

174th BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-O-012	04/02/19 04/04/19	Land Use	ORD: Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (5a – Waukesha County Park And Planning Commission/Brahm, Section 11, T6N, R17E, Town Of Ottawa)
174-O-013	04/02/19	Land Use	ORD: Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (6 – Waukesha County Park And Planning Commission/Revisions To Chapter 9 Relating To Mailing Requirements For Plan Amendment Public Hearing Notices)
174-A-001	03/18/19 04/04/19	Executive	APPT: Andy Thelke as Director of Administration
174-A-002	04/04/19 04/04/19	Executive	APPT: Larry Nelson to the Community Development Block Grant Board
174-A-003	04/04/19 04/04/19	Executive	APPT: Frank Muenkel to the Community Development Block Grant Board
174-O-014	04/03/19 04/04/19	Executive Judiciary Finance	ORD: Modify Capital Project 201615 Security System Recording And Display Equipment Replacement To Allocate Funds For System Design And Integration With Other Components Of The Security Electronics System
174-O-015	04/03/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Arrowhead School District To Provide School Resource Officer Services
174-O-016	04/03/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Sussex Hamilton School District To Provide School Resource Officer Services
174-O-017	04/04/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Kettle Moraine School District To Provide School Resource Officer Services
174-O-018	04/04/19 04/04/19	Judiciary Finance	ORD: Expenditure Of Seized Funds – Amend The 2019 Sheriff's Department Budget For Multiple Purchases
174-O-019	04/04/19 04/04/19	Judiciary Finance	ORD: Authorize The Waukesha County Sheriff's Department To Amend The 2015-2019 Police Services Contract With The City Of Pewaukee To Provide 1.00 FTE Deputy To The Metro Drug Enforcement Unit Funded By The City Of Pewaukee Beginning June 1, 2019 And Amend The 2019 Sheriff's Department Budget Accordingly
174-O-020	04/02/19 04/04/19	Finance	ORD: Authorizing The Sale Of \$17,500,000 General Obligation Promissory Notes, Series 2019A
174-O-021	04/04/19 04/04/19	HHS Finance	ORD: Modify The 2019 Health And Human Services Budget To Increase Expenditures For A Portion Of One Time Start Up Remodeling Costs Associated With A New Residential Care Facility Contract
174-O-022	05/06/19 05/09/19	Land Use	ORD: Year 2019 Amendment To The Comprehensive Development Plan For Waukesha County (1A – Tomich/Gaudion/Legend Of Brandybrook Estates, Section 3, T6N, R18E, Town Of Genesee)

174th BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref	Referred to:	Title
174-O-023	05/06/19 05/09/19	Land Use	ORD: Amend The District Zoning Map Of The Town Of Lisbon Zoning Code By Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 6, T8N, R19E, Town Of Lisbon, Waukesha County, Wisconsin, From The A-3 Agricultural Residential Estate District To The R-1 Suburban Single-Family Residential District (RZ38)
174-O-024	05/03/19 05/09/19	Land Use	ORD: Amend The District Zoning Map Of The Town Of Lisbon Zoning Code By Rezoning Certain Lands Located In Part Of The NW ¼, NE ¼, And SW ¼ Of Section 6, T8N, R19E, Town Of Lisbon, Waukesha County, Wisconsin, From The A-10 Agricultural District To The R-1 Suburban Single-Family Residential District (RZ37)
174-O-025	05/03/19 05/09/19	Land Use	ORD: Amend The District Zoning Map Of The Town Of Genesee Zoning Code By Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 9 And Part Of The NW ¼ Of Section 10, T6N, R18E, Town Of Genesee, Waukesha County, Wisconsin, From The R-1 Residential District To The A-2 Rural Home District (RZ36)
174-O-026	05/06/19 05/09/19	Public Works	ORD: Laying Out, Relocation And Improvement Of The Intersection Of County Trunk Highway O And County Trunk Highway I, IH-43 WB Ramp To Beloit Road, Revision Number 1, Waukesha County Project I.D. 2782-03-06
174-O-027	05/09/19 05/09/19	Land Use	ORD: Authorize Participation In Wisconsin Outdoor Motorized Recreational Trails Aid For Waukesha County Snowmobile Trails
174-O-028	05/09/19 05/09/19	Executive Judiciary Finance	ORD: Modify Scope Of Capital Project 200815 Digital Radio System Upgrade To Allocate Funds For Digital Paging System Upgrade
174-A-004	05/07/19 05/09/19	Executive	APPT: Brianna Rasmussen to the Hartland Library Board of Trustees
174-A-005	05/07/19 05/09/19	Executive	APPT: Torin Misko to the Dispatch Operations Commission
174-O-029	05/09/19 05/09/19	Judiciary Finance	ORD: Approve Expenditure Of A Cash Donation And Accept An In-Kind Donation To The Sheriff's Department Of Child Car Seats And Booster Seats And Modify The 2019 Sheriff's Department Budget
174-O-030	05/09/19 05/09/19	Judiciary Finance	ORD: Accept State Of Wisconsin Telephonic-Assisted Cardiopulmonary Resuscitation Program Funding And Modify The Emergency Preparedness 2019 Budget To Appropriate Grant Revenues And Expenditures
174-O-031	05/09/19 05/09/19	Public Works Finance	ORD: Approve Lease With WisDOT For Woodburn Road Salt Storage Facility
174-O-032	05/09/19 05/09/19	Land Use Executive Finance	ORD: Approve Second Amendment To The Construction And Operating Agreement Between Waukesha County And Resource Recovery Systems, LLC And Modify The 2019 County Budget For The Material Recovery Facility ("MRF")

YEAR 2019 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR
WAUKESHA COUNTY (1A – TOMICH/GAUDION/LEGEND OF BRANDYBROOK
ESTATES, SECTION 3, T6N, R18E, TOWN OF GENESEE)

1 WHEREAS, on February 24, 2009, the Waukesha County Board of Supervisors in Enrolled
2 Ordinance No 163-81, approved a Comprehensive Development Plan for Waukesha County; and
3

4 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual
5 update and amendment procedures; and
6

7 WHEREAS, on February 21, 2019, the Waukesha County Park and Planning Commission held a
8 Public Hearing to receive testimony on proposed changes to the Comprehensive Development
9 Plan for Waukesha County; and
10

11 WHEREAS, the staff has identified in a “Staff Report and Recommendation” dated April 18,
12 2019, a summary of the Public Hearing comments and a Staff Recommendation for the proposed
13 change to the Comprehensive Development Plan for Waukesha County; and
14

15 WHEREAS, the “Staff Report and Recommendation” has been reviewed by the Waukesha
16 County Park and Planning Commission on April 18, 2019, and a recommendation was reported
17 to the Land Use, Parks and Environment Committee and the Waukesha County Board of
18 Supervisors as required in the Comprehensive Development Plan for Waukesha County.
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
21 that the following amendment is hereby **conditionally approved** to the Year 2035
22 Comprehensive Development Plan for Waukesha County.
23

24 1. In the Town of Genesee, the following request is being made:
25

- 26 A. *Carl Tomich and Jack Gaudion, representing The Legend of Brandybrook*
27 *Estates, LLC*, N8 W22520-L Johnson Drive, request property located in part of
28 the NE ¼ of Section 3, T6N, R18E, Town of Genesee (Tax Key GNT
29 1449.988.001), be amended from the Rural Density and Other Agricultural Land
30 (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor
31 categories to the Low Density Residential (20,000 sq. ft. to 1.4 acres of area per
32 dwelling unit) and Primary Environmental Corridor categories, to allow a
33 proposed 12 lot single-family residential subdivision.
34

35 The request is approved subject to the following condition:
36

- 37 1. An evergreen landscape buffer shall be provided along the proposed west and north lines
38 of proposed Lot 12 to substantially screen the development from the two abutting
39 neighboring properties to the north.
40

41 BE IT FURTHER ORDAINED that a more detailed description and map of the aforementioned
42 amendment is on file in the office of the Waukesha County Department of Parks and Land Use.
43

44 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
45 this Ordinance with the Town Clerk of Genesee.


COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2019 Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Tomich/Gaudion/Legend of Brandybrook Estates, Section 3, T6N, R18E, Town of Genesee) hereby recommends conditional approval.

PARK AND PLANNING COMMISSION

April 18, 2019


Robert Peregrine, Chairman


William Mitchell, Vice Chairman

Absent
Richard Morris


James Siepmann


William Maslowski


Thomas Michalski

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2019 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
(1A – CARL TOMICH/JACK GAUDION/THE LEGEND OF BRANDYBROOK
ESTATES, LLC), TOWN OF GENESEE

DATE: April 18, 2019

PUBLIC HEARING DATE:
Thursday, February 21, 2019, 1:00 p.m.

REQUEST:
1 (A) Year 2019 amendment to the Comprehensive Development Plan.

Carl Tomich and Jack Gaudion, representing The Legend of Brandybrook Estates, LLC, N8 W22520-L Johnson Drive, request property located in part of the NE ¼ of Section 3, T6N, R18E, Town of Genesee (Tax Key GNT 1449.988.001), be amended from the Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor categories to the Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories, to allow a proposed 12 lot single-family residential subdivision.

EXISTING LAND USE CATEGORY

Rural Density and Other Agricultural Land (5.0 to 34.9 acres per dwelling unit) and Primary Environmental Corridor categories.

PROPOSED LAND USE CATEGORY

Low Density Residential (20,000 sq. ft. to 1.4 acres of area per dwelling unit) and Primary Environmental Corridor categories.

PUBLIC REACTION

- Max Jenkins, a neighboring property owner stated the reason he moved to his property is so he could have more acreage. If the petitioner can change the zoning what would stop others from doing so and where would it start and stop? There are large parcels of property east of the golf club that could also be purchased and the area developed. He stated he was opposed to the change. Mr. Jenkins added that 12 new homes are being proposed and planned to be added to the area. Prior to this, up on the hill going south on Brandybrook Road, the Village of Wales approved nine (9) new homes. The tax base will increase, however, more children will be attending the nearby schools. Brandybrook Road is a very busy, dangerous road with hills and curves. With 12 new homes, traffic will increase. He urged the Commission members to come and view the road and property.
- John Marx, neighbor, stated that there would be an increase in traffic and headlights would shine in his living room and bedroom windows all night. He was opposed to the change.
- Jeff Berg, adjacent neighbor to the north and 30-year resident, stated that this request will drastically change the rural concept (sizeable blocks of land) that largely brought many of the residents to the area. He stated he is opposed to the change.
- Mr. Fruth noted that written comments were received from Scott and July Grady and others in opposition of the change and they also expressed concerns regarding increase in traffic and the general change in the rural environment.

- Dewain Purgill, adjacent neighbor to the north and 35-year resident, stated the proposal indicates a driveway running all the way alongside his property line and the placement of two (2) homes directly behind his residence. The reason he moved here was to have open space and a larger lot. He stated he was opposed to the change.
- Jim Koble, neighbor to the north, was also opposed to the change. He stated that the golf course was on a deep well. He expressed concerns regarding the watershed as far as a higher density creating more septic systems and wells.
- Pat Bandomir, neighbor to the north, spoke in opposition of the request. She stated she has owned her property for approximately 60 years. She has a larger lot (10.5 acres) and enjoys the rural area. She said when the Legend went in, traffic increased and with 12 new additional homes it would increase further. She indicated it is difficult to pull out of her driveway at times.

TOWN PLAN COMMISSION ACTION

At their February 11, 2019 meeting, the Town of Genesee Plan Commission approved an ordinance for the related town plan amendment for the subject property. On March 11, 2019, they unanimously affirmed their action to approve.

TOWN BOARD ACTION

The Town of Genesee Board approved the amendment on a 4-1 vote at their March 11, 2019, meeting (Resolution 19-6R).

STAFF ANALYSIS:

The subject property is located immediately to the north of the Legend at Brandybrook golf course. The property abuts the Village of Wales. There are two golf course-oriented developments within the immediate area. Brandybrook subdivision to the southwest contains single-family homes on lots that are generally approximately $\frac{3}{4}$ acres in size. Regency Fairway Villas are located to the northwest of the property. To the north and east of the property, lot sizes become larger and the setting is more rural residential with parcels generally ranging from three to twenty acres. Most of the parcels are being used as rural estates.

The existing rural plan designation currently applies to all of the properties along Brandybrook Road to the northeast of the property to a point north at the Delafield/Genesee town line. Lands to the south and west are planned in a variety of categories by the Village of Wales.

The submitted concept plan (see Exhibit A) shows a 12-lot conservation design subdivision with twelve lots ranging between roughly 20,000 and 35,000 square feet. Common open space is proposed along Brandybrook Road and two other outlot areas would contain existing wetlands and proposed stormwater management facilities. Of the 15.1 acres, approximately 6.5 would remain in open space. The existing home would remain on Lot 9, while the existing pole building would be removed. An existing tree line on the abutting property to the northeast provides a good amount of screening of the site. The concept plan shows additional plantings proposed along the west edge of proposed Lot 12 and also a dense buffer along Brandybrook Road.

As noted above, a number of nearby property owners spoke against the amendment at the public hearing. Comments were offered about the loss of open land, concern about other properties also developing in the future, increase in traffic, etc. The town Planner indicated that the town carefully considered the matter and that Board members drove Brandybrook Road to assess neighborhood impacts. After deliberating, the town approved of the related town plan amendment.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following condition:

1. An evergreen landscape buffer shall be provided along the proposed west and north lines of of proposed Lot 12 to substantially screen the development from the two abutting neighboring properties to the north.

The proposed change in land use category and intensity of land use is mitigated, in part, by the provision of common open space being provided along Brandybrook Road and the north and east property lines. The addition of eleven new homes should present modest increases in traffic on Brandybrook Road. Brandybrook Road is a collector road that is intended to accommodate traffic from a broader area. The presence of a golf course provides a unique opportunity for the subdivision to be connected to this amenity. This amendment essentially moves the urban/rural "edge" in this area one property northward.

Respectfully submitted,

Jason Fruth

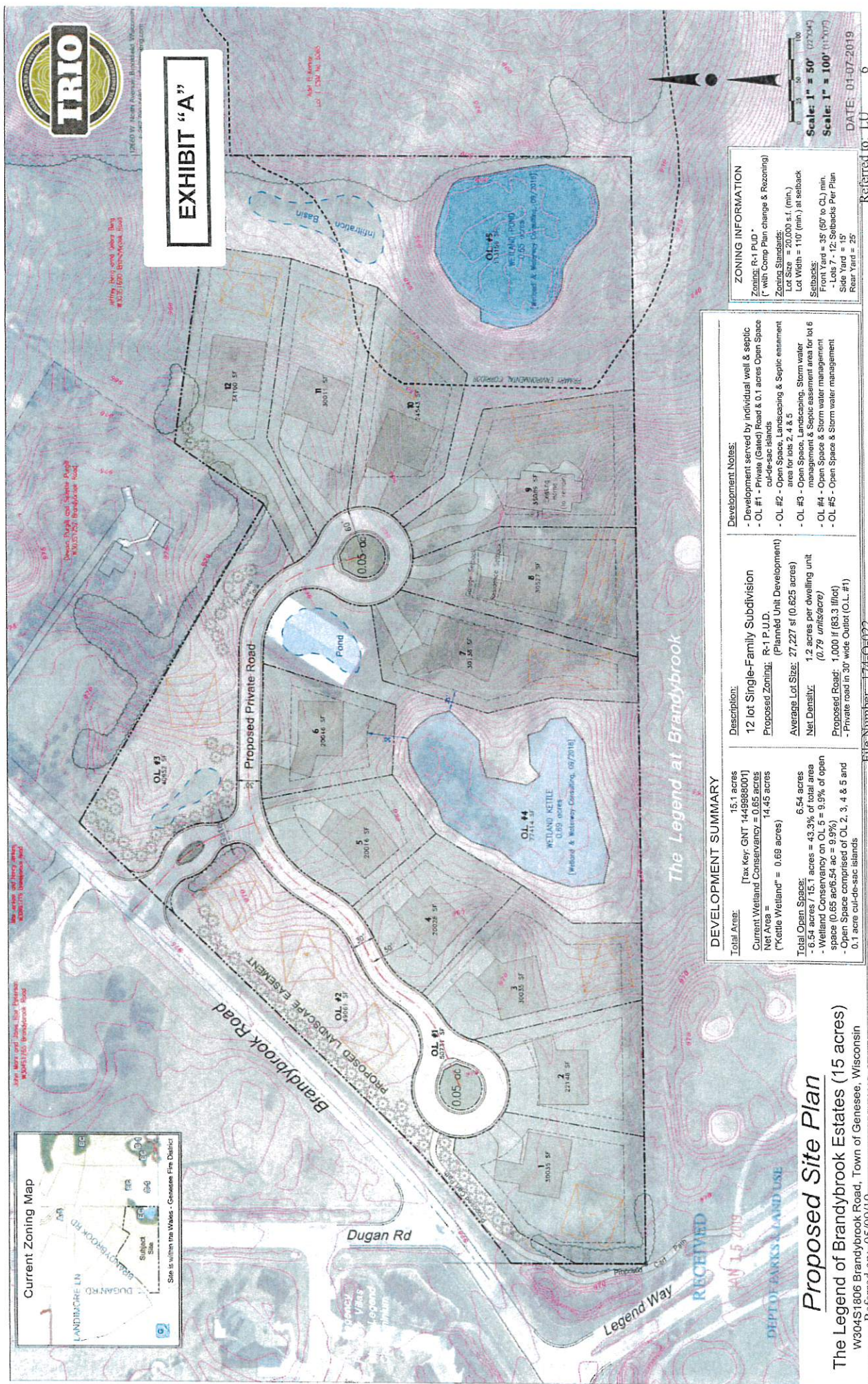
Jason Fruth
Planning and Zoning Manager

Attachment: Exhibit A
Map

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2019\1A Tomich_Gaudion_ Legend of Brandybrook Estates gnt.doc



