

177th BOARD YEAR

LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
177-O-001	04/29/22 05/05/22	LU	ORD: Year 2022 Amendment To The Comprehensive Development Plan For Waukesha County (1A – Poplar Creek Club II, LLC, Town Of Brookfield)
177-O-002	04/29/22 05/05/22	LU	ORD: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map For The Town Of Brookfield And The Town Of Brookfield Zoning Code By Conditionally Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 29, T7N, R20E, Town Of Brookfield, Waukesha County, Wisconsin, From The B-2 Local Business, R-2 Residential, HG High Groundwater And C-1 Conservancy Overlay Districts (County) And The B-2 Limited General Business, RM-2 Multi-Family Residential And C-1 Conservancy Districts (Town) To The R-3 Residential District (County) And The MU-1 Mixed Use District (Town) (RZ97)
177-O-003	04/29/22 05/05/22	LU	ORD: Amend The Text Of The Town Of Mukwonago Zoning Code By Repealing And Recreating Subsection 36-283(D) Relating To Conditional Uses And Amend Appendix A Regarding In-Law Dwelling Units And Appendix B Regarding Free Standing Solar Energy Systems (RZ98)
177-O-004	04/29/22 05/05/22	LU	ORD: Amend The Town Of Mukwonago Zoning Map By Rezoning Several Properties Located In The SE ¼ Of Section 7, T5N, R18E And The NW ¼ Of Section 10, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin, From The A-1 Agricultural District To The R-1 Residential District (RZ99)
177-O-005	04/29/22 05/05/22	LU	ORD: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The W ½ And The NE ¼ Of Section 31, T8N, R17E, Town Of Oconomowoc, From The A-2 Rural Home District To The B-3 General Business District (RZ94)
177-O-006	05/04/22 05/05/22	LU	ORD: Approve Permanent Access Easement To The Village Of Lannon For The Purpose Of Allowing Public Pedestrian And Non-Motorized Access On Waukesha County Property Known As The Bugline Trail Corridor
177-O-007	05/04/22 05/05/22	LU	ORD: Repeal And Recreate Sections Of Chapter 13, Article II And Chapter 14, Article II Of The Waukesha County Code Of Ordinances To Modernize Provisions Consistent With Current Park Operations
177-O-008	05/04/22 05/05/22	LU FI	ORD: Authorization To Execute Amended Memorandum Of Understanding With City Of Waukesha Regarding Waukesha County's "Urban County" Community Development Block Grant Program
177-O-009	05/04/22 05/05/22	EX LU FI	ORD: Modify The 2022-2026 Capital Plan And 2022 Budget For Capital Project 202204, Lake Country Trail STH 67 Underpass
177-O-010	05/04/22 05/05/22	EX FI	ORD: Modify The 2022 Budget Of The Waukesha County UW-Extension To Accept Donation Revenue And Appropriate Expenditures
177-O-011	04/25/22 05/05/22	EX	ORD: Amend Article III, Division 2 Of Chapter 4 Of The Waukesha County Code Of Ordinances – Meetings
177-O-012	04/25/22 05/05/22	EX	ORD: Amend Article V, Division 1 Of Chapter 4 Of The Waukesha County Code Of Ordinances – General Information

177th BOARD YEAR

LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
177-A-001	05/04/22 05/05/22	EX	APPT: Paul Decker to the Wisconsin PACE Commission
177-A-002	05/04/22 05/05/22	EX	APPT: Christine Howard to the WOW Workforce Development Board's Joint Executive Committee
177-A-003	05/04/22 05/05/22	EX	APPT: Maria Watts to the HOME Consortium Board
177-A-004	05/04/22 05/05/22	EX	APPT: Vickie Dallmann-Papke to the Health and Human Services Board
177-A-005	05/04/22 05/05/22	EX	APPT: Joel Gaughan to the Health and Human Services Board
177-A-006	05/04/22 05/05/22	EX	APPT: Larry Nelson to the Community Development Block Grant Board
177-A-007	05/04/22 05/05/22	EX	APPT: Frank Muenkel to the Community Development Block Grant Board
177-A-008	05/04/22 05/05/22	EX	APPT: Meg Wartman to the Community Development Block Grant Board
177-A-009	05/04/22 05/05/22	EX	APPT: Pat Haukohl to the Community Development Block Grant Board
177-A-010	05/04/22 05/05/22	EX	APPT: Dick Mace to the Wisconsin River Rail Transit Commission
177-R-001	05/04/22 05/05/22	PW	RES: Resolution Opposing Installation Of Sidewalks Along The East Right Of Way Of CTH T (Grandview Blvd)
177-O-013	04/29/22 05/05/22	JU FI	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Hamilton School District To Provide School Resource Officer Services
177-O-014	04/29/22 05/05/22	JU FI	ORD: Authorize The Waukesha County Sheriff's Department To Contract With The Arrowhead Union High School District To Provide School Resource Officer Services
177-O-015	04/26/22 05/05/22	JU FI	ORD: Authorize The Waukesha County Sheriff's Office To Continue Contracted Police Services With The Town Of Lisbon
177-O-016	05/04/22 05/05/22	JU HR FI	ORD: Adopt 2023 Waukesha Deputy Sheriff's Labor Union Contract Extension Agreement, Provide A Salary Adjustment For Sworn Non-Represented Law Enforcement Supervisors, And Modify The 2022 Sheriff's Department Budget
177-O-017	04/29/22 05/05/22	HS FI	ORD: Modify The Department Of Health And Human Services – Public Health Division 2022 Budget To Accept Federal Centers For Disease Control And Prevention Covid-19 Crisis Response Workforce Development Grant Funds Provided By The Wisconsin Department Of Health Services And Appropriate Additional Expenditures
177-O-018	05/03/22 05/05/22	HS FI	ORD: Modify The Department Of Health And Human Services – Public Health Division 2022 Budget To Accept Federal Centers For Disease Control And Prevention Immunization COVID-19 Supplemental Grant Funds Provided By The Wisconsin Department Of Health Services And Appropriate Additional Expenditures
177-O-019	05/03/22 05/05/22	FI	ORD: Authorizing The Sale Of \$11,300,000 General Obligation Promissory Notes, Series 2022A

YEAR 2022 AMENDMENT TO THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY (1A – POPLAR CREEK CLUB II, LLC, TOWN OF BROOKFIELD)

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;
3 and
4

5 WHEREAS, said Comprehensive Development Plan for Waukesha County provides for annual
6 update and amendment procedures; and
7

8 WHEREAS, on April 21, 2022, the Waukesha County Park and Planning Commission held a Public
9 Hearing to receive testimony on proposed changes to the Comprehensive Development Plan
10 for Waukesha County; and
11

12 WHEREAS, the staff has identified in a "Staff Report and Recommendation" dated April 21,
13 2022, a summary of the town Public Hearing comments and a Staff Recommendation for the
14 proposed change to the Comprehensive Development Plan for Waukesha County; and
15

16 WHEREAS, the "Staff Report and Recommendation" has been reviewed by the Waukesha
17 County Park and Planning Commission on April 21, 2022, and a recommendation was reported
18 to the Land Use, Parks and Environment Committee and the Waukesha County Board of
19 Supervisors as required in the Comprehensive Development Plan for Waukesha County.
20

21 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
22 following amendment is hereby conditionally approved to the Year 2035 Comprehensive
23 Development Plan for Waukesha County.
24

25 1. In the Town of Brookfield, the following request is being made:
26

- 27 A. **Poplar Creek Club II, LLC**, 5300 S. 108th Street, Ste. 1, Hales Corners, WI 53130,
28 requests property located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield
29 (Tax Key No.'s BKFT 1123.979, BKFT 1123.991, BKFT 1123.988, BKFT 1123.989 and
30 BKFT 1122.993.001), be amended from the Commercial and Office Park and Low
31 Density Residential categories to the Mixed Use category, to allow for mixed
32 residential, office, hotel and commercial uses.
33

34 The request is approved subject to the following conditions:
35

- 36 1. The allowable mixed uses are residential, office, commercial, hotel and greenspace uses.
37
38 2. Lands to the north of the proposed extension of Poplar Creek Parkway shall be limited to
39 residential and open space uses.
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

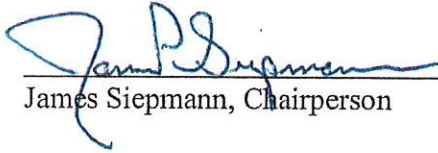
44 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
45 Ordinance with the Town Clerk of Brookfield.

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance entitled "Year 2022 Amendment to the Comprehensive Development Plan for Waukesha County, (1A – Poplar Creek Club II, LLC, Town of Brookfield) hereby recommends conditional approval.

PARK AND PLANNING COMMISSION

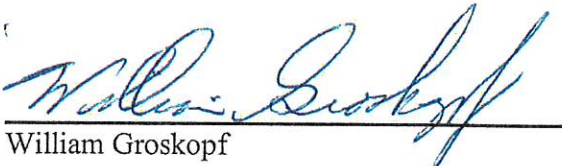
April 21, 2022

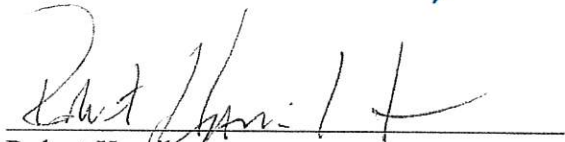

James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson

Absent
Robert Peregrine

Absent
Richard Morris


William Groskopf


Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION FOR A YEAR 2022 AMENDMENT TO THE
COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY
1(A) POPLAR CREEK CLUB II, LLC,
TOWN OF BROOKFIELD

DATE: April 21, 2022

PUBLIC HEARING DATE:

Thursday, April 21, 2022, 1:00 p.m.

REQUEST:

1. In the Town of Brookfield, the following request is being made:
 - A. *Poplar Creek Club II, LLC*, 5300 S. 108th Street, Ste. 1, Hales Corners, WI 53130, requests property located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield (Tax Key No.'s BKFT 1123.979, BKFT 1123.991, BKFT 1123.988, BKFT 1123.989 and BKFT 1122.993.001), be amended from the Commercial and Office Park and Low Density Residential categories to the Mixed Use category, to allow for mixed residential, office, hotel and commercial uses.

EXISTING AND PROPOSED LAND USE CATEGORY:

Commercial and Office Park and Low Density Residential categories to the Mixed Use category.

PUBLIC REACTION:

Public testimony will be taken at the public hearing to be held on April 21, 2022.

TOWN ACTION:

On March 29, 2022, the Town of Brookfield Plan Commission and Board approved of the parallel request to amend the town's plan.

STAFF ANALYSIS:

The subject properties are located adjacent to the intersection of Barker and Bluemound Roads, one of the busiest intersections in the county. The five parcels contain two vacant hotels, a vacant restaurant, a health club and vacant land. The most visible parcel closest to the corner contains a former motel has sat vacant and is becoming blighted. The petitioner has assembled the parcels with the intent of bringing forward a large mixed use redevelopment project. The assembled lands are approximately 17.8 acres. The development would contain two new hotels, office and retail space and several multi-family buildings. A concept site plan is attached as Exhibit A.

Much of the Bluemound Road corridor within the town is already planned for Mixed Use. The petitioner developed a mixed use project immediately to the east within the past several years. The project includes a multi-family building and a jewelry store. The Corners mixed use development is located immediately to the south. There are a couple of large single family properties to the north. West across Barker Road is the Brook Park Estates subdivision and commercial and office space. Most of the environmental corridor on site will be preserved. A small area of wetland is proposed to be filled and a compensatory wetland area would be provided if land use approvals are obtained.

The petitioner has filed concurrent requests to rezone the property and for a conditional use for an Urban Form Planned Unit Development. The specific details of the development would be defined within town and county conditional use and site plan documents if this land use change request is ultimately approved. The conditional use review would include examination of traffic, parking, pedestrian facilities, building size and orientation, landscaping and site amenities.

STAFF RECOMMENDATION:

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

1. The allowable mixed uses are residential, office, commercial, hotel and greenspace uses.
2. Lands to the north of the proposed extension of Poplar Creek Parkway shall be limited to residential and open space uses.

As conditioned, the change to the Mixed Use category will allow for an interesting mix of uses in a neighborhood that already contains a robust mix of use types. With the subject lands being located along major highways and well located to jobs, shopping and recreation, the site is ideal for office, commercial and residential uses. This highly visible corner has historically housed uses that had a lack of continuity. This land use plan change will pave the way for a unified development project that will bring a heightened level of site design, architectural character, neighborhood amenities and walkability to this part of the town. The proposed redevelopment project would bring substantial economic investment to the town. The recommended uses have been conditioned to be sensitive to nearby residential properties to the north and northwest. The fine details of the planned development will be considered as part of the conditional use review for the pending planned unit development application.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachment: Map
Exhibit A

N:\PRKANDLU\Planning and Zoning\Waukesha County Land Development Plan\STAFF REPORT AND RECOMMENDATION\2022\1A Poplar Creek Club II Out of Sequence bkt.docx

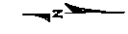


EXHIBIT A

POPLAR CREEK
 TOWN OF BROOKFIELD, WI

C.E. No.: 1555-02187
 FEBRUARY 8, 2022



SITE PLAN C1.0

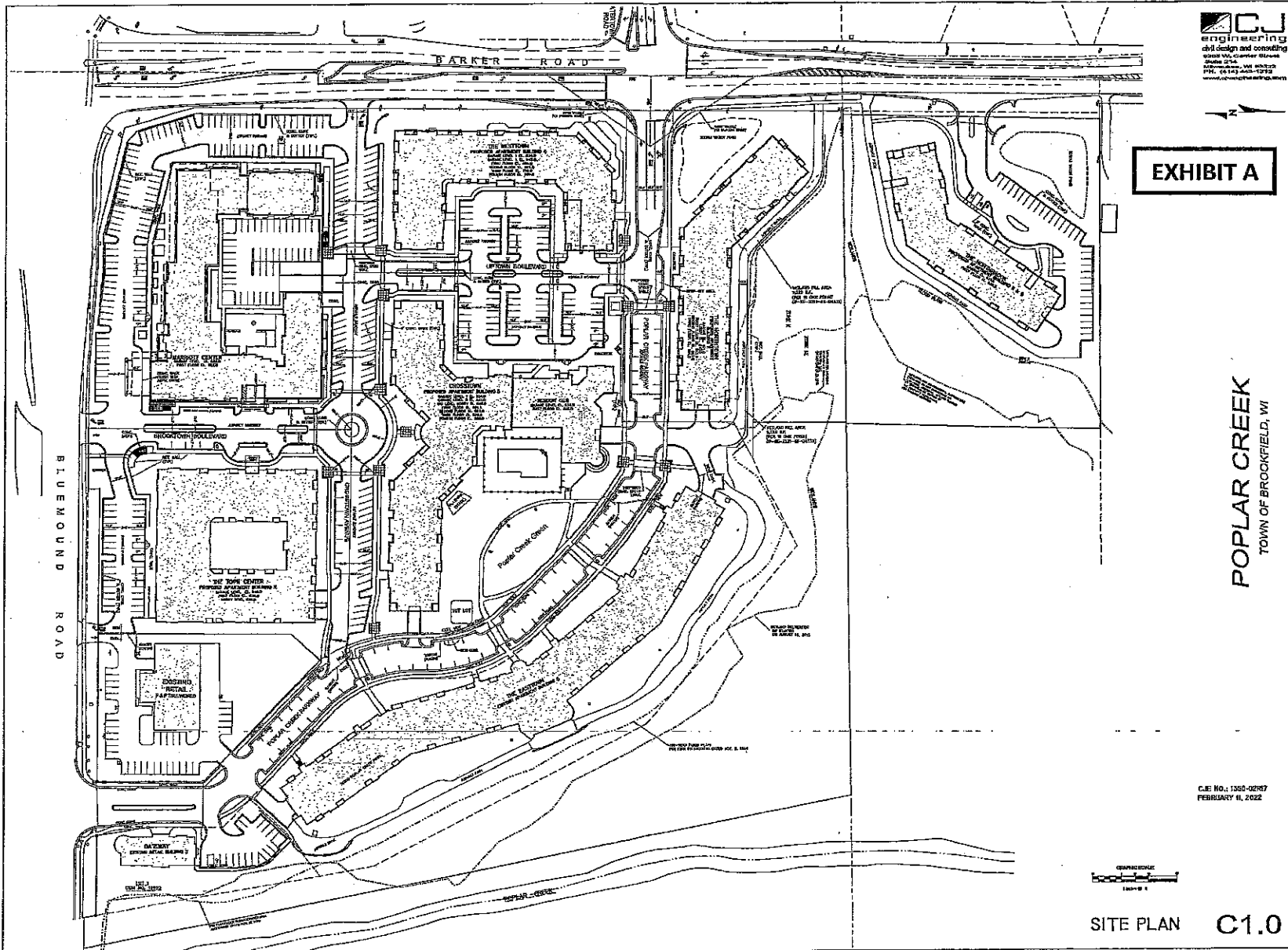
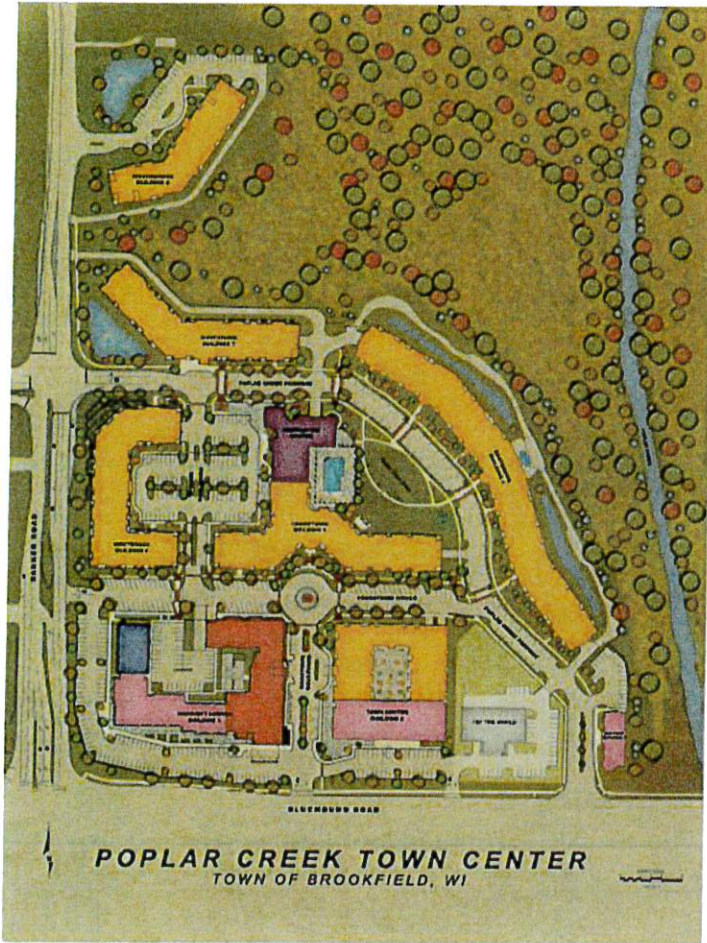


EXHIBIT A

Poplar Creek – A New Town Neighborhood Master Land Use Plan



Poplar Creek Marriott Center - Hospitality				
Bldg. No.	Name	Units	Parking	Parking Ratio
1	Courtyard by Marriott	115	115	1:1
1	Residence Inn by Marriott	108	108	1:1
Total		223 Rooms	223 Spaces	1:1

The Shops at Poplar Creek - Retail				
Bldg. No.	Name	Sq. Footage	Surface	Parking Ratio
1	The Shops at Poplar Creek	21,367	72	3.37 per 1,000 SF
2	The TownCenter	12,200	53	4.34 per 1,000 SF
3	The Gateway (Existing Husar)	4,322	18	4.16 per 1,000 SF
Total		37,889	143	3.77 per 1,000 SF

The Offices at Poplar Creek - Office				
Bldg. No.	Name	Sq. Footage	Lower/Upper Deck	Parking Ratio
1	The Offices at Poplar Creek	12,204	11/43	4.42 per 1,000 SF
Total		12,204	54	4.42 per 1,000 SF

Poplar Creek Club - Residential											
Bldg. No.	Name	Studio	1 Bdrm	2 Bdrm	3 Bdrm	Total	Surface	Underground	Levels	Total	Parking Ratio
2	The TownCenter	8	51	40		99	8	170	2	178	1.80 to 1
4	The WestTown	28	40	40		108	30	164	2	194	1.80 to 1
5	The CrossTown	11	53	48		112	40	189	2	229	2.04 to 1
6	The EastTown (Existing Poplar Creek)		54	84		138	65	183	1	248	1.80 to 1
7	The NorthTown		45	34		79	36	103	1	139	1.76 to 1
8	The NorthBrook			8	24	32	37	60	1	97	3.03 to 1
Total		47	243	254	24	568	216	869		1,085	1.91 to 1

Select Residential surface parking shall be shared between Retail/Office Use primarily from 8:00 am - 5:00 pm with Residential Use from 5:00 pm - 8:00 am

Hotel – Including floors above ground-floor retail on South and West of Marriott Center Building 1

Retail – Ground Level

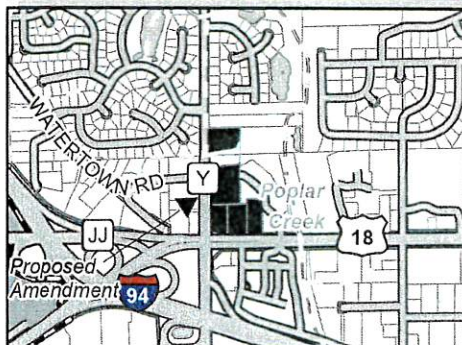
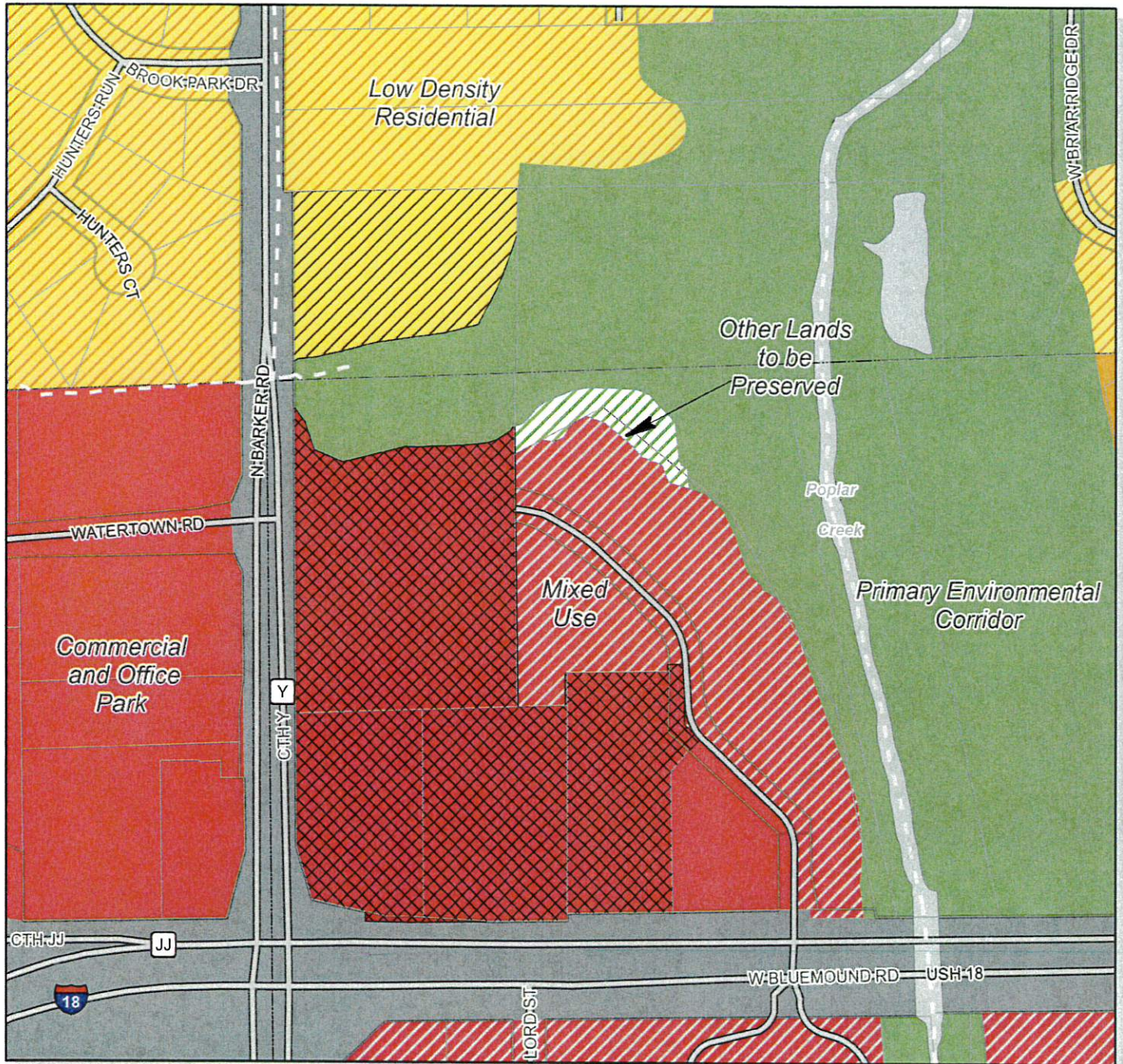
Office

Residential

Resident Club

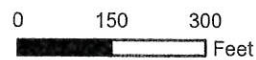
DEVELOPMENT PLAN AMENDMENT

PART OF SECTION 29,
TOWN OF BROOKFIELD



- COUNTY DEVELOPMENT PLAN AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MIXED USE
- COUNTY DEVELOPMENT PLAN AMENDMENT FROM COMMERCIAL AND OFFICE PARK TO MIXED USE

PETITIONER.....POPLAR CREEK CLUB II, LLC
 DATE OF PUBIC HEARING.....4/21/22
 AREA OF CHANGE.....15.6 ACRES



Prepared by the Waukesha Department of Parks and Land Use

1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE
2 DISTRICT ZONING MAP FOR THE TOWN OF BROOKFIELD AND THE TOWN OF BROOKFIELD
3 ZONING CODE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE SW ¼
4 OF SECTION 29, T7N, R20E, TOWN OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN, FROM
5 THE B-2 LOCAL BUSINESS, R-2 RESIDENTIAL, HG HIGH GROUNDWATER AND C-1 CONSERVANCY
6 OVERLAY DISTRICTS (COUNTY) AND THE B-2 LIMITED GENERAL BUSINESS, RM-2 MULTI-FAMILY
7 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS (TOWN) TO THE R-3 RESIDENTIAL DISTRICT
8 (COUNTY) AND THE MU-1 MIXED USE DISTRICT (TOWN) (RZ97)
9

10
11 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
12 this Ordinance was approved by the Brookfield Town Board on March 29, 2022; and
13

14 WHEREAS, the matter was referred to and considered by the Waukesha County Park and
15 Planning Commission, which recommended approval and reported that recommendation to the
16 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
17 as required by Sections 59.692 and 60.62, Wis. Stats.
18

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
20 Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the
21 Town of Brookfield, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of
22 Brookfield Zoning Code adopted on December 27, 1988, are hereby amended to conditionally
23 rezone certain lands located in part of the SW ¼ of Section 29, T7N, R20E, Town of Brookfield,
24 from the B-2 Local Business, R-2 Residential, HG High Groundwater District and C-1
25 Conservancy Overlay Districts (County) and the B-2 Limited General Business, RM-2 Multi-
26 Family Residential and C-1 Conservancy Districts (Town) to the R-3 Residential District (County)
27 and the MU-1 Mixed Use District (Town) and more specifically described in the "Staff Report
28 and Recommendation" and map on file in the office of the Waukesha County Department of
29 Parks and Land Use and made a part of this Ordinance by reference RZ97 subject to the
30 following conditions:
31

- 32 1. The pending land use plan amendment modifying the land use category to the Mixed Use
33 category shall be obtained prior to this rezoning being effective.
34
- 35 2. A conditional use for an Urban Form Planned Unit Development shall be obtained and the
36 properties shall be developed in a unified fashion, as planned.
37
- 38 3. A wetland mitigation area shall be provided to offset proposed wetland fill consistent with
39 the detail provided on the site plan.
40

41 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
42 Ordinance with the Town Clerk of Brookfield.
43


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

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of **RZ97 (Poplar Creek Club II, LLC)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

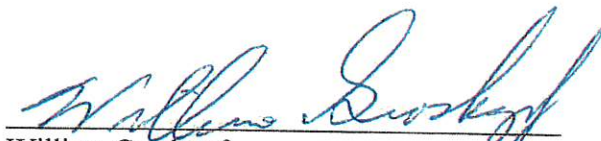
April 21, 2022



James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson

Absent
Robert Peregrine

Absent
Richard Morris


William Groskopf


Robert Hamilton

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

DATE: April 21, 2022

FILE NO.: RZ97

OWNER: Poplar Creek Club II, LLC
5300 S. 108th Street
Hales Corners, WI 53130

TAX KEY NO's.: BKFT 1123.979, BKFT 1123.991, BKFT 1123.988, BKFT 1123.989 and
BKFT 1122.993.001

LOCATION:

The properties are located in the SW ¼ of Section 29, T7N, R20E, Town of Brookfield.

EXISTING ZONING:

B-2 Local Business, R-2 Residential and HG High Groundwater Districts (County) and the B-2 Limited General Business, RM-2 Multi-Family Residential and C-1 Conservancy Districts (Town).

PROPOSED ZONING:

R-3 Residential District (County) and the MU-1 Mixed Use District (Town) (most areas of C-1 and HG High Groundwater will remain).

EXISTING LAND USE:

Commercial, vacant commercial properties, open lands.

PROPOSED LAND USE:

Mixed residential, office, hotel and commercial uses.

PUBLIC HEARING DATE:

March 29, 2022

PUBLIC REACTION:

There was a mix of comments. Some expressed concern regarding the size and height of proposed Building #8 which is the northerly most building. The petitioner explained that the building is 2-3 stories and would contain 32 units. One person stated that they expected building heights of 40'. The petitioner noted that the building would be a maximum of 45' above grade. Another person expressed concern about the height of the other buildings along Barker Road and the proximity of the buildings to Barker Road. Questions were raised regarding turn lanes, time period of building demolition, light pollution controls and resident club use. Another speaker talked about difficulty in getting out of his nearby subdivision and thought the project should be put on hold until Barker Road is four lanes. A number of speakers were complimentary of the overall development proposal and welcomed the assemblage and clean-up of properties. Multiple speakers expressed the desire for sidewalks along Barker Road.

