

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
November 13, 2018

Members Present: L. Krause, P. Van Horn, E. Kranick, R. Troy, C. Smith

Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, Kevin Fitzgerald, *Plan Commission Chairman*, T. Dunker, *Waukesha County Sheriff's Department*, 4 citizens

Public Hearings: Prior to the start of the regular Town Board meeting, there will be two public hearings:

1. To consider a request by Michael Falk, N29 W29682 Franciscan Road for annexation of vacant property know as Tax Key No. DELT 0773-973 into the Lake Pewaukee Sanitary District (LPSD).

Matt Retzak, Bartelt, stated that his company is working on a home design for the subject property. He met with Waukesha County, and it was determined that a septic system was not suitable for the property because it is landlocked by LPSD. Final engineering is still in the works.

2. To consider the amendment of several sections of Chapter 17, Zoning and Chapter 18, Land Division and Development Control of the municipal code for the Town of Delafield.

Chairman Krause stated that a public hearing was held in September and proposed changes were made.

Engineer Barbeau summarized the following proposed changes to the subject sections:

1. Section 17.05 3. C. - Public hearings for conditional uses shall be jointly held before the Town Board and Plan Commission.
2. 17.05 4. F. 8. - Traffic study requirement changes allow the Plan Commission to decide whether or not a traffic study should be performed and standards by which it must be prepared. Also, a traffic study is required for churches, synagogues, other places of religious assembly and commercial planned unit development conditional uses.
3. Section 17.05 D. 2. Revise the noise standard to state "Noise after the conversion shall be no greater than the noise level prior to the conversion".
4. 17.05 D. 2. j. – Hours and days of operation shall be no more than 7:00 AM to 7:00 PM, Monday through Sunday; k. – No more than 20 drop-offs or withdrawals of allows storage items per week.
5. 17.05 4. G. 2. – The Plan Commission will require the applicant to provide an odor control plan for hobby kennels.
6. 17.05 5. N. c. - Applicant shall submit a manure management plan in accordance with Waukesha County Environmental Health Division.
7. 17.05 5. U. In-law units – The definition and regulations referencing in-law suites were removed from the proposed ordinance.
8. Bulk storage at greenhouses – This will be controlled by the plan of operation and site plan submitted by the applicant.
9. Section 17.05 4. E. 6. - Storm Water Requirements – The applicant must meet all requirements of Waukesha County.

For all developments, 40% of the PUD area has to be set aside for permanent common open space; except the 40% permanent common open space is not required if all lots in the PUD are single-family residential lots and they each meet a minimum lot size of 5 acres or greater. The overall density cannot exceed the maximum density allowed by applicable laws and ordinances.

Engineer Barbeau was directed to revise 17.05 5. M. 2. e. to read: "The application and all data and information pertaining thereto shall be referred to the Plan Commission and Town Board for public hearing..."

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:26 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 October 23, 2018, Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO APPROVE THE MINUTES AS PRESENTED BY THE CLERK. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2018 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #60973 – #61014 IN THE AMOUNT OF \$109,724.35

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$59,587.41

MR. TROY/MR. KRANICK

MOTION CARRIED.

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

A. Eric J. Larson (10/26/18), Re: Open Meetings Laws Recent Legislation and Interpretation Legal Recommendations

Chairman Krause stated the importance of these new State laws and directed the clerk to contact Attorney Larson with questions.

Seventh order of business: Unfinished Business

A. Vote on Proposed 2019 Budget (tabled 10/23/18)

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

MOTION MADE BY MR. SMITH, SECONDED BY MR. TROY TO RECOMMEND APPROVAL OF THE PROPOSED 2019 BUDGET FOR THE PURPOSE OF TAKING TO THE PUBLIC HEARING TO BE ADOPTED BY THE ELECTORATE. MOTION CARRIED.

B. Discussion and possible action on potential purchase of highway trucks

Chairman Krause requested further detail on the two quotes presented this evening. The next discussion will be on financing the vehicle. The treasurer and highway superintendent will meet with Mr. Kranick to review finance options and bring back to the Town Board for consideration.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO TABLE ACTION ON POTENTIAL PURCHASE OF HIGHWAY TRUCKS. MOTION CARRIED.

Eighth order of business: New Business

A. Consideration and possible action on a request from Michael Falk, N29W29682 Franciscan Road, to annex lands located north of the westerly end of Hillcrest Drive into the Lake Pewaukee Sanitary District.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO HONOR THE REQUEST FROM MICHAEL FALK TO ANNEX LANDS LOCATED NORTH OF THE WESTERLY END OF HILLCREST DRIVE INTO THE LAKE PEWAUKEE SANITARY DISTRICT. MOTION CARRIED.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO TAKE ITEM 8G OUT OF ORDER. MOTION CARRIED.

G. Consideration and possible action on a request to reduce the letter of credit for the Hunt Club Farms subdivision.

MOTION MADE BY MR. SMITH, SECONDED BY MR. KRANICK TO REDUCE THE LETTER OF CREDIT FOR HUNT CLUB FARMS SUBDIVISION BY \$56,995 LEAVING A BALANCE OF \$52,609. MOTION CARRIED.