EXHIBIT "A"



ZONING INFORMATION
 Zoning: R-1 P.U.D.
 (* With Comp Plan change & Rezoning)
 Zoning Standards:
 Lot Size = 20,000 s.f. (min.)
 Lot Width = 110' (min.) at setback
 Setbacks:
 Front Yard = 35' (30' to CL) min.
 Side Yard = 5'
 Rear Yard = 25'

Development Notes:
 - Development served by individual well & septic
 - OL #1 - Private (Gated) Road & 0.1 acres Open Space
 cul-de-sac islands
 - OL #2 - Open Space, Landscaping & Septic easement
 area for lots 2, 4 & 5
 - OL #3 - Open Space, Landscaping, Storm water
 management & Septic easement area for lot 6
 - OL #4 - Open Space & Storm water management
 - OL #5 - Open Space & Storm water management

Description:
 12 lot Single-Family Subdivision
Proposed Zoning: R-1 P.U.D.
 (Planned Unit Development)
Average Lot Size: 27,227 sf (0.625 acres)
Net Density: 1.2 acres per dwelling unit
 (0.79 units/acre)
Proposed Road: 1,000 ft (83.3 ft/lot)
 - Private road in 30' wide Outlot (O.L. #1)

DEVELOPMENT SUMMARY
Total Area: 15.1 acres
 [Tax Key: GNT 1449886001]
Current Wetland Conservancy: = 0.65 acres
Net Area = 14.45 acres
 ("Wetland" = 0.69 acres)
Total Open Space: 6.54 acres
 - 6.54 acres / 15.1 acres = 43.3% of total area
 - Wetland Conservancy on O.L. 5 = 9.9% of open
 space (0.65 acre/6.54 ac = 9.9%)
 - Open Space comprised of O.L. 2, 3, 4 & 5 and
 0.1 acre cul-de-sac islands

Proposed Site Plan
 The Legend of Brandybrook Estates (15 acres)
 W304S1806 Brandybrook Road, Town of Genesee, Wisconsin
 Referred on: 05/09/19

Referred to: LU 6
 DATE: 01-07-2019

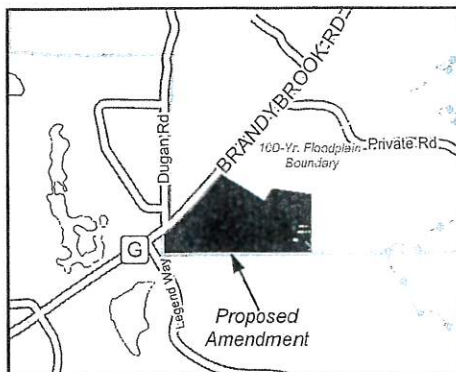
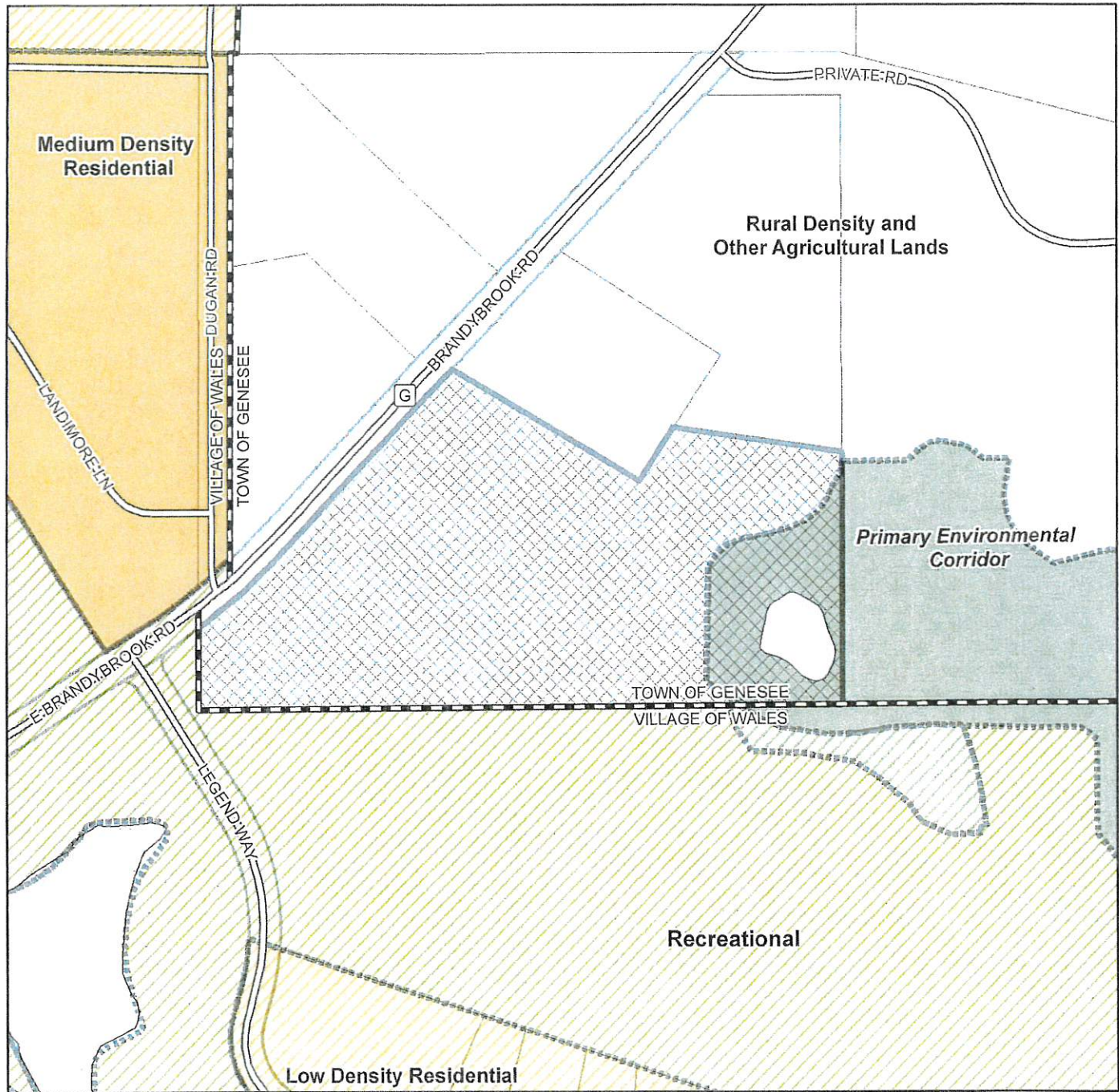
File Number: 1740-022

The Legend at Brandybrook

RECEIVED
 APR 15 2019
 DEPT OF PARKS & LAND USE

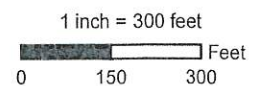
DEVELOPMENT PLAN AMENDMENT

PART OF THE NE 1/4 OF SECTION 3
TOWN OF GENESEE



COUNTY DEVELOPMENT PLAN AMENDMENT FROM RURAL DENSITY AND OTHER AGRICULTURAL LANDS AND PRIMARY ENVIRONMENTAL CORRIDOR CATEGORIES TO LOW DENSITY RESIDENTIAL AND PRIMARY ENVIRONMENTAL CORRIDOR CATEGORIES

PETITIONER.....1A Carl Tomich and Jack Gaudion
DATE OF PARK & PLANNING COMMISSION.....04/18/19
AREA OF CHANGE.....15.1 ACRES
TAX KEY NUMBER.....GNT 1449.988.001



Prepared by the Waukesha County Department of Parks and Land Use

1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY
2 REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼ OF SECTION 6, T8N,
3 R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, FROM THE A-3
4 AGRICULTURAL RESIDENTIAL ESTATE DISTRICT TO THE R-1 SUBURBAN
5 SINGLE-FAMILY RESIDENTIAL DISTRICT (RZ38)
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 Monday, March 25, 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 Lisbon Zoning Code, adopted by the Town of
18 Lisbon on April 9, 2010, is hereby amended to rezone from the A-3 Agricultural District to the
19 R-1 Suburban Single-Family Residential District, certain lands located in part of the SW ¼ of
20 Section 6, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin, and more specifically
21 described in the "Staff Report and Recommendation" and map on file in the office of the
22 Waukesha County Department of Parks and Land Use and made a part of this Ordinance by
23 reference RZ38, is 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.

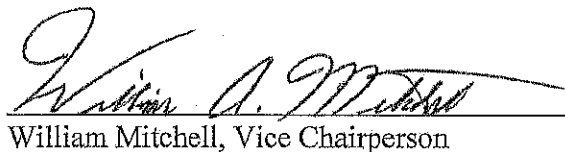
COMMISSION ACTION

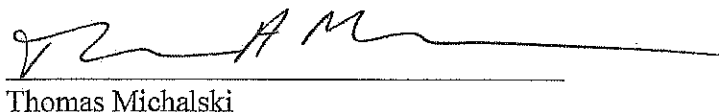
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code hereby recommends approval of RZ38 in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

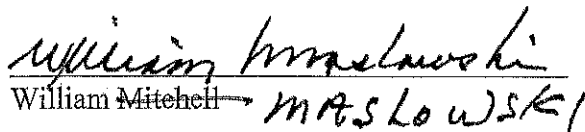
April 18, 2019

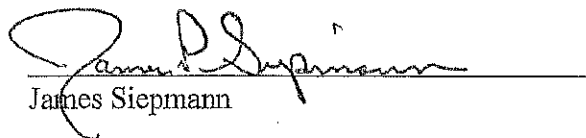

Robert Peregrine, Chairperson


William Mitchell, Vice Chairperson


Thomas Michalski

Absent
Richard Morris


William Mitchell → Maslowski


James Siepmann

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

DATE: April 18, 2019

FILE NO.: RZ38

OWNER: Donald and Eileen Dlobik
W275 N9101 Lake Five Road
Hartland, WI 53029

APPLICANT: Mike Kaerek
MK/S-EP, LLC.
11600 West Lincoln Avenue
West Allis, WI 53227

TAX KEY NO.: LSBT 0167.999.001

LOCATION:
Part of the SW ¼ of Section 6, T8N, R19E, Town of Lisbon. More specifically, the property is located at W275 N9101 Lake Five Road, containing approximately 3 acres.

EXISTING ZONING: A-3 Agricultural Residential Estate District.

PROPOSED ZONING: R-1 Suburban Single-Family Residential District.

EXISTING USES:
Residential (mini-farm).

PROPOSED USES:
Residential (subdivision proposed in conjunction with development of adjacent lands).

PUBLIC HEARING DATE:
March 14, 2019.

PUBLIC COMMENT:
None.

TOWN PLAN COMMISSION ACTION:
On March 14, 2019, the Town of Lisbon Plan Commission unanimously approved the rezone request.

TOWN BOARD ACTION:
On March 25, 2019, the Town Board unanimously approved Ordinance No. 08-19 (attached) specific to the subject rezoning request.

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

The Waukesha County and Town of Lisbon CDP designate the subject property as Suburban Density I Residential, which calls for a density of 1.5 to 2.9 acres per dwelling unit. The proposal to rezone the lands complies with the plan range recommendations.

Referred on: 03/09/19 File Number: 174-C-023 Referred to: LU 3

STAFF ANALYSIS:

The parcel to be rezoned contains a home and agricultural outbuildings. The lands are proposed to be platted as part of a 43-lot subdivision that will include the lands to the west. The entry to the subdivision from Lake Five Road is proposed to traverse the south part of the property and will match Red Fox Run to the east. The A-3 District is a three-acre district while the proposed R-1 category allows for one-acre minimum lots. There is a concurrent proposal pending for the farm acreage to the west that would also bring those lands into the R-1 District.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this rezone request in accordance with the Town of Lisbon's adopted Ordinance (08-19) approving the same. The proposed zoning change brings the property into a category that is consistent with plan recommendations.

Respectfully submitted,

Jason Fruth

Jason Fruth

Planning and Zoning Manager

Attachments: Town Ordinance 08-19
Map

N:\PRKANDLU\Planning and Zoning\Rezones\Staff Reports\RZ38 Dlobik_Kaerek 1st.doc

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 08-19

**ORDINANCE REZONING LSBT 0167.999.001, FROM A-3
AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO R-1 SUBURBAN
SINGLE-FAMILY RESIDENTIAL DISTRICT IN THE TOWN OF LISBON,
WAUKESHA COUNTY, WISCONSIN**

WHEREAS, Property owner Mike Kaerek, on behalf of Donald and Eileen Dlobik, petitioned the Town of Lisbon to rezone property from A-3 Agricultural/Residential Estate District to R-1 Suburban Single-Family Residential District, to be incorporated with the land known as the "Haass Property" to be developed into a subdivision; and

WHEREAS, the change in zoning is consistent with the Town of Lisbon Comprehensive Plan land-use element; and

WHEREAS, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, March 14, 2019.

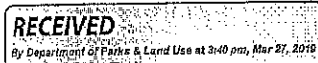
NOW, THEREFORE, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: The following described property is rezoned from A-3 Agricultural/Residential Estate District to R-1 Suburban Single Family Residential District:

CERT SURV 5137 VOL 42/75 EX HY 3.00 AC PT SW1/4 SEC 6 T8N R19E R856/726
ALSO KNOWN AS LSBT 0167.999.001


SECTION 2: All ordinances or parts of ordinances conflicting with 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.




PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County,
Wisconsin this 25th day of March, 2019.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

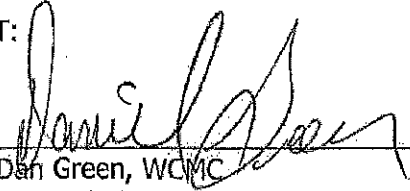
BY: 
JOSEPH OSTERMAN, Chairman

BY: absent
TEDIA GAMIÑO, Supervisor

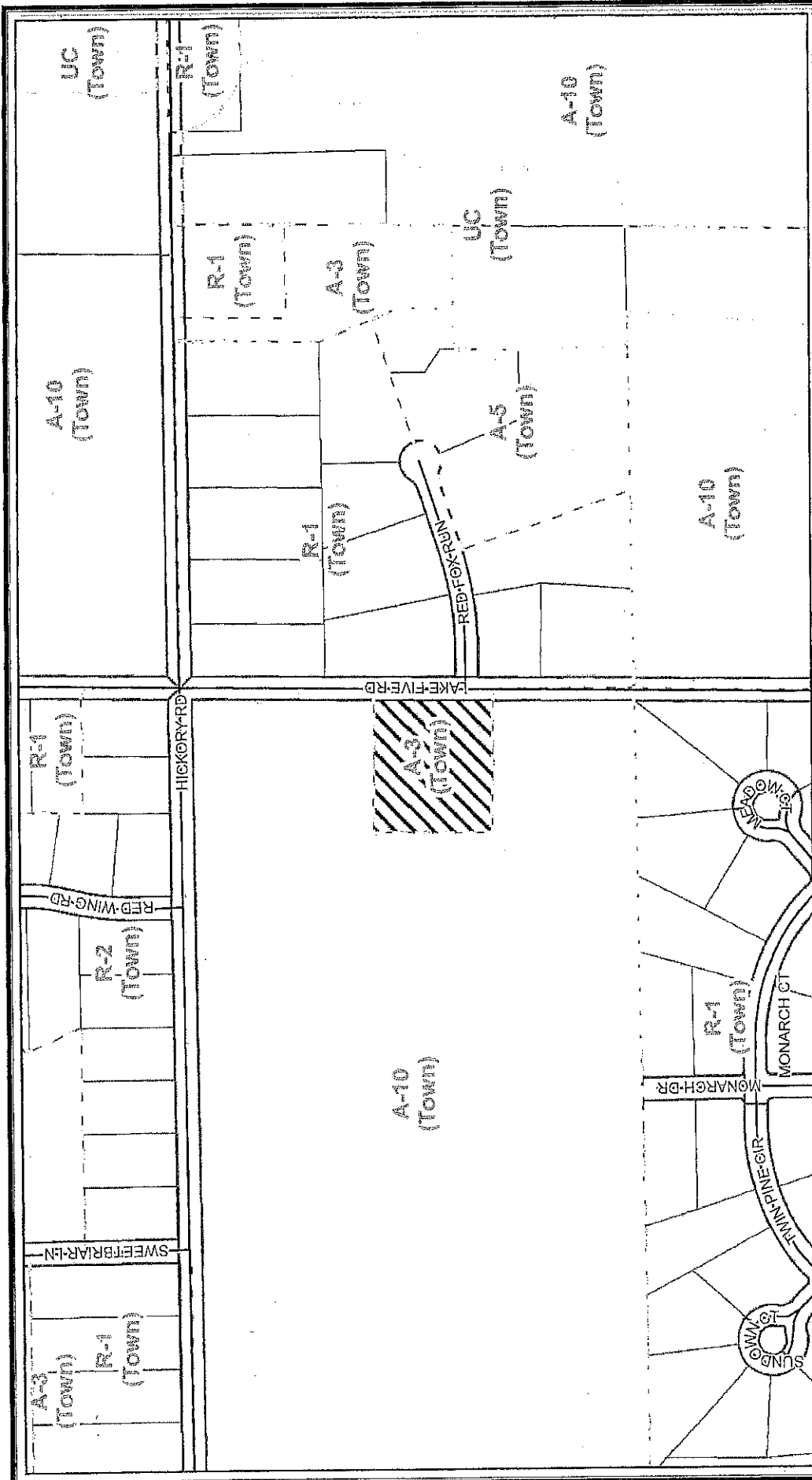
BY: 
MARC MOONEN, Supervisor

BY: 
LINDA BEAL, Supervisor

BY: absent
REBECCA PLOTECHER, Supervisor

ATTEST:
BY: 
Dan Green, WCMC
Town Clerk





TOWN ZONING AMENDMENT FROM FROM A-3 AGRICULTURAL/RESIDENTIAL ESTATE DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

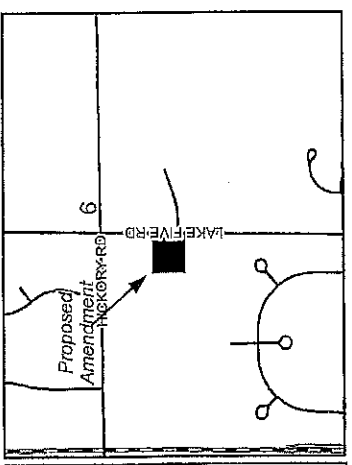
Wetlands Overlay
 Environmental Corridor Overlay

FILE.....RZ38
 DATE OF PLAN COMMISSION.....4/18/19
 AREA OF CHANGE.....3 ACRES
 TAX KEY NUMBER.....LSBT 0167.999.001

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

ZONING AMENDMENT

PART OF THE SW 1/4 SECTION 6
TOWN OF LISBON



1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY
2 REZONING CERTAIN LANDS LOCATED IN PART OF THE NW ¼, NE ¼, AND
3 SW ¼ OF SECTION 6, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY,
4 WISCONSIN, FROM THE A-10 AGRICULTURAL DISTRICT TO THE R-1
5 SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT (RZ37)
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 Monday, March 25, 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 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 R-1 Suburban Single-Family Residential District, certain lands located in part of the NW¼, NE
20 ¼, and SW ¼ of Section 6, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin, and
21 more specifically described in the "Staff Report and Recommendation" and map on file in the
22 office of the Waukesha County Department of Parks and Land Use and made a part of this
23 Ordinance by reference RZ37, is 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.

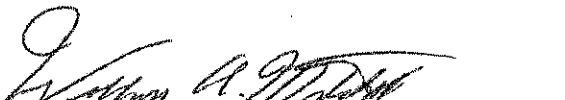
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Lisbon Zoning Code hereby recommends approval of RZ37 in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION


April 18, 2019

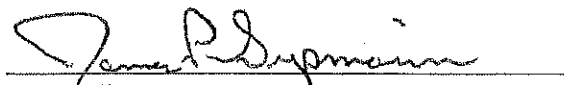

Robert Peregrine, Chairperson


William Mitchell, Vice Chairperson


Thomas Michalski

Absent
Richard Morris


~~William Mitchell~~ MASLOWSKI


James Siepmann

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

DATE: April 18, 2019

FILE NO.: RZ37

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

APPLICANT: Mike Kaerek
Kaerek Homes, Inc.
11600 West Lincoln Avenue
West Allis, WI 53227

TAX KEY NO.: LSBT 0167.999

LOCATION:
Part of the NW ¼, NE ¼ and SW ¼ of Section 6, T8N, R19E, Town of Lisbon. More specifically, the property is located at W275 N9101 Lake Five Road, containing approximately 65 acres.

EXISTING ZONING:
A-10 Agricultural District.

PROPOSED ZONING:
R-1 Suburban Single-Family Residential District.

EXISTING USES:
Vacant agricultural land.

PROPOSED USES:
Create a 43 lot residential subdivision.

PUBLIC HEARING DATE:
March 14, 2019.

PUBLIC COMMENT:

- A property owner to the north of Hickory Road wanted to ensure that proposed ponds are deep enough to get water away from the area. She noted that flooding near Sweetbriar Lane seems to be worse by the year.
- A neighbor to the south expressed concerns about flooding into his backyard. He wanted to know if planning is done to make sure that water has a way to go somewhere else. He also expressed concerns regarding traffic on Lake Five Road and asked if safety of bikers and runners will be addressed.
- A neighbor to the north expressed concerns about flooding.
- A neighbor questioned where the entrances and exits for the development would be located.

TOWN PLAN COMMISSION ACTION:
On March 14, 2019, the Town of Lisbon Plan Commission unanimously approved the rezone request.

TOWN BOARD ACTION:

On March 25, 2019, the Town Board unanimously approved Ordinance No. 07-19 (attached) specific to the subject rezoning request.

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

The Waukesha County CDP and the Town of Lisbon Plan designate the subject property as Suburban Density I Residential, which calls for a density of 1.5 to 2.9 acres per dwelling unit. The proposal to rezone the lands complies with the plan range recommendations.

STAFF ANALYSIS:

The subject parcel is generally flat and is currently cultivated. The Town of Lisbon is the current owner and a developer is proposing to purchase the parcel. The parcel contains no designated natural resources. All immediately adjacent lands are in residential use. The developer would like to develop a 43-lot subdivision (see Exhibit A) that would access Lake Five Road to the east and would connect to the Twin Pine Farms subdivision to the south via Monarch Drive. The farmstead and three acres were split from the subject farm acreage some time ago. The proposed development will include the area of both the subject acreage and the acreage of the farmstead on the east side of the property. The proposed concept plan shows most lots being just a bit more than one acre. The existing A-10 designation is a 10-acre district whereas the R-1 District allows lots as small as one acre. The zoning of adjacent lands is varied but there are lands zoned R-1 to the northwest, east and south.

There were a few comments from the public regarding flooding/drainage concerns in the area. County Land Resources staff has advised that there have been flooding problems on the lands to the north of Hickory Road but that the condition that causes flooding there is the presence of a kettle that takes drainage from a roughly 200 acre area to the north. The subject property does not drain towards the problematic area. Instead, runoff exits the site to the south and west. Therefore, there is not a relationship between this property and the area of concern to the north. One of the parties concerned with drainage is located to the south. His property contains a drainage easement that is intended to convey runoff from this property and others in the area. The proposed subdivision is subject to the Waukesha County Stormwater Management Ordinance and will be reviewed in detail as part of the plat review process by the Land Resources Division.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of this rezone request in accordance with the Town of Lisbon's adopted Ordinance (07-19) approving the same. The proposed zoning change brings the property into a category that is consistent with plan recommendations.

Respectfully submitted,

Jason Fruth

Jason Fruth

Planning and Zoning Manager

Attachments: Town Ordinance 07-19
Map
Exhibit A

STATE OF WISCONSIN

TOWN OF LISBON

WAUKESHA COUNTY

Ord. 07-19

ORDINANCE REZONING LSBT 0167.999, FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

WHEREAS, Property owner the Town of Lisbon requests to rezone property from A-10 Agricultural District to R-1 Suburban Single Family Residential District; and

WHEREAS, the change in zoning is consistent with the Town of Lisbon Comprehensive Plan land-use element; and

WHEREAS, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, March 14, 2019.

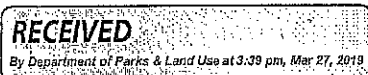
NOW, THEREFORE, the Town Board of the Town of Lisbon, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: The following described property is rezoned from A-10 Agricultural District to R-1 Suburban Single Family Residential District:

PT NW1/4 & NE1/4 SW1/4 SEC 6 T8N R19E COM W1/4 COR SEC 6 THE BGN; S00°05'50"E
1326.40 FT; N88°34'E 2225.48 FT; N 413.39 FT; W 410.75 FT; N 356.16 FT; E 410.75 FT; N
563.00 FT; S88°40'W 2227.64 FT TO BGN :: DOC# 4271783
ALSO KNOWN AS LSBT 0167.999

SECTION 2: All ordinances or parts of ordinances conflicting with 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.




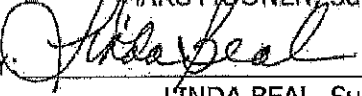
PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County,
Wisconsin this 25th day of March, 2019.

TOWN BOARD, TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

BY: 
JOSEPH OSTERMAN, Chairman

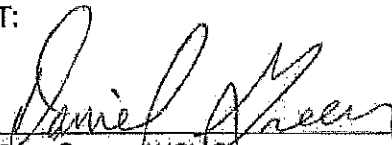
BY: absent
TEDIA GAMINO, Supervisor

BY: 
MARC MOONEN, Supervisor

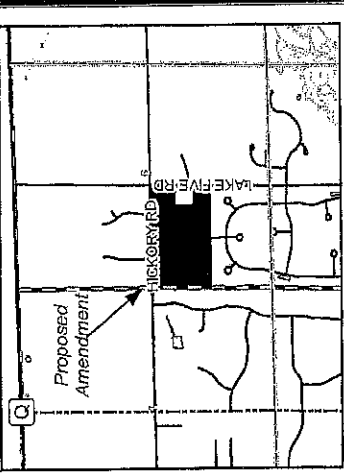
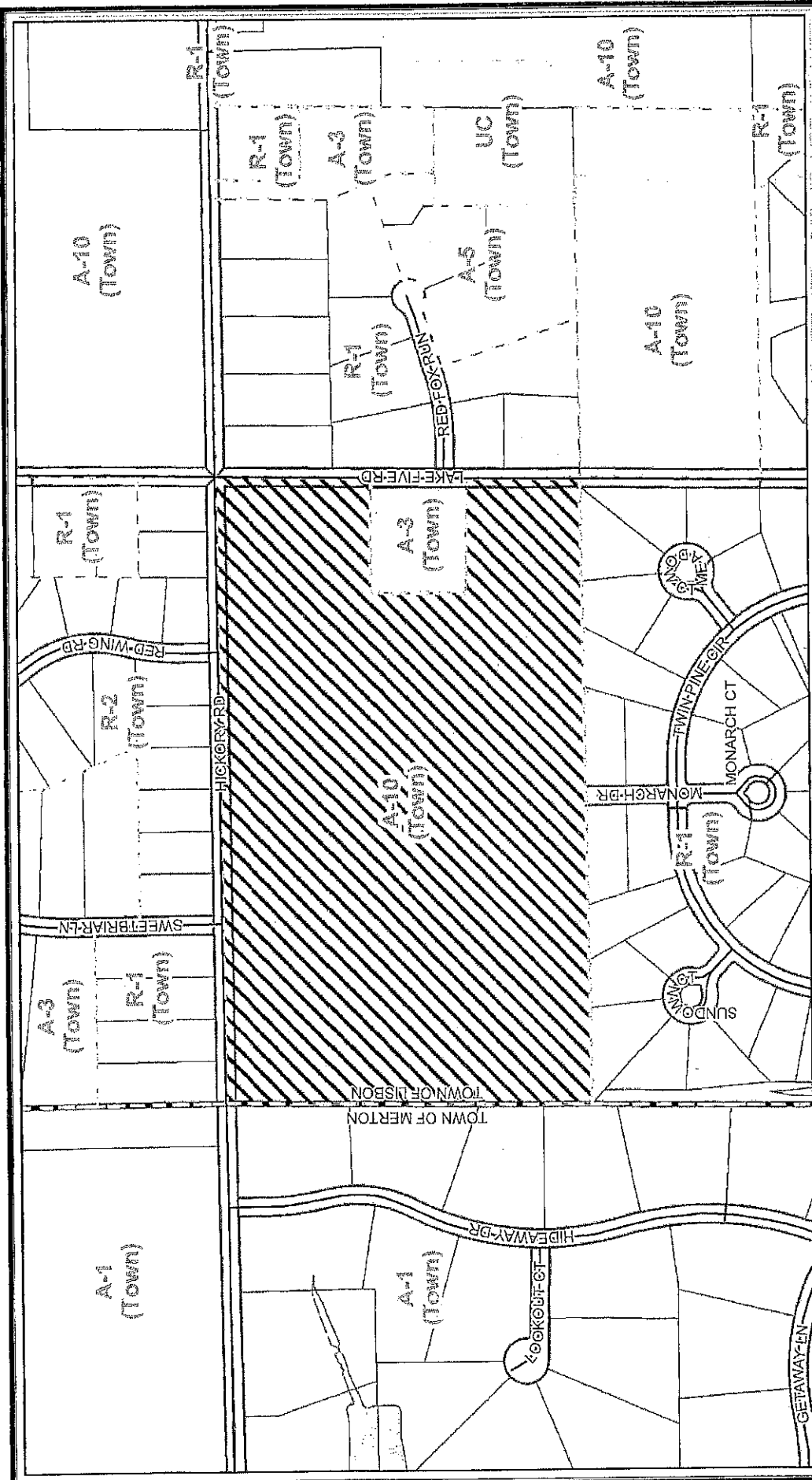
BY: 
LINDA BEAL, Supervisor

BY: absent
REBECCA PLOTECHER, Supervisor

ATTEST:

BY: 
Dan Green, WCMC
Town Clerk





TOWN ZONING AMENDMENT FROM A-10 AGRICULTURAL DISTRICT TO R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

Wetlands Overlay
Environmental Corridor Overlay

FILE.....RZ37
DATE OF PLAN COMMISSION.....4/18/19
AREA OF CHANGE.....65 ACRES
TAX KEY NUMBER.....LSBT 0167.989

1 inch = 500 feet
0 250 500 Feet

Prepared by the Waukesha County Department of Parks and Land Use

ZONING AMENDMENT

PART OF THE NW1/4, NE1/4 AND SW 1/4 SECTION 6 TOWN OF LISBON

1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF GENESEE ZONING CODE BY
2 REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 9
3 AND PART OF THE NW ¼ OF SECTION 10, T6N, R18E, TOWN OF GENESEE,
4 WAUKESHA COUNTY, WISCONSIN, FROM THE R-1 RESIDENTIAL
5 DISTRICT TO THE A-2 RURAL HOME DISTRICT (RZ36)
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 Genesee Town Board on Monday, March 11, 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 Genesee Zoning Code, adopted by the Town of
18 Genesee on July 23, 2015, is hereby amended to rezone from the R-1 Residential District to the
19 A-2 Rural Home District, certain lands located in part of the NE ¼ of Section 9 and part of the
20 NW ¼ of Section 10, T6N, R18E, Town of Genesee, Waukesha County, Wisconsin, and more
21 specifically described in the "Staff Report and Recommendation" and map on file in the office of
22 the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by
23 reference RZ36, is 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 Genesee.
27

