



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Pete Van Horn
Edward Kranick
Christie Dionisopoulos
Billy Cooley
Clerk/Treasurer
Dan Green

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING TUESDAY, SEPTEMBER 8, 2020 - 6:30 P.M. DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Citizen Comments – During the Public Comment period of the agenda, the Town Board welcomes comment on any matter not on the agenda. Please be advised that pursuant to State law, the Board cannot engage in a discussion with you but may ask questions. The Board may decide to place the issue on a future agenda for discussion and possible action. Each person wishing to address the Board will have up to three (3) minutes to speak. Speakers are asked to submit to the Town Clerk, a card providing their name, address, and topic for discussion.

The Board will also take comment from the public on agenda items as called by the Chair, but not during the Public Comment. Public comment on specific agenda items are limited to Town of Delafield Residents only and individuals will have up to three (3) minutes to speak. Please note that once the Board begins its discussion of an agenda item, no further comment will be allowed from the public on that issue.

4. Approval of Minutes:
 - A. August 25, 2020 Town Board Minutes
5. Action on vouchers submitted for payment:
 - A. Report on budget sub-accounts and action to amend 2020 budget
 - B. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
 - A. Mixed Use Ordinance General Update (Discussion Only)
 - B. Correspondence from Thomas Schroeder regarding the Carini Residence
 - C. Website Update
7. Unfinished Business
 - A. Discussion and possible action to share the cost of Attorney John Macy reviewing the consolidated fire contract with Lake Country Fire and Rescue with the Town of Genesee, and the Village of Oconomowoc Lake. (Tabled 8/13/2020)
8. New Business
 - A. Discussion and possible action on the Plan Commission's recommendation to approve a request from James Horneck, S23 W33769 Morris Road, Oconomowoc, for an amendment to a Conditional Use Permit to allow a veterinary clinic at W314 N720 STH 83, Delafield.
 - B. Discussion and possible action to reconsider the action taken by the Town Board on August 25, 2020 concerning the sale of Fire Department's feet truck #3187.
 - C. Discussion and possible action on setting dates for budget workshop meetings.
 - D. Discussion on Trick or Treat hours

9. Announcements and Planning items

A. Town Board – Tuesday, September 22, 2020 @ 6:30 pm

B. Joint Plan Commission & Town Board Meeting – Tuesday, October 6, 2020 @ 6:30 pm

10. Adjournment



Dan Green

Town of Delafield Clerk/Treasurer

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
AUGUST 25, 2020 @ 6:30 PM

Members Present: Chairman Troy, Supervisor Kranick, Supervisor Van Horn and Supervisor Dionisopoulos. Also present was Administrator/Clerk/Treasurer Dan Green. Supervisor Cooley was excused.

First order of business: Call to Order
Chairman Troy called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments:

Fourth order of business:

- A. Approval of August 13, 2020 Town Board Minutes

Motion made by Supervisor Cooley to approve the minutes as presented by the clerk. Supervisor Dionisopoulos seconded. Motion carried unanimously.

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

- A. Report on budget sub-accounts and action to amend 2020 budget
- B. 1) Accounts payable; 2) Payroll

Motion by Supervisor Cooley to approve payment of checks #63843-63844 and #63846-63870 in the amount of \$124,760.93 and payrolls dated August 21-August 24, 2020 in the amount of \$67,991.12. Seconded by Supervisor Dionisopoulos. Motion carried unanimously.

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

- A. Mixed Use Ordinance General Update (Discussion Only)

Chairman Troy explained the final meeting took place last week and there was a general consensus among the group regarding land use. The County has broken the parcel into seven sections and the next step will be to work on a neighborhood outlay and have staff work with the County to begin revising the ordinance.

- B. Deer Management Program Update

Chairman Troy stated there has been tremendous progress and we have been working on getting more sites this year including the old Ethan Allen correctional facility and the property on the corner of Cushing Park and HWY 18.

