



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Edward Kranick
Steve Michels
Joe Woelfle
Magalie Miller
Clerk/Treasurer
Dan Green

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
TUESDAY, OCTOBER 25, 2022
6:30 PM**

DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Citizen Comments: Public comments from citizens regarding items on, or not on the agenda. The Board may not engage in a discussion with the citizen making the comments. Individual presentations are limited to three minutes and citizens shall follow the rules set forth in Section 2.04(1)(d) of the Town Code.
5. Approval of Minutes:
 - a. October 11, 2022, Town Board Minutes
6. Action on vouchers submitted for payment:
 - a. Report on budget sub-accounts and action to amend 2022 budget
 - b. 1) Accounts payable; 2) Payroll
7. Communications (for discussion and possible action)
8. Unfinished Business: None
9. New Business
 - a. Discussion and possible action on the approval of a letter of credit reduction for Retreat Development LLC, Archibald Pequet, by \$53,202.20.
 - b. Discussion and possible action on the approval of purchasing a 2500 work truck with a plow attachment with funds to come from ARPA revenues.
10. Announcements and Planning items
 - a. Plan Commission – Tuesday, November 1, 2022 @ 6:30 PM
 - b. General Election – November 8, 2022: 7 AM to 8 PM
 - c. Budget Public Hearing and Electors Meeting – November 15, 2022 @ 6:30 PM
 - d. Town Board – November 15, 2022, immediately following budget public hearing.
11. 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
OCTOBER 11, 2022 @ 6:30 PM

Video Link: <https://www.youtube.com/watch?v=RqePnjXQNso&t=2400s>

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: Roll Call

Present: Supervisor Kranick, Supervisor Miller, Supervisor Woelfle, Supervisor Michels, and Chairman Troy. Also present were Administrator Dan Green, Engineer Tim Barbeau, and Plan Commission Chairman Kevin Fitzgerald.

Fourth order of business: Citizen Comments:

Allan Knepper, N16W29838 Brookstone Circle, spoke on the ordinance that would change the Thomas Farm. He expressed concerns regarding the lot sizes and the home sizes. He thought the proposed ordinance is far from what the ideal number of total units is desired in the area, and thought it irresponsible on the part of the Town Board. He stated the residents will keep coming back for every development proposed on the land. He hoped that all board members were representing the Town and not Waukesha County.

Cindy Duchow, N22W28692 Louis Ave, stated she has been a long time Town resident. She expressed concerns about setting a precedent for other developments. She also explained that the board can require water, sewer, and traffic tests from any developer. Traffic concerns were raised regarding Golf Road when there are backups on I-94. If roundabouts were required, the Town would not be able to afford it. She used OAW as an example of overused water, and expressed concerns about future blasting on the site.

Denise Reese, N18W29054 Golf Hills, stated she was opposed to a high-density development. She used an example of a Milwaukee neighborhood who built a development at a lower density and the benefits they experienced from doing so. She questioned why anyone would think quality needs to be sacrificed for greater diversity. She asked the board to apply current building codes to this property. She stated this will set a new precedent, and there will be future lawsuits because of it.

Rick Mckenna, N20W29404 Oakton Road, explained he came from Elmbrook for lower density. He doesn't think the intent is true to the Town of Delafield. He knew development was coming, but this type of development concerns him. He questioned why the board doesn't change the minimum to 20,000 square foot lots. He asked not to violate the spirit or intent of the zoning code of the Town of Delafield.

Christine Hansen, N8W29141 Windrift Lane, explained she has listened for 4 years about this property. She stated that the Town's moto should include "Respect" by way of respecting the land and the residents. She used Pabst Farms as an example of small lots off I-94, and compared it to Shepherd's Pass, of Elmhurst Road. She asked the board to respect the land, and allowing lots less than 20,000 square feet would not be doing so. She stated the residents have been saying they do not want this, and the board represents the citizens.

Fifth order of business:

- A. Approval of the September 27, 2022, Town Board Minutes

*Motion to approve the September 27, 2022, minutes by Supervisor Michels. Seconded by Supervisor Woelfle.
Motion passes 5-0.*

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

- A. Report on budget sub-accounts and action to amend 2021 budget

B.1) Accounts payable; 2) Payroll

Motion by Supervisor Kranick to approve payment of #66061 - #66064 and #66066 - #66081 in the amount of \$127,907.80 and payrolls dated October 14, 2022, in the amount of \$14,652.37. Seconded by Supervisor Michels. Motion passed 5-0.

