

174th BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-O-042	06/28/19 07/03/19	Land Use	ORD: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The SW ¼ And NW ¼ Of The NE ¼ Of Section 5, T8N, R17E, Town Of Oconomowoc, From The FLP Farmland Preservation District To The R-1 Residential District (RZ39)
174-A-011	07/02/19 07/03/19	Executive	APPT: Kathryn McNelly Bell To The Board Of Adjustment
174-A-012	07/02/19 07/03/19	Executive	APPT: Nancy Bonniwell To The Board Of Adjustment
174-O-043	07/02/19 07/03/19	Executive Land Use Finance	ORD: Modify The 2019-2023 Capital Plan To Create Capital Project #201909: Register Of Deeds Pre-1915 Document Digitization Project And Modify 2019 Capital Project Budget
174-O-044	07/02/19 07/03/19	HHS Finance	ORD: Accept WI Department Of Justice CIT Training Grant Funding And Modify The Department Of Health And Human Services - CJCC 2019 Budget
174-O-045	07/02/19 07/03/19	HHS Finance	ORD: Accept WI Department Of Justice Pretrial Pilot Implementation Grant Funding And Modify The Department Of Health And Human Services - CJCC 2019 Budget
174-O-046	08/07/19 08/08/19	Land Use	ORD: Amend The Text Of The Town Of Waukesha Zoning Code By Repealing Section 42-35 And Various Related Subsections Regarding Conditional Use Provisions (RZ43)
174-O-047	08/07/19 08/08/19	Land Use	ORD: Approve Electric Transmission Line Easement To American Transmission Company, LLC For St. Martins-Edgewood-Mukwonago (STEM) Rebuild Project
174-O-048	08/07/19 08/08/19	Land Use Finance	ORD: Authorization To Apply For And Accept Grant Funds To Develop A Strategic Plan For The Waukesha-Ozaukee-Washington County Workforce Development Board
174-O-049	08/08/19 08/08/19	Land Use Finance	ORD: Authorize The Acceptance Of Donated Technical Trail Features For The Minooka Park Mountain Bike Trails
174-O-050	08/08/19 08/08/19	Land Use Finance	ORD: Execute Subgrantee Agreements And Hud Grant Agreement For Community Development Block Grant (CDBG) And Home Investment Partnership (HOME) Programs For The 2020 Program Year
174-A-013	08/07/19 08/08/19	Executive	APPT: Shawn McCauley to the Airport Operations Commission
174-A-014	08/07/19 08/08/19	Executive	APPT: Myra Huth to the Delafield Public Library Board
174-A-015	08/07/19 08/08/19	Executive	APPT: Tricia Madden to the Delafield Public Library Board

1 AMEND THE TEXT OF THE TOWN OF WAUKESHA ZONING CODE BY REPEALING
2 SECTION 42-35 AND VARIOUS RELATED SUBSECTIONS REGARDING
3 CONDITIONAL USE PROVISIONS (RZ43)
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 Waukesha Town Board on May 9, 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 Waukesha Zoning Code, adopted by the Town of Waukesha on
16 February 2, 2019, is hereby amended to repeal Section 42-35 and various related subsections
17 regarding Conditional Use provisions, 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 RZ43, 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 Waukesha.
23

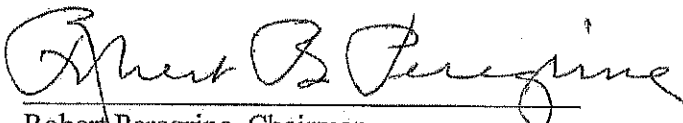
24 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
25 approval and publication.

COMMISSION ACTION

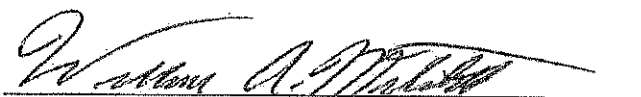
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Waukesha Zoning Code hereby recommends approval of RZ43 (Text Amendment/Town of Waukesha Board) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

July 18, 2019



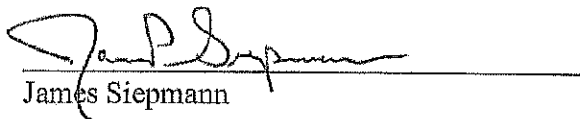
Robert Peregrine, Chairman



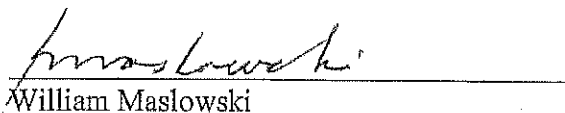
William Mitchell, Vice Chairman

Absent

Richard Morris



James Siepmann



William Maslowski

Absent

Thomas Michalski

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

DATE: July 18, 2019
FILE NO.: RZ43
PETITIONER: Town of Waukesha Board
W250 S3567 Center Road
Waukesha, WI 53189

NATURE OF REQUEST:

Repeal Section 42-35 and various related subsections of the Town of Waukesha Zoning Code, relating to Conditional Use provisions.

PUBLIC HEARING DATE:

May 9, 2019.

PUBLIC REACTION:

Two residents spoke in support of the amendments.

