

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
April 10, 2018

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

Others Present: 7 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 27, Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE AS PREPARED 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 #60102 – #60138 IN THE AMOUNT OF \$83,651.26

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$24,877.99

MR. TROY/MR. COOLEY

MOTION CARRIED.

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

A. ISO (3/26/18), Re: Delafield Ts Fpsa

Chairman Krause stated that the fire department's ISO public protection classification rating of 07/10 has remained the same since he has been on the Town Board. ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Effective July 1, 2018, the public protection classification is 05/10.

Mr. Troy stated that this could be significant, as property owners may be eligible for reduced insurance rates.

Seventh order of business: Unfinished Business

A. None

Eighth order of business: New Business

A. Appointment of Plan Commissioner

Chairman Krause recommended the appointment of Tim Frank to serve on the Plan Commission. He has lived in the Town for 5 years. His parents were raised in the Town, his grandfather served as a commissioner on the Lake Pewaukee Sanitary District and was responsible for installation of sewer around the lake.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. TROY TO APPOINT TIM FRANK TO SERVE ON THE PLAN COMMISSION FOR A 3-YEAR TERM. MOTION CARRIED.

- B. FRED-Tumblebrook LTD Partnership, Mike Schiltz, agent, Re: Consideration and possible action on a request for an exception to Section 18.06 (1)(d)7. of the Town code to allow more than 14 lots on a cul-de-sac (Golf View Drive) as provided for in Section 18.10 of the Town Code

Engineer Barbeau provided a summary of the subject issue. He stated that the Town Attorney determined that the law does allow an Outlot (Outlot 3) to be used in accordance with the underlying zoning. He also indicated that in accordance with the Declaration of Restrictions, the Town must approve the use of the land. The proposed use is single family in accordance with R-1 A zoning requirements. Engineer Barbeau stated that the most recent recommendation of the Plan Commission was to grant the waiver and consider the lot residential.

Kristen Gebhart, W280N1690 Golf View Dr., stated that she does not agree with the Town Attorney's interpretation of the law regarding Outlot 3. She referenced 236.13 (6) and claims that this situation is not in compliance with the restrictions imposed with respect to building sites. Ms. Gebhart is of the opinion that the sewer extension and easement that runs through the property makes this lot a restriction for public benefit (per Section 236.293) and it should not be buildable. She added that, if the lot is built on, it will reduce the value of her lot when she sells and trees will have to be taken down in order to build.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO TABLE UNTIL THE NEXT REGULARLY SCHEDULED MEETING TO ALLOW THE TOWN ATTORNEY TO REVIEW, FOR THE PUBLIC GOOD, TO MAKE SURE THAT THE TOWN IS NOT IN VIOLATION OF SECTION 236.293. MOTION CARRIED.

- C. Consideration and possible action on Plan Commission's recommendation to approve a CSM for lands located west of Cushing Park Road, between Abitz Road and USH 18

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO APPROVE THE CSM FOR LANDS LOCATED WEST OF CUSHING PARK ROAD, BETWEEN ABITZ ROAD AND USH 18, SUBJECT TO STAFF RECOMMENDATIONS INCLUDING ANY OUTSTANDING ITEMS. MOTION CARRIED.

- 1. STAFF AND GOVERNMENTAL APPROVAL. SUBJECT TO THE DEVELOPER SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER IN HIS MEMO DATED JANUARY 31, 2018 AND ALL REVIEWING, OBJECTING AND APPROVING BODIES, WHICH MAY INCLUDE BUT NOT BE LIMITED TO THE WISCONSIN DEPARTMENT OF TRANSPORTATION PER CHAP. TRANS. 233, WISCONSIN ADMINISTRATIVE CODE, WAUKESHA COUNTY PARKS AND LAND USE DEPARTMENT AND VILLAGE OF SUMMIT IN REGARD TO THE CSM.**
- 2. 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.**
- 3. 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.**

- D. Consideration and possible action on Plan Commission’s recommendation to approve a CSM to combine two lots of record located at W286 N3070 Lakeside Road

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE CSM TO COMBINE TWO LOTS OF RECORD LOCATED AT W286 N3070 LAKESIDE ROAD SUBJECT TO STAFF RECOMMENDATIONS. MOTION CARRIED.

1. **STAFF AND GOVERNMENTAL APPROVAL.** SUBJECT TO THE DEVELOPER SATISFYING ALL COMMENTS, CONDITIONS AND CONCERNS OF THE TOWN ENGINEER IN HIS MEMO DATED MARCH 27, 2018 AND ALL REVIEWING, OBJECTING AND APPROVING BODIES, WHICH MAY INCLUDE BUT NOT BE LIMITED TO WAUKESHA COUNTY PARKS AND LAND USE DEPARTMENT.
2. **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.
3. **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.

- E. Consideration and possible action on Operator’s License for the period of 7/1/16 to 6/30/18:
Miranda Schuster – Pewaukee Yacht Club

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE THE OPERATOR’S LICENSE FOR THE PERIOD OF 7/1/16 TO 6/30/18 FOR MIRANDA SCHUSTER – PEWAUKEE YACHT CLUB. MOTION CARRIED.

Paul Snyder – Kim’s Lakeside

MOTION MADE BY MR. COOLEY TO DENY APPROVAL. MOTION FAILED FOR LACK OF SECOND.

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

Ninth Order of Business: Announcements and Planning Items

- A. Annual Meeting – April 17
- B. Plan Commission Workshop – April 23 – 7:00 p.m.
- C. Next Town Board Meeting – April 24
- D. Next WI Towns Waukesha County Meeting – Wednesday, April 25 – Town of Mukwonago 7:00 p.m.
- E. Next Plan Commission Meeting – May 1

Tenth Order of business: Adjournment

**MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO ADJOURN AT 7:38 P.M.
MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on: April 24, 2018