WELLS DRIVE  
 SUITE 100  
 ANN ARBOR, MI 48106-1501  
 734.769.8267

© COPYRIGHT 2018 DAN BEVER, INC. 03/18

DRINK WATER

**Kapur**  
 Environmental Management  
 10000 W. Grand Ave., Suite 100  
 Denver, Colorado 80237  
 303.755.1100  
 www.kapur.com

NEW PAVED DRIVE (10' WIDE)  
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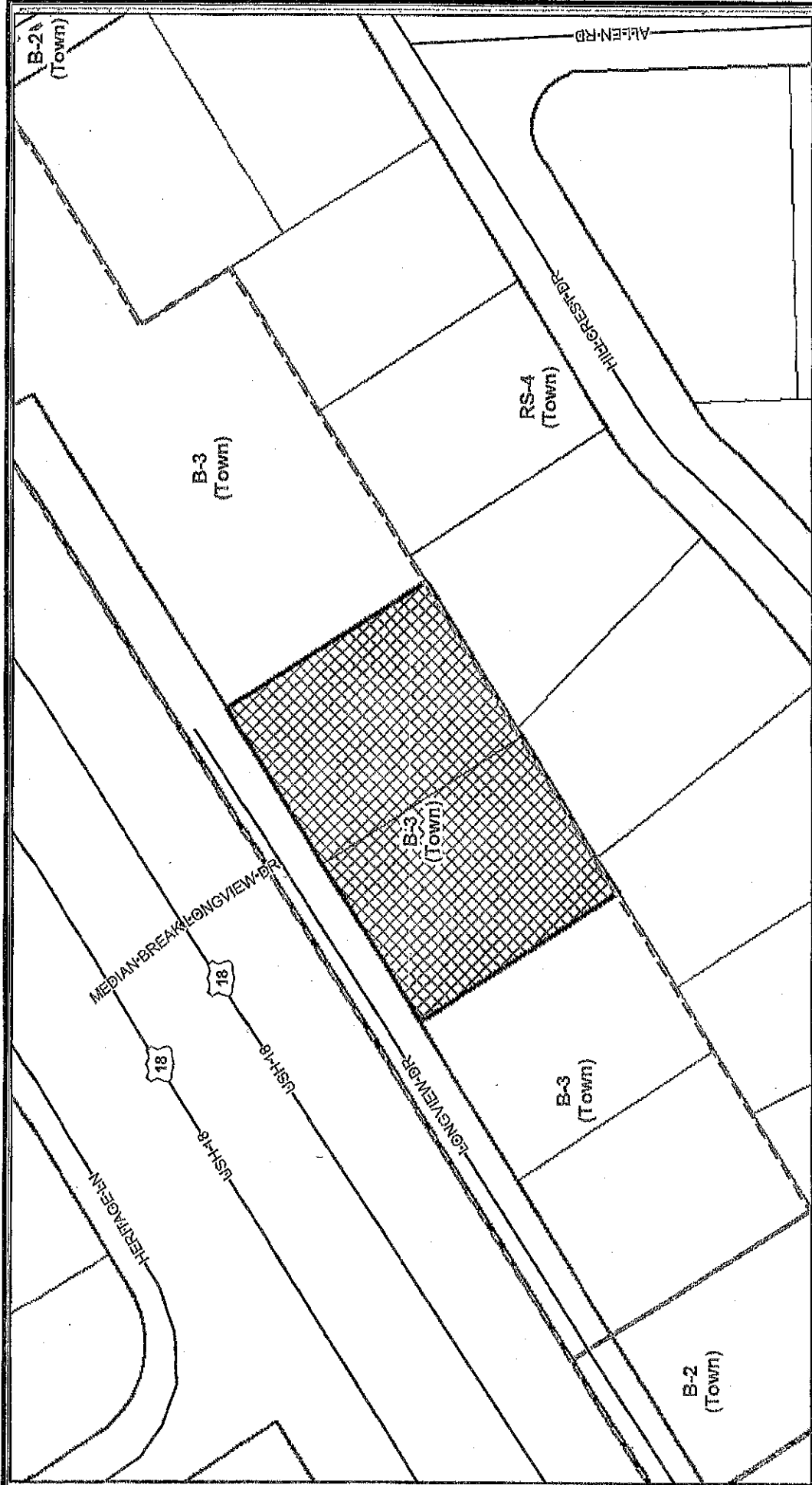
DATE: 03/18/18  
 DRAWN BY: J. B. BEVER  
 CHECKED BY: J. B. BEVER  
 APPROVED BY: J. B. BEVER  
 PROJECT: 174-O-099  
 SHEET: 1 OF 1  
 TITLE: EXHIBIT B

21795 & 21835 LONGVIEW DRIVE  
 WESTERN MICHIGAN  
 21795 & 21835 LONGVIEW DRIVE  
 WESTERN MICHIGAN

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 21795 & 21835 LONGVIEW DRIVE  
 WESTERN MICHIGAN



**ZONING AMENDMENT**  
 PART OF THE NW 1/4  
 SECTION 31, TOWN OF BROOKFIELD

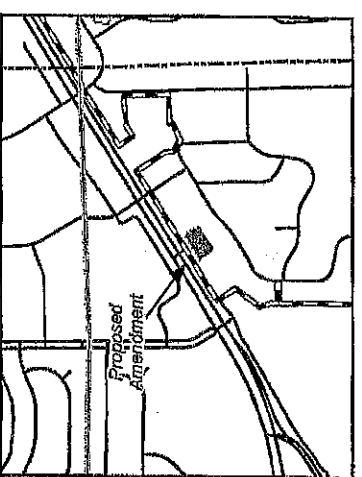
CONDITIONAL TOWN ZONING CHANGE FROM B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT TO B-2 LIMITED GENERAL BUSINESS DISTRICT

FILE.....RZ57  
 DATE OF PLAN COMMISSION.....02/20/2020  
 AREA OF CHANGE.....1 ACRE  
 TAX KEY NUMBER.....BKFT 1130.046, BKFT 1130.047

1 inch = 100 feet

0 50 100 Feet

Prepared by the Waukesa County Department of Parks and Land Use



1 ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND  
2 FLOODLAND PROTECTION ORDINANCE MODIFYING THE CONDITIONAL  
3 USE PROVISIONS FOR CONTRACTOR'S YARDS (RZ52)  
4  
5

6 WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County  
7 Shoreland and Floodland Protection Ordinance on January 23, 1970; and  
8

9 WHEREAS, the Waukesha County Board of Supervisors may make amendments to such  
10 Ordinance pursuant to Section 59.692, Wisconsin Statutes; and  
11

12 WHEREAS, the Waukesha County Department of Parks and Land Use held a public hearing on  
13 January 16, 2020; and  
14

15 WHEREAS, the proposed amendments have been duly referred, considered and approved by the  
16 Waukesha County Park and Planning Commission at its meeting of February 20, 2020; and  
17

18 WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed  
19 amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment  
20 Committee and to the Waukesha County Board of Supervisors with its recommendation that the  
21 proposed amendments be approved.  
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
24 that the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended to  
25 modify the conditional use provisions for contractor's yards and are more specifically described  
26 in the "Staff Report and Recommendation" by reference RZ52, on file in the office of the  
27 Waukesha County Department of Parks and Land Use, and made a part of this Ordinance.  
28

29 BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and  
30 publication.  
31

32 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall field a certified copy of  
33 this Ordinance with each of the town clerks within Waukesha County.



COMMISSION ACTION

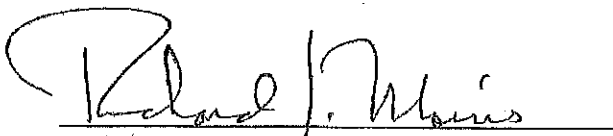
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (**RZ52 Waukesha County Park and Planning Commission – SFPO Text Amendments**) in accordance with the attached “Staff Report and Recommendation.”

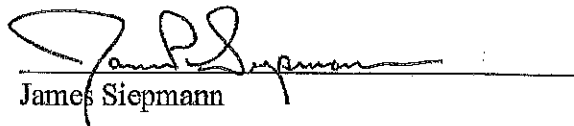
PARK AND PLANNING COMMISSION

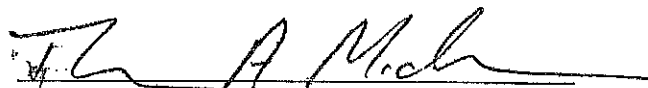
February 20, 2020


  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

  
Thomas Michalski

  
Robert Hamilton

COMMISSION ACTION

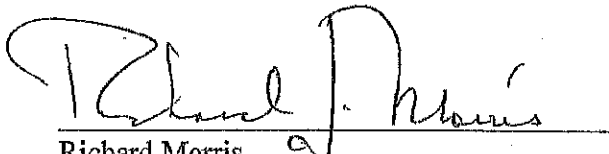
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (RZ53 Waukesha County Park and Planning Commission – ZC Text Amendments) in accordance with the attached "Staff Report and Recommendation."

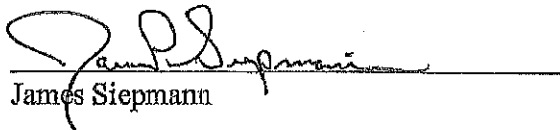
PARK AND PLANNING COMMISSION

February 20, 2020

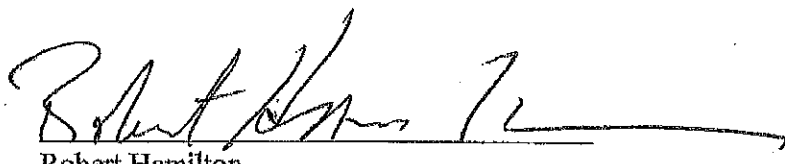
  
Robert Peregrine, Chairman

  
William Mitchell, Vice Chairman

  
Richard Morris

  
James Siepmann

  
Thomas Michalski

  
Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT TO THE WAUKESHA COUNTY**  
**SHORELAND AND FLOODLAND**  
**PROTECTION ORDINANCE & ZONING CODE**

**FILE NO.:** RZ52 and RZ53  
**DATE:** February 20, 2020  
**PETITIONER:** Waukesha County Park and Planning Commission

**REQUEST:**  
Text amendment proposed to the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) and Waukesha County Zoning Code (ZC) to modify the conditional use provisions for contractor's yards.

**PUBLIC HEARING DATE:**  
January 16, 2020

**PUBLIC COMMENT:**  
There was no public comment.

**TOWN COMMENT:**  
All Towns were notified of the proposed amendments and were given an opportunity to comment. The Town of Vernon expressed their support and the Town of Delafield indicated that their minimum lot size for such uses is also three acres.

**COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:**

The County Development Plan calls for the promotion of economic development in appropriate settings. The plan identifies the need for adequate water supply, sanitation, stormwater facilities, and power supply. The plan also calls for ready access and safe ingress/egress to an arterial and highway system, adequate parking, and a site design that integrates or is compatible with adjacent land uses.

The proposal to modify the conditional use provisions for contractor's yards will provide for additional economic development opportunities on properties that are suitable for the use.

**STAFF ANALYSIS:**

The Park and Planning Commission, on behalf of the Planning and Zoning Division, is proposing an amendment to the minimum lot size requirements for contractor's yards. A contractor's yard is a use that involves outside storage of construction, maintenance, or landscaping materials and equipment for off-site business. The SFPO and ZC currently require a minimum of five acres for a contractor's yard use within the A-1 Agricultural, A-5 Mini-Farm, B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial, and M-2 General Industrial Districts.

The proposed text amendment would reduce the minimum acreage required to three acres if the property is zoned B-3 General Business District, Q-1 Quarrying District, or an Industrial District (M-1 and M-2). The minimum acreage would remain at 5 acres for properties zoned A-1 Agricultural or A-5 Mini-Farm. All other conditional use provisions will remain unchanged. The other existing provisions, including planting screens, increased offsets, and neighborhood compatibility, help ensure that the purpose and

intent of the County's development plan and zoning ordinances are upheld. In response to recent changes in conditional use law, staff has begun working on possible comprehensive refinements to the conditional use sections of each ordinance. Additional amendments to the standards for contractor's yards may be proposed after a more detailed analysis of all conditional use standards is completed.

This text amendment was prompted by a request in the Town of Vernon to operate a contractor's yard on a property that is three acres in size. The property was previously conditionally rezoned to B-3 General Business District to allow an outdoor equipment sales and service business only. The conditions of the zoning were never satisfied. The property was recently sold for the purpose of storing materials and equipment for a poured foundation business. The property is subject to a pending rezone and conditional use for the modified contractor's yard use. In order for the use to be considered on the subject property, this text amendment is required. The Town will be advancing a similar text amendment to the Town Zoning Ordinance at a future meeting.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved.

The proposed amendments will provide the ability to have contractor's yards on smaller lots in areas that are otherwise designated for commercial, land extraction, and industrial uses. The smaller proposed lot size standards recognize that fairly intensive uses are already available by right within certain business, industrial, and quarrying districts. This modification will allow for more diverse economic development opportunities. The remaining conditional use provisions will ensure compatibility with adjacent land uses and ensure that the storage of materials are properly screened. Therefore, the proposed amendments comply with the purpose and intent of the County's land use plan and zoning ordinances.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachments:

- Exhibit A – Existing contractor's yard language in SFPO
- Exhibit B – Proposed text amendment to SFPO
- Exhibit C – Existing contractor's yard language in ZC
- Exhibit D – Proposed text amendment to ZC

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# EXHIBIT "A"

## Existing Contractor's Yard Language

### Shoreland & Floodland Protection Ordinance

11. Contractor's Yard: In A-1 Agricultural Districts, A-5 Mini-Farm District, B-3 General Business District, Q-1 Quarry District, or Industrial Districts subject to the following:
- A. ~~The minimum lot area shall be at least five (5) acres.~~
  - B. All Buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot in a residential district or at least fifty (50) feet from a lot line of an adjoining lot in any other District.
  - C. No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major collector street, as defined in the Waukesha County Shoreland and Floodland Subdivision Control Ordinance or within an established industrial park, where the roads can accommodate the heavy equipment.
  - D. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission or the zoning agency may increase or decrease the planting screen requirements as may be deemed appropriate.
  - E. In determining whether or not the proposed Conditional Use should be approved, the plan commission and zoning agency shall make a determination that the proposed Conditional Use is compatible with adjacent land uses. If it is determined that the proposed Conditional Use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed Conditional Use shall not be approved.
  - F. A Site Plan and Plan of Operation shall be submitted to the plan commission and zoning agency for review and approval and must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.

**EXHIBIT "B"**

**Amendments to the  
Waukesha County Shoreland and Floodland Protection Ordinance**

- Repeal and re-create Section 4(g)11.A. to read as follows:
  - A. Minimum lot area requirements for this use are as follows:
    - i. A minimum parcel size of five (5) acres is required within the A-1 Agricultural and A-5 Mini Farm districts.
    - ii. A minimum parcel size of three (3) acres is required within the B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial and M-2 General Industrial districts.