Seventh order of Business: Communications

Chairman Troy received several emails opposing the Planned Development District #1 from the Town. The Town also received an email from Rob Thomas, expressing opposition of the change from 250 units to 230 units in the ordinance. A protest petition was also filed with the Town. He then turned the floor over to Supervisor Miller.

Supervisor Miller stated for the record: "I am aware that my husband, John Miller signed a protest petition. I had no prior knowledge my husband, was going to sign the petition. I did not sign the petition myself or authorize the use of my name on the protest petition. I wish to have my name officially removed from the protest petition; and I believe I can be fair and impartial, and decide on the matter based solely, upon the information that is provided at the public hearing."

Chairman Troy explained that the petition was reviewed by the Town Attorney, Engineer, and Administrator, and it was determined that the petition does not trigger the ¾ vote required for passage. He explained that a letter was sent to the submitters of the petition, and will be attached to the minutes for this meeting.

Eighth order of Business: Unfinished Business: NONE

- a. Discussion and possible action on code enforcement options for the property located at N13W28907 Silvernail Road.

Administrator Green explained the building has been removed from the property. The contractor will set up a final inspection with the building inspector. The building inspector will follow up on the removal of any accessory buildings still on the property.

Motion by Supervisor Kranick to remove "Discussion and possible action on code enforcement options for the property located at N13W28907 Silvernail road" from the agenda. Seconded by Supervisor Michels. Motion passed 5-0. to remove.

Ninth order of Business: New Business:

- a. Discussion and possible action on the recommendation from the Plan Commission to approve the adoption of Ordinance 2022-04, an ordinance to create Section 17.04 5. R. entitled "Planned Development District No. 1" of the Town of Delafield Municipal Code.

Chairman Troy opened up the discussion by first asking board members if they had any questions for staff. Supervisor Michels stated he has questions on Sections 10 and 13. He asked what the differences were regarding the open spaces in these sections. Engineer Barbeau explained that the open space per each lot has requirements written in this ordinance, similar to other zoning districts. The overall open space is the requirement for open space outside of the lots, and often are referred to as outlots, or shared open space.

Supervisor Joe presented scenarios in the case of the ordinance passing or failing. If it passed, the Town would mandate testing, a site plan would be proposed, and possibly adjusted based on results of the testing done. Density may be reduced if adverse impact results from these studies. Plan Commission Chairman Fitzgerald stated the developer may have the ability to remedy those adverse impacts by spending the money to increase capacity, using sewer as an example. He also explained the cost for these studies also falls on the developer.

Supervisor Woelfle explained that if the ordinance fails, the northern 50 acres would be eligible for residential development under R-1, R-2, or R-3 zoning, with no study requirements. The front 100 acres is designated for mixed use, and is eligible for any zoning district within the Town. There is no recourse to stop them from rezoning to one of those districts. Engineer Barbeau explained they would still have to go through the rezoning process, and a conceptual plan would still be required at the time of rezoning. Supervisor Woelfle reiterated that no studies would be required, and an all-residential PUD could put as many as 250+ units on the entire site. Supervisor Michels added that he also came up with the same number of 250 units.

Supervisor Kranick stated there have been a lot of questions and concerns regarding the reduction of lot sizes from 20,000 to 15,000 and 10,000 square feet. He asked Engineer Barbeau, if by clustering these smaller lots together, was the intent to provide more green space for the development? Engineer Barbeau explained this has been the general philosophy of the Town with residential developments. The intent is to maximize as much open space, and this site is set up to do that with environmental corridor areas.

Supervisor Miller asked why duplexes and 4-family condos were included as part of this ordinance. Mr. Fitzgerald explained that state law regulates condos more than other residential units. With condos there are no lot lines, and they are viable development options for increasing open space. He explained that they did not focus as much on lot sizes, but were focused on overall density. As a mixed development of single-family condos and houses, the maximum number of units on the site will be 230. Engineer Barbeau explained that the developer brought this forward in their conceptual plans and asked that they be included as an option.

