

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
October 11, 2016

Members Present: L. Krause, P. Van Horn, E. Kranick, R. Troy, B. Cooley

Others Present: T. Barbeau, *Town Engineer*, 1 citizen

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of September 27, 2016, Town Board Minutes
MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE WITH ONE CORRECTION TO THE CLOSED SESSION MINUTES. MOTION CARRIED.

Fifth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2016 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #57631 – #57669 IN THE AMOUNT OF \$34,069.95

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$27,876.01

MR. TROY/MR. COOLEY

MOTION CARRIED.

Sixth order of business: Communications (*for discussion and possible action*)

A. None

Seventh order of business: Unfinished Business

A. None

Eighth order of business: New Business

A. For discussion and possible action: Animal Welfare proposals

Elmbrook Humane Society submitted a proposal for the 2017 calendar year in the amount of \$4,000 and HAWS for 2017 through 2018 in the amount of \$2,346 per year. The general consensus of the Town Board is to award the contract to HAWS.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO ACCEPT THE 2-YEAR ANIMAL CONTROL SERVICE AGREEMENT WITH HAWS. MOTION CARRIED.

B. For discussion and possible action: Assessor proposal for increase in fees

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO APPROVE THE REQUEST TO INCREASE THE ASSESSOR BUDGET BY \$2000.00 IN 2017. MOTION CARRIED.

C. Consideration and possible action on the approval of the final plat for Hunt Club Farms, approval of a private driveway agreement, acceptance of the declaration of restrictions and approval of the Developer's Agreement.

Engineer Barbeau directed attention to his report dated October 11, 2016. The subject property is 83.3 acres and will be split into 16 3-acre minimum lots. The Plan Commission conditionally approved the lot allocation and preliminary plat on June 21. Mr. Spheeris previously received Town Board approval for the creation of lots not abutting a public street. Engineer Barbeau recommended that the Town Board conditionally approve the final plat provided that it shall not be executed by Town officials until the following conditions are met to the satisfaction of the Town Attorney and Town Engineer:

1. *Subject to the developer executing a private road easement and declaration of restrictions specifying that the owners of lots 4, 6, 7, and 8 served by the private road are solely responsible for all costs and expenses of maintenance, repair and reconstruction of the private road, and that it must be maintained to a sufficient standard to allow for access by emergency vehicles as determined by the Town, and that upon failure to adequately maintain the road the Town may do so and may charge the lot owners for all costs and expenses of doing so; and further making clear that the private road access to such lots was created by the developer, at the developer's request, and therefore the developer and all successors in title waive any claims against the Town that may relate to the creation of lots not served by a public road.*
2. *Subject to the developer resolving all comments from the Wisconsin Department of Administration and Waukesha County Department of Parks and Land Use Planning Division and the Land resources Division, to the satisfaction of such entities.*
3. *Subject to the developer either (a) removing the existing barn (accessory building) on Lot 14, prior to approval of the final plat, or (b) submitting a financial guarantee in an amount approved by the Town Engineer and form approved by the Town Attorney prior to approval of the final plat, to guarantee removal of such existing barn (accessory building) if no principal structure is built or under construction (building permit acquired and work proceeding) on Lot 14 within two (2) years of the recording of the final plat.*
4. *Staff and Governmental Approval. Subject to the developer satisfying all comments, conditions and concerns of the Town Engineer and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Safety and Professional Services per ch. 236, Wisconsin Statutes and ch. SPS 385, Wisconsin Administrative Code; the State of Wisconsin Department of Transportation per ch Trans. 233, Wisconsin Administrative Code; the State of Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; the Waukesha County Parks and Land Use Department and the Waukesha County Department of Transportation; in regard to the final plat, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or recording of the final plat, whichever is earlier.*
5. *Financial Guarantee and Agreement. Subject to the Developer submitting to the Town Clerk and receiving approval as to form from the Town Attorney and as to amount from the Town Engineer, a letter of credit or cash and subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, approval of a Developer's Agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or recording of the final plat, whichever is earlier.*
6. *Deed Restrictions. Subject to the Developer submitting to and receiving from the Town Attorney and the Town Engineer, approval of the final draft of the deed restrictions, prior to commencing construction of any improvement, whether public or private, or site development, or recording of the final plat, whichever is earlier.*
7. *Professional Fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the*

cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

8. Payment of Charges. *Any unpaid bills owed to the Town by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.*
9. One Year to Satisfy Conditions. *Subject to the Developer satisfying all of the conditions of plat approval within one year of the Town Board granting conditional final plat approval, except as to conditions which specify an earlier deadline in which case the earlier deadline shall apply.*

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO CONDITIONALLY APPROVE THE FINAL PLAT, PRIVATE DRIVEWAY AGREEMENT, DECLARATION OF RESTRICTIONS, AND DEVELOPER'S AGREEMENT, SUBJECT TO THE 9 CONDITIONS STATED IN THE TOWN ENGINEER'S PLAN COMMISSION REPORT DATED OCTOBER 11, 2016, AND THAT THE FINAL PLAT SHALL NOT BE EXECUTED BY TOWN OFFICIALS UNTIL EACH OF THE CONDITIONS ARE MET TO THE SATISFACTION OF THE TOWN ATTORNEY AND TOWN ENGINEER. MOTION CARRIED.

- D. Discussion and possible action on von Briesen & Roper Engagement Letter/Waiver of Potential Conflicts

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO ACCEPT THE ENGAGEMENT LETTER/WAIVER OF POTENTIAL CONFLICTS WITH VON BRIESEN & ROPER. MOTION CARRIED.

- E. Discussion and possible action to change the employee handbook regarding group medical insurance coverage

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO TABLE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Fire Department Open House – October 15 – 9:00 a.m. to 2:00 p.m.
- B. Senator Chris Kapenga – Wednesday, October 19 – 6:30 p.m. to 8:00 p.m.
- C. Fright Hike – October 21 and 22 – 6:00 p.m. to 8:45 p.m.
- D. Next Town Board Meeting – October 25
- E. Wisconsin Town Association Waukesha County Unit Meeting – Wednesday, October 26 - 7:00 p.m. – Town of Eagle

Tenth Order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 7:30 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on: October 25, 2016