

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 26, 2019

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

Members Absent: P. Van Horn

Others Present: T. Barbeau, *Town Engineer*, K. Smith, Waukesha Freeman, 5 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 March 12, 2019, 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 by \$17,926 for CenturyLink billing error

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE TO AMEND 2018 BUDGET BY \$17,926 FOR CENTURYLINK BILLING ERROR. MR. KRANICK – AYE, MR. TROY – AYE, MR. SMITH – NAY, CHAIRMAN KRAUSE – AYE. MOTION CARRIED 3-1.

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #61615 – #61646 IN THE AMOUNT OF \$62,726.13

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$29,284.98

MR. TROY/MR. KRANICK

MOTION CARRIED.

Sixth order of business: Communications (*for discussion and possible action*)
A. None

Seventh order of business: Unfinished Business
A. 2020 Town Budget Planning – tabled 3/12/19

There are no updates at this time.

B. Consideration and possible action to adopt proposed amendments to the Town Zoning Code (Chapter 17) and Land Division and Development Code (Chapter 18) – tabled 3/12/19

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

Mr. Troy raised the concern re: proposed hours for storage facilities. He is of the opinion that they are overly restrictive and suggested they be revised to allow the building to remain open for 24 hours. The general consensus of the Town Board is that the Plan Commission (per Town Code) would have flexibility to allow extended hours upon request.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO ADOPT THE AMENDMENTS TO THE TOWN ZONING CODE CHAPTER 17 AND LAND DIVISION AND DEVELOPMENT CODE (CHAPTER 18) AS PREPARED. MOTION CARRIED.

Due to the fact that the proposed amendments to Chapter 17 will require Waukesha County approval, Attorney Larson presented the option to delay the effective date of the Chapter 18 amendments.

AMENDED MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADOPT THE CHAPTER 17 AND CHAPTER 18 AMENDMENTS WITH THE EFFECTIVE DATE OF THE CHAPTER 18 AMENDMENTS TO COINCIDE WITH THE CHAPTER 17 AMENDMENTS. MOTION CARRIED.

C. Stormwater drainage issue review in the vicinity of W284 N3298 Lakeside Road

Engineer Barbeau presented 2 options to resolve the subject stormwater drainage issue:

- 1. Collect the water near Lakeside Road into a pipe and take it down along both the east (Klimowitz property) and Wagner property. He directed attention to the plan stating that the water goes toward the lake (on the southeast) and before it gets to the end, there is an existing boathouse on the Klimowitz property as well as a thick seawall. In getting down closer to the boathouse, the water would angle off on the Wagner property, dump off on the existing rocks and go directly to the lake. The type of construction would be directional drilling, all underground. Engineer Barbeau recommended that it may be good idea to use a 6" pipe to alleviate clogging issue. The slope is approximately 14%. The pipe would be buried approximately 3-4'.*
- 2. Collect water in the catch basin up on Lakeside Road and extend the pipe to the east. Engineer Barbeau presented a plan from the year 2000, stating there is an existing 12" pipe (very shallow) located approximately 165' east of the existing catch basin that continues down the hill and empties out into a drainage ditch at the lowest point of Lakeside Road. The plan would be to install an 8" pipe approximately 3-4' feet deep (to avoid freezing), extend it to the 12" pipe, remove the 12" pipe and re-lay it deeper. We would be connecting to an existing storm system. He stated that we would, most likely, be installing another catch basin next to the existing "blue/gray garage". All the work would be done in the right-of-way. In both cases, the existing pipe that drains to Ms. Wagner's property would be plugged. Once the decision is made, it could be done very quickly.*

Attorney Terry Booth spoke on behalf of Ms. Wagner. Ms. Wagner is interested in having the pipe capped right away. The Town Board informed Ms. Wagner that they cannot confirm as to where the water will go after the pipe is capped. She stated that she is aware and is still requesting that it be capped. Discussion followed on capping the pipe by the right-of-way to the road.