Seventh order of Business: Unfinished Business

- A. Discussion and possible action to share the cost of Attorney John Macy reviewing the consolidated fire contract with Lake Country Fire and Rescue with the Town of Genesee, and the Village of Oconomowoc Lake. (Tabled 8/13/2020)
- C. Discussion and possible action on entering an intermunicipal agreement with Lake Country Fire and Rescue. (Tabled 8/13/2020)

Motion by Supervisor Kranick to remove "Discussion and possible action on entering an intermunicipal agreement with Lake Country Fire and Rescue" from the table. Seconded by Supervisor Cooley. Motion carried unanimously.

Chairman Troy stated on Monday he had a discussion with Attorney Chris Smith who is currently the municipal attorney for three municipalities, one of which is a member of a consolidated fire department. Mr. Troy stated he did not state any of his concerns regarding the contract and asked for an unbiased review of the contract. The cost of the review would not exceed \$1,000 and his billing rate is \$200 per hour.

The board discussed possibly moving the meeting on September 1st up to an earlier time. Chairman Troy explained they may want to see what the attorney's comments are before setting a time.

Motion by Supervisor Kranick to table Ed to table "Discussion and possible action on entering an intermunicipal agreement with Lake Country Fire and Rescue". Second by Supervisor Cooley. Motion carried unanimously.

Eighth order of Business: New Business

A. Discussion and possible action on the Lake Country Fire & Rescue Board appointee's terms of service.

Chairman Troy explained that at the last meeting the board appointed Anthony Arbucias and Pete Van Horn to the Fire Board. The Lake Country Fire contract states that these appointments must be staggered, and the first appointment should be a 1 year and 2-year term expiring April 30, 2021 and April 30, 2022. He recommended the following appointment terms.

Supervisor Pete Van Horn with a term expiring April 30, 2021
Anthony Arbucias with a term expiring April 30, 2022

Motion by Supervisor Kranick to approve the appointment of Supervisor Van Horn to the Fire Board for a 1-year term expiring April 30, 2020 and Anthony Arbucias to the Fire Board for a 2-year term expiring April 30, 2022. Seconded by Supervisor Cooley. Approved carried unanimously.

B. Discussion and possible action on the sale of Fire Department's fleet truck #3187.

Mark Hoppe explained they are looking at selling vehicle 3187 due to repairs that need to be made. This vehicle was due for replacement next year. Mark suggested sending it to a bidding site, putting it for sale on Facebook and/or putting it on the road with a sign. Administrator Green mentioned the Highway Superintendent expressed interest in keeping it for his fleet as there are very little miles on the truck. Supervisor Van Horn stated if the Town keeps the truck it will only cost more money down the road.

Motion by Supervisor Kranick to direct the Administrator and the Interim Fire Chief to sell Fire Department fleet truck #3187 at the maximum value. Seconded by Supervisor Cooley. Motion carried unanimously.

C. Discussion on ClearGov Budget Marketing software.

Supervisor Kranick and Administrator Green put on a presentation of the budgeting software. The board discussed the cost of the software and the purpose. The software is designed as a transparency tool for residents to see where their tax dollars go and compares rates with other municipalities in the state. No action was taken on this item.

D. Discussion and possible action on the re-adoption of Resolution 20-639, a Resolution to exceed the State Imposed Levy Limit.

Administrator Green explained the Department of Revenue sent out guidance regarding budget referendums which ultimately required a change to the Town's question on the ballot. The revised Resolution reflects the revision. The biggest change is that the referendum question includes debt service and the percentage increase is of the 2021 budget as a whole, not only the general fund levy.

Motion by Supervisor Kranick to approve the re-adoption of Resolution 20-639, a Resolution to exceed the State Imposed Levy Limit. Seconded by Supervisor Dionisopoulos. Motion carried unanimously.

