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

File No.	Rec/Ref:	To:	Title
176-O-097	12/01/21	HR	ORD: Approve 2022 Salary Range Adjustment For Seasonal And
170 0 037	12/02/21	FI	Temporary Classifications And Broaden The Pay Ranges For Certain
	12/02/21	' '	Seasonal Classifications
176-0-098	12/01/21	HR	ORD: Approve 2022 Salary Range Adjustment To The Non-Represented
170 0 050	12/02/21	FI	2021 Salary Ranges And Modify The Medical Salary Ranges
176-O-099	11/24/21	СВ	ORD: Approve Compromise Settlement For Worker's Compensation
2.000	12/02/21		Case Entitled Bryan Bindel vs. County Of Waukesha
176-O-100	12/01/21	СВ	ORD: Approve Settlement Agreements With Certain Opioid Distributors
	12/02/21		And Manufacturers And Approve Attorney General And Local
	, , ,		Government Allocation Agreements
176-0-101	12/03/21	LU	ORD: Reauthorization Of Property Assessed Clean Energy (PACE)
170 0 101	12/05/21		Financing Loan Program And Participation In Pace Commission
176-R-006		111	
176-8-006	01/04/22	LU	RES: Approve The Waukesha County Land And Water Resource
176-O-102	01/06/22 01/04/22	EX	Management Plan: 2022 Update
176-0-102	01/04/22	EX	ORD: Create Waukesha County Naming Rights And Sponsorship Policy,
	01/00/22		Amend County Donation Policy And Amend The Text Of The Code Of Ordinances
176-A-025	01/04/22	EX	APPT: Richard Morris to the Wisconsin River Rail Transit Commission
170-A-025	01/04/22	LA	AFFI. Nichard Morris to the Wisconsin River Rail Transit Commission
176-A-026	01/00/22	EX	APPT: Karl Nilson to the Wisconsin River Rail Transit Commission
170 A 020	01/04/22		ATT. Rail Wison to the Wisconsin River Rail Transit Commission
176-A-027	01/05/22	EX	APPT: Betsy Forrest to the Bridges Library Board
2.002.	01/06/22		7.1.1.1. Detay Forrest to the Bridges Library Board
176-0-103	01/05/22	JU	ORD: Modify The 2022 Department Of Emergency Preparedness Budget
	01/06/22	HR	To Create 1.00 FTE Programs And Projects Analyst Position And Unfund
	, ,	F1	One Regular Full-Time Telecommunicator Position
176-O-104	01/05/22	JU	ORD: Modify The 2022 District Attorney's Budget To Accept The Bureau
	01/06/22	FI	Of Justice Administration Smart Prosecution Grant, Appropriate Grant
			Expenditures And Create One Regular Part-Time Grant Funded Sunset
			Position
176-0-105	02/01/22	LU	ORD: Amend The District Zoning Map Of The Waukesha County
	02/03/22		Shoreland And Floodland Protection Ordinance And The Waukesha
	, ,		County Zoning Code For The Town Of Ottawa By Rezoning Certain Lands
		ļ	Located In Part Of The S ½ Of Section 5, T6N, R17E, Town Of Ottawa,
			Waukesha County, Wisconsin, From The FLP Farmland Preservation And
			FLC Farmland Conservancy Districts To The R-1 Residential, HG High
			Groundwater, C-1 Conservancy Overlay And EC Environmental Corridor
			Overlay Districts (RZ90)
176-0-106	02/01/22	LU	ORD: Amend The Text Of The Town Of Mukwonago Zoning Code By
	02/03/22		Repealing And Recreating Appendix B (13.12) Of Chapter 36, Relating To
		L	The Development Requirements For Federal Firearms Licenses (RZ92)

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

File No.	Rec/Ref:	To:	Title
176-O-107	02/01/22	LU	ORD: Amend The District Zoning Map Of The Town Of Lisbon Zoning
	02/03/22		Code By Conditionally Rezoning Certain Lands Located In Part Of The
			NW ¼ Of Section 15, T8N, R19E, Town Of Lisbon, Waukesha County,
			Wisconsin, From The A-5 Mini Farm District To The R-1 Suburban Single
			Family Residential District And From The R-1 Suburban Single Family
			Residential District To The A-5 Mini Farm District (RZ93)
176-R-007	02/02/22	LU	RES: Authorizing Resolution For Participation In The Department Of
	02/03/22	FI	Natural Resources Municipal Dam Grant Program
175-O-108	02/02/22	PW	ORD: Laying Out, Relocation And Improvement Of County Trunk
	02/03/22		Highway O, W. Beloit Road (CTH I) To National Ave. (CHT ES), Project I.D. 2722-07-22
176-0-109	02/02/22	EX	ORD: Modify The 2022-2026 Capital Plan And 2022 Capital Project
	02/03/22	PW	Budget To Appropriate Design Funding In 2022 For Capital Project
		FI	#202013 CTH O, CTH D To STH 59 Rehabilitation And Decrease Funding
			In 2022 For Capital Project #202012 CTH X, West High Drive Intersection
176-O-110	02/02/22	EX	ORD: Modify The 2022-2026 Capital Plan And 2022 Budget For Capital
	02/03/22	LU	Project 201807, Pewaukee To Brookfield Trail Construction
		Fi	, and the second
176-0-111	02/02/22	JU	ORD: Modify 2022 Department Of Emergency Preparedness-Radio
	02/03/22	FI	Services Division Budget For Replacement Radio Batteries And Related
			Accessories
176-0-112	02/03/22	HS	ORD: Authorize The Department Of Health And Human Services To
	02/03/22	FI	Accept A Cash Donation Of \$34,000, Authorize The Placement Of A
			Recognition Marker And Modify The 2022 Budget Of The Department To
			Appropriate Additional Expenditures
176-0-113	02/01/22	FI	ORD: Authorize The Issuance Of Not To Exceed \$11,300,000 General
	02/03/22		Obligation Promissory Notes For Capital Projects
176-O-114	02/02/22	FI	ORD: Modify The 2022 Budget By Transferring Carryover Funds From
	02/03/22		2021 Unexpended Appropriations To 2022 Budgeted Appropriations

1 AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND 2 FLOODLAND PROTECTION ORDINANCE AND THE WAUKESHA COUNTY ZONING CODE FOR 3 THE TOWN OF OTTAWA BY REZONING CERTAIN LANDS LOCATED IN PART OF THE S 1/2 4 OF SECTION 5, T6N, R17E, TOWN OF OTTAWA, WAUKESHA COUNTY, WISCONSIN, FROM 5 THE FLP FARMLAND PRESERVATION AND FLC FARMLAND CONSERVANCY DISTRICTS TO 6 THE R-1 RESIDENTIAL, HG HIGH GROUNDWATER, C-1 CONSERVANCY OVERLAY 7 AND EC ENVIRONMENTAL CORRIDOR OVERLAY DISTRICTS (RZ90) 8 9 10 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this Ordinance was approved by the Ottawa Town Plan Commission on December 6, 2021; and 11 12 13 WHEREAS, the matter was referred to and considered by the Waukesha County Park and 14 Planning Commission, which recommended approval and reported that recommendation to the 15 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, 16 as required by Section 59.69 and Section 60.62, Wis. Stats. 17 18 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the 19 Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, 20 for the Town of Ottawa, Waukesha County, Wisconsin, and the Waukesha County Zoning Code 21 adopted by the Waukesha County Board of Supervisors, on February 26, 1959, are hereby 22 amended to rezone certain lands located in part of the S ½ of Section 5, T6N, R17E, Town of 23 Ottawa, Waukesha County, Wisconsin from the FLP Farmland Preservation and FLC Farmland 24 Conservancy Districts to the R-1 Residential, HG High Groundwater, C-1 Conservancy Overlay 25 and EC Environmental Corridor Overlay Districts, and more specifically described in the "Staff 26 Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference RZ90, is 27 28 hereby approved. 29 30 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this 31 Ordinance with the Town Clerk of Ottawa. 32 33 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, 34 approval and publication.

## COMMISSION ACTION

The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the <u>Ordinance</u> to amend the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, hereby recommends <u>approval</u> of (RZ90 Ottawa LLC\_Mangen) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

January 20, 2022

James Siepmann, Chairperson

Thomas Michalski, Vice Chairperson

William Mitchell

Robert Peregrine

Richard Morris

William Groskopf

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

DATE:

January 20, 2022

**FILE NO.:** 

**RZ90** 

**OWNER/PETITIONER:** 

Ottawa LLC

c/o Robert Mangen 100 North Main Street Fort Atkinson WI 53538

TAX KEY NO.:

OTWT 1604.999.001

## LOCATION:

The lands to be rezoned are part of the S ½ of Section 5, T6N, R17E, Town of Ottawa, and more specifically, the two proposed parcels are located in the SW ¼ of the SE ¼ of Section 5 on the north side of Kincaid Lane (a private road), at S22 W38420 and S22 W38370 Kincaid Lane. The parent parcel begins approximately 1,450 feet west of Gramling Lane.

LOT SIZE(S):

1.7 acres each for a total of approx. 3.3 acres to be rezoned

**EXISTING USE(S):** 

Two single family residences

REQUESTED USE(S):

Two single family residences

## **EXISTING ZONING DISTRICT CLASSIFICATION(S):**

FLP Farmland Preservation and FLC Farmland Conservancy Districts under the Waukesha County Zoning Code which requires a minimum lot size of 35 acres.

## PROPOSED ZONING DISTRICT CLASSIFICATION(S):

The two proposed parcels are proposed to be rezoned to the R-1 Residential District, HG High Groundwater District, C-1 Conservancy Overlay District (wetland) and EC Environmental Corridor Overlay District.

## **SOIL TYPES:**

Approximately the northern 1/3 of the subject parcels contain soils with hydric conditions and limitations for basements. The parcels have already been developed in the southern 2/3 and therefore soil limitations should not be a consideration. The remainder of the soils are prime agricultural soils of statewide significance.

## CONFORMANCE WITH THE WAUKESHA COUNTY COMPREHENSIVE DEVELOPMENT PLAN (WCCDP) AND THE TOWN OF OTTAWA COMPREHENSIVE DEVELOPMENT PLAN (CDP):

The Town CDP designates the subject parcel as Prime Agricultural (35+ acres/dwelling unit) and Primary Environmental Corridor. The County's CDP is similar, except the categories are Farmland Preservation and Farmland Preservation with EC Overlay. The proposed zoning change complies with both the Town and County CDP's as the FLP District allows for rezoning of parcels between one and three acres in size (minimum average width of 150 feet) to the R-1 category.

Referred on: 02/03/22

File Number: 176-0-105

Referred to: LU

## **PUBLIC HEARING DATE:**

December 6, 2021

## **PUBLIC COMMENT:**

A representative from the Badger Kart Club was present and just wanted to let the owners know that there is a racetrack in the nearby area. Since the homes are existing, the occupants are already aware of the Club's presence.

## **TOWN PLAN COMMISSION ACTION:**

On December 6, 2021, the Town of Ottawa Plan Commission unanimously recommended approval of the rezone request to Waukesha County.

## **STAFF ANALYSIS:**

If the proposed zoning change is approved, the property owner would like to divide two 1.7 acre parcels from the larger parent parcel (refer to exhibit attached). They would each be approximately 195 feet in width and would each contain an existing single family residence, resulting in a 134.6 acre remnant parcel containing a duplex residence. In order to split the two lots from the parent parcel, this rezone request is required in accordance with the FLP requirements of the Waukesha County Zoning Code. The parcels are located on the north side of Kincaid Lane, a private road that extends approximately 1,450 feet west of Gramling Lane before it reaches the parent parcel. Kincaid Lane is also used by the DNR via a recorded easement for access to lands west of the subject property as well as by the buyer of the Kincaid Certified Survey Map (CSM) lot split in 2020.

The overall parcel contains wetland, Primary Environmental Corridor (PEC), hydric and Class I and II soils, and floodplain and the Bark River in the northern part of the parent parcel, and an intermittent stream that flows through the two proposed 1.7 acre lots. The PEC has not been field delineated nor has a navigability determination been conducted on the two proposed lots. These issues will be addressed in the CSM review.

The rezone and proposed land division will make a legal non-conforming situation more conforming by separating two of the four existing living units on their own lots. Further, since this is a farmland preservation parcel, density credits are tracked. The parent parcel has four credits (two existing single family units and one existing duplex unit), the 2020 Kincaid CSM used one credit, and so there are three (3) density credits remaining for the former Kincaid holdings now owned by Mangen (located both north and south of Kincaid Lane). In discussions with the property owner, it has been advised those three remaining density credits be developed along CTH Z, a public road.

Since the existing access easement over Kincaid Lane is proposed to be utilized for access by the two proposed lots/existing residences to Gramling Lane, a public road, the existing access agreement will be required to be modified to allow for these two additional (now) separate users as part of the CSM review. The Town has already granted approval of two new lots not abutting a public road and at less than the three acre lot size. Since this is a farmland presentation parcel, to increase the lot size to the required minimum of 3 acres and 200 feet of minimum average width would require consumption of additional farmland which defeats the purpose and intent of the Farmland Preservation Plan.

With the exception of the Department of Natural Resources (DNR) land to the west, which is designated as Recreational on the CDP, the subject parcels are surrounded by Farmland

Referred on: 02/03/22

Preservation/Prime Agricultural. Likewise, the adjacent zoning districts are FLP/FLC, with the exception of the DNR lands immediately to the west which are zoned P-I Public and Institutional.

