

**176<sup>th</sup> BOARD YEAR**

**LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL**

File No.	Rec/Ref:	To:	Title
176-O-071	09/08/21 09/09/21	JU HR FI	ORD: Modify The 2021 Circuit Court Services', District Attorney's, And Sheriff's Budgets To Authorize Grant Expenditures And Create Nine Regular Full-Time Sunset Positions And Five Part-Time Sunset Positions To Address The Criminal Court Backlog
176-O-072	09/07/12 09/09/21	JU FI	ORD: Modify The 2021 District Attorney's Office Budget To Accept Grant And Donation Revenue To Support Emotional Support Dog
176-O-073	10/04/21 10/07/21	LU	ORD: Approve Distribution Easement To MCImetro Access Transmission Services, LLC To Construct, Install, Operate, Maintain, Repair, Replace And Extend Underground Utility Facilities On Waukesha County Property Known As The Fox River Trail Corridor
176-A-020	10/06/21 10/07/21	EX	APPT: Dan Driscoll as Waukesha County Veteran's Services Officer
176-O-074	10/06/21 10/07/21	HR FI	ORD: Approve 2022 Position Changes Through Creation, Abolishment, Reclassification, Title Change, Equity Adjustment, And Transfer
176-O-075	10/06/21 10/07/21	FI	ORD: Cancel 2018 Unredeemed Checks Issued By County Treasurer
176-O-076	10/05/21 10/07/21	FI	ORD: Adopt 2022 Waukesha County Budget
176-O-077	11/03/21 11/04/21	EX	ORD: Amend Waukesha County Code To Repeal And Recreate Section 4-6 Regarding Establishing And Creating Supervisory Districts In Waukesha County
176-O-078	11/02/21 11/04/21	LU	ORD: Amend The Waukesha County Zoning Code District Zoning Map For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼ Of Section 35, T8N, R17E, Town Of Oconomowoc, From The R-2 Residential District To The B-2 Local Business District (RZ84)
176-O-079	11/02/21 11/04/21	LU	ORD: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map For The Town Of Merton By Conditionally Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 19, T8N, R18E, Town Of Merton, Waukesha County, Wisconsin, From The R-3 Residential And C-1 Conservancy Districts (Town) And The R-3 Residential District (County) To The B-2 Local Business District (Town And County) (RZ86)
176-O-080	11/02/21 11/04/21	LU	ORD: Comprehensive Text Amendments To The Town Of Eagle Zoning Code (RZ89)
176-O-081	11/03/21 11/04/21	LU FI	ORD: Amend The 2021 Budget And Authorize Acceptance And Appropriation Of Worker Advancement Initiative Funds For Workforce Development Services In Waukesha, Ozaukee, And Washington Counties
176-O-082	11/02/21 11/04/21	PW	ORD: First Revision To Laying Out, Relocation And Improvement Of County Trunk Highway O, I-94-To Bluemound Road (Ush 18), Project I.D. 2722-07-71
176-O-083	11/02/21 11/04/21	EX PW FI	ORD: Modify The 2022-2026 Capital Plan And 2021 Capital Project Budget To Increase Land Acquisition Expenditures For Capital Project #201502 CTH O, I-94 To USH 18

176<sup>th</sup> BOARD YEAR

LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

File No.	Rec/Ref:	To:	Title
176-O-084	11/02/21 11/04/21	EX PW FI	ORD: Modify The 2022-2026 Capital Plan And 2021 Capital Project Budget To Increase Land Acquisition Expenditures For Capital Project #201610 CTH O, CTH I To CTH ES
176-O-085	11/02/21 11/04/21	CB	ORD: Authorization To Enter Into Settlement Agreement In The Condemnation Lawsuit Of Howard G. Timm And Tricia M. Timm v. Waukesha County, Case Number 2019-CV-22

1 AMEND WAUKESHA COUNTY CODE TO REPEAL AND RECREATE SECTION 4-6 REGARDING  
2 ESTABLISHING AND CREATING SUPERVISORY DISTRICTS IN WAUKESHA COUNTY  
3  
4

5 WHEREAS Wisconsin Statute Section 59.10(3)(b) requires county boards to adopt a final  
6 supervisory district plan after each decennial federal census of population within 60 days after  
7 every municipality in the county adjusts its wards; and  
8

9 WHEREAS COVID-19 pandemic caused the Census Bureau data to be delayed and municipalities  
10 were asked to transmit ward plans to the county by October 18; and  
11

12 WHEREAS requisite notice of a November 8, 2021 public hearing was given; and  
13

14 WHEREAS the final supervisory district plan enacted by the county board takes effect following  
15 its enactment and the filing of a certified copy of the plan with the Secretary of State and will  
16 first apply to the election of supervisors at the next spring election following the effective date  
17 that immediately precedes the expiration of the terms of office of supervisors in the county;  
18 and  
19

20 WHEREAS the Executive Committee recommends to the Waukesha County Board of Supervisors  
21 a final supervisory district plan with twenty-five districts and boundaries as set forth in the  
22 district map made part of this ordinance.  
23

24 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN:  
25

26 Section 1. Section 4-6 of the Waukesha County Code of Ordinances shall be repealed and  
27 recreated to read:  
28

- 29 a. *Descriptions.* The twenty-five (25) supervisory districts referred to in Section 4-2 are  
30 hereby created, numbered and described as follows:  
31

32 SUPERVISORY DISTRICT	DISTRICT DESCRIPTION
33 1	City of Oconomowoc, Wards 1,2,3,4,5,6,7,8,10,11
2	Village of Lac La Belle (pt.) Town of Oconomowoc Village of Oconomowoc Lake Village of Summit City of Oconomowoc, Wards 9, 12
3	Town of Merton, Wards 1,2,3,4,5,7,8,9 Village of Merton Town of Lisbon, Wards 4,5,6
4	Village of Sussex Town of Lisbon, Wards 1,2,3,7



- 5 Village of Menomonee Falls, Wards 1,2,10,18,19,20,21,22,23,24  
Village of Lannon
- 6 Village of Menomonee Falls, Wards 3,4,5,6,7,8,9,11,12,13
- 7 Village of Menomonee Falls, Wards 14,15,16,17  
Village of Butler  
City of Milwaukee (pt.)  
City of Brookfield, Wards 1,3,4,9
- 8 City of Brookfield, Wards 2,7,8,13,14  
Village of Elm Grove
- 9 City of Brookfield, Wards 5,6,10,11,12,15,16  
Town of Brookfield, Wards 1,2,9,10,11
- 10 Town of Brookfield, Wards 3,4,5,6,7,8  
City of Pewaukee, Wards 1,2,9,10,11  
City of Waukesha, Wards 1,2,3,6
- 11 Village of Pewaukee  
City of Pewaukee, Wards 3,4,5,6,7,8
- 12 Town of Delafield  
City of Delafield, Wards 3,4,5,6,7,8,10  
Village of Wales  
Town of Genesee, Wards 2,9
- 13 City of Delafield, Wards 1,2,9,11,12,13,14  
Village of Hartland  
Village of Nashotah  
Village of Chenequa  
Town of Merton Wards 6,10
- 14 Village of Dousman  
Town of Ottawa  
Village of North Prairie  
Town of Eagle  
Village of Eagle  
Town of Mukwonago, Wards 9,10,11
- 15 Village of Waukesha  
Town of Genesee, Wards 1,3,4,5,6,7,8,10  
Village of Vernon, Wards 3,7,10
- 16 City of Waukesha, Wards 5,7,9,12,14,15,16,17,42,43,44



- 17 City of Waukesha, Wards 8,13,18,20,35,39,40,41,45,46,47
- 18 City of Waukesha, Wards 19,21,22,23,31,32,34,36,37,38
- 19 City of Waukesha, Wards 4,10,11,24,25,26,27,28,29,30,33
- 20 City of Brookfield, Wards 17,18,19,20,21  
City of New Berlin, Wards 1,8,9
- 21 City of New Berlin, Wards 2,3,6,12,15,16,17,18
- 22 City of New Berlin, Wards 4,5,7,10,13,14,19,20,21
- 23 City of New Berlin, Ward 11  
City of Muskego, Wards 1,2,3,4,5,6,14,15,16
- 24 City of Muskego, Wards 7,8,9,10,11,12,13  
Village of Big Bend  
Village of Vernon, Wards 1,6,8,9,11
- 25 Village of Mukwonago  
Village of Vernon, Wards 2,4,5  
Town of Mukwonago, Wards 1,2,3,4,5,6,7,8

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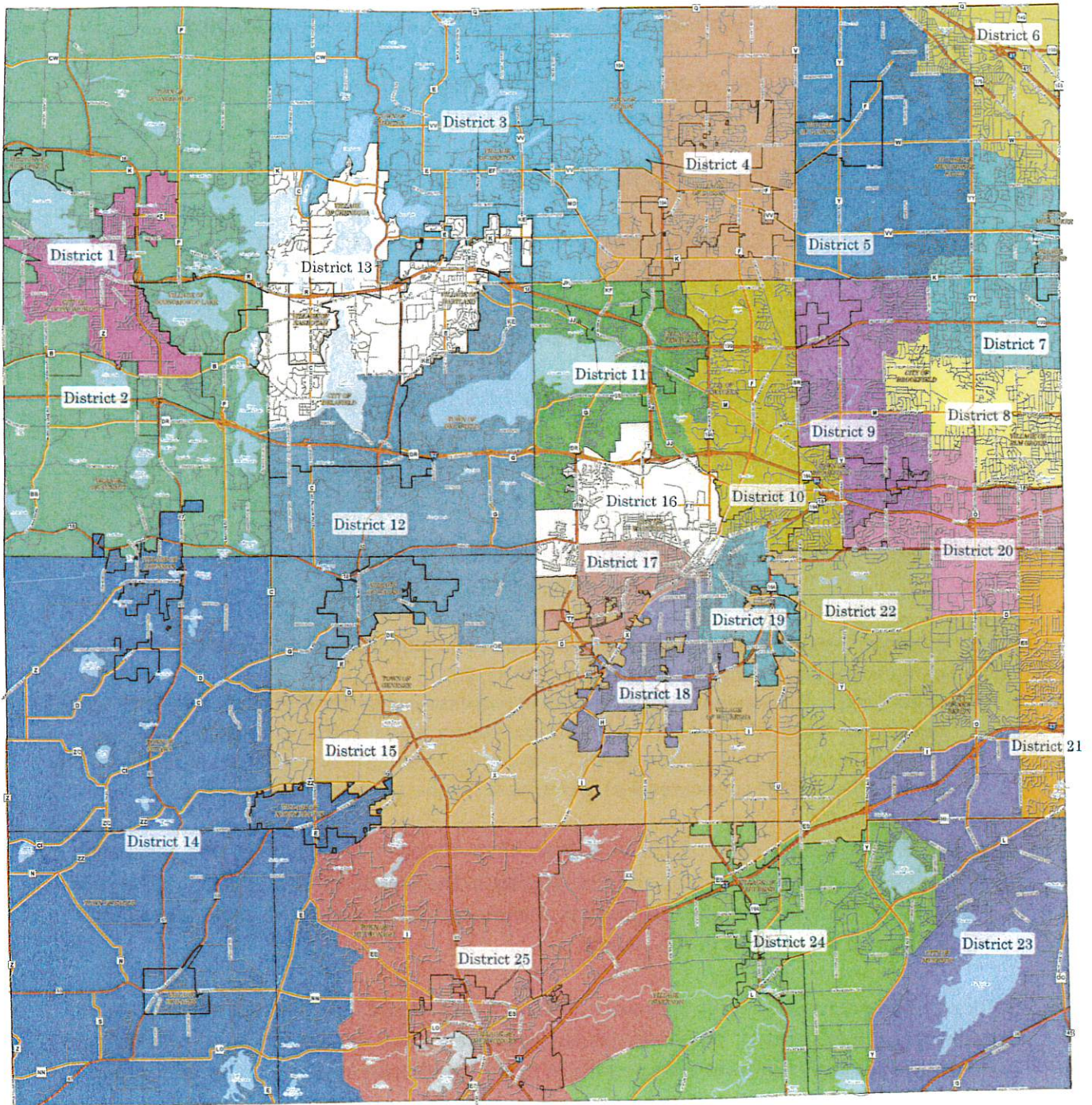
- b. *Municipal boundaries.* References in this section to boundaries or minor civil divisions of wards of municipalities are those that existed March 31, 2021
- c. *Official maps.* The supervisor districts created and described in detail in this section shall further be described in detail by an Official Map of the County of Waukesha, identified and marked "Waukesha County Supervisor Districts." The aforementioned map shall be on file in the County Clerk's office and be considered a part of this section the same as if set out in full.