The petitioner addressed the above comments. He noted that two different traffic analyses have been completed and explained that a southbound traffic lane would be added to Barker Road between Brookpark Drive and Watertown Road/Poplar Creek Parkway. He noted that the Department of Public Works is not looking for additional right of way for Barker Road. Demolition would likely be complete by early June with foundations starting in August. Shut off type lighting will be utilized to minimize light pollution. The residents club would be solely for residents. He explained that Building 8 was intentionally setback further from Barker Road to create more separation for neighbors and that the building design employs a steeply pitched roof to give a less urban appearance.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On March 29, 2022, the Town of Brookfield Plan Commission recommended approval of the request and the Town Board approved the request.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF BROOKFIELD LAND USE PLAN:

An amendment is pending to change the property from the Low Density Residential and Commercial and Office Park categories to the Mixed Use category. The town recently approved a change to the Mixed Use category.

STAFF ANALYSIS:

The subject properties are located adjacent to the intersection of Barker and Bluemound Roads, one of the busiest intersections in the county. The five parcels total approximately 17.8 acres and contain two former hotels, a vacant restaurant, health club and other vacant land. The most visible parcel located on the corner contains a long vacant motel that is becoming blighted.

The petitioner has assembled all of the subject parcels and has concurrently filed applications to amend the land use plan designation, rezone the property and is seeking a conditional use for an Urban Form Planned Unit Development. The properties would be redeveloped for a large scale mixed use development to include two hotels, commercial and office space and multi-family residential buildings. The project would be developed with an internal road and sidewalk network. A total of six buildings are proposed (see Exhibit A). The Marriott Center building would contain two hotels that will share some amenities and will also contain retail and office space. Building 2 would contain street level retail with multi-family residential above, Building 4, 5, 7, 8 and 9 would contain multi-family residential apartments. Building 5 would also contain a residents club with amenities for residents. Buildings 3 and 6 are existing and were previously developed by the petitioner. Poplar Creek Green is an existing greenspace that will be enhanced with the addition of a tot lot and other recreational amenities that are affiliated with the residents club. The primary access points will be via Poplar Creek Parkway at both Barker Road and Bluemound Road. Other right in, right out access points are depicted on the site plan.

The existing zoning of the property is a mix of designations. The county shoreland zoning area is limited to the areas within 300' of Poplar Creek or to the full extent of the floodplain. The northernmost part of the property is currently zoned R-2, areas just to the south are zoned HG High Groundwater and the areas in the vicinity of Elite Fitness are zoned B-2 Local Business District. Because the use of the buildings being proposed within the county shoreland area is residential, the county zoning designation that is being proposed is R-3 Residential. An area of wetland is proposed to be filled to accommodate emergency access to the rear of Building #7. The area of wetland fill is less than 10,000 square feet and has been authorized by the DNR and Army Corps of Engineers. A wetland mitigation area of 15,500 square feet is proposed on site. This achieves a fill to compensation ratio of more than the recommended 1.5 to 1 compensation to fill ratio. Building footprint, height, setbacks and other dimensional standards will be established as part of the planned unit development conditional use review.

The petitioner is seeking an Urban Form Planned Unit Development (PUD). The Urban Form PUD option is intended to provide flexibility and accommodates mixed use development with multi-story buildings, pedestrian facilities and public gathering spaces. This option is only available in downtown settings or in close proximity to major transportation facilities. With a location abutting two major highways and proximity to I-94, the site meets the locational standards. There are numerous criteria for design elements for such projects. The criteria will be fully analyzed as part of the review of the conditional use request. The project brings forward a unique design and many amenities. The new neighborhood will be a walkable environment and transitions from commercial and mixed uses near Bluemound Road to entirely residential use nearest to existing residences to the north and northwest.

STAFF RECOMMENDATION:

Based upon the above analysis, Planning and Zoning Division Staff recommends **conditional approval** of the request, subject to the following conditions:

1. The pending land use plan amendment modifying the land use category to the Mixed Use category shall be obtained prior to this rezoning being effective.
2. A conditional use for an Urban Form Planned Unit Development shall be obtained and the properties shall be developed in a unified fashion, as planned.
3. A wetland mitigation area shall be provided to offset proposed wetland fill consistent with the detail provided on the site plan.

The rezoning will allow for a unified redevelopment plan to move forward and will enable substantial investment and improvement in this highly visible part of the town. The project will offer more living units in close proximity to existing job centers and services. The integrated design will ensure harmony from one building to the next. The conditional use process will ensure that traffic, parking, natural resource and greenspace considerations are appropriate in the context of the neighborhood.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning & Zoning Manager

Attachments: Exhibit A
Map

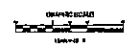
N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ97 Poplar Creek Club II LLC Bkt.Doc



EXHIBIT A

POPLAR CREEK
 TOWN OF BROOKFIELD, WI

CJE NO.: 1595-0287
 FEBRUARY 8, 2022



SITE PLAN C1.0

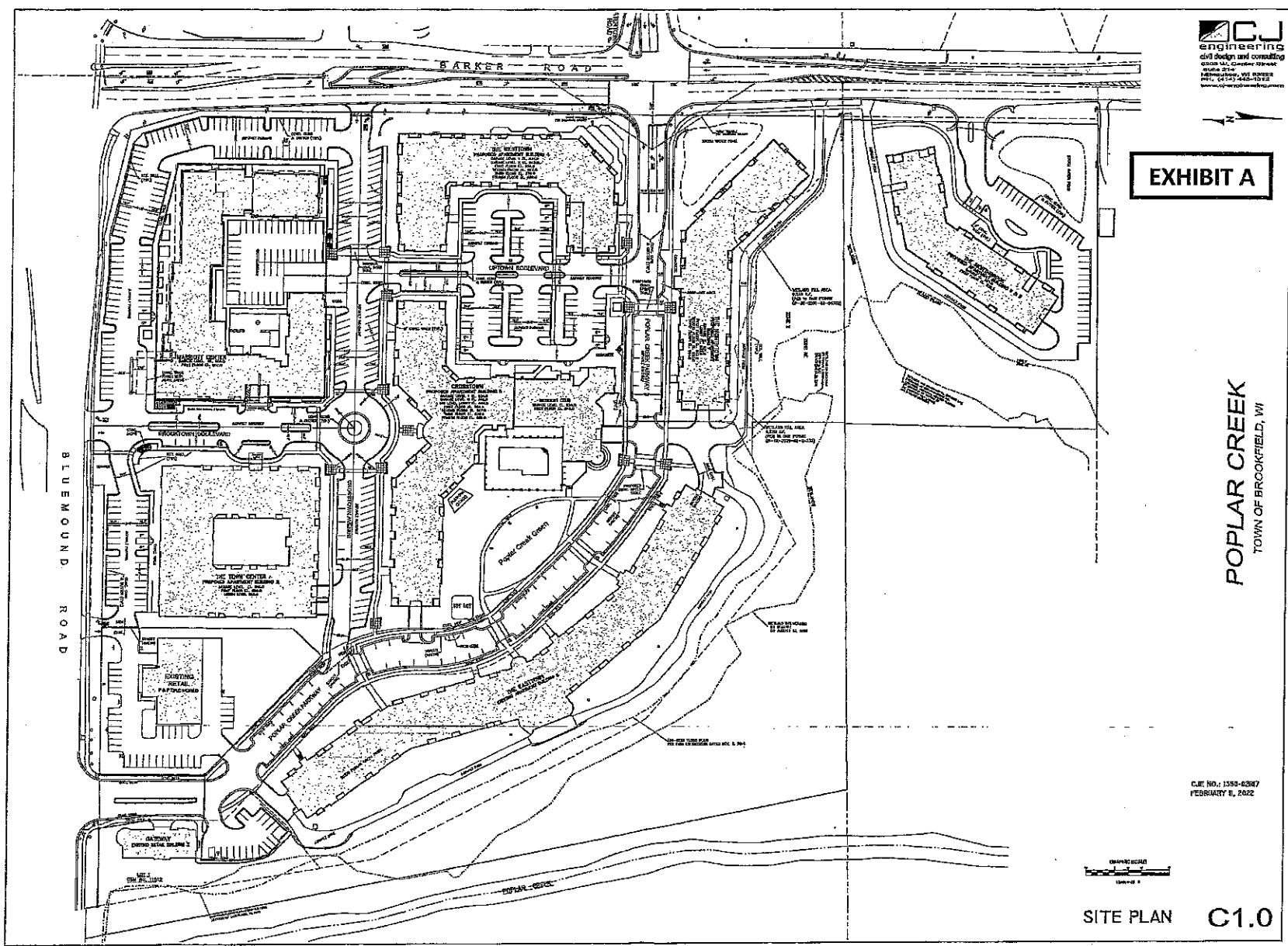
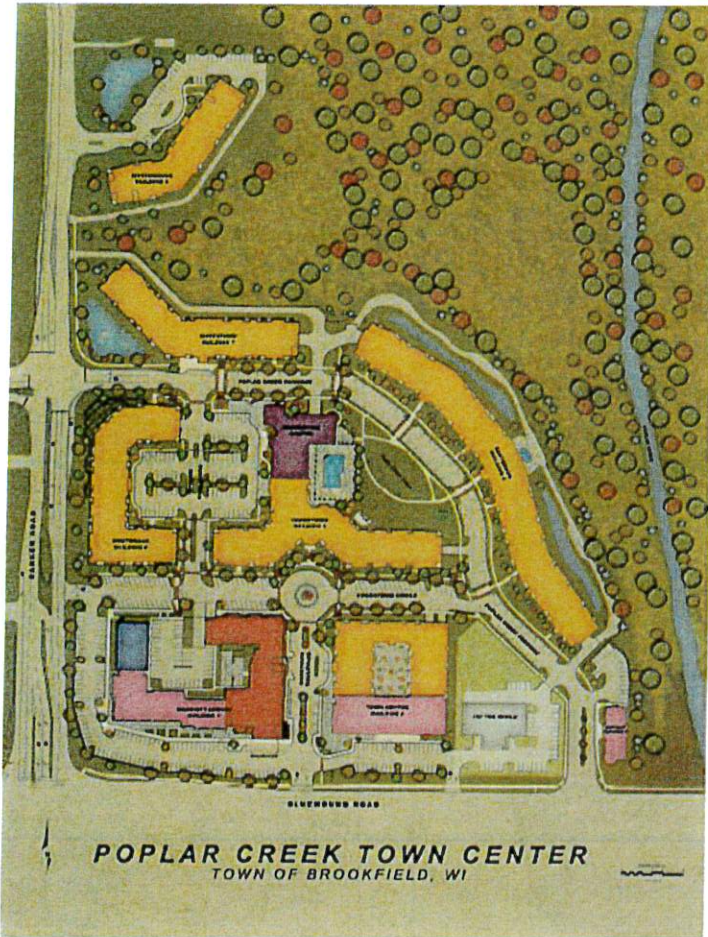


EXHIBIT A

**Poplar Creek – A New Town Neighborhood
Master Land Use Plan**



Poplar Creek Marriott Center - Hospitality				
Bldg. No.	Name	Units	Parking	Parking Ratio
1	Courtyard by Marriott	115	115	1:1
1	Residence Inn by Marriott	108	108	1:1
Total		223 Rooms	223 Spaces	1:1

The Shops at Poplar Creek - Retail				
Bldg. No.	Name	Sq. Footage	Surface	Parking Ratio
1	The Shops at Poplar Creek	21,367	72	3.37 per 1,000 SF
2	The TownCenter	12,200	53	4.34 per 1,000 SF
3	The Gateway (Existing Husar)	4,322	18	4.16 per 1,000 SF
Total		37,889	143	3.77 per 1,000 SF

The Offices at Poplar Creek - Office				
Bldg. No.	Name	Sq. Footage	Lower/Upper Deck	Parking Ratio
1	The Offices at Poplar Creek	12,204	11/43	4.42 per 1,000 SF
Total		12,204	54	4.42 per 1,000 SF

Poplar Creek Club - Residential											
Bldg. No.	Name	Studio	1 Bdrm	2 Bdrm	3 Bdrm	Total	Surface	Underground	Levels	Total	Parking Ratio
2	The TownCenter	8	51	40		99	8	170	2	178	1.80 to 1
4	The WestTown	28	40	40		108	30	164	2	194	1.80 to 1
5	The CrossTown	11	53	48		112	40	189	2	229	2.04 to 1
6	The EastTown (Existing Poplar Creek)		54	84		138	65	183	1	248	1.80 to 1
7	The NorthTown		45	34		79	36	103	1	139	1.76 to 1
8	The NorthBrook			8	24	32	37	60	1	97	3.03 to 1
Total		47	243	254	24	568	216	869		1,085	1.91 to 1

Select Residential surface parking shall be shared between Retail/Office Use primarily from 8:00 am - 5:00 pm with Residential Use from 5:00 pm - 8:00 am

Hotel – Including floors above ground-floor retail on South and West of Marriott Center Building 1

Retail – Ground Level

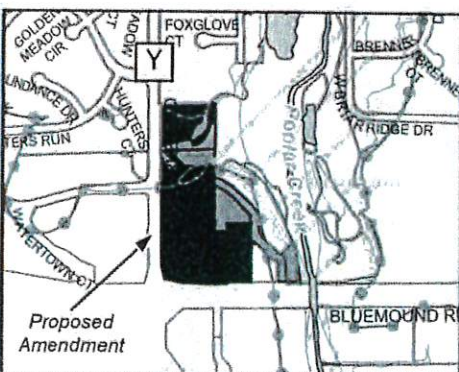
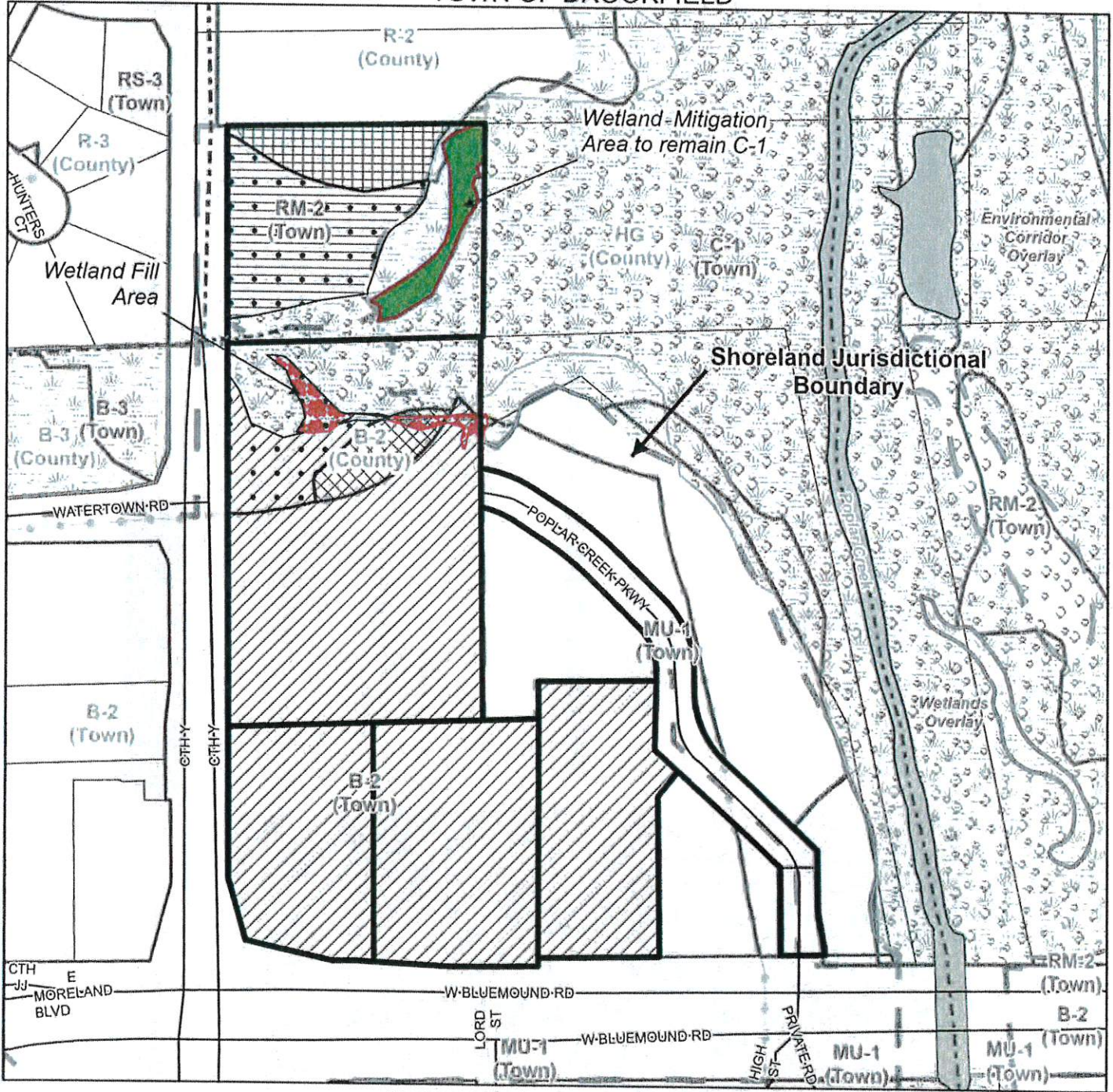
Office

Residential

Resident Club

ZONING AMENDMENT

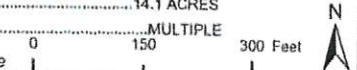
PT OF THE WEST 1/2 OF SECTION 29,
TOWN OF BROOKFIELD



- CONDITIONAL COUNTY ZONING AMENDMENT FROM B-2 LOCAL BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT (0.4 AC)
- CONDITIONAL COUNTY ZONING AMENDMENT FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT (0.7 AC)
- CONDITIONAL COUNTY ZONING AMENDMENT FROM HG HIGH GROUNDWATER DISTRICT TO R-3 RESIDENTIAL DISTRICT (2.2 AC)
- CONDITIONAL TOWN ZONING AMENDMENT FROM B-2 LIMITED GENERAL BUSINESS DISTRICT TO MU-1 MIXED USE DISTRICT (12.5 AC)
- CONDITIONAL TOWN ZONING AMENDMENT FROM RM-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO MU-1 MIXED USE DISTRICT (2.1 AC)
- WETLAND FILL AREA FROM C-1 TO MU-1 (TOWN) AND R-3 (COUNTY) (0.2 AC)

FILE.....RZ97
 DATE OF PLAN COMMISSION.....4/21/22
 AREA OF CHANGE.....14.1 ACRES
 TAX KEY NUMBER.....MULTIPLE

Prepared by the Waukesha County Department of Parks and Land Use



1 AMEND THE TEXT OF THE TOWN OF MUKWONAGO ZONING CODE BY REPEALING AND
2 RECREATING SUBSECTION 36-283(d) RELATING TO CONDITIONAL USES AND AMEND
3 APPENDIX A REGARDING IN-LAW DWELLING UNITS AND APPENDIX B
4 REGARDING FREE STANDING SOLAR ENERGY SYSTEMS (RZ98)
5
6

7 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
8 this Ordinance was approved by the Mukwonago Town Board on March 2, 2022; and
9

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

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text
16 of the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on November
17 30, 2020, is hereby amended to repeal and recreate Subsection 36-283(d) relating to
18 conditional uses and amend Appendix A regarding in-law dwelling units and Appendix B
19 regarding free standing solar energy systems, more specifically described in the "Staff Report
20 and Recommendation" on file in the office of the Waukesha County Department of Parks and
21 Land Use and made a part of this Ordinance by reference RZ98, is hereby approved.
22

23 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
24 Ordinance with the Town Clerk of Mukwonago.
25

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

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Mukwonago Zoning Code hereby recommends approval of RZ98 (Town of Mukwonago Board) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

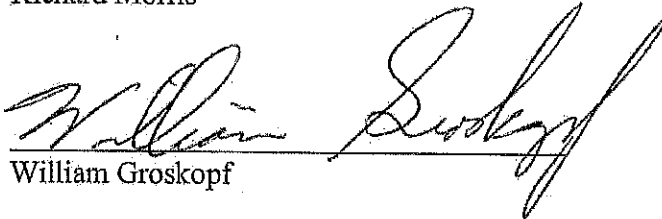
April 21, 2022

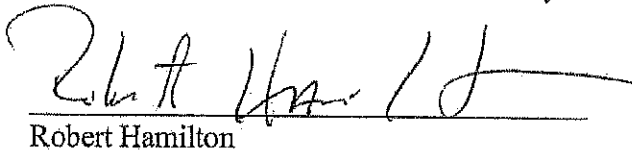

James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson

Absent
Robert Peregrine

Absent
Richard Morris


William Groskopf


Robert Hamilton

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

FILE NO: RZ98
TAX KEY NUMBER: N/A
DATE: April 21, 2022
NAME OF PETITIONER: Town Board of Mukwonago
Town of Mukwonago Hall
W320 S8315 Beulah Road
Mukwonago, WI 53149

NATURE OF REQUEST:

Repeal and recreate Subsection 36-283(d) of the Town of Mukwonago Zoning Code relating to Conditional Uses and amend Appendix A regarding in-law dwelling units and Appendix B regarding free standing solar energy systems.

PUBLIC HEARING DATE:

February 2, 2022.

PUBLIC REACTION:

One individual spoke in favor of the amendments.

TOWN PLAN COMMISSION ACTION:

At their meeting of February 9, 2022, the Town of Mukwonago Plan Commission recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION:

At their meeting on March 2, 2022, the Town Board approved the proposed text amendments to Town of Mukwonago Zoning Code.

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

The text amendments make minor text changes to update standards relative to solar energy systems and in-law units on residential properties. The amendments are consistent with plan recommendations.

STAFF ANALYSIS:

The Town of Mukwonago is proposing minor changes to the text of the town code relative to solar energy systems and is making minor adjustments to the land use matrix relative to in-law dwelling units. The solar systems change would replace the surface area limitation standard of 120 square feet with a more open standard that would allow for a system area to not exceed the area needed to accommodate 120 percent of the site's anticipated power demand. The town planner explained that this is consistent with WE Energies allowances. The change related to in-

law units removes the requirement of a building and site plan reviews. Instead, a simple zoning permit review is required.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends **approval** of the Town of Mukwonago's request. The amendments remove barriers to bringing forward in law dwelling units and solar energy use on residential properties.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

Attachments: Town Ordinance No. 2022-O-57
Exhibit A, changes tracked

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ98 T Mukwonago Text Amendment mkt.doc

ORDINANCE 2022-O-57

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Plan Commission at their meeting on January 5, 2022, recommended various revisions to the zoning code as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on February 2, 2022, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on February 2, 2022; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on March 2, 2022; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

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

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

Section 1. Repeal and recreate subsection 36-283(d) to read as follows:

- (d) Conditional uses on a lot with an existing conditional use. In the event a lot has an approved conditional use, all conditional uses are prohibited, unless the plan commission

determines, on a case-by basis, that the existing and proposed conditional uses are compatible. Any such determination in the affirmative shall have no bearing on the plan commission's recommendation or the town board's decision made under this division.

Section 2. In Appendix A remove "BP" and "SP" from the secondary review column for 13.16 (In-law dwelling unit).

Section 3. In Appendix B repeal and recreate the supplemental standards for 13.25 (Solar energy system, free-standing) to read as follows:

Supplemental Standards:

- (a) **Surface area.** The surface area of a free-standing solar energy system must not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.
- (b) **Number.** There shall be no more than one free-standing solar energy system on a parcel of land.
- (c) **Maximum height.** A free-standing solar energy system in any position shall not exceed 15 feet in height as measured from the surrounding grade.
- (d) **Setback.** A free-standing solar energy system in any position shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. The plan commission may approve a special exception, consistent with the procedures and requirements of article 5 of this chapter, to allow a free-standing solar energy system to extend into a setback or offset when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.
- (e) **Placement in yards.** A free-standing solar energy system located in a residential or business zoning district shall only be located in the rear or side yard. The plan commission may approve a special exception, consistent with the procedures and requirements of article 5 of this chapter, to allow a free-standing solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an agricultural or industrial zoning district may be located in any yard area.
- (f) **Certification.** A free-standing solar energy system shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.
- (g) **Approval by electric utility company.** If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

- (h) Termination of use. If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 5 of this chapter relating to the termination of an approval.

- (i) Compliance with state law. The provisions in this section are intended to satisfy the requirements of Wis. Stats. § 66.0401(1m). On a case-by-case basis, if the restrictions of this subsection are found not to comply with the authority of Wis. Stats. § 66.0401(1m), they shall not be required. The Plan Commission shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the Town pursuant to Wis. Stats. § 66.0401(1m), and in particular the restriction must satisfy one of the following conditions:
 - (1) Serves to preserve or protect the public health or safety.
 - (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (3) Allows for alternative system of comparable cost and efficiency.

Section 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 5. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.


Section 6. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 2nd day of March 2022

TOWN OF MUKWONAGO


Peter Topczewski, Town Chair

ATTEST:


Kathy Karalewitz, Town Administrator

Published and/or posted this 14 day of March, 2022

ORDINANCE 2022-O-57

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

- Draft of January 6, 2022 for Public Hearing -

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Plan Commission at their meeting on January 5, 2022, recommended various revisions to the zoning code as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on February 2, 2022, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on _____, 2022; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on _____, 2022; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

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

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

Section 1. Repeal and recreate subsection 36-283(d) to read as follows:

- (d) Conditional uses on a lot with an existing conditional use. In the event a lot has an approved conditional use, all conditional uses are prohibited, unless the plan commission determines, on a case-by basis, that the existing and proposed conditional uses are compatible. Any such determination in the affirmative shall have no bearing on the plan commission's recommendation or the town board's decision made under this division.

Section 2. In Appendix A remove “BP” and “SP” from the secondary review column for 13.16 (In-law dwelling unit).

Section 3. In Appendix B repeal and recreate the supplemental standards for 13.25 (Solar energy system, free-standing) to read as follows:

Supplemental Standards:

- (a) Surface area. ~~The surface area of a free-standing solar energy system shall not exceed 120 square feet.~~ The surface area of a free-standing solar energy system must not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.
- (b) Number. There shall be no more than one free-standing solar energy system on a parcel of land.
- (c) Maximum height. A free-standing solar energy system in any position shall not exceed 15 feet in height as measured from the surrounding grade.
- (d) Setback. A free-standing solar energy system in any position shall not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. The plan commission may approve a special exception, consistent with the procedures and requirements of article 5 of this chapter, to allow a free-standing solar energy system to extend into a setback or offset when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.
- (e) Placement in yards. A free-standing solar energy system located in a residential or business zoning district shall only be located in the rear or side yard. The plan commission may approve a special exception, consistent with the procedures and requirements of article 5 of this chapter, to allow a free-standing solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an agricultural or industrial zoning district may be located in any yard area.
- (f) Certification. A free-standing solar energy system shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

- (g) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner shall submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.
- (h) Termination of use. If the zoning administrator determines that a free-standing solar energy system has not been operational for a continuous period of 12 months, the administrator shall follow the procedure outlined in article 5 of this chapter relating to the termination of an approval.
- (i) Compliance with state law. The provisions in this section are intended to satisfy the requirements of Wis. Stats. § 66.0401(1m). On a case-by-case basis, if the restrictions of this subsection are found not to comply with the authority of Wis. Stats. § 66.0401(1m), they shall not be required. The Plan Commission shall have the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the Town pursuant to Wis. Stats. § 66.0401(1m), and in particular the restriction must satisfy one of the following conditions:
 - (1) Serves to preserve or protect the public health or safety.
 - (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (3) Allows for alternative system of comparable cost and efficiency.

Section 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 5. The Town of Mukwonago Town Clerk is directed to send three signed copies of this ordinance to the Waukesha County Clerk for approval of the Waukesha County Board of Supervisors.

Section 6. This ordinance shall take effect immediately upon passage and posting or publication as provided by law following approval by the Waukesha County Board of Supervisors.

Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this ___ day of _____ 2022

TOWN OF MUKWONAGO

Peter Topczewski, Town Chair

ATTEST:

Kathy Karalewitz, Town Administrator

Published and/or posted this ____ day of _____, 2022

1 AMEND THE TOWN OF MUKWONAGO ZONING MAP BY REZONING SEVERAL PROPERTIES
2 LOCATED IN THE SE ¼ OF SECTION 7, T5N, R18E AND THE NW ¼ OF SECTION 10, T5N, R18E,
3 TOWN OF MUKWONAGO, WAUKESHA COUNTY, WISCONSIN, FROM THE A-1 AGRICULTURAL
4 DISTRICT TO THE R-1 RESIDENTIAL DISTRICT (RZ99)
5
6

7 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
8 this Ordinance was approved by the Mukwonago Town Board on February 9, 2022; and
9

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

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the map
16 of the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on November
17 30, 2020, is hereby amended by rezoning several properties located in the SE ¼ of Section 7 and
18 the NW ¼ of Section 10, T5N, R18E, Town of Mukwonago, Waukesha County, Wisconsin, from
19 the A-1 Agricultural District to the R-1 Residential District, more specifically described in the
20 "Staff Report and Recommendation" on file in the office of the Waukesha County Department
21 of Parks and Land Use and made a part of this Ordinance by reference RZ99, is hereby
22 approved.
23

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


27 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
28 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 Map of the Town of Mukwonago Zoning Code hereby recommends approval of **RZ99 (Town of Mukwonago Board)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

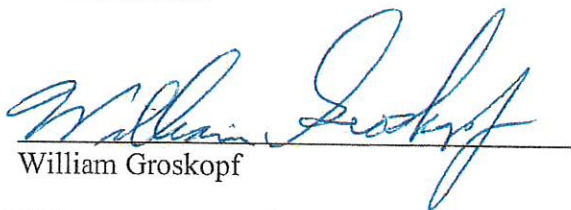
April 21, 2022

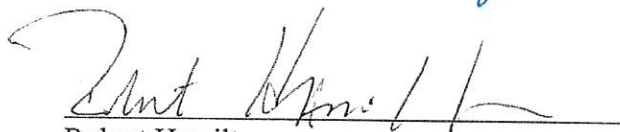

James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson

Absent
Robert Peregrine

absent
Richard Morris


William Groskopf


Robert Hamilton

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

FILE NO: RZ99

TAX KEY NUMBER: MUKT1910.005, MUKT1910.006, MUKT1910.007,
MUKT1910.008, MUKT1910.009, MUKT1910.010,
MUKT1910.011 and MUKT1900.992

DATE: April 21, 2022

NAME OF PETITIONER: Town Board of Mukwonago
Town of Mukwonago Hall
W320 S8315 Beulah Road
Mukwonago, WI 53149

NATURE OF REQUEST:
Revise the Town of Mukwonago Zoning Map for several properties from the A-1 Agricultural District to the R-1 Residential District.

PUBLIC HEARING DATE:
February 9, 2022

PUBLIC REACTION:
None

TOWN PLAN COMMISSION ACTION:
At their meeting of February 9, 2022, the Town of Mukwonago Plan Commission recommended approval of the proposed text amendments to the Town Board.

TOWN BOARD ACTION:
At their meeting of February 9, 2022, the Town of Mukwonago Board, approved the proposed map amendments to Town of Mukwonago Zoning Code.

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

The county plan designates the subject lands within Kettle Ridge Subdivision as Primary Environmental Corridor category and the town plan shows the affected lands in the Upland Conservancy category. The standalone parcel on CTH E is designated as Low Density Residential (20,000 sq. ft. to 1.4 acres per dwelling unit). With environmental corridor zoning protections proposed to remain in place, the request to amend the underlying zoning designations is consistent with the plans.

