

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
August 6, 2014

Members Present: P. Kanter, C. Dundon, P. Van Horn, L. Krause, C. Duchow

Others Present: T. Barbeau, *Town Engineer*, E. Kranick, *Plan Commissioner*, J. Mann, *Mannedge*, 9 *Citizens*

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:10 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
James Ferrell, N27W30076 Maple Ave., Pewaukee 53072, stated that he wanted to be sure the Town Board members received a copy of a memo from Eric Larson to Tim Barbeau dated July 2, 2014 regarding legal issues concerning Johnson's Park Subdivision, Alley 1-3. He clarified information about this issue and stated his concerns. He knows this will be discussed at a future Town Board meeting and is hoping a decision regarding maintenance of this alley will be made at that time.

Fourth order of business: Approval of July 22, 2014 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2014 budget

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

MOVED TO APPROVE PAYMENT OF CHECKS # 54360 – 54395 IN THE AMOUNT OF \$97,630.93

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$25,440.39

MS. DUNDON/MR. KRAUSE

MOTION CARRIED

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

A. Michael Radmonski (7/23/14), Re: Mandatory Maintenance, Sanitary Permit #574170

Chairman Kanter stated that the Town has an obligation to have the private sewage system pumped and inspected regularly beginning three years after installation. The County will notify the Town when this scheduled maintenance is needed.

B. Eric J. Larson (7/28/14), Re: 2013 Act 280

Chairman Kanter stated that he thought this item had previously address regarding issuing surety bonds and letters of credit. He directed the Deputy Clerk to contact Attorney Larson and ask him to prepare recommended modifications to the ordinances for the Town Board's consideration.

Seventh order of business:

A. Further discussion on new fire station/town hall

Mr. Mann updated the Town Board on the construction progress (earth has been moved; permits issued; erosion control is done; stormwater management is in process; footings and site

preparation will take place next week). He stated that buried cables have been found under the power lines, which have been identified as CenturyLink's cables. There will be a cost of approximately \$10,000 to the Town to have these cables moved. There will be a credit from the builder due to the removal of the public restrooms discussed at the last meeting. The septic system size does not change.

MOTION BY MS. DUNDON, SECONDED BY MS. DUCHOW TO RECONSIDER THE ISSUE OF PUBLIC RESTROOMS. THE MOTION CARRIED 3/2. MS. DUNDON, MS. DUCHOW AND MR. KANTER – YES, MR. KRAUSE AND MR. VAN HORN – NO.

MOTION BY MR. KANTER TO AUTHORIZE FROM THE BOND MONEY THE EXPENDITURE NOT TO EXCEED AN ADDITIONAL \$10,000 TO EXPAND THE SEPTIC SYSTEM TO ALLOW FOR THE INSTALLATION FOR THE PARK-ORIENTED RESTROOMS IN THE NEW TOWN HALL FIRE STATION. MOTION FAILED FOR LACK OF A SECOND.

MOTION BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TAKE THE TWO OUTSIDE RESTROOMS OUT OF THE TOWN HALL FIRE STATION AND INSTALL THE 800 GALLON SEPTIC SYSTEM AS PER THE TOWN'S AGREEMENT WITH WAUKESHA COUNTY. MOTION CARRIED 4/1. MS. DUCHOW - AYE, MS. DUNDON - AYE, MR. KRAUSE - AYE, MR. VAN HORN – YES, CHAIRMAN KANTER – NO.

1. Approval of change orders

Mr. Mann stated he had been authorized by the Town Board to approve up to \$15,000 in change orders when it was not feasible to wait for a Board meeting; but, he requested that the Board reaffirm that Change Order No. 002 in the amount of \$8,980.43 is officially approved and signed by Chairman Kanter.

MOTION BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO APPROVE THE CHANGE ORDER AND AUTHORIZE CHAIRMAN KANTER TO SIGN THE ORDER. MOTION CARRIED.

Mr. Mann was directed by the Board to discuss the CenturyLink cable issue discussed earlier in the meeting with Attorney Larson.

Attorney Larson has advised Mr. Mann that the payment of the General Contractor should be approved by the Town Board each month. This month the architect has signed and reviewed the Application for Payment for the amount of \$44,082.39.

MOTION BY MS. DUCHOW, SECONDED BY MS. DUNDON TO APPROVE THE PAYMENT. MOTION CARRIED.

Chairman Kanter requested that Mr. Mann provide the Town Board at its next meeting a full and complete briefing on all internal issues/aspects of the new Town Hall Fire Station so that the Board members are able to answer questions from constituents. Specific costs of all items to be inside the building, as well as options considered regarding such decisions as the security system and why those specific selections have been chosen, are to be provided to the Town Board as part of the presentation. Mr. Mann will ask Mr. Fischer to attend the August 26 meeting to present this information. There will be walk-throughs of the building for the Town Board at appropriate times.

Eighth order of business: New Business

A. Consideration and possible action on Plan Commission's recommendation of the following for Thomas and Polly Kranick, owner, by Matt Neumann, Neumann Properties, Inc., agent:

1. Park Impact Fees

Matt Neumann spoke referring to a letter he and Mr. Siepmann drafted requesting that the Town use the majority or all of the park impact fees from their developments for park improvement on the 16 acre park dedicated by both of them to the Town. He also requested that the Town Park and Recreation Commission begin the plans for this park so the developers can tell homebuyers what is planned.

