

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING**  
**September 8, 2015**

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

**Others Present:** T. Barbeau, *Town Engineer*, T. Fockler, *Building Inspector*, 8 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 August 25, 2015 Town Board Minutes

*The minutes will be filed as presented by the Clerk.*

**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 #56165 TO #56216 IN THE AMOUNT OF \$46,278.70**

Payroll

**MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,392.04**

**MS. DUCHOW/MR. KRANICK. MOTION CARRIED.**

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

A. Mike Koles, Wisconsin Towns Association (8/31/15), Re: Increase in 2016 Dues  
*None*

**Seventh order of business:** Unfinished Business

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

1) Broker Proposals

*Engineer Barbeau stated that the Town received proposals from Siepmann Realty Corporation and Ogden Real Estate. James Siepmann proposed a charge of 6.0% of the sale price if a co-broker is involved and 3.6% if not. Ogden Residential proposed a 5% fee plus \$395.00 to list the property. Siepmann Realty will assist the Town in defining a sales price along with the appraisal, and we should receive it by the next meeting. The general consensus of the Town Board is to accept the Siepmann proposal, based on their past history and relationship with the Town.*

**MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK, TO ACCEPT THE SIEPMANN REALTY CORPORATION PROPOSAL. MOTION CARRIED.**

B. Consideration and possible action on renovation of old town hall

1) Further discussion on asbestos abatement

*Mr. Troy stated that there was a very productive meeting held last week with KPH, Ford Construction, Engineer Barbeau and Superintendent Roberts. KPH will begin asbestos abatement on September 10, and the project will take 10 days to 2 weeks to complete.*

*Engineer Barbeau direction attention to § 5.1.3 of the AIA contract payment provision. He requested that payments to the contractor be extended until the 15<sup>th</sup> of the following month to allow the Town Board to approve before paying. He also suggested that lien waivers be added as #3 to § 5.2.1. Mr. Ford is concerned about the 100 day schedule that he is under and questioned what items could be excluded from the 100 day requirement. Painting of the building and installation of the brickwork could be an issue. There needs to be a discussion on the color of paint and type of brickwork. If Mr. Ford is held up, he cannot complete the work within the 100 days. The general consensus of the Town Board is to not hold him up. The bid also includes demolishing and removal of products.*

**MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO APPROVE THE AIA DOCUMENT FOR THE REMOVAL AND RENOVATION OF THE EXISTING OLD TOWN HALL AND DEMOLISHMENT OF THE EXISTING COLD COLD STORAGE FACILITY. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – NAY, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.**

2) Award of contract for renovation of existing town hall

**Eighth order of business:** New Business

A. Consideration and possible action regarding ordinance violations at W304 N2509 Maple Avenue, and opportunity for property owner to show cause why the Town should not commence enforcement

*Mr. Fockler presented pictures and stated that the property has been cleaned up. The only outstanding issue is to remove the masonry chimney.*

*Mr. Becker, W304N2509 Maple Avenue, stated that this is his permanent residence. He bought this property as a “fixer upper”. He was of the opinion that he could leave the fireplace, but it was confirmed by the building inspector that he needs to take it down. He looked into hiring someone to do the work, but it was not cost effective. Mr. Troy informed him that it would cost less to hire someone to do the work than pay the penalties. Mr. Becker stated that he will have the chimney down and concrete blocks gone by October 1<sup>st</sup>.*

B. Consideration and possible action regarding ordinance violations at S1 W31448 Hickory Hollow Court, and opportunity for property owner to show cause why the Town should not commence enforcement

*Mr. Fockler presented pictures and stated that the subject items have been sitting on the property for 2 years. He believes that they will be used to complete a shed. The owner needs to renew his permit, and Mr. Fockler recommended that the Town Board set a deadline to complete the shed or remove the materials from the property.*

*Mr. Sitzberger, S1 W31448 Hickory Hollow Court, stated that he replaced the rotted wood on the deck and has not worked on the shed. He confirmed that he will have the shed completed by October 1.*

C. Consideration and possible action on request to create or amend an existing storm sewer easement at N30W28895 Lakeside Drive

*Engineer Barbeau provided a history of the subject item stating that a pipe goes from West Lakeside Road to the lake. The property owner put in the pipe, but there are no records indicating that the Town accepted it as a drainage easement. The easement was recorded, but the minutes indicated there was discussion but no action. Somehow the easement was*

*recorded, but it wasn't actually approved by the Town by signature. Attorney Larson recommended that if the Town has the rights to the easement, we would vacate them and then create a maintenance agreement. The agreement would state that this pipe is a private pipe and will be maintained by the property owner. If not maintained, the Town would do the work and charge it back the property owner. The DNR stated that this pipe is navigable.*

*John Schoenheider, Regency Builders, stated that they will like to be 5' from the existing sewer pipe. The owners will accept the maintenance agreement and will also be a party to the easement agreement.*

**MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO VACATE ANY RIGHTS IN ANY CASE OF AND INSTRUCT ATTORNEY LARSON TO DRAFT AN EASEMENT AGREEMENT. MOTION CARRIED.**

D. Reduction in Letter of Credit for Woodridge Estates and Woodridge Estates II

*Mr. Kranick recused himself and left the room.*

*Engineer Barbeau stated that Letter of Credit for Woodridge Estates has a required balance of \$195,215 that will be used for asphalt, ditches and restoration of site grading. He recommends a reduction by \$43,461.*

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO REDUCE THE LETTER OF CREDIT FOR PHASE I OF WOODRIDGE ESTATES BY \$43,461.00 MOTION CARRIED.**