## STAFF RECOMMENDATION:

Based on the above analysis, the Planning and Zoning Division staff recommends <u>approval</u> of the rezoning request. The proposal is consistent with the Town and County Comprehensive Development Plans and will comply with the Waukesha County Zoning Code in that the two proposed 1.7 acre parcels are being rezoned to R-1 as required in the FLP District and will meet the lot size required in the zoning district. Further, the rezone and proposed land division will also make a legal non-conforming situation more conforming by separating two of the four existing living units on their own lots. Finally, the FLC areas will be appropriately rezoned to the underlying HG High Groundwater District, C-1 Conservancy Overlay (wetland) and EC Environmental Corridor Overlay Districts. If the rezone is approved, the property owner will submit a Certified Survey Map to the Town and the County for consideration.

Respectfully submitted,

Sandra L. Scherer

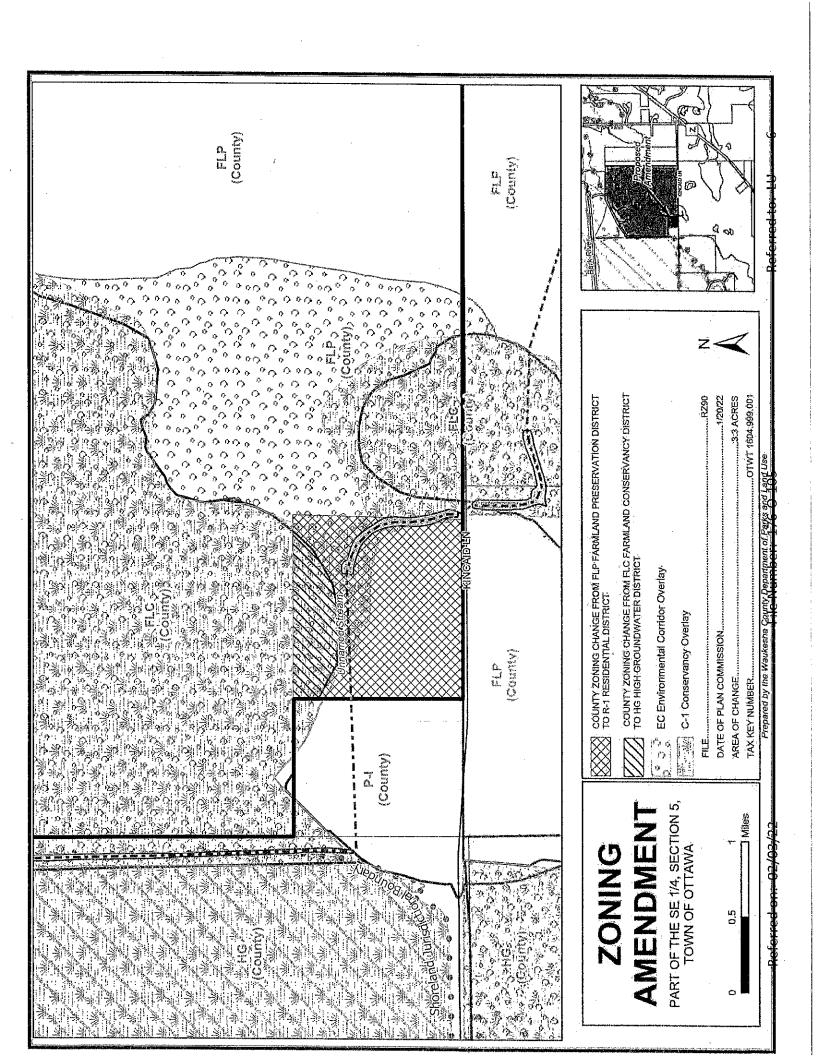
Sandy Scherer Senior Planner

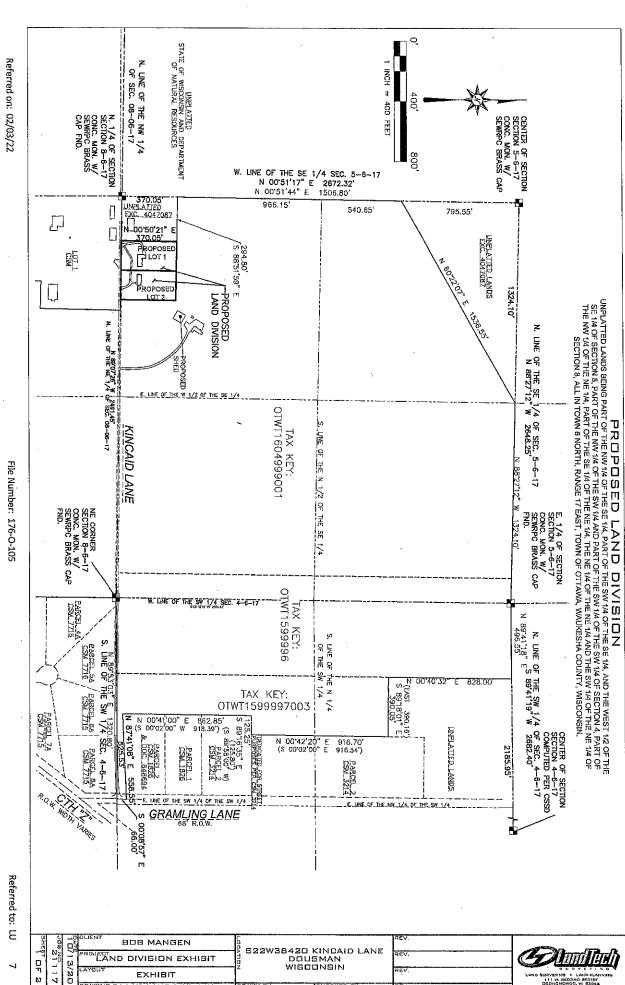
Attachments: Rezone Map

Proposed land division exhibit

N:\PRKANDLU\Planning and Zoning\Rezones\Staff Reports\RZ90 Mangen owt.doc

Referred on: 02/03/22 File Number: 176-0-105





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EXHIBIT

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1 2	AMEND THE TEXT OF THE TOWN OF MUKWONAGO ZONING CODE BY REPEALING AND RECREATING APPENDIX B (13.12) OF CHAPTER 36, RELATING TO THE DEVELOPMENT
3	REQUIREMENTS FOR FEDERAL FIREARMS LICENSES (RZ92)
4	
5	
6	WHEREAS, after proper notice was given, a public hearing was held and the subject matter of
7	this Ordinance was approved by the Mukwonago Town Board on November 3, 2021; and
8	
9	WHEREAS, the matter was referred to and considered by the Waukesha County Park and
10	Planning Commission, which recommended approval and reported that recommendation to the
11	Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,
12	as required by Section 60.62, Wis. Stats.
13	
14	THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text
15	of the Town of Mukwonago Zoning Code, adopted by the Town of Mukwonago on November
16	30, 2020, is hereby amended to repeal and recreate Appendix B (13.12) of Chapter 36, relating
17	to the development requirements for federal firearms licenses, more specifically described in
18	the "Staff Report and Recommendation" on file in the office of the Waukesha County
19	Department of Parks and Land Use and made a part of this Ordinance by reference RZ92, is
20	hereby approved.
21	
22	BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
23	Ordinance with the Town Clerk of Mukwonago.
24	
25	BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
26	approval and publication.

Referred on: 02/03/22 File Number: 176-O-106 Referred to: LU

## **COMMISSION ACTION**

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the <u>Ordinance</u> to amend the Text of the Town of Mukwonago Zoning Code hereby recommends <u>approval</u> of RZ92 (Town of Mukwonago Board) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

January 20, 2022

James Siepmann, Chairperson

Thomas Michalski, Vice Chairperson

William Mitchell

Robert Peregrine

Richard Morris

William Groskopf

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

FILE NO:

RZ92

TAX KEY NUMBER:

N/A

DATE:

January 20, 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 Appendix B (13.12) of Chapter 36 of the Town of Mukwonago Zoning Code relating to the development requirements for federal firearms licenses.

## **PUBLIC HEARING DATE:**

November 3, 2021

## **PUBLIC REACTION:**

One person stated that he would like to see the knox box requirement be removed. He was in favor of having a box but felt it should be optional.

## **TOWN PLAN COMMISSION ACTION:**

At their meeting of November 3, 2021, the Town of Mukwonago Plan Commission recommended approval of the proposed text amendments to the Town Board.

## **TOWN BOARD ACTION:**

At their meeting of November 3, 2021, the Town of Mukwonago 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 have been prepared in a manner that considers public welfare and safety. Therefore, they are consistent with the plans.

#### STAFF ANALYSIS:

The Town of Mukwonago is proposing to amend the specific standards within the town code relative to federal firearms licenses. The proposed changes are shown in track changes on the attached Exhibit A. The code allows for individuals to sell firearms from residential properties, subject to approval and certain conditions. The changes would allow for such operations to have one non-resident employee to be considered on a case by case basis. A number of other standards are being introduced to be responsive to the various aspects of this particular business type. There is some additional flexibility being added to allow sales of all gun types and that limited on-site sales (maximum five per month) and customer drop offs may be allowed on a

Referred on: 02/03/22

File Number: 176-0-106

Referred to: LU

case by case basis. Extra precautions are also proposed to require storage of guns in a locked gun safe and that the fire department be made aware of the use and that a Knox Box can be requested by the fire department to allow for easy entry in event of a fire.

The transmitted town ordinance erroneously referenced the applicable section as 13.11. The town will correct the section number to 13.12.

## **STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends <u>approval</u> of the Town of Mukwonago's request. The amendments further refine the town's existing federal firearms license rules making administration of such uses more clear while ensuring safety.

Respectfully submitted,

Jason Fruth

Jason Fruth Planning and Zoning Manager

Attachments: Town Ordinance No. 2021-O-56

Exhibit A

N:\PRKANDLU\Planning and Zoning\Rezones\Staff Reports\RZ92 T Mukwonago Text Amendment mkt.doc

Referred on: 02/03/22

File Number: 176-0-106

Referred to: LU

STATE OF WISCONSIN

## TOWN OF MUKWONAGO

## WAUKESHA COUNTY

## ORDINANCE 2021-O-56

## 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 October 6, 2021, 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 November 3, 2021, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on November 3, 2021; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on November 3, 2021; 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 the development requirements for "Federal firearms license" as set forth in Appendix B (13.11) to read as follows:

Referred on: 02/03/22

## **Development Requirements:**

- (a) License required. The operator shall obtain a federal firearms license (FFL) from the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and maintain such license for the duration of the use. Upon issuance, the operator shall provide a copy of the license to the town clerk.
- (b) Compliance with FFL. The operator shall comply with all requirements related to the federal firearms license. Any violation of such license constitutes a violation of this zoning code.
- (c) Employees. Employees working under the federal firearms license on the premises shall be limited to the petitioner. One non-resident employee may be approved on a case-by-case basis as part of the review process.
- (d) Hours of operation. The hours of operation shall be by appointment only. There shall be no appointments before 8:00 am or after 8:00 pm.
- (e) Test firing. On-site test firing is prohibited, except that a commercially available indoor bullet trap may be approved on a case-by-case basis as part of the review process.
- **(f) Transfer of approval prohibited.** An approved conditional use is personal to the person or the business listed on the federal firearms license and is therefore not transferrable to a subsequent property owner.
- (g) Conditions of approval. Although a federal firearms license issued by U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives allows for certain activities to occur under said license, the plan commission may recommend and the town board may restrict or place conditions on the activities allowed under the license. For example, the town may establish a limit on the number of number of transactions occurring on the premises (i.e., to address customer traffic) to ensure the use is in keeping with the character of the surrounding area. If the town board does not establish such a limit at the time of approval, the town board reserves the right to establish a limit at any time with written notice to the operator. Additionally, the town board reserves the right to change any such limitation with written notice to the operator if it determines that the amount of customer traffic is having a detrimental effect on the surrounding area.
- (h) Periodic review. The conditional use permit shall be reviewed every year by the plan commission in order to determine conformance with the terms of the permit and its compatibility with the adjacent land uses. Failure to conduct such review shall not invalidate any subsequent review or any enforcement proceeding. If it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures set forth in article 5.
- (i) Storage. All guns kept under the federal firearms license must be stored in a locked gun safe.
- (j) Signage. Outdoor signage related to this use is prohibited.
- (k) Type of guns. All types of legal firearms may be sold without restriction.
- (I) Sale of ammunition. The sale of ammunition is limited to 500 rounds per calendar month.
- (m) Limitation on retail sales. Retail sales are limited to 5 per month.