Section 2. This ordinance shall take effect following its adoption and the filing of a certified copy of the final supervisory district plan and first applies to the election of supervisors at the next spring election following the effective date that immediately precedes the expiration of the terms of office of supervisors in the county.

Section 3. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and shall be appropriately renumbered to conform to the numbering system contained therein.

Section 4. Any code section or part of a section in conflict with this ordinance is hereby repealed and declared null and void and of no effect.





**Final Supervisory  
District Plan  
Waukesha County, WI**



October 25, 2021

Supervisory Districts

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
<ul style="list-style-type: none"> <li><span style="color: red;">—</span> County Highway</li> <li><span style="color: blue;">—</span> State Highway</li> <li><span style="color: green;">—</span> Local Road</li> <li><span style="color: black;">—</span> International Boundary</li> </ul>																								





1 AMEND THE WAUKESHA COUNTY ZONING CODE DISTRICT ZONING MAP FOR THE TOWN OF  
2 OCONOMOWOC BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE  
3 NW ¼ OF SECTION 35, T8N, R17E, TOWN OF OCONOMOWOC, FROM THE R-2  
4 RESIDENTIAL DISTRICT TO THE B-2 LOCAL BUSINESS DISTRICT (RZ84)  
5  
6

7 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of  
8 this Ordinance was approved by the Oconomowoc Town Board on August 16, 2021; and  
9

10 WHEREAS, the matter was referred to and considered by the Waukesha County Park and  
11 Planning Commission, which recommended approval and reported that recommendation to the  
12 Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors,  
13 as required by Section 59.69, Wis. Stats.  
14

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the  
16 Waukesha County Zoning Code District Zoning Map for the Town of Oconomowoc, Waukesha  
17 County, Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26,  
18 1959, is hereby amended to conditionally rezone certain lands located in part of the NW ¼ of  
19 Section 35, T8N, R17E, Town of Oconomowoc, from the R-2 Residential District to the B-2 Local  
20 Business District, and more specifically described in the "Staff Report and Recommendation"  
21 and map on file in the office of the Waukesha County Department of Parks and Land Use and  
22 made a part of this Ordinance by reference RZ84, is hereby approved, subject to the following  
23 conditions:  
24

- 25 1. The Zoning Amendment to the B-2 Local Business District shall be limited to professional  
26 office type uses (i.e. doctor, dentist, chiropractor, realtor, accountant, attorney or similar  
27 type uses).  
28
- 29 2. Subject to no retail businesses or customer service establishments with a high traffic  
30 volume, which means volume and frequency of visitors, deliveries, truck, and other vehicle  
31 traffic, exceeds the number of designated parking spaces under normal conditions or  
32 creates a nuisance for neighboring properties or the municipality. There shall be no parking  
33 on W. Lake Drive of vehicles, deliveries, or trucks related to the uses present on the  
34 property.  
35
- 36 3. Subject to no businesses containing a drive-thru window.  
37
- 38 4. Subject to absolutely no restaurants, taverns, grocery stores or similar type uses.  
39
- 40 5. A vegetative buffer shall be provided along the eastern most property line. A landscaping  
41 plan shall be submitted to the Town Planner and Waukesha County for review and approval  
42 prior to the issuance of any permits. The vegetative buffer shall contain an initial height of  
43 no less than 4 feet and shall contain staggered coniferous trees or non-deciduous trees.  
44
- 45 6. A Site Plan and Plan of Operation shall be submitted to the Town of Oconomowoc and



46 Waukesha County Planning and Zoning Division for each proposed business use, prior to the  
47 issuance of an occupancy permit.

48

49 7. If the subject property is not developed within five (5) years of the Waukesha County Board  
50 of Supervisors action (if approved), the zoning of the property shall automatically revert  
51 back to the R-2 Residential District, unless extended by the Town and County upon just  
52 cause.

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

55

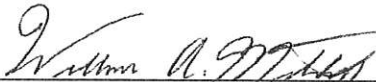
56 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,  
57 approval and publication.

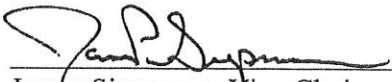
COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code hereby recommends approval of RZ84 (Alesana Investments, LLC.) in accordance with the attached "Staff Report and Recommendation".

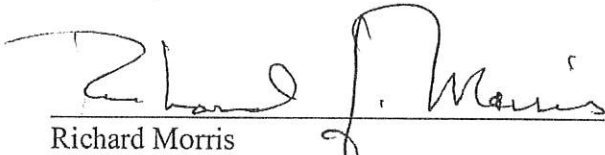
PARK AND PLANNING COMMISSION

October 21, 2021

  
\_\_\_\_\_  
William Mitchell, Chairperson

  
\_\_\_\_\_  
James Siepmann, Vice Chairperson

  
\_\_\_\_\_  
Robert Peregrine

  
\_\_\_\_\_  
Richard Morris

  
\_\_\_\_\_  
Thomas Michalski

Absent  
\_\_\_\_\_  
William Groskopf

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

**DATE:** October 21, 2021

**FILE NO.:** RZ84

**OWNER/APPLICANT:** Alesana Investments, LLC  
970 S. Silver Lake Street, Ste 103  
Oconomowoc, WI 53066

**TAX KEY NO.:** OCOT 0570.995.001

**LOCATION:**

The property is known as Lot 1 of Certified Survey Map No. 12167, located in part of the NW ¼ of Section 35, T8N, R17E, Town of Oconomowoc. More specifically, the property is located at N53 W35994 West Lake Drive, containing approximately one acre.

**EXISTING LAND USE:** Vacant land with detached garage.

**PROPOSED LAND USE:** Professional office building.

**EXISTING ZONING:** R-2 Residential District.

**PROPOSED ZONING:** B-2 Local Business District.

**PUBLIC HEARING DATE:** July 19, 2021

**PUBLIC REACTION:**

Multiple residents spoke against the rezone, citing multiple accidents at the intersection of C.T.H. P and W. Lake Drive, too much traffic on C.T.H. P, existing long-standing drainage issues that may be increased with development, and the overall conceptual site plan that was presented at the hearing. One resident stated that local residents would not use whatever services would be provided here and that they would prefer a restaurant/tavern.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

At their August 2, 2021 meeting, the Town of Oconomowoc Plan Commission recommended to the Town Board approval of the rezone subject to several conditions. On August 16, 2021, the Town Board recommended approval of the request, subject to conditions incorporated herein.

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

The property is designated as Commercial and Office Park on the Comprehensive Development Plan for Waukesha County and as Commercial on the Town of Oconomowoc Land Use Plan. The C.T.H. P corridor from Hwy 16 north into the Town of Oconomowoc is a mix of business and residential uses. The Plan was amended in 2009 as part of a comprehensive update from Low-Density Residential to Commercial and Office Park. The property has been vacant since 2009 but previously housed a business use (restaurant/tavern) for over 50 years. The proposal complies with both plans.



**STAFF ANALYSIS:**

The property is located at the intersection of W. Lake Drive and C.T.H. P and is served by municipal sewer and private well. The property previously contained a restaurant/tavern and two accessory buildings. Only one accessory building remains on the property. The property is zoned R-2 Residential District under the Waukesha County Zoning Code. There is one accessory building on the property. The east portion of the property has some mature trees that create a small buffer to the neighboring residents. The surrounding area is residential, with other commercial properties within a half mile to the north and south of the subject property.

The property has had multiple zoning district amendments. In 2010, a conditional rezone was granted from the R-2 Residential District to the B-2 Local Business District. The conditions of the rezone were that the use be limited to a restaurant/tavern and that the use must resume within five years. The property remained vacant and in 2015, the petitioners requested a five year extension of the rezone with the same conditions. The restaurant/tavern use never materialized. A new petitioner is proposing to amend the zoning district of the parcel to the B-2 Local Business District to accommodate a professional office building.

The use proposed includes an approximately 5,000 sq. ft. professional office building that would serve 1-2 tenants (Exhibit A). Potential uses such as a medical, office and/or light service based businesses would occupy the units. The accessory building is proposed to remain. The concept plan presented at the hearing shows the maximum build out for the site. The parking requirements in the Ordinance were modernized in 2018 to encourage flexible, shared parking amongst multi-tenant buildings. Less parking results in a reduced amount of pavement that may contribute to stormwater runoff to other properties. Given the small footprint of the proposed building and the number of units (2 units), the parking lot as shown on the concept plan may be oversized. The specific details surrounding the development will be reviewed by the Town and County through the Site Plan/Plan of Operation process. This process will evaluate if the proposed building meets all ordinance requirements such as setbacks, parking, and stormwater management.

Residents also spoke of concerns over the number of accidents that occur at the intersection of C.T.H. P and W. Lake Drive. The Waukesha County Department of Public Works (DPW) has indicated they are aware that this intersection requires improvements, including a south-bound left turn lane. In addition, C.T.H. P will likely become a four-lane highway in the future due to increased developments in this area. However, there is no scheduled timeline to complete this project and no funding is currently available to address any immediate concerns. DPW noted that from a traffic standpoint, the proposed use is a much less intense use than the previous use of a restaurant/tavern and is unlikely to be a source of increased accidents.

**STAFF RECOMMENDATION:**

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

1. The Zoning Amendment to the B-2 Local Business District shall be limited to professional office type uses (i.e. doctor, dentist, chiropractor, realtor, accountant, attorney or similar type uses).

2. Subject to no retail businesses or customer service establishments with a high traffic volume, which means volume and frequency of visitors, deliveries, truck, and other vehicle traffic, exceeds the number of designated parking spaces under normal conditions or creates a nuisance for neighboring properties or the municipality. **There shall be no parking on W. Lake Drive of vehicles, deliveries, or trucks related to the uses present on the property.**
3. Subject to no businesses containing a drive-thru window.
4. Subject to absolutely no restaurants, taverns, grocery stores or similar type uses.
5. A vegetative buffer shall be provided along the eastern most property line. A landscaping plan shall be submitted to the Town Planner and Waukesha County for review and approval prior to the issuance of any permits. The vegetative buffer shall contain an initial height of no less than 4 feet and shall contain staggered coniferous trees or non-deciduous trees.
6. A Site Plan and Plan of Operation shall be submitted to the Town of Oconomowoc and Waukesha County Planning and Zoning Division for each proposed business use, prior to the issuance of an occupancy permit.
7. If the subject property is not developed within five (5) years of the Waukesha County Board of Supervisors action (if approved), the zoning of the property shall automatically revert back to the R-2 Residential District, **unless extended by the Town and County upon just cause.**

The proposed rezoning, with the conditions recommended above, is in conformance with the Waukesha County and Town of Oconomowoc Land Use Plans. The required Site Plan/Plan of Operation review process will allow the Town and County to address neighborhood concerns surrounding traffic, parking and drainage. The site has historically been used as a restaurant/tavern, which is generally a more intense use than what is being proposed. While the property has been mostly vacant for a number of years, the Town and County Land Use Plans call for commercial uses along the C.T.H. P corridor. As conditioned, it does not appear the rezoning will adversely affect the neighboring property owners.