STAFF ANALYSIS:
The Town of Mukwonago has initiated a multi-property rezoning to amend the zoning designation of several properties within the Kettle Ridge subdivision which currently have split zoning from the A-1 Agricultural District and R-1 Residential District to the R-1 Residential

District (see Map 1). The proposed zoning will match that of the existing parcels. The split-zoning was likely a zoning error, as the A-1 portions of the lots match the areas of Environmental Corridor, and the lots do not meet the required 3 acre minimum lot size. While the base zoning district will change, the Environmental Corridor overlay will remain. The lots will also now comply with the district minimum lot size of 1 acre. The subdivision is located east of CTH I and to the west of the STH 83 corridor.

The Town of Mukwonago has also proposed to amend the zoning designation of a residential property on the west side of CTH E, just north of Sudgen Road (see Map 2). The property is zoned A-1 Agricultural District and is proposed to be rezoned to the R-1 Residential District. The proposed rezone will make the property conforming to district requirements, as the A-1 requires a minimum of 3 acres, whereas the R-1 requires a minimum of 1 acre. The Certified Survey Map which created the lot in 1981 indicates that the lot is 1.001 acres in size.

STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the request. This rezoning resolves split zoning on a number of properties and creates a conforming lot that would not otherwise conform to district standards. The zoning designation will allow private property owners to be able to utilize their properties more fully.

Respectfully submitted,

Jacob Heermans

Jacob Heermans
Senior Land Use Specialist

Attachments: Town Ordinance No. 2022-O-58
Rezone Map 1
Rezone Map 2

N:\PRKANDLU\Planning and Zoning\Rezones\Staff Reports\RZ99 T Mukwonago Map Amendment mkt.doc

AN ORDINANCE TO AMEND CHAPTER 36 OF THE MUNICIPAL CODE

WHEREAS, the Town Board for the Town of Mukwonago adopted a zoning code for the Town of Mukwonago in 1953 and has amended it from time to time since then; and

WHEREAS, that zoning code is codified as Chapter 36 of the Town of Mukwonago Municipal Code, titled "Town Zoning;" and

WHEREAS, the Plan Commission at their meeting on January 5, 2022, recommended various revisions to the zoning code/map as set forth herein; and

WHEREAS, allowing for proper notice, the Plan Commission and Town Board conducted a joint public hearing on February 2, 2022, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on February 2, 2022; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on February 2, 2022; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations could potentially be interpreted to be a down zoning ordinance because it may decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement in s. 66.10015, Wis. Stats, applies to this ordinance, requiring a vote in favor by two-thirds of the members-elect of the Town Board for passage and adoption; and

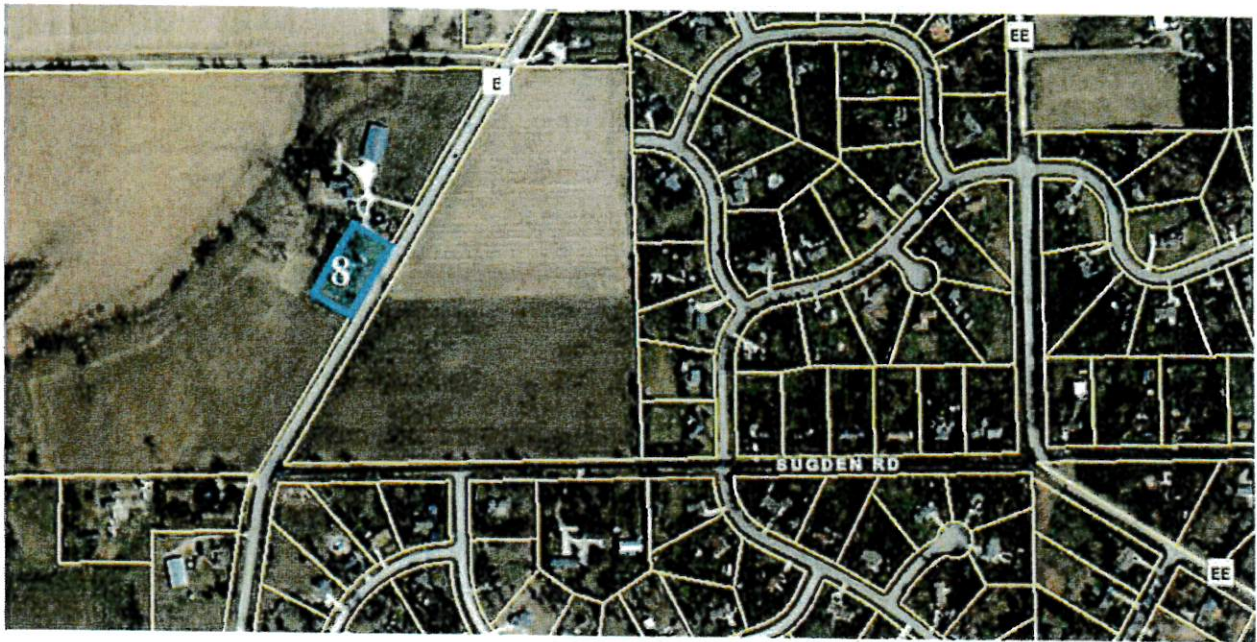
WHEREAS, the Town Board for the Town of Mukwonago, after carefully reviewing the recommendation of the Plan Commission for the Town of Mukwonago and having given the matter due consideration having determined that all procedural requirements and notice requirements have been satisfied, and having based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

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

Section 1. Revise the zoning map for the parcels indicated below:

Map #	Parcel Number	Description
1.	MUKT1910005	Change from A-1 and R-1 to R-1
2.	MUKT1910006	Change from A-1 and R-1 to R-1
3.	MUKT1910007	Change from A-1 and R-1 to R-1
4.	MUKT1910008	Change from A-1 to R-1
5.	MUKT1910009	Change from A-1 and R-1 to R-1
6.	MUKT1910010	Change from A-1 and R-1 to R-1
7.	MUKT1910011	Change from A-1 and R-1 to R-1
8.	MUKT1900992	Change from A-1 to R-1






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

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

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

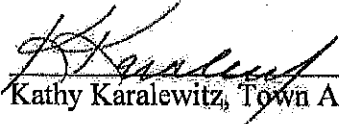
Adopted by a vote in favor by two-thirds of the members-elect of the Town Board, or more, this 2nd day of February 2022

TOWN OF MUKWONAGO



Peter Topczewski, Town Chair

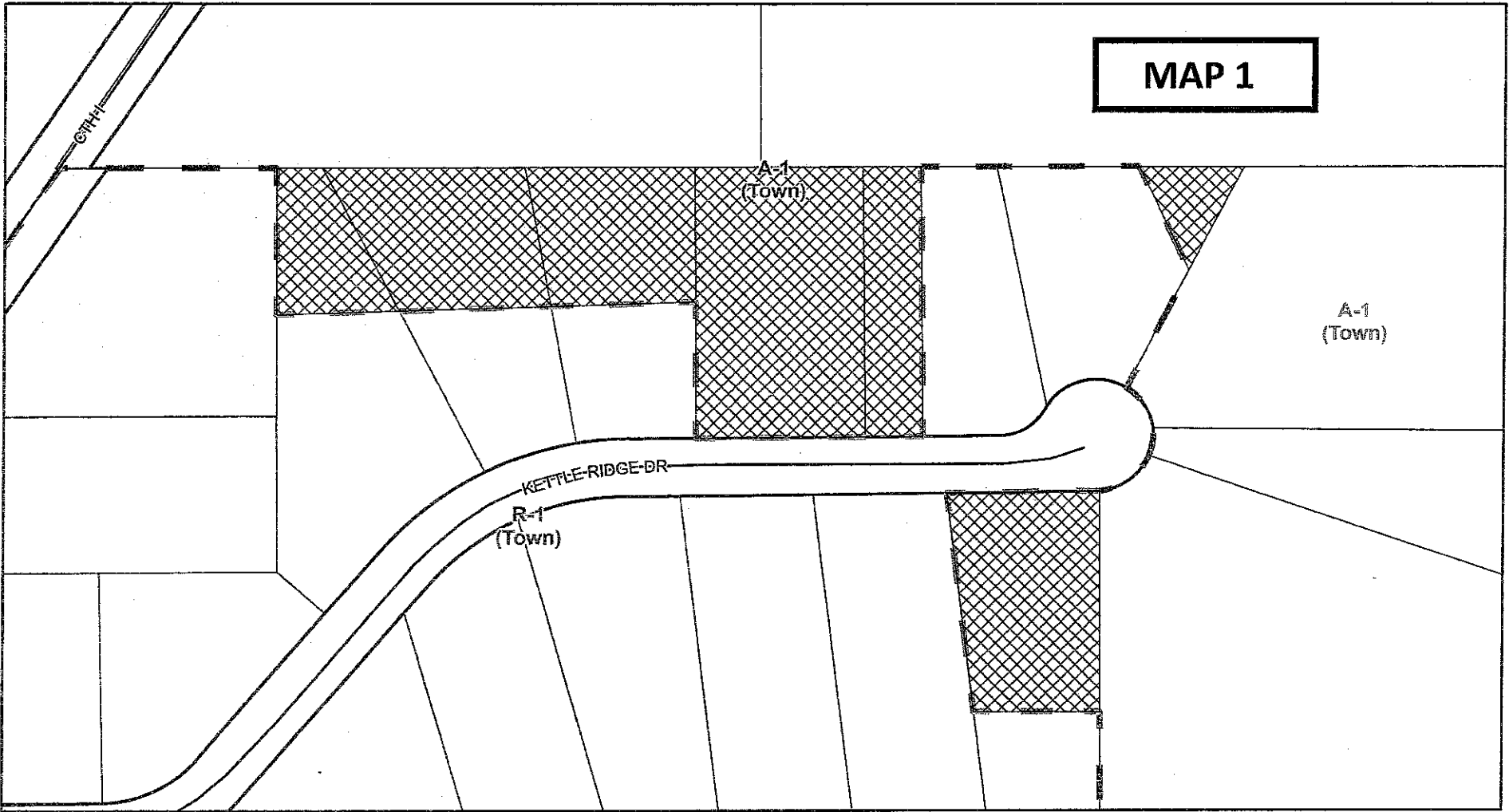
ATTEST:


Kathy Karalewitz, Town Administrator

Published and/or posted this 14 day of March, 2022

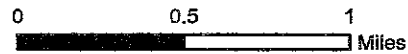
Referred on: 05/05/22
File Number: 177-0-004
Referred to: 11/0

MAP 1



ZONING AMENDMENT

PART OF THE NW 1/4, SECTION 10,
TOWN OF MUKWONAGO

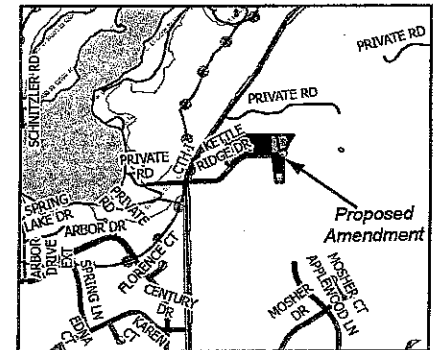


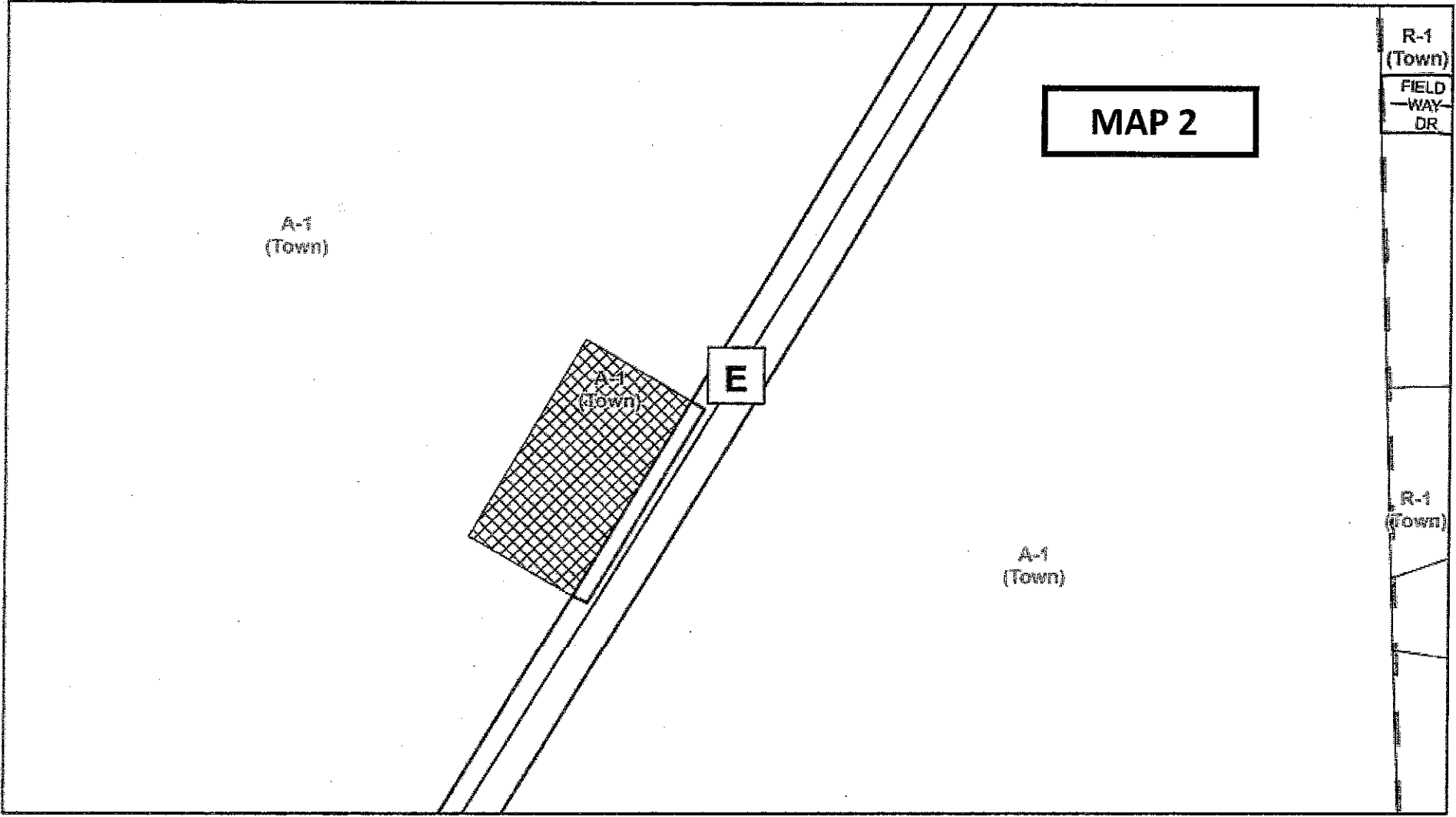
TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT
(4.6 AC)

FILE.....RZ99
 DATE OF PLAN COMMISSION.....4/21/22
 AREA OF CHANGE.....4.6 ACRES
 TAX KEY NUMBER.....MULTIPLE



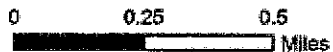
Prepared by the Waukesha County Department of Parks and Land Use





ZONING AMENDMENT

PART OF THE SE 1/4, SECTION 7,
TOWN OF MUKWONAGO

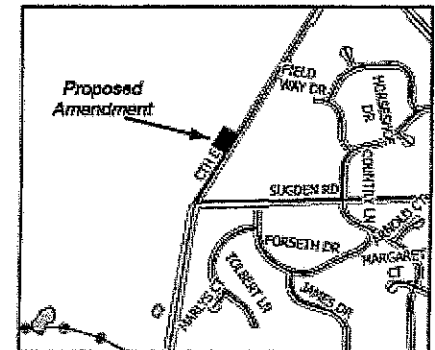


TOWN ZONING CHANGE FROM A-1 AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL DISTRICT
(0.8 AC)

FILE.....RZ99
 DATE OF PLAN COMMISSION.....4/21/22
 AREA OF CHANGE.....0.8 ACRES
 TAX KEY NUMBER.....MUKT1900992



Prepared by the Waukesha County Department of Parks and Land Use



1 AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA COUNTY
2 ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY REZONING
3 CERTAIN LANDS LOCATED IN PART OF THE W ½ AND THE NE ¼ OF SECTION
4 31, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE A-2 RURAL HOME
5 DISTRICT TO THE B-3 GENERAL BUSINESS DISTRICT (RZ94)
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 Oconomowoc Town Board on March 21, 2022; 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 59.69, Wis. Stats.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Town
17 of Oconomowoc District Zoning Map of the Waukesha County Zoning Code, Waukesha County,
18 Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is
19 hereby amended to conditionally rezone certain lands located in part of the W ½ and the NE ¼
20 of Section 31, T8N, R17E, Town of Oconomowoc, from the A-2 Rural Home District to the B-3
21 General Business District, and more specifically described in the "Staff Report and
22 Recommendation" and map on file in the office of the Waukesha County Department of Parks
23 and Land Use and made a part of this Ordinance by reference RZ94, subject to the following
24 conditions:
25

- 26 1. The zoning amendment to the B-3 General Business District shall be limited to
27 storage/warehouse use and personal items only. No other business type uses shall be
28 allowed. The town planner and county planning and zoning administrator shall
29 determine whether specific business operations are compatible with this condition.
30
- 31 2. Subject to no retail type use of any kind being allowed on the premises. A deed
32 restriction acknowledging the same shall be reviewed and approved by Waukesha
33 County Planning and Zoning staff and recorded in the Waukesha County Register of
34 Deeds office.
35
- 36 3. A release of Declaration of Restrictions from 1980 (BA80:140) Document No. 2549847
37 shall be approved by Waukesha County and the Town Planner and then recorded with
38 the Register of Deeds office prior to the issuance of any permits.
39
- 40 4. A Site Plan and Plan of Operation shall be submitted for the proposed business use
41 within 30 days of the approval of the Zoning Amendment be the Waukesha County
42 Board.
43
- 44 5. If the subject property is not in compliance with all requirements and conditions of the

45 Land Use Plan, Zoning Code, Zoning Amendment conditions or an approved Site
46 Plan/Plan of Operation within one (1) year of the Waukesha County Board of
47 Supervisors action (if approved) on this zoning amendment, the zoning of the property
48 shall automatically revert back to the A-2 Rural Home District.
49

50 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
51 Ordinance with the Town Clerk of Oconomowoc.
52


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

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code hereby recommends approval of **RZ94** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

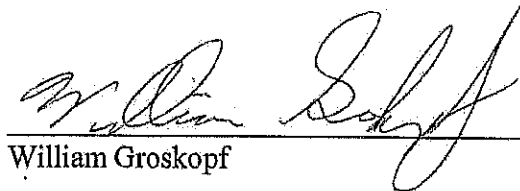
April 21, 2022



James Siepmann, Chairperson


Thomas Michalski, Vice Chairperson

Absent
Robert Peregrine

Absent
Richard Morris


William Groskopf


Robert Hamilton

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

DATE: April 21, 2022

FILE NO.: RZ94

OWNER AND APPLICANT: Joseph and Sheryl Garvens
W394 N5298 Reddelein Road
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0553.987

LOCATION:

The property is described as part of the W½ and NE¼ of Section 31, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at the Reddelein Road address cited above containing approximately 0.6 acres.

EXISTING ZONING:

A-2 Rural Home District.

PROPOSED ZONING:

B-3 General Business District.

EXISTING USE(S): Heating and cooling business.

REQUESTED USE(S): Legalize an existing heating and cooling business.

PUBLIC HEARING DATE: March 7, 2022.

PUBLIC COMMENT:

None

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On March 21, 2022, the Town of Oconomowoc Plan Commission recommended approval of the request subject to several conditions. The Town of Oconomowoc Town Board approved the rezone subject to the same conditions on March 21, 2022.

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

The town and county comprehensive plan designations for the property were conditionally amended in 2021 from Low Density Residential to Mixed Use. The approval allows for both residential and commercial type uses, with the exception of retail sales. The use of the property for a heating and cooling business is consistent with plan recommendations.

STAFF ANALYSIS:

The subject property is located on the east side of Reddelein Road, just south of the Canadian Pacific Railroad, on the border of the Town of Oconomowoc and the City of Oconomowoc. Across Reddelein Road, there is a single-family residence that has a Conditional Use Permit (CU-1001) to operate a catering business, outbuildings, and cell tower. To the north, opposite the railroad tracks, there is a large parcel which is being developed as a new residential subdivision (Weston Meadows II). The parcel to the southwest of the subject property contains a single-family residence and two outbuildings.

The subject property contains a one-story, 36' x 72' (2,592 SF) pole building. The previous owner was granted a variance by the Waukesha County Board of Adjustment (BA80:140) in 1980 to construct an accessory building without the presence of a principal residence. The Board rendered a decision that the owner was negatively affected by a zoning change that occurred after the prior owner's purchase of the property. The parcel was rezoned from M-1 Industrial to A-1 Agricultural in the comprehensive zoning change of September 1979. The property was later rezoned to the A-2 Rural Home District. Neither the A-1 nor A-2 districts allow for the business use that is currently being proposed to continue on the site. The Board of Adjustment decision that authorized the building when it was zoned A-1 was subject to three (3) conditions:

1. That there be no outside storage on the property.
2. That the lot be cleaned up and kept in a cleaned-up condition.
3. That the building not be used for human habitation.

In 1996, the owner applied for a Zoning Permit (OC96:060) to add a 17' x 17' addition on the south side of the structure. Later in 1996, Waukesha County received a Zoning complaint (VL-96-OCOT-06) that the owner was operating a car repair business, living in the accessory building, and storing junk on the property. Staff was unable to prove that the owner was operating a business and living in the accessory building. In 1999, a similar complaint was received regarding the operation of a business and human habitation within the accessory building. Staff required that a Deed Restriction be recorded with the Waukesha County Register of Deeds with the following conditions:

1. Human habitation is prohibited in the accessory building.
2. Outside storage on the property is prohibited.
3. The lot shall be kept in a cleaned-up condition at all times.
4. Any type of business or commercial operation is prohibited on the property and within the accessory building.
5. The accessory building shall be used for personal storage and use only.

The Deed Restriction was recorded with the Waukesha County Register of Deeds on March 30, 2000, as Document No. 2549847.

On January 12, 2002, a Warranty Deed, Document No. 2744124 was recorded with the Register of Deeds transferring ownership from Steven Schultz to Joe and Sherry Garvens. Since that time, the owners have been using the property and the accessory building for storage, both personal and commercial, and have been utilizing a portion of the accessory building as a shop and office. The owners are now seeking to legalize the commercial use of the property. A site plan, including an interior floor plan is attached as Exhibit A. No retail operations are conducted on-site.

The petitioners would like to continue to use the accessory building for the operation of their heating and cooling business (Garvens Heating and Cooling, Inc). The applicants have indicated that activities within the accessory building include bending metal for HVAC systems as well as making assemblies for fire suppression systems. A Release of Restrictions must be reviewed and approved by the Town and County and recorded with the Waukesha County Register of Deeds office in order to remove the restriction forbidding business of commercial operations and allowing personal storage only. Additionally, a Site Plan/Plan of Operation must be approved by the Town and County for the operation of the business.

STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends this request be **approved**, subject to the following conditions, which are inclusive of the Town's conditions. Additions to the town's conditions are shown in **bold** and deletions are identified in a strikethrough format.

1. The zoning amendment to the B-3 General Business District shall be limited to storage/warehouse ~~use for items related to a heating and cooling business~~ and personal items only. No other business type uses shall be allowed. **The town planner and county planning and zoning administrator shall determine whether specific business operations are compatible with this condition.**
2. Subject to no retail type use of any kind being allowed on the premises. **A deed restriction acknowledging the same shall be reviewed and approved by Waukesha County Planning and Zoning staff and recorded in the Waukesha County Register of Deeds office.**
3. A release of Deceleration of Restrictions from 1980 (BA80:140) Document No. 2549847 shall be approved by Waukesha County and the Town Planner and then recorded with the Register of Deeds office prior to the issuance of any permits.
4. A Site Plan and Plan of Operation shall be submitted for the proposed business use within 30 days of the approval of the Zoning Amendment by the Waukesha County Board.
5. If the subject property is not in compliance with all requirements and conditions of the Land Use Plan, Zoning Code, Zoning Amendment conditions or an approved Site Plan/Plan of Operation within one (1) year of the Waukesha County Board of Supervisors action (if approved) on this zoning amendment, the zoning of the property shall automatically revert back to the ~~R-2 Residential District~~ **A-2 Rural Home District.**

The proposed zoning amendment would allow for both residential or limited business type use and would legalize the existing heating and cooling business, while placing limitations on future uses. While the immediately adjacent land uses are generally rural residential in nature, the City of Oconomowoc Industrial Park is just east of the subject property, and railroad tracks provide a natural barrier from the residential development to the north and woods provide screening to the south and east. Therefore, the proposed zoning map amendment complies with the Town and County Comprehensive Development Plans and is within the purpose and intent of the Waukesha County Zoning Code.