TOWN PLAN COMMISSION:

At their May 9, 2019 meeting, the Town of Waukesha Plan Commission unanimously recommended approval of the proposed amendments to the Town Board.

TOWN BOARD ACTION:

At their May 9, 2019 meeting, the Town of Waukesha Board approved the proposed amendments with a unanimous vote.

OTHER CONSIDERATIONS:

Similar to many of the other towns in the county, the Town of Waukesha is proposing to take action to respond to recent statutory changes relative to administration of conditional use provisions. The town is proposing the temporary measure of repealing its conditional use provisions to allow the town time to fully analyze conditional use categories and develop appropriate detailed performance standards for various use types.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division staff that this request be **approved**. The proposed amendments provide the town with the needed time to fully develop revised conditional use standards that comply with the new law relative to this matter.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning Manager

Attachment: Town Ordinance 2019-O-05

RECEIVED
6/7/2019
DEPT OF
PARKS & LAND
USE

STATE OF WISCONSIN WAUKESHA COUNTY TOWN OF WAUKESHA

ORDINANCE NO. 2019-O-05

**AN ORDINANCE TO REPEAL SECTION 42-35 ENTITLED
"CONDITIONAL USES" IN THE TOWN OF WAUKESHA ZONING
CODE, AND TO REPEAL MULTIPLE SUBSECTIONS IN THE TOWN OF
WAUKESHA ZONING CODE THAT DESCRIBE CONDITIONAL USES**

WHEREAS, by 2017 Wisconsin Act 67, the State of Wisconsin has created Wisconsin Statutes Section 62.23(7)(de) of the Wisconsin Statutes that severely limits local authority concerning the grant of conditional use permits, such that conditional uses are no longer subject to discretionary approval which is contrary to the intent of the Town of Waukesha Zoning Code; and

WHEREAS, this matter has been properly commenced pursuant to Section 42-48(a) of the Town of Waukesha Zoning Code; and

WHEREAS, following the commencement the Town Clerk scheduled a public hearing to be held jointly by the Town Plan Commission and the Town Board May 9, 2019, pursuant to Sections 42-48(d) and 42-49(b); and

WHEREAS, the Town Clerk for the Town of Waukesha has properly transmitted notice to the Town Plan Commission and Town Board, pursuant to Section 42-48(d)(2) of the Town of Waukesha Zoning Code; and

WHEREAS, the Plan Commission considered the testimony taken at the public hearing, along with other pertinent technical information and made a recommendation to the town pursuant to Section 42-48(d)(3) of the Town of Waukesha Zoning Code; and

WHEREAS, in order to preserve the intent of the Town of Waukesha Zoning Code, it is necessary to repeal the conditional uses that are described in the Town Zoning Code; 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, because it addresses only conditional uses, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Town Board for the Town of Waukesha, after carefully reviewing the recommendation of the Plan Commission for the Town of Waukesha 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, morals, comfort, prosperity and general welfare of the Town of Waukesha 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 zoning amendments will serve the public health, safety morals, comfort, prosperity and general welfare of the Town of Waukesha, and that such amendments are intended to provide for adequate light, air, convenience of access, and safety from fire and other dangers; to promote the safety and efficiency of the public streets and highways; to aid in conserving and stabilizing the economic values of the community; to promote the orderly development of land; to preserve and promote the general attractiveness and character of the community environment; to guide the proper distribution and location of population and of the various land uses; and otherwise provide for the healthy and prosperous growth of the community, and that such rezoning 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 Waukesha, Waukesha County, Wisconsin does hereby ordain as follows:

SECTION 1: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article II entitled, "General Provisions," Section 42-35 entitled "Conditional Uses" is hereby repealed.

SECTION 2: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-80 entitled "C-1 Conservancy Overlay District," Subsection (b) entitled, "Use Regulations," Subsection (3) entitled, "Conditional Uses" is hereby repealed.

SECTION 3: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-81 entitled "EC Environmental Corridor Overlay District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 4: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-82 entitled "HG High Groundwater Overlay District," Subsection (d) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 5: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-83 entitled "A-1 Agriculture District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 6: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-84 entitled "RE Single-Family Residence Estate District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 7: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-85 entitled "R-SE Suburban Estate District,"

Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 8: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-86 entitled "R-1 Single-Family Residence District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 9: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-87 entitled "R-2 Single-Family Residence District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 10: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-88 entitled "R-3 Single-Family Residence District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 11: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-89 entitled "R-4 Single-Family Residence District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 12: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-90 entitled "P-1 Park, Recreation and Public District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 13: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-91 entitled "B-1 Restricted Business District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 14: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-92 entitled "B-2 Local Business District," Subsection (b) entitled, "Use Regulations," Subsection (3) entitled, "Conditional Uses" is hereby repealed.

SECTION 15: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-93 entitled "B-3 General Business District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 16: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-94 entitled "I-1 Limited Industrial District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 17: Chapter 42 of the Town of Waukesha Town Code entitled, "Zoning," Article III entitled, "Zoning Districts," Section 42-95 entitled "I-2 General Industrial District," Subsection (b) entitled, "Use Regulations," Subsection (2) entitled, "Conditional Uses" is hereby repealed.

SECTION 18: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision 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 19: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law, upon the approval of the Waukesha County Board as required by Wisconsin Statutes §60.62(3)(b).

