

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING**  
**February 13, 2018**

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

**Members Absent:** R. Troy

**Others Present:** M. Larsuel, *Waukesha County Sheriff's Dept.*, T. Barbeau, *Town Engineer*,  
8 citizens

**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 January 23 and February 6, Town Board Minutes  
**MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE THE  
JANUARY 23 AND FEBRUARY 6 MINUTES AS PRESENTED. 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 #59845 – #59940 IN THE AMOUNT OF  
\$309,909.93**

Payroll

**MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$30,057.02**

**MR. KRANICK/MR. COOLEY**

**MOTION CARRIED.**

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

A. Hon. Timothy T. Kay (1/26/18), Re: Lake Country Municipal Court State of the Court/Year  
2017 in Review

*Supervisor Kranick requested that the Town honor Judge Kay's invitation to appear before the  
Town Board to answer any questions or clarify any concerns in addition to the subject annual  
report.*

**Seventh order of business:** Unfinished Business

A. Discussion on Park and Recreation Coordinator position/Park and Rec update (tabled  
1/23/18)

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

*Chairman Krause stated that Alyssa Vaughan signed the offer letter today. The Town Board did  
not act on any recommendations provided by the Park and Recreation Commission, but the  
general consensus is to work together during this transition period.*

*Mr. Kranick stated that the Park and Recreation Commission needs to think about a long-term  
vision for the parks and skateboard park. He added that newspaper articles attracted attention  
to the Fright Hike. It will no longer be run by the Town, but any interested parties would be  
favorably welcome to take over the event. Mr. Dupies is planning on having a conversation with  
Friends of Lapham Peak.*

## A. Review of letter to Waukesha County regarding Silvernail Road

*The Town Board is in favor of sending the subject letter to Waukesha County regarding Silvernail Road.*

**Eighth order of business:** New Business

## A. Citizen's request: speed limit/police coverage

*Tom Leidolf, W304N2502 Maple Ave., stated the following concerns regarding Maple Avenue: drivers are not obeying the speed limit on Maple Avenue, there is not enough police patrol coverage, very difficult for residents to get out of their driveways and can't walk on the road safely. He and the neighbors are requesting to: 1. Reduce existing 45 mph speed limit areas to 35 mph, 2. Reduce existing 30 mph speed limit areas to 25 mph, 3. Add 3-way stop signs at the intersection of Oakwood Grove Road and Maple Avenue, 4. Impose a weight limit of 6 tons, 5. Increase police patrol between 7 a.m. and 7 p.m.*

*Spero Kemos, W304N2426 Maple Ave., stated that he has resided in his property for over 60 years. He is of the opinion that Maple Avenue has definitely changed and does not agree with the results of the speed study. The speed limit should not be posted at more than 35 mph. He stated that the Waukesha Sheriff's Dept. may not be the best option for the Town. If there is not enough police presence, speed boards will not help. He requested that the speed board be put back up.*

*Kurt Werderitch, W304N2427 Maple Ave., stated that he does a lot of walking on Maple Ave. He has talked to the neighbors, and they are all concerned about the speeding issue.*

*Captain Larsuel stated that the Sheriff's Department has tried to do extra patrol on Maple Avenue, but they are doing their best with the current contracted coverage time.*

*The Town Board reiterated the fact that the Town has attempted to resolve the issue by performing the required speed study, and the State did not find justifiable cause to lower the speed limit.*

*Engineer Barbeau offered to meet with the DOT to ask what options are available. He stated that they may push the issue back on the Town.*

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO DIRECT STAFF TO MEET WITH THE DOT TO EXPLORE THE TOWN'S OPTIONS TO TACKLE THE SPEED LIMIT ISSUES ON MAPLE AVENUE AND REPORT BACK TO THE TOWN BOARD. MOTION CARRIED.**

## B. Request for reduction in Letter of Credit for Hunt Club Farms

*Engineer Barbeau stated that one of the conditions of the final plat approval was subject to the developer either removing the existing barn (accessory building) on Lot 14, or that the developer submit a financial guarantee in an amount approved by the Town Engineer, and form approved by the Town Attorney, 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 2 years of the recording of the final plat. Mr. Spheeris has applied for the building permit and will begin digging Friday morning. He is requesting a reduction in the letter of credit by \$16,500.*

**MOTION MADE BY MR. COOLEY TO APPROVE A REDUCTION IN THE LETTER OF CREDIT BY \$16,500 AFTER THE FOOTING INSPECTION HAS BEEN COMPLETED. MOTION FAILED FOR LACK OF SECOND.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO TABLE. MR. VAN HORN – AYE, MR. KRANICK – AYE, CHAIRMAN KRAUSE – AYE, MR. COOLEY – NAY. MOTION CARRIED. 3-1.**