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# EXHIBIT "C"

## Existing Contractor's Yard Language

### General Zoning Code

#### (H) Contractor's Yard:

In A-1 Agricultural Districts, A-5 Mini-Farm District, B-3 General Business District, Q-1 Quarry District, or Industrial Districts subject to the following:

1. ~~The minimum Lot Area shall be at least five (5) acres.~~
2. All Buildings used in the conduct of the business shall be located at least one hundred (100) feet from the Lot Line of an adjoining Lot in a residential district or at least fifty (50) feet from a Lot Line of an adjoining Lot in any other District.
3. No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major Collector Street, as defined in the Waukesha County Shoreland and Floodland Subdivision Control Ordinance or within an established industrial park, where the Roads can accommodate the heavy equipment.
4. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission or the zoning agency may increase or decrease the planting screen requirements as may be deemed appropriate.
5. In determining whether or not the proposed conditional use should be approved, the plan commission and zoning agency shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
6. A Site Plan and Plan of Operation shall be submitted to the plan commission and zoning agency for review and approval and must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.

Amendments to the  
Waukesha County Zoning Code

**EXHIBIT "D"**

- Repeal and re-create Section 3.08(7)(H)1 to read as follows:
  1. Minimum lot area requirements for this use are as follows:
    - a. A minimum parcel size of five (5) acres is required within the A-1 Agricultural and A-5 Mini Farm districts.
    - b. A minimum parcel size of three (3) acres is required within the B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial and M-2 General Industrial districts.

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1 ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY ZONING  
2 CODE MODIFYING THE CONDITIONAL USE PROVISIONS  
3 FOR CONTRACTOR'S YARDS (RZ53)  
4  
5

6 WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Zoning  
7 Code on February 26, 1959; and  
8

9 WHEREAS, the Waukesha County Board of Supervisors may make amendments to such  
10 Ordinance pursuant to Section 59.69, Wisconsin Statutes; and  
11

12 WHEREAS, the Waukesha County Department of Parks and Land Use held a public hearing on  
13 January 16, 2020; and  
14

15 WHEREAS, the proposed amendments have been duly referred, considered and approved by the  
16 Waukesha County Park and Planning Commission at its meeting of February 20, 2020; and  
17

18 WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed  
19 amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment  
20 Committee and to the Waukesha County Board of Supervisors with its recommendation that the  
21 proposed amendments be approved.  
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
24 that the Waukesha County Zoning Code is hereby amended to modify the conditional use  
25 provisions for contractor's yards and are more specifically described in the "Staff Report and  
26 Recommendation" by reference RZ53, on file in the office of the Waukesha County Department  
27 of Parks and Land Use, and made a part of this Ordinance.  
28

29 BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and  
30 publication.  
31

32 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall field a certified copy of  
33 this Ordinance with each of the town clerks of Ottawa and Oconomowoc.

COMMISSION ACTION

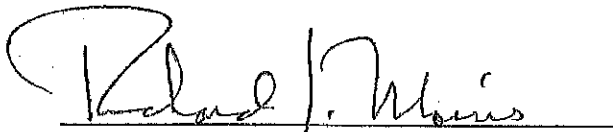
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends approval of (**RZ52 Waukesha County Park and Planning Commission – SFPO Text Amendments**) in accordance with the attached “Staff Report and Recommendation.”

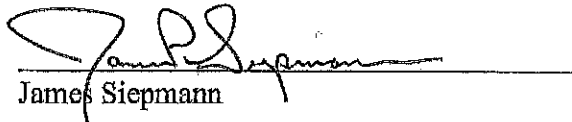
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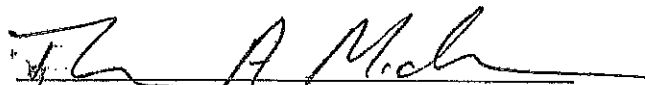
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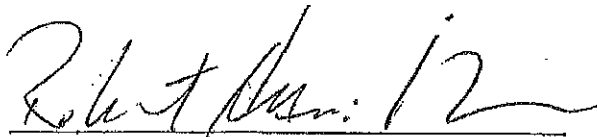
  
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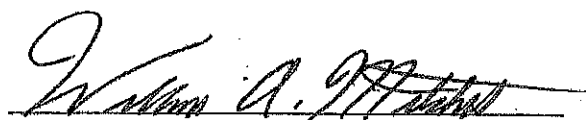
**COMMISSION ACTION**

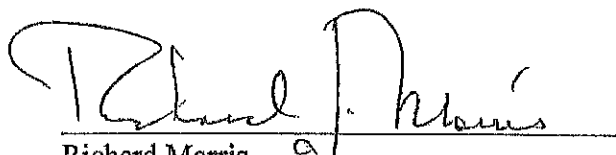
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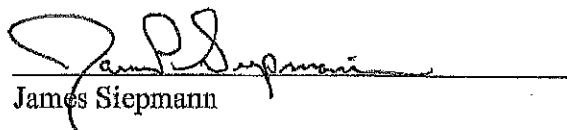
**PARK AND PLANNING COMMISSION**

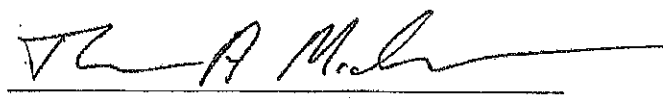
**February 20, 2020**

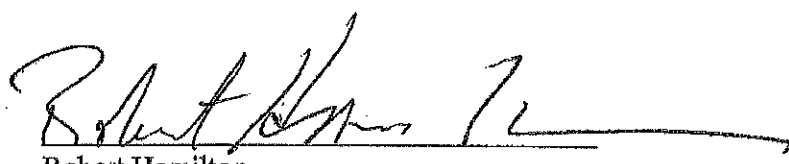
  
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**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT TO THE WAUKESHA COUNTY**  
**SHORELAND AND FLOODLAND**  
**PROTECTION ORDINANCE & ZONING CODE**

**FILE NO.:** RZ52 and RZ53  
**DATE:** February 20, 2020  
**PETITIONER:** Waukesha County Park and Planning Commission

**REQUEST:**

Text amendment proposed to the Waukesha County Shoreland and Floodland Protection Ordinance (SFPO) and Waukesha County Zoning Code (ZC) to modify the conditional use provisions for contractor's yards.

**PUBLIC HEARING DATE:**

January 16, 2020

**PUBLIC COMMENT:**

There was no public comment.

**TOWN COMMENT:**

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The proposed text amendment would reduce the minimum acreage required to three acres if the property is zoned B-3 General Business District, Q-1 Quarrying District, or an Industrial District (M-1 and M-2). The minimum acreage would remain at 5 acres for properties zoned A-1 Agricultural or A-5 Mini-Farm. All other conditional use provisions will remain unchanged. The other existing provisions, including planting screens, increased offsets, and neighborhood compatibility, help ensure that the purpose and

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This text amendment was prompted by a request in the Town of Vernon to operate a contractor's yard on a property that is three acres in size. The property was previously conditionally rezoned to B-3 General Business District to allow an outdoor equipment sales and service business only. The conditions of the zoning were never satisfied. The property was recently sold for the purpose of storing materials and equipment for a poured foundation business. The property is subject to a pending rezone and conditional use for the modified contractor's yard use. In order for the use to be considered on the subject property, this text amendment is required. The Town will be advancing a similar text amendment to the Town Zoning Ordinance at a future meeting.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that this request be approved.

The proposed amendments will provide the ability to have contractor's yards on smaller lots in areas that are otherwise designated for commercial, land extraction, and industrial uses. The smaller proposed lot size standards recognize that fairly intensive uses are already available by right within certain business, industrial, and quarrying districts. This modification will allow for more diverse economic development opportunities. The remaining conditional use provisions will ensure compatibility with adjacent land uses and ensure that the storage of materials are properly screened. Therefore, the proposed amendments comply with the purpose and intent of the County's land use plan and zoning ordinances.

Respectfully submitted,

*Amy Barrows*

Amy Barrows  
Senior Planner

Attachments:

- Exhibit A – Existing contractor's yard language in SFPO
- Exhibit B – Proposed text amendment to SFPO
- Exhibit C – Existing contractor's yard language in ZC
- Exhibit D – Proposed text amendment to ZC

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ52 And RZ53 SFPO And ZC Text Amendments Contractors Yard.Docx

## Existing Contractor's Yard Language

## Shoreland &amp; Floodland Protection Ordinance

11. Contractor's Yard: In A-1 Agricultural Districts, A-5 Mini-Farm District, B-3 General Business District, Q-1 Quarry District, or Industrial Districts subject to the following:
- A. ~~The minimum lot area shall be at least five (5) acres.~~
  - B. All Buildings used in the conduct of the business shall be located at least one hundred (100) feet from the lot line of an adjoining lot in a residential district or at least fifty (50) feet from a lot line of an adjoining lot in any other District.
  - C. No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major collector street, as defined in the Waukesha County Shoreland and Floodland Subdivision Control Ordinance or within an established industrial park, where the roads can accommodate the heavy equipment.
  - D. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission or the zoning agency may increase or decrease the planting screen requirements as may be deemed appropriate.
  - E. In determining whether or not the proposed Conditional Use should be approved, the plan commission and zoning agency shall make a determination that the proposed Conditional Use is compatible with adjacent land uses. If it is determined that the proposed Conditional Use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed Conditional Use shall not be approved.
  - F. A Site Plan and Plan of Operation shall be submitted to the plan commission and zoning agency for review and approval and must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.

**Amendments to the  
Waukesha County Shoreland and Floodland Protection Ordinance**

- Repeal and re-create Section 4(g)11.A. to read as follows:
  - A. Minimum lot area requirements for this use are as follows:
    - i. A minimum parcel size of five (5) acres is required within the A-1 Agricultural and A-5 Mini Farm districts.
    - ii. A minimum parcel size of three (3) acres is required within the B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial and M-2 General Industrial districts.

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# EXHIBIT "C"

## Existing Contractor's Yard Language

### General Zoning Code

#### (H) Contractor's Yard:

In A-1 Agricultural Districts, A-5 Mini-Farm District, B-3 General Business District, Q-1 Quarry District, or Industrial Districts subject to the following:

1. ~~The minimum Lot Area shall be at least five (5) acres.~~
2. All Buildings used in the conduct of the business shall be located at least one hundred (100) feet from the Lot Line of an adjoining Lot in a residential district or at least fifty (50) feet from a Lot Line of an adjoining Lot in any other District.
3. No such use shall be allowed on any parcel, except as may front directly upon and have access to an arterial or major Collector Street, as defined in the Waukesha County Shoreland and Floodland Subdivision Control Ordinance or within an established industrial park, where the Roads can accommodate the heavy equipment.
4. A planting screen at least ten (10) feet high in initial height shall be provided between any abutting property line and the proposed use. The plan commission or the zoning agency may increase or decrease the planting screen requirements as may be deemed appropriate.
5. In determining whether or not the proposed conditional use should be approved, the plan commission and zoning agency shall make a determination that the proposed conditional use is compatible with adjacent land uses. If it is determined that the proposed conditional use would in any way be incompatible with the adjacent land uses or represent an adverse effect or nuisance to adjacent land uses, the proposed conditional use shall not be approved.
6. A Site Plan and Plan of Operation shall be submitted to the plan commission and zoning agency for review and approval and must include the type and quantity of equipment and vehicles owned or leased by the property owner, the storage of materials, and hours of operation.



Amendments to the  
Waukesha County Zoning Code

**EXHIBIT "D"**

- Repeal and re-create Section 3.08(7)(H)1 to read as follows:
  1. Minimum lot area requirements for this use are as follows:
    - a. A minimum parcel size of five (5) acres is required within the A-1 Agricultural and A-5 Mini Farm districts.
    - b. A minimum parcel size of three (3) acres is required within the B-3 General Business, Q-1 Quarrying, M-1 Limited Industrial and M-2 General Industrial districts.

PRKANDLU\Planning And Zoning\Zoning Code Green Cover\Text Amendments\2020\53 Contractors Yard CU Amendments.Docx

1                                    **AUTHORIZE PARTICIPATION IN WISCONSIN OUTDOOR**  
2                                    **MOTORIZED RECREATIONAL TRAILS AID FOR**  
3                                    **WAUKESHA COUNTY SNOWMOBILE TRAILS**  
4  
5

6   WHEREAS, the Waukesha County Department of Parks and Land Use, in cooperation with the  
7   Waukesha County Snowmobile Association, Inc., utilizes the State of Wisconsin Department of  
8   Natural Resources – Outdoor Motorized Recreational Trails Aid for acquisition, insurance,  
9   development and maintenance of public snowmobile trails; and

10  
11   WHEREAS, Waukesha County Snowmobile Association, Inc. acquires, insures and maintains  
12   snowmobile trails for public outdoor snowmobile trail use; and

13  
14   WHEREAS, a Waukesha County Board ordinance indicating a desire to participate in the  
15   program is required to receive Outdoor Motorized Recreational Trails Aid for public snowmobile  
16   trails under Sec. 23.09(26), Wis. Stats.; and

17  
18   WHEREAS, the State of Wisconsin requires Waukesha County to coordinate, apply for and  
19   disburse snowmobile funds; and to execute a separate agreement with Waukesha County  
20   Snowmobile Association, Inc. which includes all required grant documentation for funding to be  
21   provided to Waukesha County; and

22  
23   WHEREAS, the grant funds to be received and disbursed have been incorporated in the 2020  
24   Waukesha County Department of Parks and Land Use budget.

25  
26   **THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS**  
27   **that Waukesha County desires to receive Outdoor Motorized Recreational Trails Aid pursuant to**  
28   **Sec. 23.09(26), Wis. Stats. for program year 2020-2021.**

29  
30   **BE IT FURTHER ORDAINED** that the Director of the Department of Parks and Land Use or his  
31   designee is authorized to act on behalf of Waukesha County to submit an application to the State  
32   of Wisconsin Department of Natural Resources for any financial aid that may be available  
33   pursuant to Sec. 23.09(26), Wis. Stats.

34  
35   **BE IT FURTHER ORDAINED** that the Director of the Department of Parks and Land Use or his  
36   designee is authorized to execute an agreement on behalf of Waukesha County with Waukesha  
37   County Snowmobile Association, Inc., in a form to be approved by Corporation Counsel, for the  
38   maintenance of Waukesha County public snowmobile trails and distribution of related program  
39   funds.

40  
41   **BE IT FURTHER ORDAINED** that the Director of the Department of Parks and Land Use or his  
42   designee is authorized to take all necessary actions and execute any necessary additional  
43   documents in order to effectuate the purposes of the agreement and to undertake, direct and  
44   complete approved projects with Outdoor Motorized Recreational Trails Aid received.