Referred on: 02/03/22

- (n) Limitation on buying of guns. Buying of guns on site may be allowed on a case-by-case basis as part of the review process.
- (o) Limitation on customer drop offs. Customer drop offs may be allowed on a case-by-case basis as part of the review process.
- (p) Notice. Prior to establishing this use, the property owner shall notify the local fire department of the proposed use.
- (q) Knox box. The property owner shall install a Knox box if requested by the local fire department.
- (r) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.
- 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 3rd day of November 2021

TOWN OF MUKWONAGO

Peter Topczewski Town Chair

ATTEST:

Kathy Karalewitz, Town Administrator

Published and/or posted this 9 day of Nourpolew, 2021

Referred on: 02/03/22

File Number: 176-0-106

Referred to: LU

## EXHIBIT A

STATE OF WISCONSIN

### TOWN OF MUKWONAGO

WAUKESHA COUNTY

ORDINANCE 2021-O-

- Public Hearing Draft -

## 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 October 6, 2021, 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 \_\_\_\_\_\_, 2021, to consider the amendment and to accept public comment; and

WHEREAS, the Plan Commission recommended approval at their meeting on \_\_\_\_\_, 2021; and

WHEREAS, the Town Board considered the Plan Commission's recommendation at their meeting on \_\_\_\_\_, 2021; 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 (to be verified); 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 the development requirements for "Federal firearms license" as set forth in Appendix B (13.11) to read as follows:

Referred on: 02/03/22

## **Development Requirements:**

- (a) License required. The operator shall obtain a federal firearms license (FFL) from the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and maintain such license for the duration of the use. Upon issuance, the operator shall provide a copy of the license to the town clerk.
- (b) Compliance with FFL. The operator shall comply with all requirements related to the federal firearms license. Any violation of such license constitutes a violation of this zoning code.
- (c) Employees. Employees working under the federal firearms license on the premises shall be limited to only those persons living on the premises the petitioner. One non-resident employee may be approved on a case-by-case basis as part of the review process.
- (d) Hours of operation. The hours of operation shall be by appointment only. There shall be no appointments before 8:00 am or after 8:00 pm.
- (e) Test firing. Test firing into an indoor bullet trap is allowed. All other test firing is prohibited. On-site test firing is prohibited, except that a commercially available indoor bullet trap may be approved on a case-by-case basis as part of the review process.
- **(f)** Transfer of approval prohibited. An approved conditional use is personal to the person or the business listed on the federal firearms license and is therefore not transferrable to a subsequent property owner.
- (g) Conditions of approval. Although a federal firearms license issued by U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives allows for certain activities to occur under said license, the plan commission may recommend and the town board may restrict or place conditions on the activities allowed under the license. For example, the town may establish a limit on the number of number of transactions occurring on the premises (i.e., to address customer traffic) to ensure the use is in keeping with the character of the surrounding area. If the town board does not establish such a limit at the time of approval, the town board reserves the right to establish a limit at any time with written notice to the operator. Additionally, the town board reserves the right to change any such limitation with written notice to the operator if it determines that the amount of customer traffic is having a detrimental effect on the surrounding area.
- (h) Periodic review. The conditional use permit shall be reviewed every two years year by the plan commission in order to determine conformance with the terms of the permit and its compatibility with the adjacent land uses. Failure to conduct such review shall not invalidate any subsequent review or any enforcement proceeding. If it is determined that the conditional use permit is no longer compatible, or that the provisions of the permit have not been complied with, the conditional use permit may be revoked or amended in accordance with the procedures set forth in article 5.
- (i) Storage. All guns kept under the federal firearms license must be stored in a locked gun safe.
- (j) Signage. Outdoor signage related to this use is prohibited.
- (k) Type of guns. All types of legal firearms may be sold without restriction.
- (1) Sale of ammunition. The sale of ammunition is limited to 500 rounds per calendar month.
- (m) Limitation on retail sales. Retail sales are limited to 5 per month.

Referred on: 02/03/22

- (n) <u>Limitation on buying of guns</u>. Buying of guns on site may be allowed on a case-by-case basis as part of the review process.
- (o) <u>Limitation on customer drop offs</u>. Customer drop offs may be allowed on a case-by-case basis as part of the review process.
- (p) Notice. Prior to establishing this use, the property owner shall notify the local fire department of the proposed use.
- (q) Knox box. The property owner shall install a Knox box if requested by the local fire department.
- (ir) Application fee. This use is classified as a Type 1 conditional use in the fee schedule.
- 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 2021
TOWN OF MUKWONAGO
Peter Topczewski, Town Chair
ATTEST:
Kathy Karalewitz, Town Administrator
Published and/or posted this day of, 2021

Referred on: 02/03/22

1 AMEND THE DISTRICT ZONING MAP OF THE TOWN OF LISBON ZONING CODE BY 2 CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE NW 1/4 OF 3 SECTION 15, T8N, R19E, TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, 4 FROM THE A-5 MINI FARM DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY 5 RESIDENTIAL DISTRICT AND FROM THE R-1 SUBURBAN SINGLE FAMILY 6 RESIDENTIAL DISTRICT TO THE A-5 MINI FARM DISTRICT (RZ93) 7 8 9 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of 10 this Ordinance was approved by the Lisbon Town Board on November 22, 2021; and 11 12 WHEREAS, the matter was referred to and considered by the Waukesha County Park and 13 Planning Commission, which recommended approval and reported that recommendation to the 14 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, 15 as required by Section 60.62, Wis. Stats. 16 17 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the 18 District Zoning Map for the Town of Lisbon Zoning Code, adopted by the Town of Lisbon on 19 April 9, 2010, is hereby amended to conditionally rezone from the A-5 Mini Farm District to the 20 R-1 Suburban Single Family Residential District and from the R-1 Suburban Single Family 21 Residential District to the A-5 Mini Farm District, certain lands located in part of the NW ¼ of Section 15, T8N, R19E, Town of Lisbon, Waukesha County, Wisconsin, and more specifically 22 23 described in the "Staff Report and Recommendation" and map on file in the office of the 24 Waukesha County Department of Parks and Land Use and made a part of this Ordinance by 25 reference RZ93, is hereby approved, as conditioned by the town. 26 27 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this 28 Ordinance with the Town Clerk of Lisbon. 29 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, 30 31 approval and publication.

Referred on: 02/03/22 | File Number: 176-O-107 | Referred to: LU

## **COMMISSION ACTION**

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the <u>Ordinance</u> to amend the Town of Lisbon Zoning Code hereby recommends <u>approval</u> of RZ93 (Steinmetz\_Big Bear Investments) in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

January 20, 2022

James Siepmann, Chairperson

Thomas Michalski, Vice Chairperson

William Mitchell

Robert Peregrine

Richard Morris

William Groskopf

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

**DATE**:

January 20, 2022

FILE NO.:

RZ93

OWNER/APPLICANT:

Donavon V. and Kristie K. Steinmetz

Big Bear Investments, LLC W249 N7876 Hillside Road

Sussex, WI 53089

TAX KEY NOs.:

LSBT 0202.990.001 and LSBT 0202.989

## LOCATION:

LSBT 0202.990.001: Lot 1, CSM No. 9427, Volume 86, Page 55, located in part of the NW ¼ of Section 15, T8N, R19E, Town of Lisbon. More specifically, the property is located at W249 N7876 Hillside Road, containing approximately 5.4 acres.

LSBT 0202.989: Part of the NW ¼ of the NW ¼ of Section 15, T8N, R19E, Town of Lisbon. More specifically, the property is located at W249 N7844 Hillside Road, containing approximately 2.42 acres.

## **EXISTING ZONING DISTRICT CLASSIFICATION(S):**

LSBT 0202.990.001: A-5 Mini Farm District

LSBT 0202.989: R-1 Suburban Single Family Residential District

## REQUESTED ZONING DISTRICT CLASSIFICATION(S):

LSBT 0202.990.001: R-1 Suburban Single Family Residential District (one acre, 150' width)

LSBT 0202.989: A-5 Mini Farm District (five acres, 300' width)

**EXISTING USE(S)**:

Two residential parcels

## REQUESTED USE(S):

To rezone the existing parcels and then request Certified Survey Map (CSM) approval of a reconfiguration of the lot lines resulting in a third residential lot 5.3 acres in size and which does not abut a public road. The two existing parcels would be reduced in size to 1.3 acres and 1.02 acres. Refer to rezone map attached.

**PUBLIC HEARING DATE:** 

November 4, 2021

## PUBLIC COMMENT:

One property owner in the subdivision to the east stated there used to be a mini farm with animals that gave off an offensive odor on the larger parcel, so he is opposed to the A-5 zoning and would like all of the parcels to be rezoned as residential.

## **TOWN PLAN COMMISSION ACTION:**

On November 4, 2021, the Town of Lisbon Plan Commission unanimously recommended approval of the rezone request to the Town Board and Waukesha County subject to the recommendations of the Town Planner and the Town Engineer.

Referred on: 02/03/22

File Number: 176-0-107

Referred to: LU 3

## **TOWN BOARD ACTION:**

On November 22, 2021, the Lisbon Town Board of Supervisors unanimously recommended approval of the rezone request (refer to Ordinance 2021-23 attached) to Waukesha County, subject to the recordation of the CSM as approved by the Town of Lisbon reconfiguring the lot lines as proposed. Failure to record the CSM with the Waukesha County Register of Deeds within 90 days of the Town Board approval of the subject Ordinance will cause the rezone to be null and void.

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

The Waukesha County and Town of Lisbon CDP's currently designate the subject parcels as Low Density Residential (20,000 square feet-1.4 acres per dwelling unit) and the proposal complies with both plans.

## **STAFF ANALYSIS:**

The proposed rezoning is necessary in order for the property owner to redivide two lots into three lots, one of which will be considered a lot not abutting a public road because it only has a narrow portion of the property abutting the road ("flag lot"). The parcels are located on the east side of Hillside Road and south of Plainview Road. The lot not abutting a public road is also located in an area with mapped soils that may have seasonal high groundwater. Therefore, additional soil testing in the vicinity of any future proposed residence is recommended. The two smaller lots will be 1.0 and 1.3 acres in acres in size and zoned R-1 Residential; and the lot not abutting a public road will be 5.3 acres in size and zoned A-5 Mini-Farm.

The adjacent land uses to the north are rural residential zoned R-1; to the south a residential subdivision zoned R-1; to the east a residential subdivision zoned R-2; and to the west agricultural land (across Hillside Road) zoned A-10 Agricultural.

## STAFF RECOMMENDATION:

The Planning and Zoning Division Staff recommends <u>approval</u> of the rezoning request consistent with the town's approval. The town has conceptually accepted the related CSM layout. The proposal is consistent with the Town and County Comprehensive Development Plans and will comply with the Town of Lisbon Zoning Ordinance in that the zoning categories are simply being readjusted to conform with the proposed lot lines and will meet the lot sizes and minimum average lot widths required in the respective zoning districts. If the rezone is approved, the property owner will submit a Final Certified Survey Map to the Town of Lisbon for consideration.

Respectfully submitted,

Sandra Q Scherer

Sandy Scherer Senior Planner

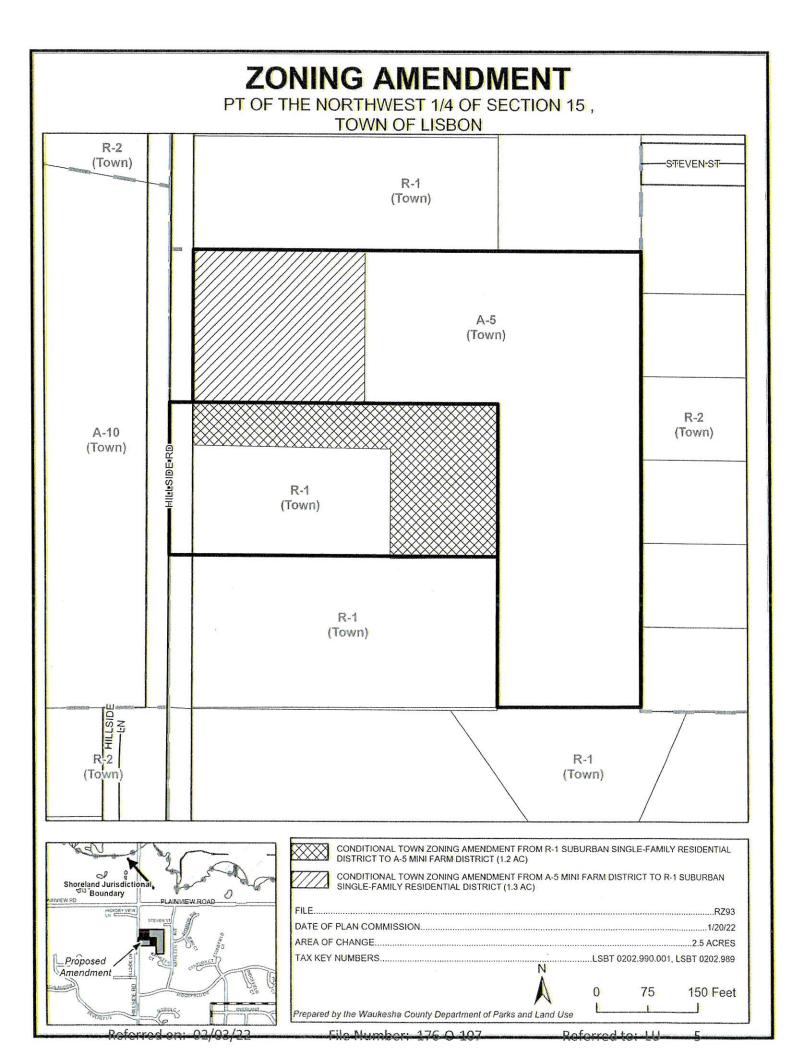
Attachment:

Rezone Map

Town Ordinance 2021-23

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Referred on: 02/03/22 File Number: 176-0-107



RECEIVED 12/07/2021 DEPT OF PARKS & LAND

STATE OF WISCONSIN

#### TOWN OF LISBON

#### **WAUKESHA COUNTY**

### **ORDINANCE 2021-23**

ORDINANCE REZONING APPROXIMATELY 1.5 ACRES OF LAND LOCATED AT W249N7876 HILLSIDE ROAD, LSBT 0202.990.001, FROM THE A-5 MINI FARM ZONING DISTRICT TO THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AND 1.4 ACRES OF LAND LOCATED AT W249N7844 HILLSIDE ROAD, LSBT 0202.989, FROM THE R-1 SUBURBAN SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO THE A-5 MINI FARM ZONING DISTRICT, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

**WHEREAS**, Donovan Steinmetz of Big Bear Investments requests to rezone a portion of property from the A-5 Mini Farm Zoning District to the R-1 Suburban Single Family Residential Zoning District, and a portion of property from the R-1 Suburban Single Family Residential Zoning District to the A-5 Mini Farm Zoning District, based on a proposed Certified Survey Map to reconfigure lot boundaries; and

WHEREAS, the change in zoning is consistent with the Town of Lisbon Comprehensive Land Use Plan; and

**WHEREAS**, the Lisbon Plan Commission and Town Board of Supervisors held a Joint Public Hearing on the rezoning request on Thursday, November 4, 2021.

