

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
August 24, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, L. Krause and R. Ackley
Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, J. Stevens, *Lake Country Reporter*, 30 Citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:05 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of August 10, 2010
The minutes will be filed as prepared by the Clerk.

Fourth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47444 – 47488 IN THE AMOUNT OF \$430,560.01

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21706 – 21762 IN THE AMOUNT OF \$39,899.92

MS. DUNDON/MR. ACKLEY

MOTION CARRIED.

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

A. Sharon and Jeff Roso (8/11/10), Re: Request to be heard

Chairman Kanter stated that this item is listed in 7A on the agenda. As there was no objection by the Town Board, Item 7A was addressed at this time.

Seventh order of business: New Business

A. Discussion of stormwater issues on Glacier Pass

Engineer Barbeau referenced a letter from the Town Engineer, Jerry Wegner, dated September 13, 1973, stating that most of the land in the South and SE portions of the property would drain, as it has in the past, to a series of potholes along the south property line. These potholes are periodically wet and dry, as was observed on several site inspections of the property. Based on this information, it would appear that there was knowledge of some low areas in the back of the property. Today, we call these areas "kettles". Based on the 1961 topo maps, the 1991 topo maps and current topo maps there is no outlet for the low areas. Most likely, at that time it was intended to internally drain and infiltrate into the ground. Most developments approved by the Town now require infiltration as a part of the development process, if the soils will handle it. Mr. Barbeau stated that since he became the Town Engineer in 1995, there has never been a complaint or concern, until 2008, regarding substantial water behind the homes. In 2008, the water was pumped into the ditches, went down to 83 and into Scuppernong Creek. The elevation of Scuppernong Creek is approximately 952 just west of the Hills of Delafield. The water elevation is approximately 972-973. He stated that it would be great if the water could get to Scuppernong Creek, except that Hwy 83 is there and the water elevations of 83 and the adjacent land are approximately 994-996. It is 24-26 feet above the water elevations. He stated that he contacted Waukesha County Land Use and Environment, Leif Hauge, to question him about the groundwater in the area. He stated that the Waukesha County monitors, located

in areas of Genesee and Mukwonago, are showing groundwater levels of 4-5 ft. higher than normal. It is well known that the groundwater is higher in many places. One pond in the area, Pabst Farms, is up 2 ft. higher than normal. The Town Highway Department is doing ditching work in the Town right-of-way area, at this time. Engineer Barbeau stated that Steve Hoelz, Waukesha County Environmental Health Division, visited the site. He has indicated that there is no mosquito larvae, there is no stagnate water in the ditches, he did not find any sewage discharge into the surface or into the flood waters behind the homes, the flood water is located 25 feet from a septic system in the area, but it is not required for the septic system to be replaced and he did not see any major sewage issues.

Bonnie Kapalczynski, S13W31899 Glacier Pass, stated that she spoke with Mr. Hoelz and he indicated that although he did observations, there are no records on file and there has been no testing. It would be up to the Town to make recommendations. He cannot make any guarantees in writing that there will be no sewage that will go to the ground. There is no record of DCR testing from the state so you don't know what type of larvae there is. There are studies that prove that even though the water does move, larvae and west nile virus can occur. In 1992, in the State of Wisconsin, there were 22 cases reported. In 2002, double cases were reported from stagnant water. She stated that she contacted Mr. Hoelz and Mr. Lundquist and asked them about the land topography. They indicated that when these subdivisions were built, there were no codes or compliance to control mitigation on stormwater. These laws were put into place in the 1980's. The County will not get involved until the Town of Delafield requests. Based on her knowledge, the Town of Delafield did not invite them to this meeting. She stated that she asked, two weeks ago, for the Town to invite them. The Town of Delafield chose not to invite them. Her understanding is that the jurisdiction of stormwater is under Lundquist's department. Based on conversations, the water course hasn't changed but when these subdivisions were built there should have been 100 yr. issue. The ditches that have been planned are short term. These people that are pumping will be pumping for the rest of their lives. We will be getting water through the ditches for the rest of our lives. We have the right to not have that water in our ditches. Yes, it is an easement, but our enjoyment is important. There are concerns of public health. These are short term solutions, not long term. We need to determine the alternative long-term solutions.