Supervisor Michels asked if Mr. Fitzgerald could explain a comment, he made about the State changing regulations on housing, specifically an assembly bill that would allow higher density. Mr. Fitzgerald stated that State law would allow 16 units per acre under a new assembly bill.

Supervisor Joe referenced a comment by the Plan Commission regarding sewer. He reiterated that if sewer capacity does not allow for the density proposed, the developer can make adequate improvements to reach the 230-unit number.

With no further questions for staff, Chairman Troy made a motion to adopt Ordinance 2022-04, an ordinance to create Section 17.04 5. R. entitled "Planned Development District No. 1" of the Town of Delafield Municipal Code, and open the item up for discussion by the Board. Seconded by Supervisor Kranick.

Board Discussion

Supervisor Miller stated she joined the board 6 months ago, and has listened to a lot of people both before and after taking the role of supervisor. She stated she was there to represent the residents of the Town, and does not think this plan is where it should be. She thought the board was rushing it, and was not ready to move forward. She stated the board can do much better than this. Supervisor Woelfle asked how they could do better. She stated by the board discussing it.

Supervisor Michels asked what specific things about the ordinance bothers her. She stated that if there are 152 acres, there should be 152 units. She explained she is not in the construction industry, but does not think this ordinance is right for the Town. She does not want to see multi-family. Supervisor Michels stated he did not want to see multi-family either, and was glad to see it was removed from this ordinance. Supervisor Miller stated she wants to see this come to a resolution as well, but is not a reason to push this through. She stated she just started on the board, and thinks this should fit better in the community. She asked they stick with the 3 Rs of the Town zoning code.

Supervisor Woelfle explained he is the second next junior on the board. He stated when he started on the board, we were talking about senior living at almost 5.6 units per acre. It has gone through changes and removed those

items that were issues for the residents. Now we are down to 230 units all owner occupied. He talked to a lot of residents on the phone and through emails, both from people present and not present (in the audience). He heard from people who wanted 5 acre lots, to keep it a farm, and a wide range of things. The things that were always consistent were keeping it residential, and ensuring that the site can support development through testing. He stated he lives on Glen Cove, and this issue keeps him up at night. He moved there 8 years ago. He stated the Town motto is "Residential, Recreational, Responsible. The board is trying to thread a needle, but being responsible with what is on the site. If the board does not pass this ordinance, we could see an upwards of 250 units on the site without testing. He explained he doesn't necessarily want to see 230 units when he drives by, but he definitely doesn't want to see a building like Orthopedic Associates with bright lights and a huge parking lot. He stated Jim Frett is a resident and sent an email with several questions in it. He speaks about subdivisions such as Dover Bay and the Arbors, and asked why the density is so much higher. He explained that it is higher because this land is designated Mixed Use, the others were not. When you look at the potential development at 20,000 square foot density, the number comes out higher than what this ordinance has.

Supervisor Miller asked how Supervisor Woelfle felt about senior living. Supervisor Woelfle stated it wasn't a preferred use on the site for him. He explained that when he moved in, Brookstone Circle was not yet a development, but, when he drove by, he knew there would be houses there some day. He never drove by and wondered when they were going to build senior housing.

Supervisor Kranick added that the irony is Brookstone Circle was a very controversial development when it was built, with smaller lot sizes at the time. He received a lot of emails about this being a city development. He stated he loves the Town of Delafield, and does not believe this will destroy the character of the Town of Delafield. He referred to a March 23, 2021, meeting, where the proposed density was 484 units, and was brought down to 410 units. In that meeting the density was 3.05 units. Chairman Troy asked him what he thought the density should be and he stated, at that time, 250 units, or 1.6 units per acre. To say the Town is not listening to the residents is ludicrous. We now have a purely residential ordinance. In all the email and comments from residents, it was always about density, and there will never be a number low enough to satisfy everyone. There were also comments about water, traffic, and sewer capacity. This overlay district gives you a residential subdivision that has a safety valve of these required studies. If the studies don't support the development, the density is reduced, or the developer makes the necessary changes on their dime. He stated they have worked long and hard on this, and understands it is very emotional. He has houses in his back yard where a farm used to be. He has sat on the board and gone through different developments. No one is ever happy or satisfied. When it comes to development, it is a compromise with the landowner, the board, and the residents. The landowner has done a lot of compromising, but it seems the neighbors do not feel they need to compromise anymore. Where do you draw the line? He stated he felt they have done a good job drafting this ordinance.