1 APPROVE DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER  
2 COMPANY TO INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND  
3 EXTEND OVERHEAD AND UNDERGROUND UTILITY FACILITIES ON  
4 WAUKESHA COUNTY PROPERTY KNOWN AS MENOMONEE PARK  
5  
6

7 WHEREAS, Wisconsin Electric Power Company, d/b/a We Energies, has requested to install,  
8 operate, maintain, repair, replace and extend overhead and underground utility facilities within  
9 Waukesha County property, known as Menomonee Park, located in the Northeast ¼ and the  
10 North ½ of the Southeast ¼ of Section 18, Township 8 North, Range 20 East, in the Village of  
11 Menomonee Falls, County of Waukesha, State of Wisconsin; and  
12

13 WHEREAS, it is deemed necessary to allow We Energies to install, operate, maintain, repair,  
14 replace and extend overhead and underground utility facilities on Waukesha County's land for  
15 the purpose of transmitting electric energy, signals, television and telecommunication services,  
16 including the customary growth and replacement thereof; and  
17

18 WHEREAS, it is necessary to provide an easement from Waukesha County to We Energies for  
19 the purpose of installing, operating, maintaining, repairing, replacing and extending overhead  
20 and underground utility facilities on County-owned land; and  
21

22 WHEREAS, this Easement will replace the previously approved, unrecorded Easement approved  
23 by the County Board as enrolled ordinance 174-002 at the April 23, 2019 meeting.  
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
26 that Waukesha County's grant of a first Distribution Underground Utility Easement  
27 ("Easement") to Wisconsin Electric Power Company, which will be recorded in the Office of the  
28 Register of Deeds, is hereby approved.  
29

30 BE IT FURTHER ORDAINED that the Director of Parks and Land Use may execute the  
31 Easement on behalf of Waukesha County, together with any other documents necessary to  
32 accomplish the intended transaction.



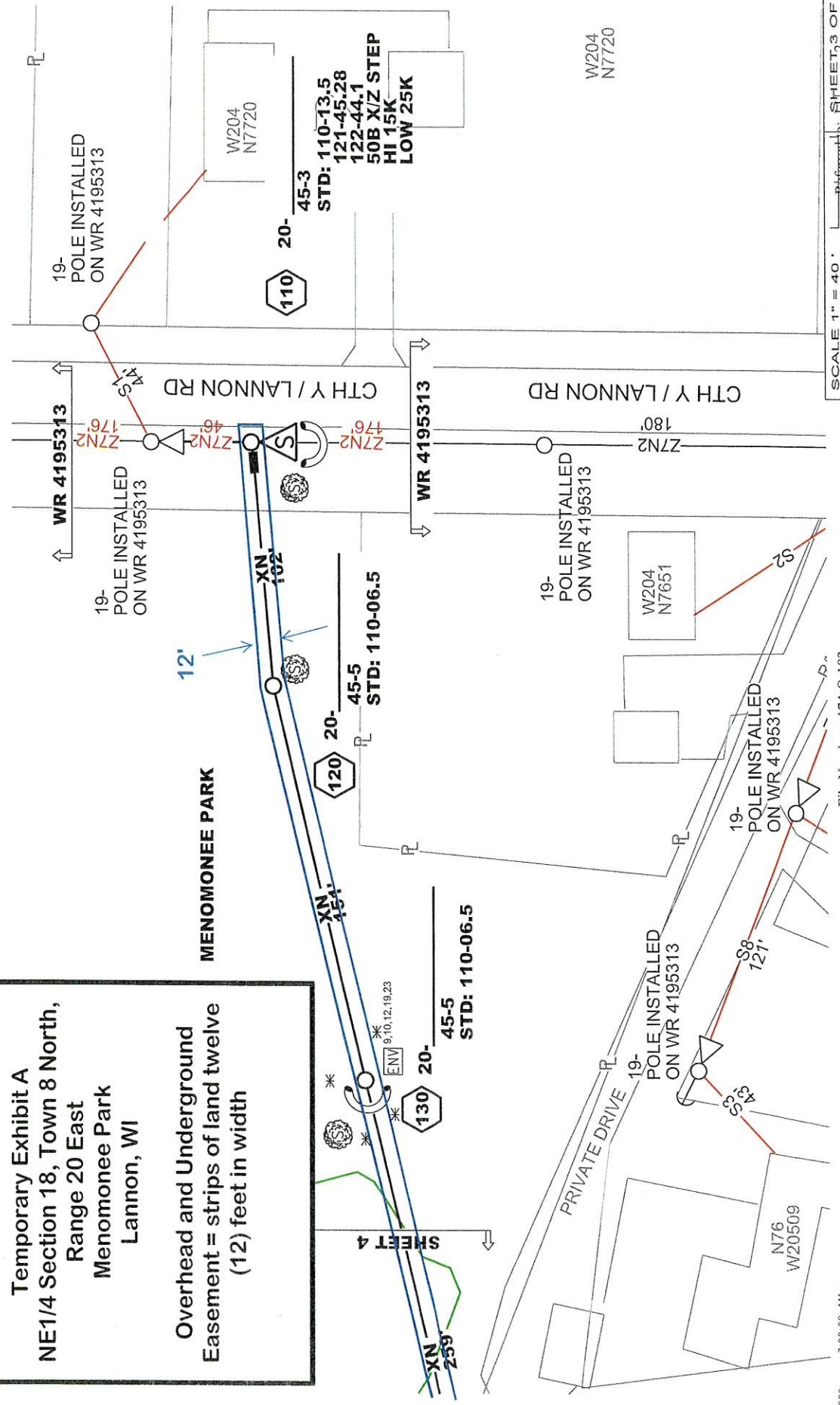
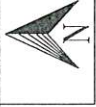
ELECTRIC WORK REQUEST

4478439

# ALL REMOVALS ARE ON WR 4195313

Temporary Exhibit A  
 NE1/4 Section 18, Town 8 North,  
 Range 20 East  
 Menomonee Park  
 Lannon, WI

Overhead and Underground  
 Easement = strips of land twelve  
 (12) feet in width



SCALE 1" = 40' Referred to: SHEET 3 OF 4

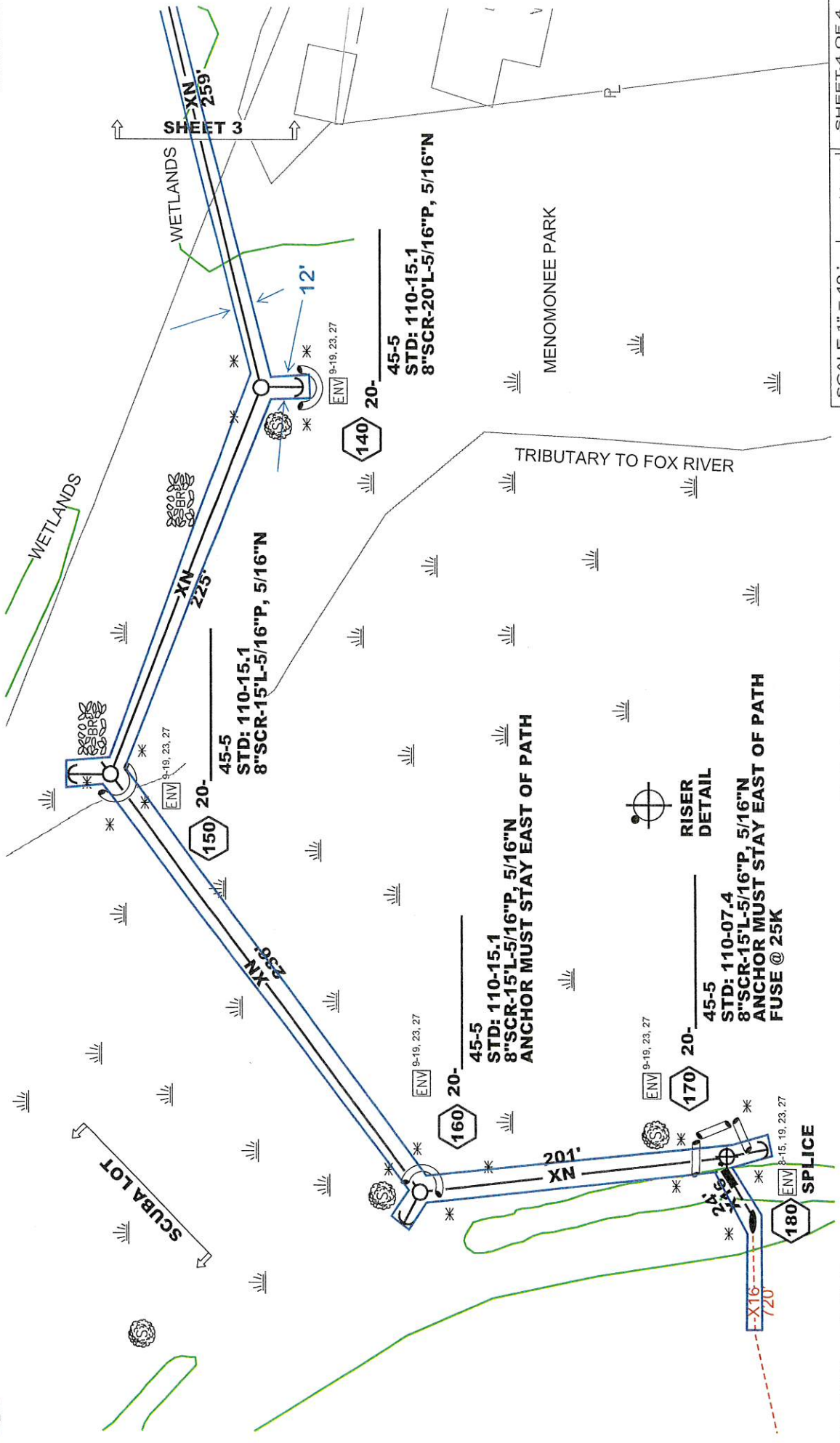
File Number: 174-O-103

Printed 1/31/2008 Referred to: 05/05/20



ELECTRIC WORK REQUEST  
4478439

# ALL REMOVALS ARE ON WR 4195313



**DISTRIBUTION EASEMENT  
OVERHEAD AND UNDERGROUND**

Document Number

WR NO.      **4478439**              IO NO.    **52491**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **WAUKESHA COUNTY, A Municipal Corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as strips of land twelve (12) feet in width being a part of Grantor's premises in the **Northeast 1/4 and the North 1/2 of the Southeast 1/4 of Section 18, Township 8 North, Range 20 East**, in the Village of Menomonee Falls, Waukesha County, Wisconsin; said premises are more particularly described in those certain **Warranty Deeds** recorded in the office of the Register of Deeds for Waukesha County on **September 1, 1960 as Document No. 529928** and on **January 19, 1970 as Document No. 754316**.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM P129  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

The location of the easement area with respect to Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

MNFV0069997 and LANV0072998 and  
LANV0072999  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground, and to construct, erect, operate, maintain and replace overhead utility facilities, including a line of poles, together with the necessary conductors, anchors, guy wires, underground cable, pedestals, riser equipment and all other appurtenant equipment above ground, as deemed necessary by Grantee, for the transmission and distribution of electric energy, signals, television and telecommunications services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed within the 12-foot wide easement area so as not to interfere with Grantee's use of the easement area. No trees or bushes shall be removed from within the 12-foot wide easement area without the prior approval of the Waukesha County Park System, which approval shall not be unreasonably withheld, conditioned or delayed provided that said removal is reasonably necessary for Grantee's full enjoyment of the rights granted herein. Grantee may not trim, cut down or remove trees and bushes outside the 12-foot wide easement area without prior approval of the Waukesha County Park System.
2. **Consistent Uses Allowed:** The Grantor reserves the right to use the easement area for purposes which are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein. Grantor reserves the right to grant easement rights to other persons or entities as the Grantor deems appropriate, provided the easement rights are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein.
3. **Access:** Grantee or its agents shall have the right to enter and use the easement area with full right of ingress and egress over and across the easement area of Grantor for the purpose of exercising its rights in the easement area. Except in the case of an emergency, Grantee or its agents shall provide Grantor 24-hour advance notice of entry.
4. **Buildings or Other Structures:** Grantor agrees that no new structures will be erected in the easement area and that nothing shall be erected or planted within three feet of the sides of any transformers and within ten feet of the door side of any transformers.
5. **Continual Operation of Park:** The County grounds shall at all times remain open for public use. If the Grantee must perform work in any area that will in any way interfere with or detour the travelling public Grantee will seek prior approval from Grantor, which approval shall not be unreasonably withheld, delayed or denied. Excepting, however, in cases of emergencies when access shall be immediate.

6. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
7. **Restoration:** Grantee agrees to restore or cause to have restored any and all damages to Grantor's land (including any County trails, parking lots and/or roadways), as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents, weather permitting. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area and for which Grantee has obtained prior approval to remove.
8. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
9. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
10. **Indemnify and Hold Harmless:** In consideration of the foregoing grant, it is understood that during the time said underground electrical facilities are located on the premises of the Grantor pursuant to this grant, Wisconsin Electric Power Company, a Wisconsin corporation doing business as We Energies will indemnify and save the Grantor, its successors and assigns harmless from any and all claims for injury or death to any person or for damage to property of any person arising out of Grantee's exercise of any of its rights under this easement; excepting, however, any claims or actions arising out of negligence or willful acts on the part of the Grantor, its successors and assigns, Grantor's employees, agents and invitees.
11. **Governing Law:** This easement shall be construed and enforced in accordance with the laws of the State of Wisconsin.
12. **Invalidity:** If any term or condition of this easement, or the application of this easement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this easement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
13. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document.
14. **Entire Agreement:** This easement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this easement and duly recorded in the Office of the Register of Deeds of Waukesha County, Wisconsin.

[Signature Page follows]

IN WITNESS WHEREOF, the Owner has caused this Distribution Easement to be approved by the Waukesha County Board of Supervisors and signed by its Director of Parks and Land Use.

**Grantor: WAUKESHA COUNTY, a Municipal Corporation**

By \_\_\_\_\_

Dale Shaver / Director of Parks and Land Use

Acknowledged before me in \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 2019,

by Dale Shaver, County Director of Park and Land Use, on Behalf of Waukesha County.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

**Grantee: Wisconsin Electric Company, a Wisconsin corporation doing business as We Energies**

By \_\_\_\_\_

Dawn M. Neuy, Manager of Real Estate Services

Acknowledged before me in \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 2019,

by Dawn M. Neuy, Manager of Real Estate Services, on Behalf of Wisconsin Electric Power Company, a Wisconsin corporation doing business as We Energies.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

This instrument was drafted by Barb Schaefer on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.



1 AMEND THE TEXT OF THE TOWN OF LISBON ZONING CODE TO REPEAL AND  
2 RECREATE SECTION 28, RELATING TO THE B-P INDUSTRIAL/BUSINESS  
3 PARK SPECIAL USE ZONING DISTRICT (RZ54)  
4  
5

6 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
7 this Ordinance was approved by the Town of Lisbon Town Board on November 25, 2019; and  
8

9 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
10 Planning Commission, which recommended approval and reported that recommendation to the  
11 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
12 as required by Section 60.62, Wis. Stats.  
13

14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
15 that the text of the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on April 9,  
16 2010, is hereby amended to repeal and recreate Section 28 relating to the BP Industrial/Business  
17 Park Special Use Zoning District, more specifically described in the "Staff Report and  
18 Recommendation" on file in the office of the Waukesha County Department of Parks and Land  
19 Use and made a part of this Ordinance by reference RZ54, is hereby approved.  
20

21 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of  
22 this Ordinance with the Town Clerk of Lisbon.  
23

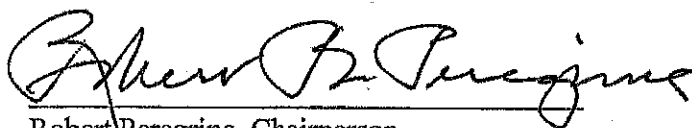
24 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
25 approval and publication.

COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the text of the Town of Lisbon Zoning Code hereby recommends **approval** of **RZ54 (Text Amendment/Town Lisbon Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

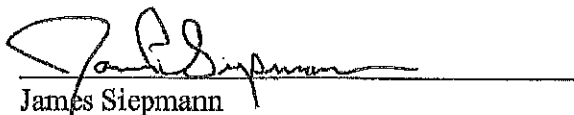
February 20, 2020



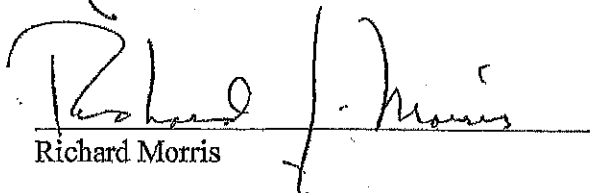
Robert Peregrine, Chairperson




William Mitchell, Vice Chairperson



James Siepmann



Richard Morris



Thomas Michalski



Robert Hamilton

**WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE**  
**STAFF REPORT AND RECOMMENDATION**  
**TEXT AMENDMENT**

**DATE:** February 20, 2020

**FILE NO.:** RZ54

**APPLICANT:** Town of Lisbon Board of Supervisors  
W234 N8676 Woodside Road  
Lisbon, WI 53089

**REQUEST:**  
Repeal and recreate Section 28, B-P Industrial/Business Park Special Use Zoning District, of the Town of Lisbon Zoning Ordinance.

**PUBLIC HEARING DATE:** November 14, 2019

**PUBLIC COMMENT:** None

**TOWN PLAN COMMISSION ACTION:**  
On November 14, 2019, the Town of Lisbon Plan Commission unanimously recommended approval of the text amendment, Ordinance 20-19, amending Section 28 of the Town of Lisbon's Zoning Ordinance regarding the B-P District to the Town Board.

**TOWN BOARD ACTION:**  
On November 25, 2019, the Lisbon Town Board of Supervisors unanimously approved Ordinance No. 20-19 (attached) and recommended the same to Waukesha County.

**STAFF ANALYSIS:**  
There are two special use zoning districts outlined in the Town of Lisbon's Zoning Ordinance (the B-P and B-4 Districts) that implement the Town of Lisbon's Comprehensive Development Plan where the uses allowed must incorporate design standards and require review by the Town of Lisbon and Village of Sussex Joint Planning Committee (JPC).

The Town is proposing to repeal and recreate these two special use zoning districts. The subject text amendment concerns the B-P Industrial/Business Park Special Use Zoning District. The B-4 Commercial Special Use Zoning District will be forthcoming at a later date. Specifically in the B-P District, the amendments will update the purpose and intent language, remove references to cell towers as the town has provided a separate section for cell towers, delete the prohibited uses list, and reinstitute the design standards. The revised text also maintains references to the binding Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and the Village of Sussex dated January 22, 2001. These amendments will aid in the administration of the zoning ordinance for development purposes.

In 2019, Waukesha County Planning and Zoning Division staff had conversations with the Town of Lisbon regarding the development of the former Lied's Nursery parcel, which contains 71.5 acres and is located at the southwest corner of CTH F and CTH V in the Town of Lisbon. The Town currently owns the property and created a Tax Incremental Finance district to help finance development in the area. The language that references the Lied's parcel in the existing B-P District

has been removed in the proposed B-P District and instead that portion of that parcel is proposed to be rezoned to the M-2 District (refer to RZ45).

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. Review of the revised Section 28 (B-P District) does not reveal any substantive changes to the zoning district but will provide a zoning district that is up to date and easier to administer for development purposes while maintaining permitted and conditional uses, design standards, and review by the JPC. Therefore, the proposed text amendment complies with the Town's Comprehensive Development Plan and all other aspects of the Town of Lisbon's Zoning Ordinance.

Respectfully submitted,

*Sandra L. Scherer*

Sandy Scherer  
Senior Planner

Attachment: Town Ordinance 20-19

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ54 T Lisbon Text Amendment Sec 28 1st.doc

**RECEIVED**

By Department of Parks & Land Use at 10:45 am, Feb 11, 2020

**STATE OF WISCONSIN**

**TOWN OF LISBON**

**WAUKESHA COUNTY**

**Ord. 20-19**

---

**AN ORDINANCE REPEALING AND RECREATING SECTION 28 OF THE  
ZONING CODE OF THE TOWN OF LISBON**

---

**SECTION 1:** Section 28 of the Town of Lisbon Zoning Code is hereby repealed and recreated to read as follows:

**SECTION 28: B-P INDUSTRIAL/BUSINESS PARK SPECIAL USE ZONING DISTRICT**

**(a) Purpose and Intent**

This zoning district is intended to provide for the orderly and attractive grouping of diverse office, retail, and customer service uses, and industrial uses of limited intensity where the appearance of such mixed uses is enhanced by pleasing building architecture and generously landscaped sites in accordance with the adopted Design Standards (Addendum E of the Town of Lisbon Zoning Ordinance) and is appropriately designated for said zoning in compliance with the Town's Comprehensive Development Plan as a Special Use District, and said zoning shall be reviewed in accordance with the Boundary Stipulation and Intergovernmental Cooperation Agreement between the Town of Lisbon and the Village of Sussex dated January 22, 2001, and received, considered and commented on by the Town of Lisbon and Village of Sussex Joint Planning Committee.

**(b) Permitted Uses**

The following uses may occur on individual sites or as part of a larger planned development subject to the approval of a site plan and plan of operation:

(1) The manufacture, fabrication, assembly, and/or processing of the following products; parts, supplies, or sub-assemblies of the same:

- Apparel and findings and related products
- Automatic temperature controls
- Automotive upholstery
- Baked goods and bakery products
- Beverages, non-alcoholic, including bottling
- Blank books, loose-leaf binders, and devices

- Boot and shoe cut stock and bindings
- Brooms and brushes
- Canvas products
- Cheese
- Cleaning, dressing and dyeing
- Commercial bakeries
- Computer hardware and software
- Confections
- Cosmetic and toiletries
- Costume Jewelry, novelties, buttons, and miscellaneous notions
- Curtains and draperies
- Dental equipment
- Electrical appliances and electronic devices
- Electrotyping and stereotyping
- Engineering, laboratory, scientific and research instruments/equipment
- Fabrics, broad and narrow woven
- Felt goods
- Flavor extracts and flavor syrups
- Floor coverings limited to rugs and carpeting
- Food locker plants, excluding slaughtering
- Footwear
- Fur products, packaging/assembly, excluding slaughtering or dressing
- Glass and glass products
- Graphics and/or graphic design
- Handbags and other personal leather goods
- Hats, caps and millinery
- Ice
- Ice cream and frozen desserts
- Jewelry
- Knit goods, yarns and threads
- Lace goods
- Lamp shades
- Leather, but not including tanning
- Luggage
- Manifold business forms
- Mechanical measuring and controlling instruments
- Men, Woman, and Youth furnishings, work clothes and garments
- Morticians goods
- Musical Instruments
- Office furniture
- Ophthalmic goods
- Optical instruments and lenses paper products
- Orthopedic, prosthetic, and surgical appliances
- Paper coating and glazing, and paper products/envelopes greeting cards

- Partitions, shelving, lockers, and office and store fixtures
- Pens, pencils, and other office and artist materials
- Pharmaceuticals
- Photoengraving instruments
- Photographic equipment
- Pizza
- Pleating, decorative, and novelty stitching and tucking for the trade
- Raincoats and other waterproof outer garments
- Robes and dressing gowns
- Signs and advertising displays
- Silverware and plated ware
- Surgical and medical instruments
- Textiles, dyeing and finishing
- Toys, amusement, sporting and athletic goods
- Umbrellas, parasols, and canes
- Venetian blinds and shades
- Wallpaper
- Watches, clocks, clockwork operated devices.

(2) Business and service facilities including:

- Accounting, auditing, and bookkeeping services
- Administrative and public service offices
- Advertising services
- Bakeries
- Banks and financial institutions, excluding drive-through facilities
- Barber shops and beauty shops
- Book stores, newspaper and magazine stores
- Cabinet makers
- Camera and photographs supply stores
- Computer software development
- Confectioneries
- Grocery stores/Drug stores
- Corporate headquarters
- Delicatessens
- Dental and medical clinics
- Duplicating and mailing services
- Data processing centers
- Electrician
- Employment services
- Hotels and motels
- Interior decorators
- Janitorial supplies
- Machine shops

- Office supplies and business machine stores
- Parking lots and structures
- Plumbing and heating services
- Professional offices of an architect, engineer, lawyer, accountant, doctor, dentist, realtor, optometrist, clergy, or other similarly recognized profession.
- Public relations offices
- Publishing, printing, and binding of books, newspapers, periodicals
- Radio and television studios, not including transmitting towers
- Real estate and insurance sales offices
- Research and development facilities
- Restaurants, including drive-in restaurants, but excluding drive-throughs
- Security brokers, dealers, and associated investment services
- Sheet metal services
- Studios for photography, painting, music, sculpture, art, or dance
- Travel agencies
- Limited warehousing and storage facilities for distributors provided that such warehousing and storage does not exceed 50,000 square feet or have more than 5 overhead doors.

(3) Other uses not specifically mentioned above may be permitted uses if, following a review and recommendation by the Town of Lisbon Plan Commission, the Town of Lisbon Board finds:

- a. The use is consistent with the intent and types of uses depicted above, and
- b. The use is not listed as a conditional use, and
- c. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.
- d. The Town of Lisbon and Village of Sussex Joint Planning Committee has received, considered and commented on the use.

**(c) Permitted Accessory Uses**

- (1) Garages for storage of vehicles used in conjunction with the permitted uses.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, distribution, warehousing, and other uses normally auxiliary to permitted business park uses.
- (4) Indoor storage and sale of machinery and equipment associated with the permitted business park uses.



- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (7) Bus/taxi shelters or waiting areas.
- (8) Refuse areas.
- (9) Signage in accordance Town Sign Ordinance Chapter 13 of the Municipal Code (Addendum A).

**(d) Conditional Uses**

- (1) Business Uses The following commercial uses shall be conditional uses and may be permitted as specified:
  - a. Drive-Through Facilities such as drive-through banks, restaurants. For drive through restaurants refer to the conditional use for Restaurants, Supper Clubs, Lake Resorts (open to the general public), Taverns, Dance Halls, Pool Halls, Bowling Alleys, and Similar Uses. For all other drive through facilities refer to the conditional use for drive through facilities.
  - b. Radio and Television transmitting towers, receiving towers, relay and microwave towers, and broadcast studios. Broadcast studios and offices without towers may be permitted in this zoning district.
  - c. Commercial Day Care Centers (refer to Public and Semi Public Buildings and Uses) provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site.
  - d. Truck terminals of any size, warehousing, distribution centers, storage facilities for distributors, and mail-order centers over 50,000 square feet or with more than 5 overhead doors.

- e. Gasoline Service Stations with or without Convenience Stores – Including car washes and oil change facilities provided that the use shall not cause--or shall include traffic control measures to ameliorate--traffic congestion; that lighting and glare shall not extend into adjacent residential neighborhoods; and that service islands shall comply with the minimum setback requirements of the zoning district. Canopies over a gasoline service island may extend into front, side or rear yard areas, but shall not encroach more than six (6) feet into any required yard and in no case, may a canopy extend into a street R.O.W.
  - f. Outside Storage for commercial uses. All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Town of Lisbon and the Village of Sussex. The Town Board may waive or reduce the 600-foot separation requirement. In all cases, outside storage shall be screened from all sides. All screening plans are subject to Town Plan Commission review and approval. Screening may be a permanent opaque wall matching the building materials, fencing or landscaping as deemed appropriate by the Town Plan Commission. The height of the screening shall be sufficient to screen the product(s) in the outside storage area.
- (2) Industrial Uses The following Industrial Uses shall be conditional uses and may be permitted as specified:
- a. Animal Clinics or Hospitals, excluding commercial kennels, provided all principal structures and uses are not less than 100 feet from any residential use.
  - b. Outside Storage of building materials, ice, dry ice, flammables, gasoline, grains, paint, shellac, fat, lard, turpentine, vinegar, and yeast or other industrial outside storage. All outside storage areas shall be at least 600 feet from residential, park, and public and institutional zoning districts located in the Town of Lisbon and the Village of Sussex. The Town Board may waive or reduce the 600-foot separation requirement. In all cases, outside storage should be screened from all sides. All screening plans are subject to Town Plan Commission review and approval. Screening should be a permanent, predominantly evergreen, planting screen, the individual trees to be of such a number and so arranged that they will have formed a dense screen within ten years or by a fence or masonry wall or a combination of the above. Individual trees shall be capable of reaching a height of ten feet within two years.

- c. Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- d. Construction Services (refer to Contractor's Yard) not listed as permitted uses above.
- e. General Sales of Industrial Products, not listed as permitted uses above.

(3) Other uses not specifically mentioned above may be conditional uses if the Town Board finds:

- a. The use is consistent with the intent and types of uses depicted for the zoning district, and
- b. The use is safe, clean, and would not cause any hardship to neighboring property owners from noise, pollution, or other nuisance.
- c. The Town of Lisbon and Village of Sussex Joint Planning Committee has received, considered and commented on the use.

This section is added to allow flexibility for the Town Plan Commission and Town Board, to consider multiple uses that cannot all be enumerated above in light of the difficulty and time constraints of adjusting zoning in a Town government.

**(e) Lot Area and Width**

- (1) Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
- (2) To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

**(f) Building Height**

- (1) No building or parts of a building shall exceed 60 feet in height.

**(g) Setback and Yards**

- (1) There shall be a minimum building setback of 50 feet from the street right-of-way.
- (2) There shall be a side yard of 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
- (3) There shall be a rear yard of not less than 25 feet.
- (4) There shall be a minimum shore yard of 75 feet from the ordinary highwater mark of any navigable body of water. In addition, no building or structure shall be located closer than 75 feet from the Conservancy or Conservancy Wetland and Floodplain zoning district boundaries, or less than 2 feet above the Regional Flood Elevation.
- (5) Service Islands for gasoline service structures shall be considered principal structures and shall comply with building setback requirements. Canopies over a gasoline service island may extend into a front, side, or rear yard, but shall not encroach more than six (6) feet into any required yard and in no case, may a canopy extend into a street right-of-way.
- (6) Parking Setbacks shall be as follows for this zoning district: Arterial Roadway 30 feet from the right of way, other street yard 25 feet from the right of way. Parking Side and Rear Yard shall be a minimum of 5 feet from the property line. The actual setbacks, side yards, and rear yards for a particular site may need to be increased to address landscaping and buffering requirements for the site as determined by the Town Board.