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

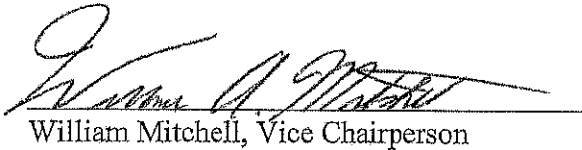
COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Town of Genesee Zoning Code hereby recommends approval of RZ36 in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

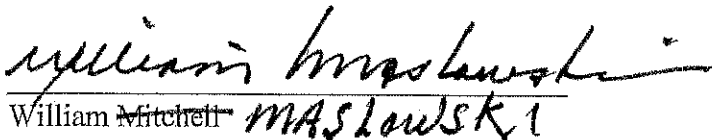
April 18, 2019

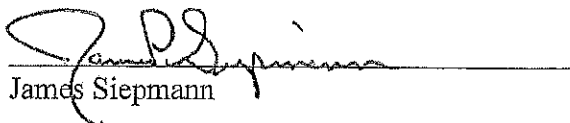

Robert Peregrine, Chairperson


William Mitchell, Vice Chairperson


Thomas Michalski

Absent
Richard Morris


~~William Mitchell~~ MASLOWSKI


James Siepmann

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

DATE: April 18, 2019

FILE NO.: RZ36

TAX KEY NO's.: GNT 1473.001, GNT 1473.980.002, GNT 1473.002, GNT 1473.003,
GNT 1473.004.001, GNT 1473.005.001, GNT 1473.006 and GNT 1473.007

PETITIONER: Town of Genesee Board
P.O. Box 42
Genesee Depot, WI 53127

OWNERS: James and Shirley Sanderson Revocable Trust, W310 S2560 Cregennan Bae
Benjamin and Erin Penchacek, W310 S2580 Cregennan Bae
Timothy and Charmaine Reynolds, W310 S2614 Cregennan Bae
Dean and Nancy Millikin, S26 W31127 Cregennan Bae
Jay and Ruthann Smith, S26 W31207 Cregennan Bae
Richard and Helen Hogan, S26 W31291 Cregennan Bae
Peggy J. Henry, S26 W31393 Cregennan Bae

LOCATION:
A total of eight parcels, located in part of the NE ¼ of Section 9 and part of the NW ¼ of Section 10, T6N, R18E, Town of Genesee. More specifically, the properties are located on the south and east sides of Cregennan Bae (Road).

PRESENT ZONING CLASSIFICATION:
R-1 Residential District, EC Environmental Corridor and C-1 Conservancy.

PRESENT LAND USE:
Residential.

PROPOSED ZONING:
A-2 Rural Home District, EC Environmental Corridor and C-1 Conservancy.

PROPOSED LAND USE:
Residential.

PUBLIC HEARING DATE:
March 11, 2019.

PUBLIC REACTION:
None.

TOWN PLAN COMMISSION:
On March 11, 2019, the Town Plan Commission, unanimously recommended approval of the rezoning request.

TOWN BOARD ACTION

On March 11, 2019, the Town Board unanimously approved the rezoning request.

COMPLIANCE WITH THE WAUKESHA COUNTY DEVELOPMENT PLAN AND THE TOWN OF GENESEE LAND USE PLAN:

The properties are designated in the Suburban Density Residential II category on the Comprehensive Development Plan for Waukesha County and Town of Genesee Land Use Plan (3-4.9 acres/dwelling unit). The proposed zoning amendment is consistent with both plans.

OTHER CONSIDERATIONS:

The Town of Board of Genesee is proposing to amend eight properties from the R-1 Residential District to the A-2 Rural Home District. The subject properties, located south and west of Cregennan Bae, contain single-family residences and various accessory buildings. The lots are part of the Strawberry Fields subdivision and range from three to 21 acres. The properties located north of Cregennan Bae, also within Strawberry Fields subdivision, are zoned A-2 Rural Home District (minimum 3-acres). Single-family subdivisions with 1-acre lots are located to the south and southwest and are zoned R-1 Residential.

Cregennan Bae is a local road with a rural setting, with properties ranging from 2.3 to 21 acres. The road runs from east to west and does not extend south into the smaller lot subdivisions. The amendment will place all lots within the Strawberry Fields subdivision in the same zoning category and will allow the subject properties an increase of permissible accessory building square footage. The A-2 District allows up to 2% of the lot size in accessory building square footage whereas the R-1 District allows up to 1,000 sq. ft. The zoning amendment results in an increase of accessory building square footage on all of the subject properties. The proposed zoning district is also more appropriately aligned with the Town and County Land Use Plan designations of Suburban Density Residential II.

STAFF RECOMMENDATION

It is the opinion of the Planning and Zoning Division Staff that the request be **approved**. The proposed zoning district is consistent with the other properties in the area and fits the rural setting. In addition, the A-2 District is consistent with the Suburban Density Residential II designation, as identified on the Town and County Land Use Plans.

Respectfully submitted,

Rebekah Leto

Rebekah Leto
Senior Land Use Specialist

Attachments: Town Ordinance No. 19-2
Map

ORDINANCE 19-2

An Ordinance to amend the Zoning Map of the Town of Genesee from R-1 Residential District to A-2 Rural Home District on lands located in the NE ¼ of Section 9 and part of the NW ¼ of Section 10, T6N, R18E, Town of Genesee, Waukesha County Wisconsin

The Town Board of Genesee, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1:

The Town of Genesee Zoning Map is hereby amended to change the zoning classification from R-1 Residential District to A-2 Rural Home District on the following described parcels of land:

Located in part of the NE ¼ of Section 9 and part of the NW ¼ of Section 10, T6N, R18E, Town of Genesee. More specifically, the properties are located on the south and east sides of Cregennan Bae and all but one (1) lot are part of the Strawberry Fields Subdivision and includes the following properties/owners:

James & Shirley Sanderson Revocable Trust, W310 S2560 Cregennan Bae (Tax Key No. GNT 1473.001); James & Shirley Sanderson Revocable Trust, W310 S2560 Cregennan Bae (Tax Key No. GNT 1473.980.002); Benjamin & Erin Pechacek, W310 S2580 Cregennan Bae (Tax Key No. GNT 1473.002); Timothy & Charmaine Reynolds, W310 S2614 Cregennan Bae (Tax Key No. GNT 1473.003); Dean & Nancy Millikin, S26 W31127 Cregennan Bae (Tax Key No. GNT 1473.004.001); Jay & Ruthann Smith, S26 W31207 Cregennan Bae (Tax Key No. GNT 1473.005.001); Richard & Helen Hogan, S26 W31291 Cregennan Bae (Tax Key No. GNT 1473.006); and Peggy J Henry, S26 W31393 Cregennan Bae (Tax Key No. GNT 1473.007). All addresses have a Wales, Wisconsin 53183 mailing address.

Section 2: 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 as to those terms that conflict.

RECEIVED

MAY 15 2019

DEPT OF PARKS & LAND USE

Section 3: Effective Date.

This ordinance shall take effect immediately upon passage by Waukesha County and posting or publication as provided by law.

This ordinance passed this 11 day of March, 2019.

RECEIVED

BY THE TOWN BOARD OF THE
TOWN OF GENESEE:

MAR 15 2019

Sharon L. Leair
Sharon L. Leair, Town Chairman
DEPT OF PARKS & LAND USE

ATTEST:

Meri Majeskie
Meri Majeskie, Town Clerk

1 LAYING OUT, RELOCATION AND IMPROVEMENT OF THE INTERSECTION OF
2 COUNTY TRUNK HIGHWAY O AND COUNTY TRUNK HIGHWAY I, IH-43
3 WB RAMP TO BELOIT ROAD, REVISION NUMBER 1, WAUKESHA
4 COUNTY PROJECT I.D. 2782-03-06
5
6

7 WHEREAS, the County Board of Supervisors of Waukesha County finds that the proper
8 improvement and maintenance of the intersection of County Trunk Highway O and County
9 Trunk Highway I in the City of New Berlin from a point that is 1096.60 feet North of and 2.12
10 feet East of the West ¼ corner of Section 26, Town 6 North, Range 20 East in the City of New
11 Berlin, Waukesha County, State of Wisconsin to a point that is 705.92 feet South of and 1.37 feet
12 West of the Northwest ¼ corner of Section 26, Town 6 North, Range 20 East, City of New
13 Berlin, Waukesha County, State of Wisconsin requires certain relocation or changes and the
14 acquisition of certain rights of way as shown on the plat marked "Plat of Right of Way Required
15 for C.T.H. O, IH-43 WB Ramp to Beloit Road Project ID 2782-03-06".
16

17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
18 ORDAIN that the plat marked "Plat of Right of Way Required for C.T.H. O, IH-43 WB Ramp to
19 Beloit Road, Project ID 2782-03-06" on file in the County Clerk's office is adopted by reference
20 under the authority granted by Section 83.08 and Chapter 32 of the Wisconsin Statutes.
21

22 IT IS FURTHER ORDAINED that County Trunk Highway O, IH-43 WB Ramp to Beloit Road,
23 in the City of New Berlin is hereby changed or relocated from a point that is 1096.60 feet North
24 of and 2.12 feet East of the West ¼ corner of Section 26, Town 6 North, Range 20 East in the
25 City of New Berlin, Waukesha County, State of Wisconsin to a point that is 705.92 feet South of
26 and 1.37 feet West of the Northwest ¼ corner of Section 26, Town 6 North, Range 20 East, City
27 of New Berlin, Waukesha County, State of Wisconsin in accordance with the plat marked "Plat
28 of Right of Way Required for C.T.H. O, IH-43 WB Ramp to Beloit Road Project ID 2782-03-
29 06".
30

31 IT IS FURTHER ORDAINED that the County shall acquire those rights of way and other
32 interests as shown on the plat marked "Plat of Right of Way Required for C.T.H. O, IH-43 WB
33 Ramp to Beloit Road, Project ID 2782-03-06".

R/W PROJECT NUMBER
2782-03-06

FEDERAL PROJECT NUMBER

SHEET NUMBER
4.1

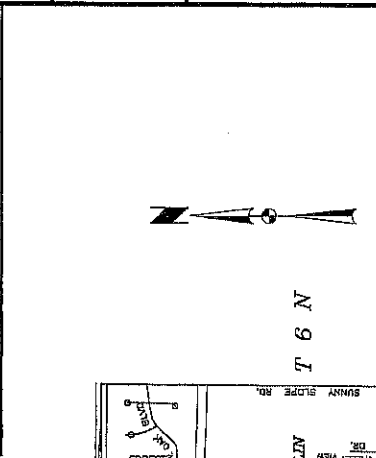
TOTAL SHEETS

PLAT OF RIGHT OF WAY REQUIRED FOR
IH-43 WB RAMP TO BELOIT ROAD

C.T.H. "0"

CONSTRUCTION PROJECT NUMBER
2782-03-76

WAUKESHA CO.



ORIGINAL PLAT PREPARED BY
WAUKESHA COUNTY D.P.W.
515 W. MORELAND BLVD., RM 220
WAUKESHA, WI 53188

SEAL OF WISCONSIN
JASON T. JAYNER
REGISTERED SURVEYOR
S-2844
Manitowish Falls, WI

LAID SURVEY
DATE 12-18-18

APPROVED FOR
WAUKESHA COUNTY
DEPARTMENT OF PUBLIC WORKS

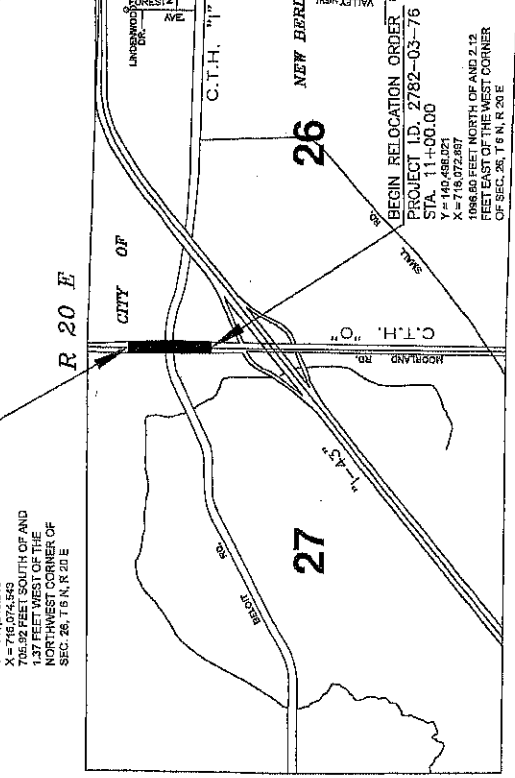
DATE 12-18-18
Signature: Jason T. Jayner

DATE 12/19/18
Signature: Carol M. O'Neil
ENGINEERING SERIES NUMBER

REVISION DATE
05/02/2019

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

APPROVED FOR THE DEPARTMENT
DATE: M/A
(Signature)



END RELOCATION ORDER
PROJECT I.D. 2782-03-76
STA. 19+50.00
Y = 141,346.018
705.82 FEET SOUTH OF AND
1.37 FEET WEST OF THE
NORTHWEST CORNER OF
SEC. 26, T 6 N, R. 20 E

BEGIN RELOCATION ORDER
PROJECT I.D. 2782-03-76
STA. 11+00.00
Y = 140,486.021
1084.82 FEET NORTH OF AND 2.12
FEET EAST OF THE WEST CORNER
OF SEC. 26, T 6 N, R. 20 E

Scale
0 0.25 0.50 MI.

LAYOUT

TOTAL NET LENGTH OF CENTERLINE = 0.3693 MI. (URBAN)

HORIZONTAL POSITIONS SHOWN ON THIS PLAN ARE WISCONSIN COUNTY COORDINATES, WAUKESHA COUNTY, MAD83 (2004), IN U.S. SURVEY FEET. VALUES ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES. FIELD SURVEY AND COORDINATE DATA HAS BEEN PREPARED BY RA SMITH.

RIGHT OF WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY OR OTHER SURVEYS OF PUBLIC RECORD

THE EXISTING HIGHWAY RIGHT OF WAY SHOWN HEREON IS BASED ON PROJECT 2722-03-71, EXISTING CERTIFIED SURVEY MAPS, SUBDIVISION PLATS, AND OTHER SURVEYS OF PUBLIC RECORD.

DIMENSIONING TO THE NEW RIGHT OF WAY IS MEASURED ALONG AND PERPENDICULAR TO THE CENTERLINE OF CONSTRUCTION.

A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGHT FOR CONSTRUCTION PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON AND THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE. INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM NECESSARY TO PROTECT THE PROJECT OR TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES WILL NOT TOLERATE OR OTHERWISE ADVERSELY AFFECT THE HIGHWAY FACILITIES.

A PERMANENT LIMITED EASEMENT (PLE) IS A RIGHT FOR CONSTRUCTION AND MAINTENANCE PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON AND THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE. INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES WILL NOT TOLERATE OR OTHERWISE ADVERSELY AFFECT THE HIGHWAY FACILITIES.