Katy Thomas, neighbor to the east of Jerry Klimowitz, questioned whether or not the catch basin has to be open? Can a manhole cover be placed over it so it doesn't collect the rain water? Engineer Barbeau stated that the intent is to collect the rain and spring water.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO ALLOW THE TOWN BOARD TO INSTRUCT ENGINEER BARBEAU AND HIGHWAY SUPERINTENDENT ROBERTS TO CAP THE CATCH BASIN TO PREVENT WATER FROM FLOWING ONTO MS. WAGNER'S PROPERTY AND REMOVE ALL AQUA PIPING THAT IS TIED TO THE CATCH BASIN AS FAR BACK AS POSSIBLE WITHOUT DAMAGING THE ROAD. MOTION CARRIED.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO TABLE THE STORWATER DRAINAGE ISSUE REVIEW IN THE VICINITY OF W284 N3298 LAKESIDE ROAD, BETTER KNOWN AS CINDY WAGNER'S PROPERTY. MOTION CARRIED.

Engineer Barbeau was directed to talk to Margaret Colombe to update her on the proposed drainage improvement project on Lakeside Rd.

Eighth order of business: New Business

A. Approval of 2018 Stormwater report

Engineer Barbeau stated that the DNR dictates the subject annual report based on the EPA. The Town works with Waukesha County on public outreach and education, stormwater inspections for new development and erosion control. The DNR is aware that the Town does not meet their pond goals, and they understand that small towns do not have adequate room or funds for ponds. Grass swales take away majority of pollutants. Engineer Barbeau and Highway Superintendent Roberts will hold training for Highway Department staff related to storm water and erosion.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO APPROVE THE 2018 STORMWATER REPORT AS PRESENTED. MOTION CARRIED.

B. Consideration and possible action on a Resolution to grant final acceptance for Woodridge Estates Phases I and II

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

Mr. Kranick recused himself from items 8B and 8C and left the meeting room.

Engineer Barbeau stated that Woodridge Estates offered to pay \$15,000 to the Town to complete road shouldering. The subject resolution states that the Town will agree to a "final acceptance" date of September 30, 2018 (start of the 1 and 2 year guarantee period) of the two phases and release of monies in their letter of credit. So in exchange for the \$15,000 check, the Town will give Woodridge Estates the signed letter of credit reduction forms and a copy of the resolution.

MOTION MADE BY MR. TROY, SECONDED BY MR. SMITH TO ADOPT THE RESOLUTION TO GRANT FINAL ACCEPTANCE FOR WOODRIDGE ESTATES AS PRESENTED. MOTION CARRIED.

The letters of credit were reduced as indicated in the subject resolution.

D. Consideration and possible action on request for a Temporary Class "B" license to sell fermented malt beverages and a Temporary "Class B" license to sell wine at an event to be held at Church of the Resurrection on April 6, 2019

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO APPROVE. MOTION CARRIED.E. **Closed Session:** Upon motion duly made, seconded and adopted by roll call vote, the Town of Delafield Town Board **will convene in closed session** to consider the following:

1. Pursuant to authorization conferred by Section 19.85(1)(e), Wisconsin Statutes, to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and by Section 19.85(1)(g), Wisconsin Statutes, to confer with counsel for the governing body with respect to litigation in which it is or is likely to become involved; more particularly with regard to complaints raised concerning stormwater drainage in the vicinity of W28 N3298 Lakeside Road. Participating in the closed session will be the Town Board, Town Clerk, Town Engineer, and Town Attorney.

Following the closed session, the Town Board may convene into open session and take action on the matters discussed in closed session.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO GO INTO CLOSED SESSION PURSUANT TO SECTION 19.85(1)(E) AND SECTION 19.85(1)(G). MR. KRANICK – AYE, MR. TROY – AYE, MR. SMITH – AYE, CHAIRMAN KRAUSE - AYE. MOTION CARRIED.

MOTION MADE BY MR. SMITH, SECONDED BY MR. KRANICK TO GO INTO OPEN SESSION. MR. KRANICK – AYE, MR. TROY – AYE, MR. SMITH – AYE, CHAIRMAN KRAUSE - AYE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning items

- A. Spring Election – April 2
- B. Next Plan Commission Meeting – Wednesday, April 3
- C. Next Town Board Meeting – April 9
- D. Next Park and Recreation Commission Meeting – April 11

Tenth Order of business: Adjournment

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO ADJOURN AT 9:01 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: April 9, 2019