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

**SECTION 1:** The following described property is rezoned from A-5 Mini Farm to R-1 Suburban Single Family Residential:

LOT 1 CERT SURV 9427 VOL 86/55 PT NW1/4 SEC 15 T8N R19E DOC# 3475861 ALSO KNOWN AS LSBT 0202.990.001 (portion)

and the following described property is rezoned from R-1 Suburban Single Family Residential to A-5 Mini Farm:

PT NW1/4 OF NW1/4 SEC 15 T8N R19E; COM NW CRNR SEC 15; S00°31'W ON W LINE OF NW1/4 882.4 FT TO BGN; S00°31'W 220.00 FT; S89°40'E 480.00 FT; N00°31'E 220.00 FT; N89°40'W 480.00 FT TO BGN ALSO KNOWN AS LSBT 0202.989 (portion)

With proposed zoning district boundaries as shown on the attached "Exhibit A".

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

Referred on: 02/03/22

Ordinance 2021-23 – Steinmetz Rezone LSBT 0202.990.001 and LSBT 0202.989 Page 2 of 2

**SECTION 3:** This ordinance shall take effect upon passage and posting as provided by law, and upon the recording of a certified survey map for the property as approved by the Town of Lisbon. Failure to record the certified survey map with the Waukesha County Register of Deeds within 90 days of Town Board approval of this ordinance will cause the rezone to be null and void.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 2nd day of November , 2021.

TOWN BOARD, TOWN OF LISBON WAUKESHA COUNTY, WISCONSIN

BY:

JŐSEPH OSTERMAN, Chairman

BY:

DOUG BRAHM, Supervisor

RY.

MARC MOONEN) Supervisor

BY:

LINDA/BEAL, Supervisor

BY: R

REBECCA PLOTECHER, Supervisor

ATTEST:

BY:

ELISA M. CAPPOZZO, Town C

Referred on: 02/03/22

File Number: 176-0-107

Referred to: LU

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1	AUTHORIZING RESOLUTION FOR PARTICIPATION IN THE DEPARTMENT
2 3	OF NATURAL RESOURCES MUNICIPAL DAM GRANT PROGRAM
4 5	WHEREAS Waukesha County owns and maintains School Section Lake Dam and has done so
5 6	since 1938 when the dam was installed, and
7	Since 1990 when the dam was instance, and
8	WHEREAS after the dam failure in 2018, and as part of Waukesha County's repair of the dam
9	structure, an Inspection and Maintenance Operations Plan, which identifies ongoing
0	maintenance, was submitted to and approved by the Wisconsin Department of Natural
1	Resources, and
2	
3	WHEREAS the Wisconsin Department of Natural Resources makes available grants for ongoing
4	dam maintenance through Chapter NR 335 Wisconsin Administrative Code, and
5	
6	WHEREAS the Waukesha County Department of Parks and Land Use intends to apply for a grant
7	for the ongoing maintenance described in the School Section Lake Dam Inspection and
8	Maintenance Operations Plan with project costs totaling \$70,000, and
9	WHEREAS the existing County staff and equipment will be used to complete the maintenance
1	project work to meet the required 50% cost share of \$35,000, and
2	project work to meet the required 30% cost share of \$33,000, and
3	WHEREAS the grant funding will be available for three years and accounted for in the 2023-25
4	annual budgets, and
5	
6	WHEREAS the Wisconsin Department of Natural Resources requires adoption of a Resolution by
27	the local governing body supporting the grant application.
8.	
9	THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA RESOLVES that the
0	Waukesha County Department of Parks and Land Use shall submit a grant application to
1	Wisconsin Department of Natural Resources for financial aid under Ch. NR 335, Wis. Adm.
2	Code, execute the grant agreement and complete all necessary actions required for the project
3	and grant.
	DE LE ELIDELIED DECOLVED that Westerdands County Development of Device and Land Hongarous to
	<i>,</i> ,
34 35 36	BE IT FURTHER RESOLVED that Waukesha County Department of Parks and Land Use agree cover the 50% cost share requirement of the total project costs.

Referred on: 02/03/22 File Number: 176-R-007 Referred to: LU - FI

## **FISCAL NOTE**

## AUTHORIZING RESOLUTION FOR PARTICIPATION IN THE DEPARTMENT OF NATURAL RESOURCES MUNICIPAL DAM GRANT PROGRAM

This resolution authorizes the Parks and Land Use department to apply for grant funding from the Wisconsin Department of Natural Resources (DNR) under the state's municipal dam grant program. The Parks and Land Use department plans to apply to this grant program to partially fund repairs on three separate sections of the School Section Lake dam's berm (elevated land around the lake that retains the water). The repairs on these three sections will occur over the course of three years. The total project cost for these repairs is \$70,000.

This grant program requires a 50% local match for project expenses and the grant funding covers the other 50% of project costs. Based on the project costs, the grant funding will cover \$35,000 of the total expenses and \$35,000 will be provided via an in-kind local match. Since these projects will occur over the course of three years, the total impact to each year's budget is approximately \$11,700 of grant funding. The local match will consist of already budgeted staff time for 3 Parks and Land Use positions (foreman, park maintenance worker, and lead park seasonal), billable parks and land use equipment, and highway staff time and equipment associated with grass mowing.

This resolution does not appropriate the grant funding into the 2022 budget and only provides permission for Parks and Land Use staff to apply for the funding. This resolution results in no tax levy impact.

William Duckwitz Budget Manager 2/1/2022

William Dubirty

2/1/2

Referred on: 02/03/22 File Number: 176-R-007 Referred to: LU - FI

LAYING OUT, RELOCATION AND IMPROVEMENT OF COUNTY TRUNK HIGHWAY O, W. BELOIT ROAD (CTH I) TO NATIONAL AVE. (CTH ES), PROJECT I.D. 2722-07-22 WHEREAS, the County Board of Supervisors of Waukesha County finds that the proper improvement in maintenance of County Trunk Highway O in the City of New Berlin from a point that is 1056.00 feet South of and 2.04 feet West of the Northwest ¼ corner of Section 26, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, State of Wisconsin to the West ¼ corner of Section 14, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, State of Wisconsin, requires certain relocation or changes and the acquisition of certain rights of way as shown on the plat marked "Plat of Right of Way Required for CTH O W. BELOIT ROAD (CTH I) TO NATIONAL AVE. (CTH ES), PROJECT I.D. 2722-07-22". THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the plat marked "Plat of Right of Way Required for CTH O W. BELOIT ROAD (CTH I) TO NATIONAL AVE. (CTH ES), PROJECT I.D. 2722-07-22" on file in the County Clerk's office is adopted by reference under the authority granted by Section 83.08 and Chapter 32 of the Wisconsin Statutes. IT IS FURTHER ORDAINED that County Trunk Highway O in the City of New Berlin is hereby changed or relocated from a point that is 1056.00 feet South of and 2.04 feet West of the Northwest ¼ corner of Section 26, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, State of Wisconsin to the West ¼ corner of Section 14, Town 6 North, Range 20 East, in the City of New Berlin, Waukesha County, State of Wisconsin, requires certain relocation or changes and the acquisition of certain rights of way as shown on the plat marked "Plat of Right of Way Required for CTH O W. BELOIT ROAD (CTH I)-TO NATIONAL AVE. (CTH ES), PROJECT I.D. 2722-07-22".

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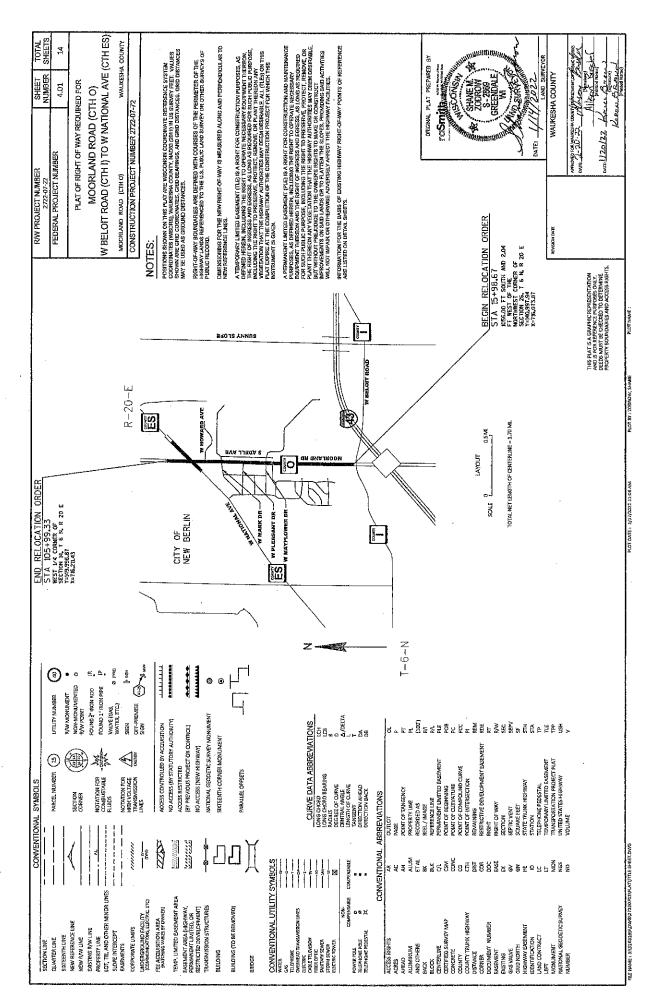
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IT IS FURTHER ORDAINED that the County shall acquire those rights of way and other interests as shown on the plat marked "Plat of Right of Way Required for CTH O W. BELOIT ROAD (CTH I) TO NATIONAL AVE. (CTH ES), PROJECT I.D. 2722-07-22".

