

Waukesha County Board of Supervisors

Minutes of the Land Use, Parks & Environment Committee

Tuesday, February 16, 2021

Chair Mitchell called the meeting to order at 8:30 a.m.

Present: Supervisors Bill Mitchell, Tom Michalski, Jacob LaFontain, Chris Mommaerts, Richard Morris, and Tom Schellinger. **Absent:** Keith Hammitt.

Also Present: Chief of Staff Sarah Spaeth, Legislative Policy Advisor Alex Ignatowski, County Board Chair Paul Decker, Park Manager Steve Brunner, Senior Civil Engineer Leaf Hauge, Senior Landscape Architect Stephen Siodlarz, Recycling and Solid Waste Supervisor Analiese Smith, Community Development Manager Kristin Silva, Business Manager Steve Trimborn, Planning and Zoning Manager Jason Fruth, Department of Natural Resources Representative Michelle Hase (via phone), Attorney Terry Booth, and Citizens Marlo Foltz, Matt Foltz, and Bill Zach.

Public Comments

Booth spoke in opposition of ordinances 175-O-073 and 175-O-074 as the attorney for the landowners affected by the School Section Lake Dam Failure Study rezoning. Marlo Foltz also spoke in opposition saying the rezoning change will adversely affect landowners.

Approve Minutes of January 19, 2021

MOTION: Morris moved, second by Michalski to approve the minutes of January 19. Motion carried 6-0.

Next Meeting Date(s)

- March 16, 2021

Executive Committee Report of February 15, 2021

Mitchell said the Executive Committee, at their last meeting, approved two ordinances, one resolution, and one appointment; held a closed session on an employee grievance matter; discussed the Internal Audit Manager position in the County Board office and County Board meeting time survey results.

Discuss and Consider 175-O-077 Authorize Department Of Parks And Land Use To Commence The Process To Acquire Real Estate Interests To Complete The Pewaukee To Brookfield Trail Project Waukesha County Project I.D. #2718-14-01

Brunner and Siodlarz discussed this ordinance as outlined which authorizes the Parks and Land Use Department to enter into negotiations to acquire land needed for capital project #201807 (Pewaukee to Brookfield Trail). This ordinance does not permit the department to purchase the land but only to begin the negotiation process. A separate ordinance would need to be considered by the County Board for the actual land sale. At that time, staff will be in a better position to determine whether requested budget modifications for the project will be necessary.

MOTION: Schellinger moved, second by LaFontain to approve Ordinance 175-O-077. Motion carried 6-0.

Discuss and Consider 175-O-075 Text Amendment To The Recycling Ordinance Found In Chapter 14, Article IV Of The Code Of Ordinances And Forfeiture Schedule

Smith discussed this ordinance to amend the text of the Recycling Ordinance found in Chapter 14, Article IV, Sections 257, 259 (22a), 264(c), and 269 (c) of the Waukesha County Code of Ordinances and the forfeiture schedule, effective February 23, 2021. The amendments are due to the City of Muskego requesting to terminate the Intergovernmental Agreement that governs their participation in Waukesha County's Recycling Responsible Unit.

MOTION: Schellinger moved, second by Michalski to approve Ordinance 175-O-075. Motion carried 6-0.

Discuss and Consider 175-O-076 Modify The Community Development Block Grant (CDBG) 2021 Budget To Accept Us Treasury Department Emergency Rental Assistance Program Grant Funds And Appropriate Additional Expenditures

Silva and Trimborn were present to discuss this ordinance which authorizes the Parks and Land Use Department's Community Development Block Grant (CDBG) program to accept and appropriate an additional \$12,082,684 of US Treasury Department funding. The funds will be used for an Emergency Rental Assistance program to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. Up to 10% of the total allocation may be used for direct administrative costs incurred by Waukesha County and the third-party provider. The distribution of funds will be made by a contracted third-party provider. The grant funding period is currently set to end on December 31, 2021. The 2021 Parks and Land Use Department adopted budget includes HUD funding of \$1,464,022 for the CDBG program. The 2020 budget was modified twice to accept CARES Act allocations of \$861,236 and \$1,335,096 to respond to the pandemic, some of which could also be used for rental assistance. A portion of these unspent funds will be requested for carryover into the 2021 budget. This ordinance results in no direct levy impact.