Ninth order of Business: Announcements and Planning items

- A. Board of Review – Wednesday, August 26, 2020 @ 5:00 pm
- B. Town Board – Tuesday, September 1, 2020 @ 6:15 pm
- C. Plan Commission Meeting – Tuesday, September 1, 2020 @ 6:30 pm

Tenth order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the August 25, 2020 Town Board meeting at 7:02 p.m. Seconded by Supervisor Dionisopoulos. Motion carried unanimously

Respectfully submitted:

Dan Green, CMC/WCMC
Administrator - Town Clerk/Treasurer

August 25, 2020

Waukesha County Executive
Paul Farrow
515 W. Moreland Blvd.
Rm. 320
Waukesha, Wi. 53188

Waukesha County
Department of Parks & Land Use
Planning and Zoning Division
515 W. Moreland Blvd.
Waukesha, Wisconsin 53188

Attn:
Mr. Dale R. Shaver,
Director of the Waukesha County Department
of Parks and Land Use
Mr. Benjamin Greenberg
Senior Land Use Specialist

Waukesha County Board of Supervisors
District 12
Supervisor Peter M. Wolf
W286N991 Shepherds Way
Waukesha, Wi 53188-9493

Town of Delafield
Delafield, Wisconsin 53018

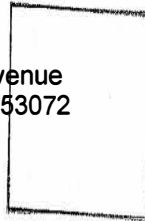
Attn:
Mr. Ron Troy, Board Chairman
Mr. Timothy Barbeau, P.E.
Mr. Dave Hendrix,
Building Inspection

Shoreland Zoning Policy Coordinator
Ms. Kay Lutze
Green Bay Service Center
2984 Shawano Avenue
Green Bay, Wisconsin 54313-6727

Wisconsin Representative to the Assembly
Cindy Duchow
Room 221
North State Capitol PO Box 8952
Madison, WI 5370

Wisconsin State Senator District 33
Chris Kapenga
Room 15
South State Capitol PO Box 7882
Madison, 53707

Re: Carini Residence
N26 W30255 Maple Avenue
Pewaukee, Wisconsin 53072
Permit No. 37722



RECEIVED

AUG 27 2020

Town of Delafield

To my Representatives:

I have written several letters in complaint of the construction next door. I first want to discuss the ordinance addressing building separation. I submit the following.

**WAUKESHA COUNTY PUBLIC HEARING MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER,
ROOM AC 155/159 TUESDAY, JULY 12, 2016, 6:30 P.M.
EXHIBIT A**

The Town of Delafield requested that, for fire safety purposes, the amendments incorporate the building separation requirements of the Town Zoning Code. Staff agreed with this recommendation and has added the 20' separation requirement between a principal structure and another building and the 10' separation requirement between an accessory structure and another building to the Delafield Shoreland Overlay District.

Although the Town of Delafield ordinance number 2017-04, dated 23 May, 2017, discusses the amendment to the ordinance, it does not appear that it was approved by the Town Board.

In the February 5, 2019, Town of Delafield Plan Commission Meeting, changes to the Waukesha County Department of Parks and Land Use, regarding proposed modifications to their Shoreland & Floodland Protection Ordinance, was noted. "Engineer Belan stated that Engineer Barbeau reviewed the subject matter

Site grading is not as shown on the approved drawings. Drawings indicate a difference in grade, from the property line to the building, to be between 1' and 2' with a swale adjacent to the property line. The field stone provided along the left side, east northeast side, has no swale and does not conform to approved plans, not to mention a visually unpleasant finish. I have concerns for maintenance. Applying vegetation killer was discussed. I am not comfortable with that. I see no reason why grass could not be provided, matching the property on the opposite side of me, which has the same 7' side yard. The site, as graded, does not follow the approved plans and has the potential for causing drainage problems in the future.

I have had questions for the Building Inspector but have received no response. Although the right-side walk appears to have been eliminated, guardrails are still required at the patio. Has this been noted? With today's concern for energy efficiency, is the air barrier product approved. I saw no Tyvek as specified on drawings.

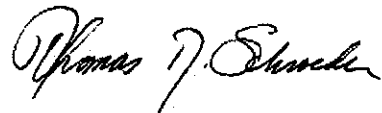
All the trees were removed by the previous contractor. It is my understanding that trees are to be provided in accordance with the County's protection of "Priority Trees". I believe this was noted by the County or DNR.