Referred on: 02/03/22 File Number: 176-O-108 Referred to: PW



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Referred on: 02/03/22

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File Number: 176-0-108

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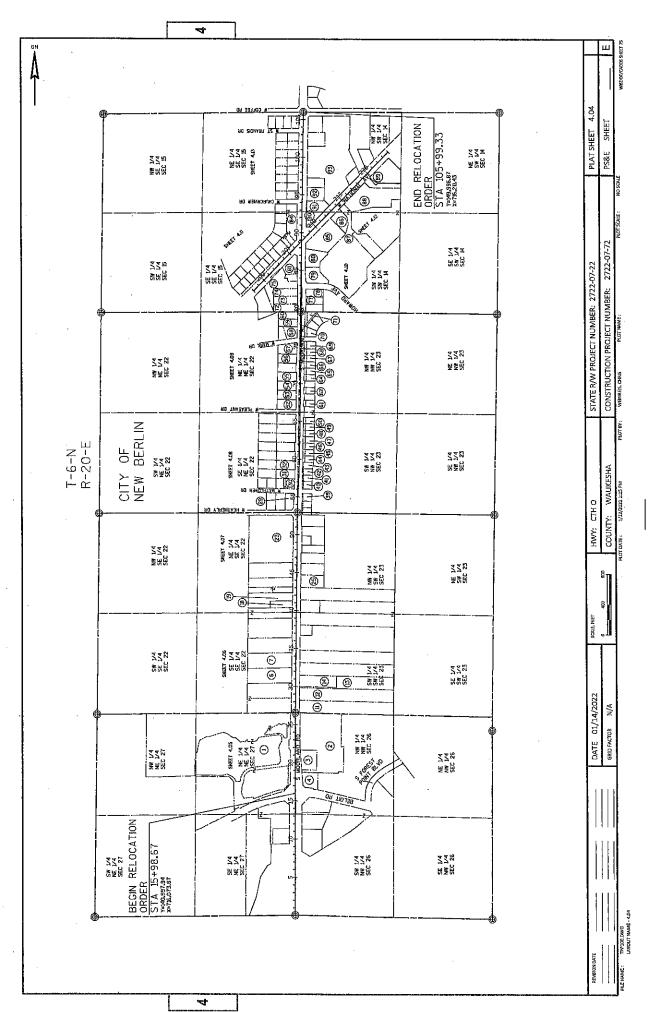
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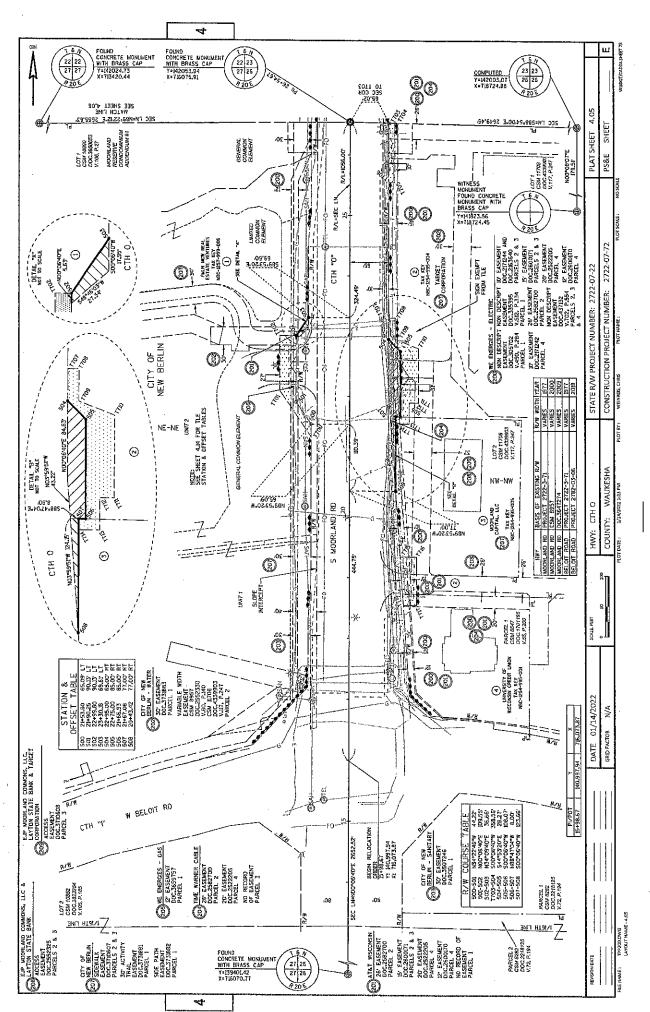
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& INTERESTS		OWNER(S)	ANDREW W. AND KATHEYN A. WAH. ROBERT E. JR. AND JEAN M. LYONS KENNETH P. DOBBERFULL AND DARLENE C. JAROSCH MOOREAND OFFICE, LLC. BY DAYID SCOTT WILLIAMS RAYMOND AND CYNTHIA GALINSKY.	JEFFREY S. KURTH AND THERESA M. BALISTRERI-KURTH JOSEPH C. AND CAROLYN K. HUEBSCH	COOPER AND MARCY NIGHTINGALE OPIAK	PAUL D. AND MELISSA A. KOSKI MATTHEW L. AND KELLY L. TRITZ DOUGLAS BREMBERGER	AND PATRICIA J. WALKER ND LORRAINE H. ENGEL	CITY OF NEW BERLIN EMMA M. SCHERER REVOCABLE TRUST JOHN MAREK	LUCIAN AND JULIA DANIELEWSKI TRUST EXCHANGERIGHT NET LEASED PORTFOLIO 30 DST	ELIMINATED STEVEN E. GENGLER D & L. HERMANN PROPERTIES, LLC. JOHN KIRTZ, ILC. BRE RETAIL RESIDUAL OWNER 5. LLC.	) BANK NA	ELIMINATED 15600 NATIONAL AVENUE, LLC. MARINE BANK WEST	NORTH SHORE BANK FSB BRE RETAIL RESIDUAL OWNER 5, LLC. CITY OF NEW BERLIN FIDSTAD RANK AH WAITER NA	15550 WEST NATIONAL, LLC.	YBB HOLDINGS, LLC. FRANCHISE REALTY INTERSTATE CORPORATION NEW BERLIN ENTERPRISES, LLC.		WE ENERGIES - ELECTRIC AT&T WSCONSIN CITY OF NEW BERLIN - WATER CITY OF NEW BERLIN - SANITARY TIME WATNER CABILE	WE ENERGIES - GAS	CITY OF NEW BERLIN EJP MOORLAND COMMONS, ILC & LAYTON STATE BANK EJP MOORLAND COMMONS, ILC, LAYTON STATE BANK & TARGET CORPORATION	NEW BERLIN ASSOCIATES & 15450 WEST NATIONAL AVENUE, NEW BERLIN, LLC. ASSOCIATED BANK NA MRED ASSOCIATES *** ASSOCIATED BANK NATIONAL MED ASSOCIATES	CITY OF NEW BERLIN - LICHTING MID-AMERICA REALTY INVESTMENTS, INC &	NORTH SHORE BANK FSB, BRE RETAIL RESIDUAL OWNER LLC.	- DATE 01/14/2022	GRID FACTOR N/A	
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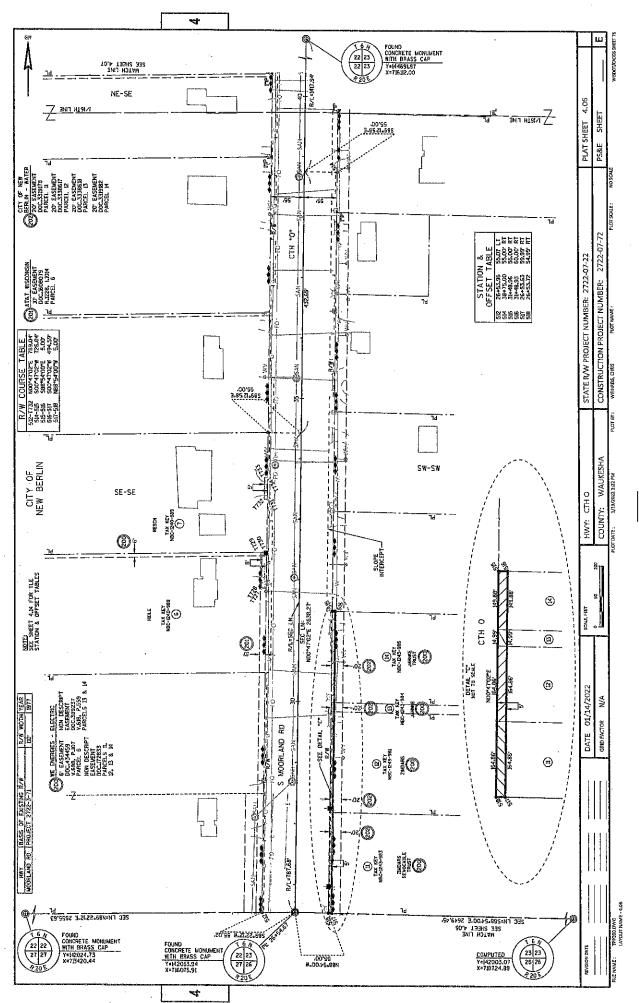
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File Number: 176-O-108

Referred to: PW





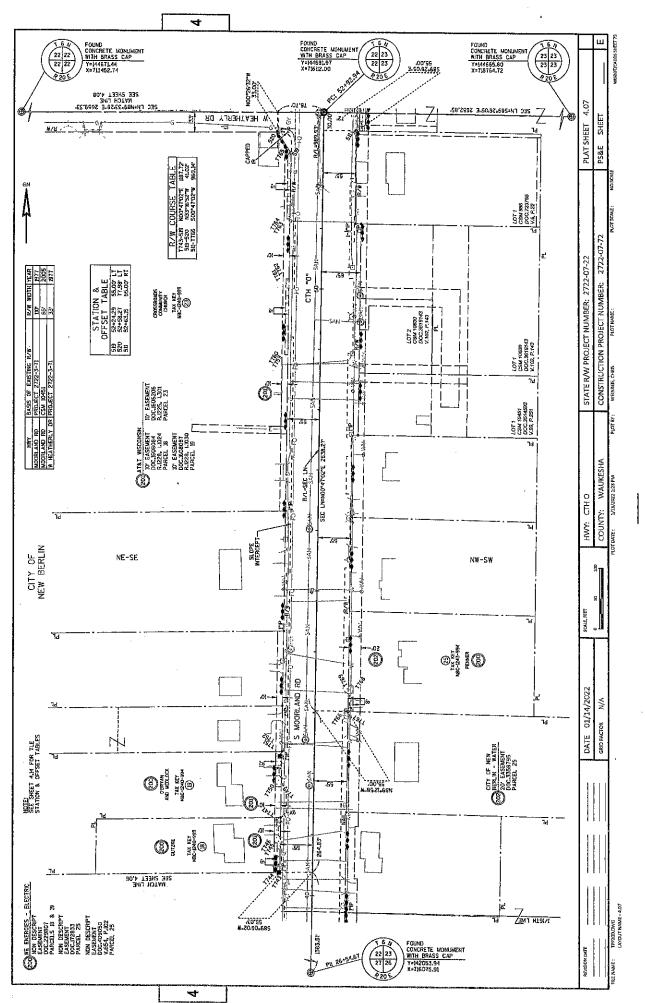


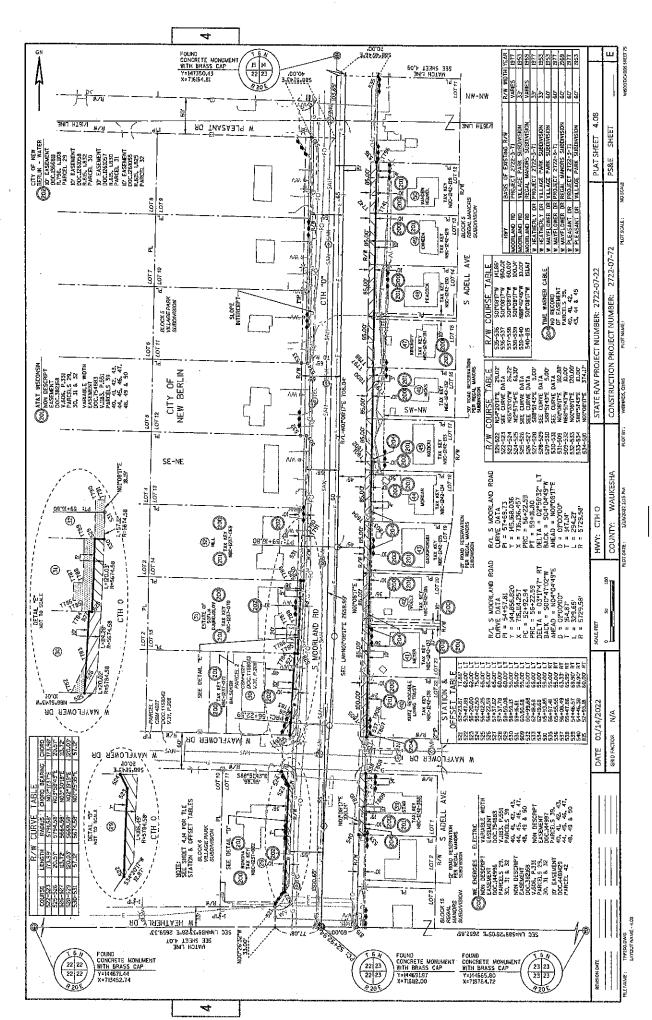
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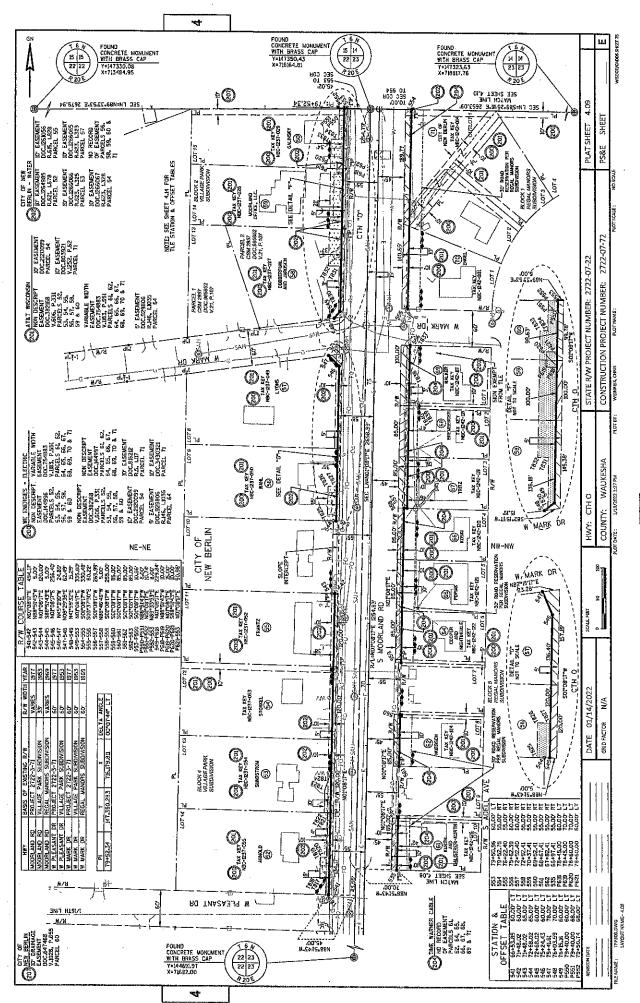
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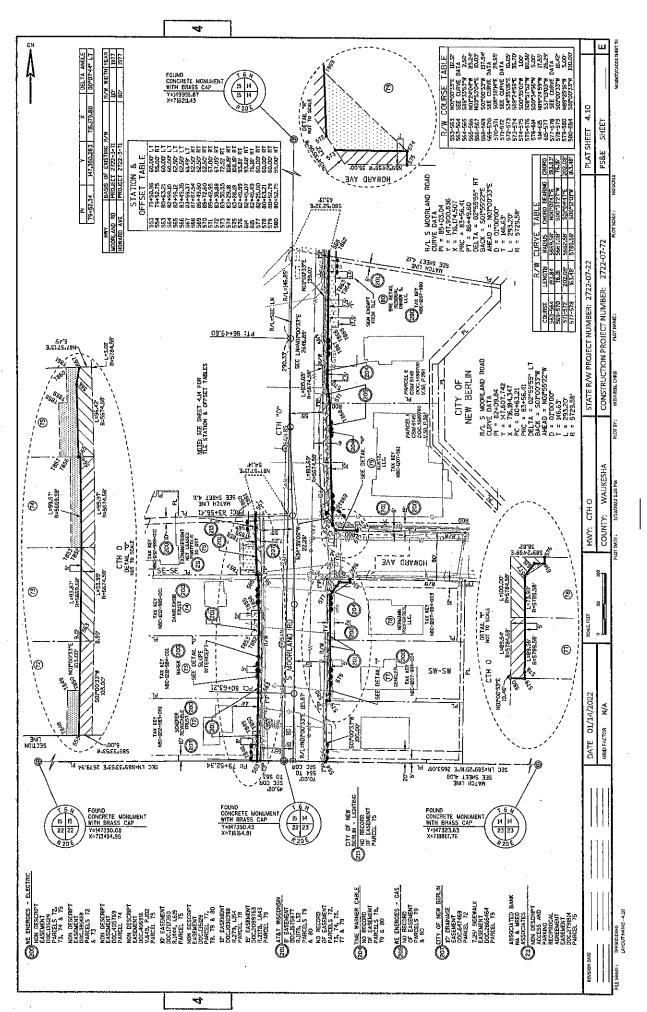
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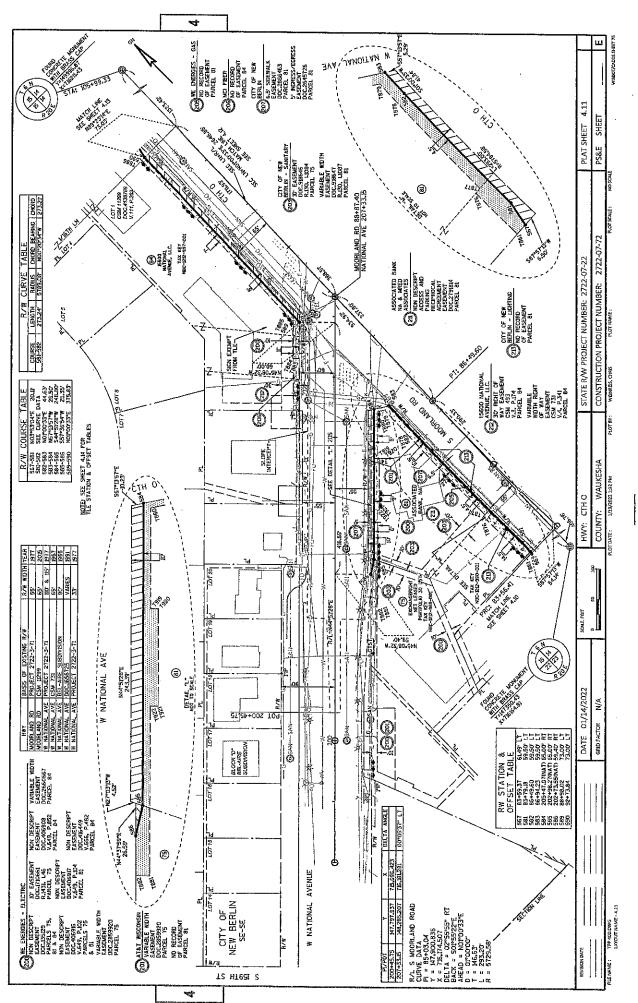
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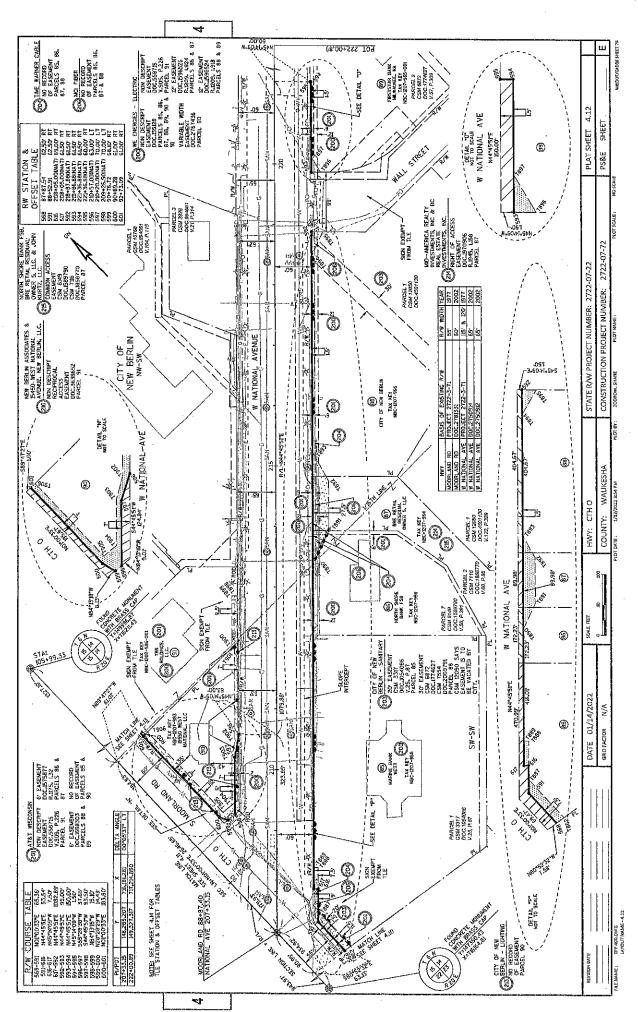








