

CLOSED SESSION
TOWN OF DELAFIELD BOARD OF SUPERVISORS
December 8, 2015

Closed Session: It is anticipated the Town Board will convene into closed session for the following reason: Pursuant to authorization conferred by Section 19.85(1)(c), Wisconsin Statutes, to consider employment, promotion, compensation or employment evaluation data of any public employee over which the Town Board has jurisdiction or exercises responsibility, more specifically concerning the park and recreation coordinator. Participating in the closed session will be the Town Board and Town Clerk. Following the closed session, the Town Board may take action on matters discussed in the closed session.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO GO INTO CLOSED SESSION. MR. VAN HORN – AYE, MR. KRANICK – AYE, MR. TROY – AYE, MS. DUCHOW – AYE, CHAIRMAN KRAUSE – AYE. MOTION CARRIED.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO GO INTO OPEN SESSION. MR. VAN HORN – AYE, MR. KRANICK – AYE, MR. TROY – AYE, MS. DUCHOW – AYE, CHAIRMAN KRAUSE – AYE. MOTION CARRIED.

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING

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

Others Present: T. Barbeau, *Town Engineer*, M. Hoppe, *Deputy Chief*, J. Formea, *11 Citizens*

Public Hearing: Prior to the start of the scheduled Town Board meeting there will be a public hearing in front of the Town Board to solicit public input on a request from Donald D. Popp, W299 N3222 Maple Avenue for annexation of lands he owns at W299 N3222 Maple Avenue (Tax Key No. DELT 0763-986) into the Lake Pewaukee Sanitary District (LPSD).

Engineer Barbeau stated that the septic system of the subject 2.3 acre property is failing and access to sanitary sewer is ready available. Mr. Popp is planning to connect to the sewer, which was installed in the area when Woodridge Estates was developed. Tom Koepp, Manager of the Lake Pewaukee Sanitary District, is recommending approval of the subject annexation.

No one wished to speak on this matter.

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:07 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 November 24, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

Fifth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2015 budget

- B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55561 to #55622 IN THE AMOUNT OF \$40,161.29

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$39,775.05

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

- A. None

Seventh order of business: Unfinished Business

- A. Discussion on Lot 18 (old Fire Station #1 property)

Jim Siepmann stated that sanitary sewer is available for lots 16 and 17 and the connection fee has been paid. There will be an easement to lot 18, and the sewer connection fee will be approximately \$8890.00. The cost of lot 18 plus the Lake Pewaukee Sanitary District connection fee would result in that lot having a higher price than the other lots but, from a marketing standpoint, we will be able to offset the price with the existing well.

Eighth order of business: New Business

- A. Mike Walden, R&R Insurance Services, Re: Consideration and possible action on renewal of liability insurance for Town of Delafield

Mr. Walden informed the Town Clerk that he is still waiting to receive all necessary quotes.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO TABLE. MOTION CARRIED.

- B. Consideration and possible action on request from Donald D. Popp, W299 N3222 Maple Avenue for annexation of lands he owns at W299 N3222 Maple Avenue into the Lake Pewaukee Sanitary District (LPSD)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE REQUEST TO ANNEX INTO THE LAKE PEWAUKEE SANITARY DISTRICT. MOTION CARRIED.

- C. Consideration and possible action on Plan Commission's recommendation to approve a Conditional Use Permit to Operate a Commercial Stable at W288S290 Elmhurst Road

Engineer Barbeau stated that the owners submitted a Plan of Operation that was incorporated into the Conditional Use Permit. The Plan indicated that the maximum number of horses to be boarded on the site shall be 7, including those horses owned by the business operators. It identified services included, as well as not part of, the Plan of Operation. All boarders must sign a boarding agreement. Manure will be disposed of in the northeast corner of the property or spread across the fields for disposal. Per night accommodations may be made for guest horses only; maximum one week stay for guest horses. The operation will not include the operation of a commercial facility such as a bar or restaurant.

As referenced in Letter V, the conditional use, site plan and plan of operation shall be reviewed every five years. The Plan Commission unanimously recommended approval of the Conditional Use Permit.

Mr. Kranick stated that others applying for a conditional use permit should take a class from the subject applicants, as they presented a very complete and thorough Plan of Operation.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL STABLE AT W288S290 ELMHURST ROAD AS PREPARED BY STAFF. MOTION CARRIED.

D. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map to split land into two parcels at W290 N3159 Hillcrest Drive

Engineer Barbeau stated that the subject property is currently 10.4 acres in size; Lot 1 is 4.0 acres (to the north) and Lot 2 is 6.15 acres (to the south). There are laterals in the road that extend to the lot line for lot 1. The current parcel is in the Lake Pewaukee Sanitary District, and a sewer lateral is available outside the roadway to connect. Portions of both lots are in the Primary Environmental Corridor. No construction of buildings will be allowed in the PEC, except with approvals by Waukesha County and the Town. As the land is located partially in the shoreland district, the Certified Survey Map has been submitted to Waukesha County for review. They have not yet provided comments. Any approval granted should be subject to comments from Waukesha County. If there are comments of any significance, the Town will have to go through a re-approval process. The Plan Commission unanimously recommended approval.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A CERTIFIED SURVEY MAP TO SPLIT LAND INTO TWO PARCELS AT W290 N3159 HILLCREST DRIVE SUBJECT TO COMMENTS FROM WAUKESHA COUNTY. MOTION CARRIED.

E. Consideration and possible action on Reduction in Letter of Credit for Woodridge Estates II

Mr. Kranick recused himself and left the room for this discussion.

Engineer Barbeau is recommending a reduction in the Letter of Credit for Woodridge Estates II by \$229,990. This allows for retainage of 10% for each of the items that have not yet been completed.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE THE REDUCTION IN LETTER OF CREDIT FOR WOODRIDGE ESTATES II BY \$229,990, AS RECOMMENDED BY STAFF. MOTION CARRIED.

F. Consideration and possible action on Village of Pewaukee Requests for Proposal on Provision of Fire Services and Emergency Medical Services

Ms. Duchow stated that she spoke with the Fire Chief, and they are in agreement that it doesn't make logistical sense for the Town to submit an RFP. The Village of Pewaukee is looking to pay less for the subject services. Also, Chief Kozlowski doesn't want to get into competition with another fire department.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO NOT PURSUE THE VILLAGE OF PEWAUKEE REQUESTS FOR PROPOSAL ON PROVISION OF FIRE SERVICES AND EMERGENCY MEDICAL SERVICES. MOTION CARRIED.

- G. Consideration and possible action on an Ordinance to Repeal Sections 9.14(2) and 9.14(3) of the Town of Delafield Municipal Code Related to Green Space and Floodplain Separation Minimum Standards

Engineer Barbeau stated that recent amendments to State law affect shoreland throughout the State. The Town asked Attorney Larson to provide advice on whether these changes to State law have any impact on the Town. He stated that the risks are larger now with regard to the subject sections, which establish certain Town-wide standards through police powers. Section 9.14(2) identifies a flood plain separation of 75 ft. and Section 9.14(3) identifies a minimum of 60% green space. The Town Attorney has recommended that the State and County regulate these two items.

Engineer Barbeau directed attention to the draft Ordinance and suggested the following revisions: in Section 1, (2) should be changed to (3), and in Section 2 (3) should be changed to (2).

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE SUBJECT TO THE TOWN ATTORNEY MAKING THE SUGGESTED CHANGES. MOTION CARRIED.

- H. Consideration and possible action on an Ordinance to Create Section 1.31 Entitled Publication and Posting of Official Public Notices of the Town of Delafield Town Code

Chairman Krause stated that this is the result of a new bill that was passed allowing us to post in one location and on the Town website, rather than at three locations.

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

- I. Consideration and possible action on Storm Water Management Maintenance Agreement and Release of Easement for the parcel known as N30W28895 West Lakeside Dr.

Engineer Barbeau stated that a potential buyer is planning to build a home on the subject property. There is an existing storm sewer easement to allow storm water to drain across the subject property to Pewaukee Lake, including the water that is discharged onto the subject property from a culvert underneath Lakeside Drive and across Lakeside Drive. The potential buyer is requesting that the Town release this easement to allow for construction to take place. Waukesha County has jurisdiction over the property, as it located in the shoreland. We want to make sure that the owner has a qualified professional perform an inspection of the storm water management practice every five years.