Passed and approved this 23 day of May, 2019.

TOWN OF WAUKESHA, WI

By: Brian Tom Fischer
Brian Fischer, Town Chairman 05/23/19

ATTEST

Kathy Nickolas

Kathy Nickolas, Town Administrator/Clerk/Treasurer
C:\MyFiles\JFM\Waukesha\Ordinances\Ord repeal CU 5.16.19.doc

1 APPROVE ELECTRIC TRANSMISSION LINE EASEMENT TO AMERICAN
2 TRANSMISSION COMPANY, LLC FOR ST. MARTINS-EDGEWOOD-
3 MUKWONAGO (STEM) REBUILD PROJECT
4
5

6 WHEREAS, the American Transmission Company, LLC ("ATC") has requested an easement
7 necessary to allow ATC to rebuild existing 138,000-volt electric transmission lines and
8 substation facilities located on property owned by the County in part of the Southeast Quarter of
9 the Northeast Quarter, and part of the Northeast Quarter of the Southwest Quarter, Section 22,
10 and part of the Northwest and the Southeast Quarter, Section 23, all in Township 5 North, Range
11 19 East, Town of Vernon, Waukesha County, Wisconsin; and
12

13 WHEREAS, ATC's project will add additional capacity by up-rating the existing lines; enhance
14 safety; and improve reliability of electric service; and
15

16 WHEREAS, the easement area will be the same 2.86 acres within an existing transmission line
17 easement between ATC and the County; and
18

19 WHEREAS, ATC will pay the Waukesha County consideration in the amount of \$1,400.00 for
20 easement compensation; access outside the easement corridor; and, permission for weed and
21 brush control; and
22

23 WHEREAS, because the lands over which the easement will run were acquired by the County
24 using Knowles-Nelson Stewardship Grant funds, the easement is subject to State of Wisconsin
25 Department of Natural Resources approval.
26

27 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
28 that Waukesha County's grant of an electric transmission line easement ("Easement") to
29 American Transmission Company, LLC, is hereby approved.
30

31 BE IT FURTHER ORDAINED that, upon approval of the Easement by the Wisconsin
32 Department of Natural Resources, the Director of Parks and Land Use or his designee is
33 authorized execute the Easement on behalf of Waukesha County, together with any other
34 documents necessary to accomplish the intended transaction.
35

36 BE IT FURTHER ORDAINED that the revenue received from the grant of the Easement shall
37 be deposited in the Parks and Land Use General Fund Budget.

ELECTRIC TRANSMISSION LINE EASEMENT

Wis. Stat. Sec. 182.017(7)

Wis. Stat. Sec. 196.491(3e)

Not subject to Wis. Stat. § 77.22(1)

Document Number

The undersigned Grantor, **Waukesha County, a quasi-municipal corporation, (hereinafter called the "Grantor")**, in consideration of the sum of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, convey and warrant unto **American Transmission Company LLC, a Wisconsin limited liability company, its manager ATC Management Inc., a Wisconsin corporation, (hereinafter jointly referred to as "Grantee")**, their successors, assigns, licensees and managers, the perpetual right and easement to construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol a line of structures, comprised of wood, concrete, steel or of such material as Grantee may select, and wires, including associated appurtenances for the transmission of electric current, together with communication signals and equipment restricted solely for the purpose of electric utility communication, upon, in, over and across property owned by Grantor in the **Town of Vernon, County of Waukesha, State of Wisconsin, described as follows:**

Part of the Southeast Quarter of the Northeast Quarter and part of the Northeast Quarter of the Southeast Quarter, Section 22, and part of the Northwest Quarter and the Southwest Quarter, Section 23, all in T5N-R19E, Town of Vernon, Waukesha County, Wisconsin

Name and Return Address

Steigerwaldt Land Services, Inc.
856 North 4th Street
Tomahawk, WI 54487

Parcel Identification Number(s)

VNT 2104-998, VNT 2104-999
VNT 2107-999, VNT 2106-998-003
VNT 2106-999

The legal description and location of the Perpetual Easement Strip is as shown on the Exhibit A, attached hereto and incorporated by reference in this easement document.

The easement has the following specifications:

EASEMENT STRIP:

Length: 4,162 feet

Width: 32 feet

TRANSMISSION STRUCTURES:

Type: N/A

Number: N/A

Maximum height above existing ground level: N/A

TRANSMISSION LINES:

Maximum nominal voltage 138,000 volts

Number of circuits 1

Number of conductors 3

Number of static wires 1

Minimum height above existing landscape (ground level) 20.7 feet

Grantee is also granted the associated necessary rights to:

- 1) Enter upon the easement strip for the purposes of exercising the rights conferred by this easement.
- 2) Construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol the above described facilities and other appurtenances that Grantee deems necessary.
- 3) Trim, cut down and remove any or all brush, trees and overhanging branches now or hereafter existing on said easement strip.
- 4) Cut down and remove such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on the property of Grantor located outside of said Perpetual Easement Strip that, in Grantee's judgment, may interfere with Grantee's full use of the Perpetual Easement Strip for the purposes stated herein or that pose a threat to the safe and reliable operation of the Electric Transmission Facilities; together with the right, permission and authority to enter in a reasonable manner upon the property of Grantor adjacent to said Perpetual Easement Strip for such purpose.