Shannon Kumbier, S13W31805 Glacier Pass, displayed pictures of the flood waters behind the homes.

Sharon Roso, S13W31757 Glacier Pass, stated they have the pump in the back of their yard. Her issue is that they are wondering what has changed in their area, as this has become such an issue. What can the Town do for us? They have incurred over \$12,000 in pumping and gas costs. It is to save their home. There are safety hazards with their electric box. They feel it is no fault to them. Nothing was documented that this was a retention area. Was it built as a retention area? They are looking for the Town for help. They feel bad that they have to pump into their neighbor's yards, but they have no choice. They are looking for answers.

Ms. Dundon provided a history of water and standing water in her backyard. They have lost approximately 100 pine trees. She stated that the cause for this is that the springs have been re-charged. She said it is not the Town's fault, not the County's fault but God has put this in our way. This area is called Lake Country and Kettle Moraine for a reason. She stated that her backyard slopes and they have a lot of water. You are not the only ones with a lot of water flowing through your yards.

Mark Wiebersch, S13W31681 Glacier Pass, stated that yes it is affected by God. But, he does give us a mind and tools to correct things. We are asking for direction and some assistance from the Town as to "what the heck to do".

Elaine Wiebersch, S13W31681 Glacier Pass stated that they are the ones with the 7 feet of water in their backyard. They are paying property taxes on something they can't use and it and it smells terrible. How can they pump out 7 ft. of water on a continual basis? They are concerned with property values and major health issues. The water cannot just sit there. This tunnel that was put in at the end of 83, Mark has to pump water out in order to get the water through the tunnel. I'm not sure that was cost effective.

Bill Berenz, S12W31781 Gray Fox Run, stated that he has lived here for 15 years. He described the water flow pattern of Glacier Pass. He stated that the long term solution is to get the water to run to the west side of 83. His opinion is that what was done in front of the 1st lot, doesn't have any affect on anything.

Chairman Kanter stated that, at the present time, the water is being pumped across the street. This was done because of the objection to the water staying on the south side of Glacier Pass and going down that ditch line.

Conrad Ettmayer, S12W31664 Glacier Pass, stated that the low point is approximately 972-974 and at Highway 83 is at 990. The long term solution is to dig a culvert down from the Wiebersch residence. This would involve about 1500 ft. of deep excavation.

Mr. Van Horn stated that this is the property owner's problem. The Town of Delafield would be willing to work with the residents, but the taxpayers should not have to pay for this. Possibly, the buyers did not have good guidance; or, maybe it was developed improperly. It was approved by the standards, at that time. This does not make the Town of Delafield responsible for anything.

Mary Knoavaluk, S12W31893 Gray Fox Run, stated that she appreciates the digging that was done today, but we do need a permanent solution to the problem. Pumping is not the permanent solution. The neighbors need to work together.

John Tilch, S13W31725, stated that they pumped back in the 80's. At that time, the ditches all flowed. What is going on is a natural process of 35 years of being there. The ponds have been there for years. The pumping did not cause the ditch problems. This is a natural process when the water table gets so high. He is of the opinion that the neighbors should be working together to resolve any issues.

Jeff Roso, S13W31757 Glacier Pass, stated that he has the pump in his backyard. He stated that the issue starts with a pot hole to the east. When the pot hole fills up, it runs like a creek into his backyard. Before it starts flowing west, it fills up his backyard until 1-1/2 ft. of water goes up to his basement. Two years ago, everyone worked together. Now, he has to take all the expense on himself. This problem will jeopardize the other neighbors if we don't work together.

Dave Washebek, S13W31781 Glacier Pass, stated that he is very concerned about the water flowing from yard to yard, especially, if the water freezes. He is also concerned that the electrical system of the neighbor will fail from all the water.