And last, I want to ask that all damage to my property be repaired to my satisfaction prior to issuance of the Occupancy Permit. Our flower bed was buried during excavation. The contractor said it would be repaired in the Spring. My wife cleaned it out. When the workmen were applying the EFIS product, they trampled the area. The contractor provided no effort to restore our garden. The plants are dead. I have attached pictures. I think two smaller Arborvitae have died. All our Arborvitae were alive last year. Attached are pictures of our Peonies, before and after. The before picture was taken before

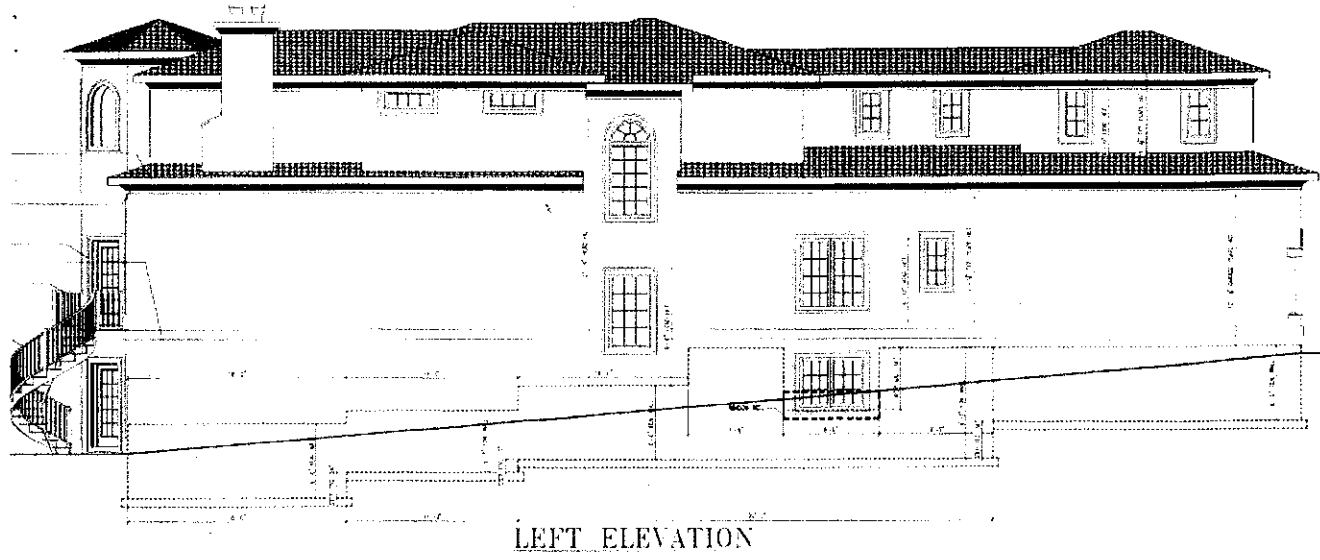
The change to separation ordinance was irresponsible, negligent, and certainly not representative of the Town residents. The height of the building is a show of incompetence by those who wrote the ordinance. There is no defined intent, which would provide some argument to the case. Regarding the height and the separation, both should be reviewed with the fire chief, the ability for the fire department to respond to a fire. It is a life/safety issue.

The grading is an insult, having a rock ditch for the full length of the house, noting the house on the opposite side of me, having the same side yard with a nicely manicured lawn. And the Uniform Dwelling Code violations, perhaps this sets precedence, as does the County Ordinance violations.