MOTION: Morris moved, second by Schellinger to approve Ordinance 175-O-076. Motion carried 6-0.

Discuss and Consider 175-O-072 Amend The District Zoning Map Of The Town Of Mukwonago Zoning Code By Applying A Planned Development District Overlay For Heritage Hill Estates PDD-17, For Certain Lands Located In Part Of The SE ¼ Of Section 19, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin (RZ74)

Fruth discussed this ordinance which will apply a Planned Development District Overlay for Heritage Hill Estates, PDD-17, located in the SE¼ of Section 19, T5N, R18E, Town of Mukwonago to accommodate a conservation design subdivision. A public hearing was held and the subject matter of this ordinance was approved by the Mukwonago Town Board on December 16, 2020. The the matter was then referred to and considered by the Park and Planning Commission who are recommending approval to the Land Use, Parks and Environment Committee and the Waukesha County Board.

MOTION: Michalski moved, second by Schellinger to approve Ordinance 175-O-072. Motion carried 6-0.

Discuss and Consider 175-O-073 Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Ottawa By Conditionally Rezoning Certain Lands Located In Part Of Sections 7, 8, 17 And 18, Town Of Ottawa, Waukesha County, Wisconsin To Apply A C-1 Conservancy Overlay District Designation To Lands Within The School Section Lake Dam Failure Floodplain (RZ64)

Fruth presented a PowerPoint to provide the committee background on dam regulations in Wisconsin and Hauge presented background information on the School Section Lake dam. Hase was available on the phone to answer questions. Answering Schellinger's question, Fruth said they didn't see a value in creating a new zoning district and they were able to accommodate the unique characters of this area by adding two conditions to the zoning district.

Fruth and Hauge discussed this ordinance to rezone lands that are subject to the Waukesha County Shoreland and Floodland Protection Ordinance located in Sections 7, 8, 17 and 18 in the Town of Ottawa. Lands that are within the dam failure shadow of the School Section Lake Dam are proposed to be conditionally rezoned to apply a C-1 Conservancy Overlay District to comply with state floodplain zoning requirements. A public hearing was held and the subject matter of this ordinance was denied by the Ottawa Town Board on December 14, 2020. The matter was referred to and considered by the Park and Planning Commission which recommended approval and is reporting that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board.

MOTION: Michalski moved, second by Mitchell to approve Ordinance 175-O-073. Motion defeated 3-3. LaFontain, Mommaerts, and Morris voted no.

Discuss and Consider 175-O-074 Repeal And Recreate Table 6(b)1.B.ii. Of The Waukesha County Shoreland And Floodland Protection Ordinance To Incorporate The School Section Lake Dam Failure Study (RZ65)

Fruth discussed this ordinance to amend the text of the Waukesha County Shoreland and Floodland Protection Ordinance to incorporate a reference to the dam failure floodplain study for the School Section Lake Dam. Lands affected by the dam failure analysis are located within the Town of Ottawa. The matter of this ordinance was considered by the Park and Planning Commission and a public hearing was held. Fruth discussed the recommendations as outlined.

MOTION: Michalski moved, second by Mitchell to approve Ordinance 175-O-074. Motion carried 4-2. LaFontain and Mommaerts voted no.

Legislative Update

Ignatowski said the Governor will present his budget tonight.

MOTION: Michalski moved, second by LaFontain to adjourn at 10:18 a.m. Motion carried 6-0.

Respectfully submitted,

Richard Morris

Richard Morris
Secretary