

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
June 14, 2016

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

Members Absent: R. Troy

Others Present: T. Barbeau, *Town Engineer*, D. Dupies, *Park and Recreation Chairman*, 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 May 24, 2016 Town Board Minutes
MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE AS PRESENTED.
MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2016 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #57236 - #57293 IN THE AMOUNT OF \$79,222.90

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$27,505.96

CHAIRMAN KRAUSE/MR. KRANICK

MOTION CARRIED.

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

A. Eric J. Larson (6/6/16), Re: 2015 Wisconsin Act 391

Chairman Krause stated that the Town needs to pay close attention to the changes referenced in Attorney Larson's letter. The recommendations listed in #9 are very good and require review of the Town Clerk and Town Engineer.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO DIRECT THE TOWN ENGINEER, TOWN CLERK AND TOWN ATTORNEY TO REVIEW THE RECOMMENDATIONS LISTED IN #9 OF THIS LETTER, SET UP A PROCEDURE TO HANDLE AND REPORT BACK TO THE TOWN BOARD. MOTION CARRIED.

Seventh order of business: Unfinished Business

A. None

Eighth order of business: New Business

A. Request from Christian and Sabrina Quintero, N27W29900 Maple Avenue, for an exception to Section 9.14(1) of the Town of Delafield code

Engineer Barbeau provided a summary stating that while the homeowners were putting up a shed on their existing concrete slab, the building inspector noticed they had not pulled a permit. There was a stop work order placed on the job, and Engineer Barbeau did a site visit. He discovered that the shed was too close to the lot line and requested that the homeowners hire a surveyor. In the case of a lot of record which has a lot width of less than 100 feet, the lot separation shall be 15% of the lot width, provided such separation shall not be less than seven and one-half feet. The applicants are proposing to rebuild

a 12'x16' shed that is separated from the northerly property line by 3.9 feet. The existing slab measures 12'x28.5', and the shed will be placed in the same location.

Engineer Barbeau read a letter of support from the neighbor to the east. He stated that the neighbor to the west didn't provide information as to whether he was for or against the proposal but did not seem to be against it, as he was present when Engineer Barbeau visited the property.

The Town Board determined the following findings of fact:

1. Exceptional Circumstances – Section 9.14(9)(a) - The standard is met in this case for the following reasons:

The location of the proposed shed is in the exact same place as the previous deteriorated shed, which was removed by the owner. The owner will be using the same foundation as the previous shed. The slope of the land on this property is from north to south and has a gradient between 20% and 25%. The location of the shed is on the flattest portion of the property.

2. Preservation of Property Rights – Section 9.14(9)(b) - The standard is met in this case for the following reasons:

No garage is on the property, so storage of items normally in a garage would be kept in the shed. The proposed shed replaces an existing deteriorated shed that was beyond repair.

3. Absence of Detriment – Section 9.14(9)(c) - The standard is met in this case for the following reasons:

The proposed shed does not violate the green space requirement (60% per 9.14 (3)) of the property (lot contains approximately 72% green space when considering a right-of-way line that is 33 feet from the centerline of Maple Avenue). The exception is consistent with the purposes of the ordinance, as this maintains the health, safety and welfare of the Town and its inhabitants, and it preserves property values; this does not adversely impact risks of fire or adversely affect access by public safety personnel and equipment or risks to public safety personnel, it does not create disturbance from one property to another whether by noise or other cause, or substantially interfere with the passage of light and air between buildings; the exception also preserves the uniform development patterns and preserves property values for the benefit of the Town.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO GRANT THE EXCEPTION BASED ON THE FINDINGS OF FACTS AND THAT THE STANDARDS ARE MET IN THIS CASE. MOTION CARRIED.

B. Consideration and possible action to award the 2016 Town Road Paving Program contract

Engineer Barbeau stated that 3 bids were opened last Friday. Wolf Paving was the lowest bidder in the amount of \$287,712.42. His estimate for the project was \$324,918.00. As is required by State law, the Town must award the contract to the lowest responsive, responsible bidder. He recommends awarding the 2016 Road Paving Program project to the lowest bidder, Wolf Paving Corp.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO AWARD THE 2016 TOWN ROAD PAVING PROGRAM CONTRACT TO WOLF PAVING IN THE AMOUNT OF \$287,712.42. MOTION CARRIED.