**(h) Design Standards:**

The following guidelines are specific standards that apply to this zoning district. In addition, development in this zoning district must follow the adopted Design Standards of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts (Addendum E) and other general guidelines within Chapter 11 of the Lisbon Municipal Code which is the Town's Zoning Ordinance (hereinafter referred to as Chapter 11) related to design issues. Where a conflict exists, this section and the adopted Design Standards (Addendum E) shall apply.

(1) Parking and Storage

- a. Surfacing. All off-street loading, driveways, parking areas shall be surfaced with an asphaltic or Portland cement pavement in accordance with Chapter 11 and the Town of Lisbon standards and specifications so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all surface water accumulated within the area. Any surface water discharged off premises shall be so channeled and located so as not to create a nuisance to adjacent properties. Surfacing of loading areas shall be completed before occupancy is granted. Storage areas shall be surfaced with an asphaltic or Portland cement or reground asphaltic surface. If the storage areas are a reground asphalt product, the design shall require approval of the Town Engineer before installation to ensure compliance with maintenance and dust free standards.
- b. Landscaping. All public off-street parking areas which serve twenty (20) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Zoning Ordinance shall be provided with accessory landscape areas totaling not less than seven and one-half (7 1/2) percent. The minimum size of each landscape area shall not be less than 150 square feet and landscaped areas shall be distributed evenly throughout the parking area. Location of landscape areas, plant materials, and protection afforded the plantings shall be reviewed by the Town Plan Commission. All Plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. Those parking areas for twenty (20) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of six (6) feet.
- c. Openings for driveways shall provide adequate access to a public street. No driveway for any other use shall be less than 24 feet in width at the street right-of-way line nor shall it exceed 32 feet at the street right-of-way line.

d. Storage. Parking spaces required to meet the minimum parking requirements of Chapter 11 shall not be used for the long term storage of motor vehicles, recreational vehicles, boats, commercial or Industrial Inventory, or equipment. Parking spaces shall not be used or leased to persons not using the principal use. Parking spaces are considered accessory to the principal use, unless prior approval for such shared or secondary use has been granted by the Town Plan Commission.

(2) Lighting shall be installed and maintained in accordance with the standards set forth herein:

a. Type. Shielded luminaries, or luminaries with cutoff optics, and careful fixture placement shall be required so as to facilitate compliance with this section.

b. Orientation. Exterior lighting fixtures shall be orientated so that the lighting element (or a transparent shield) does not throw rays onto neighboring properties. No lighting sources shall be visible from outside its premises. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. No horizontal throw via outward projecting lenses or optics shall be permitted contributing as a point glare source. The intensity of illumination, measured at the property line, shall not exceed 0.2 foot-candles.

c. Minimum Lighting Standards. All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset and where it is reasonable to expect pedestrian use shall provide artificial illumination in such areas at a minimum intensity to meet the standards set forth in the American National Standard Practice for Roadway Lighting and those standards set forth in the Illuminating Engineering Society of North America's Lighting for Parking Facilities.

d. Flashing, flickering, or other distracting lighting which may distract motorists is prohibited. Lighting which creates or becomes a public nuisance is not permitted.

(3) General Landscaping and Buffering other than outlined in Section (h)(1)b shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.

Where incidences of residential uses and uses allowed in this district are located adjacent to one another, the proposed use shall provide a buffer from the existing use by means of landscaping and berms in accordance with the adopted Design Standards (Addendum E) and/or similar standards if located in the Village of Sussex. Where the two uses are proposed simultaneously, a joint landscaping plan shall be developed by and between the two uses that satisfies the intent of the adopted Design Standards (Addendum E) and/or similar standards if located in the Village of Sussex and so that there is minimal overlap in the buffering provided.

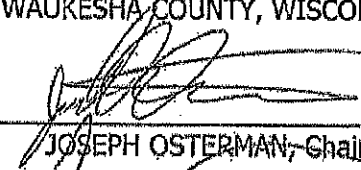
- (4) Building and Structures and Materials shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (5) Other Site Planning and Design Issues shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (6) Signage shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (7) Pedestrian Orientation shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (8) Environmental Protection shall be developed per the adopted Design Standards (Addendum E) of the Town of Lisbon for the Industrial/Business Park Special Use and Commercial Special Use Zoning Districts.
- (9) Erosion Control Developments must follow the Town Erosion Control Ordinance, Land Disturbance Ordinance, the Waukesha County Storm Water Management Regulations, Wisconsin Department of Natural Resources NR-216, NR-151 and applicable Chapter 30 regulations.

**SECTION 2:** All ordinances or parts of this ordinance conflicting or contravening the provisions of this ordinance are hereby repealed.


**SECTION 3:** This Ordinance shall take effect upon passage and posting as provided by law.

**AMENDED** by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this  
10<sup>th</sup> day of February, 2020.

TOWN BOARD, TOWN OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY:   
JOSEPH OSTERMAN, Chairman

BY:   
TEDIA GAMINO, Supervisor

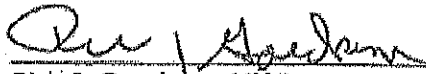
BY:   
MARC MOONEN, Supervisor

BY:   
LINDA BEAL, Supervisor

BY:   
REBECCA PLOTECHER, Supervisor

ATTEST:

BY:

  
Rick J. Goeckler, MMC  
Interim Town Clerk





1 LAYING OUT, RELOCATION AND IMPROVEMENT OF COUNTY  
2 TRUNK HIGHWAY Y, PILAK CREEK TRIBUTARY STRUCTURE,  
3 WAUKESHA COUNTY PROJECT I.D. 18-2779(18)  
4  
5

6 WHEREAS, the County Board of Supervisors of Waukesha County finds that the proper  
7 improvement in maintenance of County Trunk Highway Y in the City of Muskego from a point  
8 that is 799.67 feet South of and 1,814.01 feet East of the West One-Quarter Corner of Section  
9 16, Town 5 North, Range 20 East, in the City of Muskego, Waukesha County, State of  
10 Wisconsin to a point that is 552.02 feet South of and 1,828.83 Feet East of the West One-Quarter  
11 Corner of Section 16, Town 5 North, Range 20 East, in the City of Muskego, Waukesha County,  
12 State of Wisconsin requires certain relocation or changes and the acquisition of certain rights of  
13 way as shown on the plat marked "Plat of Right of Way Required for CTH Y Pilak Creek  
14 Tributary Structure, Project ID 18-2779(18)".  
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES  
17 ORDAIN that the plat marked "Plat of Right of Way Required for CTH Y Pilak Creek Tributary  
18 Structure, Project ID 18-2779(18)" on file in the County Clerk's office is adopted by reference  
19 under the authority granted by Section 83.08 and Chapter 32 of the Wisconsin Statutes.  
20

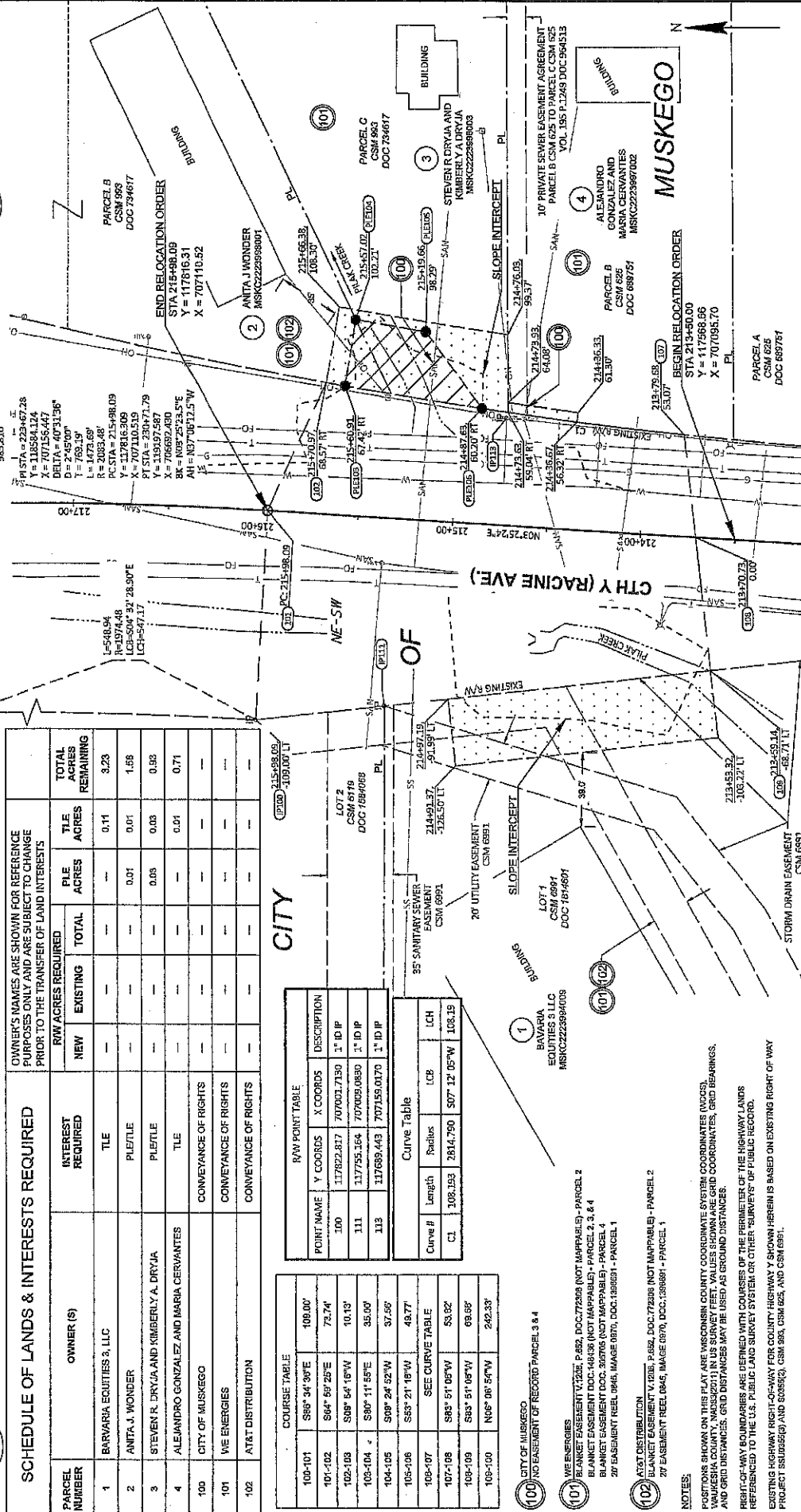
21 IT IS FURTHER ORDAINED that County Trunk Highway Y in the City of Muskego is hereby  
22 changed or relocated from a point that is 799.67 feet South of and 1,814.01 feet East of the West  
23 One-Quarter Corner of Section 16, Town 5 North, Range 20 East, in the City of Muskego,  
24 Waukesha County, State of Wisconsin to a point that is 552.02 feet South of and 1,828.83 Feet  
25 East of the West One-Quarter Corner of Section 16, Town 5 North, Range 20 East, in the City of  
26 Muskego, Waukesha County, State of Wisconsin in accordance with the plat marked "Plat of  
27 Right of Way Required for CTH Y Pilak Creek Tributary Structure, Project ID 18-2779(18)"  
28

29 IT IS FURTHER ORDAINED that the County shall acquire those rights of way and other  
30 interests as shown on the plat marked "Plat of Right of Way Required for CTH Y Pilak Creek  
31 Tributary Structure, Project ID 18-2779(18)".



CITY OF MUSKEGO  
 CAST IRON MONUMENT WITH  
 BRASS CAP  
 Y = 118986.330  
 X = 702981.687

CONCRETE MONUMENT  
 CHP  
 Y = 118988.284  
 X = 707944.190



**SCHEDULE OF LANDS & INTERESTS REQUIRED**

OWNER'S NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	R/W ACRES REQUIRED		TOTAL ACRES REMAINING
			NEW	EXISTING	
1	BARVARIA EQUITIES 3, LLC	TILE	0.11	0.11	9.23
2	ANITA J. WUNDER	PLETFLE	0.01	0.01	1.58
3	STEVEN R. DRYJA AND KIMBERLY A. DRYJA	PLETFLE	0.03	0.03	0.83
4	ALEJANDRO GONZALEZ AND MARIA CERVANTES	TILE	0.01	0.01	0.71
100	CITY OF MUSKEGO	CONVEYANCE OF RIGHTS	---	---	---
101	WE ENERGIES	CONVEYANCE OF RIGHTS	---	---	---
102	AT&T DISTRIBUTION	CONVEYANCE OF RIGHTS	---	---	---

**R/W POINT TABLE**

POINT NAME	Y COORDS	X COORDS	DESCRIPTION
100	117822.817	707003.7130	1" ID IP
111	117755.154	707009.0830	1" ID IP
113	117689.443	707159.0170	1" ID IP

**COURSE TABLE**

Curve #	Length	Radius	LCB	LCH
C1	108.193	2814.790	S07° 12' 05"W	108.19

**SEE CURVE TABLE**

Curve #	Length	Radius	LCB	LCH
100-101	86° 34' 30"E	109.00'		
101-102	S64° 59' 25"E	73.74'		
102-103	S08° 54' 16"W	10.13'		
103-104	S80° 11' 55"E	35.00'		
104-105	S08° 24' 32"W	37.55'		
105-106	S83° 21' 18"W	48.77'		
106-107	S88° 51' 08"W	53.32'		
107-108	S85° 51' 08"W	68.88'		
108-109	N05° 08' 57"W	242.33'		

NOTES:  
 POSITIONS SHOWN ON THIS PLAN ARE WISCONSIN COUNTY COORDINATE SYSTEM COORDINATES (NDCS), WAUKESHA COUNTY, NAD83(2011) IN US SURVEY FEET. VALUES SHOWN ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.  
 RIGHT-OF-WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY SYSTEM OR OTHER 'SURVEYS' OF PUBLIC RECORD.  
 EXISTING HIGHWAY RIGHT-OF-WAY FOR COUNTY HIGHWAY Y SHOWN HEREIN IS BASED ON EXISTING RIGHT OF WAY PROJECT 830552(3) AND 830552(2), CSM 98A, CSM 625, AND CSM 691.  
 AT&T DISTRIBUTION  
 20' EASEMENT V. 1265, P. 692, DOC. 772303 (NOT MAPPABLE) - PARCEL 2  
 20' EASEMENT REEL 0945, IMAGE 0970, DOC. 1398981 - PARCEL 1  
 CITY OF MUSKEGO  
 NO EASEMENT OF RECORD PARCEL 3 & 4  
 WE ENERGIES  
 BLANKET EASEMENT V. 1235, P. 652, DOC. 772303 (NOT MAPPABLE) - PARCEL 2  
 BLANKET EASEMENT DOC. 148136 (NOT MAPPABLE) - PARCEL 2, 3 & 4  
 BLANKET EASEMENT DOC. 308706 (NOT MAPPABLE) - PARCEL 4  
 20' EASEMENT REEL 0945, IMAGE 0970, DOC. 1398981 - PARCEL 1  
 BAVARIA EQUITIES 3, LLC  
 MSKC222394009  
 LOT 1  
 CSM 6991  
 DOC 7814601  
 20' UTILITY EASEMENT  
 CSM 6991  
 SLOPE INTERCEPT  
 LOT 2  
 CSM 6878  
 DOC 684068  
 95' SANITARY EASEMENT  
 CSM 6991  
 20' PRIVATE SEWER EASEMENT AGREEMENT  
 PARCEL 8 CSM 625 TO PARCEL C CSM 625  
 VOL. 195 P. 1249 DOC. 954513  
 ALEJANDRO GONZALEZ AND MARIA CERVANTES  
 MSKC222394002  
 DOC 689751  
 PARCEL B  
 CSM 625  
 DOC 689751  
 STEVEN R. DRYJA AND KIMBERLY A. DRYJA  
 MSKC222394003  
 PARCEL C  
 CSM 983  
 DOC 734617  
 ANITA J. WUNDER  
 MSKC222394001  
 END RELOCATION ORDER  
 STA 214+48.09  
 Y = 117816.31  
 X = 707110.52  
 STA 214+48.09  
 Y = 117816.31  
 X = 707110.52  
 BEGIN RELOCATION ORDER  
 STA 213+90.00  
 Y = 117568.66  
 X = 707095.70  
 PARCEL A  
 CSM 625  
 DOC 689751