Supervisor Miller asked how duplex and 4-family condos fits in this area. Supervisor Michels stated there are a lot of condos in the Town of Delafield. Supervisor Kranick said that he has heard comments that this density is unheard of. He stated that was ridiculous, pointing out Crystal Springs and High Ridge Condos. Supervisor Miller stated it was not right to assume no one wants to live near a freeway. Supervisor Michels explained that the ordinance sets 230 homes near the freeway.

Supervisor Michels stated he agreed with a lot of Supervisor Woelfe's comments. He was glad to be speaking to the board on this issue. He explained the two things we have seen is, density, which has come a long way. It is much lower and at a tolerable level. He received an email today regarding sewer and the LPSD concerns. The best way to answer that question about the water, lake impacts, and traffic is contained in this ordinance. We have not sought these provisions before. We are not going to say we are going to guess about the impact on sewer. The developer will study the issue and the concerns will be addressed and paid for by the developer. He studied the other Neumann Developments and found very nice homes, with nice families. Not all the lots are 10,000 square feet. As the development comes through, the Town gets to look at and manage that closely. He expressed

concerns about State level changes that could take away local zoning authority in locations like this. This ordinance will keep the site residential. He asked Supervisor Miller what her thoughts were on senior living. Supervisor Miller stated she did not think it was an appropriate option. Supervisor Michel agreed, and thought not including it in this ordinance was a big improvement, as it was a big concern for neighbors.

Supervisor Woelfle explained that adopting this ordinance just starts the process, but does not immediately change anything. This gives the owners an ordinance to rezone to, after providing appropriate studies. The plans need to pass the Plan Commission and the Town Board. If the development matches this ordinance, he thinks they may need to soften the sides. He stated that what Neuman presented 3 months ago is not what they are approving here. Supervisor Kranick added that Neuman's proposal was for 265 units, and the density is down to 230 units. Supervisor Woelfle continued that if there is 152 acres, there is a way for the developer to reasonably match the edges by Golf Ridge, and not quadruple the density of the adjacent neighborhood. He explained that a 10,000 square foot lot in this setting is different than a city lot, because of the 60 acres of open space provided in the development.

Supervisor Michels commented on the tree lines on map 2. He thought that would be a benefit to the subdivision. He stated that he lives on a 15,000 square foot lot.

Supervisor Woelfle stated there are two pieces when looking at this decision, emotionally, and logically. Does he want to have 230 lots on this site? No, he would rather it be a farm. But logically, its better to keep the site 100% residential with an opportunity to provide the assurance of studies to support the development.

With no further discussion the board took a roll call vote to adopt the ordinance.

Supervisor Miller: Nay

Supervisor Kranick: Aye

Supervisor Woelfle: Aye

Supervisor Michels: Aye

Chairman Troy: Aye

Motion to adopt Ordinance 2022-04, an ordinance to create Section 17.04 5. R. entitled "Planned Development District No. 1" of the Town of Delafield Municipal Code, passed 4-1.

Chairman Troy added that this ordinance will only go into effect when all the property owners of the Thomas Farm sign off. If they do not sign within 90 days of its passage, the ordinance is terminated, and the land stays at its current zoning, with a mixed-use land use.

- b. Discussion and possible action the adoption of Ordinance 2022-02, an ordinance to repeal and re-create Section 12.09(3) & 12.09(4) regarding the issuance of chicken licenses.

Motion by Supervisor Kranick to adopt Ordinance 2022-02, an ordinance to repeal and re-create Section 12.09(3) & 12.09(4) on the Town Municipal Code regarding the issuance of chicken licenses. Seconded by Supervisor Woelfle. Motion passed 5-0.

Tenth order of Business: Announcements and Planning items

- a. Town Board – Tuesday, October 25, 2022 @ 6:30 PM
- b. Plan Commission – Tuesday, November 1, 2022 @ 6:30 PM
- c. General Election – November 8, 2022: 7 AM to 8 PM

Thirteenth order of Business: Adjournment:

Motion by Supervisor Kranick to adjourn the Tuesday, October 11, 2022, Town Board meeting at 7:42 PM. Seconded by Supervisor Woelfle. Motion passed 5-0.