Respectfully submitted,

*Rebekah Leto*

Rebekah Leto  
Senior Planner

Attachment: Exhibit A: Concept Plan  
Map

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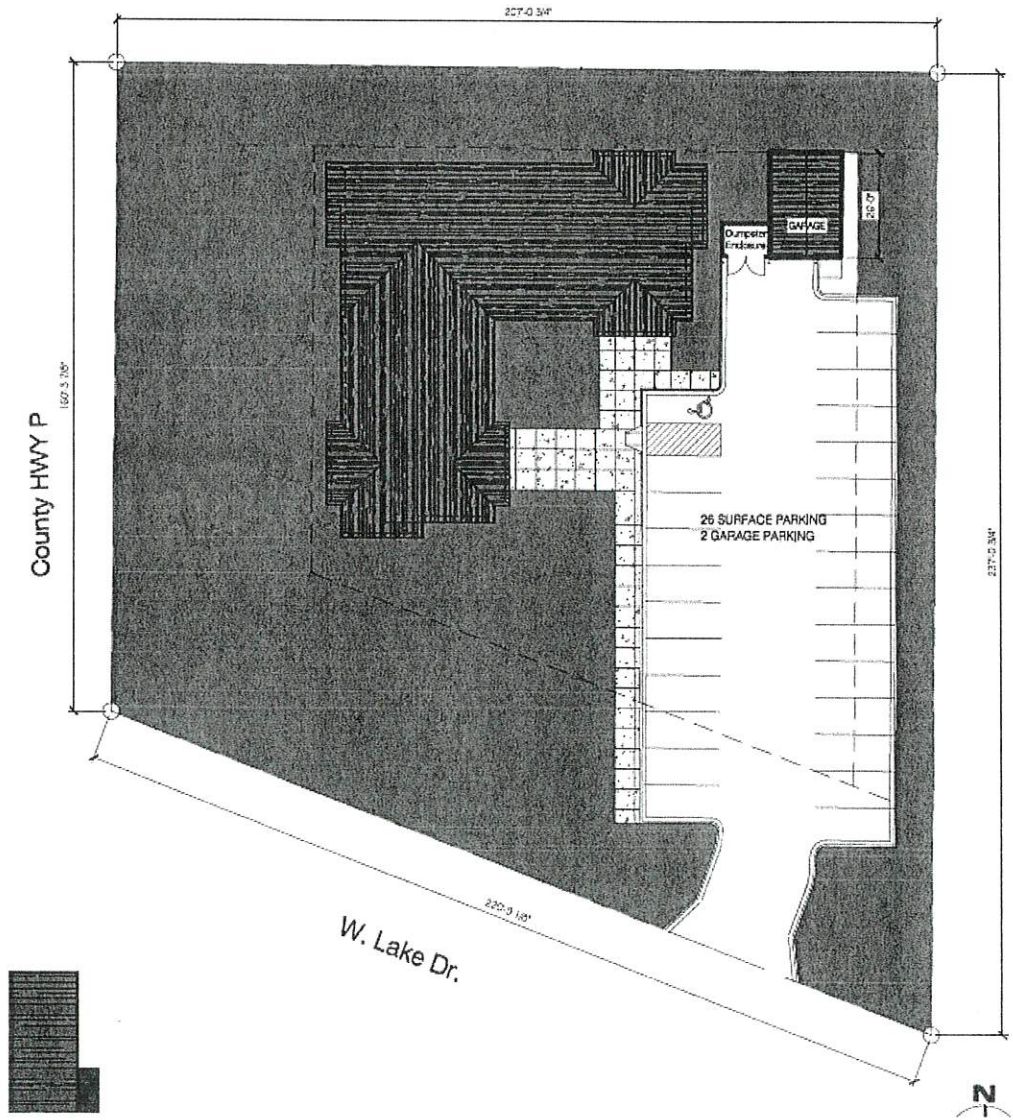


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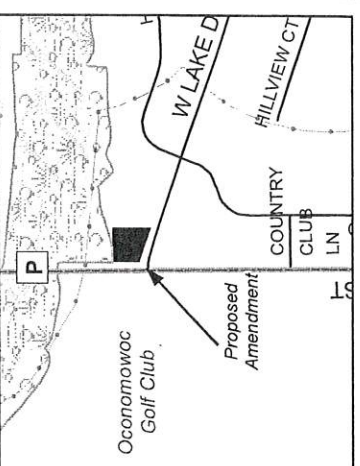
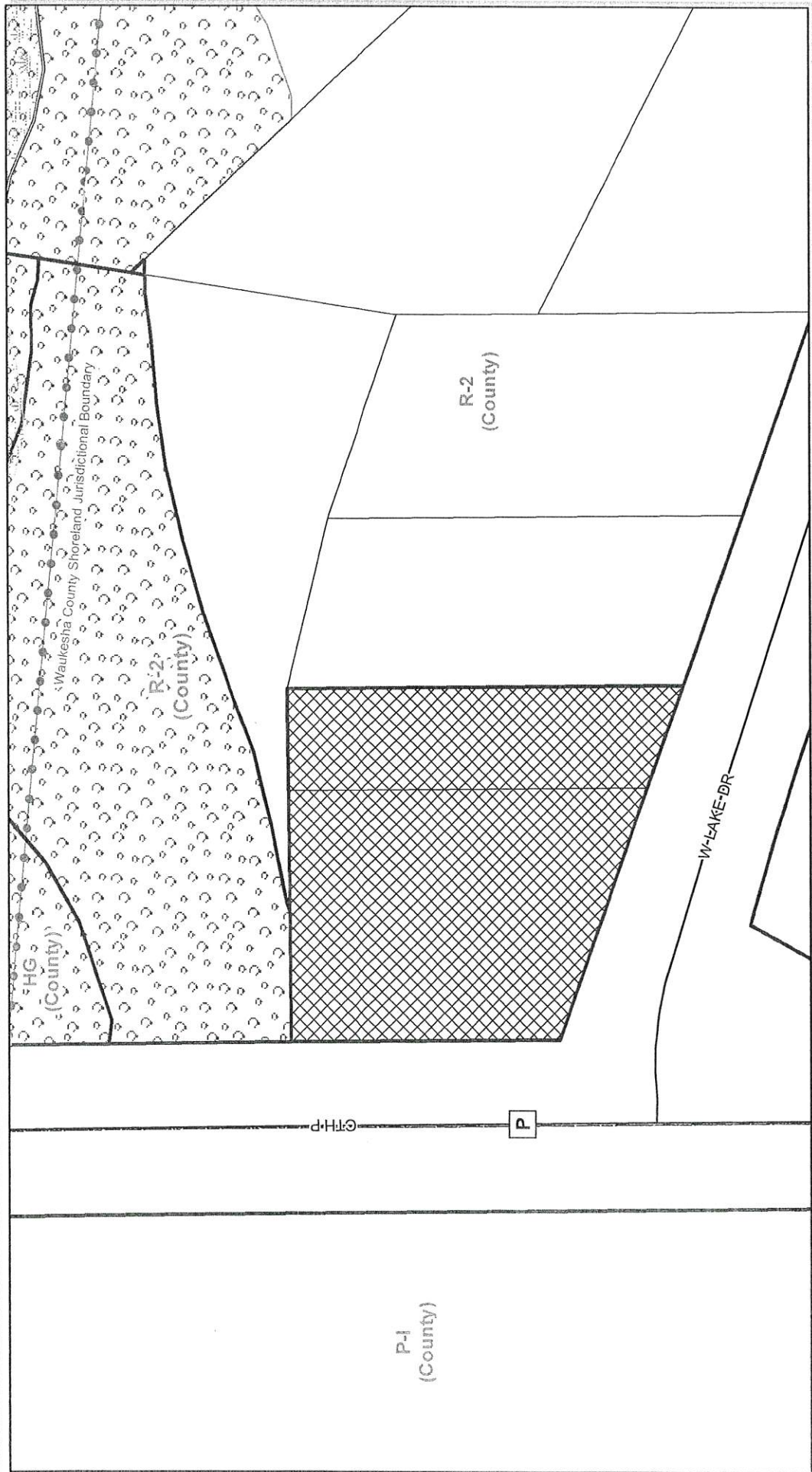
By Dept. Parks and Land Use at 9:30 am, Jun 11, 2021

Site Plan

**EXHIBIT A**







**COUNTY ZONING CHANGE FROM R-2 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT**  
 Environmental Corridor Overlay  
 C-1 Conservancy Overlay

FILE.....	RZ84
DATE OF PLAN COMMISSION.....	10/21/21
AREA OF CHANGE.....	0.9 ACRES
TAX KEY NUMBER.....	OCOT0570995001

1:1,000 Feet  
 0 25 50

**ZONING AMENDMENT**  
 PART OF THE NW 1/4 OF SECTION 35,  
 TOWN OF OCONOMOWOC

Prepared by the Waukesha County Department of Parks and Land Use

1 AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE  
2 DISTRICT ZONING MAP FOR THE TOWN OF MERTON BY CONDITIONALLY REZONING CERTAIN  
3 LANDS LOCATED IN PART OF THE SE ¼ OF SECTION 19, T8N, R18E, TOWN OF MERTON,  
4 WAUKESHA COUNTY, WISCONSIN, FROM THE R-3 RESIDENTIAL AND C-1 CONSERVANCY  
5 DISTRICTS (TOWN) AND THE R-3 RESIDENTIAL DISTRICT (COUNTY) TO THE  
6 B-2 LOCAL BUSINESS DISTRICT (TOWN AND COUNTY) (RZ86)  
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 Merton Town Board on September 13, 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 Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the  
19 Town of Merton, Waukesha County, Wisconsin, adopted by the Waukesha County Board of  
20 Supervisors on October 23, 2007, is hereby amended to conditionally rezone from the R-3  
21 Residential and C-1 Conservancy Districts (Town) and the R-3 Residential District (County) to the  
22 B-2 Local Business District (Town and County), certain lands located in part of the SE ¼ of  
23 Section 19, T8N, R18E, Town of Merton, and more specifically described in the "Staff Report  
24 and Recommendation" and map on file in the office of the Waukesha County Department of  
25 Parks and Land Use and made a part of this Ordinance by reference RZ86, is hereby approved,  
26 subject to the following condition:  
27

- 28 1. Landscape plantings/fencing shall be provided to screen the parking lot from adjacent  
29 residential properties. Proposed plantings and/or fencing must be depicted upon a site or  
30 landscape plan and shall be subject to review and approval of the County Zoning  
31 Administrator.  
32

33 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this  
34 Ordinance with the Town Clerk of Merton.  
35

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

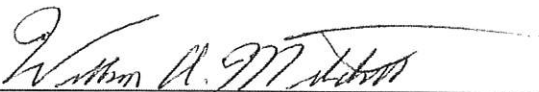


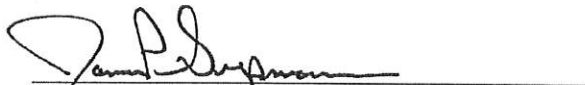
COMMISSION ACTION

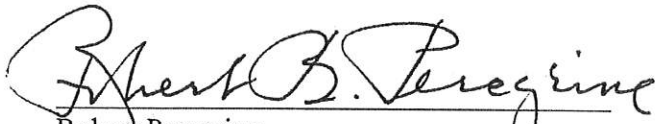
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance hereby recommends approval of **RZ86 (Thompson)** in accordance with the attached "Staff Report and Recommendation".

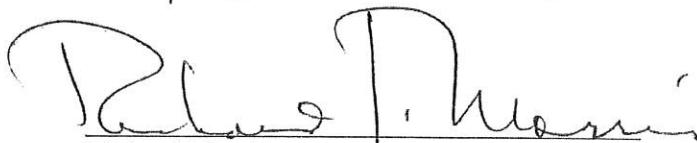
PARK AND PLANNING COMMISSION

October 21, 2021

  
William Mitchell, Chairperson

  
James Siepmann, Vice Chairperson

  
Robert Peregrine

  
Richard Morris

  
Thomas Michalski

Absent  
William Groskopf



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

**DATE:** October 21, 2021

**FILE NO.:** RZ86

**OWNER:** Kim Thompson  
N67 W33395 Hwy K  
Oconomowoc, WI 53066

**TAX KEY NO.:** MRTT 0364.988

**LOCATION:**

The property is located in part of the SE ¼ of Section 19, T8N, R18E, Town of Merton. More specifically, the property is located at N67 W33395 CTH K.

**EXISTING ZONING:**

R-3 Residential and C-1 Conservancy Districts (Town) and B-2 Local Business District and R-3 Residential District (County).

**PROPOSED ZONING:**

B-2 Local Business District (Town and County)

**EXISTING LAND USE:** Restaurant, tavern and residential apartments (3).

**PROPOSED LAND USE:** Create an expanded parking area for the existing restaurant and pub.

**PUBLIC HEARING DATE:** September 1, 2021

**PUBLIC REACTION:**

None.