Jim Bernthal, N30W28895 West Lakeside Drive, is asking that in the terms of conditionally approving the stormwater management, he does not have to sign the document as the owner and that the new owners sign it.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. KRANICK TO CONDITIONALLY APPROVE THE STORM WATER MANAGEMENT MAINTENANCE AGREEMENT AND RELEASE OF EASEMENT AS PRESENTED WITH THE TOWN ATTORNEY'S LETTER OF DECEMBER 7, 2015, SUBJECT TO THE FOLLOWING: 1) IF THE AGREEMENT IS SIGNED BY JAMES BERNTHAL AND VICKY BERNTHAL, AS DRAFTED, IT MUST BE SIGNED AND RECORDED PRIOR TO THE BERNTHALS CONVEYING THE PROPERTY; 2) IF THE AGREEMENT IS SIGNED BY THE PROPOSED PURCHASERS (THE MULLINS), IT MUST BE REVISED TO THE SATISFACTION OF THE TOWN ATTORNEY SO THAT IT CAN BE SIGNED AND RECORDED BY THE MULLINS AFTER THEY TAKE TITLE TO THE PROPERTY AND THEIR DEED IS RECORDED; AND 3)

THE TOWN CHAIR AND TOWN CLERK ARE AUTHORIZED TO SIGN ON BEHALF OF THE TOWN ONLY UPON PRESENTATION FROM THE RELEVANT PROPERTY OWNERS OF THE APPROVED AGREEMENT BEARING THE NECESSARY SIGNATURES OF THE RELEVANT PROPERTY OWNERS, AND THIS APPROVAL IS ONLY VALID UPON SUCH FULL EXECUTION; AND 4) IF THE FOREGOING CONDITIONS ARE NOT SATISFIED WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL, THIS CONDITIONAL APPROVAL AUTOMATICALLY EXPIRES. MOTION CARRIED.

J. Consideration and possible action on 2016 contracts/agreements:

1. Elmbrook Humane Society

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO RENEW OUR CONTRACT WITH ELMBROOK HUMANE SOCIETY. MS. DUCHOW – AYE, MR. TROY – AYE, MR. VAN HORN – NAY, MR. KRANICK – NAY, CHAIRMAN KRAUSE – AYE. MOTION PASSED 3-2.

2. Rotroff Jeanson & Company

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE THE ROTROFF JEANSON & COMPANY CONTRACT FOR ANOTHER YEAR. MS. DUCHOW – AYE, MR. TROY- AYE, MR. VAN HORN – NAY, MR. KRANICK – AYE, CHAIRMAN KRAUSE – ABSTAINED. MOTION PASSED 3-2.

3. Waukesha County Sheriff's Department - Police Services and Transcription Service

Chairman Krause stated that he asked the supervisor in charge of the department to track the amount of time spent in the Town as well as other areas.

MOTION MADE BY MR. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT POLICE SERVICES AND TRANSCRIPTION SERVICE CONTRACT AS PREPARED. MOTION CARRIED.

4. R.A. Smith National, Inc.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO APPROVE THE CONTRACT SUBMITTED BY RA SMITH NATIONAL, INC. MS. DUCHOW – AYE, MR. TROY – AYE, MR. VAN HORN – NAY, MR. KRANICK – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

K. Consideration and possible action on Resolution Approving Municipal Court Budget

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO APPROVE THE MUNICIPAL COURT BUDGET RESOLUTION. MOTION CARRIED.

L. Consideration and possible action on changing Town Board meeting night

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO TABLE FOR FUTURE DISCUSSION. MOTION CARRIED.

M. Appointments of Clerk/Treasurer, Deputy Clerk/Treasurer and Fire Chief

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO APPOINT MARY ELSNER AS CLERK/TREASURER, LAUREN BEALE AS DEPUTY

**CLERK/TREASURER AND PAUL KOZLOWSKI AS FIRE CHIEF FOR ANOTHER YEAR.
MOTION CARRIED.**

N. Appointment of Election Inspectors for the period of 1/1/2016-12/31/2017

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE AS
RECOMMENDED BY STAFF. MOTION CARRIED.**

Ninth Order of business: Announcements and Planning Items

A. Next Plan Commission Meeting – December 15

B. Next Town Board Meeting – December 22 – 6:00 p.m.

Tenth order of business: Adjournment

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO ADJOURN AT 8:15 P.M.
MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on: December 22, 2015