- B. Consideration and possible action on the adoption of an ordinance to amend Chapter 17 of the Town of Delafield code of ordinances related to changes due to Act 67.

Mr. Troy referenced Section 17.05 E. 1., asking for clarification re: classification of use. He stated the importance of the Town Board making the determination.

Discussion followed on the proposed removal of self-storage facilities. The general consensus of the Town Board is they are in favor of self-storage units in the Town as a conditional use with standards.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO REFER THIS MATTER BACK TO THE PLAN COMMISSION FOR CHANGES WITH RESPECT TO SELF STORAGE UNITS BEING ALLOWED AS A CONDITIONAL USE WITH STANDARDS. MOTION CARRIED.

- C. Consideration and possible action on the adoption of an ordinance to amend Chapter 18 of the Town of Delafield code of ordinances related to changes due to Act 67.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO TABLE CHAPTER 18 UNTIL CHAPTER 17 IS READY TO ACTED ON. MOTION CARRIED.

- D. Consideration and possible action on a request for a chicken license at W297 N2997 Oakwood Grove Road.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO APPROVE THE CHICKEN LICENSE AT W297 N2997 OAKWOOD GROVE RD.
AMENDED MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO APPROVE THE CHICKEN LICENSE AT W297 N2997 OAKWOOD GROVE ROAD FOR 2018 AND 2019. MOTION CARRIED.**

- E. Consideration and possible action on a request to reduce the letter of credit for Hawks Haven subdivision, and approval of a resolution declaring "Final Acceptance" of the improvements as defined in the Developer's Agreement.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO REDUCE THE LETTER OF CREDIT FOR HAWKS HAVEN SUBDIVISION BY \$18,000 LEAVING A BALANCE OF \$34,900. MOTION CARRIED.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO APPROVE THE RESOLUTION DECLARING FINAL ACCEPTANCE OF THE IMPROVEMENTS AS DEFINED IN THE DEVELOPER'S AGREEMENT FOR DALE BERGMAN. MOTION CARRIED.

- F. Consideration and possible action on a request to reduce the letter of credit for the White Oak Conservancy subdivision.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO REDUCE THE LETTER OF CREDIT FOR WHITE OAK CONSERVANCY SUBDIVISION BY \$222,246.95 LEAVING A BALANCE OF \$556,062.95. MOTION CARRIED.

- H. Consideration and possible action on a request to reduce the letter of credit for the Woodridge Estates II subdivision.

Mr. Kranick recused himself from the discussion and left the meeting room.

Engineer Barbeau stated that the final topsoil of shouldering in Woodridge Estates II has not yet been completed, and the proposed \$76,790 reduction to the letter of credit is adequate to complete the project. The general consensus of the Town Board is to add an additional \$40,000-\$50,000 to the remaining balance.

MOTION MADE BY MR. TROY, SECONDED BY MR. SMITH TO TABLE TO ALLOW THE TOWN ENGINEER TO COME BACK WITH A NEW CALCULATION. MOTION CARRIED.

- I. Consideration and possible action regarding a request for a change order related to vacuum excavating utilities along Bryn Drive.

Engineer Barbeau stated that potholing was performed to determine depth of utilities. Proposed ditch work along Bryn Drive was eliminated due to depth of utilities. The original contract price was \$369,779.00 and this change order will change it to \$312,675.60.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO APPROVE CHANGE ORDER NO. 2 FOR PAYNE AND DOLAN DATED NOVEMBER 6, 2018, AS PREPARED. MOTION CARRIED.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO APPROVE THE APPLICATION FOR PAYMENT NO. 2 (FINAL) FOR THE 2018 ROAD IMPROVEMENT PROGRAM TO PAYNE AND DOLAN IN THE AMOUNT OF 47,198.90. MOTION CARRIED.

- J. Appointment to Plan Commission

Chairman Krause stated that we have 2 positions open and recommended the addition of Billy Cooley to the Commission to fill the vacancy that will expire in April 2021.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO ACCEPT CHAIRMAN KRAUSE'S RECOMMENDATION TO APPOINT BILLY COOLEY TO THE PLAN COMMISSION. MOTION CARRIED.

- K. Appointment to Park and Recreation Commission

Chairman Krause stated that this is a 4-year term. He recommended Christie Dionisopoulos stating that she has a tremendous amount of experience in park and recreation and will be a welcome addition.

MOTION MADE BY MR. SMITH, SECONDED BY MR. TROY TO APPROVE CHAIRMAN KRAUSE'S RECOMMENDATION TO APPOINT CHRISTIE DIONISOPOULOS TO THE PARK AND RECREATION COMMISSION. MOTION CARRIED.

Ninth Order of Business: Announcements and Planning Items

- A. Budget Hearing – November 14 @ 7:00 p.m.
- B. Next Town Board Meeting – November 27
- C. Next Plan Commission Meeting – December 4 (Quorum of Town Board Needed)
- D. Next Park and Recreation Commission Meeting – December 13

Tenth Order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 8:32 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: November 27, 2018