**TOWN PLAN COMMISSION AND TOWN BOARD ACTION:**

On September 1, 2021, the Town of Merton Plan Commission unanimously recommended approval of the request. The Town Board approved the request on September 13, 2021.

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

The Comprehensive Land Use Plans for Waukesha County and the Town of Merton designate the property as Commercial and Office Park, which is defined as land devoted to retail, office, service activities, general business activities, and/or research and development and related off-street parking. The use of the property for restaurant/bar use is consistent with plan recommendations.

**STAFF ANALYSIS:**

The subject property is located on the south side of CTH K, at the intersection of CTH K and Reynolds Drive, just west of the Oconomowoc River. The property is bordered by CTH K to the north, Road L to the east, a vacant parcel to the south, which is primarily wetlands, and the Stonebank Community trailer park to the west. The property is approximately 2.1 acres in size, excluding the road right-of-way. The property is served by a private sewage (conventional) system and private well.

The property contains a two-story restaurant and tavern with three (3) residential apartments, parking lot, deck, patio and sand volleyball court. The private sewage system is located on the west side of the property, near the road, with portions of the leach bed beneath the paved parking lot. The property has two (2) access points to CTH K.

The property is located entirely within the County's Shoreland and Floodland zoning jurisdiction. The northern portion of the property where the existing improvements are located is zoned B-2 Local Business District and the southern portion of the property, which is currently unimproved (with the exception of approximately 4,880 sq. ft. of gravel parking), is zoned R-3 Residential District. The Town Zoning maps have not yet been modernized to remove town zoning from shoreland areas. Therefore, town zoning for the property remains R-3 Residential and C-1 Conservancy Districts. It appears as though the town C-1 designation was erroneously applied, as there are not wetlands or floodplain on the property. The zoning amendment would rezone the entire property to the B-2 Local Business District, consistent with the County's zoning on the northern portion of the property.

The petitioner is seeking to rezone the subject property to allow for the future expansion of the parking lot. The most recent Site Plan and Plan of Operation (SP132) identified a parking deficiency of five (5) spaces for the existing uses. The County facilitated a Development Review Team Meeting with the owner and Town and County Staff earlier this year to discuss proposed site improvements and staff suggested that the additional parking spaces be designated in the existing gravel area to the south of the main part of the existing parking lot. The proposed parking plan would extend the parking lot along the west lot line south to the south property line, adding approximately 21 additional parking spaces, and relocating the dumpsters to the southwest corner of the property. Some of the parking spaces adjacent to the restaurant and near the road would be eliminated for better circulation. The proposed site plan is attached as Exhibit A. The event barn shown on the plan is not part of this request and will require separate approvals from the Town and County. Parking lots are not a permitted use the R-3 Residential District, however, they are allowed in the B-2 Local Business District.

**STAFF RECOMMENDATION:**

Based on the above analysis, the Planning and Zoning Division Staff recommends **approval** of the rezone request with the following condition.

1. Landscape plantings/fencing shall be provided to screen the parking lot from adjacent residential properties. Proposed plantings and/or fencing must be depicted upon a site or landscape plan and shall be subject to review and approval of the County Zoning Administrator.

The proposed zoning amendment will allow the owner to increase the site parking while also providing a buffer for the residential neighbors to the west. Therefore, the proposed zoning map amendment complies with the Town and County Comprehensive Development Plans and is within the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and the Town of Merton Ordinance.

Respectfully submitted,

*Jacob Heermans*

Jacob Heermans  
Senior Land Use Specialist

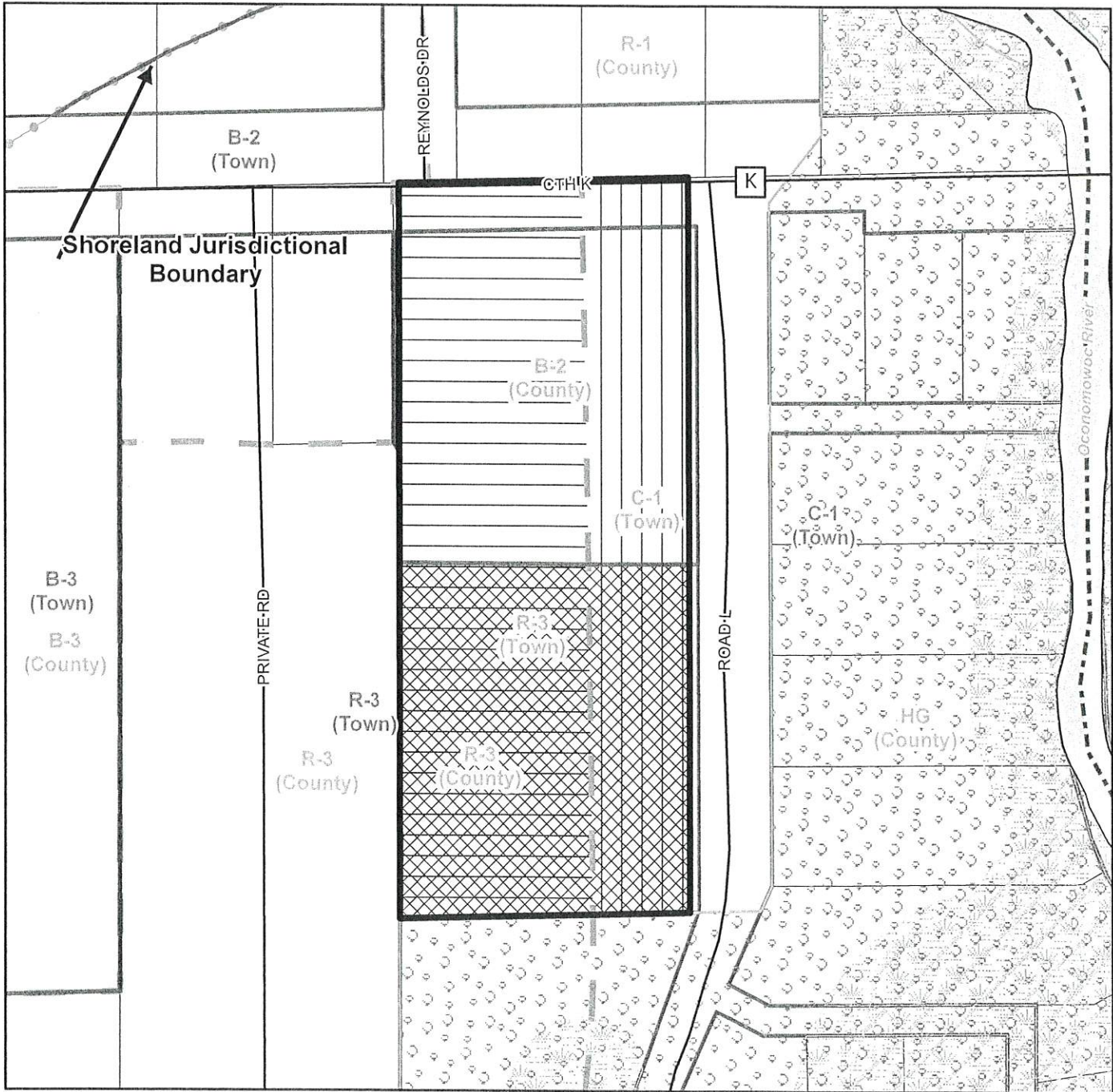
Attachments: Exhibit A, Concept Plan  
Map





# ZONING AMENDMENT

PT OF THE WEST 1/2 OF THE SE 1/4 SECTION 19,  
TOWN OF MERTON



	COUNTY ZONING AMENDMENT CHANGE FROM R-3 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (1.07 AC)
	TOWN ZONING AMENDMENT CHANGE FROM R-3 RESIDENTIAL DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (1.46 AC)
	TOWN ZONING AMENDMENT CHANGE FROM C-1 CONSERVANCY DISTRICT TO B-2 LOCAL BUSINESS DISTRICT (0.78 AC)
	CONSERVANCY (C-1) OVERLAY
	ENVIRONMENTAL CORRIDOR (EC) OVERLAY

FILE.....RZ86  
 DATE OF PLAN COMMISSION.....10/21/21  
 AREA OF CHANGE.....2.2 ACRES  
 TAX KEY NUMBER.....MRTT 0364.988  
 Prepared by the Waukesha County Department of Parks and Land Use





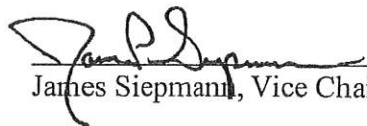
COMMISSION ACTION

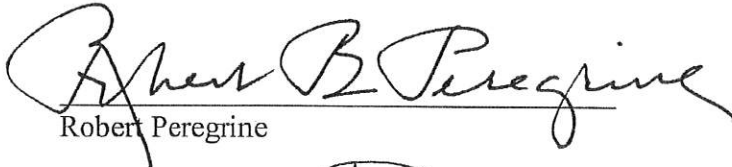
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Text of the Town of Eagle Zoning Code hereby recommends **approval** of **RZ89 (Comprehensive Text Amendment/Town of Eagle Board)** in accordance with the attached "Staff Report and Recommendation".

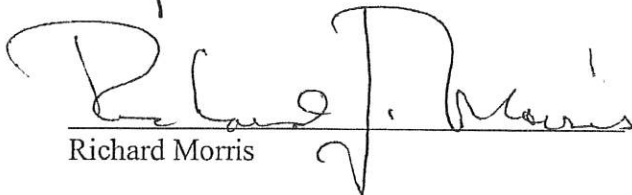
PARK AND PLANNING COMMISSION

October 21, 2021

  
\_\_\_\_\_  
William Mitchell, Chairperson

  
\_\_\_\_\_  
James Siepmann, Vice Chairperson

  
\_\_\_\_\_  
Robert Peregrine

  
\_\_\_\_\_  
Richard Morris

  
\_\_\_\_\_  
Thomas Michalski

Absent  
\_\_\_\_\_  
William Groskopf



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

**FILE NO:** RZ89  
**TAX KEY NUMBER:** N/A  
**DATE:** August 19, 2021  
**NAME OF PETITIONER:** Town Board of Eagle  
Eagle Town Hall  
P.O. Box 327  
820 East Main Street  
Eagle, WI 53119

**NATURE OF REQUEST:**  
Amend various sections of the Town of Eagle Zoning Code.

**PUBLIC HEARING DATE:**  
March 24, 2021, continued to March 31, 2021.

**PUBLIC REACTION:**  
A number of residents spoke at the public hearings regarding a wide variety of topics and code sections:

- Several expressed concerns regarding removing agri-tourism type uses from the list of conditional use types in different rural districts.
- One individual asked what impact the changes would have on animal keeping rules. The Town Chair noted that the rules would not change.
- A few commented regarding the phrasing of “shall” vs. “should” language in various sections.
- One person spoke against removing commercial truck parking and any other conditional uses from the RR district.
- A person spoke in favor of allowing cars with logos parked in buildings.
- The Eagle Spring Lake Management District Chair asked for various changes to language regarding dams, flooding and reservoirs.

**TOWN PLAN COMMISSION ACTION:**  
At their meeting of June 17, 2021, the Town of Eagle Plan Commission recommended approval of the proposed text amendments with minor amendments to the Town Board.

**TOWN BOARD ACTION:**  
At their meeting of July 21, 2021, the Town of Eagle Board unanimously approved the proposed text amendments to Town of Eagle Zoning Code.

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

The proposed changes are primarily administrative or policy related in nature. The amendments appear to be consistent with both plans.

**STAFF ANALYSIS:**

The Town of Eagle is proposing a number of changes to its zoning ordinance (see Exhibit A, B). Exhibit A shows most of the proposed amendments in track changes; note that the land use matrix is not displayed in that format. Exhibit B is the final proposed ordinance. The town's minutes describe that the town assembled a workgroup to review and update the zoning ordinance in light of recent conditional use legislation. Much of the town's work was related to analyzing various land uses and making updates to the land use matrix that identifies whether uses are permitted, conditional or prohibited by zoning district category.