Respectfully submitted,

Jacob A. Heermans

Jacob A. Heermans
Senior Land Use Specialist

Attachments: Exhibit A - Site Plan
 Rezoning Map

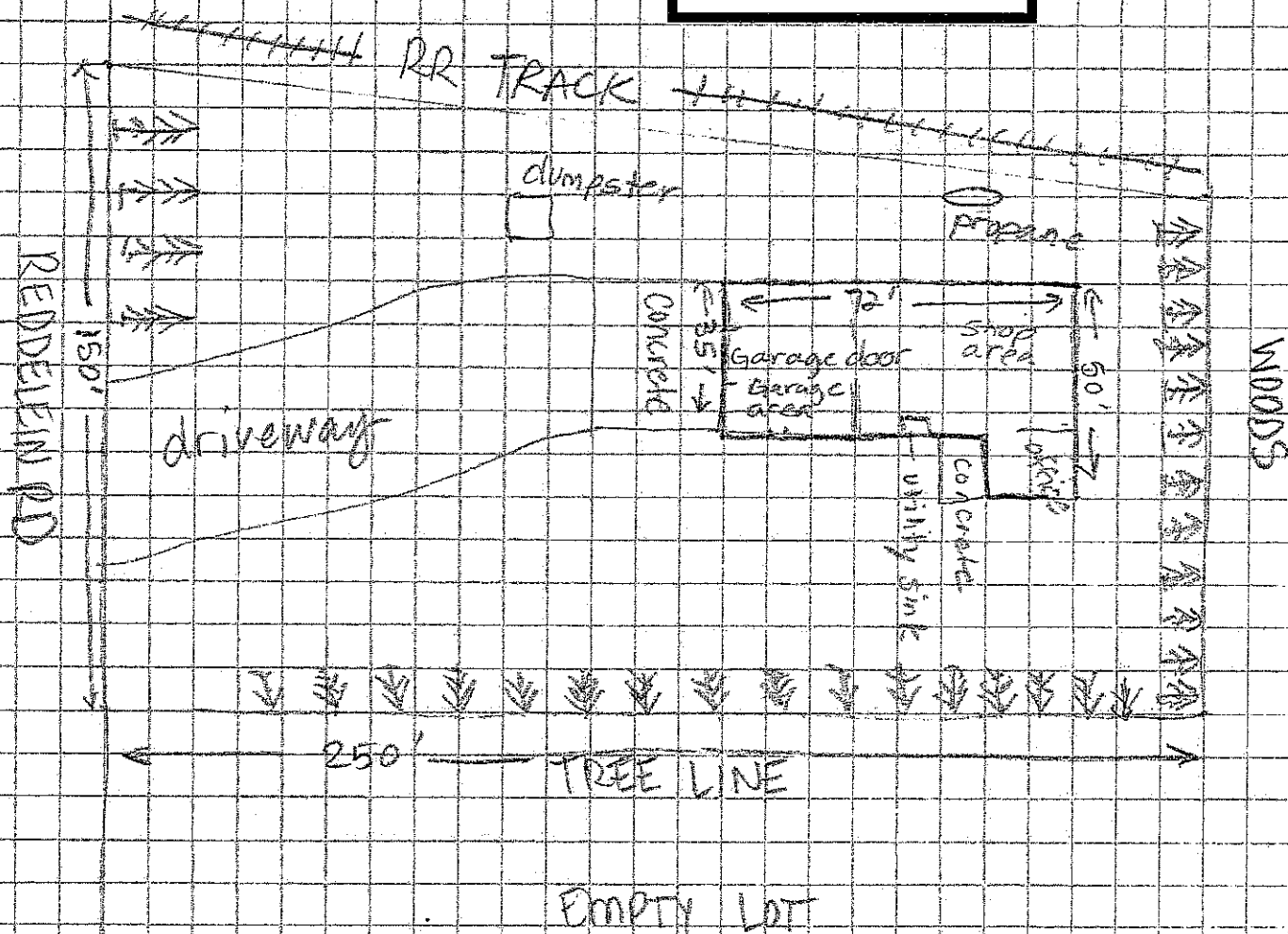
Site Plan & Interior Plan

RECEIVED

MAR 03 2020

DEPT OF PARKS & LAND USE

EXHIBIT A



Referred on: 05/05/22

File Number: 177-O-005

Referred to: LU

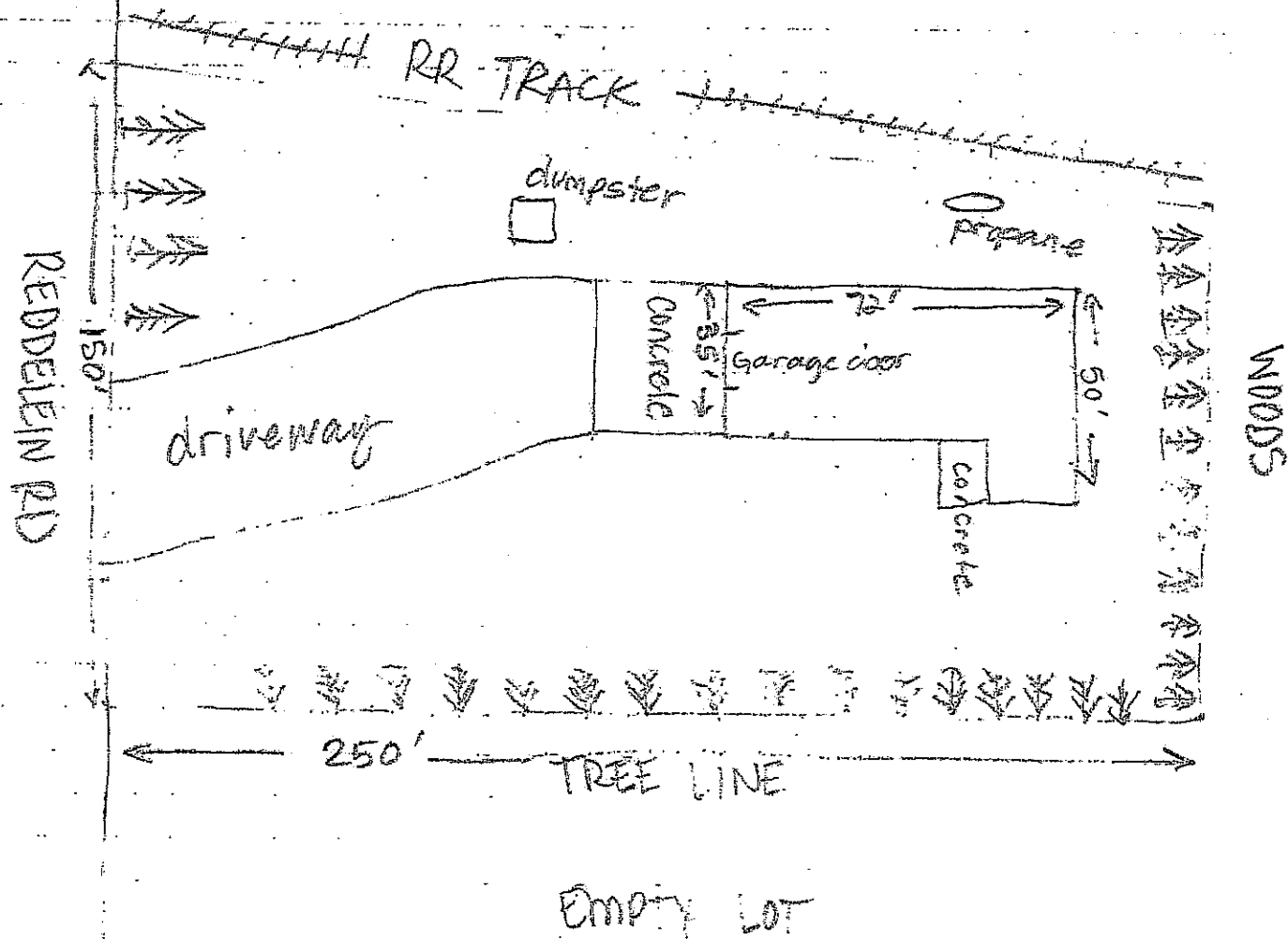
7

RECEIVED

MAR 03 2020

DEPT OF PARKS & LAND USE

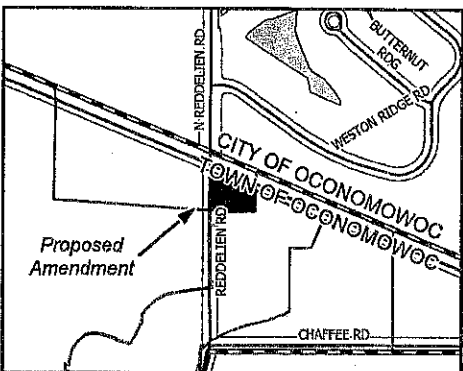
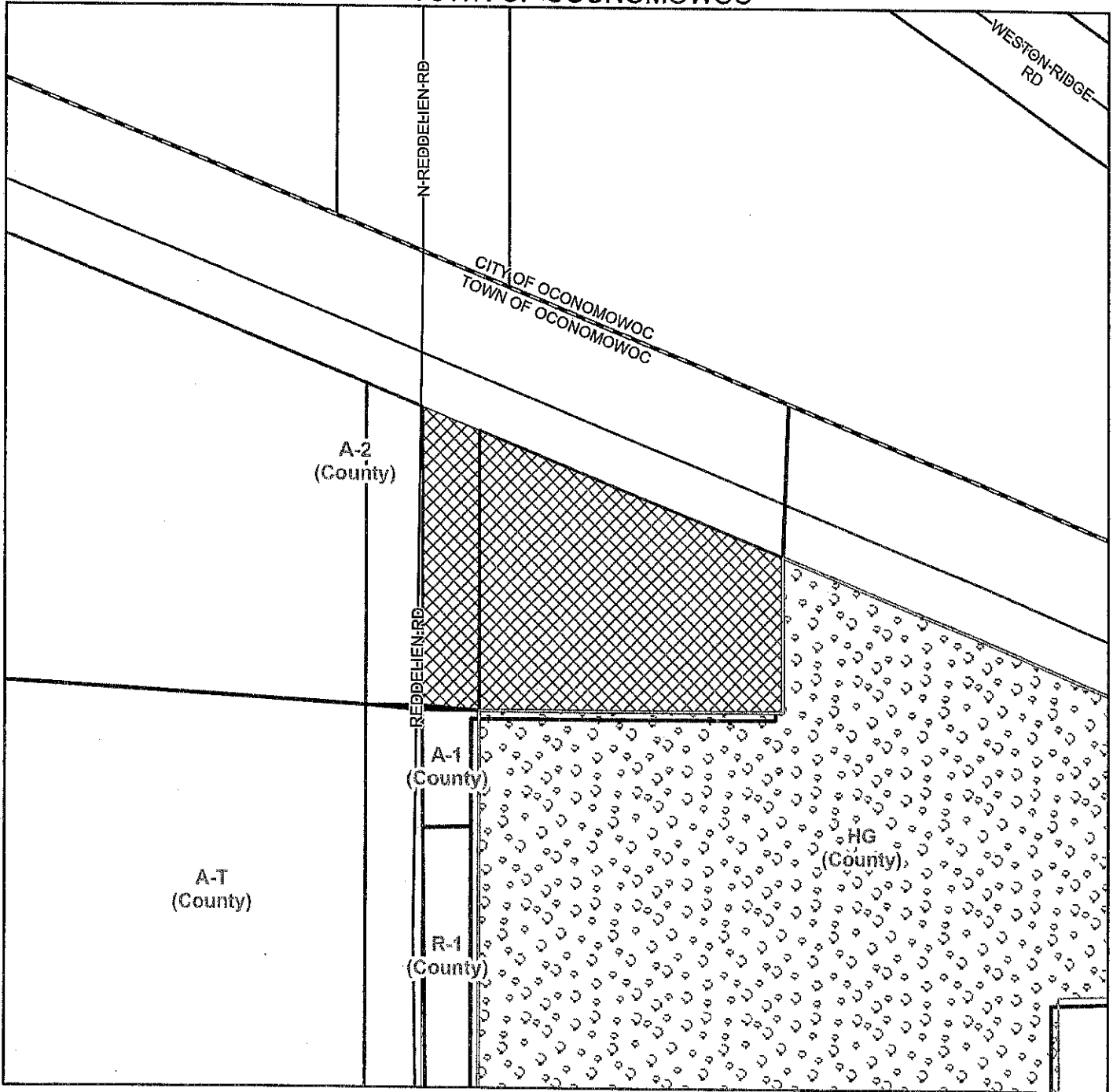
Site Plan





FRAMING AREA

ZONING AMENDMENT

PT OF THE NORTHEAST 1/4 OF SECTION 31 ,
TOWN OF OCONOMOWOC



 CONDITIONAL COUNTY ZONING AMENDMENT FROM A-2 RURAL HOME DISTRICT TO B-3 GENERAL BUSINESS DISTRICT (0.6 AC)

 EC Environmental Corridor Overlay

FILE.....RZ94
 DATE OF PLAN COMMISSION.....4/21/22
 AREA OF CHANGE.....0.6 ACRES
 TAX KEY NUMBERS.....OCOT 0553.987

N

0 50 100 Feet

Prepared by the Waukesha County Department of Parks and Land Use

1 APPROVE PERMANENT ACCESS EASEMENT TO THE VILLAGE OF LANNON FOR THE PURPOSE
2 OF ALLOWING PUBLIC PEDESTRIAN AND NON-MOTORIZED ACCESS ON WAUKESHA
3 COUNTY PROPERTY KNOWN AS THE BUGLINE TRAIL CORRIDOR
4
5

6 WHEREAS, the Village of Lannon has requested permission for a permanent access easement
7 for the purpose of allowing public pedestrian and non-motorized access within Waukesha
8 County property, known as the Bugline Trail Corridor, located in part of the Northeast 1/4 of
9 the Northeast 1/4 of Section 17, Township 8 North, Range 20 East, Village of Lannon and in part
10 of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 20 East,
11 Village of Menomonee Falls, Waukesha County, Wisconsin; and
12

13 WHEREAS, it is deemed desirable to grant the Village of Lannon a permanent access easement
14 on Waukesha County's land for the sum of \$1,380.00, and other good and valuable
15 consideration, for the purpose of allowing public pedestrian and non-motorized access in the
16 Village of Lannon and the Village of Menomonee Falls; and
17

18 WHEREAS, it is necessary to provide a permanent access easement from Waukesha County to
19 the Village of Lannon for the purpose of allowing public pedestrian and non-motorized access
20 on County-owned land.
21

22 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that
23 Waukesha County's grant of a Permanent Access Easement ("Easement") to the Village of
24 Lannon, which will be recorded in the Office of the Register of Deeds, is hereby approved.
25

26 BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use may
27 execute said Easement on behalf of Waukesha County.

PERMANENT ACCESS EASEMENT

Document Title

Document Number

This Permanent Access Easement ("Agreement") is entered into by WAUKESHA COUNTY, a municipal corporation, as "Grantor," owner of the land, and the VILLAGE OF LANNON, a municipal corporation, referred to hereinafter as "Grantee."

PROPERTY DESCRIPTION:

WHEREAS, the Grantor is the fee holder of certain real property, known as the Bugline Recreational Trail located in part of the Northeast ¼ of the Northeast ¼ of Section 17, Township 8 North, Range 20 East in the Village of Lannon and in part of the Northwest ¼ of the Northwest ¼ of Section 16, Township 8 North, Range 20 East in the Village of Menomonee Falls, State of Wisconsin (the "Property").

WHEREAS, the Grantee has requested that Grantor grant a Permanent Access Easement upon, within, beneath, over and across a certain portion of the Property (the "Easement Area") as more particularly described as follows:

See Attached depiction in Exhibit A and legal description in Exhibit B.

Recording Area

Name and Return Address

Waukesha County
c/o Department of Parks and Land Use
515 W. Moreland Blvd., Rm AC-230
Waukesha, WI 53188

LANV0065983, MNFV0035994
Parcel Identification Number (PIN)

CONDITIONS IMPOSED:

FOR AND IN CONSIDERATION of a sum of One Thousand Three Hundred Eighty and 00/100 Dollars (\$1,380.00) and other good and valuable consideration to be paid, Grantor does hereby permit Grantee permanent access and easement rights upon the Easement Area described in Exhibits A and B (the "Permanent Access Easement") to construct, operate, repair and maintain a ten-foot wide asphalt trail across the Property for the purpose of allowing public pedestrian and non-motorized vehicle access from Grantee's land to Waukesha County's Bugline Recreational Trail (the "Permitted Trail"). Grantee shall act in accordance with all applicable Federal, State and Local codes and obtain all necessary permits to complete the work contemplated hereby.

The location of the Easement with respect to the premises of Waukesha County is shown on the plan attached hereto as Exhibit A and the legal description attached hereto as Exhibit B, which is incorporated by reference and made a part hereof.

Grantee shall construct and maintain the Permitted Trail in accordance with the trail specifications shown on Exhibit A and Exhibit B, and as approved by Waukesha County.

Grantee shall not (a) trim, cut down or remove trees or brush on Waukesha County's property, or (b) install any fencing, fixtures, signs or gates on Waukesha County's property (other than expressly authorized herein) unless it obtains prior written approval from the Waukesha County Department of Parks and Land Use.

Grantee and its successors and agents shall install and maintain appropriate warning and traffic signage at the intersection of the Bugline Recreational Trail and the Permitted Trail, subject to the written approval of the Waukesha County Department of Parks and Land Use. The signage shall inform trail users of the upcoming intersection, while maintaining unimpeded traffic flow on the Bugline Recreational Trail.

Grantee and its successors and agents agree that the Bugline Recreational Trail shall remain open for public use during construction, repair, maintenance, or related activities described in the Easement. Grantee and its agents shall have the right to enter the lands covered by the Easement for the purposes of exercising the rights acquired and obligations assumed herein, but Grantee shall promptly and fully restore the premises of Waukesha County to the condition existing prior to the entry by Grantee or its agents, and said restoration shall be accomplished as per Waukesha County specifications. The restoration shall not apply to any trees which may be permitted to be removed pursuant to the rights granted herein. Grantee shall be liable for prompt restitution for any damage, if any, to vegetation, trail improvements, signs, entrance gates, park improvements and any other fixtures owned by Waukesha County and caused by the act of Grantee, its agents, employees, invitees or guests.

This Easement shall run with the land, and may not be revoked except for cause upon written notice by Waukesha County. "Cause" hereunder shall mean the uncured breach of any term of this Easement or any conduct by Grantee or Grantee's successors in interest blocking or otherwise interfering with the public's use of the Bugline Recreation Trail which continues to exist five (5) or more days after receipt of written notice of the breach or interference.

Grantee must maintain the Permitted Trail in a safe condition for the purposes intended and so as to not cause harm or injury to the public. Waukesha County is not responsible for maintenance of the Permitted Trail as part of the Bugline Recreational Trail.

Waukesha County reserves the right to utilize its land and Easement Area for all purposes, including future trail improvements, signage, pavement and grading.

Grantee, its successors, assigns and agents will defend, indemnify and hold harmless Waukesha County and all of its departments, agencies, boards, officers, employees and agents from any and all liability, loss, damages, expenses and costs, including attorneys fees and expenses, that they may suffer or incur as the result of any injury (including death) or damage to person or property which results from any action or omission, negligent or otherwise, of Grantee, its successors, assigns, agents, invitees and guests, in connection with the grant of this Easement, any and all work of any type which Grantees, its successors and assigns and any of their agents, invitees and/or guests perform or should perform upon the lands subject to the Easement, and their use of the Waukesha County lands covered by this Permit.

The Grantee and its successors and agents shall, at all times during the Term of this Easement, keep in force and effect insurance policies as outlined below, issued by a company or companies authorized to do business

in the State of Wisconsin and satisfactory to Waukesha County. Such insurance shall be primary. Upon execution of this Easement, Grantee shall furnish Waukesha County with a certificate of insurance which references this Easement demonstrating the required coverages. Waukesha County shall be given thirty (30) days advance notice of cancellation, nonrenewal, or material reduction of coverages, scope or limits during the term of this Easement. Grantee shall maintain Homeowner's liability insurance covering liability for the Grantee's liabilities associated with this Easement and personal automobile liability insurance covering Grantee's automobiles utilized in connection with this grant of Easement. Grantee shall require the following insurance from any contractors it retains to construct or maintain the Permitted Trail associated with this grant of Easement: 1) Commercial General Liability Insurance – Policy shall be written to provide coverage for, but not limited to, the following: premises operations, personal injury, blanket contractual coverage, independent contractors coverage. Waukesha County, its boards, commission, agencies, officers, employees and representatives shall be named as additional insured and so stated on the certificate of insurance. Limits of liability not less than \$1,000,000 each occurrence and aggregate; 2) Automobile Liability Insurance – Business automobile policy covering all owned, hired and non-owned private passenger autos and commercial vehicles. Limit of liability not less than \$500,000 combined single limit.

All notices to Waukesha County shall be sent by certified U.S. Mail, Return Receipt Requested, addressed to the Park System Manager, Waukesha County Department of Parks and Land Use, 515 W. Moreland Blvd., Room AC230, Waukesha, Wisconsin 53188. All notices to Grantee shall be sent by certified U.S. Mail, Return Receipt Requested, addressed to the Village President, Village of Lannon, 20399 W. Main Street, P. O. Box 456, Lannon, Wisconsin 53046.

This Agreement shall be duly recorded in the office of the Register of Deeds of Waukesha County, Wisconsin by Waukesha County.

This Agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

If any term or condition of this Agreement, or the application of this Agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Agreement, or the application of the term of condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a part of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms of conditions of this Agreement.

This Agreement shall be binding upon and/or inure to the benefits of the successors and assigns of all parties hereto. The right to assign this Agreement is restricted and it shall not be assigned to parties not listed in this Agreement.

IN WITNESS WHEREOF, the Grantor has caused this Agreement to be approved by the Waukesha County Board of Supervisors and signed by the Director of the Waukesha County Department of Parks and Land Use as evidenced below.

SIGNATURE OF GRANTOR

COUNTY OF WAUKESHA

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

ACKNOWLEDGMENT

STATE OF WISCONSIN
COUNTY OF WAUKESHA

This instrument was acknowledged before me on the _____ day of _____, 2022 by Dale R. Shaver, Director of the Waukesha County Department of Parks and Land Use, on behalf of Waukesha County.

Notary Public, State of Wisconsin
My commission expires: _____

SIGNATURE OF GRANTEE

VILLAGE OF LANNON

By: _____ Date: _____
Don Sommers
Village President

ACKNOWLEDGMENT

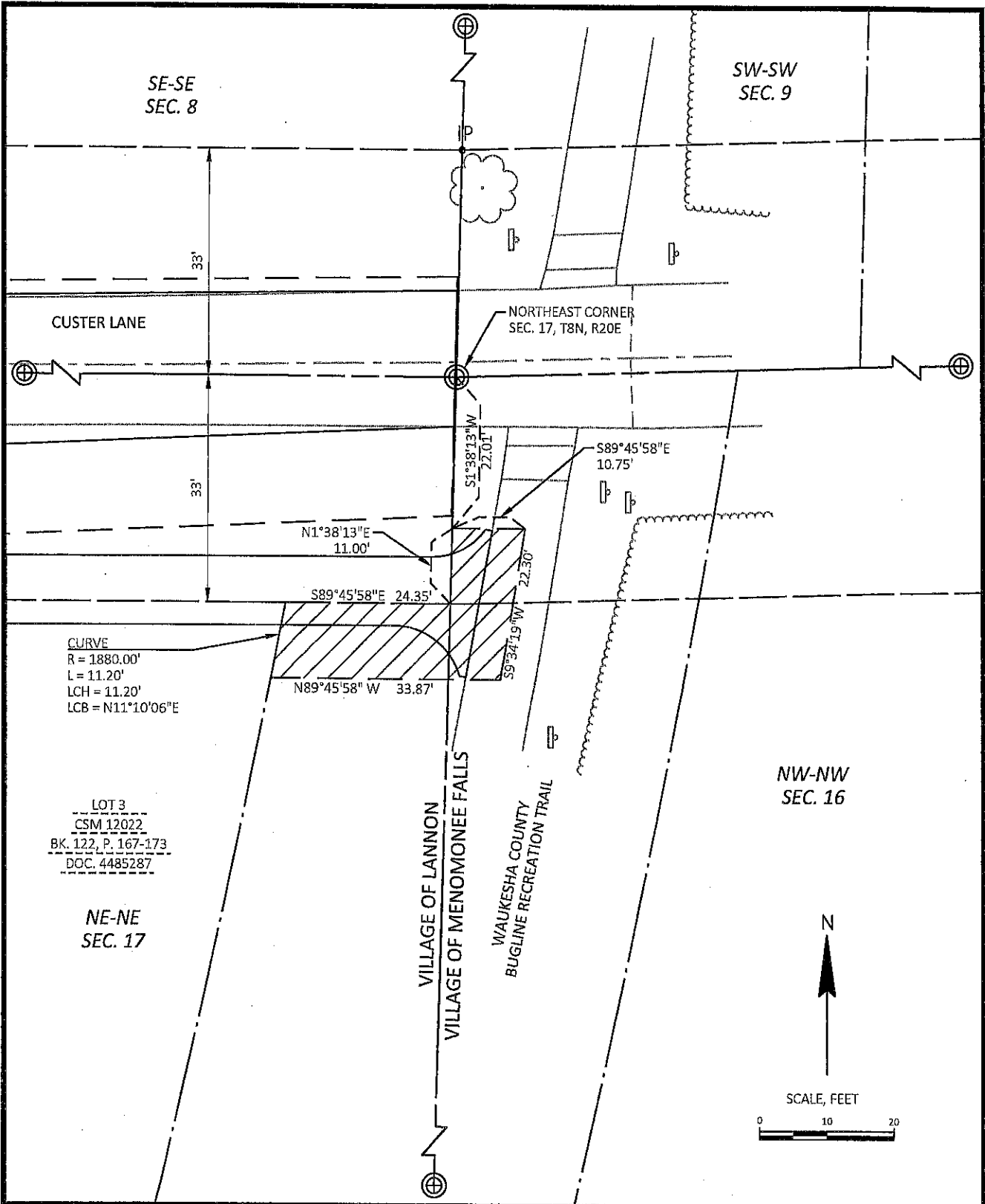
STATE OF WISCONSIN
COUNTY OF WAUKESHA

This instrument was acknowledged before me on the _____ day of _____, 2022
by Don Sommers, Village President, on behalf of the VILLAGE OF LANNON.

Notary Public, State of Wisconsin
My commission expires: _____

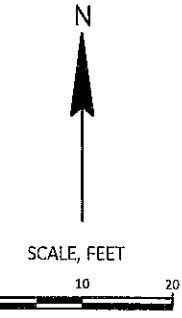
This document was drafted by
Attorney Demetra Christopoulos
Waukesha County Corporation Counsel Office
515 W. Moreland Blvd., Room AC-330
Waukesha, WI 53188

File: S:\MIL\3500--3599\3500\028\Drawings\CAD\Civil_3d\RW\County Easement graphic.dwg Time: Mar 30, 2022 - 2:49pm



CURVE
 R = 1880.00'
 L = 11.20'
 LCH = 11.20'
 LCB = N11°10'06\"E

LOT 3
 CSM 12022
 BK. 122, P. 167-173
 DOC. 4485287



**PATH EASEMENT
 VILLAGE OF LANNON
 WAUKESHA COUNTY, WISCONSIN**



EXHIBIT A

3500.028

EXHIBIT B

Part of the Northeast 1/4 of the Northeast 1/4 of Section 17, Township 8 North, Range 20 East, Village of Lannon and part of the Northwest 1/4 of the Northwest 1/4 of Section 16, Township 8 North, Range 20 East, Village of Menomonee Falls, all in Waukesha County, Wisconsin more fully described as follows:

Commencing at the Northeast corner of said Section 17;
Thence, S 01° 38' 13" W, 22.01 feet along the East line of said Section 17 to the point of beginning;

Thence, S 89° 45' 58" E, 10.75 feet to the centerline of the Bugline Recreation Trail;
Thence, S 09° 34' 19" W, 22.30 feet along said Trail centerline;
Thence, N 89° 45' 58" W, 33.87 feet to the westerly right-of-way line of said Bugline Recreation Trail also being a point of curve to the left having a radius of 1880.00 feet,
Thence, 11.20 feet along the arc of said curve whose long chord bears N 11° 10' 06" E, 11.20 feet to the southerly right-of-way line of Custer Lane
Thence, S 89° 45' 58" E, 24.35 feet along said southerly right-of-way line to the East line of said Northeast 1/4 of the Northeast 1/4 of Section 17;
Thence, N 01° 38' 13" E, 11.00 feet along said East line to the point of beginning.

Containing 481 square feet more or less.

Subject to any and all easements recorded or unrecorded.

1 REPEAL AND RECREATE SECTIONS OF CHAPTER 13, ARTICLE II AND CHAPTER 14,
2 ARTICLE II OF THE WAUKESHA COUNTY CODE OF ORDINANCES TO MODERNIZE
3 PROVISIONS CONSISTENT WITH CURRENT PARK OPERATIONS
4
5

6 WHEREAS, Chapter 14 of the Waukesha County Code concerning Parks and Recreation
7 definitions and rules was initially established in 1956 and has been amended at various times
8 through 2016; and
9

10 WHEREAS, Chapter 13 of the Waukesha County Code, Article II Section 13-101 references
11 citation authority for specific locations and designated employees; and
12

13 WHEREAS, the Waukesha County strives to maintain clean and safe, facilities where all people
14 can enjoy recreational activities; and
15

16 WHEREAS, the updates to Chapter 13 and 14 will modernize provisions with current park
17 operations and rules; and
18

19 WHEREAS, the proposed amendments to the text of the Waukesha County Law Enforcement
20 and Parks and Recreation Ordinance are on file in the office of the Waukesha County
21 Department of Parks and Land Use and as an attachment to this ordinance
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text
24 of the Law Enforcement and Parks and Recreation found in Chapter 13 Article II and Chapter 14
25 Article II of the Waukesha County Code of Ordinances is hereby repealed and recreated in
26 accordance with the proposed amendments on file with the Department of Parks and Land Use
27 and as set forth in the attached Exhibit A and B, effective as of May 25, 2022.

Waukesha County Code of Ordinances

Chapter 13 and 14

Summary of Proposed Updates

CHAPTER 13 LAW ENFORCEMENT ARTICLE II OFFENSE CODE

Division 1. Generally Sec. 13-101 Enforcement.

- (c) It shall be the duty of the county sheriff's department and the district attorney of the county to enforce the provisions of this article. Additionally, the director of the parks and land use department is authorized to issue citations for violations of provisions of the County Code Chapter 14 which occur in the parks of the county, including Eble and ~~Naga-Waukee~~ Ice Arenas, Waukesha County Exposition Center, and the Retzer Nature Center.
- (d) The director of the parks and land use department may delegate to employees employed as ~~park system supervisor, park system manager~~, park rangers and park ranger coordinator the ability to issue citations authorized by this section.

CHAPTER 14 PARKS AND LAND USE ARTICLE II. PARKS AND RECREATION

Division 2. Park Rules Sec. 14-136 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Camping Unit* shall mean a designated vehicle, trailer, tent, and any other unit, which serves the intended purpose of providing shelter/~~rest area~~ for users.
2. *Commission* shall mean the Waukesha County Park and Planning Commission.
3. *Department* shall mean the Waukesha County Department of Parks and Land Use.
4. *Director* shall mean the head of the Department of Parks and Land Use and serve as the general manager of the parks system.
5. *Employee* shall mean full-time, part-time, permanent or temporary worker in the employ of the Department. Employee shall also include unpaid volunteers.
6. *Lake Access* shall mean sites designated by the Department ~~to launch watercraft onto waterways, as an area of land providing public boat access or carry-in access, which provides parking for those vehicles with or without trailers.~~

~~6.7.~~ *Park* shall mean any park, lake access, -greenway, open space, arena, golf course, special use area, trail corridor or any other area owned, improved, maintained, operated, including buildings therein, or otherwise controlled by Waukesha County for recreation or natural resource preservation purposes.

8. *Facility Use and Special Event Permit* shall mean the written permission that must be obtained from the Department to carry out certain activities.

~~7.9.~~ *Entrance Permit/Pass shall mean a daily or annual entrance permit is required for all vehicles entering a fee-based park or lake access site.*

~~8.10.~~ *Group Campsite* means a campsite designated for use by six or more campers.

~~9.11.~~ *Family Campsite* means a campsite designated for use by five or fewer campers unless the campers are members of an individual family.

~~10.12.~~ *Individual Family* means the principal campsite occupant and persons related to that person as a spouse, child, parent, grandparent, sibling or grandchild, or the spouse's child, parent, grandparent, sibling, or grandchild.

Sec. 14-140 Penalties.

(a) Any person violating any of the provisions of this article shall, for each offense, forfeit a penalty of not less than ten dollars (\$10.00) or more than six hundred dollars (\$600.00) together with the taxable costs in the action in the discretion of the court, and in default of payment thereof shall be imprisoned in the county jail for a period not to exceed ninety (90) days, in the discretion of the court.

1. Fees shall be in accordance with 130-102(d) and the Park Ranger System Forfeiture Schedule, which is on file with the department.
2. Whenever an arrest shall have been made or any violation shall occur, the District Attorney shall prosecute by law.

(b) Any law enforcement officer of the County or any of its municipal subdivisions may without a warrant arrest any offender whom they may detect in the violation of any of the provisions of this chapter and take the person so arrested immediately before a magistrate having competent jurisdiction and he shall have at all times the right to enter the premises of any County building, structure or enclosure in any park or greenway, including such grounds, buildings, structures or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals for the purpose of arresting violators and use all necessary means to attain that end. ~~Any parks division Employees designated by the director of parks and land use ordinance may issue citations, as~~ according to 13-101, may issue citations to any person whom he or she believes is violating any of the provisions of this ordinance.

(Ord. of 12-8-58, § 15(B); Ord. No. 166-35, §4, 08/02/11)

Sec. 14-141 Permits generally.

(a) All Facility Use and Special Event Permits required by this article ~~shall be~~ issued by the Director or by the Director's designee, shall be in writing, and shall be subject to all Park rules and regulations. Permits shall be required for the exclusive use of all or portions of specific areas, buildings and other Park facilities for conducting special events. The Director shall have the authority to revoke a Permit. Permits may not be transferred or relinquished to another person or group of persons without written authorization from the Director.

(b) The persons to whom such Facility Use and Special Event Permits have been granted shall be fully bound by the rules and regulations as though the same were inserted in the Permits, and any

person to whom a Permit has been issued shall be liable for any loss, damage, or injury sustained to by any person by reason of the negligence of the person to whom the Permit has been issued, their servants or agents.

(c) All vehicles entering any fee-based Park or Lake Access site shall have a ~~properly purchased and registered vehicle~~ each vehicle license plate for a Daily or Annual Entrance Permit, ~~ular park entry Permit.~~ An annual park entrance Permit shall be affixed to the driver's side windshield. A daily park entrance Permit shall be clearly displayed upon the driver's side dashboard and clearly viewable from the outside of the vehicle.

- Purchase of Daily or Annual Entrance Permit does not guarantee access and will not be refunded in the event of closure due to weather, safety, Executive Order(s), -when facilities are filled to capacity or special event(s).

(e)(d) Exception for (c) is ~~made~~ may be made for events held in ~~the a~~ Park or Lake Access site where an event organizer ~~has made previous arrangements to~~ requests to reimburse Waukesha County for all guests' vehicular entrance fees. This exception will still require vehicle owner to complete proper registration of each vehicle license plate entering a fee-based facility.

Sec. 14-154 Games and amusements; gambling prohibited.

No person shall engage in any sport, game, race, or amusement in any park except upon such portion thereof as may be designated for that purpose, and then only under such rules and regulations as may be established by the ~~commission~~ Department.

(Ord. of 12-8-58, § 4(F); Ord. 154-03, § 6, 4/27/99)
Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-155 Permits for picnic areas and interference with permittees prohibited.

(a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the ~~commission~~ Department or with any such person's or party's equipment or property.

(b) Permits for the exclusive use of any picnic or play area for any specific date or time may be granted at the discretion of the ~~commission~~ Department, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person's or party's equipment or property.

(Ord. of 12-8-58, § 4(G))

Sec. 14-157 Animals.

(a) **Animals in Public Facilities.** No person shall allow a dog or other animal to enter any public buildings, bathing beaches or picnic grounds in any Park, except for a service animal specially trained to perform tasks benefitting a person with a disability or to provide support for mobility-impaired persons or as authorized by the department.

(b) **Animals running at large.** No person shall allow a dog or other animal to run at large in any park. The animal shall be considered as running at large, unless it is on a leash, in or upon a vehicle, or in an area designated as off-leash.

(c) **Exercising animals.** No person shall exercise or walk a dog or other animal in any park without a leash. A leash shall not be more than 6 feet in length. Shock collars cannot be used in lieu of a leash. No leash is required when dog is swimming in approved areas or in a designated dog exercise area. No leash is required during dog shows or training programs authorized by the department.

