

ENROLLED ORDINANCE 172-059

ORDER CREATING LAKE DENOON LAKE DISTRICT

WHEREAS, on August 1, 2017, a verified petition was filed with the Waukesha County Clerk requesting the establishment of a public inland lake protection and rehabilitation district (“lake district”), to be known as the Lake Denoon Lake District. The petition was accompanied by a map and a description of the proposed district boundaries; and

WHEREAS, pursuant to Section 33.26, Wis. Stats., Waukesha County held a public hearing on August 31, 2017 in the City of Muskego and received public comments on the proposed lake district which were recorded and included in a report submitted to the County Board; and

WHEREAS, pursuant to Section 33.24(2), Wis. Stats., before a lake district that includes any portion of a city or village may be formed by the County Board, the city or village board must have previously approved the inclusion of its territory within the boundaries of the proposed district; and

WHEREAS, on September 26, 2017, the City of Muskego Common Council adopted a resolution approving the proposed lake district on the condition that all city-owned property be removed from the proposed district boundaries.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA, based on the above-noted public hearing and subsequent report, finds and concludes:

1. The petition filed August 1, 2017 to establish the Lake Denoon Lake District was signed by at least 51% of the landowners in the proposed district; and
2. The proposed lake district is necessary to provide local citizens the institutional and financial support of a local unit of government designed specifically to protect and improve the lake through a variety of lake management programs and activities; and
3. Public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the proposed lake district; and
4. The property included in the district will be benefited by the establishment of the lake district through improved lake management.

THE COUNTY BOARD HEREBY ORDERS, pursuant to Sections 33.24 and 33.26, Wis. Stats. and the above findings and conclusions, that:

1. A public inland lake protection and rehabilitation district is hereby established for Lake Denoon, located in the southwest corner of the City of Muskego in Waukesha County, and the northwest corner of the Town of Norway in Racine County; and
2. The lands included in the Lake Denoon Lake District are generally described as all riparian properties to Lake Denoon except those properties owned by the City of Muskego. The district boundary shall be as illustrated in Exhibit F of the November 10, 2017 report from Perry

Lindquist, Department of Parks and Land Use, entitled "Report, Findings and Recommendations for Establishing the Lake Denoon Lake District Lake"; and

3. The district shall be known as the Lake Denoon Lake District, and shall be a body corporate and shall have all powers authorized by Chapter 33, Wisconsin Statutes; and

4. Upon execution, the Department of Parks and Land Use shall ensure this order and Exhibit F are recorded at the Waukesha County and Racine County Register of Deeds Offices, and a copy sent to the lakes program contacts at Racine County, the Wisconsin Department of Natural Resources and University of Wisconsin - Extension.

Dated this 19th day of December, 2017.

Paul L. Decker
Chairman,
Waukesha County Board of Supervisor

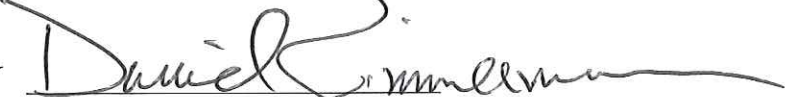
Kathleen O. Novack
Waukesha County Clerk

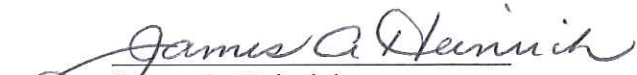
ORDER CREATING LAKE DENOON LAKE DISTRICT


Presented by:
Executive Committee

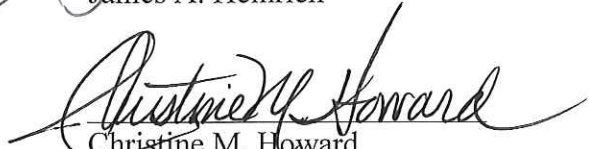
Approved by:
Land Use, Parks, and Environment Committee

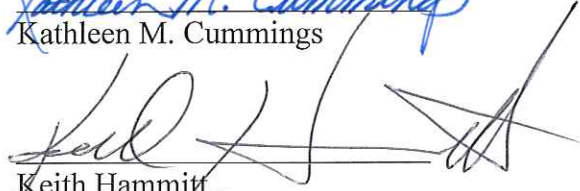

Paul L. Decker, Chair


David D. Zimmermann, Chair

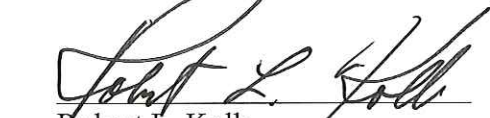

James A. Heinrich

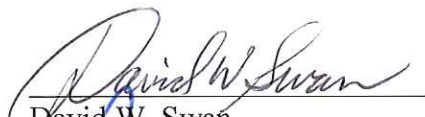

Kathleen M. Cummings

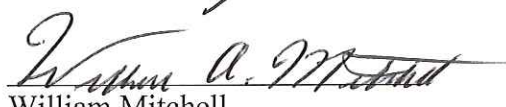

Christine M. Howard


Keith Hammitt


Larry Nelson

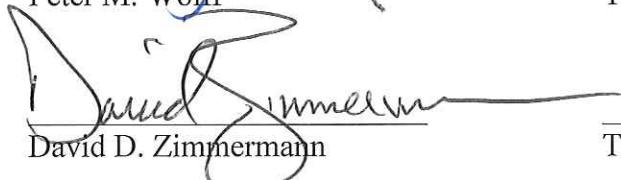

Robert L. Kolb


David W. Swan


William Mitchell


Peter M. Wolff


Thomas J. Schellinger


David D. Zimmermann


Ted Wysocki

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 12/19/17, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 12-27-17, 
Paul Farrow, County Executive



