

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
June 9, 2015

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

Others Present: P. Kozlowski, *Fire Chief*, D. Roberts, *Highway Superintendent*, T. Barbeau, *Town Engineer*,
6 Citizens

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:10 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 26, 2015 Town Board Minutes
The minutes will be filed as prepared by the Town Clerk.

Chairman Krause requested to make a change to the April 28 minutes. He stated that Mr. Kranick was appointed as Town Board member on the Plan Commission to a 3-yr. term, and it should be a 1-yr. term. The minutes will be corrected as proposed.

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 #55830 to #55876 IN THE AMOUNT OF \$93,222.71

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$26,263.89

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

A. None

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO TAKE ITEM 8A OUT OF ORDER.
MOTION CARRIED.**

Eighth order of business: New Business

A. Consideration and possible action on Ordinance to Repeal and Recreate Section 1.15 of the Town of Delafield Municipal Code Related to Board of Review

Chairman Krause stated that as was going through the Town Code, he discovered that the subject section states the Clerk is a member of the Board of Review. As the Clerk does not live in the Town, we need to correct this Section. Also, the area that references alternates needs to be made consistent with State Statute.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE ORDINANCE TO REPEAL AND RECREATE SECTION 1.15 OF THE TOWN OF DELAFIELD MUNICIPAL CODE RELATED TO BOARD OF REVIEW. MOTION CARRIED.

Seventh order of business: Unfinished Business

A. Further discussion and possible action on new fire station/town hall and moving into the new town hall

Ms. Duchow stated that the new building looks great and everything is in place for the move.

B. Award of contract for renovation of existing town hall (tabled 5/12/15)

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

Chairman Krause stated that the original estimate came in low, as new issues developed after it was presented. The raising of the old structure will cost more than had been anticipated.

Mr. Troy is concerned about voting for the program until we have the full cost in place. He would like to have a firm look at both structures to deal with the asbestos abatement, send it out for bid and address the issue at that time.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO TABLE THE VOTE ON RENOVATION OF THE EXISTING TOWN HALL UNTIL THE BUILDING HAS BEEN REVIEWED FOR ASBESTOS ABATEMENT. MOTION CARRIED.

Mr. Troy stated the request to consider spending no more than \$3500 to obtain an assessment for asbestos removal of the town hall, shed and fire station #1.

Mr. Wallenkamp informed the Town Board of the need to relocate the existing WE energies gas and electric meter. He stated that there will also be costs to remove power from the existing shed.

C. Consideration and possible action on disposition of Fire Station #1

Engineer Barbeau stated that the subject land consists of 2 tax key #'s with 3 lots of record. The 3 lots that can be built on are zoned R-2, consist of portions of environmental corridor, are 100 ft. wide and have sewer. The County will allow 15,000 sq. ft. of disturbance. The County land use plan designates the land as institutional and government. The plan commission will take up the issue to change this in the summer. An environmental inspection will be done prior to the demolition bid process, and the Town Board will decide on how to sell the land.

Chairman Krause stated that this issue will be re-addressed in two weeks.

D. Consideration and possible action on Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment (tabled 4/14/15)

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

Engineer Barbeau stated that a letter and schematic plan will be going out to the four neighbors on the second and third alleys informing them that the Town will re-pave the area as a driveway and ask the neighbors to take it over.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO ALLOW THE NEIGHBORS TO MAKE A DECISION BY THE JULY 14TH MEETING. MOTION CARRIED.

E. Discussion on alternative polling location for the Special Election to be held on July 21, 2015

The general consensus of the town is to hold the election at the new town hall facility.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO HOLD THE SPECIAL ELECTION FOR WARDS 7, 8 AT THE NEW TOWN HALL FACILITY AND APPROVE A RESOLUTION TO REFLECT THE SAME. MOTION CARRIED.

F. Discussion re: purchase of utility vehicle (tabled 5/26/15)

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

Mr. Troy stated that this is a self-created issue because of the topography of the new town hall driveway. There is no area available to push the snow. The proposed utility vehicle could also be used for mowing, weed whacking and to run the leaf blower.