C. Consideration and possible action on a request to rezone a parcel of land located at W297N3063 Oakwood Grove Road from A-2 Rural Home District to R-1 Residential District

Engineer Barbeau stated that Larry Rogers came before the Plan Commission last week requesting to rezone 3.95 acres of land from A-2 Rural Home District (3 acre minimum lot size) to R-1 Residential (1.5 acre minimum lot size). The lot contains one single-family residential home, and he is not proposing to split the land at this time. A public hearing was held and neighbors expressed concerns re: how this will

affect the aquifer and the existing rural nature of the area. The Plan Commission made a motion to deny the request to rezone as the rezoning and land split should take place at the same time. The land use designation for the property is Suburban I Density residential, 1.5 to 2.9 acres of land per unit. The proposed rezoning meets the Land Use Plan designation.

Richard Rogers, W297N3063 Oakwood Grove Road, stated that he loves the property and the neighbors but is not certain what the future holds. If they would have to move, they would like to rezone now, as it take 4-5 months to get the process to go through. As long as they stay on the property it would remain the same.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO SUPPORT THE PLAN COMMISSION'S RECOMMENDATION TO DENY THE REZONING REQUEST. MOTION CARRIED.

D. Consideration and possible action on donation to the Park and Recreation Commission

Dan Dupies stated that Pete Van Horn offered to donate painting of the shelter at Elmhurst in honor of his wife Penny. The work was completed before the Commission was aware of it. A bench has been built but not yet installed, and other improvements are also being planned. The Park and Recreation Commission would like to be made aware of all plans first. Chairman Krause stated that everyone is thankful for the donation to the Town but in order to meet the requirements of State law, we have to be aware of the projects before they are completed. Mr. Dupies requested to meet with Mr. Van Horn to review the donated improvements.

Mr. Dupies also informed the Town Board that a property owner wants to donate trees to be planted inside of the Del-Town park property because the slope on their property does not allow them to do so. This will provide a barrier for park users that not are not respecting private property and prevent the Town from having to install a fence. Chairman Krause stated that the property owner will need to provide the funds before any work begins.

Mr. Van Horn stated his request to donate money to cover the cost of painting the shelter, purchase of a bench and pad and installation of a handicapped accessible path to the picnic shelter.

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE THE DONATIONS OF MR. VAN HORN FOR PAINTING OF THE PARK SHELTER, BENCH, BENCH PAD AND HANDICAPPED ACCESSIBLE PATH IN ELMHURST PARK AS PRESENTED WITH THE UNDERSTANDING THAT FUTURE WORK WILL BE HANDLED THROUGH THE PARK AND RECREATION DEPARTMENT AS DISCUSSED THIS EVENING. MOTION CARRIED.

E. Appointments to the Plan Commission

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. COOLEY TO RE-APPOINT GARRETT REICH FOR ANOTHER 3-YEAR TERM. MOTION CARRIED.

Chairman Krause introduced Kevin Fitzgerald to take over Billy Cooley's appointment. Mr. Fitzgerald is a partner and insurance lawyer with Foley & Lardner LLP, a graduate of the University of Wisconsin Law School and Marquette University. He served on the City of Delafield Plan Commission and is involved with the Smart Growth Plan.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. KRANICK TO APPOINT KEVIN FITZGERALD TO SERVE A 3-YEAR TERM ON THE PLAN COMMISSION. MOTION CARRIED.