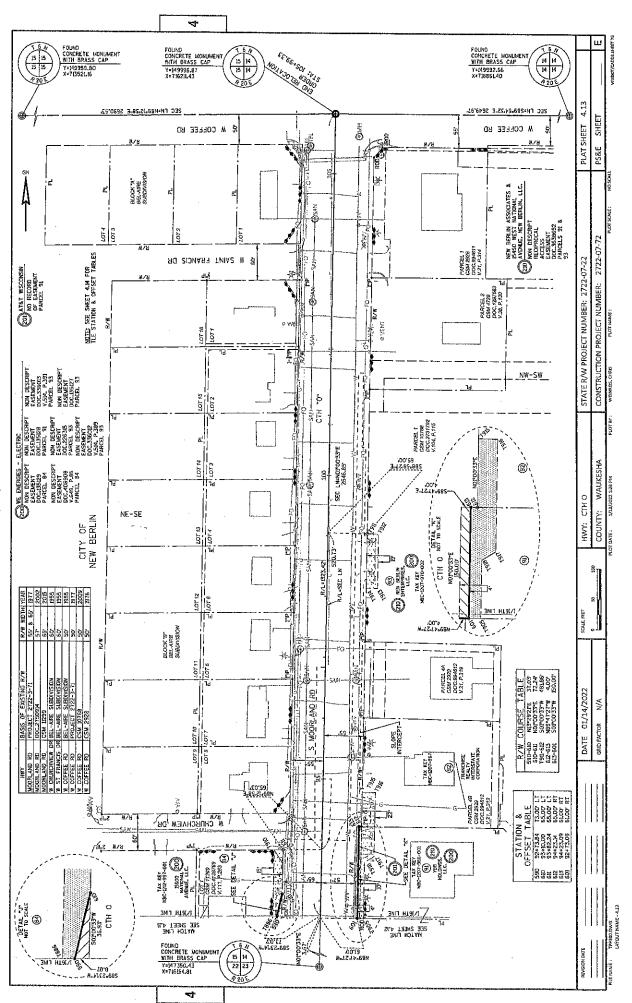




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File Number: 176-0-108

Referred to: PW

1	MODIFY THE 2022-2026 CAPITAL PLAN AND 2022 CAPITAL PROJECT BUDGET TO APPROPRIATE
2	DESIGN FUNDING IN 2022 FOR CAPITAL PROJECT #202013 CTH O, CTH D TO STH 59
3	REHABILITATION AND DECREASE FUNDING IN 2022 FOR CAPITAL
4	PROJECT #202012 CTH X, WEST HIGH DRIVE INTERSECTION
5	
6	
7	WHEREAS, the County owns and operates a system of county trunk highways (CTH); and
8	
9	WHEREAS, the County undertakes projects for improvement of traffic safety and level of
10	service at various locations when conditions warrant; and
11	
12	WHEREAS, CTH O from CTH D to STH 59 in the City of New Berlin was selected as a location
13	whereby safety, operation and pavement condition would be greatly improved by expanding
14	turn lanes, upgrading the traffic signal, and replacing pavement; and
15	
16	WHEREAS, the project was approved for federal Surface Transportation Program (STP) funding
17	through the Wisconsin Department of Transportation (WisDOT), which finances project design
18	expenses at an 80% federal/20% county cost share, up to a maximum cap of \$824,000; and
19	MULTIPLAS MARCHANT has allowed at the defendance of the control of
20 21	WHEREAS, WisDOT has allocated their funding share for the design of this project starting in
22	Fiscal Year 2022 which ends June 30, 2022; and
23	WHEREAS, the 2022-2026 Capital Plan did not assume budgeting for the County's 20% share of
24	design funding of \$206,000 until calendar year 2023, which does not align with the State fiscal
25	year funding and results in the county being unable to contract for the design work as
26	scheduled by the State; and
27	
28	WHEREAS, moving the county share of the project design funds to 2022 will allow contracting
29	and project schedules to be maintained and will result in no net cost impact to the county; and
30	
31	WHEREAS, funding for the 2022 Capital Budget has already been determined and adopted by
32	the County Board of Supervisors; and
33	
34	WHEREAS, capital project #202012 CTH X, West High Drive Intersection had funding
35	appropriated in 2021 for construction, and construction will be delayed until 2023 due to
36	design delays resulting from Waukesha County Public Works staffing issues; and
37	
38	WHEREAS, sufficient balance is available in capital project #202012 CTH X, West High Drive
39	Intersection to cover the design costs for capital project #202013; and
40	
41	WHEREAS, restoration of the funding for capital project #202012 CTH X, West High Drive
42	Intersection will be proposed in the 2023-2027 capital plan, using funds freed up from moving
43	up funds for project #202013 into 2022.
44	
45	THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the 2022-
46	2026 Capital Plan and 2022 Capital Projects budget be modified to appropriate expenditures of
47	\$206,000 for project #202013 – CTH O, CTH D to STH 59 Rehabilitation and to reduce
48	expenditures by \$206,000 for project #202012 CTH X, West High Drive Intersection.

File Number: 176-0-109

Referred to: EX – PW – FI

Referred on: 02/03/22

	CAPITAL B	UDGET SUM	MARY		
Year	2022	2023	2024	2026	Total
Project Phase	Ord./Design	Design	Land Aquis.	Construction	Project
Expenditure Budget	\$206,000	\$0	\$130,000	\$2,910,000	\$3,246,000
Revenue Budget	<u>\$0</u>	<u>\$0</u>	\$0	<u>\$0</u>	\$0
Net Cost After Revenues Applied	\$206,000	\$0	\$130,000	\$2,910,000	\$3,246,000
COST DOCUMENTATION	<del></del>		REVENUE		
Design	\$1,000,000		Federal Surface	Transportation	
WisDOT Design Review	\$30,000		Program (STP) -		\$824,000
Land Acquisition	\$650,000		STP Funding - L		\$520,000
Construction	\$13,000,000		STP Funding - C		\$11,640,000
Construction Management	\$900,000	İ	<b>J</b> .		<b>4 · · · , · · · · · · · · · ·</b>
Contingency	\$650,000	Ì			
Total Project Cost	\$16,230,000		Total Revenue		\$12,984,000
EXPENDITURE BUDGET	\$3,246,000		REVENUE BUD	GET	\$0

### Project Scope & Description

This 1.5-mile long project involves the rehabilitation/reconstruction of CTH O to bring it up to current standards. Improvements will include: replacing the existing concrete pavement, reconfiguring intersections to improve safety, replacing older traffic signals, minor grading, adding sidewalks and storm water improvements. Access to other businesses and residences adjacent to Moorland Road will need to be maintained during construction. Therefore, traffic control will be a major challenge for this project. This project will use federal funds to partially offset the cost of design and construction. The department has applied for \$12,984,000 in federal STP funds for this project, was awarded \$1,344,000 in STP funds for the design and real estate phases of the project, and was assured they will be awarded the remainder for construction in the 2021 STP cycle.

Update: Ordinance request February 2022 – The 2022-2026 adopted capital plan assumed design work beginning in calendar year 2023. The Waukesha County Department of Public Works requested that the Wisconsin Department of Transportation (WisDOT) allocate federal funding towards the design phase in calendar year 2023. WisDOT has indicated that the design funding will remain allocated in the state's Fiscal Year 2022 (July 1, 2021 – June 30, 2022) in accordance with their budget and scheduling plans. Moving the design funding to the 2022 state fiscal year does not increase costs to the county. The move from 2023 calendar year to the 2022 calendar year will allow an earlier start to the design of the project and better accommodates the WisDOT funding schedule and programs. At this time, there is no intention to change the scheduling of the remaining project phases (land acquisition and construction).

Location: City of New Berlin

Analysis of Need: The concrete pavement along this portion of Moorland Road (CTH O) is in poor condition; the transverse and longitudinal joints show signs of significant deterioration. The roadway was first built in 1978 and was rehabilitated in 2006, but that rehabilitation is nearing the end of its useful life, and the concrete pavement will need to be replaced. Pavement issues are further compounded by the fact that this portion of Moorland Road is one of the busiest on the county highway system with nearly 40,000 vehicles per day. The corridor serves as a major access road between I-43 and I-94.

Alternatives: Attempt further rehabilitation. This alternate is not recommended because it is not considered cost-effective due to the poor condition of the existing pavement and the high cost of traffic control needed to maintain traffic for this roadway.

Ongoing Operating Costs: Operating costs are not expected to change.

<u>Previous Action:</u> Originally, the rehabilitation for this stretch of highway was included in capital project #201803, but is being split out into this separate project. Approved as a new project in the 2020-2024 capital plan. Accelerated in the 2021-2025 capital plan. Approved as planned in the 2022-2026 capital plan.

Referred on: 02/03/22

File Number: 176-O-109 Referred to: EX - PW - FI

CAPITAL BUDGET SUMMARY							
Year	2020	2021	2022	2023	Total		
Project Phase	Land	Construction	Ordinance	Construction	Project		
Expenditure Budget	\$10,000	\$253,000	(\$206,000)	\$206.000	\$263,000		
Revenue Budget	<u>\$0</u>	\$0	\$0	\$0	\$0		
Net Costs After Revenues Applied	\$10,000	\$253,000	(\$206,000)	\$206,000	\$263,000		
COST DOCUMENTATION		REVENUE		***************************************			
Land Acquisition	\$10,000						
Construction	\$220,000	•					
Construction Management	\$22,000	į					
Contingency	\$11,000						
Total Project Cost	\$263,000	Total Revenue			\$0		
EXPENDITURE BUDGET	\$263,000	REVENUE BUDGET			\$0		

### Project Scope & Description

The purpose of this proposed project is to install permanent signal poles and equipment at the CTH X (Saylesville Road) / West High Drive signalized intersection. This existing signalized intersection had been identified by the Wisconsin Department of Transportation (WisDOT) during 2012 as one of 5% of local road locations in Wisconsin warranting a local intersection safety evaluation. Proposed improvements include:

- Remove and replace all temporary wood poles, span wires, and signal heads with WisDOT-standard permanent
  equipment mounted on monotube structures. Re-mount existing video detectors and emergency vehicle preempt devices (EVP).
- This intersection's existing controller would serve the new traffic signal. Minor signal operation improvement
  details also will be implemented, including new clearance intervals, all-red times, minimum gap times, and left
  and right turn detectors.