Waukesha County

Department of Parks and Land Use

Date: November 10, 2017

To: Waukesha County Land Use, Parks and Environment Committee (LUPE)

From: Perry Lindquist, Land Resources Manager (on behalf of the Lake Denoon Ad-hoc Committee)

RE: Report, Findings and Recommendations on Establishing the Lake Denoon Lake District

Background:

Chapter 33 of Wisconsin Statutes (Public Inland Waters) describes a process by which a public inland lake protection and rehabilitation district ("lake district"), a local taxing authority, may be formed. Proposed lake districts that include lands from more than one municipal jurisdiction must be formed by the County Board [per secs. 33.23, 33.24 and 33.26, Wis. Stats.]. For proposed lake districts that cross county lines, such as Lake Denoon, the county containing the majority of the equalized valuation must create the district [per sec. 33.37 Wis. Stats.], which in this case is Waukesha County.

On August 1, 2017, a petition was received by the Waukesha County Clerk's office requesting establishment of what is to be known as the Lake Denoon Lake District ("LDLD"). Pursuant to Chapter 33 Wis. Stats., the County Board shall arrange a public hearing no later than 30 days from the date of receipt of the petition (by August 31, 2017), and appoint a committee to conduct the hearing [per sec. 33.26(1) Wis. Stats.]. On August 18, 2017, County Board Chairman Paul Decker appointed an ad-hoc committee to conduct a public hearing on behalf of the County Board. Members of the ad-hoc committee included the following:

Dave Zimmermann, Chairman, Land Use, Parks and Environment Committee
Perry Lindquist, Land Resources Manager
Kim Haines, Principal Assistant Corporation Counsel
Alan Barrows, Senior Conservation Specialist
Brad Steckart, AIS Coordinator

Section 33.26(3), Wis. Stats. requires the committee to report to the County Board within 3 months after the date of the public hearing (by November 30, 2017) which is the purpose of this document. The County Board must issue an order regarding establishment of the proposed lake district within 6 months after the date of the public hearing (by February 28, 2018). Further details on the lake and the process of establishing a lake district are provided below.

Land Resources Division

515 W Moreland Blvd., AC 260 • Waukesha, Wisconsin 53188-3878 • Phone: (262) 896-8300 • Fax: (262) 896-8298

Land and Water Conservation: www.waukeshacounty.gov/lwcnews • Recycling and Solid Waste: www.waukeshacounty.gov/rsw
File Number: 172-O-059

Lake Denoon:

As shown in Exhibit A, Lake Denoon is located in the SW corner of the City of Muskego, with the southern portion of the lake overlapping the county line into the Town of Norway, Racine County. A more detailed legal description is included in Exhibit A. Lake Denoon is a seepage lake (water level primarily maintained by groundwater) with a surface area of approximately 162 acres. It is part of the Fox River Watershed, which outlets to the Illinois River and ultimately to the Mississippi River. On the northwest corner of the lake there is a park owned and operated by the City of Muskego (Denoon Park) which includes a public boat launch.

Public Hearing:

Pursuant to sec. 33.26, Wis. Stats., a public hearing was held August 31, 2017 at the Muskego City Hall. A class 1 legal notice announcing the public hearing date and location appeared in the Waukesha Freeman on August 23, 2017. A copy of the hearing notice is attached as Exhibit B. In accordance with sec. 33.26(2), Wis. Stats., all landowners in the proposed district were notified of the hearing by sending a copy of the hearing notice through US mail, using the latest known addresses recorded through the Register of Deeds office. A total of 117 unique addresses around the lake were mailed the hearing notice. The Wisconsin Department of Natural Resources was also provided notice of the public hearing. During the hearing, all interested persons were provided copies of the proposed LDLD boundaries as submitted in the petition (see Exhibit C). Attendees were given the opportunity to offer objections, criticisms or suggestions as to the necessity of the proposed district, as outlined, and to the question of whether their property would be benefited by the establishment of such district. Prior to the public hearing, a brief informational overview of lake management districts was provided by Dr. Tom Slawski, Chief Biologist, Southeast Wisconsin Regional Planning Commission (SEWRPC). In addition, Brad Steckart, AIS Coordinator, provided information regarding aquatic invasive species and programs available to Lake Districts. Supervisor Zimmerman chaired the public hearing which followed this presentation.

Public Reaction:

Thirty-two people attended the public hearing, including 5 representatives of Waukesha County, one representative of the SEWRPC and 26 public attendees. Nine people provided public testimony, of which 5 were in favor of the formation of the lake district, 2 were opposed, and 2 provided information only. Opposition was primarily due to potential future property taxes that may be imposed by the lake district, and some concern regarding the lack of inclusion of certain lands in the proposed district boundary. More detail is contained in the meeting minutes, attached as Exhibit D. No written objections to the formation of the LDLD were filed with the County Clerk's office pursuant to sec. 33.26(1), Wis. Stats.

Statutory Considerations (summarized):

Pursuant to **section 33.26(3), Wis. Stats.**, the County Board must, within 6 months after the date of the public hearing (by February 28, 2018), declare its findings and issue its order relative to the formation of the lake district or denial of the petition. If declaring the lake district organized,

the County Board must establish the name of the district and its boundaries and find, after consideration of this report and any other evidence submitted to the Board, the following:

1. The petition is signed by persons constituting 51% of the landowners or the owners of 51% of the lands within the proposed district [sec. 33.25(1) Wis. Stats.];
2. The proposed district is necessary;
3. Public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district; and
4. The property to be included in the district will be benefited by the establishment thereof.

Pursuant to **section 33.24(2), Wis. Stats.**, before a lake district that includes any portion of a city or village may be formed by the County Board, the city or village board must have previously approved the inclusion of its territory within the boundaries of the proposed district.