Grantee shall pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields and field tile (other than brush and trees trimmed or cut down and removed), caused by the construction, maintenance, replacement or removal of said facilities.

Grantor, for itself, its successors and assigns, agrees that it will not locate any dwelling or mobile home intended for residential occupancy within the limits of the Perpetual Easement Strip. Grantor, for itself, its successors and assigns, further agrees that within the limits of the Perpetual Easement Strip it will not construct, install or erect any structures or fixtures, including but not limited to swimming pools, construct any non-residential type buildings or store any inflammable goods or products, plant trees or shrubs, place water, sewer or drainage facilities, or change the grade more than one (1) foot without first securing the prior written consent of Grantee.

Subject to the following provisions, the property of Grantor shall at all times remain open for public use. If Grantee needs to perform work in any area on the property of Grantor that will in any way interfere with or detour the travelling public, Grantee will provide notice to Grantor at least five (5) business days in advance of performing work, except in cases of emergency when access shall be immediate.

Grantor acknowledges that Grantee is a regulated utility that operates pursuant to an Open Access Transmission Tariff (the "Tariff") approved from time to time by the Federal Energy Regulatory Commission. To the extent not precluded by the Tariff, Grantee assumes and agrees to protect, indemnify and save harmless Grantor, agents, officers and employees from and against any and all claims, demands, suits, liability and expense by reason of loss or damage to any property or bodily injury including death, arising directly or indirectly:

- a. Out of the construction, installation, operation, maintenance, existence, use and repair of the above ground high voltage electrical transmission line;
- b. Out of any defect in the line or failure thereof;
- c. Out of any act or omission of Grantee, its agents or employees while on or about the Perpetual Easement Strip and the property of Grantor; and
- d. Out of Grantee's exercise of any and all rights, duties and responsibilities granted by this easement.

Grantor reserves the right to use the Perpetual Easement Strip for purposes which are not inconsistent with the purpose of this easement and/or which do not interfere with Grantee's full enjoyment of the easement rights granted herein. Grantor reserves the right to grant easement rights to other persons or entities as Grantor deems appropriate, provided the easement rights are not inconsistent with the purpose of this easement and/or do not interfere with Grantee's full enjoyment of the easement rights granted herein.

The parties hereto do hereby agree to the terms and conditions set forth in Exhibit "B" attached hereto and incorporated herein. The term "utility" on said Exhibit "B" shall mean Grantee. The term "landowner" on said Exhibit "B" shall mean Grantor.

Grantor warrants and represents that Grantor has clear, merchantable, fee simple title to said property, and that Grantor knows of no claim, pending contract for sale, or negotiation for such contract of sale for any of the lands described herein, with the exception of the Knowles-Nelson Stewardship Grant URGP2-173.

This agreement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

WITNESS the signature(s) of Grantor this _____ day of _____, 20__.

Grantor: Waukesha County, a quasi-municipal corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this _____ day of _____, 20__, the above named _____ as _____, and to the above named _____ as _____ of Waukesha County, a quasi-municipal corporation, to me known to be the person(s) who executed the foregoing instrument in such capacity and acknowledged the same.

Signature of Notary

Printed Name of Notary

Notary Public, State of Wisconsin

My Commission expires (is) _____

This instrument was drafted by Michelle E. Martin, Axley Brynson, LLP.

EASEMENT DESCRIPTION MAP (EXHIBIT A)

LEGEND

- PROPERTY LINE
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH LINE
- TRANSMISSION REFERENCE LINE
- EASEMENT LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE

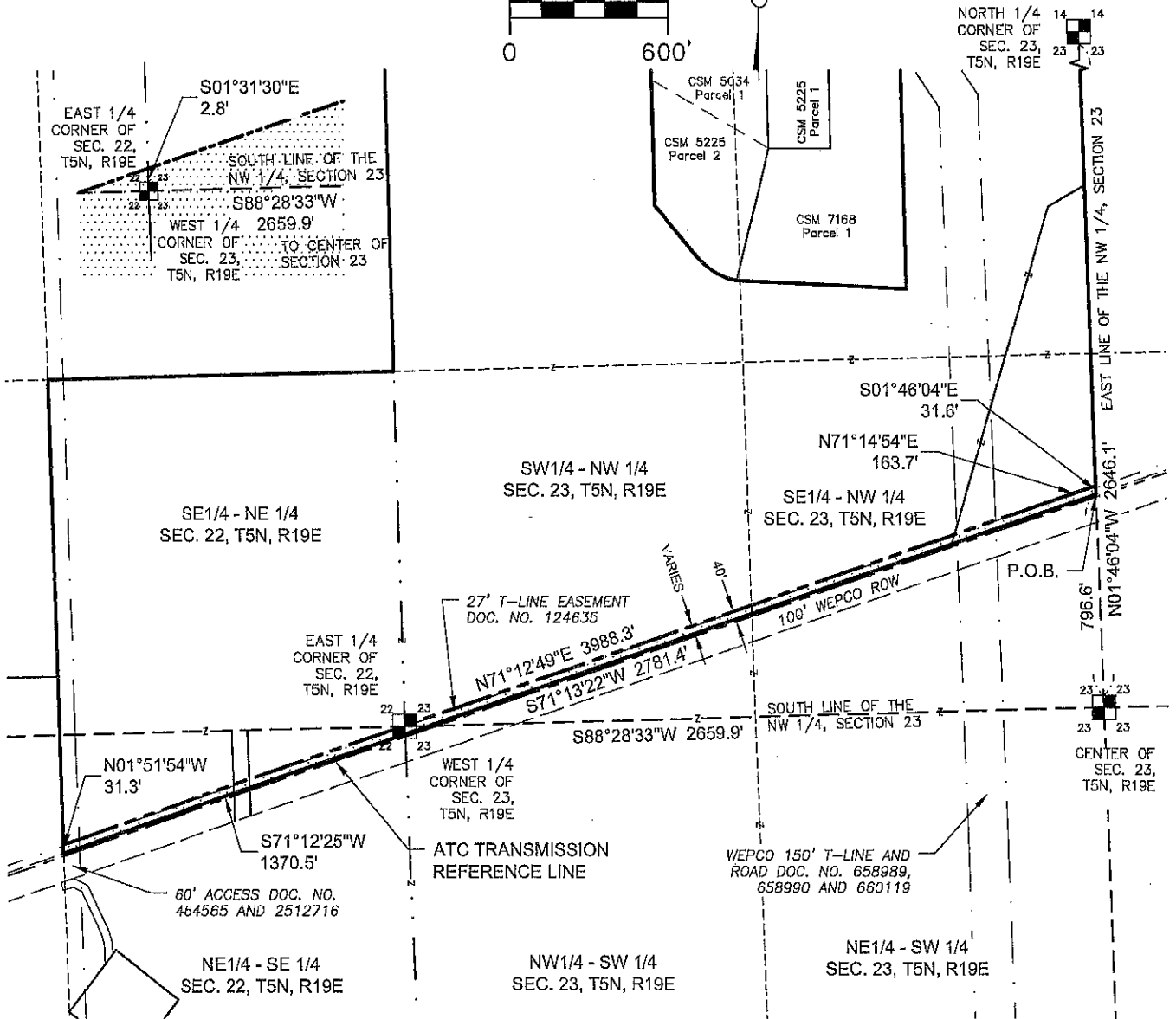


ATC TRANSMISSION LINE EASEMENT
AREA = 124,566 sq. ft. (2.850 acres) +/-

NOTES:
BEARINGS WERE ESTABLISHED USING THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 2011 (WISCORS CORRECTION).

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED.

SCALE IN FEET



R:\2016\1607326 ATC Mukwonago - St. Martins.dwg Exhibits\MUK-EDW0150.dwg



PARCEL NO.
VNT 2106-999, VNT 2107-999,
VNT 2104-998, VNT 2104-999,
VNT 2106-998-003
ATC ID: MUK-EDW0150



Drawn :	MJP
Date:	06/06/2018
Scale:	1" = 600'
PROJECT NUMBER	16-7326
SHEET NUMBER	1 OF 2

EASEMENT DESCRIPTION (EXHIBIT A)

A variable width easement which crosses a part of the grantor's premises located in Southeast Quarter of the Northeast Quarter and the Northeast Quarter or the Southeast Quarter of Section 22 and the Northwest Quarter and the Southwest Quarter of Section 23, all in Township 5 North, Range 19 East, in the Town of Vernon, Waukesha County, Wisconsin, more fully described as follows:

Commencing at the Center of said Section 23; thence North 01°46'04" West along the east line of said Northwest Quarter, 796.6 feet to the north line of a 100 foot Wisconsin Electric Power Company right of way and the **Point of Beginning**; thence **South 71°13'22" West** along said north line, **2781.4 feet**; thence **South 71°12'25" West** along said north line, **1370.5 feet** to the west property line of the grantor; thence **North 01°51'54" West** along said west property line, **31.3 feet**; thence **North 71°12'49" East, 3988.3 feet**; thence **North 71°14'54" East, 163.7 feet** to the aforesaid east line of the Northwest Quarter; thence **South 01°46'04" East** along said east line, **31.6 feet** to the **Point of Beginning**. Containing **124,566 square feet (2.860 acres)** more or less and subject to restrictions, reservations, rights of way and easements of record.

R:\2016\1607326 ATC Mukwonago -- St. Martins\dwg\Exhibits\MUK-EDW0150.dwg



 <p>JSD Professional Services, Inc. • Engineers • Surveyors • Planners</p>	<p>PARCEL NO. VNT 2106-999, VNT 2107-999, VNT 2104-998, VNT 2104-999, VNT 2106-998-003 ATC ID: MUK-EDW0150</p>	 <p>ATC AMERICAN TRANSMISSION COMPANY</p>	Drawn : MJP		
			Date: 06/06/2018		
			Scale: NA		
			PROJECT NUMBER 16-7326		
<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50px; height: 20px;"> </td> <td style="width: 50px; height: 20px;"> </td> </tr> </table>					<p>SHEET NUMBER 2 OF 2</p>

EXHIBIT "B"
[Wis. Stat. Sec. 182.017(7)]