1       MODIFY 2020 CAPITAL BUDGET TO INCREASE CONSTRUCTION EXPENDITURES  
2                   FOR CAPITAL PROJECT #201004 CTH ES, FOX RIVER BRIDGE  
3  
4

5       WHEREAS, the County owns and operates a system of county trunk highways (CTH) including  
6       overlying bridges; and  
7

8       WHEREAS, the County undertakes projects to improve or replace bridges when the structural  
9       conditions warrant it; and  
10

11       WHEREAS, the CTH ES Bridge over the Fox River, located in the Village of Mukwonago,  
12       Town of Mukwonago, and Town of Vernon was constructed in 1971 by the State of Wisconsin  
13       when National Avenue was STH 15, and was once rehabilitated by Waukesha County with  
14       concrete deck overlay in 1995, and has again deteriorated such that further rehabilitation of the  
15       bridge deck is warranted along with replacement of guardrail on the immediate roadway  
16       approaches; and  
17

18       WHEREAS, the County bid the rehabilitation project in 2019, the bid amount exceeded project  
19       budget, and Waukesha County chose to delay the project rather than award a construction  
20       contract; and  
21

22       WHEREAS, the County's current 2020 – 2024 Capital Plan included a final year of funding of  
23       \$150,000 in 2020 for Project #201004 CTH ES, Fox River Bridge with a total project  
24       appropriation of \$714,000 of County funds, to cover a portion of the 2019 project shortfall; and  
25

26       WHEREAS, the project was re-bid in 2020 including two project alternates ("road open" and  
27       "road closed" during construction), where the "road-closed" alternate was anticipated to require  
28       lower traffic control costs and additionally offset the project shortfall; and  
29

30       WHEREAS, the recent 2020 bid amount for both project alternates again exceeds the project  
31       construction budget, which is likely due to relatively few contractors that can complete this  
32       specialized work and the overall bidding climate with regards to relatively small projects like this  
33       one; and  
34

35       WHEREAS, it is estimated that an additional \$148,000 of County funds will be needed to  
36       complete this project under the "road closed" alternate, resulting in a total county project  
37       expenditure budget of \$862,000; and  
38

39       WHEREAS, project construction is expected to begin in early April 2020 and be completed in  
40       2020; and  
41

42       WHEREAS, based on the bridge condition, the project should not be further delayed in the hope  
43       of a better bidding climate.  
44

45       THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
46       that the 2020 Capital Project budget for project #201004 CTH ES, Fox River Bridge be modified  
47       to appropriate additional expenditures of \$148,000 and increase Capital Project Fund balance use  
48       by \$148,000.

<b>Project Title:</b>	CTH ES, Fox River Bridge	<b>Project #:</b>	201004
<b>Department:</b>	Public Works - Highways	<b>Project Type:</b>	Bridge
<b>Phase:</b>	Construction	<b>Road Name:</b>	National Avenue
<b>Budget Action:</b>	C - \$ Update    C - Rev Update	<b>Manager:</b>	Allison Bussler, DPW Director
<b>Date:</b>	March 3, 2020		

CAPITAL BUDGET SUMMARY								
Year	2012	2013	2014	2018	2019	2020	2020	Total
Project Phase	Budget/Concept	Design	Construction	Construction	Construction	Construction	Construction Ordinance	Project
Expenditure Budget	\$6,000	\$150,000	\$176,000	\$197,000	\$35,000	\$150,000	\$148,000	\$862,000
Revenue Budget	\$0	\$0	\$0	\$0	\$0	\$0	\$148,000	\$148,000
Net Cost After Revenues Applied	\$6,000	\$150,000	\$176,000	\$197,000	\$35,000	\$150,000	\$0	\$714,000
<b>COST DOCUMENTATION</b>				<b>REVENUE</b>				
Budget/Concept	\$4,000							
Design	\$124,000							
Land Acquisition	\$0							
Construction	\$638,000							\$148,000
Construction Management	\$64,000							
Contingency	\$32,000							
Total Project Cost	\$862,000							\$148,000
<b>EXPENDITURE BUDGET</b>	\$862,000							<b>REVENUE BUDGET</b>
								\$148,000

**Project Scope & Description**

This project rehabilitates the CTH ES Bridge over the Fox River, and includes a bridge deck overlay and replacement of guardrail on the immediate roadway approaches. The project was bid in 2019 and was over budget. The 2020 budget included \$150,000 to partially address the shortfall. In addition, the project was re-bid in 2020 including two project alternatives ("road open" and "road closed" during construction), where the "road closed" alternative was anticipated to require lower traffic control costs and help offset the project shortfall. Bids received for both alternatives exceeded budget, which was likely due to relatively few contractors that can complete this specialized work and the overall bidding climate with regards to relatively small projects like this one. This cost update totals \$148,000 and is based on the lower-cost "road closed" alternative, which is funded with Capital Project Fund balance.

**Location:** Village of Mukwonago, Town of Mukwonago, and Town of Vernon

**Analysis of Need**

The existing bridge (B-67-147) is a two-span, pre-stressed concrete girder structure that was constructed in 1971. A concrete overlay was placed on the deck in 1995. The abutments and girders are generally in good condition. The bridge is considered "structurally deficient" due to the condition of the deck, which includes deterioration and spalling on the underside of the deck along both edges. The roadway over the structure is narrow with minimal shoulders, causing the bridge to be classified as "functionally obsolete." The structure sufficiency number is 64.7, which indicates that structure rehabilitation is warranted according to WisDOT guidelines. The 2018 traffic volume at the site is 9,100 vehicles per day.

**Alternatives**

- Don't do project, which does not address the identified deficiencies.
- Rehabilitate the existing bridge to address structural deficiencies.
- Rehabilitate with structure widening and federal bridge aid funding, but could result in higher overall county share of costs.

**Ongoing Operating Costs**

Initial maintenance costs may be reduced following construction.

**Previous Action**

- 2010-2014 capital plan: approved as a new project.
- 2011-2015 capital plan: approved with cost update.
- 2012-2016 capital plan: approved with cost update/delay.
- 2013-2017 and 2014-2018 capital plans: approved as planned.
- Approved with scope change, cost and revenue update in the 2018-2022 capital plan.
- Approved with cost update and delay in the 2019-2023 capital plan.
- Approved with cost update and delay in the 2020-2024 capital plan.

FISCAL NOTE

MODIFY 2020 CAPITAL BUDGET TO INCREASE CONSTRUCTION EXPENDITURES  
FOR CAPITAL PROJECT #201004 CTH ES, FOX RIVER BRIDGE

This ordinance modifies the 2020 Capital Project budget to increase expenditure authority by \$148,000 for Project # 201004 CTH ES, Fox River Bridge. Project cost increases are based on recently received bid results, assuming a lower-cost "road close" alternative, which requires lower levels of traffic control expenses by the contractor. The project was also bid in 2019 and was over budget, resulting in additional funding included in the 2020 budget. Department management states that it would be better to address bridge rehabilitation needs now than waiting to see if the bidding environment proves more favorable in the future.

This ordinance also increases the use of Capital Project Fund balance by \$148,000 to fund these expenditures resulting in no additional tax levy impact.

*Linda Witkowski*

Linda Witkowski

Budget Manager

3/4/2020

BPD

JE# 2020-00002059

SUPPORT OF RIGHTS GUARANTEED BY THE SECOND AMENDMENT TO THE U.S.  
CONSTITUTION AND ART. 1 SEC 25 OF THE WISCONSIN CONSTITUTION

1  
2  
3 WHEREAS, the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right  
4 under the Second Amendment to the United States Constitution and under the Constitution of the  
5 State of Wisconsin, in Article 1, Section 25 - "The people have the right to keep and bear arms  
6 for security, defense, hunting, recreation or any other lawful purpose;" and  
7

8 WHEREAS, the Right of the People to Keep and Bear Arms for the defense of Life, Liberty, and  
9 Property is regarded as an Inalienable Right; and  
10

11 WHEREAS, the People of Waukesha County, Wisconsin derive an economic benefit from all  
12 safe forms of firearms recreation, hunting, and shooting conducted within Waukesha County  
13 using all types of firearms allowable under the United States Constitution and the Constitution of  
14 the State of Wisconsin; and  
15

16 WHEREAS, the Supervisors of the Waukesha County Board, are elected to represent the People  
17 of Waukesha County and are duly sworn by their Oath of Office to uphold the United States  
18 Constitution and the Constitution of the State of Wisconsin; and  
19

20 WHEREAS, any legislation considered by the Wisconsin State Legislature that would infringe  
21 upon the Right to Keep and Bear Arms and would ban the possession and/or use of any weapons  
22 including firearms, magazines, or ammunition now employed by individual citizens of  
23 Waukesha County for their defense of Life, Liberty and Property, or for the purposes of hunting,  
24 recreation, or other lawful purposes, or would require a firearms owner I.D. card, or tax the  
25 possession of firearms, or ammunition, or require the registration and/or confiscation of weapons  
26 and ammunition within Waukesha County, Wisconsin, except by due process of law, would be  
27 contrary to the United States and State of Wisconsin Constitutions.  
28

29 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA  
30 RESOLVES that it supports the Second Amendment to the United States Constitution and  
31 Article 1, Section 25 of the Wisconsin Constitution, and the Peoples' rights guaranteed  
32 thereunder.  
33

34 BE IT FURTHER RESOLVED that the Waukesha County Board affirms its support of the  
35 Sheriff in the exercise of sound discretion to enforce existing firearm laws and to not enforce an  
36 unconstitutional firearms law.  
37

38 BE IT FURTHER RESOLVED that the Waukesha County Board will not appropriate any funds  
39 for any enforcement of unconstitutional laws against the People of Waukesha County,  
40 Wisconsin.  
41

42 BE IT FURTHER RESOLVED that the Waukesha County Board does hereby oppose the  
43 enactment of any legislation that would impermissibly infringe upon the Right of the People to  
44 keep and bear arms and considers such laws to be unconstitutional and beyond lawful legislative  
45 authority.

RESOLUTION SUPPORTING CREATION OF A NONPARTISAN PROCEDURE FOR THE  
PREPARATION OF LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS

1  
2  
3 WHEREAS, pursuant to Article IV, Section 3 of the Wisconsin Constitution, the Wisconsin  
4 Legislature is directed to redistrict state legislative districts "according to the number of  
5 inhabitants" at its next session following the decennial federal census. The Legislature also  
6 reapportions congressional districts at the same interval pursuant to federal law; and  
7

8 WHEREAS, because state and federal legislative redistricting is controlled by the majority party  
9 at the time of the redistricting, legislative and congressional plans in Wisconsin have been  
10 subject to partisan influence that puts the desires of politicians ahead of the electoral prerogative  
11 of the people. Redistricting to achieve partisan gains is improper, whether it is done by  
12 Republicans or Democrats; and  
13

14 WHEREAS, a panel of federal district court judges ruled that the redistricting done in Wisconsin  
15 in 2011 was unconstitutional. Legal fees in defense of the 2011 redistricting cost taxpayers in  
16 excess of \$4 million; and  
17

18 WHEREAS, the state and congressional districts belong to the citizens of Wisconsin and not to  
19 any legislator, interest group or political party, the redistricting process should not be a tool used  
20 by those in power to protect and bolster their power, but should be designed with the best interest  
21 of Wisconsin's democracy and its citizens; and  
22

23 WHEREAS, Wisconsin's historical practice of redistricting by the majority party in each  
24 legislative chamber is an outdated practice that stifles political competition, discourages  
25 compromise, ensures continued control by the party in power, and lacks the transparency  
26 necessary to reinforce citizens' faith in the democratic process; and,  
27

28 WHEREAS, there is a critical need at this time to restore trust, compromise and fair competition  
29 in Wisconsin politics.  
30

31 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA  
32 RESOLVES that it insists the State Legislature, before the start of the next redistricting process  
33 following the 2020 federal census, pass legislation that creates a fair, nonpartisan procedure for  
34 the preparation of legislative and congressional redistricting plans.  
35

36 BE IT FURTHER RESOLVED that the Waukesha County Board of Supervisors supports a  
37 redistricting process that promotes more accountability and transparency and prohibits the  
38 consideration of voting patterns, party information, and incumbents' residence information or  
39 demographic information in drawing the maps, except as necessary to ensure minority  
40 participation as required by the U.S. Constitution.  
41

42 BE IT FURTHER RESOLVED that the Waukesha County Board of Supervisors supports an  
43 amendment to the Wisconsin Constitution giving the responsibility of legislative redistricting to  
44 a nonpartisan commission.  
45

46 BE IT FURTHER RESOLVED that the Waukesha County Clerk is directed to send a copy of  
47 this resolution to the Governor of the State of Wisconsin, the Wisconsin Counties Association,  
48 the Wisconsin Towns Association, the League of Wisconsin Municipalities, all members of the  
49 State Legislature and to each county board in the State of Wisconsin.



RESOLUTION TO CONDUCT COUNTYWIDE ADVISORY REFERENDUM ON  
CREATION OF NONPARTISAN PROCEDURE FOR THE PREPARATION OF  
LEGISLATIVE AND CONGRESSIONAL REDISTRICTING PLANS AND MAPS

1  
2  
3 WHEREAS, pursuant to Article IV, Section 3 of the Wisconsin Constitution, the Wisconsin  
4 Legislature is directed to redistrict state legislative districts "according to the number of  
5 inhabitants" at its next session following the decennial federal census. The legislature also  
6 reapportions congressional districts at the same interval pursuant to federal law; and  
7

8 WHEREAS, there are numerous indicators that the citizens of Wisconsin are concerned about  
9 the practice of redistricting by whichever party holds the majority, because it may stifle political  
10 participation and competition, discourage collaboration and compromise, and lack the fairness  
11 necessary to our democratic process, by undermining the principle of one-person-one vote; and  
12

13 WHEREAS, the current redistricting procedure allows the party with the majority in the state  
14 legislature to prepare redistricting plans and maps that might result in unfair partisan plans and  
15 maps, allowing the legislature to choose its voters rather than the voters choosing their  
16 representatives, which is commonly called gerrymandering.  
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA  
19 RESOLVES that the following question be placed on the November 3, 2020 ballot as an  
20 advisory referendum question:  
21

22 "Should the Wisconsin legislature create a nonpartisan procedure for the preparation of  
23 legislative and congressional district plans and maps? YES \_\_\_\_\_ NO \_\_\_\_\_"  
24

25 BE IT FURTHER RESOLVED that a Notice of Referendum shall be published by the Waukesha  
26 County Clerk in accordance with statutory requirements.  
27

28 BE IT FURTHER RESOLVED that this resolution and the referendum shall be filed with the  
29 Waukesha County Clerk no later than 70 days prior to the November 3, 2020 election at which  
30 the question will appear on the ballot.  
31

32 BE IT FURTHER RESOLVED that the County Clerk is directed to send results of the  
33 referendum to the Governor of the State of Wisconsin, the Wisconsin Counties Association, the  
34 Wisconsin Towns Association, the League of Wisconsin Municipalities, all members of the State  
35 Legislature, and to each county board in the State of Wisconsin.