Randy Rauth, S13W31845 Glacier Pass, stated that this is the 3rd time they had to pump. If Jeff doesn't pump, he is under water. He isn't sure whose house is jeopardized after that. He believes that most of this happened after Genesee built a subdivision behind them. His long term solutions are: 1. install a pumping station; 2. install a solid pipe going from his house to 83.

James Hoyter, W315S1234 Highway 83, stated that the water shouldn't be going across the road. He disagrees that this is the natural flow of the water.

Chairman Kanter stated that he looked into this matter 2 yrs. ago and also studied it this year. This is not a town taxpayer problem. The electors have requested that the Town Board run a fiscally conservative government. The subdivision was laid out in the 1970's, and maybe standards have changed since then. The subdivision is doing what it was designed to do, and it is draining into the kettle as it was designed to do. He stated that the pump station idea is interesting, but the Town would request a special assessment from the area residents to pay for it. The Town Engineer was directed to research some alternative solutions and the Town will report back to the residents in this area.

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Seventh order of business: New Business

B. Presentation - Sgt. Iding, Re: Status of the Pewaukee Lake Water Safety Patrol Unit

Sgt. Iding reviewed his handout summarizing Pewaukee Lake Patrol activities that took place during the months of May through August. He stated that there were boat issues this year, as they are old.

Sgt. Miswald reviewed the enforcement patrol monthly reports that were filed with the DNR during the months of May through August.

Chairman Kanter requested that the Pewaukee Lake Water Safety Patrol Unit schedule at least one boater safety class later in the season to accommodate the college students.

C. Review of stormwater issues

1. Outfall of bridge at Oakton Road: Engineer Barbeau will provide a cost summary during the budget process.

2. North ditch and drainage on west end of Shepherds' Way: If repairs need to be made, it would be at the cost of the homeowners.

3. South side of Williams Bay Drive – The ditch water in front of Williams' farm is bypassing the detention pond. Engineer Barbeau will contact Waukesha County.

4. Hwy. G and Windrift Lane (southwest corner): Mr. Van Horn requested that Waukesha County review stormwater issues in this area. The County informed him that everything is flowing the way it should. Engineer Barbeau will contact Waukesha County to review the matter.

5. Elmhurst Park:

a) Ice skating future near picnic shelter – There are no plans at this time, but the Park and Rec. commission will research the matter.

b) Ditches and culverts – Engineer Barbeau has been contacted by the Park and Rec. Commission to research paving the Elmhurst Park pathway. This will be discussed during the budget process.

6. Elmhurst Road (Hwy G) east ditch from Shepherds' Way to Northview – Engineer Barbeau will contact Waukesha County for an update.

D. Set budget workshop dates:

September 22 – 6:30 p.m. – Delafield Town Hall

October 6 – 6:30 p.m. – Delafield Town Hall

October 21 – 6:30 p.m. – Delafield Town Hall

- E. Consideration and possible action regarding Initial Resolution Authorizing General Obligation Bonds in an Amount not to Exceed \$4,000,000 for Fire Station Project

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADOPT THE INITIAL RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$4,000,000 FOR FIRE STATION PROJECT. MR. VAN HORN – NO. MOTION CARRIED.

- F. Consideration and possible action regarding Resolution Providing for a Referendum Election on the Question of the Approval of an Initial Resolution Authorizing the Issuance of General Obligation Bonds in an amount not to Exceed \$4,000,000 for Fire Station Project

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE RESOLUTION PROVIDING FOR A REFERENDUM ELECTION ON THE QUESTION OF THE APPROVAL OF AN INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$4,000,000 FOR FIRE STATION PROJECT. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – September 7
- B. Next Park and Recreation Commission Meeting – September 13 – 6:30 p.m.
- C. Partisan Primary Election – September 14
- D. Next Town Board Meeting – September 15
- E. Deadline for submittal of referendum question – September 21

Ninth order of business: Adjournment

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO ADJOURN AT 9:45 P.M.

Respectfully submitted,

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

Minutes approved on September 15, 2010