CONVENTIONAL SYMBOLS

SECTION LINE	PARCEL NUMBER	UTILITY NUMBER
QUARTER LINE	SECTION	R/W MONUMENT
NEW REFERENCE LINE	NOTATION FOR COMBUSTIBLE FLAMES	NON-MONUMENTED
NEW R/W LINE	NOTATION FOR FOUND BORN PIN	R/W POINT
EXISTING R/W LINE	NOTATION FOR VALVE (GAS, WATER, ETC.)	FOUND BORN PIN
PROPERTY LINE	NOTATION FOR OFF-PHASE SIGN	VALVE (GAS, WATER, ETC.)
LOT, TIE AND OTHER MINOR LINES	NOTATION FOR TRANSMISSION LINES	OFF-PHASE SIGN
BOUNDARY LIMITS	ACCESS CONTROLLED BY ACQUISITION	TRANSMISSION LINES
CORPORATE LIMITS	NO ACCESS (BY STATUTORY AUTHORITY)	ACCESS CONTROLLED BY ACQUISITION
UNDERGROUND FACILITY (TELEPHONE, CABLE, ETC.)	ACCESS RESTRICTED (BY PREVIOUS PROJECT OR CONTROL)	NO ACCESS (BY STATUTORY AUTHORITY)
FEE ACQUISITION AREA (TRANSFER FROM POWER)	NO ACCESS (NEW HIGHWAY)	ACCESS RESTRICTED (BY PREVIOUS PROJECT OR CONTROL)
TEMP. LIMITED EASEMENT AREA	NATIONAL GEODETIC SURVEY MONUMENT	NO ACCESS (NEW HIGHWAY)
EASEMENT AREA (HIGHWAY, PERMANENT LIMITED, OR RESTRICTED DEVELOPMENT)	SIXTEENTH CORNER MONUMENT	NATIONAL GEODETIC SURVEY MONUMENT
PERMANENT LIMITED EASEMENT	PARALLEL OFFSETS	SIXTEENTH CORNER MONUMENT
RESTRICTED DEVELOPMENT	CONVENTIONAL ABBREVIATIONS	PARALLEL OFFSETS
TRANSMISSION STRUCTURES	AR ACCESS RIGHTS	CONVENTIONAL ABBREVIATIONS
BUILDING	AC ACRES	AR ACCESS RIGHTS
BUILDING (TO BE REMOVED)	ALUM ALUMINUM	AC ACRES
BRIDGE	ET AL AND OTHERS	ALUM ALUMINUM

CONVENTIONAL ABBREVIATIONS

AR ACCESS RIGHTS	PC POINT OF CURVATURE	FCR POINT OF CURVATURE
AC ACRES	PI POINT OF INTERSECTION	PI POINT OF INTERSECTION
ALUM ALUMINUM	PLD POINT OF LONG DISTANCE	PLD POINT OF LONG DISTANCE
ET AL AND OTHERS	R/L REFERENCE LINE	R/L REFERENCE LINE
BACK BACK	REM REMAINING	REM REMAINING
BLK BLOCK	RIGHT RIGHT	RIGHT RIGHT
CEN CENTERLINE	SECTION SECTION	SECTION SECTION
CERTIFIED SURVEY MAP	SEPT SEPTIC VENT	SEPT SEPTIC VENT
CONC CONCRETE	SQ SQUARE FEET	SQ SQUARE FEET
COUNTY COUNTY	STATE STATE TRUNK HIGHWAY	STATE STATE TRUNK HIGHWAY
CTH COUNTY TRUNK HIGHWAY	STH STATE TRUNK HIGHWAY	STH STATE TRUNK HIGHWAY
DIST DISTRICT	SUB SUBDIVISION	SUB SUBDIVISION
DIV DIVISION	TAN TANGENT	TAN TANGENT
DWG DRAWING	TEMP TEMPORARY LIMITED EASEMENT	TEMP TEMPORARY LIMITED EASEMENT
EASE EASEMENT	TP TANGENT POINT	TP TANGENT POINT
EXISTING EXISTING	TRP TRANSITION PROJECT	TRP TRANSITION PROJECT
GAS GAS VALVE	U.S. UNITED STATES HIGHWAY	U.S. UNITED STATES HIGHWAY
HE HIGHWAY EASEMENT	V VOLUME	V VOLUME
IDENTIFICATION IDENTIFICATION	LC LONG CURVE BEARING	LC LONG CURVE BEARING
LAND LAND CONTRACT	R RADIUS	R RADIUS
LEFT LEFT	CA CENTRAL ANGLE OR DELTA	CA CENTRAL ANGLE OR DELTA
LAND CONTRACT	L LENGTH OF CURVE	L LENGTH OF CURVE
NATIONAL GEODETIC SURVEY	T TANGENT	T TANGENT
NS NORTH	TA TANGENT ANGLE	TA TANGENT ANGLE
NO. NUMBER	DB DIRECTION BACK	DB DIRECTION BACK
OUTLET OUTLET	PC POINT OF CURVATURE	PC POINT OF CURVATURE
PAGE PAGE	PLD POINT OF LONG DISTANCE	PLD POINT OF LONG DISTANCE
OF TANGENCY OF TANGENCY	PUB POINT OF BEGINNING	PUB POINT OF BEGINNING
P PERMANENT LIMITED EASEMENT	PERMANENT LIMITED EASEMENT	PERMANENT LIMITED EASEMENT
PERMANENT LIMITED EASEMENT	PERMANENT LIMITED EASEMENT	PERMANENT LIMITED EASEMENT
POINT OF BEGINNING	PERMANENT LIMITED EASEMENT	PERMANENT LIMITED EASEMENT
POINT OF CURVATURE	PERMANENT LIMITED EASEMENT	PERMANENT LIMITED EASEMENT

CONVENTIONAL UTILITY SYMBOLS

WATER	TELEPHONE	OVERHEAD
CABLE TELEVISION	CABLE TELEVISION	FIBER OPTIC
STORM SEWER	STORM SEWER	STORM SEWER

FILE NAME : N:\DPP\ENGINEER\PROJECTS\0 AT IH-43 WB RAMP TO BELOIT ROAD 2782-03-06\ACQ\WASRW-CH 0.DWG

Referred on: 05/09/19

Referred to: PW

File Number: 174-O-026

Plot Date: 12/19/2018 12:15 PM

Plot By: JASON

Plot Name:

SCHEDULE OF LANDS & INTERESTS REQUIRED

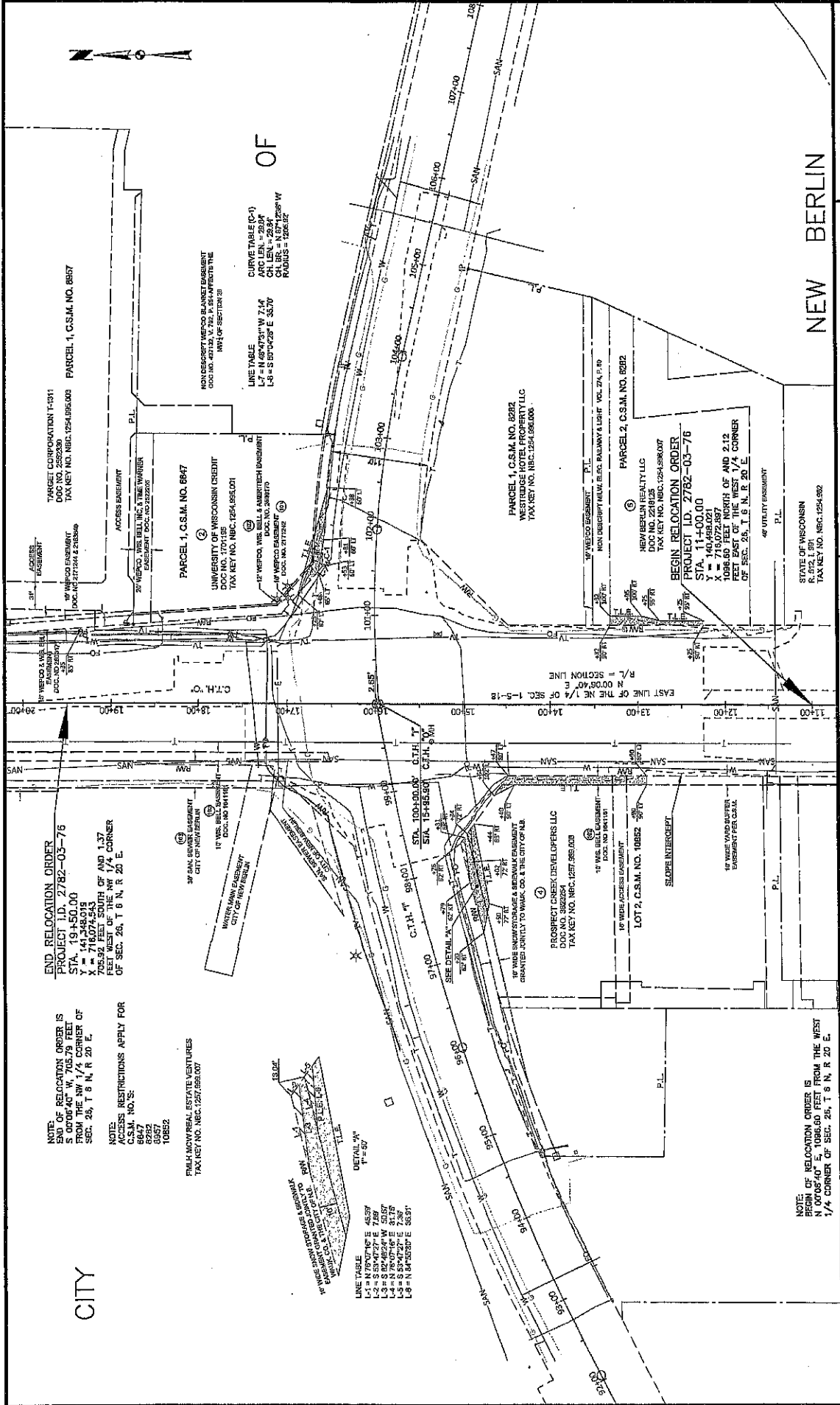
OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO WAUKESHA COUNTY.

AREAS SHOWN IN THE TOTAL AREA MAY BE APPROXIMATE AND ARE DERIVED FROM TAX MAPS AND RECORDS WHICH ARE NOT CONTIGUOUS TO THE AREA TO BE ACQUIRED.

PARCEL NO.	SHEET NO.	OWNERS	INTEREST REQD.	EASEMENT ACRES REQUIRED		R/W ACRES REQUIRED		TOTAL ACRES REM.
				T.L.E.	P.L.E.	NEW	EXST.	
1	4.3	ELIMINATED	FEE, T.L.E.	0.023	-	0.002	-	0.025
2	4.3	UNIVERSITY OF WISCONSIN CREDIT UNION	FEE, T.L.E.	0.073	0.002	0.003	-	2.81
3	4.3	ELIMINATED	FEE, P.L.E., T.L.E.	0.018	-	-	-	1.62
4	4.3	PROSPECT CREEK DEVELOPERS LLC	T.L.E.	-	-	-	-	-
5	4.3	NEW BERLIN REALTY LLC	-	-	-	-	-	-

UTILITY NUMBER
 101 WE-ENERGIES (ELECTRIC) CONVEYANCE OF RIGHTS
 102 AMERITECH/WISCONSIN BELL CONVEYANCE OF RIGHTS
 103 CITY OF NEW BERLIN SEWER AND WATER CONVEYANCE OF RIGHTS

REVISION DATE: 5/2/2019
 DATE: 4/19/2019
 HWY: CTH O & CTH I
 COUNTY: WAUKESHA
 CONSTRUCTION PROJECT NO.: 2782-08-76
 RW PROJECT NO.: 2782-08-08
 PLAT BY: WATER, JASON
 PLAT DATE: 12/08/2018
 FILE NAME: I:\V\PW\ENGINEER\PROJECTS\O AT 18-43 181 RAMP TO BELDIT RD 2782-03-08\ACADA\RW\DRAW-CTH O-REVISED.DWG
 File Number: 174-O-026
 Referred to: PW 3



4	4
CONSTRUCTION PROJECT NO.: 2782-08-76	SCALE: 1"=100'
RAW PROJECT NO.: 2782-05-08	PLAT SHEET NO.: 4.3
HWY: CTH O & CTH I	COUNTY: WAUKESHA
DATE: 4/18/2019	REVISION DATE: 5/29/2019
FILE NAME: H:\ADP\ENGINEERING\PROJECTS\0 AT IH-43 WB RAMP TO BELOIT RD 2782-03-06\ACAD\RAW\EXR-CTH O-REVISED.DWG	Referred to: PW
Plot Date: 12/18/2018	Plot By: MAYER, JASON
File Number: 174-O-026	4

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

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

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

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

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

22 WHEREAS, the grant funds to be received and disbursed were previously incorporated in the
23 2019 Waukesha County Department of Parks and Land Use budget.
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
26 that Waukesha County desires to receive Outdoor Motorized Recreational Trails Aid pursuant to
27 sec. 23.09(26), Wis. Stats. for program year 2019-2020.
28

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

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

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

1 MODIFY SCOPE OF CAPITAL PROJECT 200815 DIGITAL RADIO SYSTEM
2 UPGRADE TO ALLOCATE FUNDS FOR DIGITAL PAGING SYSTEM UPGRADE
3
4

5 WHEREAS, the Waukesha County Department of Emergency Preparedness currently uses an
6 analog paging system to send emergency notifications to fire and EMS first responders
7 throughout the county; and
8

9 WHEREAS, the migration from analog to digital technology is required because the vendor will
10 no longer support analog systems, the current analog system has reached the end of its normal
11 life cycle, and replacement parts will be more difficult to obtain; and
12

13 WHEREAS, the paging system was originally planned for replacement in the Emergency
14 Preparedness operating budget, but the new requirement to migrate from analog to digital
15 technology and the recent addition of two new radio tower sites increased the total number of
16 sites to upgrade such that the operating budget would not be sufficient; and
17

18 WHEREAS, including the paging system upgrade in the Digital Radio System Upgrade capital
19 project would be appropriate because the paging equipment will be installed at all of the county's
20 radio tower sites, will be managed by Emergency Preparedness Radio Services staff, and will
21 provide emergency notifications countywide through a digital signal; and
22

23 WHEREAS, the Digital Radio System Upgrade project is expected to have sufficient existing
24 budget authority to fund this paging system upgrade.
25

26 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
27 that the scope of Capital Project 200815 Digital Radio System Upgrade be modified to allow for
28 replacement and upgrade of the radio system's paging system.

Project Title:	Digital Radio System Upgrade	Project #:	200815
Department:	Emergency Preparedness	Project Type:	Information Technology
Phase:	Implementation	Sponsor:	Radio Services
Budget Action:	C - Scope	Manager:	Gary Bell, Director of Emergency Preparedness
Date:	May 7, 2019		

Year	2011	2012	2013	2014	Total
	Budget & Concept	Design & Engineering	Engineering Implement	Implement	Project
Expenditure Budget	\$7,000	\$70,000	\$775,000	\$8,663,000	\$9,515,000
Revenue Budget	<u>\$7,000</u>	<u>\$70,000</u>	<u>\$387,500</u>	<u>\$4,331,500</u>	<u>\$4,796,000</u>
Net County Cost	\$0	\$0	\$387,500	\$4,331,500	\$4,719,000
COST DOCUMENTATION		REVENUE			
Design	\$57,000	Radio Services Fund Balance			\$77,000
Engineering	\$73,000	Municipal Sinking fund			\$1,600,000
Construction	\$8,701,000	County Loans to Municipal partners*			\$3,119,000
Digital Paging System Upgrade	\$240,000	General Fund Balance of \$625,000 set aside per year beginning in 2010			
Contingency	<u>\$444,000</u>	County Share (Not included in total revenue)			\$4,796,000
Total Project Cost	\$9,515,000				
EXPENDITURE BUDGET	\$9,515,000	REVENUE BUDGET			\$4,796,000

*Loans to be paid back over eight years. Loans are expected to be about \$1.5 million less than budget, reflecting lower project costs and reduced charges to municipalities.

Project Scope & Description

The migration from analog to digital technology is required because the vendor will no longer support analog systems, and the current analog system will have reached the end of its normal life cycle. All new trunked radio systems will be required to meet the new FCC standards or upgrade their current radios to the new platform. This project does not include costs of agency radios.

The project scope is modified to include an upgrade of the paging system from an analog system to a new VHF (very high frequency) digital system. The paging system sends emergency notifications to fire and EMS first responders throughout the county. The migration from analog to digital is necessary because the vendor will no longer support analog systems, the current system has reached the end of its normal life cycle, and replacement parts will be more difficult to obtain.

The paging system was originally planned for replacement in the Emergency Preparedness operating budget, but the switch to digital and the addition of two new radio tower sites meant the operating budget would not be sufficient for this upgrade, estimated to cost \$240,000. Including the paging system upgrade in the Digital Radio System Upgrade capital project would be appropriate because the paging equipment will be installed at the County's radio tower sites, will be managed by Emergency Preparedness Radio Services staff, and will provide emergency notifications countywide through a digital signal. There is not expected to be a significant cost impact to municipal first responders as a result of this upgrade.