Pursuant to **section 33.26(6), Wis. Stats.**, in establishing a lake district, the County Board may remove lands from those included in the originally proposed district, but may not add any land without holding another public hearing.

Pursuant to **section 33.27, Wis. Stats.**, the County Board must, at the time of making the order to establish a lake district, appoint three owners of property within the district, at least one of whom is a resident of the district, to serve as LDLD commissioners until the first annual meeting of the district.

Pursuant to **section 33.28(2)(a) Wis. Stats.**, the County Board must also appoint one person who is a member of LUPE or who is nominated by LUPE and appointed by the County Board to serve on the LDLD board of commissioners.

Findings:

Regarding the above noted statutory considerations, the following findings are provided:

Lake issues: Increasing use of lakes and changing land uses within their watersheds have contributed to the decline of water quality and fish populations and the introduction of aquatic invasive species in many lakes, especially in urbanized areas. Addressing these types of issues can be complicated and time consuming, and often requires legal, technical and financial resources. State grants are available to assist in these efforts, which usually require a 25% local financial match. Voluntary lake associations usually lack sufficient resources to undertake many lake management activities or meet state grant matching requirements.

Other lake districts: Since lake districts were first authorized by the state legislature in 1974, over 200 districts have been formed across the state, according to the UW-Extension. Eighteen lake districts are currently operating in Waukesha County.

Sanitary Service: All properties in the proposed LDLD boundary are currently served by the Town of Norway Sanitary District #1 under contract with the City of Muskego.

Findings related to criteria under section 33.26(3), Wisconsin Statutes:

1. *Signatures:* The petition was signed by approximately 73% percent of the landowners within the proposed lake district (131 out of 180 owners), exceeding the 51% statutory minimum; and
2. *Necessity:* The proposed lake district is necessary to provide local citizens the institutional and financial support of a local unit of government designed specifically to protect and improve the lake through a variety of lake management programs and activities; and
3. *Public benefit:* Public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district through the pursuit of its mission under Chapter 33, Wisconsin Statutes; and
4. *Landowner benefit:* The property to be included in the district, generally described in the petition as all riparian owners, will be benefited by the establishment of the lake district through improved lake management.

District boundary: The Common Council of the City of Muskego, the largest single landowner within the proposed lake district, adopted a resolution on September 26, 2017 (see Exhibit E) approving the proposed district on the condition that all city-owned property be removed from the proposed district boundaries. Through a subsequent conversation with the City's Mayor, Kathy Chiaverotti, it was noted that the City already pays for operation and maintenance of the park and boat launch on the lake, and did not want to incur additional costs for the operation of the lake district. She also noted that a letter received from the current lake association, promising not to levy City property in the future, was not binding.

Public Hearing Comments:

District boundary: Regarding the suggested inclusion of additional lands in the district, it appears that all properties with lake access are included in the proposed district boundary. Some of the included parcels have multiple owners, representing second tier lots along the lakeshore.

Section 33.33, Wis. Stats. provides for the merger, attachment and detachment of lands from a lake district. Therefore, if the LDLD should desire to add or remove lands from the district in the future, there is a mechanism in place to do this subject to a public notice and hearing process.

Taxes: Regarding the potential impact on local property taxes, **Chapter 33, Wis. Stats.** includes provisions for annual and special assessments and special charges through a locally led process,

including adoption by district property owners at an annual or special meeting. The County Board has no role in this process.

Recommendations:

Establishment and District Boundary:

Pursuant to the above and **section 33.26(6) Wis. Stats.**, it is recommended to establish the LDLD, but to remove the city-owned property from the proposed lake district. A recommended revised map for the LDLD boundary is shown in Exhibit F. A draft order to establish the LDLD has been prepared for LUPE consideration.

County Board Appointments:

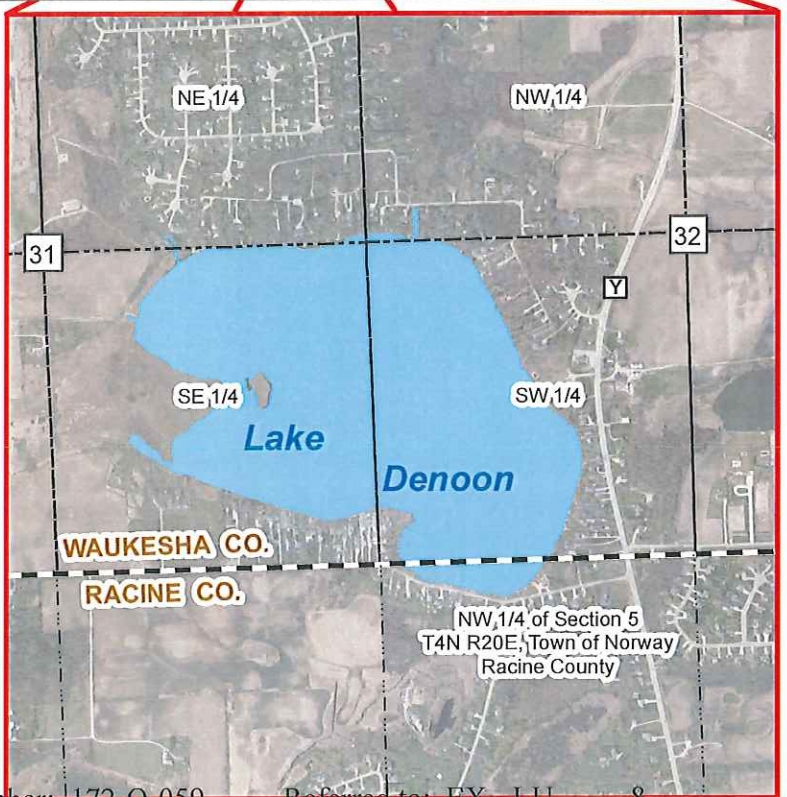
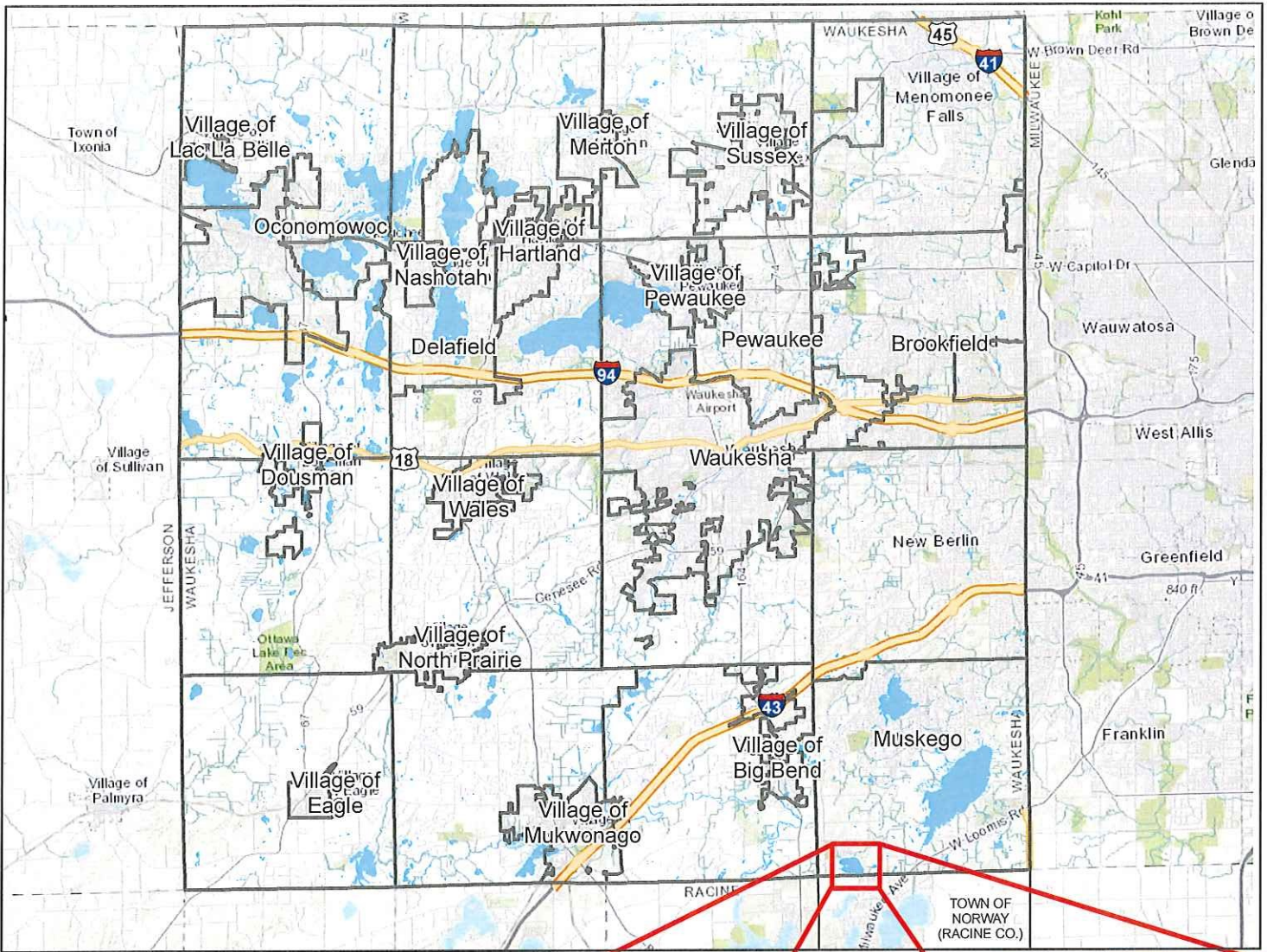
Regarding the appointments the County Board must make at the time of the order establishing a lake district under **section 33.27, Wis. Stats.**, a list of interested individuals was requested from the petitioning group. The names submitted, and their addresses, are included in a separate appointment memo from the County Executive for consideration by the County Board.

Pursuant to **section 33.28(2)(a) Wis. Stats.**, LUPE must also appoint a representative of the County Board to the LDLD. County Board Supervisor Keith Hammitt, who represents the Lake Denoon area, has agreed to serve in that capacity and is recommended for this appointment. Supervisor Hammitt is also included in a separate appointment memo from the County Executive for consideration by the County Board.

Exhibits (attached)

- A - Location Map for Lake Denoon
- B - Public Hearing Notice - Affidavit of Publication
- C - Proposed Lake Denoon Lake District (map submitted with the Petition)
- D - Public Hearing Minutes
- E - City of Muskego Resolution #077-2017
- F - Recommended Lake Denoon Lake District (revised map)

Exhibit A -- Location of Lake Denoon



Public Land Survey System Description of Lake Denoon

Located in the NE 1/4 and SE 1/4 of Section 31 and the NW 1/4 and SW 1/4 of Section 32, T5 N R20E, City of Muskego, Waukesha County and in the NW 1/4 of Section 5, T4N R20E, Town of Norway, Racine County.