(d) Handlers. There shall not be more than 3 dogs per handler. Handlers must have control of their animals at all times.

Sec. 14-162 Sleeping or camping.

(a) Camping prohibited. Camping is prohibited in all Parks, except at designated campgrounds or other areas authorized by the Department.

(b) Designated Campgrounds. Designated Campgrounds are those family and group campgrounds within established Parks.

(c) Camping Permit. No person shall camp without completing and displaying a Camping Permit. All camping fees shall be paid online through the Park System online reservation system for the permit period as provided in this chapter relating to a fee or charge established by the Department. The Camping Permit holder is required to be onsite with the party and is responsible for ensuring the campsite is maintained in satisfactory condition.

1. Daily and Annual Entrance Permit is required for all vehicles.

2.

~~3. Group Campsites must be reserved~~ permit reservation shall be completed through the Park System online reservation system prior to setup and requires a minimum of 3 tents per night paid. Any additional units will be charged at the site by Park employees.

~~4. Family Campsites must be reserved through the Park System online reservation system and prior to set-up, and will be marked as reserved. If the campsite has not been marked as reserved, then sites are available to be used on a first come, first served basis.~~

~~5. Failure to comply with Camping Permit will be grounds for removal from site.~~

(d) Camping limited, designated campgrounds. No person shall camp and no Camping Unit shall remain in a designated campground for a period greater than 7 consecutive days. The camping unit shall be removed from the property for at least 24 hours before being eligible to return.

(e) Any site left unoccupied, in which Camping Permit fees are not current, is considered abandoned.

(f) All personal and camping property left unattended after Permit expiration will be considered abandoned property.

(g) Family Campsite occupancy. Maximum of 2 Camping Units per site.

~~1. If a campsite is not reserved, it is available on a first come, first served basis.~~

(h) Campsite changes. No camping party shall move from its assigned campsite to another campsite without prior approval of Park staff.

(i) Camping Permit expiration. All camping Permits expire at 123 p.m. on the last day of the permit period.

(j) Camping Permit extensions. Extensions within the 7-day limit may be granted on Camping Permits. Extensions shall be obtained prior to 10 a.m. on the expiration date of the Permit.

(k) Campsite reservations. ~~Campsite reservations will be accepted for family and group campsites. Any campsite that has not been marked reserved is available on a first come, first served basis.~~ All Campsite reservation must be made through the Park System online reservation system.

Sec. 14-164 Traffic regulations.

(a) When any vehicle or vehicle license plate is identified in violation of any provision of this chapter including entrance to a fee-based park or lake access site without purchase of Daily or Annual Entrance Permit, the owner of the vehicle, as defined under Chapter 340, Wis. Stat., and as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation or a comparable authority, including in any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and shall be subject to the applicable forfeiture penalty.

~~(a)~~(b) No person shall drive any automobile, motorcycle, or other vehicle of traffic or burden upon any part of the parks except the proper drives and parking areas or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive.

~~(b)~~(c) No person shall cause any taxicab, bus, limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the department.

~~(c)~~(d) No person shall cause any bus, cart, dray, wagon, truck, trailer, or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, soil or other article, to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the parks, to vehicles making deliveries to the parks, or to busses under permit of the department.

~~(d)~~(e) It shall be the duty of every person operating an automobile, motorcycle, or other vehicle of traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard, sign, or device installed for the regulation of traffic.

~~(e)~~(f) The department shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than twenty-five (25) miles per hour.

~~(f)~~(g) The department shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles, pedestrians, and equestrians.

~~(g)~~(h) Vehicles normally shall be parked in designated parking areas. Parking along roads and drives may be controlled by appropriate signs.

~~(h)~~(i) No person shall operate a motor vehicle in an abusive, boisterous, unreasonably loud or otherwise disorderly manner under circumstances which tend to cause or provoke a disturbance. Such conduct shall include, but not be limited to, conduct which tends to disturb, annoy or endanger one or more persons because of unnecessary or deliberate spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing engine to backfire or causing vehicle while commencing to move or in motion to raise one or more of its wheels, tracks or skis off the ground or operate at an unreasonable or imprudent speed in any park.

~~(i)~~(j) No person shall operate or park any motor vehicle, except as provided in this subchapter, upon any bridle path, hiking trail, beach area, playground, picnic area or any other area other than established roads, parking areas, lake access and service areas or contrary to posted notice or within any park seasonally closed to vehicular traffic.

~~(j)~~(k) No person shall leave any vehicle unattended without the approval of the Department or its authorized agent for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned vehicle shall constitute a public nuisance and be subject to removal at the owners' expense. Removal of the vehicle shall not relieve the owner or operator of the vehicle from any penalty incurred because of such violation.

**CHAPTER 13
LAW ENFORCEMENT**

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LAW ENFORCEMENT

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**CHAPTER THIRTEEN
LAW ENFORCEMENT**

ARTICLE I. IN GENERAL

Sec. 13-1 Permit to solicit on county property.

No person, county employee or group of employees shall solicit funds or sell things of value to persons on county property without first obtaining a written permit from the executive committee pursuant to rules established by the committee. This section does not apply to internal departmental solicitations such as farewell gifts, length of service gifts, or donations for employee social gatherings.

(Ord. No. 144-42, '1, 6-20-89)

Secs. 13-2 - 13-100 Reserved.

ARTICLE II. OFFENSE CODE

Division 1. Generally

Sec. 13-101 Enforcement.

(a) The county authorizes the use of a citation to be issued for violations of county ordinances, including ordinances for which a statutory counterpart exists.

(b) Citations issued pursuant to this section shall conform to the requirements of section 66.0113, Wisconsin Statutes, and shall contain all information required by that statute, as it is from time to time amended.

(c) It shall be the duty of the county sheriff's department and the district attorney of the county to enforce the provisions of this article. Additionally, the director of the parks and land use department is authorized to issue citations for violations of provisions of the County Code Chapter 14 which occur in the parks of the county, including Eble and Naga-Waukeee Ice Arenas, Waukesha County Exposition Center, and the Retzer Nature Center.

(d) The director of the parks and land use department may delegate to employees employed as park system supervisor, park system manager, park rangers and park ranger coordinator the ability to issue citations authorized by this section.

(Ord. No. 147-151, '3, 3-23-93)

Editor's note - Ordinance No. 147-151, adopted March 23, 1993, repealed '13-101, which pertained to enforcement and derived from Ordinance No. 144-42, '1, adopted June 20, 1989.

Sec. 13-102 State offenses adopted.

(a) For the purpose of this section, the definitions of words and phrases contained in chapters 340, 341, 939 to 947, 961, and section 990.01 of the Wisconsin Statutes are hereby adopted and by reference

made a part hereof with the same force and effect as if fully set forth herein.

(b) In the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code in this section:

1. Whenever the word "crime" is used, it shall be taken to mean "offense;
2. Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent."

(c) The statutory and administrative code provisions describing, defining and prohibiting conduct in the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code and cross references contained therein to other sections and subsections of the Wisconsin Statutes, and Administrative Code exclusive of any provisions thereof relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this section with the same force and effect as if fully set forth herein. Any acts required to be performed or prohibited by any statute or administrative code incorporated by reference also is required or prohibited by this section. The following specifically enumerated offenses are hereby prohibited in the county, and are incorporated herein by reference, just as though fully set forth herein, but the penalty for violation under this section shall be limited to the forfeiture as hereinafter set forth:

1. 167.10(1): possession, use or distribution of fireworks;
2. 346.935: intoxicants in motor vehicles;
3. 941.35: emergency telephone calls;
4. 943.01: damage to property less than three hundred dollars (\$300.00);
5. 943.13(1m)(a) and (b), and (3): trespass to land;
6. 943.14: trespass to dwelling;
7. 946.41: resisting or obstructing an officer;
8. 947.01: disorderly conduct;
9. 125.09(2): possession of alcohol beverages on school grounds;
10. 943.24: issuance of worthless check;
11. 254.92(2): purchase or possession of tobacco products by persons under 18 prohibited;
12. 943.20: theft;
13. 961.41(3g)(e) possession of marijuana;
14. 961.573(1) possession of drug paraphernalia;
15. 59.54 (25g) possession of synthetic cannabinoids and analogs which have similar chemical structures and similar physiological effects to synthetic marijuana.

(d) The penalty for violation of subsection (c) shall be limited to the forfeiture as set forth below. The amount of forfeiture shall not exceed the maximum penalty for the offense, including any penalty assessment which would be applicable under section 757.05, Wisconsin Statutes, plus court costs. All references below are to sections or subsections of the Wisconsin Statutes:

1. 167.10(1): possession, use or distribution of fireworks, not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00);
2. 346.935: intoxicants in motor vehicles, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
3. 941.35: emergency telephone calls, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);

4. 943.01: damage to property of less than three hundred dollars (\$300.00), not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
5. 943.13(1m)(a) and(b), and (3): trespass to land, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
6. 943.14: trespass to dwelling, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
7. 946.41: resisting or obstructing an officer, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
8. 947.01: disorderly conduct, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
9. 125.09(2): possession of alcohol beverages on school grounds, not more than two hundred dollars (\$200.00);
10. 943.24(1): issuance of worthless check, not less than \$200.00 nor more than \$500.00;
11. 254.92(2): purchase or possession of tobacco products by underage individuals (a person under the age of 18), not less than \$10 nor more than \$25 plus costs for each offense;
12. 943.20: theft, not less than two hundred dollars (\$200.00) nor more than five hundred (\$500.00);
13. 961.41(3g)(e) possession of marijuana, not more than one thousand (\$1,000.00);
14. 961.573(1) possession of drug paraphernalia, not more than five hundred (\$500.00); and
15. 59.54 (25g) possession of synthetic cannabinoids and analogs, not more than (\$1,000.00).

(e) Any person between the ages of twelve (12) and seventeen (17), inclusive, violating the provisions of this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00), plus costs, for each offense or that person shall be referred to the proper authorities as provided in Chapters 48 or 938, Wisconsin Statutes. Any person under the age of twelve (12) shall be referred to the proper authorities as provided in Chapters 48 or 938, Wisconsin Statutes.

(f) Every person convicted of a violation of this section shall, for each offense, be punished by a forfeiture not to exceed that set forth opposite the particular provision in subsection (d), together with the costs of prosecution. In default of payment of such forfeiture and costs, punishment shall be commitment in the county jail until payment of such forfeiture and costs, but not in excess of the terms hereinafter stated:

1. For a forfeiture not exceeding one hundred dollars (\$100.00), commitment not exceeding thirty (30) days;
2. For a forfeiture in excess of one hundred dollars (\$100.00) but not exceeding two hundred dollars (\$200.00), commitment not exceeding sixty (60) days;
3. For a forfeiture in excess of two hundred dollars (\$200.00), commitment not exceeding ninety (90) days.

(Ord. No. 144-42, '1, 6-20-89; Ord. No. 151-16, " 1 and 2, 6-11-96; Ord. No. 151-17, " 1, 2 and 3, 6-11-96; Ord. No. 158-120, 01-13-04; Ord. No. 162-77, 11-27-07; Ord. No. 166-40, 8-23-11)

Editor's Note: Statutory reference to '943.13 updated with current statute number in (c) and (d), above. 04/02/12

Sec. 13-103 Solicitation.

Whoever, with intent that an offense be committed, advises another to commit that offense under circumstances which indicate unequivocally that he has such intent, may be subject to a forfeiture not to exceed the maximum provided for the completed offense.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-104 Conspiracy.

Whoever, with intent that an offense be committed, agrees or combines with another for the purpose of committing that offense, if one or more parties to the conspiracy does an act to effect its object, may be subject to a forfeiture not to exceed the maximum provided for the completed offense.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-105 Attempt.

(a) Whoever attempts to commit an offense may be subject to a forfeiture not to exceed one-half the maximum penalty for the completed offense.

(b) An attempt to commit an offense requires that the actor have an intent to perform acts and attain a result, which, if accomplished, would constitute such offense, and that he does acts toward the commission of the offense which demonstrate, under all the circumstances, that he forms intent and would commit the offense but for the intervention of another person or some other extraneous factor.

(Ord. No. 144-42, '1, 6-20-89)

Secs. 13-106 - 13-150 Reserved.

Division 2. Other Offenses Against Public Peace, Order, Etc.

Sec. 13-151 Penalty.

(a) This section does not apply to any offense in this division for which another penalty is specified by ordinance, provided that subsection (d) of this section applies to all violations of this division.

(b) Any person over the age of seventeen (17) years violating the provisions of this division shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00), plus costs, for each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be committed to the county jail until the forfeiture is paid, but not to exceed ninety (90) days.

(c) Any person between the ages of fourteen (14) and seventeen (17) violating the provisions of this division shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00) plus costs for each offense or shall be referred to the proper authorities as provided in Chapters 48 or 938 of the Wisconsin Statutes.

(d) Any person under the age of fourteen (14) violating any of the provisions of this division shall be referred to the proper authorities as provided in Chapters 48 or 938 of the Wisconsin Statutes.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-152 Loitering of minors.

It shall be unlawful for any person under the age of seventeen (17) years to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places in the county either on foot or in or upon any conveyance being driven or parked thereon between the hours of 11:00 p.m. and 6:00 a.m. of the following day unless accompanied by his parent, guardian, or other adult person having the care, custody, or control of such minor.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-153 Juvenile drinking; furnishing alcohol to juveniles, etc.

Sections 125.07(4)(a), (b) and (bm) of the Wisconsin Statutes defining offenses against the peace and good order of the state are hereby adopted by reference, exclusive of any provisions relating to the penalties to be imposed or the punishment for violation of such statute. The penalty for violations of this section shall be limited to the forfeiture specified in this article.

(Ord. No. 144-42, '1, 6-20-89)

State law reference - Authority of county to regulate drinking, etc. by underaged persons, Wis. Stat. ' 125.10(2).

Sec. 13-154 Habitual truancy.

(a) *Prohibition of habitual truancy.* A child is prohibited from being a habitual truant.

(b) *Definitions.* For purposes of this section:

Acceptable excuse shall mean an excuse deemed acceptable by the school board for the school district in which the child lives or attends school.

Habitual truant shall mean a pupil who is absent from school without an acceptable excuse for either of the following periods of time:

1. Part or all of five (5) or more days out of ten (10) consecutive days on which school is held during a school semester.
2. Part or all of ten (10) or more days on which school is held during a school semester.

(c) *Penalty.* Upon finding that a child is a habitual truant, the court may enter an order making one (1) or more of the following dispositions:

1. Suspension of the child's operating privilege, as defined in section 340.01 (40) of the Wisconsin Statutes, for not less than thirty (30) days or more than ninety (90) days. The

court shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and duration of the suspension.

2. Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.
3. Order the child to attend an educational program under section 48.345(12) of the Wisconsin Statutes.

(d) *References to statutes.* References to specific statutory sections wherever used in this section shall mean the Wisconsin Statutes of 1985-86, as, from time to time, amended, modified, repealed or otherwise altered by the state legislature.

(e) *Severability.* If any section or part of this section is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this section shall not be affected thereby.

(Ord. No. 144-163, '1, 12-19-89)

Editor's note - Section 1 of Ord. No. 144-163, adopted Dec. 19, 1989, added provisions to Ch. 19, but did not specify a section number; designation as '13-153.1 was at the editor's discretion.

Sec. 13-155 Public drinking prohibited.

No person shall consume or have in his possession open containers of intoxicants of fermented malt beverages, or intoxicating liquor, in or upon any public thoroughfare. The word "thoroughfare" includes any public road, street, alley, highway, freeway, interstate, county trunk highway, or public right-of-way.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-156 Littering.

No person shall discharge any waste materials of any kind including but not limited to gum wrappers, empty beverage containers, candy wrappers, or any such littering materials on any public thoroughfare, in public parks, or on any property where such person does not have specific permission to discharge such materials. The word "thoroughfare" shall include any public road, street, alley, highway, freeway, interstate, county trunk highway, or public right-of-way.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-157 Disorderly Conduct with a Motor Vehicle.

(a) *Definitions.* The following terms are defined for the purpose of this ordinance:

1. *Motor Vehicle, Vehicle, and Highway* shall be defined as the same terms are defined in "340.01, Wis. Stats.

2. *Disorderly Conduct With A Motor Vehicle* means the deliberate operation of a motor vehicle in a manner that is unnecessarily and unreasonably violent, abusive, loud, maneuvered, or accelerated in such a manner so as to disturb, annoy or endanger any person or property in any public or private area in Waukesha County. It includes, but is not limited to the unnecessary and unreasonable spinning of wheels, squealing of tires, accelerating the engine or vehicle or both, raising one or more wheels off the surface, use of the horn, loud playing of radios or audio entertainment, emission of smoke, gases, or other foul odors that are disagreeable, leaving the highway to travel across property to avoid an intersection, official traffic control sign, signal or other device, and deliberately causing the engine to backfire. For the purpose of this definition, the motor vehicle is not required to be moving at the time of commission of the disorderly conduct.

(b) No person shall operate a Motor Vehicle in Waukesha County in such a manner that constitutes Disorderly Conduct with a Motor Vehicle.

Editor's Note: Enrolled Ordinance 163-37 directed that this new section be placed in Chapter 13, Article II, Division 2 of the Code. It was moved from Sec. 13-106 to Sec. 13-157 to comply with this directive by the Editor on 05/05/15.

(Ord. No. 163-37, 09-23-08.)

Secs. 13-158 – 169 Reserved.

Division 3. Public Assistance and Housing Fraud

Sec. 13-170 Definitions.

False representation(s) include failing to report change of income, assets, household members, employment, or other relevant circumstance.

(Ord. No. 163-52, 10/28/08)

Sec. 13-171 Fraud with Respect to Low Income Housing.

(a) Any person who secures or assists in securing dwelling accommodations under Wisconsin Statute 66.1205 by intentionally making false representations in order to receive more than \$1,000 but less than \$25,000 in financial assistance for which the person would not otherwise be entitled is subject to the appropriate penalty set out below.

(b) Any person receiving assistance for dwelling accommodations under s. 66.1205, who has been notified by the authority of the obligation to report an increase in income or assets that would reduce the amount of that assistance and who intentionally fails to notify the authority of the receipt of income or assets is subject to the appropriate penalty set out below.

(Ord. No. 163-52, 10/28/08)

Sec. 13-172 Fraud with Respect to Public Assistance.

Any person who, with intent to secure public assistance under this chapter, whether for himself or herself or

for some other person, willfully makes any false representations is subject to the penalty set out below.

(Ord. No. 163-52, 10/28/08)

Sec. 13-173 Penalty.

Any person violating the provisions of this division shall be subject to a forfeiture of not less than two hundred dollars (\$200.00), plus costs, for the first offense and not more than five hundred dollars (\$500.00), plus costs, for the second and subsequent offenses. Failure to pay any forfeiture hereunder shall subject any violator to be committed to the county jail until the forfeiture is paid, but not to exceed ninety (90) days.

(Ord. No. 163-52, 10/28/08)

**CHAPTER 14
PARKS AND LAND USE**

ARTICLE II. PARKS AND RECREATION

Division 1. Reserved.

Secs. 14-131 - 14-135 Reserved.

Editor's Note: Former Sec. 14-131 regarding sale of sodas at parks and golf courses repealed by Ord. No. 160-26.

Division 2. Park Rules

Sec. 14-136 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. *Camping Unit* shall mean a designated vehicle, trailer, tent, and any other unit, which serves the intended purpose of providing shelter/rest area for users.
2. *Commission* shall mean the Waukesha County Park and Planning Commission.
3. *Department* shall mean the Waukesha County Department of Parks and Land Use.
4. *Director* shall mean the head of the Department of Parks and Land Use and serve as the general manager of the parks system.
5. *Employee* shall mean full-time, part-time, permanent or temporary worker in the employ of the Department. Employee shall also include unpaid volunteers.
- ~~6.~~ *Lake Access* shall mean sites designated by the Department ~~to launch watercraft onto waterways, as an area of land providing public boat access or carry-in access, which provides parking for those vehicles with or without trailers.~~
- ~~6.7.~~ *Park* shall mean any park, lake access, -greenway, open space, arena, golf course, special use area, trail corridor or any other area owned, improved, maintained, operated, including buildings therein, or otherwise controlled by Waukesha County for recreation or natural resource preservation purposes.
- ~~8.~~ *Facility Use and Special Event Permit* shall mean the written permission that must be obtained from the Department to carry out certain activities.
- ~~7.9.~~ *Entrance Permit/Pass* shall mean a daily or annual entrance permit is required for all vehicles entering a fee-based park or lake access site.
- ~~8.10.~~ *Group Campsite* means a campsite designated for use by six or more campers.
- ~~9.11.~~ *Family Campsite* means a campsite designated for use by five or fewer campers unless the campers are members of an individual family.
- ~~10.12.~~ *Individual Family* means the principal campsite occupant and persons related to that person as a spouse, child, parent, grandparent, sibling or grandchild, or the spouse's child, parent, grandparent, sibling, or grandchild.

(Ord. of 12-8-58, § 2; Ord. No. 166-35, §1, 08/02/11)
 (Section 14-136 was amended by Enrolled Ordinance 171-7, effective 06/10/16).

Sec. 14-137 Purpose.

The purpose of this article is to specify rules and regulations to provide for use and enjoyment of the Waukesha County Park System so as to further the safety, health, enjoyment and welfare of all persons in the use thereof, to provide for the protection and preservation of property, facilities and natural resources.

(Ord. of 12-8-58, § 1; Ord. No. 166-35, §2, 08/02/11)

Sec. 14-138 Scope.

This article applies only to areas identified as parks by Waukesha County.

(Ord. No. 166-35, §3, 08/02/11)

Sec. 14-139 Rules and regulations.

Until otherwise directed by the county board, the department may adopt additional or revised rules and regulations for the proper conduct and administration of the parks in the county that are not inconsistent with ordinance, and may perform such other acts with reference to the management of the parks as are lawful and as it may deem expedient to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the county and of visitors to the parks in their use of same.

(Ord. of 12-8-58, § 14(C))

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-140 Penalties.

(a) Any person violating any of the provisions of this article shall, for each offense, forfeit a penalty of not less than ten dollars (\$10.00) or more than six hundred dollars (\$600.00) together with the taxable costs in the action in the discretion of the court, and in default of payment thereof shall be imprisoned in the county jail for a period not to exceed ninety (90) days, in the discretion of the court.

1. Fees shall be in accordance with 130-102(d) and the Park Ranger System Forfeiture Schedule, which is on file with the department.
2. Whenever an arrest shall have been made or any violation shall occur, the District Attorney shall prosecute by law.

(b) Any law enforcement officer of the County or any of its municipal subdivisions may without a warrant arrest any offender whom they may detect in the violation of any of the provisions of this chapter and take the person so arrested immediately before a magistrate having competent jurisdiction and he shall have at all times the right to enter the premises of any County building, structure or enclosure in any park or greenway, including such grounds, buildings, structures or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals for the purpose of arresting violators and use all necessary means to attain that end. Any parks division employees designated by the director of parks and land use ordinance may issue citations, as according to 13-101, may issue citations to any person whom he or she believes is violating any of the provisions of this ordinance.

(Ord. of 12-8-58, § 15(B); Ord. No. 166-35, §4, 08/02/11)

Sec. 14-141 Permits generally.

(a) All Facility Use and Special Event Permits required by this article ~~shall be~~ issued by the Director or by the Director's designee, shall be in writing, and shall be subject to all Park rules and regulations. Permits shall be required for the exclusive use of all or portions of specific areas, buildings and other Park facilities for conducting special events. The Director shall have the authority to revoke a Permit. Permits may not be transferred or relinquished to another person or group of persons without written authorization from the Director.

(b) The persons to whom such Facility Use and Special Event Permits have been granted shall be fully bound by the rules and regulations as though the same were inserted in the Permits, and any person to whom a Permit has been issued shall be liable for any loss, damage, or injury sustained to by any person by reason of the negligence of the person to whom the Permit has been issued, their servants or agents.

(c) ~~All vehicles entering any fee-based Park or Lake Access site shall have a proper properly purchased and registered vehicle each vehicle license plate for a Daily or Annual Entrance Permit. A daily park entry Permit. An annual park entrance Permit shall be affixed to the driver's side windshield. A daily park entrance Permit shall be clearly displayed upon the driver's side dashboard and clearly viewable from the outside of the vehicle.~~

- Purchase of Daily or Annual Entrance Permit does not guaranteed access and will not be refunded in the event of closure due to weather, safety, Executive Order(s), -when facilities are filled to capacity or special event(s).

~~(e)(d) Exception for (c) is made may be made for events held in the a Park or Lake Access site where an event organizer has made previous arrangements to requests to reimburse Waukesha County for all guests' vehicular entrance fees. This exception will still require vehicle owner to complete proper registration of each vehicle license plate entering a fee-based facility.~~

(Ord. of 12-8-58, § 14(A); Ord. 154-03, §1, 4/27/99; Ord. No. 166-35, §5, 08/02/11)
(Section 14-141 was amended by Enrolled Ordinance 171-7, effective 06/10/16.)

Sec. 14-142 Leasing of equipment.

The department is authorized to lease equipment suitable for recreational purposes to private organizations upon such terms as it may determine provided that any such lease shall contain the provision binding the lessee to save and keep the county harmless from any and all liability whatsoever arising out of the leasing and use of such equipment, and provided further that the department may, in its discretion, in each case require lessee to provide public liability insurance covering the use of such equipment.

(Ord. of 12-8-58, § 14(B))

Sec. 14-143 Reserved.

Editor's note - Ordinance No 147-151, § 4, adopted March 23, 1993, repealed § 20-33, which pertained to powers of peace officer and derived from an ordinance of December 8, 1958, § 15(A).

Sec. 14-144 Operating hours.

(a) Except for vehicular traffic moving through streets or roadways, and except when the department publishes general permission or permission through permit to use all or certain parks the parks shall be closed at 10:00 p.m. each night until sunrise the following morning, and no person shall remain therein during those hours, except for registered campers in or en route to designated campgrounds and persons transporting watercraft to and from designated boat landings are permitted at any hour. The department may from time to time, in all or any of the parks, publish or post closing hours different from the above, or discontinue closing hours, as in the exercise of the judgment of the director may appear reasonable and necessary.

(b) In case of an emergency, or when in the judgment of the department the public interest demands it, any portion of the parks or buildings therein may be closed to the public or to designated

persons until permission is given to return.

(Ord. of 12-8-58, § 3(A), (B); Ord. No. 166-35, §6, 08/02/11)

Sec. 14-145 Interference with park employees.

It shall be unlawful for any person to knowingly:

(a) Interfere with or in any manner hinder any employee or agents of the department from performing their assigned duties. Interfering includes, without limitation, knowingly giving false information to an employee with intent to mislead the employee in the performance of duty including the issuance of any citation.

(b) Obstruct an employee while in the discharge of duties in an official capacity and with lawful authority.

(Ord. of 12-8-58, § 3(C); Ord. No. 166-35, §7, 08/02/11)

Sec. 14-146 Use of liquor in parks.

It shall be unlawful for any person to:

(a) Use, possess or sell any alcoholic beverage in violation of Wisconsin Statutes. "Alcohol beverages" means fermented malt beverages, intoxicating liquor, and wine as defined in Wisconsin Statute 125.02.

(b) Serve, possess, or consume any alcoholic beverage except:

1. Beer and wine in areas designated by the director. Any person must obtain a permit in order to bring beer and wine into a park in kegs, barrels or other tap quantities.
2. By permit or concessionaire agreement approved by Director.

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(c) Serve, possess, or consume any alcoholic beverage at sites where the department or its agent is a licensed vendor of alcoholic beverages unless purchased at that site.

(Ord. of 12-8-58, § 3(D); Ord. No. 166-35, §8, 08/02/11)

Sec. 14-147 Disorderly conduct.

(a) No person, or group, using a park, shall perform or permit others under their custody or control to perform any of the following acts:

1. Violate any duly established rule for the use of the park.
2. Prevent any person from using any park or any of its facilities or interfere with such use, which is in compliance with this chapter and rules applicable to such use.
3. Engage in violent, threatening, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance in any park.
4. Commit, perform or engage, nor solicit or ask anyone to engage, in any lewd, lascivious, obscene or indecent act.

5. Endanger the safety of or damage the property of any person by any conduct of act.
6. No person shall use docks or piers adjacent to any lake access facility in any manner as to obstruct or hinder the launching, landing, loading or unloading of watercraft.
7. No person shall intentionally deface, vandalize or remove from park property, buildings, equipment or facilities; or intentionally deface, destroy, cover, damage or remove any placard, notice, or sign or parts thereof, whether permanent or temporary, posted or exhibited by the Department.

(b) Any person violating any of the prohibitions enumerated in subsection (a) may be removed from any park.

(Ord. of 12-8-58, § 3(E); Ord. No. 166-35, §9, 08-02-11)

Sec. 14-148 Smoking; throwing lighted cigarette or cigar out of motor vehicle.

(a) No person shall be permitted to smoke, or to hold a lighted cigarette, cigar, or pipe in any building, or section of a building, or in any park where officially posted notices so prohibit.

(b) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from a motor vehicle moving along a park drive.

(Ord. of 12-8-58, § 3(F); Ord. No. 166-35, §10, 08-02-11)

Sec. 14-149 Littering.

No person shall knowingly:

(a) Throw, deposit, scatter, drop or abandon in any park, any paper, bottles, cans, sewage, waste, trash or other debris, except in receptacles provided by the department for such purpose. Where receptacles for rubbish are not provided, all waste shall be carried away from the park by the person responsible for its presence.

(b) Deposit in any receptacle any accumulation of waste and trash generated outside the boundaries of the park.

(c) Deposit or leave garbage, sewage, or waste material upon any body of water.

(d) Upset or turn over the contents of any receptacles or recycling container in any park.

(Ord. of 12-8-58, § 3(G); Ord. No. 166-35, §11, 08-02-11)

Sec. 14-150 Permit for public meetings and assemblies.

(a) Planned or advertised public meetings and assemblies, or sporting and athletic events, are allowed in parks only by written permit issued by the director of parks and land use or by the director's designee.

1. Application for permits shall be made in writing and received by the director no less than 10 working days prior to the event and shall state:

A. The name, address and telephone number of the applicant.

B. The name and address of the person(s), corporation or association sponsoring the

activity.

- C. Description of the activity to be conducted.
 - D. The name of the park and the part thereof for which the permit is requested.
 - E. The date of the proposed activity, and the hour at which it will begin and end.
 - F. The estimated attendance.
 - G. Special needs, i.e., kitchen, utilities, parking, tent, sound, security and others.
2. A permit shall be issued to an applicant for the facility requested if:
- A. Subsection 1 has been satisfied.
 - B. The place requested has not been reserved by other permits.
 - C. The site or facility requested will safely accommodate the anticipated attendance, the activity will not physically damage the site, and the activity is not proscribed by law; and for athletic or sporting events, the site will accommodate the activity to be conducted.
3. Any applicant for a permit under this section shall have the right to appeal the denial of a permit to the Executive Committee of the County Board. The appeal shall be made within 10 days of the denial of the permit and shall be made by filing a written notice of the appeal in the Office of the Chairman of the Waukesha County Board. The Executive Committee shall act upon the appeal within 30 days of receipt of the notice of appeal by the Office of the County Board Chairman.