MOTION MADE BY MR. TROY, SECONDED BY MR. VAN HORN TO APPROVE THE HIGHWAY DEPARTMENT'S REQUEST TO PURCHASE A UTILITY VEHICLE NOT TO EXCEED \$58,100. MS. DUCHOW – NO, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

Eighth order of business: New Business

B. Appointment to Board of Review

Chairman Krause stated that the Board of Review is composed of 6 members, and he wishes to appoint Paul Kanter to fill a vacancy.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO APPOINT PAUL KANTER TO THE BOARD OF REVIEW. MOTION CARRIED.

C. Appointment to Lake Pewaukee Sanitary District

Chairman Krause stated that he was an LPSD commissioner and recently resigned that position. As it is his duty to appoint a replacement, he is recommending John Gutenkunst. John is a lake resident, and his grandfather installed the sewer around the lake. He has a strong interest in the environment.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO APPOINT JOHN GUTENKUNST AS LAKE PEWAUKEE SANITARY DISTRICT COMMISSIONER. MOTION CARRIED.

D. Request from Chad Coley, N21W28624 Louis Avenue, for an exception to Section 9.14(1) of the Town of Delafield Code

Engineer Barbeau stated that this request allows the Town to continue to enforce codes related to the subject section. In areas where structures are located very close together, the fire chief is very concerned about fires jumping from one home to another. Mr. Coley does not meet the recommended setback of 20 ft. He is located 11 ft. away from his neighbor and the side yard offsets are 2.4 and 3.1. Town Code requires 7.5 ft. Engineer Barbeau stated that we do not have a system of variance/by a system of exception that can be granted by the Town Board. There has to be a finding of the following facts in making a decision: exceptional circumstances, preservation of property rights and absence of detriment in making a decision. Also, there are water runoff concerns from the roof.

Mr. Coley has received County approval conditioned upon the Town's decision re: the fire issue. He stated that he talked to his neighbor to the north and they requested that Mr. Coley inform them of the work schedule. He is proposing to install a 6" gutter with a leaf guard. He would like to bring everything up to code and use the home for long term use. He stated that the footprint will remain the same. He presented models of the current home and summarized the proposed revisions.

The Town Board discussed each finding of fact. 1. Exceptional Circumstances: The property is 3 ft. off the lot line on one side and is only 32 ft. wide, which presents a burden. 2. Preservation of property rights: This is a partial repair and aesthetic issue, but this exception would allow Mr. Coley and his neighbors to enjoy his property more.

3. Absence of detriment: There is no detriment to the town or neighbors, and this will be a positive for the Town of Delafield.

MOTION MADE BY MR. TROY, SECONDED BY MR. VAN HORN TO GRANT A 20 FT. SEPARATION EXCEPTION AND THE REQUESTED OFFSETS NOT TO EXCEED 2.4 AND 3.1. MOTION CARRIED.

E. Consideration and possible action on Metropolitan Builders Association's request to hold the Parade of Homes at Woodridge Estates Subdivision

Chairman Krause stated that the MBA initially sent their forms to the City, and he requested that a letter be sent to the Town. The Town Board recommend that the highway department and fire chief discuss the traffic issues.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO ALLOW THE METROPOLITAN BUILDER'S ASSOCIATION TO HOLD THE PARADE OF HOMES AT WOODRIDGE ESTATES SUBDIVISION CONDITIONED UPON APPROVALS FROM THE DPW SUPERVISOR AND FIRE CHIEF. MR. KRANICK – ABSTAINED. MOTION PASSED 4-1.

F. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map to reconfigure lands owned by Peter Ogden, W290N2171 Happy Hollow Road

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE A CERTIFIED SURVEY MAP TO RECONFIGURE LANDS OWNED BY PETER OGDEN, W290N2171 HAPPY HOLLOW ROAD. MS. DUCHOW - AYE, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – NO, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

G. Consideration and possible action on Town Plan Commission's request to begin termination proceedings for James Cadd, Watercrest Investments d/b/a JR Motorsports, N47 W28229 Lynndale Road, and referral to the Plan Commission for public hearing and recommendation thereon

Engineer Barbeau stated that a conditional use permit was granted in July for "other uses" for the subject property. Since that time, there has been a large pile of asphalt millings dumped, grading was ceased because it wasn't allowed and installation of a fence was requested by the plan commission but never done. The Plan Commission has decided to terminate the conditional use permit and is petitioning the Town Board to proceed. If the Town Board agrees, the matter would then be referred back to the Plan Commission for public hearing and recommendation.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO PROCEED WITH REMOVAL OF THE CONDITIONAL USE PERMIT FOR THE SUBJECT DEVELOPMENT. MOTION CARRIED.