C. Municipal Law and Litigation Group, S.C. (12/27/17) Conditional Use Authority, New Preemptions, 2017 Wisconsin Act 67

*Chairman Krause stated that the State recently adopted a series of laws concerning municipal regulation of land use. The result of the change in conditional use authority takes away from Towns discretion in making decisions on whether or not to approve requests. At a recent joint meeting with the Town Board, Plan Commission and Town Attorney, discussion was held on options to proceed. The idea of passing a moratorium was presented to allow the Town time to redraft Section 17.05 of the Town Code.*

**MOTION MADE BY MR. COOLEY TO INSTALL A TEMPORARY MORATORIUM ON CONDITIONAL USES FOR 4 MONTHS AND DIRECT THE PLAN COMMISSION TO COME UP WITH A SOLUTION. MOTION FAILED FOR LACK OF SECOND.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN, PURSUANT TO SECTION 17.105.B. OF THE TOWN OF DELAFIELD ZONING CODE, TO INITIATE A REPEAL TO SECTION 17.05 OF THE TOWN OF DELAFIELD ZONING ORDINANCE CONCERNING CONDITIONAL USES, SUBJECT TO SECTION 17.05 BEING REDRAFTED AND SUBMITTED BY TOWN STAFF FOR POSSIBLE RE-ADOPTION AT A LATER DATE, AND HEREBY REFER THE MATTER TO THE PLAN COMMISSION FOR REPORT AND RECOMMENDATION. MOTION CARRIED.**

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO DIRECT TOWN STAFF TO TAKE NO ACTIONS IN FURTHERANCE OF THE CONDITIONAL USE PROCEDURES OF SECTION 17.05 3.A. OF THE TOWN OF DELAFIELD ZONING CODE FOR A PERIOD OF 3 MONTHS FROM TODAY'S DATE, AND TO GIVE NOTICE ON THE TOWN WEBSITE AND AT THE TOWN HALL THAT THE TOWN WILL NOT PROCESS CONDITIONAL USE APPLICATIONS DURING THIS PERIOD OF SUSPENSION, SUBJECT TO THE FOLLOWING: (1) THIS SUSPENSION IS INTENDED TO PREVENT CONDITIONAL USE APPLICATIONS FROM BEING PROCESSED AT THIS TIME, PENDING THE POSSIBLE REPEAL OF SECTION 17.05 OF THE TOWN CODE; (2) SECTION 17.05 OF THE TOWN CODE IS EXPECTED TO BE REVISED AND READOPTED, WITH CLEAR STANDARDS TO MEET THE NEW CONDITIONAL USE REQUIREMENTS IMPOSED BY 2017 WIS. ACT. 67; (3) THE CONTEMPLATED REPEAL AND SUBSEQUENT RE-ADOPTION OF SECTION 17.05 OF THE TOWN CODE INCLUDES AMPLE OPPORTUNITIES FOR PUBLIC PARTICIPATION THROUGHOUT THE PROCESS, AND TO CONSIDER THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF TOWN RESIDENTS; AND (4) ANY PERSON OR ENTITY WHO CONTENTS THAT THEY ARE HARMED BY THIS SUSPENSION MAY PETITION TO THE TOWN BOARD, AND THE TOWN BOARD MAY WAIVE THE SUSPENSION UPON FINDING THAT THE APPLICATION CAN PROCEED WITHOUT VIOLATING THE INTENT OF THIS SUSPENSION DUE TO THE ADEQUACY OF THE ORDINANCE STANDARDS FOR THE USE REQUESTED IN LIGHT OF THE NEW PREEMPTIONS IMPOSED BY 2017 WIS. ACT 67. MOTION CARRIED.**

D. HR training

*Mr. Cooley stated that as human resources is a very specialized field, department heads are lacking knowledge of current employment legalities that could possibly open up problems for the Town. He offered to contact the Town labor attorney to guide us on whether or not to provide training to the department heads or hire a service.*

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO TABLE. MOTION CARRIED.**

E. Consideration and possible action on Operator's License for the period of 7/1/16 to 6/30/18:  
*Cody Jeffreys – Buck Rub Outfitters*

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO APPROVE AN OPERATOR'S LICENSE FOR THE PERIOD OF 7/1/16 TO 6/30/18 FOR CODY JEFFREYS, BUCK RUB OUTFITTERS. MOTION CARRIED.**

**Ninth Order of Business:** Announcements and Planning Items

- A. Next Park and Recreation Commission Meeting – February 19 (Highway Garage)
- B. Spring Primary Election – February 20
- C. Waukesha County Park and Planning Commission - Public Hearing, February 22, 1:00 p.m., Waukesha County Administration Center, 515 W. Moreland Blvd., Room AC 255/259
- D. Next Town Board Meeting – February 27
- E. Next Plan Commission Meeting – March 6

**Tenth Order of business:** Adjournment

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO ADJOURN AT 8:25 P.M. MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on: February 27, 2018