(Ord. 154-03, § 2, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-151 Reserved.

Sec. 14-152 Noise.

(a) No person shall use or operate any radio, tape or disc player, musical instrument or other mechanical or electrical sound making, reproducing or amplifying device in a park so as to be heard at a distance greater than (a) 15 feet from the instrument, device, radio or tape or disc player if used in a campsite area, or (b) 75 feet from the instrument, device, radio or phonograph if used in a non-campsite area.

(b) No such radio, tape or disc player, musical instrument or above-described device may be used or operated within a park within 75 feet of the legal boundaries of the park such that the device can be heard outside the park.

(c) The director of parks and land use or the director's designee may authorize or permit musical shows, cultural events, public gatherings, and exhibitions which are not limited by this section.

(Ord. 154-03, § 4, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-153 Sales and Handouts.

(a) No person shall sell, or offer for sale, any article, merchandise, or thing, nor promote any trade, occupation, business or profession, for commercial purposes in any park without a written permit

from the director of parks and land use or the director's designee.

(b) No person shall deposit, place or scatter any material in any park. It shall not be unlawful, however, to hand out or distribute, without charge to the recipient, any printed or written material to any person willing to accept it.

(c) No person shall deposit or place any material in or upon any vehicle in any park unless the owner or occupant of the vehicle is willing to accept it.

(d) Any person who distributes any material shall keep the area of distribution free of any litter caused by or related to the distribution.

(e) No person shall post, stick or otherwise affix any item or material to or upon any tree, equipment or structure of any kind in any park.

(f) In this section, "material" means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper, book, or other printed or otherwise reproduced original or copies of any matter or literature.

(Ord. 154-03, § 5, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-154 Games and amusements; gambling prohibited.

No person shall engage in any sport, game, race, or amusement in any park except upon such portion thereof as may be designated for that purpose, and then only under such rules and regulations as may be established by the ~~commission~~ Department.

(Ord. of 12-8-58, § 4(F); Ord. 154-03, § 6, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-155 Permits for picnic areas and interference with permittees prohibited.

(a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the ~~commission~~ Department or with any such person's or party's equipment or property.

(b) Permits for the exclusive use of any picnic or play area for any specific date or time may be granted at the discretion of the ~~commission~~ Department, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person's or party's equipment or property.

(Ord. of 12-8-58, § 4(G))

Sec. 14-156 Weapons and fires.

(a) No person shall carry, fire, or discharge any gun, pistol, or firearm, nor any rocket, or any other fireworks of any description, nor shall any person engage in trapping; nor shall any person hunt with bow and arrow within any park, except as provided below in (2). The word "gun" includes air gun.

1. No person shall possess or discharge any fireworks regulated by s. 167.10(1), Wis. Stats. in parks except that exhibitions of fireworks given under the direction by the permission of the Director or an authorized agent are permitted.
2. No person shall have in their possession or under their control any firearm as defined in s. 167.31(c), Wis. Stats., or air gun as defined in s. 939.22, Wis. Stats., unless the same is unloaded and encased or any bow unless the same is unstrung or enclosed in a carrying case in any park except those areas of the park where bows are permitted on designated ranges and in accordance with posted regulations and

except where in use for hunting purposes following State of Wisconsin hunting regulations on lands designated for such purpose in the Waukesha County Park and Open Space Plan, as required through a grant condition for the purchase of the property or otherwise authorized in this code.

(b) No person shall throw or shoot an arrow, knife, stone, paintball or other projectile, by hand or any other means, in any park. This subsection shall not apply to arrows used on archery ranges authorized by the Department or for the discharge of a bow or firearm for hunting purposes as authorized by this code.

(c) No person shall start, tend or maintain any fire or burn any refuse except at designated fireplaces, fire rings or permanent grills within any park.

1. The use of charcoal burners in designated picnic areas shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such manner as to prevent fire or damage to any park property. Charcoal residue or wood ash shall be left in a grate or fireplace until cool or placed in receptacle provided for such purposes.
2. Fires for cooking or heating may be made in portable metal stoves, heaters, grills or replaces at the picnic areas or designated campgrounds.
3. No person shall abandon any fire, leave any fire unattended, or throw away any matches, cigarettes, cigars, pipe ashes or embers without first extinguishing them.
4. To reduce the risk of transporting exotic invasive species, firewood is not allowed to be brought into the parks by the public.

(Ord. of 12-8-58, § 5; Ord. No. 166-35, §12, 08-02-11)

Sec. 14-157 Animals.

(a) **Animals in Public Facilities.** No person shall allow a dog or other animal to enter any public buildings, bathing beaches or picnic grounds in any Park, except for a service animal specially trained to perform tasks benefitting a person with a disability or to provide support for mobility-impaired persons or as authorized by the department.

(b) **Animals running at large.** No person shall allow a dog or other animal to run at large in any park. The animal shall be considered as running at large, unless it is on a leash, in or upon a vehicle, or in an area designated as off-leash.

(c) **Exercising animals.** No person shall exercise or walk a dog or other animal in any park without a leash. A leash shall not be more than 6 feet in length. Shock collars cannot be used in lieu of a leash. No leash is required when dog is swimming in approved areas or in a designated dog exercise area. No leash is required during dog shows or training programs authorized by the department.

(e)(d) Handlers. There shall not be more than 3 dogs per handler. Handlers must have control of their animals at all times.

(d)(e) **Animal feces.**

1. The owner or person having immediate care, custody or control of a dog or other animal shall promptly remove and dispose of, in a sanitary manner, any feces left or deposited by the animal upon any park.
2. No person shall permit a dog or other animal to be on any park unless such person has, in their immediate possession, an appropriate means of removing animal feces.

~~(e)~~(f) Horses.

1. No person shall ride or use a horse or other beast of burden in any manner in any park, except on designated bridle trails or for events authorized by the department.
2. No person shall ride or use a horse or other beast of burden in a careless, negligent or reckless manner so as to create a nuisance or to endanger life, property or person of others.

(Ord. of 12-8-56, § 6; Ord. No. 166-35, §13, 08-02-11)

Sec. 14-158 Fish, waterfowl, game birds.

(a) Fishing is permitted unless prohibited by posted signs, and provided state law and state department of natural resources rules and regulations are observed.

(b) No person shall throw any object into the waters of the parks so as to injure or unnecessarily disturb the fish in said water.

(c) No person shall take, catch, kill, hunt, trap, pursue or otherwise disturb any wild animal or rob or disturb the nest of any bird in any park unless authorized by the department.

(d) Hunting is allowed on department approved park properties designated in the Waukesha County Park and Open Space Plan or as required through a grant condition for the purchase of the property as allowed by permit or general authorization.

(e) Bag limits, daily hours, licenses or other regulations are in accordance with those rules and regulations established by the Wisconsin Department of Natural Resources.

(f) Possession and discharge of bows and firearms are subject to local municipal regulations.

(g) Permanent blinds and stands are not permitted. All stands and blinds must be removed at the close of each day. The damaging of trees or removal of vegetation is prohibited.

(h) Target practice or shooting not associated with the actual harvest of licensed game is prohibited, except in areas designated by the department.

(Ord. of 12-8-56 § 7(A); Ord. No. 166-35, §14, 08-02-11)

Sec. 14-159. Injury to vegetation, structures, and equipment.

(a) Destruction and entry

1. *Deface, remove or destroy.* No person shall disturb, molest, deface, remove or destroy any trees, shrubs, plants or other natural growth; disturb or remove shoreline rip-rap; carve on any rocks, archaeological or geological features, signs, walls or structures including buildings, signs, fences, tables or other park property. Edible fruits, nuts, wild mushrooms and wild asparagus may be gathered without permit, except on State Natural Areas.

2. *Entry and manipulation.* No person shall enter in any way any building, installation or area that may be under construction or locked or closed to public use or molest or manipulate any water control structure, dam or culvert or enter or be upon any building, installation or area after the posted closing time or before the posted opening time or contrary to posted notice in any park.

- (b) No person shall without written authorization of the director:
1. Intentionally remove, alter, injure or destroy any natural resource.
 2. Dig trenches, holes or other excavation in a park.
 3. Plant or cultivate any plant, or release any animal into the park.

(Ord. of 12-8-56, § 7(B); Ord No. 166-35, §15, 08-02-11)

Sec. 14-160 Removal of ice or sand prohibited.

No person shall take ice from any stream or lake within any park, nor remove any sand therefrom or from the shores thereof without written permit from the department.

(Ord. of 12-8-56, § 7(C))

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-161 Aircraft landing prohibited.

No person shall ascend or land any manned or unmanned aircraft, including drones, gliders and parachutes, nor engage in any stunt flying or parachute landing in any Park without a written permit of the Department.

(Ord. of 12-8-56, § 7(D))

Editor's note: Reference to parkway removed 08-24-11.

(Section 14-161 was amended by Enrolled Ordinance 171-7, effective 06/10/16.)

Sec. 14-162 Sleeping or camping.

(a) Camping prohibited. Camping is prohibited in all Parks, except at designated campgrounds or other areas authorized by the Department.

(b) Designated Campgrounds. Designated Campgrounds are those family and group campgrounds within established Parks.

(c) Camping Permit. No person shall camp without completing and displaying a Camping Permit. All camping fees shall be paid online through the Park System online reservation system for the permit period as provided in this chapter relating to a fee or charge established by the Department. The Camping Permit holder is required to be onsite with the party and is responsible for ensuring the campsite is maintained in satisfactory condition.

1. Daily and Annual Entrance Permit is required for all vehicles.

2.

3. Group Campsites must be reserved - permit reservation shall be completed through the Park System online reservation system prior to setup and requires a minimum of 3 tents per night paid. Any additional units will be charged at the site by Park employees.

4. Family Campsites must be reserved through the Park System online reservation system and prior to set-up, and will be marked as reserved. If the campsite has not been marked as reserved, then sites are available to be used on a first-come, first-served basis.

5. Failure to comply with Camping Permit will be grounds for removal from site.

(d) Camping limited, designated campgrounds. No person shall camp and no Camping Unit shall remain in a designated campground for a period greater than 7 consecutive days. The camping unit shall be removed from the property for at least 24 hours before being eligible to return.

(e) Any site left unoccupied, in which Camping Permit fees are not current, is

considered abandoned.

(f) All personal and camping property left unattended after Permit expiration will be considered abandoned property.

~~(g)~~ Family Campsite occupancy.

~~(h)~~

Maximum of 2 Camping Units per site.

~~1. If a campsite is not reserved, it is available on a first come, first served basis.~~

~~(i)(g)~~ Campsite changes. No camping party shall move from its assigned campsite to another campsite without prior approval of Park staff.

~~(j)(h)~~ Camping Permit expiration. All camping Permits expire at 123 p.m. on the last day of the permit period.

~~(k)(i)~~ Camping Permit extensions. Extensions within the 7-day limit may be granted on camping Permits. Extensions shall be obtained prior to 10 a.m. on the expiration date of the Permit.

~~(l)(j)~~ Campsite reservations. Campsite reservations will be accepted for family and group campsites. Any campsite that has not been marked reserved is available on a first come, first served basis. All Campsite reservation must be made through the Park System online reservation system.

~~(m)(k)~~ Camping contrary to posted notice. No person shall camp on any lands under the management, supervision or control of the Department contrary to posted notice.

~~(n)(l)~~ Camping violations. A violation of any state, local or federal law by a member of a camping party is cause for revocation of the camping Permit.

~~(o)(m)~~ Campground quiet hours. No person shall make or cause to be made any unreasonable sounds or noises in or adjacent to any designated campground between the hours of 11 p.m. and 6 a.m.

(Ord. of 12-8-56, § 7(E); Ord. No. 166-35, §16, 08-02-11)
(Section 14-162 was amended by Enrolled Ordinance 171-7, effective 06/10/16.)

Sec. 14-163 Public utilities and private construction.

(a) The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone, and electric power posts and lines, manholes, conduit and pumps within any park shall be subject to the jurisdiction and control of the department and their construction, erection, repair or relocation shall be undertaken only after written permission is received from the department.

(b) *Private Construction.* No curb, whether stone, concrete or grass, shall be cut for the purpose of constructing a private driveway across any park border nor for any other purpose, without written permission from the department. The location, width, grade, and construction of all paths, driveways and roadways across any sidewalk border along any park shall be subject to the approval of and constructed only after written permission thereof is obtained from the department. Every person who shall receive a permit to open a trench, to cut a curb, or to deposit materials in or upon any park shall at all times after such work has been commenced or materials deposited, and until the same has been completed, and until all accumulations of materials resulting from such work have been removed, so guard and protect the same that persons driving or passing along the roadway, sidewalk, or in the vicinity of the place where the work is being done, shall not be likely to meet with any accident therefrom. Such a person shall also during the time from sunset to sunrise, each night while said work is in progress, cause the same to be securely fenced and guarded by a warning light or lights placed in a conspicuous position, and so secured that the same shall not be extinguished.

(Ord. of 12-8-58, § 8; Ord. No. 166-35, § 17, 08-02-11)
 Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-164 Traffic regulations.

(a) When any vehicle or vehicle license plate is identified in violation of any provision of this chapter including entrance to a fee-based park or lake access site without purchase of Daily or Annual Entrance Permit, the owner of the vehicle, as defined under Chapter 340, Wis. Stat., and as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation or a comparable authority, including in any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and shall be subject to the applicable forfeiture penalty.

(a)(b) No person shall drive any automobile, motorcycle, or other vehicle of traffic or burden upon any part of the parks except the proper drives and parking areas, or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive.

(b)(c) No person shall cause any taxicab, bus, limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the department.

(c)(d) No person shall cause any bus, cart, dray, wagon, truck, trailer, or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, soil or other article, to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the parks, to vehicles making deliveries to the parks, or to busses under permit of the department.

(d)(e) It shall be the duty of every person operating an automobile, motorcycle, or other vehicle of traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard, sign, or device installed for the regulation of traffic.

(e)(f) The department shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than twenty-five (25) miles per hour.

(f)(g) The department shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles, pedestrians, and equestrians.

(g)(h) Vehicles normally shall be parked in designated parking areas. Parking along roads and drives may be controlled by appropriate signs.

(h)(i) No person shall operate a motor vehicle in an abusive, boisterous, unreasonably loud or otherwise disorderly manner under circumstances which tend to cause or provoke a disturbance. Such conduct shall include, but not be limited to, conduct which tends to disturb, annoy or endanger one or more persons because of unnecessary or deliberate spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing engine to backfire or causing vehicle while commencing to move or in motion to raise one or more of its wheels, tracks or skis off the ground or operate at an unreasonable or imprudent speed in any park.

(i)(j) No person shall operate or park any motor vehicle, except as provided in this subchapter, upon any bridle path, hiking trail, beach area, playground, picnic area or any other area other than established roads, parking areas, lake access and service areas or contrary to posted notice or within any park seasonally closed to vehicular traffic.

(j)(k) No person shall leave any vehicle unattended without the approval of the Department or its

authorized agent for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned vehicle shall constitute a public nuisance and be subject to removal at the owners' expense. Removal of the vehicle shall not relieve the owner or operator of the vehicle from any penalty incurred because of such violation.

(Ord. of 12-8-58, § 9; Ord. No. 166-35, 08-02-11)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-165 Bicycles.

- (a) Riders of bicycles shall comply with Wisconsin Statutes, sections 346.77 through 346.82.
- (b) Bicycles are only allowed on designated trails.
- (c) Bicycle riders shall proceed in the extreme right hand lane of the drives at all times, in a single file only.
- (d) A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold on to any moving vehicle for purpose of being drawn along.
- (e) Children riding bicycles that have wheels less than twenty (20) inches in diameter may use the footwalks.
- (f) Wherever possible, bicycles shall be parked in places provided for such purpose.

(Ord. of 12-8-56, § 10; Ord. No. 166-35, §20, 08/02/11)

Sec. 14-166 Horseback riding.

- (a) No person shall ride horseback in any park except upon designated roadways and bridle paths.
- (b) No person shall be permitted to ride horseback in any park after dark or before daybreak.
- (c) No person shall be permitted to ride or drive a horse which cannot be held under such control that it may be easily turned or stopped.
- (d) No person shall be permitted to ride or drive a horse in a reckless manner.
- (e) Pedestrians shall have the right of way when crossing a bridle path, and whenever groups of people are visible within three hundred (300) feet, horse shall be ridden at a slow gait.
- (f) Every rider shall comply with all department rules and signs along the bridle paths.

(Ord. of 12-8-56, § 11)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-167. Bathing and swimming regulations.

- (a) It shall be unlawful for any person to:
 1. Wade, bathe, or swim within a park except at such pools or beaches as are or may be designated for that purpose by the department.
 2. Take any food or beverage into the water of any area designated for wading, bathing or

swimming under (a), above.

3. Take any glassware or bottles of any kind except eyeglasses on to any grass or sand area of a designated beach or pool for bathers.
4. Use water flotation devices when a lifeguard is on duty, except for U.S. Coast Guard approved lifejackets and vests that are of a proper size and are worn and secured properly.
5. Bring in or consume any alcoholic beverages of any kind in designated beach areas.

(b) Non-swimmers are restricted to areas designated. Children 5 years of age or younger must be supervised by an adult. All persons, regardless of age, may be asked to demonstrate their swimming proficiency at the discretion of department employees.

(c) Patrons of any area designated for wading, bathing or swimming are to speak to lifeguards only in the case of an emergency and are not permitted to interfere with the execution of a lifeguard's duties or responsibilities.

(d) Swimmers and bathers shall comply with all rules and regulations that are posted at beaches, pools or in bathhouses or other buildings.

(e) Failure to comply with any rules or regulations may result in the violator being required to leave the beach, pool, or bathhouse or other enforcement actions permitted by law.

(f) *Boundary Buoys.* No person shall disturb or molest a beach boundary buoy or marker in any swimming beach in any park or moor or cause to be within that area of water enclosed in the boundary buoys any boat, raft or craft used to transport persons.

(g) *Beach Athletics.* Except in locations designated for such purpose, no person shall engage in any athletic game or sport or in any activity upon a bathing beach or in the water when injury or inconvenience to others might result therefrom except with written permission of the Department.

(h) *Bathing attire.* No swimmer or bather shall enter the water or onto any beach unless clothed in a suitable bathing suit.

- (i) Scuba diving is permitted in designated areas.

(Ord. of 12-8-56, § 12; Ord. No. 166-35, §21, 08-02-11; Ord. No 170-30, 07-23-15.)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-168 Boat launching and docking regulations.

(a) No person shall launch or dock any boat or other watercraft except at locations or facilities provided and designated for that purpose by the department.

(b) No person shall launch or dock any boat or other watercraft except at such times as are designated by the department.

(c) No person shall store or leave unattended overnight any boat or other watercraft without the written permission of the department.

- (d) All persons using the boating facilities of the county park system shall comply with all

posted regulations of the department.

(Ord. of 12-8-56, § 13)

Sec. 14-169 Encroachments prohibited.

It is unlawful for any person to encroach on park property with such items as fences, gardens, other personal property, or to disturb the natural landscape, vegetation or structures on park property, on park property or otherwise use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to parks as they would against property adjacent to private property.

(Ord No. 166-35, §22, 08-02-11)

Sec. 14-170 Fees and special use permitting.

(a) Fee schedule. No person shall use any facility, shelter, land or area for which a fee or charge has been established by the Director without payment of such a fee or charge in advance, except for open shelters which may be used if not reserved.

(b) Special Use Agreements shall be required for all events that allow for public invite to the event, closure of areas, special equipment or amusement features.

(Ord. No. 166-35, §23, 08-02-11.)

Secs. 14-171 - 14-180 Reserved.

1 AUTHORIZATION TO EXECUTE AMENDED MEMORANDUM OF UNDERSTANDING WITH
2 CITY OF WAUKESHA REGARDING WAUKESHA COUNTY'S "URBAN COUNTY"
3 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
4
5

6 WHEREAS, Waukesha County and the City of Waukesha entered into a Memorandum of
7 Understanding on August 25, 1992, which allowed the City to participate in the County's "Urban
8 County" for the 1993-1995 program years, with an automatic renewal option every three-year
9 period; and
10

11 WHEREAS through the "Urban County" status, available U.S. Department of Housing and Urban
12 Development (HUD) funding is used efficiently to address eligible county-wide issues, while
13 reducing the duplication of services and administrative costs associated with separately run
14 Community Development Block Grant (CDBG) programs; and
15

16 WHEREAS the County and the City wish to continue this partnership; and
17

18 WHEREAS, the parties wish to amend the terms of their agreement to apportion to the City an
19 amount equal to 60% of the amount the City would have received (increase from 50%) from
20 HUD CDBG funds had it kept its CDBG entitlement community status, and the County will retain
21 40% of that amount. In addition, the City shall be represented on the Waukesha County CDBG
22 Board by at least two public officials or citizen members from the City during the program years
23 in which this Amended Memorandum of Understanding is in effect.
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
26 Amended Memorandum of Understanding with the City of Waukesha is hereby approved, and
27 the Waukesha County Executive or designee is authorized to execute same on behalf of
28 Waukesha County.

MEMORANDUM OF UNDERSTANDING

BETWEEN WAUKESHA COUNTY AND THE CITY OF WAUKESHA REGARDING PARTICIPATION IN WAUKESHA COUNTY'S "URBAN COUNTY" COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

This Memorandum of Understanding (MOU) is entered into between Waukesha County (County); and the City of Waukesha (City); to update the City's participation in the County's "Urban County" Community Development Block Grant (CDBG) Program as authorized by the United States Department of Housing and Urban Development (HUD). This Memorandum of Understanding is premised upon the following recitals:

WHEREAS the County and the City entered into a Memorandum of Understanding on August 25, 1992, which allowed the City to participate in the County's "Urban County" for the 1993-1995 program years, with an automatic renewal option every three-year period; and

WHEREAS since 1992 HUD recognizes the City as a participant in the County's "Urban County" status rather than being a separate entitlement community; and

WHEREAS through the "Urban County" status, available HUD funding is used efficiently to address eligible county-wide issues, while reducing the duplication of services and administrative costs associated with separately run CDBG programs; and

WHEREAS the County and the City wish to ensure that the City of Waukesha maintains some control over a portion of the CDBG funds that would have been previously made directly available to the City as if it were a separate entitlement community while recognizing the cost to the County for program administration; and

NOW, THEREFORE, in consideration of the mutual covenants herein, it is understood by the County and the City that:

1. For the CDBG program years 2023 through 2025, and through each renewal term of the Mutual Cooperation Agreement Under the Housing and Community Development Act and the National Affordable Housing Act entered into between the City and the County ("Mutual Cooperation Agreement"), the City shall continue to relinquish its CDBG entitlement status.
2. The County shall continue its responsibility in administering the county-wide CDBG program. The City shall be a Subgrantee of the County for all CDBG funded programs or projects. The City shall enter into contracts with the County for each program or project. The County shall be responsible for all monitoring and all reporting to HUD.
3. In consideration of the County retaining all administrative responsibility, in each program year the City shall be apportioned an amount equal to 60% of the amount the City would have received from HUD CDBG funds had it kept its CDBG entitlement community status, and the County will retain 40% of that amount.
4. The apportioned proceeds received by the City may only be used to fund eligible programs as specified by HUD's CDBG program rules. Projects will be approved by the City's CDBG Board and Common Council and will require approval by the Waukesha County CDBG Board. The Waukesha County CDBG Board will take into consideration the City's recommendations when determining whether to approve the City's proposed allocations of funding.
5. The City may allocate up to 15% of its apportioned allocation to Public Services activities. The City may not allocate funding under the Administration funding category.
6. The City may make an application for other county CDBG funding for eligible projects.

7. The City's allocation shall not impact or preclude other entities located in the City from directly applying to the County for funding.
8. The City may choose to administer a Homeowner Rehabilitation Revolving Loan Fund Program and shall enter into a contract with the County to delineate rights and responsibilities under the program Funds or program income returned to the City from projects funded by this program shall be retained by the City for reallocation to the Homeowner Rehabilitation Revolving Loan Fund. On an annual basis, the City shall provide to the County an accounting of the loan portfolio and an accounting of any program income received. If the Homeowner Rehabilitation Revolving Loan Fund ceases to exist, all program income generated from the loan portfolio shall be returned to the County on a quarterly basis for reallocation.
9. This MOU shall continue in effect so long as the Mutual Cooperation Agreement remains in effect. Should the City opt out of the Mutual Cooperation Agreement and Urban County participation during the HUD Urban County Requalification process, this MOU shall be terminated immediately. The County and the Milwaukee office of HUD must be given a written notice of the City's decision to terminate its participation, along with approval of this decision by the City's Common Council.
10. The City shall be represented on the Waukesha County CDBG Board by at least two public officials or citizen members from the City during the program years in which this MOU is in effect.
11. The County will include City staff members in the process of developing the Consolidated Plan and the Annual Action Plan, through the public opinion outreach portion of the planning process.
12. County and City staff members will meet regularly to discuss ongoing projects and additional CDBG opportunities.

This memorandum of understanding is entered into by the City of Waukesha and Waukesha County this _____ day of _____, 2022.

Paul Farrow
Waukesha County Executive

Shawn Reilly
Mayor, City of Waukesha

1 MODIFY THE 2022-2026 CAPITAL PLAN AND 2022 BUDGET FOR CAPITAL PROJECT
2 202204, LAKE COUNTRY TRAIL STH 67 UNDERPASS
3
4

5 WHEREAS, the Waukesha County Board of Supervisors approved Capital Improvement Project
6 #202204, Lake Country Trail State Trunk Highway (STH) 67 Underpass, in the 2022-2026 Capital
7 Project Plan, with a total budget of \$2,888,900; and
8

9 WHEREAS, the Lake Country Trail STH 67 Underpass project will create a safe crossing of STH 67
10 for users of the Lake Country Trail, and it will also eliminate delays for vehicle traffic; and
11

12 WHEREAS, the previously adopted capital project assumed \$2.1 million of federal
13 Transportation Alternative Program (TAP) revenues, which would allow for design in 2023 and
14 construction in 2025, based on the estimated funding schedule; and
15

16 WHEREAS, it is desirable to complete construction of the project sooner, and Waukesha County
17 has worked with WisDOT to secure alternative funding that would allow for a more expedited
18 project schedule than TAP funding would allow; and
19

20 WHEREAS, Waukesha County applied for and was awarded funds sufficient to cover the \$2.1
21 million federal revenue budget through the federal Congestion Mitigation and Air Quality
22 (CMAQ) Program in February of 2022, and in April of 2022 an advance of the funding was
23 provided by the Bipartisan Infrastructure Law (BIL); and
24

25 WHEREAS, the new project schedule moves the design phase, budgeted at \$556,900, up from
26 2023 to 2022, and the construction phase, budgeted at \$2,332,000, up from 2025 to 2023; and
27

28 WHEREAS, the project cost estimate remains the same, but an additional \$128,300 of Capital
29 Project Fund balance will need to be used in 2022 to cover the County's share of project costs a
30 year earlier, which is offset by a reduction in the need for County funds in the same amount in
31 future years.
32

33 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the 2022-
34 2026 Capital Plan be modified to accelerate the schedule for capital project #202204 Lake
35 Country Trail STH 67 Underpass, with the design phase in 2022 and construction in 2023.
36

37 BE IT FURTHER ORDAINED that the 2022 Capital Project Budget be modified to increase
38 expenditures by \$556,900, general government revenues by \$428,600, and use of Capital
39 Project Fund balance by \$128,300 for capital project #202204 Lake Country Trail STH 67
40 Underpass.

Project Title:	Lake Country Trail STH 67 Underpass	Project #:	202204
Department:	Parks & Land Use	Project Type:	Trail System
Phase:	Final Design	Sponsor:	
Budget Action:	Accelerate C - Rev Update	Manager:	Dale Shaver, PLU Director
Date:	April 29, 2022	Map / Image:	Click Here

CAPITAL BUDGET SUMMARY						
Year	2022	2023	2024	2025	2026	Total
Phase	Design/Utilities	Construction				Project
Expenditure Budget	\$556,900	\$2,332,000	\$0	\$0	\$0	\$2,888,900
Revenue Budget	\$556,900	\$2,015,600	\$0	\$0	\$0	\$2,572,500
Net Cost After Revenues Applied	\$0	\$316,400	\$0	\$0	\$0	\$316,400
COST DOCUMENTATION			REVENUE			
<u>In County Budget:</u>			<u>Budgeted by County:</u>			
Survey, Final Design, Bidding & Oversight		\$347,000	State DNR Grant			\$151,000
State Review for Construction		\$250,000	Ocon. Share of Engineering/Construct.			\$150,000
Utility Relocation (AT&T, School Fiber Optic, City of Ocon.)		\$165,000	Federal Congestion Mitigation and Air Quality			
Permanent Limited Easement - Kwik Trip		\$44,900	(CMAQ) Funding			\$2,143,200
Construction		\$1,735,000	Capital Project Fund Balance			\$128,300
General Conditions		\$216,000				
Contingency		\$131,000				
Total Project Cost		\$2,888,900	Total Revenue			\$2,572,500
EXPENDITURE BUDGET		\$2,888,900	REVENUE BUDGET			\$2,572,500

Project Scope & Description

The south side of the City of Oconomowoc is seeing considerable growth as new residential, commercial, and retail development in and around the Pabst Farms area continues to move forward. It is projected that as the growth continues, use will increase on the popular multi-use Lake Country Trail. As a component of the growth in the area, the major north-south connection from the City of Oconomowoc to Interstate 94, State Trunk Highway 67, has been improved and widened to three lanes in each direction to accommodate increased traffic. In order to create a safe crossing of this major roadway for trail users and eliminate traffic delays, a box tunnel was installed by the Wisconsin Department of Transportation (WisDOT) in 2015 as part of the STH 67 construction project, for future conversion into a trail underpass.

The Waukesha County Department of Parks & Land Use (PLU) will collaborate with the City of Oconomowoc to construct appropriate entrances and exits to the box tunnel installed by WisDOT for an underpass for the Lake Country Trail. Funding will be secured from multiple sources. The County has been awarded \$151,000 toward the project through the State of Wisconsin Department of Natural Resources (WDNR) Stewardship Program and planned to apply for an additional \$2.1 million in funding from the Federal Transportation Alternatives Program (TAP) in February 2022. Since the previous capital plan was adopted, the County has worked with WisDOT to secure alternative funding that would allow for a more expedited project schedule than TAP funding would allow. The County applied for and was awarded funds sufficient to cover the \$2.1 million federal revenue budget through the federal Congestion Mitigation and Air Quality (CMAQ) Program in February of 2022, and in April of 2022 an advance of the funding was provided by the Bipartisan Infrastructure Law (BIL). In May of 2022, an ordinance will be considered by the County Board to move the design phase of the project from up from 2023 to 2022 and the construction phase up from 2025 to 2023. The project cost estimate remains the same, but an additional \$128,300 of Capital Project Fund balance will need to be used in 2022 to cover the County's share of project costs, which is offset by a reduction in the need for County funds in the same amount in future years. The City of Oconomowoc already paid for the initial utility relocation of \$216,000 in 2015, and the City has pledged to contribute an additional \$150,000 toward the project.