AFFIDAVIT OF PUBLICATION

State of Wisconsin Circuit Court Waukesha County

PROOF OF PUBLICATION

Telephone Number: 262-548-7740
Account Name: Waukesha Co. Dept of Public
Address: Admin. Bldg., Room 210
515 W. Moreland Blvd.
Waukesha, WI 53188

ACCT Number: 635099

IN THE MATTER OF: Lake Denoon Public Hearing Not
AD Number: 100911006
AD Cost: 39.41

Notice of Public Hearing
NOTICE IS HEREBY GIVEN that a Public Hearing will be held Thursday, August 31, 2017 at 7:00 p.m., at the Muskego City Hall, located at W182S8200 Racine Avenue, Muskego, Wisconsin 53150. On August 1, 2017, a petition was filed with the Waukesha County Clerk, requesting the establishment of a public inland lake protection and rehabilitation district, to be known as the Lake Denoon Lake District ("District"), pursuant to Chapter 33 of the Wisconsin Statutes. The boundary of the proposed District is generally described to include all lands abutting Lake Denoon, located in both the City of Muskego and the Town of Norway. Pursuant to sec. 33.26, Wisconsin Statutes, at the hearing, all interested persons may offer objections, criticisms, or suggestions as to the necessity of the proposed District as outlined and question whether their property will be benefited by the establishment of the District. Any person wishing to object to the organization of the District may, before the date set for the hearing, file objections to the formation of the District with the Waukesha County Clerk in Room AC 120, 515 W. Moreland Blvd., Waukesha, WI 53188. The public hearing will be facilitated by the Waukesha County Department of Parks and Land Use - Land Resources Division on behalf of the Waukesha County Land Use, Parks and Environment Committee. A quorum of the Waukesha County Land Use, Parks and Environment Committee may be present, but no action will be taken by the committee. A brief informational presentation will precede the public hearing. For additional information regarding this Public Hearing, please contact the Land Resources Division of the Waukesha County Department of Parks and Land Use at (262) 896-8300. All interested parties will be heard.

I, Wendy Witte, being sworn, state:

I am the billing coordinator of the Waukesha Freeman, a public newspaper of general circulation, printed and published in the English language in the City of Waukesha, in Waukesha County, Wisconsin, and fully complying with the laws of Wisconsin relating to the publication of legal notices.

The notice, of which a printed copy attached hereto, is a true copy taken from the newspaper as published on the following dates.

8/23/2017

Signed: _____

Wendy Witte, Billing Coordinator

STATE OF WISCONSIN SS.
WAUKESHA COUNTY

Personally came before me, this date of August 23, 2017
the above named Wendy Witte to me known to be the person who executed
the foregoing instrument and acknowledged the same.

Signed: _____

Deborah Sue Butzlaff

Notary Public, Wisconsin

My Commission expires: 11/6/2019

Waukesha County
Department of Parks
and Land Use
Dale R. Shaver, Director
Room AC 260
515 W. Moreland Blvd.
Waukesha, WI 53188
Publish: August 23
WNAXLP