Update: Ordinance request February 2022 – Funding was appropriated for construction of this project in 2021. Due to staffing issues in the Department of Public Works, construction will be delayed until 2023. A portion of the funding in this project, \$206,000, will be transferred to Capital Project 202013 – CTH O, CTH D to STH 59 Rehabilitation to fund design costs, which have been accelerated to 2022. The Department of Public Works will propose restoring the funding of \$206,000, which was freed up in 2023 by moving project 202013 up, in the 2023-2027 capital plan.

Location: City of Waukesha

Analysis of Need: The traffic signal at this 'T'-intersection serving Waukesha West High School was installed with wood poles and span wire during the fall of 2007 following several severe-injury angle collisions. The intersection was installed on temporary poles due to anticipation of future development. The development of 35 homes was anticipated to begin in 2019. The primary access to the subdivision will be located on a local City of Waukesha roadway, not at this intersection. What will be installed at the intersection will be a driveway for a church located adjacent to the proposed subdivision. The church and developer are implementing several infrastructure improvements, including a southbound CTH X right turn lane, a northbound CTH X left turn lane, supplemental signal equipment mounted on the existing wood poles-span wires, and new sidewalks with a CTH X crosswalk added between this new neighborhood and Waukesha West High School. With the development moving forward with a driveway at this intersection, the final configuration of the intersection will be established and permanent signal infrastructure should be implemented.

<u>Alternatives:</u> The alternative is to leave the existing wood poles and temporary signal configuration in place, but at some point this temporary system will need a permanent solution implemented.

Ongoing Operating Costs: Maintaining proper alignment of the vehicle detection video cameras mounted on the wood poles after strong winds and seasonal freeze-thaw conditions is an operational and maintenance challenge. Public complaints about malfunctioning signal operation responses to traffic are frequently received by the Waukesha County DPW. A new permanent signal will alleviate these operational calls and responses.

Previous Action: Approved as new project in 2020-2024 capital plan. Approved as planned in the 2021-2025 capital plan.

Referred on: 02/03/22

File Number: 176-0-109 Referred to: EX - PW - FI

3

MODIFY THE 2022-2026 CAPITAL PLAN AND 2022 CAPITAL PROJECT BUDGET TO APPROPRIATE DESIGN FUNDING IN 2022 FOR CAPITAL PROJECT #202013 CTH O, CTH D TO STH 59 REHABILITATION AND DECREASE FUNDING IN 2022 FOR CAPITAL PROJECT #202012 CTH X, WEST HIGH DRIVE INTERSECTION

This ordinance modifies the 2022-2026 Capital Plan and 2022 Capital Project budget to appropriate expenditure authority in the amount of \$206,000 to cover design costs for the CTH O, CTH D to STH 59 Rehabilitation project (#202013). The ordinance also decreases funding in 2022 for the CTH X, West High Drive Intersection project (#202012) to fund the design expenditures for capital project #202013.

Project #202013 was approved for federal Surface Transportation Program (STP) funding which finances project design expenses at an 80% federal share and 20% county cost share. The 2022-2026 Capital Plan assumed funding the County's share of \$206,000 in calendar year 2023, which does not align with the state fiscal year. As a result, the county is unable to contract for the design work without the spending authority in 2022. (The move from 2023 calendar year to the 2022 calendar year will allow an earlier start to the design of the project and better accommodates the WisDOT funding schedule and programs. At this time, there is no intention to change the scheduling of the remaining project phases (land acquisition and construction)).

Funding for the construction phase of capital project #202012 was approved in 2021. According to department management, construction will be delayed until 2023 due to design delays resulting from county Department of Public Works Engineering division staffing issues.

If approved, this ordinance request will increase funding by \$206,000 in 2022 for capital project #202013. The increase will be offset by a decrease in funding by \$206,000 in 2022 for capital project #202012. The department intends to request restoration of the funding for capital project #202012 in the 2023-2027 capital plan, which was freed up in 2023 by moving project 202013 up, in the 2023-2027 capital plan.

1 The Control of the	1	2022	2023
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		COT F DELINGED BENEVERS, DE	
202013 CTH O, CTH D to STH 59 Rehab - Design	5	206,000	\$ (206,000)
202012 CTH X, West High Drive Intersection - Construction	5	(206,000)	\$ 206,000
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Control of the Contro	ĺ .	The Control of the Co	the manual contraction of the second contrac
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Subtotal Hwy	5		\$ -

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

William Duckwitz Budget Manager

William Pudnity

02/01/2022

MYBK

JE #2022-00000512

Referred on: 02/03/22 File Number: 176-O-109 Referred to: EX – PW – FI

1	MODIFY THE 2022-2026 CAPITAL PLAN AND 2022 BUDGET FOR CAPITAL
2	PROJECT 201807, PEWAUKEE TO BROOKFIELD TRAIL CONSTRUCTION
3	
4	WINESERS W. L. L. O. C. L.
5 6	WHEREAS, Waukesha County is interested in developing lands for public outdoor recreation
. 7	purposes as described in Appendix A of the Comprehensive Development Plan of Waukesha County; and
8	County, and
9	WHEREAS, the Waukesha County Board of Supervisors approved Capital Improvement Project
10	#201807, Pewaukee to Brookfield Trail, in the 2021-2025 Capital Project Plan, with a total
11	budget of \$2,200,000; and
12	
13	WHEREAS, the Pewaukee to Brookfield Trail, as identified in the Waukesha County Bicycle Plan,
14	will be a key three-mile section of paved trail from the Brookfield Village area (located in the
15	City of Brookfield) to a proposed trailhead south of Watertown Road (located in the City of
16	Pewaukee); and
17	
18	WHEREAS, the anticipated funds needed for construction will exceed the construction budget
19	by \$290,000, due to a higher-than-expected public bid for construction with the higher bid
20 21	primarily due to increased material and labor costs; and
22	WHEREAS, the project costs now total \$2,490,000, and the Department of Parks and Land Use
23	requests the use of \$290,000 of Capital Project Fund balance to cover the above budget
24	amount.
25	
26	THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the 2022-
27	2026 Capital Plan be modified for additional costs for Project #201807 Pewaukee to Brookfield
28	Trail.
29	
30	BE IT FURTHER ORDAINED that the 2022 Capital Project budget for Project #201807 Pewaukee
31	to Brookfield Trail be modified to appropriate additional expenditure authority of \$290,000 and
32	increase the use of Capital Project Fund balance by a corresponding amount for the
33	construction of the Pewaukee to Brookfield Trail.

CAPITAL BUDGET SUMMARY						
Year	2018	2019	2020	2021	2022	Tota!
Program Project	Design/Eng.	Design/Eng.	Design/Eng.	Construction	Ordinance	Project
Expenditure Budget	\$0	\$300,000	\$0	\$1,900,000	\$290.000	\$2,490,000
Revenue Budget	<u>\$0</u>	\$240,000	\$0	\$1,706,000	\$290,000	\$2,236,000
Net Cost After Revenues Applied	\$0	\$60,000	\$0	\$194,000	\$0	\$254,000
COST DOCUMENTATION				REVENUE		Ψ20 1,000
Design		\$300.000		Fed/State Wis	DOT	\$1,696,000
Construction		\$2,050,000		WDNR Stewar		\$250,000
Contingency		\$140,000			t Fund Balance	\$290,000
Total Project Cost		\$2,490,000		Total Revenue		\$2,236,000
EXPENDITURE BUDGET		\$2,490,000		REVENUE BU	DGET	\$2,236,000

Project Scope & Description

In 2009, the Waukesha County Board adopted the updated Comprehensive Development Plan for Waukesha County. As a result, an updated Waukesha County Bicycle Plan was developed through a collaborative effort between the Department of Parks and Land Use, the Department of Public Works, all municipalities within the county, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, and the Southeast Wisconsin Regional Planning Commission (SEWRPC). The Waukesha County Board adopted the Waukesha County Bicycle Plan as part of the Comprehensive Development Plan in 2012. A component of the Waukesha County Bicycle Plan includes an approximately five-plus mile multi-use trail from the City of Waukesha at Frame Park to the City of Brookfield Historic Village area along Brookfield Road. This proposed project will develop the approximately three-mile segment of the trail from a proposed trailhead / parking area just south of Watertown Road in the City of Pewaukee to a proposed trailhead in the City of Brookfield. The location of the Pewaukee trailhead was moved slightly to the north due to local resident input. The project will be coordinated with the State of Wisconsin Department of Transportation, Department of Natural Resources, Army Corps of Engineers, City of Brookfield, and City of Pewaukee. The trail will cross three roadways and the Fox River three times.

The Department of Parks and Land Use will seek funding from multiple sources. The project budget includes \$1,696,000 (80:20 cost share reimbursable program) from the Wisconsin Department of Transportation through the Federal Transportation Alternatives Program (TAP) Grant. Waukesha County has also secured a \$250,000 State of Wisconsin Department of Natural Resources Stewardship Grant. Waukesha County will fund the remaining costs which will provide the required match for the Stewardship grant. The county does not anticipate plowing the trail in the winter. Depending on future use and demand, the cities may cooperatively maintain this trail for year-round use. In December of 2021, Waukesha County solicited construction bids for the project. The lowest bid was higher than expected, and over the project budget. In February of 2022 an ordinance will be considered by the County Board to appropriate additional expenditure authority of \$290,000, and increase the use of Capital Project Fund Balance by a corresponding amount, which will allow the County to award the bid and initiate the project construction.

<u>Location:</u> The City of Pewaukee and the City of Brookfield. Features or destinations along the trail include the GE Medical Training Center located on Watertown Road.

Analysis of Need: The project is identified as the northern phase of a north-south connector trail in the Waukesha County Bicycle Plan. The trail connects to 26 miles of established on and off-road trails in the City of Brookfield, connecting residents in several densely populated areas with a transportation alternative to access employment, retail, and recreation centers. The trail also connects to the State of Wisconsin Hank Aaron Trail and Milwaukee County Oak Leaf Trail – extending impact to about 100 miles of connected trails and parkways through Milwaukee County. Additionally, the trail also connects to the Brookfield Square Mall, the Sharon Lynne Wilson Center for the Arts, Waukesha County's Fox Brook Park, parks in the City of Brookfield and the Village of Elm Grove and several commercial and business areas including the GE Healthcare Institute.

Alternatives: One alternative examined was to build a connector bicycle lane or paved shoulder facility as part of the CTH F overlay project (capital project #200905). However, it was a simple overlay project, and not a reconstruction project, and also has limited available right-of-way for separated trail purposes.

Ongoing Operating Costs: This project will generate an additional three-plus lineal miles of trail to maintain. This facility will be maintained by the current parks staffing level located at Fox Brook Park, with assistance from the City of Brookfield Parks, Recreation & Forestry Department.

<u>Previous Action:</u> This Pewaukee to Brookfield trail was previously included in the Phase I: Waukesha-Brookfield Multi-Use Trail project (#201407), and was approved with this project scope (enrolled ordinance 171-19), but was not awarded federal TAP funding. This project is proposed to correspond with an application for a later federal funding cycle, and was approved as a new project in the 2018-2022 capital plan. Approved as planned in the 2019-2023 and 2020-2024 capital plans. Approved with a scope change and cost and revenue updates in the 2021-2025 capital plan.

Referred on: 02/03/22

File Number: 176-0-110

# MODIFY THE 2022-2026 CAPITAL PLAN AND 2022 BUDGET FOR CAPITAL PROJECT 201807 PEWAUKEE TO BROOKFIELD TRAIL CONSTRUCTION

This ordinance modifies the 2022-2026 Capital Plan and 2022 Capital Project budget to increase expenditure authority by \$290,000 to cover above-budget construction costs for the Pewaukee to Brookfield Trail project (#201807). The ordinance also increases the use of Capital Project Fund balance by \$290,000 to fund these expenditures.

The current construction budget (which includes project construction and construction administration) is \$1.76 million. The construction administration contract has been awarded (\$95,300), leaving an available construction budget of approximately \$1,664,700. According to department management, the low bid received for the project construction is \$1.954 million, which is approximately \$290,000 over the estimated construction budget for this portion of the project. All bids were higher primarily due to increased material and labor costs.

The previous budget for this project was \$2.2 million and increases to \$2.49 million with this cost update. This project is funded through revenue from the Wisconsin Department of Transportation through the Federal Transportation Alternatives Program (TAP) Grant (\$1.696 million) and revenue from the Wisconsin Department of Natural Resources Stewardship Grant (\$250,000). The county's portion of the original budget is \$254,000; the county's portion of the revised budget increases \$290,000 to \$544,000, with the department requesting to fund the additional expenditures with Capital Project Fund balance.