The County was able to take advantage of a significant cost savings opportunity when WisDOT agreed to contribute up to \$500,000 up front in order to install the box tunnel during the STH 67 construction project.

Location: Lake Country Trail intersection with State Trunk Highway 67 in the City of Oconomowoc.

Analysis of Need: The underpass will provide a safe and unimpeded crossing of the major roadway for trail users. It will also help to maintain efficient traffic flow by reducing congestion and time delays for motorists caused by substantial pedestrian and bicyclist clearance times when trail users are crossing the roadway.

Alternatives:

- A. Construct in three to five years.
- B. Maintain as an at-grade crossing, but would cross six lanes of traffic, which is a safety issue.

Ongoing Operating Costs: The project will require maintenance for a new tunnel underpass along the Lake Country Trail. The maintenance will include the removal of debris, cleanup of vandalism, and monitoring of the operational condition of light fixtures. The underpass facility will be maintained by the City of Oconomowoc. Current staff at Naga-Waukees Park who maintain the Lake Country Trail will maintain the trail approaches and signage.

Previous Action: This project was formerly submitted in the 2016-2020 capital plan as project #201607. The project was closed at the end of 2020 due to lack of funding and significant cost increases. The project was resubmitted and approved as a new project in the 2022-2026 capital plan.

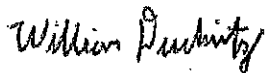
FISCAL NOTE

MODIFY THE 2022-2026 CAPITAL PLAN AND 2022 BUDGET FOR CAPITAL
PROJECT 202204, LAKE COUNTRY TRAIL STH 67 UNDERPASS

This ordinance modifies the 2022-2026 capital plan and 2022 Capital Project budget to increase expenditure authority by \$556,900 for the design phase for the Lake Country Trail State Trunk Highway (STH) 67 Underpass project (#202204) and increase general government revenues by \$428,600 and use of Capital Project fund balance by \$128,300. This ordinance also moves the design phase (\$556,900) of the project up from 2023 to 2022 and the construction phase (\$2,332,000) up from 2025 to 2023. The project cost remains the same, but an additional \$128,300 of Capital Project Fund balance will need to be used in 2022 to cover the County's share of project costs, which is offset by a reduction in the need for County funds in the same amount in future years.

In the previously adopted capital project, the department planned to apply for \$2.1 million in funding from the Federal Transportation Alternatives Project (TAP) in February 2022. Based on the estimated funding schedule, this would have allowed for the design phase in 2023 and construction phase in 2025. Since then, the department has worked with WisDOT to secure alternative funding that would allow for a more expedited project schedule than TAP funding would allow. The department applied for and was awarded funds sufficient to cover the \$2.1 million federal revenue budget through the federal Congestion Mitigation and Air Quality (CMAQ) Program in February of 2022, and in April of 2022 an advance of the funding was provided by the Bipartisan Infrastructure Law (BIL).

This ordinance does not result in an impact to tax levy.



William Duckwitz
Budget Manager
5/2/2022
SMH
JE #2022-00002851

1 MODIFY THE 2022 BUDGET OF THE WAUKESHA COUNTY UW-EXTENSION TO
2 ACCEPT DONATION REVENUE AND APPROPRIATE EXPENDITURES
3
4

5 WHEREAS, the UW-Extension Department applies research and educational outreach programs
6 to strengthen Waukesha County citizens, youth, families, businesses, and communities by
7 developing partnerships with community organizations; and
8

9 WHEREAS, education is provided to protect the environment, assist communities with growth
10 and change, increase agriculture and horticulture productivity, and community and economic
11 development; and
12

13 WHEREAS, Waukesha County received \$3,500 in donation revenue from Blain's Farm & Fleet
14 and \$1,500 from Woodman's for the 4-H Kids Zone at the Waukesha County Fair; and
15

16 WHEREAS, Waukesha County received \$500 in donation revenue from Waukesha State Bank for
17 the 4-H Summer Camp; and
18

19 WHEREAS, Waukesha County received \$6,923 in donation revenue from Fox Bros. Piggly Wiggly
20 for the 4-H program; and
21

22 WHEREAS, Waukesha County received \$104 in donation revenue for the Juvenile Community
23 Garden; and
24

25 WHEREAS, donations were not anticipated nor included in the 2022 budget.
26

27 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
28 Waukesha County UW Extension Department be authorized to accept the donations specified
29 in this ordinance in the total amount of \$12,527 for 4-H and Juvenile Community Garden
30 activities.
31

32 BE IT FURTHER ORDAINED that the Waukesha County UW-Extension Department's 2022 budget
33 be modified by increasing the department's operating expenditure appropriation unit by
34 \$12,527 and other revenues by \$12,527.

FISCAL NOTE

MODIFY THE 2022 BUDGET OF THE WAUKESHA COUNTY UW-EXTENSION TO
ACCEPT DONATION REVENUE AND APPROPRIATE EXPENDITURES

This ordinance authorizes the Waukesha County UW-Extension Department to accept donations totaling \$12,527 and to appropriate \$12,527 of operating expenses for the 4-H program and Juvenile Community Garden. These expenditures are funded with donations from community partners and citizens. The funds provided will provide an additional \$5,000 for the 4-H Kids Zone at the Waukesha County Fair, \$500 for the 4-H Summer Camp, \$6,923 for the 4-H program, and \$104 for the Juvenile Community Garden.

This ordinance results in no direct additional tax levy impact.



William Duckwitz
Budget Manager
5/3/2022
MJC
JE# 2022-00002713

1 AMEND ARTICLE III, DIVISION 2 OF CHAPTER 4 OF THE WAUKESHA
2 COUNTY CODE OF ORDINANCES – MEETINGS
3
4

5 WHEREAS, the Waukesha County Board of Supervisors has by ordinance met at 7 p.m. to
6 conduct regular business; and
7

8 WHEREAS, a survey was given to the County Board in 2021 and the majority of County Board
9 Supervisors would prefer a meeting time of 6 p.m.;

10
11 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Section 4-
12 50(b) of the Waukesha County Code is amended to make 6 p.m. the start time for meetings of
13 the Waukesha County Board of Supervisors.
14

15 IT IS FURTHER ORDAINED that this ordinance and change in meeting time to 6 p.m. is effective
16 at the next regular meeting of the Waukesha County Board of Supervisors, which is June 28,
17 2022.

1 AMEND ARTICLE V, DIVISION 1 OF CHAPTER 4 OF THE WAUKESHA
2 COUNTY CODE OF ORDINANCES – GENERAL INFORMATION
3
4

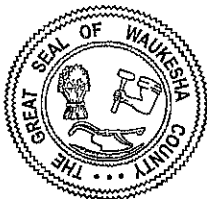
5 WHEREAS, in 2022 the County Board will review the County's operating budget through joint
6 meetings of the standing committee and finance committee; and
7

8 WHEREAS, the Waukesha County Code of Ordinances needs to be changed to allow the joint
9 budget review meetings to be chaired by the finance committee chair.
10

11 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Section 4-
12 97(d) of the Waukesha County Code of Ordinances is repealed and recreated to read:
13

14 (d) The county board chairperson shall arrange for joint committee meetings when such a
15 meeting is deemed necessary, and shall set the time and location of the meeting. The county
16 board chairperson, or in the chairperson's absence the first vice chairperson, or in the first vice
17 chairperson's absence the second vice chairperson, shall preside except that the finance
18 committee chairperson shall preside over any joint committee meeting when reviewing the
19 budget, or the standing committee chairperson in finance committee chairperson's absence.
20

- 21 1. No business shall be conducted at a joint meeting unless there is a quorum from
22 each committee present. Committee members present and serving as members of
23 more than one (1) of the committees meeting jointly are to be considered present in
24 determining whether there is a quorum of each committee.
25
- 26 2. Committee members serving on more than one (1) of the committees meeting
27 jointly shall be entitled to cast separate votes as a member of each committee on
28 which the member serves.



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022

TO: Paul Decker, County Board Chair

FROM: Paul Farrow, County Executive

RE: Appointment of County Board Chairman Paul Decker to the Wisconsin PACE Commission

This letter is submitted to recommend County Board Chairman Paul Decker to serve as the Waukesha County representative on the Wisconsin PACE Commission. The Waukesha County Board voted to allow businesses in Waukesha County to be eligible for low-cost, long-term loans for energy efficiency and renewable energy elements in their building and remodeling projects through the PACE Program as part of their loan financing stack. Eligible commercial properties include multifamily buildings of five units or more, as well as industrial, non-profit, agriculture, and hospitality properties. As a County participant in the PACE Commission, we need to appoint a representative to the Commission. The Commission consists of representatives from each of the other participating counties.

Former County Supervisor Tim Dondlinger served as the County appointee. Wisconsin Statutes and the Joint Exercise of Powers Agreement relating to the Wisconsin PACE Commission require that the county appointee "hold a local public office".

Paul Decker's experience in economic development as an instructor with the Waukesha County Technical College Small Business Center and previous work with the former Waukesha County Economic Development Corporation make him a good appointee.



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022

TO: Paul Decker, County Board Chair

FROM: Paul Farrow, County Executive

RE: Appointment of Christine Howard to the WOW Workforce Development Board's Joint Executive Committee

This letter is submitted to recommend Christine Howard as a replacement for Bill Mitchell as a Waukesha County Board representative on the WOW Workforce Development Board's Joint Executive Committee. Supervisor Howard has experience with private sector employer workforce issues and human services issues impacting job seekers. Her experiences and knowledge of related County programs uniquely position her for this role.

It is this background that makes Supervisor Howard an outstanding appointee to the WOW Workforce Development Board's Joint Executive Committee.

Referred on: 05/05/22

File Number: 177-A-002

Referred to: EX



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022
TO: Paul Decker, County Board Chair
FROM: Paul Farrow, County Executive
RE: Appointment of Maria Watts to HOME Board

This letter is submitted to recommend Maria Watts as a replacement for Joe Birbaum as a Waukesha County representative on the HOME Consortium Board. Ms. Watts serves as the Senior Business and Community Engagement Officer with the Wisconsin Housing and Economic Development Association (WHEDA). In that capacity, she works with affordable housing and business financing products. Maria is currently serving as an alternate on the HOME Consortium Board.

It is this background that makes Maria an outstanding appointee to the HOME Consortium Board.



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Reappointment of Waukesha County Representative to the Waukesha County Health and Human Services Board

I am pleased to submit to the County Board for your consideration, the reappointment of Ms. Vickie Dallmann-Papke to the Health and Human Services Board. Ms. Dallmann-Papke has served on the HHS board since 2016 and has shown interested in being reappointed to continue serving fellow citizens of Waukesha County. Ms. Dallmann-Papke's term, if reappointed, will expire in April of 2025.

PF:kb

cc: Meg Wartman
Liz Aldred



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022

TO: Chairman Paul Decker

FROM: Paul Farrow

RE: Appointment of County Board Supervisor to the Waukesha County Health & Human Services Board

I am pleased to submit to the County Board for your consideration, the appointment of County Board Supervisor Joel Gaughan to the Health and Human Services Board. Supervisor Gaughan represents residents in the 21st Supervisory District. Supervisor Gaughan would be replacing former County Board Supervisor Duane Paulson on the HHS Board. If appointed, Supervisor Gaughan's term will expire in April of 2025.

Thank you for your swift consideration.

PF:kb

cc: Meg Wartman
Liz Aldred



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022

TO: Chairman Paul Decker

FROM: Paul Farrow

RE: Reappointment of County Board Supervisor to the Community Development Block Grant Board

I am pleased to submit to the County Board for your consideration, the reappointment of Supervisor Larry Nelson to the Community Development Block Grant Board. If reappointed, Supervisor Nelson's term will expire in May of 2025.

Thank you for your swift consideration.

PF:kb

cc: Meg Wartman
Kristin Silva



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022

TO: Chairman Paul Decker

FROM: Paul Farrow

RE: Reappointment of County Representative to the Community Development Block Grant Board

I am pleased to submit to the County Board for your consideration, the reappointment of Mr. Frank Muenkel to the Community Development Block Grant Board. Mr. Muenkel has been serving on the CDBG Board since 2013. If reappointed, Mr. Muenkel's term will expire in May of 2025.

Thank you for your swift consideration.

PF:kb

cc: Meg Wartman
Kristin Silva



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

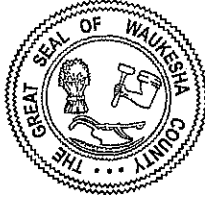
MEMO:

DATE: May 4, 2022
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Reappointment of County Representative to the Community Development Block Grant Board

I am pleased to submit to the County Board for your consideration the reappointment of Meg Wartman to the Community Development Block Grant (CDBG) Board. Ms. Wartman serves as the County Clerk for Waukesha County and has served on the CDBG board since 2019. If appointed, Ms. Wartman's term would expire in May of 2025.

Thank you for your swift consideration.

cc: Kristin Silva
Meg Wartman



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Reappointment of County Representative to the Community Development Block Grant Board

I am pleased to submit to the County Board for your consideration the appointment of Pat Haukohl to the Community Development Block Grant (CDBG) Board. Ms. Haukohl has been diligently serving on the CDBG Board since 2019. If reappointed, Ms. Haukohl's term will expire in May of 2025.

Thank you for your swift consideration.

cc: Kristin Silva
Meg Wartman



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: May 4, 2022
TO: Chairman Paul Decker
FROM: Paul Farrow
RE: Reappointment of County Representative to the Wisconsin River Rail
Transit Commission

I am pleased to submit to the County Board for your consideration, the reappointment of Mr. Richard (Dick) Mace to the Wisconsin River Rail Transit Commission. Mr. Mace has served on the WRRTC faithfully for a number of years and is enthusiastic to be reappointed to the commission. Should Mr. Mace's reappointment be approved, his term will expire May of 2025.

PF:kb

cc: Margaret Wartman
Matt Honer

1 RESOLUTION OPPOSING INSTALLATION OF SIDEWALKS ALONG THE
2 EAST RIGHT OF WAY OF CTH T (GRANDVIEW BLVD)
3
4

5 WHEREAS, Waukesha County has entered into an agreement with the Wisconsin Department of
6 Transportation (State Project No. 2714-04-00, County Capital Project #201805) to repave the
7 surface of County Trunk Highway T (Grandview Boulevard) between Northview Road and I-94 in
8 the City of Waukesha; and
9

10 WHEREAS, the Wisconsin Department of Transportation policy, in conformance with Federal
11 laws and policy, and Wisconsin Statutes, Section 84.01(35), requires that projects must give due
12 consideration to establishing bicycle accommodations and pedestrian facilities on all
13 modernization and most rehabilitation highway projects funded in whole or in part from state
14 or federal funds; and
15

16 WHEREAS, sidewalk facilities currently exist only on the west side of CTH T (Grandview
17 Boulevard) within the project limits; and
18

19 WHEREAS, due consideration has been given to including new sidewalk facilities along the
20 easterly side of CTH T, Grandview Boulevard, within the project limits; and
21

22 WHEREAS, due to the Waukesha County Grounds extending from Northview Road northerly to
23 Meadow Lane, there is limited demand for the sidewalk along the east side of the road. Retail
24 development only exists on the west side of CTH T (Grandview Boulevard) between Northview
25 Road and Meadow Lane and can be safely accessed by pedestrians using sidewalks on the west
26 side of the road; and
27

28 WHEREAS, the Waukesha County Grounds does not provide any public, pedestrian or other
29 facilities that would benefit from the addition of sidewalks in this location; and
30

31 WHEREAS, construction and maintenance of unnecessary sidewalk on the east side of the road
32 would be costly for the Waukesha County taxpayers; and
33

34 WHEREAS, the addition of sidewalks along the east side of CTH T (Grandview Boulevard)
35 adjacent to the Waukesha County Grounds would create undesirable results, including
36 proximity to an existing 15 foot deep wet pond, security concerns for the county facilities
37 including the emergency communications center, highway operations, and an unmanned
38 fueling site; and
39

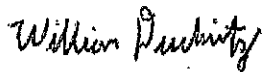
40 WHEREAS, this resolution is being submitted for consideration because the City of Waukesha is
41 requesting sidewalks along the eastern side of CTH T (Grandview Boulevard).
42

43 NOW, THEREFORE, BE IT RESOLVED that the Waukesha County Board of Supervisors opposes
44 the construction of new sidewalks on the east side of CTH T, Grandview Boulevard, from
45 Northview Road northerly to Meadow Lane in the City of Waukesha.

FISCAL NOTE

RESOLUTION OPPOSING INSTALLATION OF SIDEWALKS ALONG THE
EAST RIGHT OF WAY OF CTH T (GRANDVIEW BLVD)

Department management indicates that the City of Waukesha is requesting that Waukesha County include the installation of sidewalks along the eastern side of County Trunk Highway (CTH) T (Grandview Boulevard) as part of its project to rehabilitate CTH T between Northview Road and I-94 (project #201805) in 2023. The current project scope does not include the construction of sidewalks along the eastern portion of the road. Department management estimate that the city's request would add \$635,000 of costs to the project and require ongoing maintenance (e.g., repairs, snow removal).



William Duckwitz
Budget Manager
5/2/2022

1 AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CONTRACT WITH THE
2 HAMILTON SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES
3
4

5 WHEREAS, the Waukesha County Sheriff's Department provides school resource officer services
6 to the Hamilton School District; and
7

8 WHEREAS, the Hamilton School District and the Waukesha County Sheriff's Office have arrived
9 at a contractual agreement for the Sheriff's Department to continue to provide school resource
10 officer services to the Hamilton School District; and
11

12 WHEREAS, the length of the proposed contract encompasses three school years from
13 2022/2023 through 2024/2025 and requires the Sheriff's Office to provide one deputy to the
14 school district on student contact days and teacher in-service days when requested; and
15

16 WHEREAS, the proposed contract includes a provision to capture costs associated with
17 providing summer school should it be requested by the District.
18

19 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
20 contract for services on file with the Waukesha County Sheriff's Office to provide a school
21 resource officer to the Hamilton School District, beginning July 1, 2022 and ending August 15,
22 2025, is hereby approved and the Waukesha County Sheriff is authorized to execute the
23 contract.

FISCAL NOTE

AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CONTRACT WITH THE HAMILTON SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES

This ordinance authorizes the Waukesha County Sheriff's Office to continue to provide school resource officer services to the Hamilton School District. The contract will require the County to provide one deputy sheriff to the school district on student contact days and requested teacher in-service days. In addition, the contract allows for separate charge for summer school should the district request school resource officer coverage. The number of days billed to the district can be changed based on a mutual written agreement between the Waukesha County Sheriff's Department and the Hamilton School District. The actual charge will be based on the number of days of service provided and includes mileage. The daily rate charges will be adjusted annually to reflect the average cost of a deputy sheriff. The 2021-2022 school year charge was \$87,502.

The contract term will be from July 1, 2022 through August 15, 2025.

The 2022 Sheriff's Office Budget, as presented to the County Board, includes the continuation of the school resource officer contract in the Hamilton School District.

William Duckwitz

William Duckwitz
Budget Manager
4/26/2022

1 AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CONTRACT
2 WITH THE ARROWHEAD UNION HIGH SCHOOL DISTRICT TO PROVIDE
3 SCHOOL RESOURCE OFFICER SERVICES
4
5

6 WHEREAS, the Waukesha County Sheriff's Department provides school resource officer services
7 to the Arrowhead Union High School District; and
8

9 WHEREAS, the Arrowhead Union High School District and the Waukesha County Sheriff's Office
10 have arrived at a contractual agreement for the Sheriff's Department to continue to provide
11 school resource officer services to the Arrowhead Union High School District; and
12

13 WHEREAS, the length of the proposed contract encompasses three school years from
14 2022/2023 through 2024/2025 and requires the Sheriff's Office to provide one deputy to the
15 school district on student contact days and teacher in-service days when requested; and
16

17 WHEREAS, the proposed contract includes a provision to capture costs associated with
18 providing summer school should it be requested by the District.
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
21 contract for services on file with the Waukesha County Sheriff's Office to provide a school
22 resource officer to the Arrowhead Union High School District, beginning July 1, 2022 and ending
23 August 15, 2025, is hereby approved and the Waukesha County Sheriff is authorized to execute
24 the contract.

FISCAL NOTE

AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CONTRACT
WITH THE ARROWHEAD UNION HIGH SCHOOL DISTRICT TO PROVIDE
SCHOOL RESOURCE OFFICER SERVICES

This ordinance authorizes the Waukesha County Sheriff's Office to continue to provide school resource officer services to the Arrowhead Union High School District. The contract will require the County to provide one deputy sheriff to the school district on student contact days and requested teacher in-service days. In addition, the contract allows for separate charge for summer school should the district request school resource officer coverage. The number of days billed to the district can be changed based on a mutual written agreement between the Waukesha County Sheriff's Department and the Arrowhead Union High School District. The actual charge will be based on the number of days of service provided and includes mileage. The daily rate charge will be adjusted annually to reflect the average cost of a deputy sheriff. The 2021-2022 school year charge was \$86,841.

The contract term will be from July 1, 2022 through August 15, 2025.

The 2022 Sheriff's Office Budget, as presented to the County Board, includes the continuation of the school resource officer contract in the Arrowhead Union High School District.

William Duckwitz

William Duckwitz
Budget Manager
4/26/2022

1 AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S OFFICE TO CONTINUE
2 CONTRACTED POLICE SERVICES WITH THE TOWN OF LISBON
3
4

5 WHEREAS, the Waukesha County Sheriff's Office has provided municipal patrol coverage to the
6 Town of Lisbon since 2008; and
7

8 WHEREAS, the length of the proposed contract is a five year period and requires the Sheriff's
9 Office to provide three consecutive shifts of municipal patrol seven days a week; and
10

11 WHEREAS, the proposed contract includes a contribution from the Town of Lisbon to pay for
12 four hours of dedicated Waukesha County Sheriff's Office supervision from the existing
13 supervisor assigned to the Village of Sussex and the Village of Merton; and
14

15 WHEREAS, the proposed contract is a full cost recovery contract and will continue to be
16 calculated based on the department's adopted budget, with costs adjusted annually.
17

18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
19 contract for services on file with the Waukesha County Sheriff's Office to provide police services
20 to the Town of Lisbon, beginning January 1, 2023 and ending December 31, 2027, is hereby
21 approved and the Waukesha County Sheriff is authorized to execute the contract.
22

23 BE IT FURTHER ORDAINED that the County Board authorizes the Sheriff, if needed, to amend
24 the existing municipal patrol contracts regarding the number of hours of dedicated supervision
25 and costs that each municipality is willing to contribute towards, so long as these contracting
26 municipalities pay the total dedicated supervision hours and costs identified in the contracts.

FISCAL NOTE

AUTHORIZE THE WAUKESHA COUNTY SHERIFF'S OFFICE TO CONTINUE
CONTRACTED POLICE SERVICES WITH THE TOWN OF LISBON

This ordinance authorizes the Waukesha County Sheriff's Office to continue to provide police services to the Town of Lisbon. The Sheriff's Department has provided municipal patrol coverage to the Town since 2008. The negotiated contract will require the County to provide patrol coverage, along with necessary equipment for one deputy 24 hours a day (about 5.01 full-time equivalents (FTE's), factoring in training, benefit time, etc.) as well as dedicated supervision of four hours per week through a shared supervisor position. The contract charges for 2022 are \$765,287. In addition, the contract allows for separate charges for all overtime costs incurred from policing functions.

The Town of Lisbon will pay the County for the base service level in monthly installments based on the annual budgeted costs of supplying contract police services (with actual overtime charges reimbursed quarterly). Proportional charges for indirect costs are also included in the contract amount. Therefore, there is no direct tax levy impact. Charges will be adjusted annually to reflect the adopted budget. The contract term will be from January 1, 2023 through December 31, 2027.

William Duckwitz

William Duckwitz
Budget Manager
4/25/2022

1 ADOPT 2023 WAUKESHA DEPUTY SHERIFF'S LABOR UNION CONTRACT EXTENSION
2 AGREEMENT, PROVIDE A SALARY ADJUSTMENT FOR SWORN NON-REPRESENTED LAW
3 ENFORCEMENT SUPERVISORS, AND MODIFY THE 2022 SHERIFF'S DEPARTMENT BUDGET
4
5

6 WHEREAS, there has been increased turnover and difficulty attracting quality law enforcement
7 candidates; and
8

9 WHEREAS, Waukesha County Sheriff's Department employee turnover rates are exceeding the
10 County's capacity to attract and train employees in a timely manner; and
11

12 WHEREAS, many employers are facing the same tight labor market with low unemployment
13 rates; and
14

15 WHEREAS, the public safety workforce demographics indicate more people are leaving the
16 career than entering; and
17

18 WHEREAS, overall interest in law enforcement has been decreasing in recent years for multiple
19 reasons, including the pandemic and career perceptions; and
20

21 WHEREAS, extensive training, although incredibly important, has a limiting effect on the
22 availability of new recruits entering the profession; and
23

24 WHEREAS, Waukesha County has maintained wage levels in line with comparable counties, but
25 municipalities have typically paid higher wages for law enforcement; and
26

27 WHEREAS, in the past Waukesha County has been able to attract employees based on growth
28 opportunity and specialized training; and
29

30 WHEREAS, the tight labor market provides opportunities for existing experienced law
31 enforcement employees and new recruits to apply within municipalities that may meet their
32 specific interest and at a higher hourly wage rate; and
33

34 WHEREAS, the tight labor market and demographics have also affected city law enforcement
35 that has traditionally paid more than county sheriff employment, and additionally other
36 communities have either increased pay or created incentives; and
37

38 WHEREAS, Waukesha County and the Waukesha Deputy Sheriff's Labor Union (WDSLUI), which
39 represents both Deputy Sheriffs and Detectives, agree that it is in the best interests of the
40 parties for the County to extend the 2020-2022 collective bargaining agreement through
41 December 31, 2023 under the terms in the attached 2023 Contract Extension Agreement; and
42

43 WHEREAS, the terms of the extension include a \$3.00/hour increase in wages for all steps in the
44 Deputy Sheriff and Detective wage ranges, effective June 4, 2022, followed by a 2% increase for
45 2023 (effective December 31, 2022); and

46
47 WHEREAS, a \$3.00/hour salary adjustment for the sworn non-represented law enforcement
48 supervisors is appropriate at the same time to address internal salary compression that will
49 occur as a result of the Deputy Sheriff and Detective wage adjustments; and
50
51 WHEREAS, the impact of the \$3.00/hour wage increase for a partial-year in 2022 is \$810,000,
52 with an annualized net impact of about \$1.1 million; and
53
54 WHEREAS, the 2022 adopted budget did not anticipate the tight labor market and the need for
55 wage adjustments; and
56
57 WHEREAS, additional funding will be needed to cover the partial-year cost impact in 2022 and
58 to help phase-in tax levy support for these adjustments in future budgets; and
59
60 WHEREAS, in March 2021, the federal government approved legislation authorizing and funding
61 the American Rescue Plan Act (ARPA) allocating \$350 billion of direct aid to state and local
62 governments through the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) program;
63 and
64
65 WHEREAS, Waukesha County's CSLFRF allocation was accepted by the County Board during
66 2021 (Enrolled Ordinance 176-46) and is \$78.5 million, which must be spent or obligated by
67 December 31, 2024 and completed by December 31, 2026; and
68
69 WHEREAS, permissible uses of the grant funding include supporting public health; responding
70 to negative economic impacts from the public health emergency; public sector capacity and
71 administrative needs; premium pay for essential workers; investment in water, sewer, and
72 broadband infrastructure; and recovery of lost revenue to fund general government services;
73 and
74
75 WHEREAS, the wage adjustments specified in this ordinance would be eligible for ARPA-CSLFRF
76 funding through the public sector capacity provision that allows for reasonable increases in
77 compensation to encourage employee retention; and
78
79 WHEREAS, county administration will recommend, through the annual budget process, the use
80 of General Fund balance, or other grant sources as they become available, to continue phasing-
81 in the cost of these wage adjustments after the ARPA grant eligibility period has ended.
82
83 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
84 attached 2023 Contract Extension Agreement with Exhibit A and B be approved following
85 adoption of this ordinance:
86
87 1. A three dollar (\$3.00) per hour across-the-board wage increase for all Deputy Sheriffs
88 and Detectives effective 6/4/2022. The revised wage schedule is attached as Exhibit A.

- 89 2. An across-the-board increase of two percent (2.0%) will be applied to the Deputy Sheriff
90 and Detective 2022 rates of pay effective December 31, 2022. The 2023 wage schedule
91 is attached as Exhibit B.
92 3. The current collective bargaining agreement shall be extended from January 1, 2023
93 through December 31, 2023 except as provided above.
94

95 BE IT FURTHER ORDAINED that effective June 4, 2022, a three dollar (\$3.00) per hour salary
96 adjustment be applied to incumbent Lieutenants, Captains, Deputy Inspector and Inspector.
97

98 BE IT FURTHER ORDAINED that the 2022 Sheriff's Department budget be modified to increase
99 personnel costs by \$810,000 and increase general government revenues from the American
100 Rescue Plan Act – Coronavirus State and Local Fiscal Recover Fund program by \$810,000.

2023 CONTRACT EXTENSION AGREEMENT

Waukesha County ("County") and the Waukesha Deputy Sheriff's Labor Union ("WDSLUI") agree that it is in the best interests of the parties for the County to extend the 2020-2022 collective bargaining agreement through December 31, 2023 on the following terms:

1. The County agrees to implement a \$3.00 per hour across the board wage increase effective June 4, 2022 for all Deputy Sheriffs and Detectives. The revised wage schedule is attached as Exhibit A.
2. The County agrees to a 2% across the board increase effective December 31, 2022 for all Deputy Sheriffs and Detectives. The 2023 wage schedule is attached as Exhibit B.
3. The parties agree that any negotiations over transferring Deputy Sheriffs to work at the County Jail shall occur during the negotiations for the collective bargaining agreement commencing January 1, 2024. In all other respects, the Letter of Understanding between the parties remains in effect.
4. The current collective bargaining agreement shall be extended from January 1, 2023 through December 31, 2023 except as provided above.
5. The parties agree to commence negotiations for 2024 and subsequent years in the summer of 2023, consistent with past practice.
6. This Contract Extension Agreement is subject to the approval and the adoption of the County Board.

For Waukesha County:

For Waukesha Deputy Sheriff's Labor Union and Affected Employees:

By: _____

Date

By: _____

Date

Exhibit A

**WAGE SCHEDULE
EFFECTIVE JUNE 04, 2022
(\$3.00 per hour across the board wage increase)**

Job Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
Deputy Sheriff	\$31.89	\$33.23	\$34.34	\$35.00	\$36.59	\$37.76	\$40.75	Hourly
Detective	\$41.24	\$42.03	\$43.20					Hourly

Employees must work twelve (12) months in each step before being eligible for a merit increase to the next step except Deputy Sheriff time between Steps 1, 2, and 3 only is six (6) months.