Chairman Kanter requested that Engineer Barbeau discuss the Park Impact Fees request with the Town Attorney. Mr. Krause stated the Park and Recreation Commission has begun discussions regarding that park land.

2. Developer's Agreement

Engineer Barbeau stated the Town Board received a copy of the Developer's Agreement at tonight's meeting since a recommendation to the Town Board came from the previous evening's Plan Commission meeting. He reviewed the document and answered questions.

MOTION BY MS. DUCHOW, SECONDED BY MS. DUNDON TO APPROVE WITH CORRECTIONS AND CHANGES AS INDICATED BY ENGINEER BARBEAU AND SUBJECT TO FINAL REVIEW BY ENGINEER BARBEAU AND ATTORNEY LARSON. MOTION CARRIED.

3. Declaration of Restrictions

Engineer Barbeau explained the document and changes from the Plan Commission. He stated the action by the Board would be to accept the Declaration of Covenants, Conditions and Restrictions of Woodridge Estates Subdivision.

He stated that the Plan Commission made the following motion at last evening's meeting: Motion by Mr. Cooley, seconded by Ms. Dundon to recommend acceptance of the Declaration of Covenants, Conditions and Restrictions of Woodridge Estates Subdivision as amended in page 7, item 2.3(c) to read: "The Town of Delafield open space requirements in effect at the time of construction must be followed. As of the date of this Declaration, the Town has an open space provision that requires lots that are 30,000 sf or larger, to have a minimum of 75% open space as defined by the Town of Delafield Zoning Code." and incorporations of the changes noted on the blue line draft document.

MOTION BY MS. DUNDON, SECONDED BY MS. DUCHOW TO ACCEPT THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WOODRIDGE ESTATES SUBDIVISION AS RECOMMENDED BY THE PLAN COMMISSION ON AUGUST 5, 2014. MOTION CARRIED.

4. Certified Survey Map

Engineer Barbeau explained the CSM and the Plan Commission recommendations.

Motion by Clare Dundon, seconded by Garrett Reich to recommend approval of the exception to the lot configuration standards and approval of the CSM for the Kranick property, subject to

incorporation of any review comments from Waukesha County Parks and Land Use, execution of a private driveway agreement document which records an easement for Lot 3 on Lot 2, and conformance to all conditions of the Conditional Use Permit.

MOTION BY MS. DUNDON, SECONDED BY MS. DUCHOW TO ACCEPT AND APPROVE THE PLAN COMMISSION'S RECOMMENDATION. MOTION CARRIED.

- B. Consideration and possible action on Plan Commission's recommendation re: a Certified Survey Map to combine two properties into one located at W304N2472 Maple Avenue

The Plan Commission made the following motion at last evening's meeting. Motion by Paul Kanter, seconded by Ed Kranick to recommend approval of the Certified Survey Map to combine two properties into one property located at W304 N2472 Maple Avenue (former Lloyd's Never Inn) conditioned upon providing a letter of credit for the removal of all structures save for one dwelling unit on the combined lot and conditioned upon the recording of a deed restriction which commits this property to following all Town of Delafield ordinances from now into perpetuity.

Engineer Barbeau explained the history of the lots. Both parcels have been sold to the McWilliams who propose to remove the buildings on the lots and construct one single family home. This will correct a non-conforming property. It is served by well and public sanitary sewer.

Chairman Kanter explained the Plan Commission's recommendation which has caused some legal challenges. The Board received a copy of a letter from Attorney Gutenkunst tonight regarding this property. Attorney Gutenkunst spoke to the Board stating the recommendation violates statute and law. Chairman Kanter spoke with Attorney Larson today and there may be appropriate conditions of approval of the CSM that the Town has authority to do under the CSM. Attorney Larson needs more time to explore this topic as it pertains to the deed restriction portion.

MOTION BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO TABLE THIS ITEM UNTIL THE AUGUST 26 MEETING SO IT CAN BE DISCUSSED WITH THE TOWN'S ATTORNEY. MOTION CARRIED 4/1. CHAIRMAN KANTER - AYE, MR. VAN HORN - AYE, MR. KRAUSE - AYE, MS. DUNDON - AYE. MS. DUCHOW - NO.

- C. Consideration and possible action on Plan Commission's recommendation on Conditional Use changes for businesses to be located in the Pathways of Light Wellness Center, W314N720 STH 83

No action is necessary on this item since the Plan Commission will hold a Public Hearing on it when requested.

MOTION BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE THIS ITEM. MOTION CARRIED.

- D. Appointment of Brian Wilson to the Park and Recreation Commission

Chairman Kanter and Mr. Krause recommended the appointment of Brian Wilson to serve on the Park and Recreation Commission.

MOTION BY CHAIRMAN KANTER, SECONDED BY MR. KRAUSE TO APPROVE THE APPOINTMENT OF BRIAN WILSON TO THE PARK AND RECREATION COMMISSION. MOTION CARRIED.

As Mr. Wilson was not in attendance, Chairman Kanter directed the Clerk's office to contact him to be sworn in within one week.

Ninth Order of business: Announcements and Planning Items

- A. Partisan Primary Election – August 12
- B. Next Town Board Meeting – August 26
- C. Next Plan Commission Meeting – September 2

Tenth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO ADJOURN AT 8:49 P.M. MOTION CARRIED.

Respectfully submitted,

Lauren Beale
Deputy Town Clerk/Treasurer

Minutes approved on: August 26, 2014