Location: Equipment is located throughout the county, but the "intelligence" of the system is located at 2120 Davidson Road. The County has added two additional transmitting sites (in the towns of Lisbon and Vernon) for a total of nine sites. Paging upgrades are expected to improve the coverage area for fire and EMS departments in areas that have been deemed deficient by public safety field partners based on their end user experience.

Analysis of Need

When the current system was purchased and installed in 2000 digital systems were relatively new and it was determined that the digital technology was not stable enough for the County's application. Digital offers better reception in the fringe areas compared to analog thereby increasing coverage. The transition to digital for the paging system is due to the end of life cycle support of the analog solution currently installed and active.

Alternatives: There are no alternatives to replacing the system if the County wants to continue to use this as a public safety system. As these systems age, reliability can be negatively affected. In the near future the vendor will no longer support this system and replacement parts will be more difficult to obtain. It would be inappropriate to rely on a public safety system that is in danger of failure or hampered by an inability to be repaired effectively.

Ongoing Operating Costs: The County expects increased equipment and maintenance costs to be partially offset by system users' annual operating cost reimbursements for County radio services operations. Ongoing costs are estimated at approximately \$200,000 for the digital radio system. The vendor has not supplied estimated ongoing costs for the digital paging system, but typically this is estimated at 10% of project costs, or \$24,000.

Previous Action: 2008: new project. 2010-2014 capital plan: approved as planned. An amendment to the original intergovernmental agreement was signed by all 37 communities. 2012-2016 capital plan: approved as planned. 2013-2017 capital plan: approved with change in scope. 2014-2018 capital plan: approved as planned.

FISCAL NOTE

MODIFY SCOPE OF CAPITAL PROJECT 200815 DIGITAL RADIO SYSTEM UPGRADE
TO ALLOCATE FUNDS FOR DIGITAL PAGING SYSTEM UPGRADE

This ordinance modifies the scope of capital project 200815 Digital Radio System Upgrade to include an upgrade of the existing analog paging system to a digital system. The current capital project is expected to have sufficient budget authority to fund this paging system upgrade estimated to cost \$240,000 without having to appropriate additional funding. The paging system will essentially be part of the digital radio system because it is integrated with radio tower site infrastructure, will be managed by Radio Services staff, and will operate through a countywide digital signal.

The maintenance cost of the upgraded system will be adjusted from the existing budgeted base in future operating budgets, when the system is implemented.

Linda Witkowski

Linda Witkowski

Budget Manager

5/6/2019

BPD



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

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

I am pleased to submit to the County Board for your consideration, the appointment of Ms. Brianna Rasmussen to the Hartland Library Board of Trustees. Ms. Rasmussen is currently a stay at home mother of children. She grew up in Hartland and attended the University of Iowa where she received a B.A. in English and a B.A. in Communication Studies and worked in the Special Collections Department of the University Libraries. Ms. Rasmussen has worked various jobs within the Hartland area. Ms. Rasmussen will be fulfilling the incomplete term of Ms. Lynda Crooke who resigned on April 29, 2019. Her term, if appointed, will expire in July of 2020.

PF:kb

cc: Margaret Wartman
Connie Meyer



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 7, 2019
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Appointment of Police Chief Torin Misko to the Dispatch Operations
Commission

I am pleased to submit to the County Board, for your consideration, the appointment of Village of Hartland Police Chief Torin Misko to the Dispatch Operations Commission. He has been recommended by the Waukesha County Police Chiefs to fill the vacancy left by the retirement of Bob Rosch.

PF:kb

cc: Meg Wartman
Gary Bell

1 APPROVE EXPENDITURE OF A CASH DONATION AND ACCEPT AN IN-KIND
2 DONATION TO THE SHERIFF'S DEPARTMENT OF CHILD CAR SEATS AND
3 BOOSTER SEATS AND MODIFY THE 2019 SHERIFF'S DEPARTMENT BUDGET
4
5

6 WHEREAS, St. Mary's Episcopal Church raised \$731, which they donated as cash to the
7 Waukesha County Sheriff's Department; and
8

9 WHEREAS, the Waukesha County Sheriff's Department would like to use the donated cash to
10 purchase public relations items to provide to children at community events; and
11

12 WHEREAS, St. Mary's Episcopal Church expressed an interest in donating ten new child car
13 seats and five new booster seats for the Sheriff's Department to transport children and provide to
14 members of the community; and
15

16 WHEREAS, Waukesha County Code Section 7-91(b)4 requires that in-kind donations with a
17 replacement value of five thousand dollars (\$5,000) or more or those subject to a special
18 condition must be accepted by the County Board; and
19

20 WHEREAS, the value of the child car seats and booster seats are approximately \$1,250; and
21

22 WHEREAS, the child car seats and booster seats are subject to a special condition as determined
23 by the Corporation Counsel in that, pursuant to Code Section 7-91(b)1.A, these items add a
24 special civil liability exposure not previously recognized in the Sheriff's Department program or
25 operation, which could be addressed with the condition that acceptance of the donated car seats
26 and booster seats requires the Sheriff's Department to obtain the appropriate certification for
27 several deputies to become child passenger safety technicians as set forth in Section 895.497,
28 Wisconsin Statutes in order to receive civil liability immunity for the acts of rendering such
29 services in good faith and without a charge to members of the community.
30

31 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
32 that it approves the expenditure by the Waukesha County Sheriff's Department of donated cash
33 in the amount of \$731 to fund the purchase of public relations items to provide to children at
34 community events.
35

36 THE COUNTY BOARD OF SUPERVISORS OF WAUKESHA COUNTY FURTHER
37 ORDAINS that the 2019 budget of the Sheriff's Department be modified by increasing Other
38 Revenue by \$731 and authorizing the appropriation of an identical amount by increasing the
39 Operating Expense appropriation to fund the purchase of public relations items to provide to
40 children at community events.
41

42 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA
43 FURTHER ORDAINS that the Waukesha County Sheriff's Department may accept the donated
44 in-kind items of car seats and booster seats to be used for transporting children and providing
45 them to members of the community with the condition that acceptance of the donated car seats
46 and booster seats requires the Sheriff's Department to obtain the appropriate certification for
47 several deputies to become child passenger safety technicians as set forth in Section 895.497,
48 Wisconsin Statutes in order to receive civil liability immunity for the acts of rendering such
49 services in good faith and without a charge to members of the community.

FISCAL NOTE
APPROVE EXPENDITURE OF A CASH DONATION AND
ACCEPT AN IN-KIND DONATION TO THE SHERIFF'S DEPARTMENT
OF CHILD CAR SEATS AND BOOSTER SEATS
AND MODIFY THE 2019 SHERIFF'S DEPARTMENT BUDGET

This ordinance appropriates an additional \$731 of operating expense appropriations to purchase public relations materials to provide children at community events. This expenditure is funded with a donation from St. Mary's Episcopal Church.

This ordinance also allows the Sheriff's department to accept child car seats and booster seats donated by the same entity. The department estimates the value of these seats at \$1,250. Department management plans to provide and install these seats for individuals that need them as they encounter them during their regular work. In order to mitigate liability, department staff will need to be obtain certification to become child passenger safety technicians. Department management currently estimates that at least four employees will receive certification. Registration is estimated to cost \$250 per person, in addition to travel and lodging expenses for the three-day course. The department expects to absorb these additional costs within their existing training and travel budget.



Linda G. Witkowski
Budget Manager
5/8/2019
BPD
JE# 2019-00004741

1 ACCEPT STATE OF WISCONSIN TELEPHONIC-ASSISTED CARDIOPULMONARY
2 RESUSCITATION PROGRAM FUNDING AND MODIFY THE EMERGENCY
3 PREPAREDNESS 2019 BUDGET TO APPROPRIATE GRANT
4 REVENUES AND EXPENDITURES
5
6

7 WHEREAS, the Communications Division of the Waukesha County Emergency Preparedness
8 Department currently maintains a center that supports telephonic-assisted cardiopulmonary
9 resuscitation (T-CPR) in Waukesha County; and
10

11 WHEREAS, the Communications Division of the Waukesha County Emergency Preparedness
12 Department requires its staff to maintain its Emergency Medical Dispatch certification through
13 ongoing training; and
14

15 WHEREAS, the Communications Division of the Waukesha County Emergency Preparedness
16 Department provides updated equipment, allowing staff to effectively provide T-CPR
17 instructions; and
18

19 WHEREAS, Wisconsin Division of Public Health has awarded \$15,586 in grant funding to
20 Waukesha County to assist with funding the equipment and training necessary to provide T-CPR
21 to the citizens of Waukesha County.
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
24 that the Waukesha County Emergency Preparedness Department is authorized to accept \$15,586
25 in grant funding from Wisconsin Division of Public Health to assist in funding the equipment
26 and training necessary to provide T-CPR instruction.
27

28 BE IT FURTHER ORDAINED that the Emergency Preparedness 2019 budget be modified by
29 appropriating operating expenses of \$11,372 to fund replacement headsets and training manikins,
30 personnel expenses of \$4,214 to fund overtime training costs to provide T-CPR instruction, and
31 increasing intergovernmental revenues by \$15,586 for corresponding State of Wisconsin grant
32 revenues.

FISCAL NOTE

ACCEPT STATE OF WISCONSIN TELEPHONIC-ASSISTED CARDIOPULMONARY
RESUSCITATION PROGRAM FUNDING AND MODIFY THE EMERGENCY
PREPAREDNESS 2019 BUDGET TO APPROPRIATE GRANT REVENUES AND
EXPENDITURES

This ordinance authorizes the appropriation of \$15,586 of Wisconsin Department of Health Services-Division of Public Health telephonic-assisted cardiopulmonary resuscitation (T-CPR) grant awards in the Waukesha County Department of Emergency Preparedness' 2019 budget. The funding will be used to cover \$11,372 in equipment costs related to 30 new communication headsets and 12 training manikins, and \$4,214 to cover overtime costs for telecommunicators associated with staff training opportunities.

The use of grant funding for the additional expenditures results in no impact to the 2019 tax levy.

Linda Witkowski

Linda Witkowski
Budget Manager
5/7/2019

BAJ: 2019-00004747

1 APPROVE LEASE WITH WISDOT FOR WOODBURN
2 ROAD SALT STORAGE FACILITY
3
4

5 WHEREAS, the County Board has approved Department of Public Works Capital Project #
6 201401 – Construct Salt Storage Facility/Replace Brinemaker which contemplates the
7 construction of a new 15,000 ton salt shed storage facility on County-owned property on
8 Woodburn Road in the City of Waukesha in conjunction with WisDOT; and
9

10 WHEREAS, the County and WisDOT have entered into a certain 1st Revision to State/Municipal
11 Agreement for a State – Let Highway Projection; Project I.D. 1060-62-00/70 dated November 8,
12 2018 whereby the parties have agreed to terms on the funding and construction of the new salt
13 storage facility; and
14

15 WHEREAS, WisDOT will pay for approximately 91% of the total salt storage facility estimated
16 construction costs and will be responsible for construction of the facility; and
17

18 WHEREAS, the County will contribute the land upon which the salt storage facility will be
19 located together with any necessary additional funds collectively valued at approximately 9% of
20 total estimated construction costs; and
21

22 WHEREAS, upon completion of construction of the salt storage facility the County will own the
23 facility and will lease the salt storage facility to WisDOT rent free while retaining certain rights
24 to use a portion of the facility for the County's own purposes; and
25

26 WHEREAS, it is necessary that the County and WisDOT execute a written lease agreement
27 memorializing the parties' agreement for the lease of the constructed facility with an initial forty
28 (40) year term and one or more optional ten (10) year renewal terms.
29

30 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
31 that a lease agreement between the County and WisDOT regarding the Woodburn Road salt
32 storage facility substantially in the form of the lease on file with the Waukesha County
33 Corporation Counsel Office is in all respects approved.
34

35 BE IT FURTHER ORDAINED that the Waukesha County Corporation Counsel and the Director
36 of the Department of Public Works or her designee is authorized to finalize negotiations with
37 respect to the lease, and the Director of Public Works or her designee is authorized to execute the
38 final lease agreement approved by Corporation Counsel and any other documents contemplated
39 thereby or desirable to facilitate the transactions contemplated therein.

FISCAL NOTE
APPROVE LEASE WITH WISDOT FOR WOODBURN ROAD
SALT STORAGE FACILITY

This ordinance authorizes the Corporation Counsel and Director of Public Works to finalize a lease agreement between the county and the Wisconsin Department of Transportation (WisDOT) for a new salt storage facility located on county property near the Highway Operations Building and two existing salt storage facilities. The term of the agreement will be 40 years, with a renewal option for an additional 10 years.

The County Board approved funding for the county's share of the construction of a new salt storage facility and the installation of a replacement brinemaker in the 2018 capital budget (project #201401). Department management expects the brinemaker replacement portion of this project to be completed later in the year, and for both portions to be within the approved \$323,700 budget for the county's share of costs.

The lease will specify that the county will own the facility once it is constructed. WisDOT will be permitted to store salt there rent free in exchange for allowing the county to use 10% of the space for its salt storage.

The county will be responsible for maintenance and other ongoing operating expenses (e.g., utilities). Department management estimates that ongoing operating expenses, at least initially with a new facility, will be less than \$3,000 per year. WisDOT will partially fund these operating expenses through the state's Highway Maintenance County reimbursement process, similarly to how it funds costs for the two existing salt storage facilities located at the Woodburn Road site.

Linda Witkowski

Linda Witkowski
Budget Manager

5/8/2019

BPD

1 APPROVE SECOND AMENDMENT TO THE CONSTRUCTION AND OPERATING
2 AGREEMENT BETWEEN WAUKESHA COUNTY AND RESOURCE RECOVERY
3 SYSTEMS, LLC AND MODIFY THE 2019 COUNTY BUDGET FOR
4 THE MATERIAL RECOVERY FACILITY ("MRF")
5

6 WHEREAS, since 1990, Waukesha County has served as a Responsible Unit ("RU") for
7 recycling under Chapter 287 of the Wisconsin Statutes for twenty-five (25) participating
8 municipalities, with two (2) additional municipalities joining the County program in 2015; and
9

10 WHEREAS, as part of the recycling program from 1991 to 2014, all recyclables collected by
11 participating municipalities were processed at a County-owned Material Recovery Facility
12 ("MRF") located in the City of Waukesha; and
13

14 WHEREAS, after several years of studies, in 2014, the Waukesha County Board adopted
15 ordinances 168-17 and 168-18 authorizing the execution of an Intergovernmental Agreement
16 ("IGA") with the City of Milwaukee ("City") and an agreement with Resource Recovery
17 Systems, LLC to design, build and operate a new single-stream MRF in a City-owned building
18 located in Milwaukee dated May 5, 2014 ("Agreement"); and
19

20 WHEREAS, a similar design, build, operate agreement was executed between the City and
21 Resource Recovery Systems, LLC., and the new Joint City/County MRF began operation in
22 March 2015; and
23

24 WHEREAS, in October 2017, Resource Recovery Systems, LLC was acquired by Republic
25 Services, Inc.; and
26

27 WHEREAS, due to depressed markets for the sale of recyclable materials, the economic
28 conditions of operating a MRF have significantly changed, which required the renegotiation of
29 the operating agreement with Republic Services, Inc.; and
30

31 WHEREAS, after 9 months of joint negotiations among the City, the County and Republic
32 Services, Inc., terms for an amendment to the City and County operating agreements with
33 Republic Services, Inc. have been agreed to; and
34

35 WHEREAS, amendments to the Agreement also require amendments to the adopted 2019 MRF
36 budget to account for higher operating costs, reduced sales resulting from depressed recycled
37 material market conditions, and reductions to community dividends based on lower revenues;
38 and
39

40 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
41 that the Second Amendment to the Construction and Operating Agreement between Waukesha
42 County and Republic Services, Inc. is hereby approved.
43

44 BE IT FURTHER ORDAINED that the Material Recovery Facility's (MRF) 2019 Budget be
45 modified by reducing operating expenses by \$237,180 reflecting reductions in community
46 dividend payments partially offset by additional costs related to processing fees and waste
47 disposal costs; decreasing other revenues by \$745,750 due to changes to material sales rates,
48 equipment repair and replacement fees, and education fees; and increasing MRF Fund Balance
49 by \$508,570 to offset remaining adjustment balances.