- Several changes to definitions are proposed to either add or delete terms. A few of the revised terms are related to Conditional Use functions and the changes are intended to clarify newer statutory provisions.
- Minor changes are being made to clarify that Planned Unit Developments (PUDs) are unique zoning districts rather than Conditional Uses.
- A number of revisions are proposed to the land use matrix (Appendix A). Various use types, including uses such as agri-tourism, bed and breakfasts and commercial truck parking are proposed to be available in fewer districts, while other uses become more available, such as in law units that will become permitted by right rather than conditional. Any existing businesses or uses that currently exist would be afforded legal non-conforming use status providing the ability to continue such uses.
- The minimum lot size in PUDs is proposed to be increased from 1.5 acres to 2 acres in Zoning Districts where the minimum lot size is currently 3 acres.
- A number of sections of the Conditional Use section of the ordinance are being modified slightly relative to procedural matters such as a statement that staff may conduct a site visit for certain applications, statements that the petitioner and interested parties may present substantial evidence regarding whether proposals comply with the standards of the code and that the town shall render its decision within 40 days of the close of the public hearing.
- Language has been added to state that Conditional Use permits are valid for three years and generally auto renew unless the town takes specific action to rescind renewal. A number of considerations are being provided for the town to consider in their decision making regarding Conditional Use requests.
- A clarifying statement is being added to multiple code sections clarifying that a determination of application completeness does not preclude the reviewing authority from requesting additional information.
- The section pertaining to conversion of a legal nonconforming use is being revised to require a public hearing for consideration of a change of one legal nonconforming use to another.
- For several application types, the final approving entity is being changed to the town board rather than the plan commission.
- The change in topography approval threshold is being reduced from 1,000 cubic yards to 250 cubic yards.



There were comments regarding dams and floodplain rules/language from the local lake district. The town's code does not apply within shoreland and floodplain areas. Accordingly, the town did not make changes to the proposed language in that regard.

**STAFF RECOMMENDATION:**

The Planning and Zoning Division Staff recommends **approval** of the Town of Eagle's request. The request makes various topical and administrative changes to the town's code. The town has engaged in a lengthy process to bring these amendments forward. Staff does intend to recommend to the town planner that the town consider a lesser minimum lot size than 2 acres for PUDs at some point in the future. With smaller lots, additional conserved open space might be achieved. In addition, we recommend that the town monitor inquiries regarding some of the use types that are being made available in fewer districts to ensure that the code is not overly restrictive for those wanting to engage in limited business activities in residential or rural zoning districts.

Respectfully submitted,

*Jason Fruth*

Jason Fruth  
Planning and Zoning Manager

Attachments: Town Ordinance No. 2021-03

Exhibit A, track changes version of T/Eagle Ordinance considered at public hearing.

- See: <https://www.waukeshacounty.gov/globalassets/parks--land-use/planning-zoning/draft-town-zoning-ordinances/exhibit-a-track-changes-version-of-draft-ordinance.pdf>

Exhibit B, full proposed Town of Eagle Zoning Ordinance

- See: <https://www.waukeshacounty.gov/globalassets/parks--land-use/planning-zoning/draft-town-zoning-ordinances/exhibit-b-final-adopted-ordinance.pdf>

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STATE OF WISCONSIN      TOWN OF EAGLE      WAUKESHA COUNTY

ORDINANCE 2021-03

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE ZONING REGULATIONS

WHEREAS, the Town Board for the Town of Eagle adopted zoning code for the Town of Eagle in 1990 and has amended it from time to time since then; and

WHEREAS, the Plan Commission for the Town of Eagle prepared a recommended ordinance to revise various sections of the adopted zoning code; and

WHEREAS, the Town Clerk for the Town of Eagle has (1) referred the matter to the Plan Commission, (2) notified the Waukesha County Park and Planning Commission of the proposed amendment, and (3) published a class II public hearing notice; and

WHEREAS, the Plan Commission has conducted the necessary investigation, and scheduled a joint public hearing for the Plan Commission and the Town Board; and

WHEREAS, upon due notice the Town Board and the Plan Commission conducted a joint public hearing on March 24 and 31, 2021; and

WHEREAS, within a reasonable time after the hearing, the Plan Commission has reported its recommendation to the Town Board; and

WHEREAS, the Town Board concurs with the Plan Commission's recommendation, except that the recommended revisions to 18.15 in Appendix B are not to be included; and

WHEREAS, the Town Board finds that the recommended revisions to the Town's zoning regulations can 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 Eagle, after carefully reviewing the recommendation of the Plan Commission 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 Eagle, 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 Eagle, Waukesha County, does hereby ordain as follows:

**Section 1.** Repeal and recreate s. 500.10 to read as revised in Exhibit 1.

**Section 2.** Repeal and recreate s. 500.12 to read as revised in Exhibit 1.



- Section 3.** Create s. 500.16 as set forth in Exhibit 1.
- Section 4.** Create s. 500.17 as set forth in Exhibit 1.
- Section 5.** Create s. 500.18 as set forth in Exhibit 1.
- Section 6.** Amend s. 500.41 by revising the terms as indicated in Exhibit 1.
- Section 7.** Repeal s. 500.42, titled “Land Use Definitions,” and recreate the content in Appendix B.
- Section 8.** Repeal and recreate s. 500.93 to read as revised in Exhibit 1.
- Section 9.** Repeal and recreate s. 500.101 to read as revised in Exhibit 1.
- Section 10.** Repeal and recreate s. 500.163 to read as revised in Exhibit 1.
- Section 11.** Repeal and recreate s. 500.167 to read as revised in Exhibit 1.
- Section 12.** Repeal and recreate s. 500.168 to read as revised in Exhibit 1.
- Section 13.** Repeal and recreate s. 500.183 to read as revised in Exhibit 1.
- Section 14.** Repeal and recreate s. 500.191 to read as revised in Exhibit 1.
- Section 15.** Repeal and recreate s. 500.192 to read as revised in Exhibit 1.
- Section 16.** Repeal and recreate s. 500.198 to read as revised in Exhibit 1.
- Section 17.** Repeal and recreate s. 500.199 to read as revised in Exhibit 1.
- Section 18.** Repeal and recreate s. 500.201 to read as revised in Exhibit 1.
- Section 19.** Repeal and recreate s. 500.204 to read as revised in Exhibit 1.
- Section 20.** Repeal and recreate s. 500.205 to read as revised in Exhibit 1.
- Section 21.** Repeal and recreate Division 4 of Article 6 to read as revised in Exhibit 1.
- Section 22.** Repeal and recreate s. 500.243 to read as revised in Exhibit 1.
- Section 23.** Repeal and recreate s. 500.247 to read as revised in Exhibit 1.
- Section 24.** Repeal and recreate s. 500.248 to read as revised in Exhibit 1.
- Section 25.** Repeal and recreate s. 500.252 to read as revised in Exhibit 1.
- Section 26.** Repeal and recreate s. 500.263 to read as revised in Exhibit 1.
- Section 27.** Repeal and recreate s. 500.265 to read as revised in Exhibit 1.
- Section 28.** Repeal and recreate s. 500.266 to read as revised in Exhibit 1.

- Section 29. Repeal and recreate s. 500.283 to read as revised in Exhibit 1.
- Section 30. Repeal and recreate s. 500.286 to read as revised in Exhibit 1.
- Section 31. Repeal and recreate s. 500.293 to read as revised in Exhibit 1.
- Section 32. Repeal and recreate s. 500.296 to read as revised in Exhibit 1.
- Section 33. Repeal and recreate s. 500.297 to read as revised in Exhibit 1.
- Section 34. Repeal and recreate s. 500.298 to read as revised in Exhibit 1.
- Section 35. Repeal and recreate s. 500.299 to read as revised in Exhibit 1.
- Section 36. Repeal and recreate s. 500.313 to read as revised in Exhibit 1.
- Section 37. Repeal and recreate s. 500.314 to read as revised in Exhibit 1.
- Section 38. Repeal and recreate s. 500.317 to read as revised in Exhibit 1.
- Section 39. Repeal and recreate s. 500.318 to read as revised in Exhibit 1.
- Section 40. Repeal and recreate s. 500.319 to read as revised in Exhibit 1.
- Section 41. Repeal and recreate s. 500.331 to read as revised in Exhibit 1.
- Section 42. Repeal and recreate s. 500.332 to read as revised in Exhibit 1.
- Section 43. Repeal and recreate s. 500.353 to read as revised in Exhibit 1.
- Section 44. Repeal and recreate s. 500.355 to read as revised in Exhibit 1.
- Section 45. Repeal and recreate s. 500.357 to read as revised in Exhibit 1.
- Section 46. Repeal and recreate s. 500.358 to read as revised in Exhibit 1.
- Section 47. Repeal and recreate s. 500.359 to read as revised in Exhibit 1.
- Section 48. Repeal and recreate s. 500.373 to read as revised in Exhibit 1.
- Section 49. Repeal and recreate s. 500.383 to read as revised in Exhibit 1.
- Section 50. Repeal and recreate s. 500.392 to read as revised in Exhibit 1.
- Section 51. Repeal and recreate s. 500.394 to read as revised in Exhibit 1.
- Section 52. Repeal and recreate s. 500.395 to read as revised in Exhibit 1.
- Section 53. Repeal and recreate s. 500.396 to read as revised in Exhibit 1.
- Section 54. Repeal and recreate s. 500.397 to read as revised in Exhibit 1.
- Section 55. Repeal and recreate s. 500.398 to read as revised in Exhibit 1.



- Section 56. Repeal and recreate s. 500.399 to read as revised in Exhibit 1.
- Section 57. Repeal and recreate s. 500.400 to read as revised in Exhibit 1.
- Section 58. Repeal and recreate s. 500.411 to read as revised in Exhibit 1.
- Section 59. Repeal and recreate s. 500.413 to read as revised in Exhibit 1.
- Section 60. Repeal and recreate s. 500.414 to read as revised in Exhibit 1.
- Section 61. Repeal and recreate s. 500.415 to read as revised in Exhibit 1.
- Section 62. Repeal and recreate s. 500.416 to read as revised in Exhibit 1.
- Section 63. Repeal and recreate s. 500.417 to read as revised in Exhibit 1.
- Section 64. Repeal and recreate s. 500.418 to read as revised in Exhibit 1.
- Section 65. Repeal and recreate s. 500.419 to read as revised in Exhibit 1.
- Section 66. Repeal and recreate s. 500.420 to read as revised in Exhibit 1.
- Section 67. Repeal and recreate s. 500.433 to read as revised in Exhibit 1.
- Section 68. Repeal and recreate s. 500.434 to read as revised in Exhibit 1.
- Section 69. Repeal and recreate s. 500.436 to read as revised in Exhibit 1.
- Section 70. Repeal and recreate s. 500.437 to read as revised in Exhibit 1.
- Section 71. Repeal and recreate s. 500.438 to read as revised in Exhibit 1.
- Section 72. Repeal and recreate s. 500.439 to read as revised in Exhibit 1.
- Section 73. Repeal and recreate s. 500.443 to read as revised in Exhibit 1.
- Section 74. Repeal and recreate s. 500.445 to read as revised in Exhibit 1.
- Section 75. Repeal and recreate s. 500.446 to read as revised in Exhibit 1.
- Section 76. Repeal and recreate s. 500.447 to read as revised in Exhibit 1.
- Section 77. Repeal and recreate s. 500.448 to read as revised in Exhibit 1.
- Section 78. Repeal and recreate s. 500.449 to read as revised in Exhibit 1.
- Section 79. Repeal and recreate s. 500.463 to read as revised in Exhibit 1.
- Section 80. Repeal and recreate s. 500.464 to read as revised in Exhibit 1.
- Section 81. Repeal and recreate s. 500.465 to read as revised in Exhibit 1.
- Section 82. Repeal and recreate s. 500.466 to read as revised in Exhibit 1.