*Engineer Barbeau stated that the Letter of Credit for Woodridge Estates II has a balance of \$373,971 out of the \$844,685. He is recommending a reduction by \$470,714 and stated that there is a lot of work remaining on the project.*

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO REDUCE THE LETTER OF CREDIT FOR PHASE II OF WOODRIDGE ESTATES BY \$470,714. MOTION CARRIED.**

E. Adoption of Resolution setting the speed limit for Maple Avenue between Franciscan Road and North Shore Drive

*Engineer Barbeau stated that he didn't want to proceed with the subject resolution until the work on Woodridge Estates II began. He is requesting approval but is of this opinion that it may have to be sent to the DOT as well. The speed limit will not change until the highway superintendent puts up the signs.*

**MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUCHOW TO APPROVE THE RESOLUTION SETTING THE SPEED LIMIT FOR MAPLE AVENUE BETWEEN FRANCISCAN ROAD AND NORTH SHORE DRIVE FROM 45 MPH TO 35 MPH. MOTION CARRIED.**

F. Consideration and possible action on a request from KTB Properties, N21W29727 Glen Cove Road, for an exception to Section 9.14 (1) (b) 2. Of the Town of Delafield Code

*Engineer Barbeau stated that this is a single family home. The proposal is to increase the size of the existing residence and build a second story that would be located approximately 5.61 feet from the east lot line and 6.45 feet from the west lot line. The lot separation must be 15% of the lot width, provided that such separation shall not be less than 7-1/2 ft.*

*Michael Amrhein, 3935 N. Maryland, Shorewood, spoke on behalf of KTB properties. He stated that this is an older building on a very narrow lot. They have made changes to meet the number of requirements of both Waukesha County and the Town. Initially, they requested 4 variances from the County and 2 were denied. The County has informed us that there is not adequate front yard distance, but they allow averaging with an adjacent neighbor. The immediate neighbor to the west is in favor of this, but the next door neighbor to the east has bought up 4 properties and has no intention of selling. He doesn't want anyone to build any buildings on his property. He wanted to know why the building couldn't be torn down and just built. Mr. Amrhein stated that if we had disturbed too many openings, then we would have violated too many statutes to build on the property. The neighbor across the street wanted the building to come down and build new. Engineer Barbeau informed the Town Board that he talked to the neighbor to the east before the meeting and they were in favor of this proposal. He provided a summary of the three required findings of fact.*

*Exceptional Circumstances: The east wall of the new addition is to be constructed on an existing wall which is within and less than the required setback distance of 7.5 feet. The enforcement of the side yard setback standard would require an unusual means and method of construction for the new addition's east load bearing wall. It would be offset by approximately 22" and require unique engineering and affect the exterior design and interior configuration of the space.*

*The Town Board finds that this standard is met in this case for the following reason: The existing home is to remain on site but improved. The proposed improvements to the east will not make the structure more non-conforming than the existing residence; the new structure to the west will result in a west side yard separation of not less than 7.60 feet.*

*Preservation of Property Rights: The residence is located on a unique and irregular shaped lot where the width of the lot is a small percentage of total depth (approximate 1 to 6 ratio). The unusually narrow lot width in of itself restricts the design of an addition, and, with the application of required setback requirements, design limitations are imposed to an even greater degree. Other properties with the same lot configuration have portions of their homes construction within setback distances just as in the case with this existing home. This addition does not further encroach upon the setback requirement but continues with the same setback as the existing wall. This residence currently possesses the right to have the east wall within the side yard setback, and we are requesting that the addition share the right that the existing building, as well as other properties in the vicinity, possesses.*

*The Town Board finds that this standard is met in this case for the following reasons: The proposed new construction will provide a substantial improvement to the neighborhood by removing a small non-confirming sized residence and increasing the size to meet minimum house size; and, The new construction will add value to the neighborhood.*

*Absence of Detriment: It is believed that the addition and improvements to the residence as proposed will not only enhance the neighborhood but provide a benefit to existing housing stock through use of improved construction materials and methods than those employed for the construction of the existing home. The addition and remodel of the existing structure will also elevate property values for adjacent properties and increase the aesthetics of the existing structure. It is our position that an exception to will not adversely affect the adjacent property and is not contrary to the purpose of spirit of Section 9.14.*

*The Town Board finds that this standard is met in this case for the following reason: 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 interfere with the passage of light and air between buildings; the exception also preserves the uniform development patterns, devoid of an appearance of excessive crowding, allows unobstructed views from within buildings and preserves property values for the commercial benefit of the Town.*

**MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE REQUEST FOR EXCEPTION TO SECTION 9.14 (1) (b) 2. OF THE TOWN OF DELAFIELD CODE FOR N21W29727 GLEN COVE ROAD WHERE ALL 3 FINDINGS OF FACT HAVE BEEN FOUND. MOTION CARRIED.**

**Ninth Order of business:**    Announcements and Planning Items

- A. Next Park and Recreation Commission Meeting – September 14
- B. Next Plan Commission Meeting – September 15
- C. Budget Workshop – September 21 @ 6:00 p.m.
- D. Next Town Board Meeting – September 22
- E. Special 99<sup>th</sup> District Election – September 29

**Tenth Order of Business:**    Adjournment

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY, TO ADJOURN AT 8:20 P.M. MOTION CARRIED.**

Respectfully submitted,

Mary Elsner  
Town Clerk/Treasurer

Minutes approved on: September 22, 2015