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

William Duckwitz Budget Manager

William Purhity

02/01/2022 MYBK

JE #2022-00000375

Referred on: 02/03/22 File Number: 176-O-110 Referred to: EX – LU – FI

1	MODIFY 2022 DEPARTMENT OF EMERGENCY PREPAREDNESS-RADIO SERVICES DIVISION
2	BUDGET FOR REPLACEMENT RADIO BATTERIES AND RELATED ACCESSORIES
3	
4	
5	WHEREAS the Department of Emergency Preparedness – Radio Services Division is setup as an
6	enterprise fund to account for the expenses and revenues associated with maintaining radio
7	communications equipment and infrastructure for Waukesha County departments and outside
8	agencies; and
9	
10	WHEREAS these users are charged annually via interdepartmental charges for future equipment
11	replacements and these charges are accumulated in the Equipment Replacement program
12	within the Radio Services Division; and
13	WILEDEAC the Attended ADV and the city of
14 15	WHEREAS the Motorola APX radios that are currently in use by county departments are
15 16	certified by Factory Mutual (FM) to be intrinsically safe. FM no longer is certifying this
17	equipment as being intrinsically safe as of December 31, 2020, due to potential hazards associated with the transmit strength of the radios; and
18	associated with the transmit strength of the faulos, and
19	WHEREAS Motorola is offering to replace the FM radio units with up-to-code Underwriters
20	Laboratories (UL) certified radios and batteries, requiring the purchase of two UL batteries at
21	the cost of the agency receiving the replacement units; and
22	the same against the same same same same same same same sam
23	WHEREAS Motorola provided a quote for these battery replacements totaling \$80,600 to
24	supply two batteries per ordered radio unit replacement for Sheriff, Parks and Land Use, and
25	Radio Services devices; and
26	
27	WHEREAS the new radios for the Sheriff's department will require additional accessories,
28	including carrying cases, radio engraving, and additional remote speaker microphones (RSM)
29	totaling \$21,200.
30	
31	THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
32	Department of Emergency Preparedness – Radio Services Division 2022 budget be modified to

Referred on: 02/03/22 File Number: 176-O-111 Referred to: JU - FI

increase operating expense appropriations by \$101,800 for the radio battery replacements and

associated accessories and increase the usage of Radio Services fund balance by \$101,800.

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# MODIFY 2022 DEPARTMENT OF EMERGENCY PREPAREDNESS-RADIO SERVICES DIVISION BUDGET FOR REPLACEMENT RADIO BATTERIES AND RELATED ACCESSORIES

This ordinance authorizes Waukesha County Department of Emergency Preparedness-Radio Services Fund budget to increase operating expenditure appropriations by \$101,800 for radio battery replacements and associated accessories. The department radios that will be replaced are for the Sheriff's Department, Parks and Land Use, and the Radio Services Division. (Other departments use different types of radios, not related to this issue.) These replacements and accessories correspond to an agreement between Motorola and Waukesha County, where Motorola will cover the cost to replace the radio units if Waukesha County purchases the batteries (two batteries per radio), at a cost of \$80,600. Additionally, the Sheriff Department radios require additional accessories, including carrying cases, engraving, and remote speaker microphones totaling \$21,200.

This ordinance also authorizes the use of \$101,800 of Radio Services fund balance to offset these operating expenses. Departments incorporate annual radio replacement charges into their budgets via interdepartmental charges that are deposited into the Radio Services Fund for future replacements.

There is no tax levy impact associated with this ordinance.

William Duckwitz Budget Manager

William Purhity

2/1/2022

JE# 2022-00000460

AJK

Referred on: 02/03/22 File Number: 176-O-111 Referred to: JU – FI

1 AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ACCEPT 2 A CASH DONATION of \$34,000, AUTHORIZE THE PLACEMENT OF A 3 RECOGNITION MARKER AND MODIFY THE 2022 BUDGET OF THE 4 DEPARTMENT TO APPROPRIATE ADDITIONAL EXPENDITURES 5 6 7 WHEREAS it is the mission of Department of Health and Human Services to support and 8 promote optimal health, well-being, and potential of individuals and families; and 9 10 WHEREAS the Department of Health and Human Services is committed to ensuring fiscal 11 responsibility and quality programming through continuous improvement; and 12 13 WHEREAS, the Division of Children and Families has received a \$34,000 donation from a group 14 of Waukesha residents, to support these activities of the Department of Health and Human 15 Services; and 16 17 WHEREAS, pursuant to Sec. 7-91 of the County Code of Ordinances regarding Cash Donations, 18 the Department of Health and Human Services will utilize the donation to upgrade visitation 19 rooms in the Health and Human Services building, including but not limited to paint, furniture, 20 fixtures, and supplies for the rooms; and 21 22 WHEREAS, pursuant to Sec. 3-5 of the Code of Ordinances regarding Recognition Markers, the 23 Department of Health and Human Services will recognize the donors by placing a recognition 24 marker in the form of a plaque outside or near one of the rooms. 25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS 26 27 that Department of Health and Human Services is authorized to accept the cash donation of 28 \$34,000 from a group of Waukesha residents for the purpose of upgrading visitation rooms in 29 the Health and Human Services building, including but not limited to paint, furniture, fixtures, 30 and supplies for the rooms. 31 32 IT IS FURTHER ORDAINED that Department of Health and Human Services is authorized to 33 recognize the donors by placing a recognition marker in the form of a plaque outside or near 34 one of the rooms; and 35 36 BE IT FURTHER ORDAINED that the Department of Health & Human Services 2022 budget shall 37 be modified by appropriating \$34,000 in operating expenses and increasing other revenues by 38 \$34,000.

AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ACCEPT A CASH DONATION of \$34,000, AUTHORIZE THE PLACEMENT OF A RECOGNITION MARKER AND MODIFY THE 2022 BUDGET OF THE DEPARTMENT TO APPROPRIATE ADDITIONAL EXPENDITURES

This ordinance authorizes the Department of Health and Human Services to accept and appropriate \$34,000 of operating expenses to upgrade visitation rooms in the Health and Human Services building, including but not limited to paint, furniture and fixtures, and program supplies for the rooms. These expenditures are funded with a donation from a group of Waukesha residents, to support the activities of the Department of Health and Human Services - Division of Children and Families. The donors will be recognized on a plaque outside or near one of the rooms.

William Duckwitz

Budget Manager 02/02/2022

J/E#2022-00000610

Referred on: 02/03/22 File Number: 176-O-112 Referred to: HS - FI

1 AUTHORIZE THE ISSUANCE OF NOT TO EXCEED \$11,300,000 GENERAL 2 OBLIGATION PROMISSORY NOTES FOR CAPITAL PROJECTS. 3 4 5 WHEREAS, Waukesha County, Wisconsin (the "County") is in need of an amount not to exceed \$11,300,000 for the public purpose of paying the cost of capital projects included in the 6 County's 2022 Capital Projects Expenditure Plan consisting of justice and law enforcement 7 8 projects; public works projects; parks, environment, education and land use projects; and 9 vehicle replacement projects; and 10 11 WHEREAS, it is desirable to authorize the issuance of general obligation promissory notes for 12 such purpose pursuant to Chapter 67 of the Wisconsin Statutes. 13 14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the County may borrow an amount not to exceed \$11,300,000 by issuing general obligation 15 promissory notes for the public purpose of paying the cost of capital projects included in the 16 County's 2022 Capital Projects Expenditure Plan consisting of justice and law enforcement 17 projects; public works projects; parks, environment, education and land use projects; and 18 19 vehicle replacement projects. 20 BE IT FURTHER ORDAINED that there be and there hereby is levied on all the taxable property in 21 the County a direct, annual tax in such years and in such amounts as are sufficient to pay when 22 23 due the principal and interest on such notes. 24 25 BE IT FURTHER ORDAINED that this action by the County Board of Supervisors is taken pursuant to Section 67.12(12), Wis. Stats., and is intended to constitute a "resolution" for purposes of 26 27 that section.

1	MODIFY THE 2022 BUDGET BY TRANSFERRING CARRYOVER FUNDS FROM 2021
2	UNEXPENDED APPROPRIATIONS TO 2022 BUDGETED APPROPRIATIONS
3	
4	
5	WHEREAS, funds were appropriated in the 2021 budget for certain items or services which, for
6	various reasons, were deferred to 2022; and
7	
8	WHEREAS, requests of the departments for carrying other unspent funds and related revenues
9	from the 2021 budget are recommended for carryover after review by the County Executive.
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1	THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that a total of
2	\$345,085 be carried forward from 2021 accounts into the 2022 budgets, to enable the purchase
3	of goods and services, as indicated on the carryover schedule on file with the County Clerk and
4	made part this ordinance by reference.
5	
6	BE IT FURTHER ORDAINED that the funding necessary to cover the carryover expenditures be
7	provided by appropriating the related revenues in the amount of \$117,785 and related 2021
8	fund balance in the amount of \$227,300 for a total of \$345,085.

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		REQUESTED CARR	REQUESTED CARRYOVERS 2021-2022
		esig jude jude syledi.	Paints and leavelute, general hand its pool
Account Number	Amount Approved	Projects	Justification
100.100.1060.1062.MAINTN.5712	\$5,000	Exterior Painting of Fox Brook Park Beach House	The department is requesting \$5,000 in the Parks Three Year Maintenance and Projects Plan to be carried over for exterior painting of the Fox Brook Park beach house. Due to market conditions, staff were unable to secure quotes from contacted vendors. If carried over, staff would look to bundle this project with others slated in 2022, with the goal of generating more interest from vendors.
		Energy Sylvery (Palabothories garden	Jenei i Pundi S67/3019
Account Number	Amount Approved	Projects	Justification
100,400,4200.4017.0.7255	\$67,000	Highway Salt Dome Dormer Replacement	The department is requesting to carry over \$67,000 in the Facilities Management Building Improvement Plan for the Highway Operations salt dome dormer replacement. Due to the Dormer Replacement, number of mechanical and building breakdowns during 2021 and the need to accurately monitor and manage the overall budget within current market conditions, staff was unable to secure a cost estimate and bid the project out during 2021.
		I was the state of Deet Silo pool	SECUL ST 10/1000 F
100.110.1100.1102.0.5723	\$10,000	Department of Revenue Interface	The department is requesting a carryover of \$10,000 for the integration of an interface between the Register of Deeds Office and the Wisconsin Department of Revenue to facilitate the recording of transfer documents. There have been delays with the state, which has resulted in a impeded implementation.
		//   ET   E//	Hanta Str. 22, 1870
100.200.2012.2022.HIDTA.4020	\$14,000	High Intensity Drug Trafficking Areas	The Sheriff's Department was awarded a HIDTA grant from the Office of National Drug Control Policy for drug investigation and enforcement in 2020 totaling \$89,994. Per the HIDTA policies, the Sheriff Department has two years to spend the funds allocated. These funds were carried
100.200.2012.2022.HIDTA.5191	\$19,220	(HIDTA) Grant	over from 2020 to 2021 and all but \$33,220 of the grant has been spent at the end of 2021. The department is requesting a carryover of \$33,220 for overtime and special investigation supplies.
100.200.2024.2095.0.5695	\$55,000		The Sheriff's Department is requesting to carryover \$95,300 of unspent equipment
100.200.2030.2095.0.5695	\$11,000	lail Equipment Ren(arement Dlan	and Huber facility and for small equipment for staff. This includes cameras, which are replaced on an "as needed" basis as department staff do not want a large on-hand inventory of analog
100.200.2024.2095.0.5675	\$4,800		replacements includes refrigeration equipment and appliances for the Jail kitchen. The department also budgeted for fixed replacement of different equipment items that staff believed they could use for another year before replacing. These fixed asset items also pertain
100,200,2024,2095,0,7300	\$24,500		to equipment in the jail kitchen.

File Number: 176-0-114

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Account Number	Amount Approved	Projects	Justification
		evening a summer of the second	GWORKS SIGOOO
510.400.4900.4000.0.6495	\$50,000	Waukesha County Airport Asset Study	In 2021 \$50,000 was budgeted to hire a consultant to perform an asset study for Waukesha County Airport. This study is intended to produce a list of physical assets, estimated lifespan, condition and replacement date, and approximate cost. This data is to be used to monitor probable asset replacement needs in the future and determine appropriate levels of Airport Fund balance that would be required to fund them. The bidding climate for this work was not favorable in 2021, and staff time was limited due to turnover and other large projects.
		Water Franch and Properties Into and Home	iman services subjects
150.360.8600.8613.RCCILE.5672	\$6,158		
150.360.8600.8613.RCCILE.4021	\$53,534		-
150.360.8600.8613.RCCILE.4103	\$3,639		
150.360.8600.8613.RCCILE.4120	\$11,709		Health and Human Services was awarded the Rapid Cycle Grant - Crisis Intervention and Law
150.360.8600.8613.RCCILE.4121	\$587	Rapid Cycle Grant - Crisis Intervention	Enforcement for a total of 597,079 and modified their budget to accept this grant in late 2021.
150.360.8600.8613.RCCILE.4122	\$440	and Law Enforcement	Of this grant award, 516,462 has been spent or encumbered in 2021. Since the grant period is
150.360.8600.8613.RCCILE.4123	\$94	,,	//1/2021-6/30/2022, all the grant funds were not intended to be spent in 2021, and the
150.360.8600.8613.RCCILE.4124	\$4,140		remaining amount of \$80,617 is intended for use in 2022.
150.360.8600.8613.RCCILE.4125	\$313		
150.360.8600.8613.RCCILE.4128	\$3		
		Gounts/ (d)	(det.csg/48)
100.540.5400.5430.HAVA.6415	\$1,000		In late 2020, the County Clerk's office received an election security grant from the Wisconsin Election Commission of \$128,650, with the balance of that grant carried over into 2021. Due to
100.540.5400.5430.HAVA.6590	\$2,948	nava Grant for Election Security	an KFP that took place late in quarter 4 or 2021, the exact cost for the network security audit was not known until late December. The request is to carryover the budgeted savings remaining after the RFP to 2022.