- Section 83.** Repeal and recreate s. 500.467 to read as revised in Exhibit 1.
- Section 84.** Repeal and recreate s. 500.468 to read as revised in Exhibit 1.
- Section 85.** Repeal and recreate s. 500.469 to read as revised in Exhibit 1.
- Section 86.** Repeal and recreate s. 500.482 to read as revised in Exhibit 1.
- Section 87.** Repeal and recreate s. 500.484 to read as revised in Exhibit 1.
- Section 88.** Repeal and recreate s. 500.485 to read as revised in Exhibit 1.
- Section 89.** Repeal and recreate s. 500.486 to read as revised in Exhibit 1.
- Section 90.** Repeal and recreate s. 500.487 to read as revised in Exhibit 1.
- Section 91.** Repeal and recreate s. 500.488 to read as revised in Exhibit 1.
- Section 92.** Repeal and recreate s. 500.489 to read as revised in Exhibit 1.
- Section 93.** Repeal and recreate s. 500.490 to read as revised in Exhibit 1.
- Section 94.** Repeal and recreate s. 500.522 to read as revised in Exhibit 1.
- Section 95.** Appendix A, titled "Map Requirements," is now referred to as Appendix E (Exhibit 6). All such references are hereby revised.
- Section 96.** Appendix B, titled "Dimensional standards for lots," is now referred to as Appendix C. All such references are hereby revised.
- Section 97.** Repeal and recreate s. 500.531(A) to read as revised in Exhibit 1 with the removal of Exhibit 7-1.
- Section 98.** Repeal and recreate S. 500.536 to read as revised in Exhibit 1.
- Section 99.** Repeal and recreate s. 500.551 to read as revised in Exhibit 1.
- Section 100.** Repeal and recreate s. 500.552 to read as revised in Exhibit 1.
- Section 101.** Repeal and recreate s. 500.553 to read as revised in Exhibit 1.
- Section 102.** Repeal and recreate s. 500.555 to read as revised in Exhibit 1.
- Section 103.** Repeal and recreate s. 500.556 to read as revised in Exhibit 1.
- Section 104.** Repeal and recreate s. 500.557 to read as revised in Exhibit 1.
- Section 105.** Repeal and recreate s. 500.558 to read as revised in Exhibit 1.
- Section 106.** Repeal and recreate S. 500.559 to read as revised in Exhibit 1.
- Section 107.** Repeal and recreate s. 500.560 to read as revised in Exhibit 1.



- Section 108.** Repeal and recreate s. 500.561 to read as revised in Exhibit 1.
- Section 109.** Repeal and recreate s. 500.565 to read as revised in Exhibit 1.
- Section 110.** Repeal and recreate s. 500.566 to read as revised in Exhibit 1.
- Section 111.** Repeal and recreate s. 500.567 to read as revised in Exhibit 1.
- Section 112.** Repeal and recreate s. 500.583 to read as revised in Exhibit 1.
- Section 113.** Repeal and recreate s. 500.605 to read as revised in Exhibit 1.
- Section 114.** Repeal and recreate s. 500.623 to read as revised in Exhibit 1.
- Section 115.** Repeal and recreate s. 500.624 to read as revised in Exhibit 1.
- Section 116.** Repeal and recreate s. 500.943 to read as revised in Exhibit 1.
- Section 117.** Repeal and recreate s. 500.962 to read as revised in Exhibit 1.
- Section 118.** Repeal and recreate s. 500.969 to read as revised in Exhibit 1.
- Section 119.** Repeal and recreate s. 500.1002 to read as revised in Exhibit 1.
- Section 120.** Repeal and recreate s. 500.1003 to read as revised in Exhibit 1.
- Section 121.** Repeal and recreate s. 500.1035 to read as revised in Exhibit 1.
- Section 122.** Repeal and recreate s. 500.1037 to read as revised in Exhibit 1.
- Section 123.** Insert Appendix A, titled Land-Use Matrix, attached as Exhibit 2.
- Section 124.** Insert Appendix B, titled “Land Use Summary,” attached as Exhibit 3.
- Section 125.** Repeal and recreate Appendix C, titled “Dimensional Standards for lots” attached as Exhibit 4.
- Section 126.** Insert Appendix D, titled “Dimensional Standards in Planned Development Districts,” attached as Exhibit 5.
- Section 127.** 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 128.** The Town of Eagle 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 129.** 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 21st day of July 2021


TOWN OF EAGLE



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Don Malek, Town Chairman

ATTEST:



---

Lynn Pepper, Town Clerk

Published and posted this \_\_\_ day of \_\_\_\_\_ 2021



1 AMEND THE 2021 BUDGET AND AUTHORIZE ACCEPTANCE AND APPROPRIATION OF WORKER  
2 ADVANCEMENT INITIATIVE FUNDS FOR WORKFORCE DEVELOPMENT SERVICES  
3 IN WAUKESHA, OZAUKEE, AND WASHINGTON COUNTIES  
4

5 WHEREAS, the federal American Rescue Plan Act provided funds to states to address the  
6 negative impacts of the COVID-19 pandemic including labor force and economic impacts; and  
7

8 WHEREAS, the State of Wisconsin used \$20 million of its American Rescue Plan Act allocation to  
9 fund a Worker Advancement Initiative program through the Department of Workforce  
10 Development for Wisconsin's eleven workforce development boards to serve people whose  
11 previous employment has not come back post-pandemic, as well as those who were not  
12 attached to or were not successful in the labor market prior to the pandemic, by offering  
13 subsidized employment and skills training opportunities with local employers; and  
14

15 WHEREAS, potential services that could be covered by grant services include paid work  
16 experience opportunities to develop or enhance job skills, hard and soft skills training to  
17 connect participants with the critical knowledge required of in-demand jobs, on-the-job  
18 training opportunities toward a path to economic self-sufficiency, and supportive services to  
19 address barriers to employment such as childcare and transportation; and  
20

21 WHEREAS, the Waukesha-Ozaukee-Washington Workforce Development Board applied for and  
22 received \$1,118,512 to fund contracted services and personnel costs to assist eligible  
23 individuals seeking employment through September 30, 2023; and  
24

25 WHEREAS, grant allowable administrative funding for personnel costs are already budgeted in  
26 the 2021 Waukesha County Department of Parks and Land Use; and  
27

28 WHEREAS, Waukesha County serves as the fiscal agent for the Waukesha-Ozaukee-Washington  
29 Workforce Development Board; and  
30

31 WHEREAS, the Waukesha County Department of Parks and Land Use is proposing to amend the  
32 2021 adopted budget by increasing expenditures by an additional \$1,007,000 to fund grant  
33 contracted services.  
34

35 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
36 that the Waukesha County Department of Parks and Land Use, through its Director or his  
37 designee, is authorized to accept distribution of Department of Workforce Development  
38 Worker Advancement Initiative grant funds available for workforce program services in  
39 Waukesha, Ozaukee, and Washington Counties.  
40

41 BE IT FURTHER ORDAINED that the Waukesha County Department of Parks and Land Use agrees  
42 to comply with state and federal rules for the program.  
43

44 BE IT FURTHER ORDAINED that the Waukesha County Department of Parks and Land Use –  
45 Workforce Fund 2021 budget be modified by increasing general government revenues by an  
46 additional \$1,007,000 and increasing operating expense appropriations by an additional  
47 \$1,007,000 to fund contracted services.

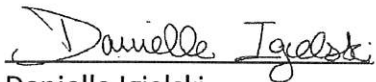
FISCAL NOTE

AMEND THE 2021 BUDGET AND AUTHORIZE ACCEPTANCE AND APPROPRIATION OF WORKER  
ADVANCEMENT INITIATIVE FUNDS FOR WORKFORCE DEVELOPMENT SERVICES  
IN WAUKESHA, OZAUKEE, AND WASHINGTON COUNTIES

This ordinance authorizes the Department of Parks and Land Use – Workforce Innovation and Opportunity Act (WIOA) Fund to accept \$1,118,512 of American Rescue Plan Act funding from the Wisconsin Department of Workforce Development to fund a Worker Advancement Initiative program.

This ordinance appropriates \$1,007,000 of additional operating expense authority to fund contracted services to assist eligible individuals with obtaining job training opportunities and support services to obtain economic self-sufficiency. The services provided through this grant are similar to the services provided under the Workforce Innovation and Opportunity Act funding; the difference is that this program has fewer eligibility barriers (e.g., removes income qualifications). Remaining grant funds of \$111,512 can be used for administrative costs recovery which is already included in the department's base budget. Department management plans to request carryover of unused grant funds into the 2022 budget.

This ordinance has no direct impact on county tax levy.



Danielle Igielski  
Accounting Services Manager  
11/1/2021  
2021-00008086



1 FIRST REVISION TO LAYING OUT, RELOCATION AND IMPROVEMENT OF COUNTY TRUNK  
2 HIGHWAY O, I-94-TO BLUEMOUND ROAD (USH 18), PROJECT I.D. 2722-07-71  
3  
4

5 WHEREAS, the County Board of Supervisors of Waukesha County finds that the proper  
6 improvement in maintenance of County Trunk Highway O in the City of Brookfield from a point  
7 that is 746.09 feet North of and 8.65 feet East of the Southwest corner of the Northwest 1/4  
8 Section 35, Town 7 North, Range 20 East, in the City of Brookfield, Waukesha County, State of  
9 Wisconsin to a point that is 1081.38 feet South of and 15.69 feet West of the Northwest corner  
10 of the Southwest ¼ corner of Section 26, Town 7 North, Range 20 East, in the City of Brookfield,  
11 Waukesha County, State of Wisconsin, requires certain relocation or changes and the  
12 acquisition of certain rights of way as shown on the plat marked "Plat of Right of Way Required  
13 for CTH O 1-94 TO BLUEMOUND ROAD (USH 18), Project ID 2722-07-71".  
14

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the  
16 plat marked "Plat of Right of Way Required for CTH O I-94 TO BLUEMOUND ROAD (USH 18),  
17 Project ID 2722-07-71" on file in the County Clerk's office is adopted by reference under the  
18 authority granted by Section 83.08 and Chapter 32 of the Wisconsin Statutes.  
19

20 IT IS FURTHER ORDAINED that County Trunk Highway O in the City of Brookfield is hereby  
21 changed or relocated from a point that is 746.09 feet North of and 8.65 feet East of the  
22 Southwest corner of the Northwest 1/4 Section 35, Town 7 North, Range 20 East, in the City of  
23 Brookfield, Waukesha County, State of Wisconsin to a point that is 1081.38 feet South of and  
24 15.69 feet West of the Northwest corner of the Southwest ¼ corner of Section 26, Town 7  
25 North, Range 20 East, in the City of Brookfield , Waukesha County, State of Wisconsin in  
26 accordance with the plat marked "Plat of Right of Way Required for CTR O 1-94 TO  
27 BLUEMOUND ROAD (USH 18), Project ID 2722 07-71".  
28

29 IT IS FURTHER ORDAINED that the County shall acquire those rights of way and other interests  
30 as shown on the plat marked "Plat of Right of Way Required for CTR O I-94 TO BLUEMOUND  
31 ROAD (USH 18), Project ID 2722-07-71".