1           MODIFY THE SHERIFF'S DEPARTMENT 2020 BUDGET FOR EXPENDITURE  
2                           OF DONATED FUNDS TO PURCHASE A NEW CANINE  
3  
4

5 WHEREAS, the Sheriff's Department will be retiring one of its canine units in 2020; and  
6

7 WHEREAS, the department has endeavored to purchase replacement dogs through donated  
8 funds; and  
9

10 WHEREAS, the Waukesha County Deputy Sheriff's Association will pay an amount up to  
11 \$16,000 towards the purchase of a canine through funds that they have raised specifically for this  
12 purpose through clothing sales, charity events, and direct donations; and  
13

14 WHEREAS, the Waukesha County Deputy Sheriff's Association will provide adequate funding  
15 to purchase a new canine and provide canine and handler training.  
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
18 that the Waukesha County Sheriff's Department 2020 budget be modified by increasing Other  
19 Revenue by \$16,000 and authorizing the appropriation of an identical amount by increasing the  
20 Fixed Asset appropriation to fund the purchase of the new canine as well as training and travel  
21 expenses for the handler and the canine.

FISCAL NOTE

AMEND SHERIFF'S DEPARTMENT 2020 BUDGET  
FOR EXPENDITURE OF DONATED FUNDS

This ordinance modifies the 2020 Sheriff's Department Budget by authorizing additional expenditure appropriations of \$16,000 in the Fixed Asset appropriation unit and increasing Other Revenues from donated funds by \$16,000.

The Department Management estimates costs related to this ordinance as follows:

Description	Est. \$ Amounts
New Canine	\$10,000
Handler/Canine Training & Travel Expense	\$4,000
New Canine Equipment	\$2,000
Total Estimated Cost	\$16,000

According to the Sheriff's Department, this will allow the Department to maintain the canine unit at the current level of four dogs. Sheriff staff also indicate that the dogs are trained to function in a patrol and drug detection role.

This ordinance results in no additional direct tax levy impact.

*Linda Witkowski*

Linda Witkowski

Budget Manager

3/2/2020

SMK

JE #2020-00002071

1       MODIFY THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT 2020 BUDGET TO  
2           ACCEPT THE COPS OFFICE ANTI-METHAMPHETAMINE PROGRAM GRANT  
3                   FROM THE STATE OF WISCONSIN DEPARTMENT OF JUSTICE  
4                           AND AUTHORIZE GRANT EXPENDITURES  
5  
6

7       WHEREAS, the State of Wisconsin, Department of Justice identified a need to provide financial  
8       resources to reimburse local multi-jurisdictional drug task forces for overtime hours spent on  
9       conducting methamphetamine investigations; and  
10

11       WHEREAS, the Waukesha County Metropolitan Drug Enforcement Unit was awarded \$5,000 in  
12       2020 and \$5,000 in 2021 from the Wisconsin Department of Justice to fund overtime associated  
13       with opiate case investigation; and  
14

15       WHEREAS, the Waukesha County Sheriff's Department is proposing to modify the 2020  
16       adopted budget by increasing the personnel expenditure appropriation unit by \$5,000 to fund  
17       overtime expenses associated with methamphetamine investigations.  
18

19       THE COUNTY BOARD OF SUPERVISORS OF WAUKESHA COUNTY ORDAINS that the  
20       Waukesha County Sheriff's Department be authorized to accept the grant award from the  
21       Wisconsin Department of Justice COPS Office Anti-Methamphetamine Program Grant.  
22

23       BE IT FURTHER ORDAINED that the Waukesha County Sheriff's Department 2020 budget be  
24       modified by increasing intergovernmental revenues by an additional \$5,000, and increasing the  
25       Department's personnel expenditure appropriation unit by \$5,000 to fund overtime expenditures  
26       associated with opiate case investigations.

Fiscal Note

ACCEPT THE COPS OFFICE ANTI-METHAMPHETAMINE PROGRAM GRANT FROM  
THE STATE OF WISCONSIN DEPARTMENT OF JUSTICE AND MODIFY THE  
WAUKESHA COUNTY SHERIFF'S DEPARTMENT 2020 BUDGET TO AUTHORIZE  
GRANT EXPENDITURES

This ordinance accepts a two-year reimbursement grant award of \$10,000 from the State of Wisconsin Department of Justice for the Waukesha County Metropolitan Drug Enforcement Unit for overtime hours associated with methamphetamine investigations. The overtime reimbursements can only be used for these types of cases and must be tracked separately from other types of overtime funds or functions.

This ordinance modifies the 2020 Waukesha County Sheriff's Department budget for the first year of the grant by appropriating an additional \$5,000 of personnel expenditures for overtime associated with methamphetamine investigations. General government revenues are increased by an equal amount resulting in no additional tax levy impact.

The second year grant award of \$5,000 will be included in the 2021 proposed budget.

*Linda Witkowski*

Linda Witkowski

Budget Manager

3/2/2020

SMK

BA #2020-00002074

1       MODIFY THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT 2020 BUDGET TO  
2               ACCEPT THE 2020 STATE OF WISCONSIN DEPARTMENT OF MILITARY  
3               AFFAIRS EMERGENCY POLICE SERVICES GRANT AND  
4               AUTHORIZE GRANT EXPENDITURES  
5  
6

7       WHEREAS, the State of Wisconsin, Department of Military Affairs, Division of Emergency  
8       Management has identified the need to increase the State's ability to respond to civil  
9       disturbances by providing funds to police agencies to purchase equipment to allow them to  
10      respond to these disturbances; and  
11

12      WHEREAS, the Waukesha County Sheriff's Department has an established, multi-jurisdictional  
13      Civil Disturbance Unit; and  
14

15      WHEREAS, the Waukesha County Sheriff's Department applied for and received \$8,321 in  
16      grant money to fund the purchase of additional equipment to assist with civil disturbance  
17      response; and  
18

19      WHEREAS, the Waukesha County Sheriff's Department is proposing to modify the 2020  
20      adopted budget by increasing the operating expenditure appropriation unit by \$8,321 to allow for  
21      the purchase of grant eligible equipment purchases for the Civil Disturbance Unit.  
22

23      THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
24      that the Waukesha County Sheriff's Department be authorized to accept the Wisconsin  
25      Department of Military Affairs Emergency Police Services Mobile Field Equipment grant to  
26      fund equipment purchases for civil disturbance response.  
27

28      BE IT FURTHER ORDAINED that the Waukesha County Sheriff's Department 2020 budget be  
29      modified by increasing intergovernmental revenues by an additional \$8,321, and increasing the  
30      Department's operating expenditure appropriation unit by \$8,321 to fund equipment purchases  
31      for civil disturbance response.

FISCAL NOTE

ACCEPT THE 2020 STATE OF WISCONSIN DEPARTMENT OF MILITARY AFFAIRS EMERGENCY POLICE SERVICES GRANT AND MODIFY THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT 2020 BUDGET TO AUTHORIZE GRANT EXPENDITURES

This ordinance authorizes the Sheriff's Department to accept grant funding from the Wisconsin Department of Military Affairs Division of Emergency Management for \$8,321.

The ordinance appropriates additional 2020 Sheriff expenditures for body protection equipment for 13 staff participating in the Sheriff Department's Civil Disturbance Unit. The equipment will be included in the non-jail equipment replacement plan as grant funded. County indirect or administrative costs are not covered by this grant funding.

This ordinance has no direct levy impact.

*Linda Witkowski*

Linda Witkowski

Budget Manager

3/3/2020

SMK

BA 2020-00002079

1                   MODIFY THE 2020 SHERIFF'S DEPARTMENT BUDGET FOR THE  
2                   EXPENDITURE OF SEIZED FUNDS TO PARTICIPATING AGENCIES  
3  
4

5   WHEREAS, Enrolled Ordinance 141-41 authorizes the Sheriff's Department to participate in the  
6   program to transfer seized property to local enforcement agencies; and  
7

8   WHEREAS, the Sheriff's Department has such assets that had not been allocated during the  
9   2020 budget process; and  
10

11   WHEREAS, the Sheriff's Department has agreed to allocate a percentage of assets received to  
12   participating Metro Unit agencies.  
13

14   THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
15   that seized assets received and reserved in general fund balance be appropriated by increasing in  
16   the 2020 Budget General Fund Balance account by an amount not to exceed \$1,355 and  
17   increasing the Operating Expense appropriation unit by an amount not to exceed \$1,355 to allow  
18   for the distribution of funds to participating Metro Unit agencies in accordance with seized asset  
19   guidelines.



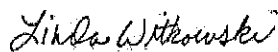
## FISCAL NOTE

### MODIFY THE 2020 SHERIFF'S DEPARTMENT BUDGET FOR THE EXPENDITURE OF SEIZED FUNDS TO PARTICIPATING AGENCIES

Enrolled Ordinance 141-41 authorized the Sheriff's Department to participate in a federal program which transfers forfeited assets (seized funds) to those state and local agencies that contributed directly to the seizure of that property. The Sheriff's Department receives funds through the State Asset Forfeiture Program and acts as a trustee for a portion of these funds on behalf of participating Metro Drug Unit agencies.

According to Sheriff's Department staff, the Department annually distributes a share of State asset forfeiture seized funds received to participating Metro Drug Unit agency communities based on their participation status at the time of each seizure. Sheriff staff has determined that an amount not to exceed \$1,355 will be disbursed to Metro Drug Unit participating police agencies. The following participating agencies will receive seizure fund revenue: City of Waukesha (\$306.52); City of New Berlin (\$223.86); City of Brookfield (\$306.52); Village of Menomonee Falls (\$306.52); City of Muskego (\$16.20); Village of Hartland (\$27.67); Village of Pewaukee (\$61.30); Village of Elm Grove (\$61.30); and City of Oconomowoc (\$45.10).

This ordinance results in no additional direct tax levy impact in 2020.



Linda Witkowski

Budget Manager

3/2/2020

SMK

BA #2020-00002077

1                   MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2020  
2 BUDGET TO ACCEPT THE WI DEPARTMENT OF JUSTICE PRETRIAL PILOT  
3 SITES SUPPLEMENTAL GRANT FUNDING AND APPROPRIATE  
4 ADDITIONAL EXPENDITURES  
5  
6

7 WHEREAS, the State of Wisconsin, Department of Justice, has made Pretrial Pilot Sites  
8 Supplemental grant funding available to current Pretrial Pilot Implementation counties to assist  
9 with costs related to the implementation of the Public Safety Assessment (PSA) pretrial risk tool;  
10 and  
11

12 WHEREAS, the Department of Justice has awarded this noncompetitive funding to the  
13 Department of Health and Human Services, Criminal Justice Collaborating Council (CJCC); and  
14

15 WHEREAS, the Department of Justice has awarded this funding to support costs associated with  
16 implementation of the PSA pretrial risk tool, which includes: a full-time, contracted Pretrial  
17 Screener position and associated computer and end user technology fees; the annual user fee for  
18 accessing the National Crime Information Center (NCIC) to conduct criminal background  
19 checks; and to provide funds for electronic monitoring costs for indigent pretrial defendants; and  
20

21 WHEREAS, the Department of Health and Human Services received a Grant Award Notice in  
22 the amount of \$55,642, including \$5,556 in carry over, to fund these additional operating  
23 expenses for the current budget year; and  
24

25 WHEREAS, the Department of Health and Human Services 2020 Adopted Budget does not  
26 include appropriations or revenues for the project.  
27

28 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
29 that the Department of Health and Human Services, CJCC Division, be authorized to accept  
30 \$55,642 in State of Wisconsin Department of Justice Pretrial Pilot Supplemental grant funding.  
31

32 BE IT FURTHER ORDAINED that the Department of Health and Human Services, CJCC  
33 Division, 2020 Budget be modified by appropriating expenditures of \$55,642 for operating  
34 expenses and increasing general government revenues by \$55,642 to fund costs related to the  
35 project.

FISCAL NOTE

MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2020 BUDGET TO  
ACCEPT THE WI DEPARTMENT OF JUSTICE PRETRIAL PILOT SITES  
SUPPLEMENTAL GRANT FUNDING AND APPROPRIATE ADDITIONAL  
EXPENDITURES

This ordinance modifies the 2020 Waukesha County Department of Health and Human Services– Criminal Justice Collaborating Council budget by appropriating \$55,642 of additional operating expenses associated with a Department of Justice Pretrial Pilot Project to implement the Public Safety Assessment (PSA) screening tool. This includes a Pretrial Screener position contracted with Wisconsin Community Services (\$31,886), associated end user technology fees (\$3,441), an annual user fee for accessing the National Crime Information Center (\$1,200), and additional funds for electronic monitoring for indigent pretrial defendants (\$19,115).

General government revenues are increased by an equal amount for supplemental related grant funding resulting in no additional direct tax levy impact.

*Linda Witkowski*

Linda Witkowski

Budget Manager

3/3/2020

AJK

JE #2020-00002122

1                   MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2020  
2                   BUDGET TO ACCEPT CASH DONATIONS AND APPROPRIATE  
3                   ADDITIONAL EXPENDITURES FOR VETERANS SERVICES  
4  
5

6   WHEREAS, it is the mission of Department of Health and Human Services, Division of  
7   Veterans Services, to advocate for and assist all veterans of the U.S. Armed Services, their  
8   dependents, and survivors; and  
9

10   WHEREAS, the Division of Veterans Services is committed to provide services in a courteous,  
11   effective and fiscally responsible manner and to maximize services available to its clients; and  
12

13   WHEREAS, from February 2019 through January 2020, the Division of Veterans Services has  
14   received a \$18,805 donation from Eaton Corporation, Plc., \$756 from Texas Road House, and a  
15   \$3,500 donation from the Village of Big Bend, to support Waukesha County veterans and the  
16   activities of the Division of Veterans Services; and  
17

18   WHEREAS, the Division of Veterans Services will be hosting a Veterans Resource Fair,  
19   creating a STEM based program focused on family integration, adding two additional art therapy  
20   programs, and developing a web application and other social media endeavors aimed at  
21   increasing outreach and assisting Veteran's at risk of homelessness; and  
22

23   WHEREAS, the Division of Veterans Services will incur \$10,000 of costs related to these  
24   additional activities that were not anticipated and were not included in the 2020 Veterans  
25   Services Division budget.  
26

27   THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
28   that the cash donations provided to the Department of Health and Human Services, Division of  
29   Veterans Services and specified in this ordinance in the total amount of \$23,061 are accepted for  
30   the mission and activities of the Division of Veterans Services.  
31

32   BE IT FURTHER ORDAINED that the Department of Health and Human Services, Division of  
33   Veterans Services 2020 budget be modified by appropriating \$10,000 in operating expenses and  
34   increasing other revenue by \$10,000.  
35

36   BE IT FURTHER ORDAINED that the balance of the cash donations, specifically \$13,061,  
37   provided to the Department of Health and Human Services, Division of Veterans Services and  
38   accepted through this ordinance shall be committed for the exclusive use of the Division of  
39   Veterans Services until the donated funds are appropriated to Division activities through a future  
40   ordinance or budget.