DEBORAH SUE BUTZLAFF
Notary Public
State of Wisconsin

Proposed Boundary of Lake Denoon Lake District

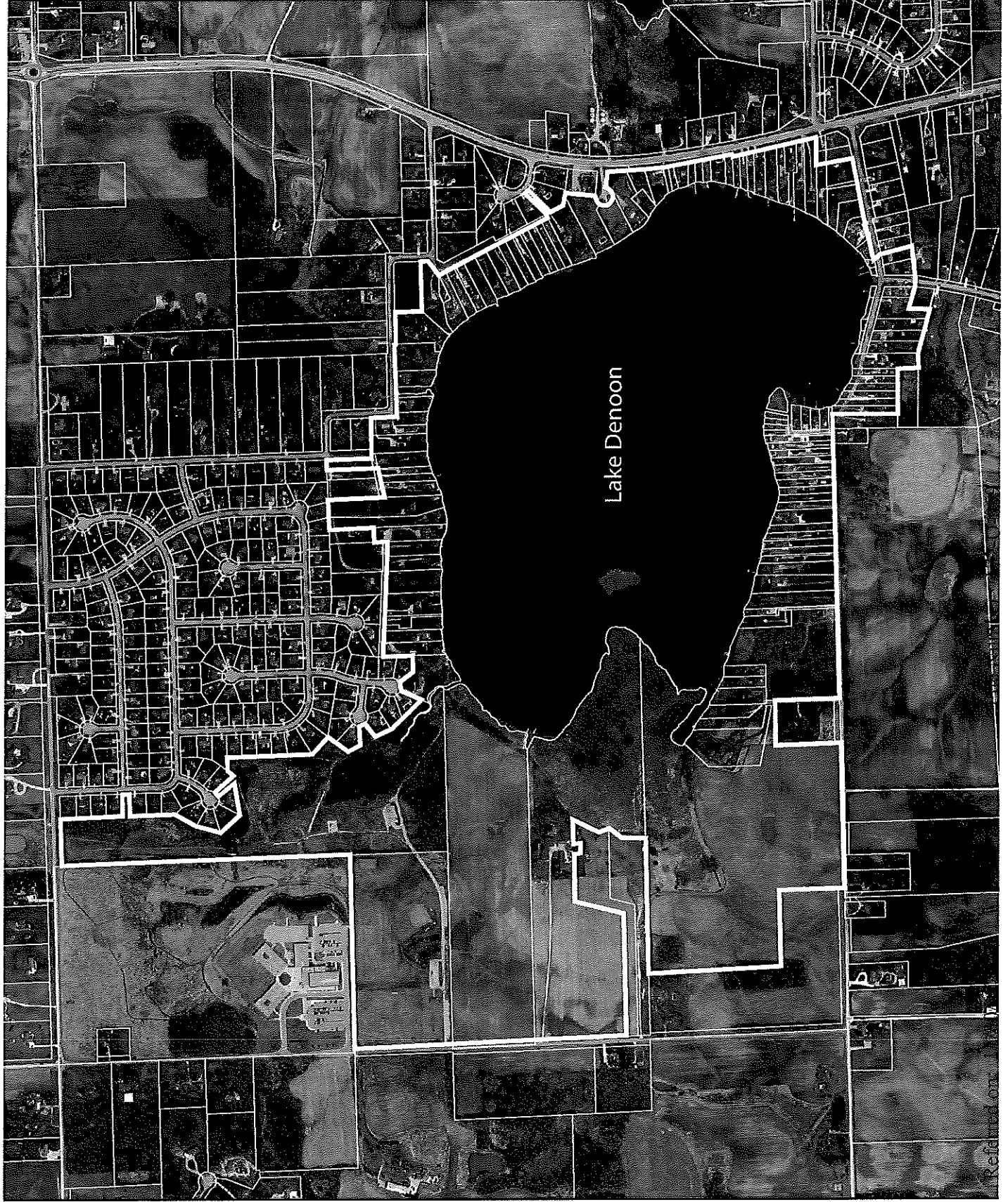


Exhibit D

Meeting Minutes

Public Informational Meeting & Hearing on Proposed Lake Denoon Lake Management District

Thursday, August 31, 2017 – City of Muskego Hall

Staff/Committee Attendance:

Dave Zimmermann, Waukesha County Board Supervisor and Land Use, Parks and Environment (LUPE) Committee Chairman

Kim Haines, Waukesha County Corporation Counsel

Rebecca Mattano, Waukesha County Department of Parks and Land Use

Abbie Repinski, Waukesha County Department of Parks and Land Use

Dr. Tom Slawski, Southeast Wisconsin Regional Planning Commission (SEWRPC)

Bradley Steckart, Waukesha and Washington Counties Aquatic Invasive Species (AIS) Coordinator

Public Attendees: 26

Rebecca Mattano called the meeting to order at 7:00pm and reviewed the agenda.

Presentation: Public Inland Lake Protection and Rehabilitation Districts – Creation and Initial Operations

Dr. Tom Slawski, Chief Biologist SEWRPC

Dr. Slawski explained that a Lake District's purpose is to maintain, protect, and improve the quality of a lake and its watershed for the good of the lake environment. The difference between a lake district and a lake association is that the Lake District is a special unit of government that has the ability to levy taxes and impose special assessments and charges based on management activities throughout the lake or adjacent to the lake, with the sole purpose of protecting lake quality. The Southeast Wisconsin Regional Planning Commission (SEWRPC) has been working to develop a draft lake management plan which includes recommendations for the formation of lake districts based on the quality of the lake and support needs. Dr Slawski explained that once a district is created, all property owners as well as registered voters become eligible to participate in and vote at the annual meetings and that the power of the district is through the lake residents. Dr. Slawski also detailed the timeline for this filed petition and next steps for action including approval by the County Board.

Bradley Steckart, Waukesha and Washington Counties Aquatic Invasive Species Coordinator

Mr. Steckart described how the Aquatic Invasive Species (AIS) position is grant funded by the Wisconsin Department of Natural Resources (WDNR) and shared between Washington and Waukesha Counties. The purpose of the position is to prevent the spread of aquatic invasive species through public education and outreach. Mr. Steckart also explained that the southeast area of Wisconsin is particularly vulnerable to the spread of aquatic invasive species because of the proximity to Lake Michigan, which already has 184 aquatic invasive species. The AIS program provides a variety of services to lake districts including the Clean Boats, Clean Waters program, lake surveys in cooperation with the WDNR, public education and outreach, and citizens lake monitoring program. Waukesha County is in the process of developing an Aquatic

Invasive Species Strategic Plan to be completed by early next year which will include best management practices for aquatic invasive species, and a response protocol for the discovery of new aquatic invasive species.

Dave Zimmermann opened the Public Hearing

Rebecca Mattano read the public notice, which was published in the Waukesha Freeman on August 23, 2017.

Public Comments:

Mike Cocoran S106 W20623 North Shore Ln.

Member of Board of Directors for Lake Denoon Advancement Association for over 30 years. The Association has been mostly successful in efforts to protect lake, but money has been an issue as not every person has contributed to funding protection efforts. The WDNR has expressed confidence that it is easier to work with lake districts because there is certainty of amount of money available. Mike is in favor of a lake management district.

Holly Kelly S110 W20500 S Denoon Rd

Holly questioned what it means to have powers to exercise as a sanitary district.

SEWRPC representative (Dr. Tom Slawski) indicated that some communities have no sewers or partial sewers; therefore, this is likely not relevant in this situation.

Holly questioned who the lake district would potentially sue.

SEWRPC representative explained that the lake district provides protection to individuals and the lake itself as the district becomes liable to being sued. As an example, management and ownership of dams can become controversial and in some cases this has led to disagreements being resolved in courts.

Holly questioned what comparable lake district members pay.

Dave Zimmermann explained that this can vary substantially as it depends on what the district decides to undertake. However, no budget is passed and no spending is approved without the annual meeting at which every district member can vote on it.

Holly is opposed to the formation of a lake district because she does not have monetary projections and because parcels that should be included in the district are not, including Harts Subdivision, which has access to the lake. Holly also stated that Muskego hasn't done anything to help with invasives and that taxes are already high without the district. Holly concluded with stating that some things are beyond control including the spread of aquatic invasive species by birds.

William Sheers S110W20484 Denoon Rd

William agrees with previous commenter, Holly, that Hart's Subdivision should be included as well as a row of homes that has access but is not included in the district. William then showed the location of homes to Dave Zimmermann on the map. There has not been much of an improvement in removing weeds by the association, fishing has been great, and zebra mussels have not been an issue. William then recommended to the AIS Coordinator to focus efforts on Little Muskego Lake.