F. Request to approve renewal Alcohol Beverage "Class B" Liquor, Class "B" Beer and Soda Water Beverage License Applications for the period of July 1, 2016 through June 30, 2017, for the following:

1. *Pewaukee Yacht Club, Inc.* – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
 2. *Kims Lakeside LLC* – **MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.**
 3. *Western Lakes Golf Club, Inc.* - **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
 4. *Golden Anchor* – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO TABLE TO EXPLAIN PREMISES DESCRIPTION RE: OUTSIDE COOLER. MOTION CARRIED.**
- G. Request to approve renewal Alcohol Beverage Class “B” Beer and Soda Water Beverage License Applications for the period of July 1, 2016 through June 30, 2017 for Buck Rub Outfitters, Ltd. – **MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.**
- H. Request to approve renewal Soda Water License Application for the period of July 1, 2016 through June 30, 2017 for St. Anthony on the Lake – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
- I. Consideration and possible action on Operator’s License **Renewals** for the period of 7/1/16 to 6/30/18:
1. *Brittini Begale – Pewaukee Yacht Club, Inc.*
 2. *Aaron Frank – Pewaukee Yacht Club, Inc.*
 3. *John Grignon, Jr. – Pewaukee Yacht Club, Inc.*
 4. *Michael McCaffrey – Pewaukee Yacht Club, Inc.*
 5. *Timothy McCaffrey – Pewaukee Yacht Club, Inc.*
 6. *Claire Monzel – Pewaukee Yacht Club, Inc.*
 7. *Briana Schnittke – Pewaukee Yacht Club, Inc.*

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE OPERATOR LICENSE RENEWALS 1-7 FOR PEWAUKEE YACHT CLUB, INC. MOTION CARRIED.

8. *John Ayer – Golden Anchor*
9. *Sarah Kasten – Golden Anchor*
10. *Dennis Stukel – Golden Anchor*
11. *Diana Stukel – Golden Anchor*

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE OPERATOR LICENSE RENEWALS 8, 9, 11 FOR GOLDEN ANCHOR. MOTION CARRIED.

12. *Marijo Burbach – Kims Lakeside LLC*
13. *Teresa Burbach – Kims Lakeside LLC*

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO APPROVE OPERATOR LICENSE RENEWALS 12, 13 FOR KIMS LAKESIDE LLC. MOTION CARRIED.

14. *Alexander Kihslinger – Buck Rub Outfitters, Ltd.*

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE OPERATOR LICENSE RENEWAL 14 FOR BUCK RUB OUTFITTERS, LTD. MOTION CARRIED.

15. *Joseph Moriarty – Western Lakes Golf Club, Inc.*
16. *Leigh Ann Pochowski – Western Lakes Golf Club, Inc.*
17. *Paige Wamser – Western Lakes Golf Club, Inc.*

MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE OPERATOR LICENSE RENEWALS 15, 16, 17 FOR WESTERN LAKES GOLF CLUB, INC. MOTION CARRIED.

- J. Consideration and possible action on **Operator's Licenses** for the period of 7/1/16 to 6/30/18:
1. *Annette Andlar – Golden Anchor* – **MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.**
 2. *Paul Randall – Golden Anchor* – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
 3. *Jason Hoelz – Western Lakes Golf Club, Inc.* – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
 4. *Marissa Iacullo – Western Lakes Golf Club, Inc.* – **MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.**
 5. *Andrea Natoli – Western Lakes Golf Club, Inc.* – **MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.**
 6. *Morgan Pink – Western Lakes Golf Club, Inc.* – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
 7. *Lily Pittelkow – Western Lakes Golf Club, Inc.* – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
 8. *Lisa Taylor – Western Lakes Golf Club, Inc.* – **MOTION MADE BY MR. COOLEY, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.**
 9. *Justine Wamser – Western Lakes Golf Club, Inc.* – **MOTION MADE BY MR. KRANICK, SECONDED BY MR. COOLEY TO APPROVE. MOTION CARRIED.**
- K. Consideration and possible action on Alcohol Permit for birthday party on July 9 at Sports Commons Park

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

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting - June 21
- B. Open House – Waukesha County Shoreland Zoning Update – Thursday, June 23
6:00-8:00 p.m. – Delafield Town Hall
- C. Next Town Board Meeting – June 28
- D. Board of Review – Thursday, June 30 – 7:00 p.m.

Tenth order of business: Adjournment

MOTION MADE BY MR. COOLEY, SECONDED BY MR. KRANICK TO ADJOURN AT 8:30 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: June 28, 2016