- (c) In constructing and maintaining high-voltage transmission lines on the property covered by the easement, the utility shall:
1. If excavation is necessary, ensure that the topsoil is stripped, piled and replaced upon completion of the operation.
 2. Restore to its original condition any slope, terrace, or waterway, which is disturbed by the construction or maintenance.
 3. Insofar as is practicable and when the landowner requests, schedule any construction work in an area used for agricultural production at times when the ground is frozen in order to prevent or reduce soil compaction.
 4. Clear all debris and remove all stones and rocks resulting from construction activity upon completion of construction.
 5. Satisfactorily repair to its original condition any fence damaged as a result of construction or maintenance operations. If cutting a fence is necessary, a temporary gate shall be installed. Any such gate shall be left in place at the landowner's request.
 6. Repair any drainage tile line within the easement damaged by such construction or maintenance.
 7. Pay for any crop damage caused by such construction or maintenance.
 8. Supply and install any necessary grounding of a landowner's fences, machinery or buildings.
- (d) The utility shall control weeds and brush around the transmission line facilities. No herbicidal chemicals may be used for weed and brush control without the express written consent of the landowner. If weed and brush control is undertaken by the landowner under an agreement with the utility, the landowner shall receive from the utility a reasonable amount for such services.
- (e) The Landowner shall be afforded a reasonable time prior to commencement of construction to harvest any trees located within the easement boundaries, and if the Landowner fails to do so, the Landowner shall nevertheless retain title to all trees cut by the utility.
- (f) The Landowner shall not be responsible for any injury to persons or property caused by the design, construction or upkeep of the high-voltage transmission lines or towers.
- (g) The utility shall employ all reasonable measures to ensure that the landowner's television and radio reception is not adversely affected by the high-voltage transmission lines.
- (h) The utility may not use any lands beyond the boundaries of the easement for any purpose, including ingress to and egress from the right-of-way, without the written consent of the landowner.

1 AUTHORIZATION TO APPLY FOR AND ACCEPT GRANT FUNDS TO DEVELOP A
2 STRATEGIC PLAN FOR THE WAUKESHA-OZAUKEE-WASHINGTON
3 COUNTY WORKFORCE DEVELOPMENT BOARD
4
5

6 WHEREAS, the Waukesha-Ozaukee-Washington County Workforce Development Board
7 (WOW Board) will be updating its strategic plan and identifying key action steps to support the
8 strategic objectives to continue to be responsive to workforce needs; and
9

10 WHEREAS, the Nonprofit Management Fund, a collaboration of private funders in the
11 metropolitan Milwaukee area provides grants for organizational strategic and annual planning;
12 and
13

14 WHEREAS, the WOW Board would be eligible to apply for and receive a grant; and
15

16 WHEREAS, Waukesha County, serving as the fiscal agent for the WOW Board, would
17 administer the grant as well as oversee the strategic planning process.
18

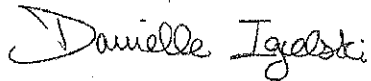
19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
20 that the Waukesha County Department of Parks and Land Use, through its Director or his
21 designee, is authorized to execute the application for and accept grant funds up to \$9,150 for the
22 development of a strategic plan for the Waukesha-Ozaukee-Washington Workforce
23 Development Board.

FISCAL NOTE

AUTHORIZATION TO APPLY FOR AND ACCEPT GRANT FUNDS TO DEVELOP A
STRATEGIC PLAN FOR THE WAUKESHA-OZAUKEE-WASHINGTON COUNTY
WORKFORCE DEVELOPMENT BOARD

This ordinance accepts a new funding source for 2019 budgeted update to the Waukesha-Ozaukee-Washington (WOW) Workforce Development Board strategic plan and to identify key action steps to support the strategic objectives to continue to be responsive to workforce needs. The strategic plan update was previously funded using Workforce Innovation Opportunity Act (WIOA) administration grant funding. This new funding source provided by the Nonprofit Management Fund provides the department with the ability to use WIOA administration grant funding which has a two year spending period to cover other future administration costs.

This ordinance has no net fiscal impact.



Danielle Igielski
Accounting Services Manager
8/6/2019

1 AUTHORIZE THE ACCEPTANCE OF DONATED TECHNICAL TRAIL
2 FEATURES FOR THE MINOOKA PARK MOUNTAIN BIKE TRAILS
3
4

5 WHEREAS, the Waukesha County Department of Parks and Land Use has an existing Special
6 Use Agreement in place with Metro Mountain Bikers Inc., for the maintenance of the mountain
7 bike trails in Minooka Park; and
8

9 WHEREAS, Metro Mountain Bikers Inc. wishes to donate to the Waukesha County Department
10 of Parks and Land Use used technical trail features that were gifted to them from a private
11 recreational facility; and
12

13 WHEREAS, these trail features were manufactured by Progressive Bike Ramps, in Joplin,
14 Missouri, and are fabricated from a high quality process, which includes precision cutting,
15 stainless steel fasteners, laser-cut steel and powder-coat paint finishes; and
16

17 WHEREAS, the implementation of the features along the existing mountain bike trails in
18 Minooka Park will reduce trail maintenance time and costs, and enhance the attraction of the trail
19 system to mountain bike riders; and
20