Jacob Habrat S106W20213 North Shore Dr.

Jacob agrees with last two commenters but is in favor of a lake district, as something needs to be done to ensure water quality on Lake Denoon. Jacob also questions the boundaries as he lives a few doors down from Lake Denoon Estates Corporation, which provides numerous homes access to the lake. Jacob presumes that they would not be subject to assistance in keeping the lake clean. Jacob showed Dave Zimmermann the area on the lake he is referencing.

Jerry Klamrowski S106W20597 North Shore Ln.

Jerry is the President of the current lake association. Jerry stated that on Denoon Rd, there are seven homes that own a lot on the lake. Those seven homeowners have agreed to pay a larger assessment. Homeowners on North Shore Dr. made a similar agreement. Some have paid an assessment to the lake association which is on a voluntary basis.

SEWRPC Representative (Dr. Tom Slawski) questioned if this was included in the map as currently shown.

Jerry: No.

SEWRPC Representative: This should be resolved, because if they are not mapped, they are not in.

Jerry: The ownership of the parcel is in.

SEWRPC Representative: This may require clarification from a UW-Extension specialist as it may become complicated if ownership changes.

Jerry: This was recommended by a consultant.

Mary Taylor S106W20429 Bosch Dr (legal address North Shore Dr.)

This year marks 100 years that Mary's family has been on the lake, and Mary stated that she has witnessed the lake go through many changes including the arrival of many aquatic invasive species. The lake association has done a great job, but a lake district is necessary in order to protect the lake.

Tony Maressi W200S10721 East Shore Dr.

Tony agrees with Mary and has witnessed many changes. Tony stated that he believes the weed problem has been addressed well but is concerned that we have not had necessary funds for what is needed. Tony questioned if a cap for reserves exists and if that would change the annual assessment.

Dave Zimmermann stated that typically a large cash reserve is not built unless earmarked for a specific purpose.

Tony questioned if the amount of assessment would fluctuate.

Dave Zimmermann stated that it is not unlikely for it to fluctuate and is dependent upon the activities that are occurring.

Tony stated that he is in favor of the formation of a Lake District.

Jeff Jones W198S10065 Racine Ave

Jeff has been on the board of the Lake Association for 12 years and living on lake for last 3 years. Jeff stated that when you see the amount of money that fluctuates year to year, it is difficult to accomplish anything and that there is a need for a lake district. Jeff clarified that the assessment for the district would come up on the tax bill, although it's not necessarily a tax being levied by state or county, but it is a fee that is paid. Jeff explained that the tax is determined by the lake district and voted on by everyone.

Dave Zimmermann: Did petitioners bring forward the boundary lines?

Rebecca Mattano: That is correct.

Dennis Young 26819 Denoon Road

Dennis commented that he had paperwork for Wind Lake District showing that lakeside homeowners pay \$220, homeowners by the canal \$130, off lake properties pay \$90. There are over 100 off lake properties paying \$90.

Dave Zimmermann closed the public comment period.

Concluding Remarks and Next Steps

Rebecca Mattano: The statutory timeline includes three months for the Land Resources Division to report public comments and make recommendations to Land Use, Parks and Environment (LUPE) committee. Subsequently, they will have 3 months to review and take action. (The County cannot take action until the City of Muskego takes action.)

Public Question: What does Muskego have to decide if the County is handling this process?

Rebecca Mattano: The City has property within the proposed Lake District that requires City Council approval prior to County Board action.

Public Question: What is on the City property?

Rebecca Mattano: We do not have the details available but the meeting is being recorded and this information can be provided.

Public Question: Who is going to look at boundaries?

Dave Zimmermann: The Waukesha County Land Use, Parks and Environment committee will look at this following recommendation from staff in the Parks and Land Use Department. Need to check and see authority for adding or removing lands. Can county board add or remove from boundaries?

Kim Haines: County board has authority to remove parcels but not add parcels. The addition of lots must occur with an amendment or withdrawal and refiling of the petition.

*(*Note: Per 33.26, Wis. Stats., lands not originally proposed for inclusion may not be included until a public hearing is held under this section)*

Public Question: Would this create any issue for those homes that fall within Racine County?

Kim Haines: No, because they are part of this petition and since majority of parcels lie in Waukesha County they are responsible for taking action.

Adjournment by Dave Zimmermann at 8:05pm.

Exhibit E

**COMMON COUNCIL - CITY OF MUSKEGO
RESOLUTION #077-2017**

**RESOLUTION TO APPROVE THE
ESTABLISHMENT OF THE LAKE DENOON LAKE DISTRICT**

WHEREAS, Landowners residing on Lake Denoon have petitioned the Board of Supervisors of Waukesha County to establish a Public Inland Protection and Rehabilitation District pursuant to Chapter 33 of the Wisconsin State Statutes; and

WHEREAS, A Public Hearing regarding the formation of the Lake District was held on August 31, 2017 at Muskego City Hall; and

WHEREAS, The District, if established by Order of the Waukesha County Board herein stated, will be known as the Lake Denoon Lake District; and

WHEREAS, The purpose of the District will be to promote public health, comfort, convenience, necessity and public welfare; and

WHEREAS, The boundaries of the proposed District include land that is exclusively owned by the City of Muskego; and

WHEREAS, The City does not want to have any of its owned land included in the District; however, the City does not object to any other lands located in the City of Muskego and contained within the proposed boundaries from forming a Lake District; and

WHEREAS, The City has been advised by the Waukesha County Corporation Counsel that per State Statute all lands contained within the proposed District and located within the City of Muskego must be approved by Resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED That the Common Council of the City of Muskego approves the formation of the Lake Denoon Lake District subject to the City owned land being excluded from the District.