Respectfully,



Thomas R. Schroeder
N26 W30285 Maple Avenue
Pewaukee, Wisconsin 53072



APPROVED DRAWINGS LEFT ELEVATION (WINDOW SHOWN BELOW GRADE4)



LEFT ELEVATION (WINDOW AS BUILT)



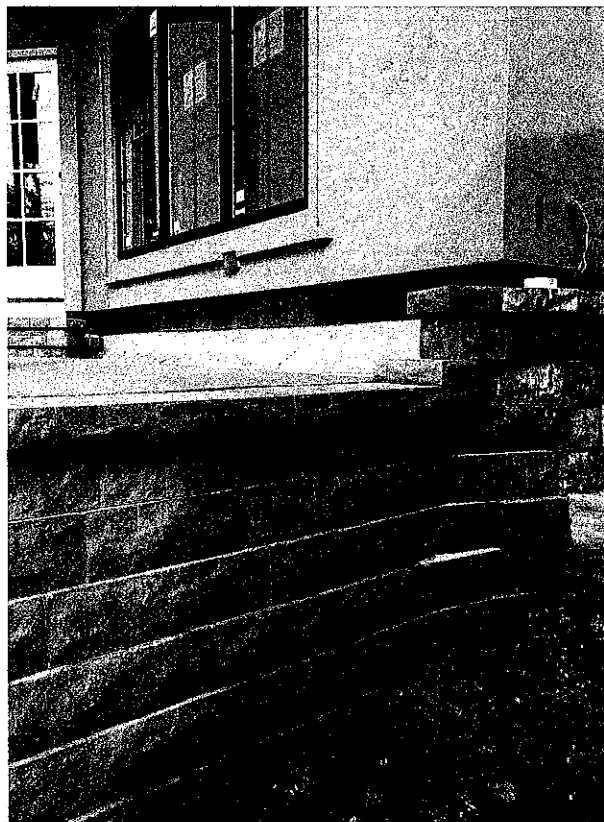
LEFT ELEVATION ROCK DITCH



REAR ELEVATION



REAR ELEVATION SEPARATION



REAR ELEVATION PATIO



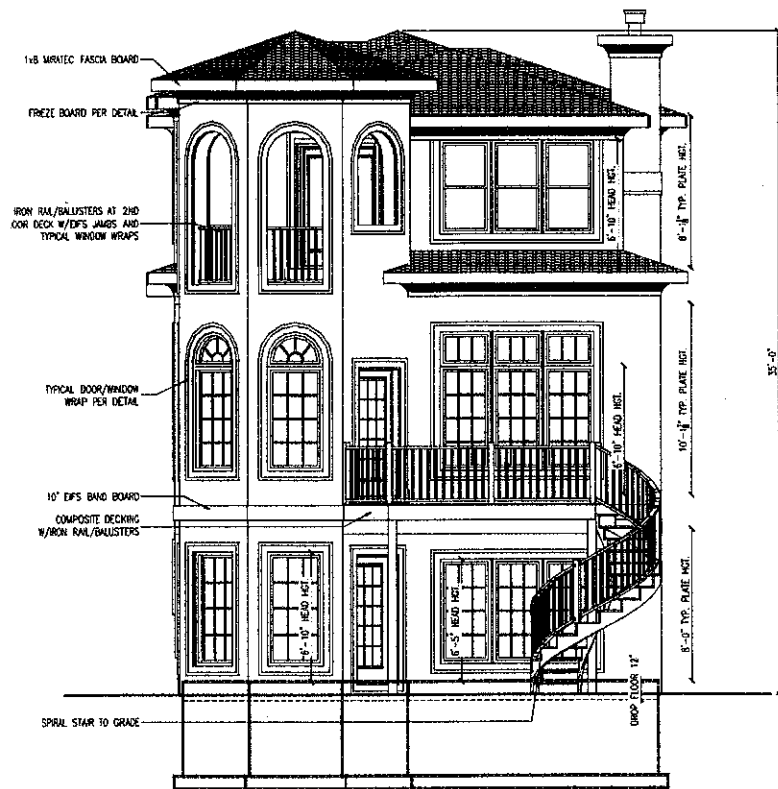
LEFT ELEVATION



ELEVATION PEONIES (07/29/2019)



RIGHT ELEVATION Peonies (04/11/2020)



35' Height

REAR ELEVATION

**TOWN OF DELAFIELD
ORDER GRANTING CONDITIONAL USE**

**JAMES HORNECK PROPERTY
W314 N720 STH 83**

WHEREAS, in 1995, James L. Horneck petitioned the Town of Delafield to grant a Conditional Use Permit under Section 17.10(5)(y) of the then Town Code to allow for the operation of a taxidermy studio or other professional, corporate, or administrative office or business center or studio not involving retail or commercial sales or industrial use at W314 N720 Highway 83, Delafield, Wisconsin, and