21 WHEREAS, Waukesha County Code Section 7-91(b)4 requires that in-kind donations with a
22 replacement value of five thousand dollars (\$5,000) or more, or those subject to a special
23 condition, must be accepted by the County Board; and
24

25 WHEREAS, the estimated value of the technical trail features due to depreciation is \$0.00; and
26

27 WHEREAS, Waukesha County Corporation Counsel has determined that special conditions exist
28 for this donation in the form of potential liability exposure and maintenance costs, but that those
29 conditions can be mitigated through an amendment to the parties' existing Special Use
30 Agreement.
31

32 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
33 that the Waukesha County Department of Parks and Land Use may accept the donated in-kind
34 items of technical trail features for installation along the mountain bike trails in Minooka Park
35 conditioned upon amendment of the existing Special Use Agreement with Metro Mountain
36 Bikers, Inc. to address any maintenance and liability concerns.

FISCAL NOTE

AUTHORIZE THE ACCEPTANCE OF DONATED TECHNICAL TRAIL FEATURES FOR
THE MINOOKA PARK MOUNTAIN BIKE TRAILS

This ordinance allows the Waukesha County Department of Parks and Land Use to accept technical trail features for the Minooka park mountain bike trails from Metro Mountain Bikers Inc. The department estimates this equipment has a net book value of \$0 due to being fully depreciated.

The department expects implementation of the features along the existing mountain bike trails in Minooka Park will reduce trail maintenance time and costs, and enhance the attraction of the trail system to mountain bike riders

This ordinance has no direct tax levy impact.



Danielle Igielski
Accounting Services Manager
8/6/2019

1 EXECUTE SUBGRANTEE AGREEMENTS AND HUD GRANT AGREEMENT FOR
2 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT
3 PARTNERSHIP (HOME) PROGRAMS FOR THE 2020 PROGRAM YEAR
4
5

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

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

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

20 WHEREAS, Waukesha County estimates revolving loan for CDBG of \$275,000; program
21 income for CDBG of \$80,000; and program income for the HOME program of \$200,000, which
22 is also included in the 2020 Proposed Budget; and
23

24 WHEREAS, subgrantees, participating counties and municipalities will enter into subgrantee
25 agreements with Waukesha County to use HUD funds mainly designated to benefit low and
26 moderate income (at-risk) persons and specific needs of participating jurisdictions.
27

28 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
29 that the County Executive of Waukesha County is hereby authorized to:
30

- 31 1. Execute on behalf of Waukesha County, required subgrantee agreements for use of
32 HUD grant funds.
- 33 2. Execute appropriate amendments to subgrantee agreements, which are deemed
34 reasonable and appropriate by the County Executive and the Community
35 Development Block Grant Board and the HOME Consortium Board.
- 36 3. Execute on behalf of Waukesha County a Grant Agreement and an Annual Plan
37 requesting funds for Federal Fiscal Year 2020 with the U.S. Department of Housing
38 and Urban Development.
39

40 BE IT FURTHER ORDAINED that Community Development program administration is
41 authorized to accept the anticipated 2020 HUD funding for CDBG program funds of \$1,405,009
42 and HOME program funds of \$1,295,030.
43

44 BE IT FURTHER ORDAINED ORDAINED that if actual federal Housing and Urban
45 Development (HUD) award notification amounts are less than estimated, an appropriate
46 reduction of subgrantee grant amounts will be required by the CDBG and HOME Boards and
47 notification of any decreases will be sent to the Finance Committee and the Community
48 Development expenditures will be limited to the amount of the award notification.

Full Agency Title	Project	Recommendation
City of Waukesha	ADA & Public Improvements	\$114,668
City of Waukesha	Adaptive Recreational Programs	\$6,400
City of Waukesha	Downtown Façade	\$40,000
City of Waukesha	Historic Springs Restoration	\$20,000
City of Waukesha	Landmark Paint & Repair	\$10,000
City of Waukesha	Saratoga/Haertel Field Summer Playground	\$6,400
City of Waukesha	Senior Activity Coordinator	\$13,388
City of Waukesha	Sentinel Park Summer Program	\$6,400
Community Outreach Health Services	Health Clinic	\$6,299
Easter Seals	Safe Babies/Healthy Families	\$19,865
Elmbrook Senior Taxi	Vehicle Replacement	\$7,752
ERAs Senior Network	Faith in Action	\$7,268
Family Service Agency	C.A.R.E Center	\$10,000
Greater Waukesha Literacy	Literacy & Employment Support	\$32,242
Hebron House	Case Manager	\$15,000
Hebron House	Jeremy House	\$8,000
Hope Center	Clothing Shop	\$29,925
Hope Center	Day Center	\$27,163
Hope Center	Transportation Assistance	\$20,000
Hope Center	Outreach Meal Program	\$69,498
Housing Resources Inc	Homebuyer Education & Counseling	\$20,000
La Casa de Esperanza	Early Childhood Education	\$5,000
La Casa de Esperanza	Homeownership Program	\$20,000
Lake Area Free Clinic	Dental Services	\$5,000
Lake Area Free Clinic	Medication Assistance	\$6,299
Metropolitan Milwaukee Fair Housing	Fair Housing Services	\$30,000
Muskego Senior Taxi	Vehicle Replacement	\$7,752
NAMI	SSI/SSDI Outreach	\$5,000
Parent's Place	Community Education Program	\$8,208
Salvation Army	Emergency Lodge	\$8,237
Salvation Army	Community Meal Program	\$18,468
St. Joseph's Medical Clinic	Prescription Payment Assist.	\$15,000
TBD	Unallocated	\$269,852
The Board of Regents of the University of Wisconsin System	Tower Hill Neighborhood Association Planning	\$15,267
The Caring Place	Meals on Wheels	\$6,000
The Women's Center	Acquisition	\$175,000
The Women's Center	Case Management – Transitional Living	\$6,783
The Women's Center	Children's Sexual Abuse Counseling	\$14,535
The Women's Center	Emergency Shelter	\$29,070
The Women's Center	Employment Program	\$26,400
Waukesha County	ADA Trail at Retzer	\$70,770
Waukesha County	Administration	\$274,000
Waukesha County	HHS ADA Playground Surface	\$59,850
WI Partnership	Housing Rehabilitation & Administration	\$133,250
WRTP	Career Works for Waukesha	\$10,000
WWBIC	Business Owner	\$50,000
Total		\$1,760,009