Joint MRF Operating Agreement

Background

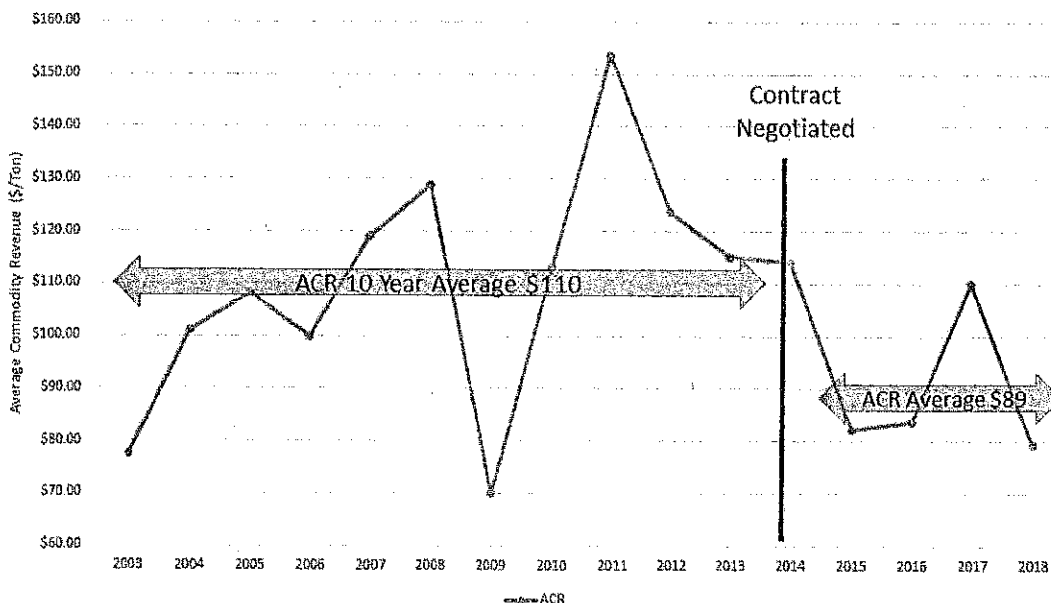
In March 2014, after a highly competitive RFP process, the City of Milwaukee and Waukesha County ("Entity") both executed contracts with ReCommunity, LLC, which is now owned by Republic Services Inc. ("Republic"). The contracts covered the design, construction and operation of a new \$15 million Joint Entity Materials Recovery Facility ("Joint MRF") to be located in an existing City-owned building in Milwaukee. The Joint MRF began operation in March 2015, with all partner communities delivering their collected recyclables to the facility for processing. Several performance measures were included in the contract to ensure the efficient operation and maintenance of the facility, and the greatest return on investment for the Entity.

The Markets

Prior to selecting the successful contractor for the Joint MRF, an economic model was developed to evaluate proposals and determine the best business plan for the Entity. Under the accepted proposal, the Entity receives 80% of the revenue from recyclable material sold on the commodity markets, which is used to pay for recyclable processing, as well as support Entity program costs and dividend payments to community partners. With this arrangement, the most impactful assumption in the model is the per ton value of the recyclables sold, which is referred to as the Average Commodity Revenue (ACR). An ACR value of \$100 per ton was chosen as the modeling standard to compare proposals, which was more conservative than the \$110 per ton 10-year historic average at the time.

However, since the Joint MRF began operating in 2015, the markets have struggled to meet \$100/ton, as shown in Figure 1. In fact, since 2015, ACR values have averaged 19% lower than the previous 10 years (\$1.25 million in lost revenue/year). The depressed recyclable commodity values are a result of international market factors, such as Chinese import bans. Even though the Joint MRF generally sells material in the Midwest markets, the loss of overseas export markets caused a flood of recyclable materials in the US, which has driven down commodity values.

Figure 1 – Average Commodity Revenue: 2003-2018



Operational Impacts

At the same time recyclable markets have been suppressed, the material quality demands increased. More staff were needed to implement quality control measures and maintain equipment in peak condition. Equipment processing speed needed to be reduced to ensure material quality. In a strong economy, wage increases for MRF staff were also necessary to meet labor market demands. All of this has caused MRF operating costs to increase significantly. In addition, more capital investment is needed for equipment upgrades necessary to improve efficiency and material quality.

Renegotiating the Agreement

Due to the rapidly rising MRF operating costs, the Entity was required to renegotiate the economic terms of the operating agreement with Republic. This process began in June of 2018. The Entity engaged the services of a consultant to help with the negotiations and fiscal analysis involved. Republic provided evidence of the increased operating cost and reduced revenues, showing a net loss of over \$1 million at the Joint MRF during 2018.

Republic issued a "termination notice" in November 2018, which was disputed by the Entity's legal counsel. However, if the Entity were to litigate the issue with Republic, a new processor would need to be found through a Request for Proposal process during a period of depressed recycling markets. Surveys by the consultant showed the Entity would have likely paid an even higher processing fee than what was negotiated through this 9-month long process. Therefore, it was recommended to finish the term of the contract while the market continues to adjust. Below is a summary of negotiated terms.

Table 1
Comparison of Current and Renegotiated Agreement Terms

Item	Current Agreement	Negotiated Agreement	Fiscal Impacts
Processing Fee (County pays)	\$32/ton; sliding scale based on inbound tons	\$50/ton; if ACR > \$100 fee is reduced; \$40 at ACR ≥ \$150; no sliding scale on tons	Increased County costs of \$558K/yr.; no need to rely on 3 rd party tons
Revenue Sharing	80% County/20% Republic	80% County/20% Republic with first \$20/ton to Republic; If ACR > \$165, County share increases	At ACR of \$80, reduced revenue of \$100K/yr.
Equipment Repair & Replacement Fee (County & Republic pay)	50% County/50% Republic; sliding scale; no Republic fee if ACR < \$98	Fixed \$5/ton Republic; no sliding scale	At \$80 ACR, is an increase of \$150K of County funding to Reserve Fund; more sustainable; previous \$600K in deferrals
Education Fee (Republic pays)	\$2/ton Republic on sliding scale; no fee if ACR < \$98	Fixed \$2/ton Republic; no sliding scale	More reliable funding for education
Agreement Length	10 years with (1) 5-yr. extension at County discretion	10 years with (1) 5-yr. mutually agreed extension	6 years remaining + possible 5-year extension

**SECOND AMENDMENT TO THE CONSTRUCTION AND OPERATING
AGREEMENT**
between
WAUKESHA COUNTY
and
RESOURCE RECOVERY SYSTEMS, LLC D/B/A MILWAUKEE RECYCLING

This is the Second Amendment to the Construction and Operating Agreement entered into by and between the Waukesha County and Resource Recovery Systems, LLC ("Contractor") on or around May 1, 2014 ("Contract").

Whereas, Republic Services, Inc. acquired the ownership interests in RECommunity Holdings II, Inc., parent company of Resource Recovery Systems, LLC, as of October 1, 2017; and

Whereas, the Parties desire to amend certain economic and renewal terms of the Contract;

Now, therefore, in consideration of the mutual covenants hereinafter stated, the Parties do hereby agree as follows:

1. Schedule 4(a), attached hereto, is hereby appended to Schedule 4, and is effective and in place of Schedule 4, beginning January 1, 2019.
2. Section 1.01 is hereby amended to include "Schedule 4(a) – Joint MRF Contract Payments starting January 1, 2019" immediately after "Schedule 4 – Joint MRF Contract Payments."
3. Article XI is hereby deleted and replaced, effective January 1, 2019, with the attached Article XI.
4. With the exception of Section 1.01, Schedule 4 itself, and Article XI, which shall all be amended as described above, all other instances of the term "Schedule 4" throughout the Contract shall be replaced with the term "Schedule 4, or, starting January 1, 2019, Schedule 4(a)."
5. Section 18.01 is hereby deleted and replaced with the following: "Section 18.01 Term. Unless sooner terminated in accordance with the provisions of this Contract, the Term of this Contract (the "Term") shall commence upon execution hereof by both the County and Contractor and shall continue in effect until the last day of the month in which falls the tenth (10th) anniversary of the Operations Commencement Date, with an option to extend the Contract an additional 5 years if exercised by both Parties in writing. Each Party shall provide the other with notice of its desire to extend the Contract as provided herein no later than 6 months before the Contract's expiration date, and if both Parties desire to extend the Contract, the extension shall be executed no later than 4 months prior to the expiration of the Contract."

6. The definition of the term "Operations Commencement Date" in Article II, Section 2.01 is hereby deleted and replaced with the following: "means March 16, 2015, which is the date that the Contractor commenced Processing of City Recyclable Material at the Joint MRF, as specified in **Schedule 11.**"

7. The terms of this Second Amendment shall apply retroactively to January 1, 2019.

8. This Second Amendment may be executed in multiple parts. Signatures to this Second Amendment transmitted by facsimile or by electronic mail shall be valid and effective to bind the Party so signing.

This constitutes the entire Second Amendment to the Contract. All other covenants, provisions, terms and conditions of the Contract shall remain in full force and effect until further amended by mutual agreement of the Parties.

IN WITNESS WHEREOF, Waukesha County and the Contractor have caused this Amendment to be executed on the dates set forth below.

WAUKESHA COUNTY, WISCONSIN

By: _____
Dale R. Shaver, Director
Department of Parks and Land Use
Waukesha County

Dated this ____ day of _____, 2019.

Approved as to Form and Execution:

Erik G. Weidig
Corporation Counsel

Dated this ____ day of _____, 2019.

RESOURCE RECOVERY SYSTEMS, LLC

By: _____
(Signature)

Its: _____
(Title of Officer)

Dated this _____ day of _____, 2019.

ARTICLE XI
PAYMENTS BASED UPON REVENUES, FEES, AND OPERATING COSTS

Section 11.01 Payments

- (a) Payment to the County by Contractor. Each Operating Month, the Contractor shall pay the County based on **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**, under **Sections 11.02, 11.03, and 11.04**, and as otherwise specified herein. A sample County Payment calculation spreadsheet shall be approved by the Entity and included in the O&M Plan.
- (b) Payment to the Contractor by the County. Each Operating Month, the County shall pay the Contractor based on **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**, under **Sections 11.05, 11.08, and 11.09**, and as otherwise specified herein. A sample Contractor Payment calculation spreadsheet shall be approved by the Entity and included in the O&M Plan.

Section 11.02 Shared Revenue and Fees

- (a) Shared Revenue. Each Operating Month, the Contractor shall pay the County Shared Revenue based on **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**, utilizing the ACR and the most recent Composition Analysis under **Section 9.07**. The Contractor shall pay the County a monthly percentage of Shared Revenue from Third Party Processing in accordance with **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**. A sample Shared Revenue calculation spreadsheet shall be approved by the Entity and included in the O&M Plan.
- (b) Fees. If a Third Party Processing contract approved under **Section 6.13** allocates a portion of the per ton Third Party Processing Fee to the County, the portion of the Third Party Processing Fee allocated to the County shall be included in the monthly County Payment under **Section 11.01**, as further specified in **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**.

Section 11.03 Bypass Charge. The Contractor shall pay the Entity a Bypass Charge when a Residue Analysis determines that the Contractor did not comply with the performance standard under **Section 10.03** for Recoverable Material in Residue during the previous Operating Month. The amount of the Bypass Charge shall be calculated according to the below formula. A sample Bypass Charge calculation spreadsheet shall be approved by the Entity and included in the O&M Plan.

- (a) Difference between the tons of permitted (according to **Section 10.03**) missed Recoverable Material in Residue and the actual tons of missed Recoverable Material in Residue (i.e., using the latest Residue Analysis projected out to the total number of tons of Recoverable Materials, estimated based upon the total number of Recyclable Material tons adjusted by the latest Composition Analysis,

delivered by the County, City, or Third Party, and Processed by Contractor during the previous Operating Month);

MULTIPLIED BY

- (b) the ACR for the previous Operating Month;

MULTIPLIED BY

- (c) eighty percent (80%)

Section 11.04 Education Fee. The Contractor shall pay the Education Fee monthly to the County per County Ton for the previous Operating Month, as shown in **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**.

Section 11.05 Processing Fee. The County or a Third Party shall pay the Contractor the Processing Fee per their respective Tons Processed for the Previous Operating Month, subject to annual adjustment and, prior to January 1, 2019, reconciliation based on the number of total tons delivered to the Joint MRF during the previous year and projected tons for the coming year, as described in **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**.

Section 11.06 *Intentionally Omitted*

Section 11.07 Equipment Repair & Replacement Fee (ERF). The Equipment Repair & Replacement Fee, as shown in **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**, shall be a variable per ton fee as shown in **Table 4-3 or Table 4-3(a)**, as applicable, that is initially paid equally by the Contractor and the County (50% each) based on the total County Tons for the previous Operating Month. All Equipment Repair & Replacement Fees shall be paid to the Entity and deposited into the Equipment Reserve Fund, which shall be managed by the Entity, as described further in the IGA. ERF payments shall be made independent of the County Payment, Contractor Payment, or any payment to a Third Party under this **Article XI**. The Contractor shall pay to the Entity one hundred percent (100%) of the ERF for all Third Party Tons delivered to the Joint MRF, as described in **Section 6.13 and Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**, unless otherwise negotiated and mutually agreed with respect to Third Party Tons of source separated or presorted Recyclable Material. In no event shall Contractor be required to contribute more to the Equipment Reserve Fund than as provided for in this Section and in **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**, regardless of any shortfall in the Reserve Fund, including upon the termination of this Contract.

Section 11.08 Fee Adjustment. From the Contract Date to the next December 31, the monthly fees shall be as stated below, but thereafter shall be subject to adjustment as specified further in **Schedule 4, or, starting on January 1, 2019, Schedule 4(a)**. Prior to January 1, 2019, this shall be based on the total Tons of Recyclable Materials delivered

to the Joint MRF for the previous calendar year and the estimated anticipated Tons of Recyclable Materials for the coming year, as well as other past and anticipated future performance, costs, prices, and other relevant factors.

- (a) Processing Fee paid to the Contractor by the County or City under **Section 11.05** shall initially be \$30.00, and starting January 1, 2019, \$50.00, per their respective Tons of Recyclable Material as of the Contract Date. Processing Fee paid to the Contractor by a Third Party under **Section 11.05** initially shall be \$41.00 per Third Party Ton or as otherwise specified in contract. Annual adjustments and/or year-end reconciliations regarding Processing Fees shall be according to **Table 4-2 of Schedule 4, or, starting on January 1, 2019, Table 4-2(a) of Schedule 4(a).**
- (b) *Intentionally Omitted*
- (c) Education Fee paid by the Contractor to the Entity under **Section 11.04**, shall initially be \$2.00 per Ton of Recyclable Material as of the Contract Date. Adjustments shall be guided by **Table 4-4 of Schedule 4, or, starting on January 1, 2019, Schedule 4(a).** Starting January 1, 2019, the Education Fee paid by the Contractor to the County shall be \$2.00 per Ton of County Recyclable Material and shall not be subject to future adjustments.
- (d) Equipment Repair & Replacement Fee paid by the Contractor to the Entity under **Section 11.07**, shall initially be \$8.00 per Ton of Recyclable Material as of the Contract Date. Adjustments shall be guided by **Table 4-4 of Schedule 4**; however, starting January 1, 2019, the Equipment Repair & Replacement Fee paid by the Contractor to the Entity that is applicable to City or County Tons shall be \$5.00 per Ton of Recyclable Material and shall not be subject to future adjustments as set forth in **Table 4-3(a) to Schedule 4(a).** For sake of clarity, **Table 4-4** does not appear in **Table 4(a)** and shall cease to apply starting January 1, 2019.

Section 11.09 Contractor Operating Costs and Expenses

- (a) Reimbursable Contractor Operating Costs and Expenses
 - (i) Waste Disposal Costs. The County shall reimburse the Contractor for all actual Waste Disposal Costs for County Tons incurred under **Section 9.04** for the previous Operating Month, in accordance with the Waste Disposal Cost shown in **Schedule 4, or, starting on January 1, 2019, Schedule 4(a).** or as otherwise provided for herein. The Entity reserves the right to determine which Landfill the Contractor shall use for the disposal of Waste.
 - (ii) Expenses and Costs to Repair, Replace, or Purchase Equipment. Subject to **Article VI**, for Entity Equipment or ERP-scheduled property replacement, purchase, or repairs, the Contractor shall be reimbursed from

the Equipment Reserve Fund unless the capital available in the ERF is insufficient to cover the CCR-approved replacement/repair, in which case the City and County shall in equal shares reimburse the Contractor, as further specified in Sections 6.07(b), 6.08(a)-(b). For all other equipment replacement, purchase, or repairs, the Contractor shall be reimbursed by the party who owns the equipment, according to Articles VI and XI and the IGA (and its applicable Attachments).