WHEREAS, on August 7, 2020, Mr. Horneck petitioned the Town to allow for the use of the property as a veterinary clinic and changes to the hours of operation and site plan (to allow an a dumpster enclosure on his parking lot), and

WHEREAS, the legal description of Mr. Horneck's parcel of land is as follows:

Part of the Southwest 1/4 of the Northeast 1/4 of Section 28, Township 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin. Commencing at the Southwest corner; thence north 231 feet; thence east 471.50; thence South 231 feet; thence West 471.50 feet to point of beginning, excepting therefrom the westerly 120 feet of the southerly 231 feet of the Northeast 114 for highway purposes, and

WHEREAS, Mr. Horneck has been operating a taxidermy business under Special Exception status since 1988, and

WHEREAS, Mr. Horneck and the Town recognizes that the current building and site may be well suited for a professional or administrative office or studio not involving retail or commercial sales or industrial use, and

WHEREAS, access to this site is from State Trunk Highway 83 and not through existing adjacent subdivisions, and

WHEREAS, Mr. Horneck understands that future Plan Commissions are not obligated to approve a revision to the Conditional Use permit if the land or building are sold to a different user, but said Commission shall use reasonable judgment in reviewing the plan of operation for uses described in the conditions below, and

WHEREAS, due to lot size and adjacent uses, it is not in the best interest of the Town to zone the land to a business district, and

Recording Area

Name and Return Address

Town of Delafield
W302 N1254 Maple Avenue
Delafield, WI 53018-2117

DELT 0829-998**Parcel Identification Number (PIN)**

WHEREAS, the Town Plan Commission held a public hearing on September 1, 2020 in regards to the granting of an updated Conditional Use Permit to allow for use of the property as a veterinary clinic and changes to the hours of operation and site plan to allow an a dumpster enclosure on his parking lot, and

WHEREAS, the Town has determined that it is in the best interest of the Town to allow a professional or administrative office or studio not involving retail or commercial sales, or industrial use on the site under a conditional use, and

WHEREAS, the Town of Delafield Plan Commission has given the matter due consideration, and the Town Board has based its determination on the effect of granting a Conditional Use permit on the health, general welfare, safety and economic prosperity of the Town and specifically of the immediate neighborhood in which said use is located, and has given due consideration as to the effect of the Conditional Use on the established character and quality of the area, the rights of the adjoining owners, the overall appearance, the landscaping, the type of construction, the movement of traffic, parking, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect on the neighborhood as a result of noise, dust, smoke, odor or other similar factors, and has determined that a Conditional Use would be appropriate provided that the Conditional Use is operated pursuant to the following conditions and in strict compliance with the same.

THEREFORE, IT IS ORDERED AS FOLLOWS:

Commencing upon the date hereof, a Conditional Use permit for the subject premises is hereby granted. The Conditional Use permit herein shall apply only to use of the premises by Jim Horneck or his lessee and the Conditional Use permit shall continue in existence only so long as the Conditional Use is operated in compliance with this permit. This Conditional Use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

- A. The plan of operation for any change in use shall be submitted, reviewed and approved by the Plan Commission. The plan of operation shall include all proposed changes as well as a site plan indicating the location of the building, parking, landscaping features, signs, lighting and drainage facilities and any other information deemed appropriate by the Plan Commission. The information shall be submitted to the Town Clerk and is subject to the review and approval by the Town Plan Commission.
- B. The property will be used as a veterinary clinic, not involving retail or commercial sales or industrial use. The use shall include the allowance of keeping animals overnight on an occasional basis (approximately once every 2-4 weeks) for animals to recover after surgery.
- C. There will be no retail sales.
- D. Waste shall be disposed of in an enclosed dumpster to be located on the parking lot as shown on the site plan.
- E. Business hours will be:
 - 8:00 am to 6:00 pm Monday through Friday
 - 8:00 am to 12:00 pm Saturdays
 - Closed on Sundays