Projects/Activities recommended for the 2020 HOME funding:

HOME PROGRAM		
HOME Program	Administration	\$149,503
	Housing Development	\$455,043
CHDO Reserve	TBD	\$194,255
CORE Programs	Downpayment Assistance Program	\$296,229
	Housing Rehabilitation Program	\$225,000
	Purchase Rehabilitation Program	\$175,000
		\$1,495,030

FISCAL NOTE

EXECUTE SUBGRANTEE AGREEMENTS AND HUD GRANT AGREEMENT FOR
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT
PARTNERSHIP (HOME) PROGRAMS FOR THE 2020 PROGRAM YEAR

This ordinance authorizes the County Executive to execute agreements with the Federal Government to accept up to \$2,700,039 of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) grants and program income as shown below.

Funding Purpose	CDBG	HOME	TOTALS
2020 Subgrantee HUD Grant Amounts	\$1,405,009	\$1,295,030	\$2,700,039
2020 Revolving Loan/Program Income	\$ 355,000	\$ 200,000	\$ 555,000
2020 Estimate	\$1,760,009	\$1,495,030	\$3,255,039

If the Federal Housing and Urban Development (HUD) funding allocation awards are less than the estimated amount, the CDBG and HOME Consortium Boards will make appropriate reductions to subgrantee grant amounts, and send a notification of any decreases to the Finance Committee. The Community Development expenditures will be limited to the amount of the HUD award notifications. According to the Department of Parks and Land Use, all subgrantee agreements for projects will include clauses providing for grant funding decreases, if necessary.

If the final Federal appropriation amount is greater than the estimated amount of \$2,700,039 an ordinance to appropriate the additional funding will require future County Board approval to increase the CDBG and HOME program expenditure appropriations and revenue budgets accordingly.

This ordinance has no direct tax levy impact.



Danielle Igielski
Accounting Services Manager
8/6/2019



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: August 7, 2019
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Reappointment of Citizen Member to the Airport Operations Commission

I am pleased to submit to the County Board for your consideration the reappointment of Shawn McCauley to the Airport Operations Commission. Mr. McCauley has served on the Airport Operations Commission since November of 2018, fulfilling the incomplete term left by the resignation of Judge Gary Glojek. If reappointed, Mr. McCauley's term will expire in July of 2025.

PF:kb

cc: Meg Wartman
Kurt Stanich



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: August 7, 2019
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Appointment of Citizen Member to the Delafield Public Library Board

I am pleased to submit to the County Board for your consideration the appointment of Ms. Myra Huth to the Delafield Public Library Board. Ms. Huth is a current resident of Wales, WI and has earned her Bachelor of Science in Nursing Degree from Alverno College, her Master of Science in Nursing from Marquette University, and her Ph.D. from Case Western Reserve University, Frances Payne Bolton School of Nursing. Ms. Huth has been honored by prestigious organizations such as the Midwest Nursing Research Society, the Society of Pediatric Nurses, the College of Mount St. Joseph and the Ohio Physical Therapy Association for excellence in pediatric research. She is also a Fellow of the American Academy of Nursing. Ms. Huth brings more than 35 years of pediatric nursing, consulting, research and teaching experience. If appointed, Ms. Huth's term would expire in July of 2020.

PF:kb

cc: Meg Wartman
Connie Meyer



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: August 7, 2019
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Appointment of Citizen Member to the Delafield Public Library Board

I am pleased to submit to the County Board for your consideration the appointment of Ms. Tricia Madden to the Delafield Public Library Board. Ms. Madden has been a Delafield resident since 1995, and is an avid reader and library lover. Ms. Madden is currently a volunteer at Lapham Peak and Friends of Lapham Peak member. She previously worked as Executive Administrator to Gary M. Reynolds, Chairman/Founder and CEO of GMR Marketing for 18 years and retired in 2018. If appointed, Ms. Madden's term would expire in July of 2020.

PF:kb

cc: Meg Wartman
Connie Meyer