H. Approval of Chicken Licenses: 1. Mark and Mary Gundrum (renewal) N2 W28791 Sylvan Trail
2. Robin Weiss (new) N11 W31950 Phyllis Parkway

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE CHICKEN LICENSE RENEWAL FOR MARK AND MARY GUNDRUM. MOTION CARRIED.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE CHICKEN LICENSE FOR ROBIN WEISS. MOTION CARRIED.

I. Approval of Election Equipment Contract Governmental Agreement

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE THE ELECTION EQUIPMENT CONTRACT GOVERNMENTAL AGREEMENT SUBJECT TO THE FINAL DIVISION OF COSTS THAT IS MOST FAVORABLE TO THE MUNICIPALITY THAT THE COUNTY ULTIMATELY AGREES TO PROVIDE, WHICH SHALL NOT REQUIRE MORE THAN ONE-THIRD OF THE "SET A" COSTS TO BE BORNE BY THE MUNICIPALITY AND SUBJECT TO THE FINAL FORM OF THE DOCUMENT BEING PREPARED IN A FORM APPROVED BY THE TOWN ATTORNEY. MOTION CARRIED.

J. Discussion and possible action on agricultural use of the proposed new KE Park

Mr. Kranick presented a copy of an agricultural lease between the Town and Delafield and Lessor, and Dave Morris, Lessee. The Town Board presented the following concerns: What happens after Mr. Morris harvests the crop in the spring; Should there be an indemnification clause in the lease; If any attorney fees are incurred, the Town should not be responsible for them.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO APPROVE SUBJECT TO THE TOWN CHAIRMAN APPROVING THE LIABILITY AND CONDITIONED UPON SOME DETERMINATION AS TO HOW THE LAND WILL BE LEFT AFTER LEASING OF THE KE AREA. MOTION CARRIED.

K. Request to approve renewal Alcohol Beverage "Class B" Liquor, Class "B" Beer and Soda Water Beverage License Applications for the period of July 1, 2015 through June 30, 2016 for the following:

1. *Pewaukee Yacht Club, Inc.*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR PEWAUKEE YACHT CLUB, INC. MOTION CARRIED.

2. *Kim's Lakeside LLC*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR KIM'S LAKESIDE LLC. MOTION CARRIED.

3. *Western Lakes Golf Club, Inc.*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR WESTERN LAKES GOLF CLUB, INC. MOTION CARRIED.

4. *Golden Anchor*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR WESTERN LAKES GOLF CLUB, INC. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – NO, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

L. Request to approve renewal Alcohol Beverage Class "A" Beer License Application for the period of July 1, 2015 through June 30, 2016 for Gluten Free Trading Company LLC

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSE FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR GLUTEN FREE TRADING COMPANY LLC. MOTION CARRIED.

M. Request to approve renewal Alcohol Beverage Class "B" Beer and Soda Water Beverage License Applications for the period of July 1, 2015 through June 30, 2016 for Buck Rub Outfitters, Ltd.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR BUCK RUB OUTFITTERS, LTD. MOTION CARRIED.

- N. Request to approve renewal Soda Water License Application for the period of July 1, 2015 through June 30, 2016 for St. Anthony on the Lake

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSE FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR ST. ANTHONY ON THE LAKE. MOTION CARRIED.

- O. Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
Paige Wamser – *Western Lakes Golf Club*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE OPERATOR LICENSE FOR PAIGE WAMSER – WESTERN LAKES GOLF CLUB, FOR THE PERIOD OF 7/1/14 TO 6/30/16. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Senate District 33 Special Partisan Primary – June 23
- B. Next Town Board Meeting – June 24, 2015 – W302 N1254 Maple Avenue
- C. Next Plan Commission Meeting – July 7 – W302 N1254 Maple Avenue
- D. Next Park and Recreation Commission Meeting – July 13 – W302 N1254 Maple Avenue

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADJOURN AT 9:20 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: June 24, 2015