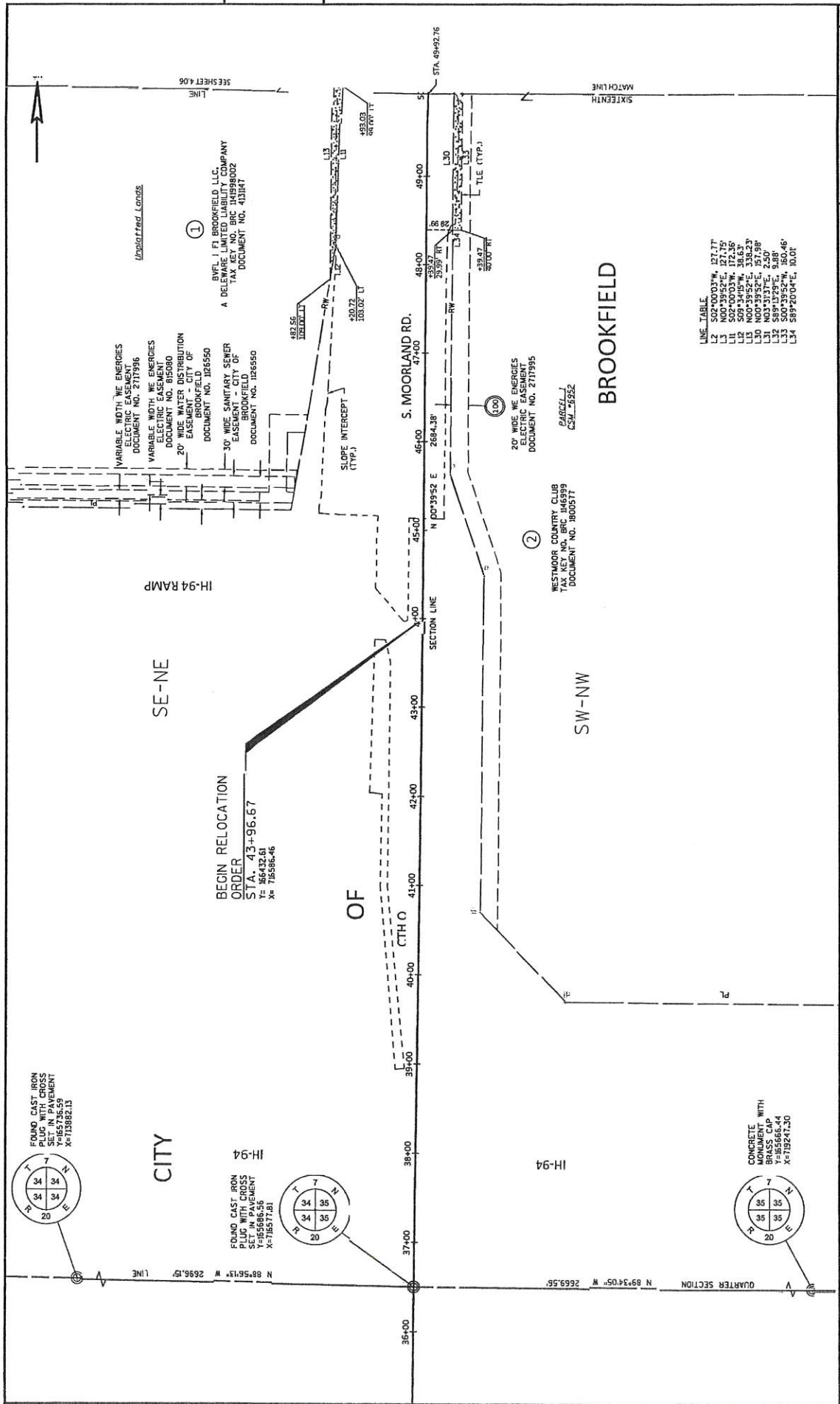
# SCHEDULE OF LANDS & INTERESTS REQUIRED

OWNERS NAMES ARE SHOWN FOR REFERENCE  
PURPOSED ONLY AND ARE SUBJECT TO CHANGE  
PRIOR TO THE TRANSFER OF LAND INTERESTS  
TO WAUKESHA COUNTY.  
\* DENOTES AREAS COMPUTED

AREAS SHOWN IN THE TOTAL ACRES COLUMN MAY BE APPROXIMATE  
AND ARE DERIVED FROM TAX ROLLS OR OTHER AVAILABLE SOURCES  
AND MAY NOT INCLUDE LANDS OF THE OWNER WHICH ARE NOT  
CONTIGUOUS TO THE AREA TO BE ACQUIRED.

PARCEL NO.	SHEET NO.	OWNERS	INTEREST REQ'D.	TOTAL AREA ACRES	EASEMENT ACRES REQUIRED	T.L.E.	P.L.E.	NEW	EXISTING	R 'W ACRES REQUIRED	TOTAL	REM.
1	4.05, 4.06	BVELL F1 BROOKFIELD LLC, A DELAWARE LIMITED LIABILITY COMPANY	FEF, PLE, TLE	11.316	0.121	0.015	0.040	0.000	0.040	0.040	0.040	11.276
2	4.05, 4.06, 4.07	WESTMOOR COUNTRY CLUB	TLE	148.675	0.039	---	---	---	---	---	---	148.675
9	4.07, 4.08	WEST BLUEMOUND ROAD PROPERTIES LLC, A WISCONSIN LIMITED LIABILITY COMPANY	PLE, TLE	2.186	0.054	0.055	---	---	---	---	---	2.186
11	4.07	MCDONALDS CORPORATION, A DELAWARE CORPORATION	PLE, TLE	1.706	0.023	0.034	---	---	---	---	---	1.706
12	4.07	MIEROW 400 MUTUAL LLC, A WISCONSIN LIMITED LIABILITY COMPANY AND 400 NORTH MOORLAND LLC, A WISCONSIN LIMITED LIABILITY COMPANY	PLE, TLE	1.587	0.039	0.070	---	---	---	---	---	1.587
13 <sup>1</sup>	4.07, 4.08	410 NORTH MOORLAND, LLC, A WISCONSIN LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 1/2 INTEREST AND MIEROW 410 FIRESTONE LLC, A WISCONSIN LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 1/2 INTEREST	PLE, TLE	0.703	0.019	0.007	---	---	---	---	---	0.703
14 <sup>1</sup>	4.08	BRUENIG INVESTMENTS, LLC, A WISCONSIN LIMITED LIABILITY COMPANY	TLE	1.181	0.027	---	---	---	---	---	---	1.181
UTILITY NO.	SHEET	OWNER	INTEREST									
100	4.05, 4.06	WE ENERGIES - ELECTRIC	CONVEANCE OF RIGHTS									
102	4.08	AT&T WISCONSIN	CONVEANCE OF RIGHTS									
103	4.07, 4.08	CITY OF BROOKFIELD - WATER	CONVEANCE OF RIGHTS									
105	4.07	CITY OF BROOKFIELD - STORM	CONVEANCE OF RIGHTS									
106	4.06, 4.07, 4.08	CITY OF BROOKFIELD - OTHER	CONVEANCE OF RIGHTS									
107	4.08	WISCONSIN DEPARTMENT OF TRANSPORTATION	CONVEANCE OF RIGHTS									
200	4.06, 4.07	CITY OF BROOKFIELD - GRADING EASEMENT	CONVEANCE OF RIGHTS									
201	4.06, 4.07	CITY OF BROOKFIELD - PERPETUAL PEDESTRIAN PATH EASEMENT	CONVEANCE OF RIGHTS									

REVISION DATE 05/25/2021	DATE 11/16/2020	SCALE, FEET 0	GRID FACTOR N/A	HWY: MOORLAND ROAD (CTH O)	STATE R/W PROJECT NUMBER 2722-07-20	PLAT SHEET 4.02
FILE NAME: 042021_05_REV 2 DWG LAYOUT NAME - FW 1 IN 40 FT	GRID FACTOR N/A	GRID FACTOR N/A	GRID FACTOR N/A	COUNTY: WAUKESHA	CONSTRUCTION PROJECT NUMBER 2722-07-71	PS&E SHEET E
				PLOT DATE: 5/24/2021 3:37 PM	PLOT NAME: ROLLINS, CARLA	PLOT SCALE: 1 IN=40 FT
						WISCONSIN SHEETS



REVISION DATE 5/24/2021	DATE 11/16/2020	SCALE, FEET 0 50 100	HWY: CTH 0	STATE R/W PROJECT NUMBER 2772-07-20	PLAT SHEET 4.	05
FILE NAME: 0000_LP_REV_L UTILITIES OFF DWG LAYOUT NAME - 0000S_LP	GRID FACTOR N/A		COUNTY: WAUKESHA	CONSTRUCTION PROJECT NUMBER 2772-07-71	PS&E SHEET	E
			PLOT DATE: 5/24/2021 3:30 PM	PLOT NAME: ROLLINS, CARLA	PLOT SCALE: 1"=100.00'	WS007FOODS SHEET 75













FISCAL NOTE

FIRST REVISION TO LAYING OUT, RELOCATION AND IMPROVEMENT OF COUNTY TRUNK  
HIGHWAY 0, I-94-TO BLUEMOUND ROAD (USH 18), PROJECT I.D. 2722-07-7

This ordinance approves the acquisition of right of way for Capital Project #201502, CTH O (Moorland Road) from Interstate 94 to US Highway 18 (Bluemound Road). Department management is requesting approval of additional expenditure authority in a separate ordinance to fund acquisition costs, ("Modify the 2022-2026 Capital Plan and 2021 Capital Project budget to increase land acquisition expenditures for Capital Project #201502 CTH O, I-94 to USH 18").

*William Duckwitz*

William Duckwitz  
Budget Manager  
11/2/2021

1       MODIFY THE 2022-2026 CAPITAL PLAN AND 2021 CAPITAL PROJECT BUDGET TO INCREASE  
2       LAND ACQUISITION EXPENDITURES FOR CAPITAL PROJECT #201502 CTH O, I-94 TO USH 18  
3  
4

5       WHEREAS, the County owns and operates a system of county trunk highways (CTH); and  
6

7       WHEREAS, the County undertakes projects for improvement of traffic safety and level of  
8       service at various locations when conditions warrant; and  
9

10       WHEREAS, CTH O from I-94 to USH 18 in the City of Brookfield was selected as a location  
11       whereby safety, operation and pavement condition would be greatly improved by expanding  
12       turn lanes, upgrading the traffic signal, and replacing pavement; and  
13

14       WHEREAS, the project was approved for federal Surface Transportation Program (STP) funding  
15       through the Wisconsin Department of Transportation (WisDOT), which finances project land  
16       acquisition expenses at an 80% federal/20% county cost share, up to a maximum cap of  
17       \$555,000; and  
18

19       WHEREAS, the current land acquisition budget for this project includes expenditure authority of  
20       \$111,000 for the county's share, assuming that WisDOT would bill the county for its 20% share  
21       of costs similar to how design and construction costs are accounted for through the STP; and  
22

23       WHEREAS, WisDOT indicates that STP instead requires the county to pay 100% of the costs  
24       (estimated at \$555,000) for land acquisition upfront and be reimbursed by WisDOT for the  
25       eligible 80% STP funding (estimated at \$444,000) after land acquisition is completed through a  
26       claims process; and  
27

28       WHEREAS, the land acquisition budget is insufficient at \$111,000 to cover all costs upfront, and  
29       requires an increase in budget authority of \$444,000, which would be offset by \$444,000 of STP  
30       revenues, resulting in no net cost impact to the county.  
31

32       THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the 2022-  
33       2026 Capital Plan and 2021 Capital Projects budget for project #201502 - CTH O, I-94 to USH 18  
34       be modified to appropriate additional expenditures of \$444,000 and increase general  
35       government revenue by \$444,000.

<b>Project Title:</b>	CTH O, I-94 to USH 18	<b>Project #:</b>	201502
<b>Department:</b>	Public Works - Highways	<b>Project Type:</b>	Rehabilitation
<b>Phase:</b>	Construction	<b>Road Name:</b>	Moorland Road
<b>Budget Action:</b>	C - \$ Update      C - Rev Update	<b>Manager:</b>	Allison Bussler, DPW Director
<b>Date:</b>	October 29, 2021		

CAPITAL BUDGET SUMMARY					
Year	2019	2020	2021	2022	Total
Project Phase	Design	Design/Land	Ordinance*	Construction	Project
Expenditure Budget	\$100,000	\$153,600	\$444,000	\$1,548,400	\$2,246,000
Revenue Budget	\$0	\$0	\$444,000	\$159,000	\$603,000
Net Cost After Revenues Applied	\$100,000	\$153,600	\$0	\$1,389,400	\$1,643,000
<b>COST DOCUMENTATION</b>			<b>REVENUE</b>		
Design	\$698,000		Surface Transportation Program - STP		
WisDOT Plan Review	\$15,000		STP - Design/Construction (Unbudgeted)		\$5,928,000
Land Acquisition	\$555,000		STP - Land (Budgeted)		\$444,000
Construction	\$6,000,000		City of Brookfield (Budgeted)		\$159,000
Construction Management	\$600,000				
Contingency	\$306,000				
Total Project Cost	\$8,174,000		Total Revenue		\$6,531,000
<b>EXPENDITURE BUDGET</b>	<b>\$2,246,000</b>		<b>REVENUE BUDGET</b>		<b>\$603,000</b>

**Project Scope & Description**

This 0.8-mile long project involves the rehabilitation 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, and adding sidewalks and storm water improvements. Access to Brookfield Square Mall and other businesses adjacent to Moorland Road will need to be maintained during construction. Therefore, traffic control will be a major challenge for this project. Federal funds will be used to offset the cost of design, real estate, and construction for this project. The department was awarded \$6,372,000 in federal STP funds in 2019. The city of Brookfield will pay for amenities (such as sidewalks and retaining walls) above and beyond those needed for the highway project, estimated at \$159,000.