DATED THIS 26th DAY OF SEPTEMBER, 2017.


SPONSORED BY:


COMMITTEE OF THE WHOLE

This is to certify that this is a true and accurate copy of Resolution #077-2017 which was adopted by the Common Council of the City of Muskego.


Clerk-Treasurer

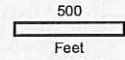
Exhibit F -- Recommended Lake Denoon Lake District

 Parcel Boundaries

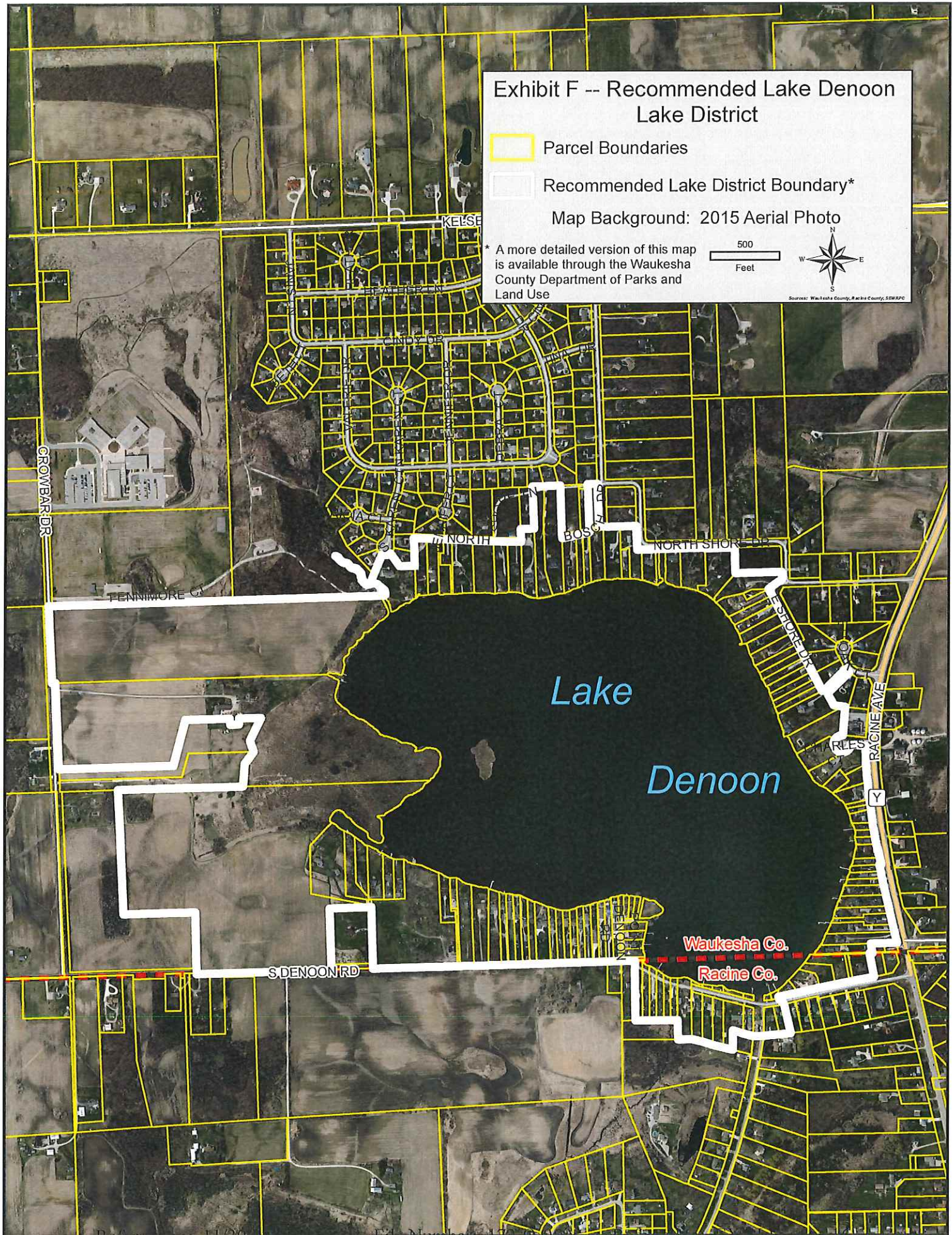
 Recommended Lake District Boundary*

Map Background: 2015 Aerial Photo

* A more detailed version of this map is available through the Waukesha County Department of Parks and Land Use



Sources: Waukesha County, Racine County, SEWRPC



| | | | |
|------------------------|----------------|--------------------------|----------------|
| D1 - Kolb | AYE | D14 - Wood | AYE |
| D2 - Zimmermann | AYE | D15 - Mitchell | AYE |
| D3 - Morris | AYE | D16 - Crowley | AYE |
| D4 - Batzko | AYE | D17 - Paulson | AYE |
| D5 - Dondlinger | AYE | D18 - Nelson | AYE |
| D6 - Walz | AYE | D19 - Cummings | Absent |
| D7 - Grant | AYE | D20 - Schellinger | AYE |
| D8 - Michalski | AYE | D21 - Zaborowski | AYE |
| D9 - Heinrich | (M) AYE | D22 - Wysocki | Absent |
| D10 - Swan | AYE | D23 - Hammitt | (2) AYE |
| D11 - Howard | AYE | D24 - Whittow | Absent |
| D12 - Wolff | AYE | D25 - Johnson | Absent |
| D13 - Decker | AYE | | |

172-0-059

Passed (21 Y - 0 N - 4 Absent)

Majority Vote