- (iii) Cost Increases Due to Third Party Tonnage. Any increase in Contractor's Joint MRF operating expenses related exclusively to and directly attributable to Third Party tonnage may be passed through to the respective Third Party, but shall in no case be payable by the Entity or County, as specified in Sections 6.13(c) and 6.13(f).
- (iv) Cost to Market Recovered Materials. Contractor shall reduce Marketable Recovered Material Revenue only by those Direct Costs related exclusively to and directly attributable to the transportation and marketing/sale (i.e., broker's fees and finder's fees) of Marketable Recovered Material.
- (v) Costs Associated With Requested Extra Receiving Time. Any Direct Costs related to Entity-requested extended Receiving Time in accordance with Section 6.10(c).
- (b) Non-Reimbursable Contractor Operating Costs and Expenses. Other than expressly permitted above in Section 11.09(a), Contractor shall not pass any other Operating Costs onto the Entity, County, City or any Third Party, unless otherwise mutually agreed to in writing by the Parties.

Section 11.10 Survival. Any obligation of payment to a Party that accrued under this Article XI prior to termination or expiration of this Contract shall survive termination or expiration of this Contract.

SCHEDULE 4(a)
JOINT MRF CONTRACT PAYMENTS¹

Monthly Payment to County by Contractor:

The County Payment under **Section 11.01(a)** of the Contract shall be based on the following negotiated fees and revenue payments, and the following formula, unless otherwise later modified by the CCR, with the consent of the Contractor:

Shared Revenue² under **Section 11.02** per County ton of Marketable Recovered Materials (below); plus

Bypass Charge under **Section 11.03** (if any); plus

Education Fee under **Section 11.04** per County Ton (below); plus

Shared Revenue under **Section 11.02** on Third Party Tons (below) of Recyclable Material paid to each of the County and City; plus

Processing Fee³ under **Section 11.02(b)** per Third Party Ton (below) of Recyclable Material paid to each of the County and City by Contractor.

Monthly Payment to Contractor by County⁴:

The Contractor Payment under **Section 11.01(b)** of the Contract shall be based on the following negotiated fees and revenue payments, and the following formula, unless otherwise later modified by the CCR, with the consent of the Contractor:

Processing Fee⁵ under **Section 11.05** per County Ton (below); plus

Waste Disposal Costs under **Section 11.09(a)(i)** (below); plus

¹ Sample spreadsheets showing the proper calculation of Payments, in accordance with **Article XI** and this **Schedule 4(a)** shall be prepared by the Contractor, approved by the Entity and incorporated in the O&M Plan.

² The applicable Shared Revenue percentage is per Table 4-2(a) of this Schedule 4(a).

³ The Processing Fee is subject to adjustment under **Section 11.08(a)**.

⁴ The County also will pay a portion of the Equipment Repair & Replacement Fee under **Section 11.07** per County Ton to the Entity, according to **Tables 4-1(a)** and **4-3(a)**.

⁵ See note 3.

50% of any Entity Equipment or ERP-scheduled property repair or replacement costs not covered by the Equipment Reserve Fund under Section 11.09(a)(ii) (below); plus

100% of any County Equipment repair or replacement costs under Section 11.09(a)(ii); plus

Under Sections 6.10(c) and 11.09(a)(v), Direct Costs related to increased Receiving Times.

Monthly Payments on Third Party Tons:

Payments related to Third Party Tons of Recyclable Material shall be as follows, unless the Third Party contract specifies otherwise or later modified by the CCR, with the consent of the Contractor:

75% Shared Revenue under Section 11.02 on Third Party Tons (below) payable by Contractor to Third Party;

2.5% Shared Revenue under Section 11.02 on Third Party Tons (below) payable by Contractor to County;

2.5% Shared Revenue under Section 11.02 on Third Party Tons (below) payable by Contractor to County;

20% Shared Revenue under Section 11.02 on Third Party Tons (below) retained by Contractor;

Processing Fee under Section 11.05 per Third Party Ton (below) paid by Third Party to Contractor;

Processing Fee under Section 11.02(b) per Third Party Ton (below) paid by Contractor to each of the County and City by Contractor;

Equipment Repair & Replacement Fee under Section 11.07 per Third Party Ton (below) paid by the Third Party to the Contractor;

Equipment Repair & Replacement Fee under Section 11.07 per Third Party Ton (below) paid to the Entity by Contractor;

Waste Disposal Costs under Section 11.09(a)(i) or other Direct Costs under Section 11.09(a)(iii), (v) paid by the Third Party to Contractor; and

Bypass Charge on Third Party Tons under Section 11.03 (if any) paid by the Contractor in equal shares to the City and County.

**Table 4-1(a)
Fees, Costs, and Revenues**

Description of Fees, Costs, and Revenues	Rate/Unit
<p>Processing Fee – Under Sections 11.02(b) and 11.05, a per ton fee paid by each of the County, City, and/or Third Party to the Contractor based upon their respective Tons of Recyclable Material delivered to the Joint MRF. Entity Processing Fee is according to Table 4-2(a). Third Party Processing Fee is according to each respective Third Party contract. For source separated or presorted tons of Entity or Third Party Recyclable Material, the Entity and Contractor may agree to waive or provide for an alternate Processing Fee.</p>	<p>Variable⁶ for City and County Tons</p> <p>As specified in respective Third Party contracts</p>
<p>Education Fee – Under Section 11.04, a fixed per ton fee payable by Contractor to each of the County and City based upon the Tons of Recyclable Material each respectively delivers to the Joint MRF.</p>	<p>\$2/ton</p>
<p>Equipment Repair & Replacement Fee – Under Section 11.07, a per ton fee payable by Contractor, City, County, and/or Third Parties to the Entity (to be deposited in the Equipment Reserve Fund) based upon respective Tons of Recyclable Material (RM) delivered to the Joint MRF and as further specified in Table 4-3(a). The per ton Equipment Repair & Replacement Fee shall be adjusted annually based upon actual Tons of RM delivered in the prior year and projected Tons, as agreed upon by CCR and Contractor, for the coming year and other factors described in this Agreement, as further specified in Table 4-3(a).</p>	<p>\$10/ton</p>
<p>Waste Disposal Costs – the actual per ton fee paid by Contractor to dispose of Residue and Rejected Materials (i.e., Waste), reimbursable in whole by each of the County, City, or Third Party to Contractor under Section 11.09(a)(i) based upon their respective Tons of Waste as determined by the Composition Analysis.</p>	<p>Varies⁷</p>
<p>Direct Costs Related to Request Increases in Receiving Times – Under Sections 6.10(c) and 11.09(a)(v), City, County, and/or Entity Direct Costs related to increased Receiving Times.</p>	<p>Varies</p>

Description of Fees, Costs, and Revenues	Rate/Unit
<p>Equipment Repair or Replacement Costs – As to Entity Equipment or ERP-scheduled property, so long as approved by the CCR, these actual Direct Costs shall be paid out of the Equipment Reserve Fund (directly to seller if Equipment purchased by Entity or to reimburse Contractor if Equipment purchased by Contractor) and if the capital in that Fund is insufficient, these actual Direct Costs shall be paid by each of the City and County in equal shares according to <u>Article VI</u> and <u>Section 11.09(a)(ii)</u>. As to all other equipment, these actual Direct Costs shall be paid by the party who owns the equipment, according to <u>Article VI</u>, <u>Section 11.09(a)(ii)</u>, and the IGA.</p>	<p>Varies</p>
<p>Shared Revenue – Percentage of Marketable Recovered Material Revenue payable by the Contractor to each of the City, County, and/or Third Party on their respective tons of Marketable Recovered Material or Recyclable Material, as applicable, after adjustment based upon the most recent Composition Analysis and the applicable ACR (which may differ for Third-Parties) under <u>Section 11.02</u>. Entity revenue share is according to <u>Table 4-2(a)</u>. Additionally, for source separated or presorted tons of Entity or Third Party Recyclable Material, the Entity and Contractor may agree to alternate revenue sharing terms.</p>	<p>Varies for City and County. See <u>Schedule 10</u> for Third Parties</p>

⁶ As also discussed in Section 11.08(a), the Processing Fee as listed in Table 4-2(a) payable by City and County shall be adjusted on July 1 of each year, starting in 2020, in the same proportion that the Consumer Price Index (CPI) for all Urban Consumers, all items, U.S. Midwest (1982-84=100 unless otherwise noted) on such July 1 changed from the previous July 1. If this index becomes unavailable the successor CPI factor published by the U.S. Government as agreed to by both parties shall be used. The Processing Fees payable by Third Parties to Contractor shall be subject to an adjustment in the same or greater amount as this adjustment unless otherwise approved by the Entity.

⁷ Waste Disposal Costs are variable. The Entity has the right to designate a Landfill of its choosing.

**Table 4-2(a)
Revenue Share and Processing Fee Based on ACR**

ACR (\$/ton)	Revenue Share		Processing Fee ⁸ (\$/ton)
	Entity	Contractor	
≤\$0	0%	100%	\$50.00
\$5	0%	100%	\$50.00
\$10	0%	100%	\$50.00
\$15	0%	100%	\$50.00
\$20	0%	100%	\$50.00
\$25	20%	80%	\$50.00
\$30	33%	67%	\$50.00
\$35	43%	57%	\$50.00
\$40	50%	50%	\$50.00
\$45	56%	44%	\$50.00
\$50	60%	40%	\$50.00
\$55	64%	36%	\$50.00
\$60	67%	33%	\$50.00
\$65	69%	31%	\$50.00
\$70	71%	29%	\$50.00
\$75	73%	27%	\$50.00
\$80	75%	25%	\$50.00
\$85	76%	24%	\$50.00
\$90	78%	22%	\$50.00
\$95	79%	21%	\$50.00
\$100	80%	20%	\$50.00
\$105	80%	20%	\$49.00
\$110	80%	20%	\$48.00
\$115	80%	20%	\$47.00
\$120	80%	20%	\$46.00
\$125	80%	20%	\$45.00
\$130	80%	20%	\$44.00
\$135	80%	20%	\$43.00
\$140	80%	20%	\$42.00
\$145	80%	20%	\$41.00
\$150	80%	20%	\$40.00
\$155	80%	20%	\$40.00
\$160	80%	20%	\$40.00
\$165	81%	19%	\$40.00
\$170	81%	19%	\$40.00
\$175	82%	18%	\$40.00
\$180	82%	18%	\$40.00
\$185	83%	17%	\$40.00
\$190	83%	17%	\$40.00
\$195	84%	16%	\$40.00
>\$200	84%	16%	\$40.00

⁸ When applicable, Processing Fee shall be prorated using the two nearest fees shown in **Table 4-2(a)**. Starting in 2020, the Processing Fee as listed in **Table 4-2(a)** payable by City and County shall be adjusted on July 1 of each year in the same proportion that the Consumer Price Index (CPI) for all Urban Consumers, all items, U.S. Midwest (1982-84=100 unless otherwise noted) on such July 1 changed from the previous July 1. If this index becomes unavailable, the successor CPI factor published by the U.S. Government as agreed to by both parties shall be used. The Processing Fees payable by Third Parties to Contractor shall be subject to the same adjustment unless otherwise approved by the Entity.

Table 4-3(a)
Equipment Repair & Replacement Fee (ERF)

Party & Description of ERF Contribution to the Equipment Reserve Fund (Entity)	ERF Contribution as of 1/1/2019 (ERF = \$10/ton)	Is ERF Contribution Subject to Annual Adjustment per this Agreement and the IGA?
City ERF contribution payable to Entity on City Tons delivered to Joint MRF	\$5/City Ton	Yes
County ERF contribution payable to Entity on County Tons delivered to Joint MRF	\$5/County Ton	Yes
Contractor ERF contribution payable to Entity on City or County Tons delivered to Joint MRF	\$5/City or County Ton	No ¹⁰
Contractor ERF contribution payable to Entity on Third Party Tons delivered to Joint MRF	\$10.00/Third Party Ton	Yes

⁹ All ERF payments shall be paid monthly based on tons of Recyclable Material delivered to the Joint MRF and shall be paid independent of the County and City Payment. Examples: If the County delivers 1,000 tons of Recyclables to the Joint MRF, the Contractor and the County each pays \$5/ton x 1,000 tons = \$5,000 to the Equipment Reserve Fund. If a Third Party delivers 1,000 tons, the Contractor pays \$10/ton x 1,000 tons = \$10,000 to the Equipment Reserve Fund.

¹⁰ Since the Contractor's portion of the ERF contribution for City and County tons is not adjusted annually, any increase in the ERF will be absorbed by the Entity and Third Party. Example: If ERF = \$12/ton, then Contractor pays \$5/ton, City and County each pay \$7/ton, and Third Party pays \$12/ton.

FISCAL NOTE

APPROVE SECOND AMENDMENT TO THE CONSTRUCTION AND OPERATING AGREEMENT BETWEEN WAUKESHA COUNTY AND RESOURCE RECOVERY SYSTEMS, LLC AND MODIFY THE 2019 COUNTY BUDGET FOR THE MATERIAL RECOVERY FACILITY ("MRF")

This ordinance amends an existing contract between the County and Republic Services, Inc. (formerly Resource Recovery Systems, LLC) in the operation of the material recovery facility (MRF). The agreement has six years remaining, with a possible five-year extension (calendar year 2030).

Operating costs for the MRF are increased nearly \$670,000 largely from a change in the processing fee assessed by the vendor on all County tonnage, increasing from \$32/ton to \$50/ton in the new agreement or \$530,320 associated with increased costs to increase the quality of the materials to meet market demands. The waste disposal fees paid by the vendor to dispose of waste comingled with recyclable materials also increase \$139,500 to \$279,000, reflecting an increase in the budgeted residue rate for tonnage from 9% to 20%. The ordinance also reduces the dividend payment to partner communities by \$907,000 reflecting reduced material sales and higher operating costs. The remaining dividend of \$645,000 reflects agreements to reimburse communities for hauling and recycling carts.

Revenue (excluding fund balance) decrease approximately \$746,000. This includes a reduction in material sales revenues of nearly \$841,000 mainly due to a reduction in the estimated gross revenue per ton (from \$100/ton to \$80/ton) to reflect market experience. Additional changes include an increase in the residue rate as noted previously, and a modification to the revenue cost-sharing schedule resulting in a minimum of \$20/ton for the vendor when the revenue per ton is less than \$100/ton. This is offset with an increase in fees for equipment repair and replacement of \$75,000. Rates change from \$4/ton (when revenues are higher than \$98/ton) to a fixed \$5/ton, regardless of price flexibility. Similarly, the vendor-paid education fee is no longer subject to price flexibility and is set at \$2/ton, resulting in a revenue increase of \$20,000. The ordinance also increases fund balance by \$508,570 due to the reduction in revenues of \$745,750 being only partially offset with expenditure reductions. At the end of 2018, the MRF has an unaudited, estimated cash balance of approximately \$4.30 million.

MRF 2019 Budget	Adopted		Modified Budget
	Budget	Adjustments	
MRF Operations	\$1,768,841	\$669,820	\$2,438,661
Community Dividends	\$1,552,500	(\$907,000)	\$645,500
Recycling and Solid Waste Programs	\$1,078,994		\$1,078,994
Total Expenditures	\$4,400,335	-\$237,180	\$4,163,155
General Government	\$1,050,000		\$1,050,000
Material Sales	\$2,280,750	(\$840,750)	\$1,440,000
Equipment Replacement Fee	\$150,000	\$75,000	\$225,000
Education Fee	\$40,000	\$20,000	\$60,000
Other Revenue	\$295,250	\$0	\$295,250
Subtotal Revenue	\$3,816,000	(\$745,750)	\$3,070,250
Fund Balance	\$1,053,100	\$508,570	\$1,561,670
Total Revenues	\$4,869,100	(\$237,180)	\$4,631,920
Operating Income/(Loss)	\$468,765	\$0	\$468,765
Cash Flow from Operations	\$75,926	(\$508,570)	(\$432,644)

The Department estimates that over the remaining six years of the contract material sales will recover slowly due to improved markets and efforts to increase the quality of materials. The Department has indicated further adjustments to preserve fund balance can include further revisions to the community dividends and enacting a material processing fee.

Linda Witkowski

Linda Witkowski
Budget Manager
5/8/2019
JE# 2019-00004819