- F. The original approved site plan is dated December 4, 1995. The site plan associated with the upgrade of the parking lot was dated August 18, 2014, the site plan showing the location of the dumpster enclosure is dated August 28, 2020 and is acceptable for the proposed use of the facility for professional offices.
- G. The building and grounds shall be maintained in a neat, attractive, and orderly way. The property shall comply with all applicable fire codes and all rules, regulations, and ordinances of the Town of Delafield, County of Waukesha, State of Wisconsin.
- H. This Conditional Use shall completely replace the existing special exception previously granted on September 13, 1988 and the Conditional Use permit recorded on June 24, 1996 in Reel 2170, Image 0855, Document No. 2095925 and the Conditional use permit recorded on September 29, 2014 as document No. 4102286.
- I. In the management and operation of the project, every attempt possible should be made to alleviate the potential for nuisances and disturbances to surrounding residential neighborhoods. Any complaints by adjacent property owners or any other person affected shall be reviewed by the Town Plan Commission which will make findings as to whether or not such nuisance exist, and, if so, what provisions ought to be made to abate the nuisances. All complaints regarding nuisances shall be subject to the nuisance provisions of the Town and other appropriate state or county laws. The findings and recommendations of the Town Plan Commission shall be forwarded to the Town Board for action.
- J. No use is hereby authorized unless that use is conducted in a lawful, orderly and peaceful manner. Nothing in this permit shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the Town of Delafield, the County of Waukesha, the State of Wisconsin, the United States of America or other duly constituted authority. This Conditional Use permit shall not be deemed to constitute a building permit, nor shall this permit constitute any other license or permit required by town ordinance or other law.
- K. The Conditional Use hereby authorized shall be confined to the premises described, without extension or expansion, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the town board as being in compliance with all pertinent ordinances, after review and recommendation by the Town Plan Commission.
- L. Should the permitted Conditional Use be abandoned in any manner, or discontinued in use for 12 months, or continued other than in strict conformity with the conditions of this approval, or should a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with the surrounding areas, or considerations of public health, safety or welfare, said Conditional Use may be terminated by action of the town board following referral to the Town Plan Commission for public hearing and recommendation thereof.
- M. Any subsequent change, alteration, or addition to the use approved herein shall first be submitted for approval to the Town Plan Commission and, if in the opinion of the Plan Commission, such change, alteration, or addition constitutes a substantial change, alteration, or addition based on the standards set forth herein, a public hearing before the Town Plan Commission shall be required pursuant to Section 17.10 (6) of the Town code. Any change, addition, or alteration of the physical premises, lands, or ownership, shall be considered substantial and shall require a new Conditional Use permit requiring full compliance with all town procedures and ordinances in place at the time.

- N. Should any paragraph or phrase of this Conditional Use permit be determined by a court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the Conditional Use and the remainder shall continue in full force and effect.

Let copies of this order be filed in the permanent records of the Town Board of the Town of Delafield, let a copy of this permit be recorded at the Waukesha County Register of Deeds as a covenant the title for the premises for which this Conditional Use is granted, and let copies be sent to the proper town authorities and the grantee.

Approved this _____ day of _____, 2020.

TOWN OF DELAFIELD

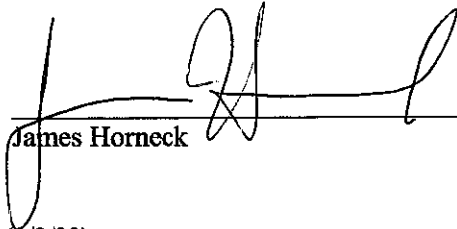
Ronald A. Troy, Town Chairman

Dan Green, Town Clerk

APPROVAL

I hereby accept the terms of this Conditional Use in its entirety.

Dated this 4 day of September, 2020.



James Horneck

This document drafted by Timothy G. Barbeau, P.E., P.L.S. (9/2/20)

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