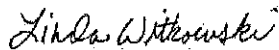
FISCAL NOTE

MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2020 BUDGET  
TO ACCEPT CASH DONATIONS AND APPROPRIATE ADDITIONAL  
EXPENDITURES FOR VETERANS SERVICES

This ordinance authorizes the Veterans Services Division of the Department of Health and Human Services to accept cash donations totaling \$23,061. This ordinance also modifies the 2020 Veterans Services budget by authorizing expenditure appropriation of \$10,000 in the operating expenses appropriation unit and increasing donation revenues by \$10,000. The department indicates the funds will be used for costs associated with hosting a Veteran's Resources Fair, creating a Science, Technology, Engineering and Math (STEM) based program focused on family integration, adding two additional art therapy programs, and developing a web application and other social media endeavors to increase outreach and assist Veteran's at risk of homelessness.

The remaining \$13,061 will be committed for future use by the Veterans Services Division, subject to appropriation by the County Board.

This ordinance results in no impact to the 2020 tax levy.



Linda Witkowski  
Budget Manager  
3/4/2020

CD JE# 2020-00002132

1 ESTABLISH SALARIES FOR REGISTER OF DEEDS,  
2 TREASURER, AND COUNTY CLERK FOR 2021-2024  
3  
4

5 WHEREAS, the Waukesha County Code of Ordinances states that the Register of Deeds,  
6 Treasurer and County Clerk shall receive salaries as determined by the County Board; and  
7

8 WHEREAS, the next four year term of office for the Register of Deeds, Treasurer and County  
9 Clerk will begin in 2021; and  
10

11 WHEREAS, pursuant to Wisconsin Statute, any changes in compensation must be adopted in  
12 advance of processing nomination papers and the election; and  
13

14 WHEREAS, reasonable salaries are necessary to attract qualified candidates to these full time  
15 elected department head positions; and  
16

17 WHEREAS, per Wisconsin law, the Register of Deeds, Treasurer, and County Clerk cannot  
18 participate in the County performance management compensation program.  
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
21 that the annual salaries of the Register of Deeds, Treasurer and County Clerk shall be:  
22

23 I. The annual salary for the Register of Deeds shall be increased by 2.25% each year as  
24 follows:  
25

<u>Year</u>	<u>Pay Period Start Date</u>	<u>Annual Wage</u>	<u>Calculated Hourly Rate</u>
2021	01/02/2021	\$80,712	\$38.81
2022	01/01/2022	\$82,528	\$39.68
2023	12/31/2022	\$84,385	\$40.57
2024	12/30/2023	\$86,284	\$41.49

31  
32 II. The annual salary for the Treasurer shall be increased by 2.25% each year as follows:  
33

<u>Year</u>	<u>Pay Period Start Date</u>	<u>Annual Wage</u>	<u>Calculated Hourly Rate</u>
2021	01/02/2021	\$79,639	\$38.29
2022	01/01/2022	\$81,431	\$39.15
2023	12/31/2022	\$83,264	\$40.04
2024	12/30/2023	\$85,137	\$40.94

34  
35  
36  
37  
38  
39  
40 III. The annual salary for the County Clerk shall be increased by 2.25% each year as follows:  
41

<u>Year</u>	<u>Pay Period Start Date</u>	<u>Annual Wage</u>	<u>Calculated Hourly Rate</u>
2021	01/02/2021	\$79,639	\$38.29
2022	01/01/2022	\$81,431	\$39.15
2023	12/31/2022	\$83,264	\$40.04
2024	12/30/2023	\$85,137	\$40.94

FISCAL NOTE

ESTABLISH SALARIES FOR REGISTER OF DEEDS, TREASURER AND COUNTY CLERK  
FOR 2021-2024

Presented below are estimated annual fiscal impacts of the elected officials' salary proposal grouped by the different time periods covered in the ordinance. The estimated fiscal impact of the salary increases and the associated employee benefits costs are also shown below.

REGISTER OF DEEDS, TREASURER AND COUNTY  
CLERK

	2020 Base Salary	2021 Proposed	2022 Proposed	2023 Proposed	2024 Proposed
Yearly Salaries *	\$235,614	\$240,914	\$246,335	\$251,878	\$257,544
Social Security	\$18,024	\$18,430	\$18,844	\$19,268	\$19,702
Retirement	\$15,905	\$16,261	\$16,628	\$17,002	\$17,385
Post-Employment Health	<u>\$7,069</u>	<u>\$7,227</u>	<u>\$7,389</u>	<u>\$7,557</u>	<u>\$7,726</u>
Total Cost	\$276,612	\$282,832	\$289,196	\$295,705	\$302,357
Cost Increase From Prior Year		\$6,220	\$6,364	\$6,509	\$6,652
Percent Increase		2.25%	2.25%	2.25%	2.25%

\* Assuming 26.1 annual pay periods.

The impact of this change will be incorporated into the 2021 and later budget processes.

Hourly rates for elected officials are calculated annually based on annual wage divided by an assumed 2,080 annual work schedule. Elected officials are paid according to days worked within the regular payroll pay schedule.

*Linda Witkowski*

Linda Witkowski  
Budget Manager  
3/4/2020

1           MODIFY THE 2020 BUDGET TO ACCEPT ADDITIONAL HOME INVESTMENT  
2           PARTNERSHIP (HOME) PROGRAM FUNDS, COMMUNITY DEVELOPMENT  
3           BLOCK GRANT (CDBG) FUNDS, PROGRAM INCOME FUNDS, AND  
4           HOME PROGRAM FEES FOR THE 2020 PROGRAM YEAR  
5  
6

7   WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has qualified  
8   Waukesha County as an entitlement Urban County and, along with participating counties and  
9   municipalities, is eligible to receive federal funding to provide benefits primarily to low and  
10   moderate income households as well as to meet specific community needs through the  
11   Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME)  
12   programs; and  
13

14   WHEREAS, Waukesha County, as the grantee, has been authorized by the Waukesha County  
15   Board of Supervisors to participate and accept funding; and  
16

17   WHEREAS, the Parks and Land Use Department 2020 Budget includes HUD funding estimated  
18   at \$1,405,009 for the CDBG program and \$1,295,030 for the HOME program for total HUD  
19   funding of \$2,700,039; and  
20

21   WHEREAS, the final 2020 grant for the CDBG program is \$1,464,022, and \$1,447,991 is for the  
22   HOME Program; and  
23

24   WHEREAS, Waukesha County estimated revolving loans for CDBG of \$275,000; program  
25   income for CDBG of \$80,000; and program income for the HOME program of \$200,000, which  
26   was included in the 2019 Budget; and  
27

28   WHEREAS, the actual Program Income received in 2019 for CDBG was \$117,201 over the  
29   estimated amount, and the HOME program was \$273,562 over the estimated amount; and  
30

31   WHEREAS, total program fees estimated for 2020 in the HOME Program was included in the  
32   2020 Budget for \$43,041; and  
33

34   WHEREAS, the revised estimate for total program fees for 2020 in the HOME Programs is  
35   \$74,240; and  
36

37   WHEREAS, subgrantees, participating counties and municipalities will enter into subgrantee  
38   agreements with Waukesha County to use HUD funds mainly designated to benefit low and  
39   moderate income (at-risk) persons and specific needs of participating jurisdictions.  
40

41   THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
42   that that the Community Development program administration is authorized to accept the  
43   additional 2020 HUD funding for the CDBG program of \$59,013, for the HOME program of  
44   \$152,961 and 2019 CDBG program income of \$117,201 and 2019 HOME program income of  
45   \$273,562, and additional 2020 HOME estimated program fees of \$31,199.  
46

47   BE IT FURTHER ORDAINED that the 2020 Community Development program budget be  
48   modified by appropriating operating expenditures of \$59,013 for the CDBG program and



49 \$152,961 for the HOME program HUD funding, and \$117,201 for CDBG program income, and  
50 \$273,562 for HOME program income, and \$27,199 for HOME operating expenses and \$4,000  
51 for HOME interdepartmental charges.

52  
53 BE IT FURTHER ORDAINED that the Community Development program be authorized to  
54 execute agreements or appropriate amendments to existing subgrantee agreements which are  
55 deemed reasonable and appropriate by the County Executive and the Community Development  
56 Block Grant Board and the HOME Consortium Board.

FISCAL NOTE

MODIFY THE 2020 BUDGET TO ACCEPT ADDITIONAL HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS, PROGRAM INCOME FUNDS, AND HOME PROGRAM FEES FOR THE 2020 PROGRAM YEAR

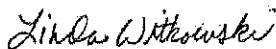
This ordinance modifies the 2020 Park and Land Use -Community Development Grant Fund to increase appropriation authority for operating expenditures by \$211,974 to match the HUD approved CDBG grant and HOME program award amounts. The 2020 HUD awarded amounts for the County's CDBG program is \$1,464,022, which is \$59,013 higher than the 2020 adopted budget appropriations of \$1,405,009. In addition, the 2020 HUD awarded amounts for the County's Home Investment Partnership (HOME) program is at \$1,447,991, which is \$152,961 higher than the 2020 adopted budget appropriations of \$1,295,030. The adopted budget is not based on the final HUD grant notification due to timing delays in receiving the Federal budget appropriation grant award notification.

This ordinance also modifies the 2020 budget for Parks and Land Use Department – Community Development Fund to appropriate additional operating expenditures of \$390,763 including \$117,201 for the CDBG program and \$273,562 for the HOME program for higher program income received in 2019 than budgeted to match HUD records. The additional budget expenditures are offset with the related program income resulting in no tax levy impact.

The ordinance also increases the HOME program charges for service revenue fees by \$31,199 to \$74,240 and appropriates \$27,199 to operating expenditures for subgrantee loans and \$4,000 to interdepartmental charges for copy and postage costs.

The ordinance also authorizes sub grantee agreements necessary to cover allocations to be made by the County Executive, Community Development Block Grant Board and HOME Consortium Board for the increased funding.

This ordinance results in no direct tax levy impact.



Linda Witkowski

Budget Manager

3/4/2020

CD JE 2020-00002167

1 MODIFY THE 2020 SHERIFF'S DEPARTMENT BUDGET, AUTHORIZE THE SHERIFF'S  
2 DEPARTMENT TO AMEND THE 2020-2024 POLICE SERVICES CONTRACT WITH THE  
3 CITY OF PEWAUKEE, AND CREATE TWO SUNSET POSITIONS FUNDED BY THE  
4 CITY OF PEWAUKEE CONTRACT, BEGINNING JULY 1, 2020  
5  
6

7 WHEREAS, the Waukesha County Sheriff's Department has provided municipal patrol coverage  
8 to the City of Pewaukee under contract since 2010; and  
9

10 WHEREAS, the term of the current police services contract is from January 1, 2020 through  
11 December 31, 2024; and  
12

13 WHEREAS, the City Council of the City of Pewaukee requested that the existing contract with  
14 the Waukesha County Sheriff's Department be amended to add and fund 1.19 FTE deputy  
15 sheriff, 1.00 FTE detective, and all necessary equipment beginning on July 1, 2020; and  
16

17 WHEREAS, the proposed contract amendment is a full cost recovery contract amendment with a  
18 2020 cost of \$157,913 for the additional positions and other related costs beginning on July 1,  
19 2020.  
20

21 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA  
22 ORDAINS, effective July 2, 2020, that one regular full-time position of Deputy Sheriff, (2019  
23 salary range \$25.95/hour - \$34.97/hour), and one regular full-time position of Detective (2019  
24 salary range 34.40/hour - \$37.24/hour) be created in the Waukesha County Sheriff's Department,  
25 with a sunset provision attached to each position should the City of Pewaukee choose not to fund  
26 the positions through the contract in the future.  
27

28 BE IT FURTHER ORDAINED that the Waukesha County Sheriff's Department 2020 budget be  
29 modified by increasing charges for services revenues by \$157,913, and increasing the personnel  
30 cost appropriation unit by \$129,593, the operating expense appropriation unit by \$14,320, and  
31 the interdepartmental charge appropriation unit by \$14,000 to fund the positions and the costs  
32 associated with the contract amendment.  
33

34 BE IT FURTHER ORDAINED that the contract on file with the Waukesha County Sheriff's  
35 Department to provide police services to the City of Pewaukee for 2020 – 2024 be amended to  
36 reflect the expansion in patrol services and the Waukesha County Sheriff is authorized to execute  
37 the amendment.

FISCAL NOTE

MODIFY THE 2020 SHERIFF'S DEPARTMENT BUDGET,  
 AUTHORIZE THE SHERIFF'S DEPARTMENT TO AMEND THE 2020-2024 POLICE  
 SERVICES CONTRACT WITH THE CITY OF PEWAUKEE, AND  
 CREATE TWO SUNSET POSITIONS FUNDED BY THE CITY OF PEWAUKEE  
 CONTRACT, BEGINNING JULY 1, 2020

This ordinance modifies the existing municipal police patrol services contract with the city of Pewaukee, and creates one regular, full-time (1.00 FTE) deputy sheriff position (salary range \$53,976 - \$72,738), and one regular, full time (1.00 FTE) detective position (salary range \$71,552 - \$77,459). These positions and related costs would be funded entirely by the City contract. The positions would be authorized to begin on July 1, 2020, and the term of the existing contract ends on December 31, 2024. If the City chooses not to continue funding either position in future, the unfunded position will sunset.

This ordinance also modifies the 2020 Sheriff's Department budget by increasing expenditure authority and municipal revenue charges by \$157,913 to cover the first-year costs associated with this contract amendment, as detailed in the table below. One-time equipment costs will be recovered over the life of the contract.

Appropriation Unit	Description	Amount
Personnel	Salary and Benefit Costs	\$ 129,593.00
Operating	Ammunition, Weapon, Taser, Emergency Supplies, etc.	\$ 14,320.00
Interdepartmental	Vehicle Repair, Vehicle Maintenance, EUTF Charges	\$ 14,000.00
	Total	\$ 157,913.00

The expenditures and revenues shown in the table above reflect a partial year (six months) because the position will start in July.

This ordinance is funded entirely with municipal contract revenue and does not result in a direct levy impact.

*Linda Witkowski*

Linda Witkowski  
 Budget Manager

SMK  
 BA 2020-0002177