\*Ordinance: The project budget is modified to increase funding for the land acquisition phase to allow 100% of the land acquisition costs to be paid up front by the county in accordance with the STP Project agreement. The Wisconsin Department of Transportation (WisDOT) will reimburse the county 80% or \$444,000 of the eligible land acquisition costs, for no net cost impact to the county.

**Location:** City of Brookfield

**Analysis of Need:** The concrete pavement along this portion of Moorland Road (CTH O) has deteriorated to the point where it now has a pavement condition index (PCI) of 30 which is regarded as poor. A PCI of 20 would indicate that the pavement has failed. The roadway was first built in 1978 and was rehabilitated in 2001, but that rehabilitation is now at the end of its useful life; paving slabs have deteriorated; paving joints have faulted, and the concrete pavement is in need of replacement. Pavement issues are further compounded by the fact that this portion of Moorland Road is one of the busiest on the county system with over 30,000 vehicles per day using the corridor, which serves as a major access road to Brookfield Square Mall and to the Bluemound Road corridor.

**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.
- Reconstruct/rehabilitate CTH O as described above.

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

**Previous Action:** Approved as a new project in the 2015-2019 capital plan. Approved as planned in the 2016-2020, 2018-2022, 2019-2023 capital plans. Approved with a revenue update in the 2017-2021 capital plan. Delayed with cost and revenue updates in the 2020-2024 capital plan. Approved as planned in the 2021-2025 capital plan. Approved with a cost and revenue update in the 2022-2026 capital plan.



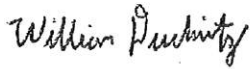
FISCAL NOTE

MODIFY THE 2022-2026 CAPITAL PLAN AND 2021 CAPITAL PROJECT BUDGET TO INCREASE LAND ACQUISITION EXPENDITURES FOR CAPITAL PROJECT #201502 CTH O, I-94 TO USH 18

This ordinance modifies the 2022-2026 Capital Plan and 2021 Capital Project budget to increase expenditure authority by \$444,000 and increase general government revenue by \$444,000 for land acquisition expenses for the CTH O, I-94 to USH 18 rehabilitation project (#201502).

According to department management, land acquisition funding through the Surface Transportation Program (STP) requires the county to pay 100% of the costs for land acquisition upfront and later be reimbursed by the Wisconsin Department of Transportation (WisDOT) for the eligible 80% STP funding after land acquisition is completed. The county's current budget for land acquisition of \$111,000 assumed that the county would only have to directly pay for the 20% share of land acquisition costs, similar to how design and construction is accounted for with STP, and omitted the additional 80% of expenditure authority needed (\$444,000). Because the county is required to pay 100% of the costs upfront, an additional \$444,000 in expenditure authority is needed to cover the federal/state share of the costs. The \$444,000 will be reimbursed by WisDOT, resulting in no net increase to the county's share of the costs.

There is no tax levy impact associated with this ordinance.



William Duckwitz  
Budget Manager  
11/2/2021  
MYB  
JE #2021-00007794

1       MODIFY THE 2022-2026 CAPITAL PLAN AND 2021 CAPITAL PROJECT BUDGET TO INCREASE  
2       LAND ACQUISITION EXPENDITURES FOR CAPITAL PROJECT #201610 CTH O, CTH I TO CTH ES

3  
4  
5       WHEREAS, the County owns and operates a system of county trunk highways (CTH); and

6  
7       WHEREAS, the County undertakes projects for improvement of traffic safety and level of  
8       service at various locations when conditions warrant; and

9  
10       WHEREAS, CTH O from CTH I to CTH ES in the City of New Berlin was selected as a location  
11       whereby safety, operation and pavement condition would be greatly improved by expanding  
12       turn lanes, upgrading the traffic signal, and replacing pavement; and

13  
14       WHEREAS, the project was approved for federal Surface Transportation Program (STP) funding  
15       through the Wisconsin Department of Transportation (WisDOT), which finances project land  
16       acquisition expenses at an 80% federal/20% county cost share, up to a maximum cap of  
17       \$950,000; and

18  
19       WHEREAS, the current land acquisition budget for this project includes expenditure authority of  
20       \$190,000 for the county's share, assuming that WisDOT would bill the county for its 20% share  
21       of costs similar to how design and construction costs are accounted for through the STP; and

22  
23       WHEREAS, WisDOT indicates that STP instead requires the county to pay 100% of the costs  
24       (estimated at \$950,000) for land acquisition upfront and be reimbursed by WisDOT for the  
25       eligible 80% STP funding (estimated at \$760,000) after land acquisition is completed through a  
26       claims process; and

27  
28       WHEREAS, the land acquisition budget is insufficient at \$190,000 to cover all costs upfront, and  
29       requires an increase in budget authority of \$760,000, which would be offset by \$760,000 of STP  
30       revenues, resulting in no net cost impact to the county.

31  
32       THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the 2022-  
33       2026 Capital Plan and 2021 Capital Projects budget for project #201610 - CTH O, CTH I to CTH  
34       ES be modified to appropriate additional expenditures of \$760,000 and increase general  
35       government revenue by \$760,000.



<b>Project Title:</b>	CTH O, CTH I to CTH ES	<b>Project #:</b>	201610
<b>Department:</b>	Public Works - Highways	<b>Project Type:</b>	Rehabilitation
<b>Phase:</b>	Preliminary Design	<b>Road Name:</b>	Moorland Road
<b>Budget Action:</b>	C - \$ Update    C - Rev Update	<b>Manager:</b>	Allison Bussler, DPW Director
<b>Date:</b>	October 29, 2021		

CAPITAL BUDGET SUMMARY					
Year	2020	2021	2021	2023	Total
Project Phase	Design	Design/Land	Ordinance*	Const	Project
Expenditure Budget	\$211,000	\$190,000	\$760,000	\$3,300,000	\$4,461,000
Revenue Budget	\$0	\$0	\$760,000	\$1,000,000	\$1,760,000
Net Costs After Revenues Applied	\$211,000	\$190,000	\$0	\$2,300,000	\$2,701,000
<b>COST DOCUMENTATION</b>			<b>REVENUE</b>		
Design		\$1,038,000	Surface Transportation Program - STP		
WisDOT Design Review		\$15,000	STP - Design/Construction (Unbudgeted)	\$10,042,000	
Land Acquisition		\$950,000	STP - Land (Budgeted)	\$760,000	
Construction		\$11,000,000	City of New Berlin Lighting (Budgeted)	\$1,000,000	
Construction Management		\$1,000,000			
Contingency		\$500,000			
Total Project Cost		\$14,503,000	Total Revenue	\$11,802,000	
<b>EXPENDITURE BUDGET</b>		<b>\$4,461,000</b>	<b>REVENUE BUDGET</b>	<b>\$1,760,000</b>	

**Project Scope & Description:**

This 1.4-mile long project involves the pavement replacement and rehabilitation 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, and storm water improvements. Access to businesses and residences adjacent to Moorland Road will need to be maintained during construction. Traffic control will be a major challenge for this project. Construction and staging will provide one lane in each direction, moving all traffic to either the existing northbound/southbound side while completing construction on the opposing side. This project will use federal funds to partially offset the cost of design, land acquisition, and construction. The Department was awarded approximately \$10.8 million in federal STP funds. Construction is scheduled for the next federal funding cycle (2023). The city of New Berlin has requested street lighting be included in this project and will pay the full cost, estimated to be \$1,000,000.

\*Ordinance: The project budget is modified to increase funding for the land acquisition phase to allow 100% of the land acquisition costs to be paid up front by the county in accordance with the STP Project agreement. The Wisconsin Department of Transportation (WisDOT) will reimburse the county 80% or \$760,000 of the eligible land acquisition costs, for no net cost impact to the county.

**Location:** City of New Berlin

**Analysis of Need:** The concrete pavement along this portion of Moorland Road (CTH O) now has a pavement condition index (PCI) of 50 which is regarded as fair. While the PCI isn't in poor condition, the transverse and longitudinal joints show signs of significant deterioration, and it is anticipated that the roadway will be ready for a pavement replacement by 2023. The roadway was first built in 1978 and was rehabilitated in 2006 but that rehabilitation will be at the end of its useful life by 2023, 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 system with over 30,000 vehicles per day using the corridor which serves as a major access road to 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.

**Previous Action:**

Approved as a new project in the 2016-2020 capital plan. Approved with a revenue update in the 2017-2021 capital plan. Approved as planned in the 2018-2022 capital plan. Approved as planned in the 2019-2023 capital plan. Delayed with cost and revenue updates in the 2020-2024 capital plan. Approved as planned in the 2021-2025 capital plan. Approved with a cost and revenue update in the 2022-2026 capital plan.



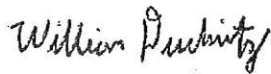
FISCAL NOTE

MODIFY THE 2022-2026 CAPITAL PLAN AND 2021 CAPITAL PROJECT BUDGET TO INCREASE LAND ACQUISITION EXPENDITURES FOR CAPITAL PROJECT #201610 CTH O, CTH I TO CTH ES

This ordinance modifies the 2022-2026 capital plan and 2021 capital project budget to increase expenditure authority by \$760,000 and increase general government revenue by \$760,000 for land acquisition expenses for the CTH O, CTH I to CTH ES rehabilitation project (#201610).

According to department management, land acquisition funding through the Surface Transportation Program (STP) requires the county to pay 100% of the costs for land acquisition upfront and later be reimbursed by the Wisconsin Department of Transportation (WisDOT) for the eligible 80% STP funding after land acquisition is completed. The county's current budget for land acquisition of \$190,000 assumed that the county would only have to directly pay for the 20% share of land acquisition costs, similar to how design and construction is accounted for with STP, and omitted the additional 80% of expenditure authority needed (\$760,000). Because the county is required to pay 100% of the costs upfront, an additional \$760,000 in expenditure authority is needed to cover the federal/state share of the costs. The \$760,000 will be reimbursed by WisDOT, resulting in no net increase to the county's share of the costs.

There is no tax levy impact associated with this ordinance.



---

William Duckwitz  
Budget Manager  
11/2/2021  
MYB  
JE #2021-00007899

1 AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE CONDEMNATION  
2 LAWSUIT OF HOWARD G. TIMM AND TRICIA M. TIMM V. WAUKESHA COUNTY,  
3 CASE NUMBER 2019-CV-22  
4  
5

6 WHEREAS Waukesha County undertook a highway project (Project ID 2788-00-22)  
7 to reconstruct and improve the West Waukesha Bypass in the City and Town of Waukesha (now  
8 Village of Waukesha); and  
9

10 WHEREAS as part of the highway project and in accordance with Chapters 83 and 32,  
11 Wisconsin Statutes, the County acquired by eminent domain a small amount of land in fee title  
12 and a temporary limited easement for construction purposes from the property owned by  
13 Howard G. Timm and Tricia M. Timm (hereinafter "the Timms") and located in the Heritage Hills  
14 Subdivision at 119 Jersey Circle, City of Waukesha; and

15 WHEREAS pursuant to Chapter 32 of the Wisconsin Statutes, the Timms have appealed the  
16 Award of Damages to circuit court for a determination of just compensation to be paid for the  
17 property; and  
18

19 WHEREAS Waukesha County and the Timms were court-ordered to attend mediation; and  
20

21 WHEREAS Waukesha County and the Timms attended mediation and reached a settlement  
22 agreement on October 19, 2021, the terms of which are conditioned upon approval by the  
23 State of Wisconsin, Department of Transportation and Waukesha County Board of Supervisors;  
24 and  
25

26 WHEREAS the continuation of the litigation causes substantial financial risk to all parties; and  
27 WHEREAS it has been determined that settlement of the litigation at this time is in the best  
28 interest of Waukesha County; and  
29

30 WHEREAS the State of Wisconsin, Department of Transportation has approved the settlement  
31 agreement.  
32

33 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the  
34 settlement of the lawsuit of Howard G. Timm and Tricia M. Timm v. Waukesha County,  
35 Waukesha County Circuit Court Case Number 2019-CV-22 is approved according to the terms  
36 of the settlement agreement, which is on file with the Department of Public Works and was  
37 previously shared with the County Board.  
38

39 BE IT FURTHER ORDAINED that the Waukesha County Corporation Counsel, or his designee, is  
40 authorized to finalize the settlement of the lawsuit and execute any documents or releases, as  
41 necessary.