Exhibit B

**WAGE SCHEDULE
EFFECTIVE DECEMBER 31, 2022
(2% across the board increase)**

Job Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
Deputy Sheriff	\$32.53	\$33.89	\$35.03	\$35.70	\$37.32	\$38.52	\$41.57	Hourly
Detective	\$42.06	\$42.87	\$44.06					Hourly

Employees must work twelve (12) months in each step before being eligible for a merit increase to the next step except Deputy Sheriff time between Steps 1, 2, and 3 only is six (6) months.

FISCAL NOTE

ADOPT 2023 WAUKESHA DEPUTY SHERIFF'S LABOR UNION CONTRACT EXTENSION AGREEMENT, PROVIDE A SALARY ADJUSTMENT FOR SWORN NON-REPRESENTED LAW ENFORCEMENT SUPERVISORS, AND MODIFY THE 2022 SHERIFF'S DEPARTMENT BUDGET

This ordinance approves an extension of an existing labor agreement between Waukesha County and the Waukesha Deputy Sheriff's Labor Union (WDSLUI), which covers Deputy Sheriffs and Detectives, from the end of 2022 to the end of 2023. The existing contract period had been from 2020 through 2022.

This ordinance also approves a \$3.00/hour increase in pay for all employees covered in WDSLUI, as well as all non-elected sworn officers, which includes Lieutenants, Captains, the Deputy Inspector, and the Inspector. The pay increase would go into effect for the pay period beginning June 4, 2022.

The pay increase is being proposed to help improve retention and recruitment of Deputy Sheriff positions. The Sheriff's Department is currently experiencing significant vacancy levels with these positions. This includes the loss of newer employees, in whom the county has invested training, and with more experienced employees. There are a number of reasons for the increase in vacancies, including fewer people entering this field and competition from other local governments for police officer positions. The county provides wages that are in-line with comparable counties (see tables below), but municipalities have typically paid more for police services. Previously, the county had been able to maintain recruitment by offering opportunities for growth and specialized training. In addition, the labor market has become increasingly competitive, with decreasing unemployment rates following the impact of the pandemic, which is likely to increase wages provided by competitor agencies and make employment in other fields more attractive.

Below, are tables displaying the hourly wages for Waukesha County Deputy Sheriffs versus comparable counties and nearby municipalities before and after the \$3.00/hour increase. Waukesha County currently ranks near the middle of pay levels among other counties (according to maximum wage rate), but ranks last compared to nearby municipalities that have been surveyed. The \$3.00/hour pay adjustment would move Waukesha County up to be more within the range of what municipalities offer.

Comparison of Police Officer/Deputy Sheriff Wage Rates: Before and After \$3.00/Hour Adjustment

2022 Counties	Years to Max	Min Rate	Max Rate	
Waukesha County - \$3/hr incr	5	\$ 31.89	\$ 40.75	Proposed
Ozaukee	6	\$ 30.87	\$ 38.66	
Washington	6	\$ 29.67	\$ 38.51	
Racine	9	\$ 27.73	\$ 38.25	
Waukesha County - Current	5	\$ 28.89	\$ 37.75	Current
Dodge (a)	4.5	\$ 32.15	\$ 35.56	
Jefferson	3.5	\$ 28.70	\$ 32.69	

2022 Municipalities with Waukesha County for Comparison	Years to Max	Min Rate	Max Rate	
Chenequa (b)	N/A	\$ 37.46	\$ 43.21	Proposed
Brookfield, City of	4	\$ 32.33	\$ 43.15	
New Berlin (a) (c)	4	\$ 28.58	\$ 42.90	
Hartland (a)	4	\$ 31.35	\$ 42.81	
Elm Grove (c)	3	\$ 32.78	\$ 41.80	
Menomonee Falls	3	\$ 34.17	\$ 41.33	
Waukesha County - \$3/hr incr	5	\$ 31.89	\$ 40.75	
Waukesha, City of (c)	4	\$ 31.91	\$ 40.00	
Oconomowoc, City of	4	\$ 31.54	\$ 39.69	
Muskego (c)	5	\$ 29.64	\$ 38.76	
Waukesha County - Current	5	\$ 28.89	\$ 37.75	

(a) Sworn officer recruits are paid at lower rate until certified.

(b) Starting wage reflects police officer, and top wage reflects master patrol officer.

(c) Includes across-the-board (ATB) increases mid-year. Minimum rate reflects earlier wage before ATB, and maximum rate reflects later wage after ATB.

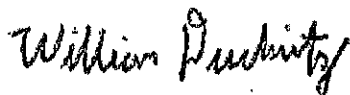
The \$3.00/hour increase is being applied to all non-elected sworn officers, not just the members of the WDSLU, to prevent wage compression issues. The sworn officer classifications are hierarchical, and the proposed pay adjustment is applied uniformly to help maintain a consistent difference in compensation levels from one position to the next. This is done to encourage qualified individuals to seek promotion to higher classifications that require more experience and responsibility. This ordinance affects a total of 176 budgeted positions.

The partial-year impact of the \$3.00/hour wage increase in 2022 is estimated to cost \$810,000, with an annualized impact of approximately \$1.4 million. These costs include wages, overtime, and the impact of FICA and Wisconsin Retirement System pension contributions. The total cost impact will be partially offset by municipal funding for sunset patrol contract positions and other revenues. Based on existing contracts, approximately \$317,000 of the annual costs would be offset by additional revenues, leaving a net annual ongoing cost impact to the county of about \$1.1 million. It should be noted that cost recovery through the municipal patrol contracts is based on the adopted budget, so this cost increase for the remainder for 2022 would need to be absorbed by the county, estimated at \$182,000 of the \$810,000 in total costs. Going forward,

the Sheriff's Department will need to review the cost increases with municipalities, who will need to decide whether to continue purchasing patrol services at the current levels.

Tax levy support for the net \$1.1 million ongoing operating impact from the \$3.00/hour pay adjustment would need to be phased-in over multiple years. This proposal includes the use of \$810,000 of American Rescue Plan Act (ARPA) funding to cover the current-year impact of the pay increase, and assumes the use of ARPA funds to gradually phase-in tax levy support. After the ARPA grant eligibility period has ended, General Fund balance would be applied to continue the phase-in. The number of years needed to phase-in tax levy support will depend upon multiple factors, including the levy limit growth factor (net new construction) and other budget priorities. This phase-in approach is similar to how the county has addressed other new cost impacts in the past, including hiring additional telecommunicators when new municipalities join county dispatch. The use of ARPA funding is eligible through the "public sector capacity" provision that allows for reasonable increases in compensation to encourage employee retention. ARPA funding must be spent or obligated by December 31, 2024 and completed by December 31, 2026.

This ordinance also approves an across-the-board pay increase for Deputy Sheriffs and Detectives of 2% for 2023 for the one-year extension of the WDSLUI contract. The total cost impact for 2023 is estimated at about \$316,000, with tax levy impact of \$242,000 after applying offsetting municipal patrol contract and other revenues (discussed previously) of \$74,000. The across-the-board increase for the non-represented sworn officers will be included in the non-represented compensation ordinance considered by the County Board later in the year. Similar to previous years, the impacts of these across-the-board adjustment will need to be covered within the department's 2023 tax levy target.



William Duckwitz
Budget Manager
5/4/2022
JE# 2022-00002946

1 MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES – PUBLIC HEALTH DIVISION
2 2022 BUDGET TO ACCEPT FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION COVID-
3 19 CRISIS RESPONSE WORKFORCE DEVELOPMENT GRANT FUNDS PROVIDED BY THE WISCONSIN
4 DEPARTMENT OF HEALTH SERVICES AND APPROPRIATE ADDITIONAL EXPENDITURES
5
6

7 WHEREAS, in December 2019, a novel strain of the coronavirus, now named Coronavirus
8 Disease 2019 (COVID-19), was detected, and has spread throughout the United States; and
9

10 WHEREAS, the pandemic presented significant strain on the public health workforce since the
11 initial outbreak, with the public health workforce focusing their efforts to contain the spread of
12 the disease through contact tracing and disease investigation, and COVID-19 mitigation and
13 prevention activities; and
14

15 WHEREAS, in 2021, the Waukesha County Department of Health and Humans Services – Public
16 Health Division managed 40,501 COVID-19 cases, investigated 753 COVID-19 outbreaks,
17 administered 38,088 COVID-19 vaccines, and received 12,739 phone calls through the COVID-19
18 call center; and
19

20 WHEREAS, in February 2022, public health experts at the state and national levels recognized
21 the country entering a new phase in the COVID-19 pandemic, and the Wisconsin Department of
22 Health Services recommended public health departments prioritize staffing and other available
23 resources on activities that yield the greatest impact in terms of preventing severe COVID-19
24 disease; and
25

26 WHEREAS, the Wisconsin Department of Health Services made COVID-19 Crisis Response
27 Workforce Development grant funds of \$435,600 from the federal Centers for Disease Control
28 and Prevention available to the Waukesha County Department of Health and Human Services –
29 Public Health Division to expand, train, and sustain the public health workforce to support
30 COVID-19 prevention, preparedness, response and recovery initiatives through June 2023; and
31

32 WHEREAS, the Waukesha County Department of Health and Human Services – Public Health
33 Division will utilize the grant funding to expand, train, and sustain a highly skilled, culturally
34 competent workforce through organizational effectiveness and quality improvement planning,
35 programmatic training and development, and COVID-19 recovery initiatives; and
36

37 WHEREAS, this ordinance appropriates additional expenditures for items not currently in the
38 2022 budget such as training and equipment, with remaining grant funds eligible to cover staff
39 time spent during programmatic training and related management expenses, which are already
40 included in the base budget.
41

42 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
43 that the Waukesha County Department of Health and Human Services is authorized to accept
44 the COVID-19 Crisis Response Workforce Development grant funds of \$435,600 from the

45 federal Centers for Disease Control and Prevention provided by the Wisconsin Department of
46 Health Services.

47

48 BE IT FURTHER ORDAINED that the 2022 Waukesha County Department of Health and Human
49 Services – Public Health Division budget be modified to increase operating expenses by
50 \$94,355, fixed assets by \$16,070, interdepartmental charges by \$15,246 and general
51 government revenue by \$125,671 to expand, train, and sustain the public health workforce to
52 support COVID-19 prevention, preparedness, response, and recovery initiatives.

FISCAL NOTE

MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES 2022 BUDGET TO ACCEPT
FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION COVID-19 CRISIS RESPONSE
WORKFORCE DEVELOPMENT GRANT FUNDS PROVIDED BY THE WISCONSIN DEPARTMENT OF
HEALTH SERVICES AND APPROPRIATE ADDITIONAL EXPENDITURE AUTHORITY

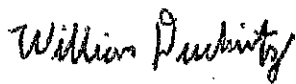
This ordinance authorizes the Department of Health and Human Services (HHS) to accept the COVID-19 Crisis Response Workforce Grant of \$435,600 and modifies the 2022 budget to appropriate \$125,671 of additional expenditure authority and increase general government revenue of \$125,671. The COVID-19 Crisis Response Workforce Grant can be used to evaluate organizational effectiveness, provide programmatic training, and purchase supplies and equipment to support COVID-19 prevention, preparedness, response, and recovery initiatives. The grant period is through June 30, 2023.

The ordinance appropriates \$125,671 for 2022, as described in the table below.

Appropriation Unit	Description	Amount
Included in this Ordinance		
Operating	Training, Travel, and Consulting	\$77,215
Operating	Laptop & Software	\$13,300
Operating	Office/Training Supplies & Other	\$3,840
Fixed Assets	Replace Fit Testing Machine (N-95 Masks)	\$16,070
Interdepartmental	Indirect Cost Recovery	\$15,246
Subtotal		\$125,671
Not Included in this Ordinance - Expenses Already in Budget/Planned for Future Budgets		
Multiple	Staff Time for Training, Grant Mgmt./ Future Budget Amounts	\$309,929
TOTAL GRANT		\$435,600

Approximately \$310,000 of this grant is not included in the ordinance and is meant to reimburse existing staff time participating in training and performing grant management through the life of the grant, which is already included in the base budget. Some of the remaining funds may also be included to continue grant objectives in the 2023 budget request.

This ordinance does not result in a direct tax levy impact.



William Duckwitz
Budget Manager
4/26/2022
MC JE# 2022-00001867

1 MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES – PUBLIC HEALTH DIVISION
2 2022 BUDGET TO ACCEPT FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION
3 IMMUNIZATION COVID-19 SUPPLEMENTAL GRANT FUNDS PROVIDED BY THE WISCONSIN
4 DEPARTMENT OF HEALTH SERVICES AND APPROPRIATE ADDITIONAL EXPENDITURES
5
6

7 WHEREAS, in December 2019, a novel strain of the coronavirus, now named Coronavirus
8 Disease 2019 (COVID-19), was detected, and has spread throughout the United States; and
9

10 WHEREAS, the pandemic has presented additional strains since the initial outbreak, which has
11 resulted in continued public health surveillance and costs; and
12

13 WHEREAS, in 2021, the Waukesha County Department of Health and Humans Services – Public
14 Health Division managed 40,501 COVID-19 cases, investigated 753 COVID-19 outbreaks,
15 administered 38,088 COVID-19 vaccines, and received 12,739 phone calls through the COVID-19
16 call center; and
17

18 WHEREAS, the Wisconsin Department of Health Services made Immunization COVID-19
19 Supplemental grant funds available of \$530,700 from the federal Centers for Disease Control
20 and Prevention to the Waukesha County Department of Health and Human Services – Public
21 Health Division to provide the COVID-19 vaccine to underserved or under-vaccinated
22 communities through June 2024; and
23

24 WHEREAS, the Department of Health and Human Services – Public Health Division will utilize
25 the grant funding in 2022, with the remaining grant funds to be allocated through the 2023 and
26 2024 budget processes, to reduce barriers and increase accessibility to underserved or under-
27 vaccinated communities by providing communications and marketing and purchasing allowable
28 immunization supplies; and
29

30 WHEREAS, this ordinance appropriates additional expenditures for items not currently in the
31 2022 budget, with remaining grant funds eligible to cover staff time dedicated to public
32 communication, which are already included in the base budget.
33

34 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
35 that the Waukesha County Department of Health and Human Services – Public Health Division
36 is authorized to accept \$530,700 of the Immunization COVID-19 Supplemental Grant funds
37 from the federal Centers for Disease Control and Prevention provided by the Wisconsin
38 Department of Health Services.
39

40 BE IT FURTHER ORDAINED that the 2022 Waukesha County Department of Health and Human
41 Services – Public Health Division budget be modified to increase operating expenses by
42 \$110,000, interdepartmental charges by \$9,287, and general government revenue by \$119,287
43 to provide COVID-19 vaccine to underserved or under-vaccinated communities.

FISCAL NOTE

MODIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES – PUBLIC HEALTH DIVISION
2022 BUDGET TO ACCEPT FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION
IMMUNIZATION COVID-19 SUPPLEMENTAL GRANT FUNDS PROVIDED BY THE WISCONSIN
DEPARTMENT OF HEALTH SERVICES AND APPROPRIATE ADDITIONAL EXPENDITURES

This ordinance authorizes the Department of Health and Human Services (HHS) to accept the Immunization COVID-19 Supplemental Grant of \$530,700 and modifies the 2022 Public Health budget to appropriate \$119,287 of additional expenditure authority in the Public Health Division and increase general government revenue of \$119,287. The Immunization COVID-19 Supplemental Grant will be used to provide the COVID-19 vaccine to underserved or under-vaccinated communities. The grant period is through June 30, 2024.

The ordinance appropriates \$119,287 for 2022, as described in the table below.

Appropriation Unit	Description	Amount
Included in this Ordinance		
Operating	Marketing & Community Outreach	\$90,000
Operating	Two Freezers and One Refrigerator	\$15,000
Operating	Medical Supplies	\$5,000
Interdepartmental	Indirect Cost Recovery	\$9,287
Subtotal		\$119,287
Not Included in this Ordinance - Expenses Already in Budget/Planned for Future Budgets		
Multiple	Staff Time for Public Communication & Grant Mgmt./ Future Budget Amounts	\$411,413
TOTAL 2022 GRANT APPROPRIATION		\$530,700

The remaining, unappropriated portion of this grant (\$411,400) will be used, in part, to reimburse existing staff time dedicated to public communication efforts and performing grant management through the life of the grant, which is already included in the base budget. Some of the remaining funds may also be included to continue grant objectives in the 2023 and 2024 budget requests.

This ordinance does not result in a direct tax levy impact.

William Duckwitz

William Duckwitz

Budget Manager

5/2/2022

MC JE# 2022-00001872

Referred on: 05/05/22	File Number: 177-O-018	Referred to: HS – FI
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1 AUTHORIZING THE SALE OF \$11,300,000 GENERAL
2 OBLIGATION PROMISSORY NOTES, SERIES 2022A
3
4

5 WHEREAS on February 22, 2022, the County Board of Supervisors of Waukesha County,
6 Wisconsin (the "County") adopted an ordinance authorizing the issuance of general obligation
7 promissory notes pursuant to Ch. 67, Wis. Stats., in an amount not to exceed \$11,300,000 for
8 the public purpose of paying the cost of capital projects included in the County's 2022 Capital
9 Projects Expenditure Plan consisting of justice and law enforcement projects; public works
10 projects; parks, environment, education and land use projects; and vehicle replacement
11 projects; and
12

13 WHEREAS the County Board of Supervisors deems it necessary and in the best interest of the
14 County that the general obligation promissory notes authorized by such ordinance now be
15 issued, upon the terms and conditions hereinafter provided; and
16

17 WHEREAS the County has duly received bids for its proposed issue of General Obligation
18 Promissory Notes, Series 2022A (the "Notes"); and
19

20 WHEREAS it has been determined that the best bid received was that submitted
21 by _____ (the "Purchaser");
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that:
24

25 Section 1. Award. The bid of the Purchaser for the purchase price of \$_____ be and it
26 hereby is accepted and the Chairperson and County Clerk are authorized and directed to
27 execute an acceptance of the offer of the Purchaser on behalf of the County. The good faith
28 deposit of the Purchaser shall be retained by the County Treasurer until the closing of the note
29 issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly
30 returned.
31

32 Section 2. The Notes. The Chairperson and County Clerk shall make, execute and deliver the
33 Notes to the Purchaser, for and on behalf of the County. The Notes shall be negotiable, general
34 obligation promissory notes of the County, registered as to both principal and interest, in the
35 denomination of Five Thousand Dollars (\$5,000) each or whole multiples thereof, numbered
36 from R-1 upward and dated their date of issuance. The Notes shall mature on April 1 of each of
37 the years and shall bear interest at the rates per annum as follows:
38

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2023	\$1,150,000	____%
2024	1,160,000	____
2025	1,160,000	____
2026	1,160,000	____
2027	1,160,000	____

	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
46			
47			
48	2028	1,260,000	___%
49	2029	1,350,000	___
50	2030	\$1,300,000	___
51	2031	1,100,000	___
52	2032	500,000	___
53			

54 Interest on the Notes shall be payable on April 1 and October 1 of each year, commencing
55 October 1, 2022.

56
57 At the option of the County, the Notes maturing on April 1, 2030 and thereafter shall be subject
58 to redemption prior to maturity on April 1, 2029 or on any date thereafter. Said Notes shall be
59 redeemable as a whole or in part, and if in part, from maturities selected by the County and
60 within each maturity by lot, at the principal amount thereof, plus accrued interest to the date
61 of redemption.

62
63 Section 3. Form of Notes. The Notes shall be in substantially the form on file in the County
64 Clerk's office.

65
66 Section 4. Tax Provisions.

67 (a) *Direct, Annual Irrepealable Tax.* For the purpose of paying the principal of
68 and interest on the Notes as the same become due, the full faith, credit and
69 resources of the County are hereby irrevocably pledged and there be and there
70 hereby is levied on all the taxable property in the County a direct, annual,
71 irrepealable tax in an amount and at the times sufficient for said purpose; such
72 tax is levied in the following years and in the following minimum amounts:

	<u>Year of Levy</u>	<u>Amount</u>
74		
75		
76	2022	\$_____
77	2023	_____
78	2024	_____
79	2025	_____
80	2026	_____
81	2027	_____
82	2028	_____
83	2029	_____
84	2030	_____
85	2031	_____
86		

87 (b) *Tax Collection.* The County shall be and continue without power to repeal
88 such levy or obstruct the collection of said tax until all such payments have been
89 made or provided for. After the issuance of the Notes, said tax shall be, from
90 year to year, carried into the tax rolls of the County and collected as other taxes

91 are collected, provided that the amount of tax carried into said tax rolls may be
92 reduced in any year by the amount of any surplus money in the Debt Service
93 Account created in Section 5(A) hereof.
94

95 (c) *Additional Funds.* If at any time there shall be on hand insufficient funds
96 from the aforesaid tax levy to meet principal and/or interest payments on said
97 Notes when due, the requisite amounts shall be paid from other funds of the
98 County then available, which sums shall be replaced upon the collection of the
99 taxes herein levied.
100

101 (d) *Appropriation.* There be and there hereby is appropriated from the premium
102 received by the County with respect to the Notes or other funds of the County
103 on hand the sum of \$_____ to be deposited in the Debt Service Account which
104 amount will be used to meet payments with respect to debt service due on
105 October 1, 2022.
106

107 Section 5. Debt Service Fund and Account.

108 (a) *Creation and Deposits.* Within the debt service fund previously established in
109 the treasury of the County, there be and there hereby is established a separate
110 and distinct account designated as the "Debt Service Account for \$11,300,000
111 General Obligation Promissory Notes, Series 2022A" (the "Debt Service
112 Account") and such account shall be maintained until the indebtedness
113 evidenced by the Notes is fully paid or otherwise extinguished. The County
114 Treasurer shall deposit in such Debt Service Account (i) all accrued interest
115 received by the County at the time of delivery of and payment for the Notes; (ii)
116 the taxes herein levied for the specific purpose of meeting principal of and
117 interest on the Notes when due; (iii) such other sums as may be necessary at any
118 time to pay principal of and interest on the Notes when due; (iv) any premium
119 which may be received by the County above the par value of the Notes and
120 accrued interest thereon; (v) surplus monies in the Borrowed Money Fund as
121 specified in Section 6 hereof; and (vi) such further deposits as may be required
122 by Sec. 67.11, Wis. Stats.
123

124 (b) *Use and Investment.* No money shall be withdrawn from the Debt Service
125 Account and appropriated for any purpose other than the payment of principal
126 of and interest on the Notes until all such principal and interest has been paid in
127 full and canceled; provided (i) the funds to provide for each payment of principal
128 of and interest on the Notes prior to the scheduled receipt of taxes from the
129 next succeeding tax collection may be invested in direct obligations of the United
130 States of America maturing in time to make such payments when they are due or
131 in other investments permitted by law; and (ii) any funds over and above the
132 amount of such principal and interest payments on the Notes may be used to
133 reduce the next succeeding tax levy, or may, at the option of the County, be
134 invested by purchasing the Notes as permitted by and subject to Section
135 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of

136 America, in other obligations of the County or in other investments permitted by
137 law, which investments shall continue to be a part of the Debt Service Account.
138

139 (c) *Remaining Monies.* When all of the Notes have been paid in full and
140 canceled, and all permitted investments disposed of, any money remaining in
141 the Debt Service Account shall be deposited in the general fund of the County,
142 unless the County Board of Supervisors directs otherwise.
143

144 Section 6. Proceeds of the Notes. All monies received by the County upon the delivery of the
145 Notes to the Purchaser, except for any premium and accrued interest, shall be deposited by the
146 County Treasurer into a special fund (the "Borrowed Money Fund") which shall be maintained
147 separate and distinct from all other funds of the County and shall be used for no purpose other
148 than the purposes for which the Notes are issued. In no event shall monies in the Borrowed
149 Money Fund be used to fund operating expenses of the general fund of the County or of any
150 special revenue fund of the County that is supported by property taxes. Monies in the
151 Borrowed Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wis.
152 Stats. Any monies, including any income from permitted investments, remaining in the
153 Borrowed Money Fund after the purposes for which the Notes have been issued have been
154 accomplished, and, at any time, any monies as are not needed and which obviously thereafter
155 cannot be needed for such purposes shall be deposited in the Debt Service Account.
156

157 Section 7. No Arbitrage. All investments permitted by this ordinance shall be legal
158 investments, but no such investment shall be made in such a manner as would cause the Notes
159 to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of
160 1986, as amended (the "Code"), or the Regulations of the Commissioner of Internal Revenue
161 thereunder (the "Regulations"); and an officer of the County, charged with the responsibility for
162 issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable
163 expectations in existence on the date of closing which will permit the conclusion that the Notes
164 are not "arbitrage bonds," within the meaning of the Code or Regulations.
165

166 Section 8. Payment of the Notes. The principal of and interest on the Notes shall be paid by
167 the County Treasurer.
168

169 Section 9. Persons Treated as Owners; Transfer of Notes. The County Clerk shall keep books
170 for the registration and for the transfer of the Notes. The person in whose name any Note shall
171 be registered shall be deemed and regarded as the absolute owner thereof for all purposes and
172 payment of either principal or interest on any Note shall be made only to the registered owner
173 thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon
174 such Note to the extent of the sum or sums so paid.
175

176 Any Note may be transferred by the registered owner thereof by surrender of the Note at the
177 office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment
178 duly executed by the registered owner or his attorney duly authorized in writing. Upon such
179 transfer, the Chairperson and County Clerk shall execute and deliver in the name of the
180 transferee or transferees a new Note or Notes of a like aggregate principal amount, series and

181 maturity, and the County Clerk shall record the name of each transferee in the registration
182 book. No registration shall be made to bearer. The County Clerk shall cancel any Note
183 surrendered for transfer.
184

185 The County shall cooperate in any such transfer, and the Chairperson and County Clerk are
186 authorized to execute any new Note or Notes necessary to effect any such transfer.
187 The fifteenth day of the calendar month next preceding each interest payment date shall be the
188 record dates for the Notes. Payment of interest on the Notes on any interest payment date
189 shall be made to the registered owners of the Notes as they appear on the registration book of
190 the County at the close of business on the corresponding record date.
191

192 Section 10. Compliance with Federal Tax Laws.

193 (a) The County represents and covenants that the projects financed by the Notes and
194 the ownership, management and use of the projects will not cause the Notes to be
195 "private activity bonds" within the meaning of Section 141 of the Code. The County
196 further covenants that it shall comply with the provisions of the Code to the extent
197 necessary to maintain the tax-exempt status of the interest on the Notes including, if
198 applicable, the rebate requirements of Section 148(f) of the Code. The County further
199 covenants that it will not take any action, omit to take any action or permit the taking or
200 omission of any action within its control (including, without limitation, making or
201 permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take
202 such action would cause any of the Notes to be an arbitrage bond or a private activity
203 bond within the meaning of the Code or would otherwise cause interest on the Notes to
204 be included in the gross income of the recipients thereof for federal income tax
205 purposes. The County Clerk or other officer of the County charged with the
206 responsibility of issuing the Notes shall provide an appropriate certificate of the County
207 certifying that the County can and covenanting that it will comply with the provisions of
208 the Code and Regulations.
209

210 (b) The County also covenants to use its best efforts to meet the requirements and
211 restrictions of any different or additional federal legislation which may be made
212 applicable to the Notes provided that in meeting such requirements the County will do
213 so only to the extent consistent with the proceedings authorizing the Notes and the
214 laws of Wisconsin and to the extent that there is a reasonable period of time in which to
215 comply.
216

217 Section 11. Utilization of The Depository Trust Company Book-Entry-Only System. In order to
218 make the Notes eligible for the services provided by The Depository Trust Company, New York,
219 New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer
220 Letter of Representations, which the County Clerk or other authorized representative of the
221 County is authorized and directed to execute and deliver to DTC on behalf of the County to the
222 extent an effective Blanket Issuer Letter of Representations is not presently on file in the
223 County Clerk's office.
224

225 Section 12. Ratification and Approval of Official Notice of Sale and Official Statement.

226 (a) The Official Notice of Sale with respect to the Notes, which is on file in the County
227 Clerk's office, is ratified and approved. In addition, all actions taken by any committee
228 of the County Board, by the officers and employees of the County and by the County's
229 municipal advisor, Robert W. Baird & Co. Incorporated, in connection with the offering
230 and sale of the Notes are ratified and approved.
231

232 (b) The County Board of Supervisors hereby approves the Preliminary Official Statement
233 with respect to the Notes and deems the Preliminary Official Statement as "final" as of
234 its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange
235 Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All
236 actions taken by officers of the County in connection with the preparation of such
237 Preliminary Official Statement and any addenda to it or Final Official Statement are
238 hereby ratified and approved. In connection with the Closing, the appropriate County
239 official shall certify the Preliminary Official Statement and any addenda or Final Official
240 Statement. The County Clerk shall cause copies of the Preliminary Official Statement
241 and any addenda or Final Official Statement to be distributed to the Purchaser.
242

243 Section 13. Undertaking to Provide Continuing Disclosure. The County covenants and agrees,
244 for the benefit of the holders of the Notes, to enter into a written undertaking (the
245 "Undertaking") if required by the Rule to provide continuing disclosure of certain financial
246 information and operating data and timely notices of the occurrence of certain events in
247 accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or
248 by the original purchaser(s) of the Notes on behalf of such holders (provided that the rights of
249 the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to obtain
250 specific performance of the obligations thereunder and any failure by the County to comply
251 with the provisions of the Undertaking shall not be an event of default with respect to the
252 Notes).
253

254 The County Clerk, or other officer of the County charged with the responsibility for issuing the
255 Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of
256 proceedings, setting forth the details and terms of the County's Undertaking.
257

258 Section 14. Records. The County Clerk shall provide and keep a separate record book and shall
259 record a full and correct statement of every step or proceeding had or taken in the course of
260 authorizing and issuing these Notes.
261

262 Section 15. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in
263 printed form, executed on behalf of the County by the manual or facsimile signatures of the
264 Chairperson and County Clerk, authenticated, if required, sealed with its official or corporate
265 seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County
266 of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The
267 facsimile signature of either of the officers executing the Notes may be imprinted on the Notes
268 in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal
269 agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be
270 a manual signature. In the event that either of the officers whose signatures appear on the

271 Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be
272 valid and sufficient for all purposes to the same extent as if they had remained in office until
273 the Closing. The aforesaid officers are hereby authorized and directed to do all acts and
274 execute and deliver the Notes and all such documents, certificates and acknowledgements as
275 may be necessary and convenient to effectuate the Closing. The County hereby authorizes the
276 officers and agents of the County to enter into, on its behalf, agreements and contracts in
277 conjunction with the Notes, including but not limited to agreements and contracts for legal,
278 trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any
279 such contract heretofore entered into in conjunction with the issuance of the Notes is hereby
280 ratified and approved in all respects.

281
282 Section 16. Effect of Ordinance. This action by the County Board of Supervisors is taken
283 pursuant to Section 67.12(12), Wis. Stats., and is intended to constitute a "resolution" for
284 purposes of that section.