Respectfully submitted:

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



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October 11, 2022

To: Town Board (Email Only)
Cc: William Biwer (Via Mail)
Denise Reese (Email Only)
Kenneth Reese (Via Mail)
From: Dan Green, Town Administrator
**Re: Town of Delafield, Ordinance to Create 17.04(5)(R)
Planned Development District No. 1, Protest Petition Final Review**

On October 4, 2022, the Town of Delafield Plan Commission and Town Board held a joint public hearing, after which the Plan Commission recommended to the Town Board that the Town Board adopt the above-noted ordinance to create Section 17.04(5)(R) of the Town Code. This ordinance would create the “Planned Development District No. 1” in the Town Code. This ordinance is scheduled to come before the Town Board for action on October 11, 2022.

On October 10, 2022, a document was filed with the Town Administrator entitled “Protest Petition” (the “Petition.”) The document cites Section 17.10 5. H. as the basis for the protest. The petition includes columns for address, owner, signature and date, which have been filled out in pen by numerous persons. The bottom of the second page (the second of two pages labeled “2 of 2”) includes a statement “circulated by William Biwer” and a signature. The bottom of the third page includes a circulation statement with printed name, signature, and address, and is notarized. The Town Engineer, Town Attorney, and Town Administrator have reviewed the submitted protest petition at length. We have concluded that the Petition does not trigger the supermajority vote by the Town Board based on the following reasons:

1. The ordinance states: *In case of protest against a change or amendment duly signed and acknowledged by the owners of 20 percent or more either of the areas of land included in such proposed change, or by the owners of 20 percent or more of the area of the land immediately adjacent and extended 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change shall require a $\frac{3}{4}$ vote of the members of the Town Board for passage.*

The ordinance describes 3 possible measurements, so I will address all three:

- a. *20% or more of areas of land included in the proposed change.* While this is a Code amendment, it is only applicable to a specific number of parcels in the Town, as specified in Map 1 incorporated into the proposed ordinance. Therefore, we interpret the “land included in the proposed change” to be the parcels identified in Map 1 within the proposed Code amendment. None of the signatures on the Petition are from property owners identified within Map 1, so this 20% requirement is not met.

- b. *20% or more of the land immediately adjacent and extended 100 feet therefrom.* None of the signatures on the Petition are from property owners immediately adjacent to the land identified in Map 1, so this requirement is not met.
- c. *20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land.* Three properties identified in the Petition are from properties meeting this criterion, but none of the three are fully executed by all of the owners of the property. None of the three can be considered, therefore, because Section 17.10 5. H. of the Town Code requires the signature of “the owners” which is plural, meaning all owners must sign. Because they did not, we do not need to perform the calculation, and must conclude the Petition is insufficient to trigger the supermajority.

Even if we would conclude that the three properties were properly included in the protest, moreover, it is still insufficient. The total area of the three parcels in the Petition on the opposite side of street frontage, and within 100 feet from the street frontage of such opposite land, is 95,832 square feet. The total square footage of the lands directly opposite from the Map 1 lands extending 100 feet from the street frontage (lands adjacent to Glen Cove Road, Golf Road, and Elmhurst Drive) is 716,520 square feet. The Petition therefore includes approximately at most 13% of such area, far short of the 20% necessary to invoke the supermajority requirement of the ordinance.

- 2. While it is not necessary to address the following additional deficiencies due to the foregoing conclusions, I note that the Petition is not valid for other reasons. The Petition fails to satisfy the Petition requirements of Wisconsin Statutes Section 8.40. We have long interpreted the Town ordinance in the manner a former companion State law had been interpreted before the State law was rescinded. Note the following deficiencies:

- a. *“shall have on the face at the top in boldface print the word “PETITION”.*” (8.40(1), Stats.) Some of the pages of signatures do have this, others do not. The pages that do not are insufficient to be considered.
- b. Each signatory must include *“his or her municipality of residence for voting purposes”* (8.40(1), Stats.). None of the signatories have done so.
- c. The circulator’s certification is not sufficient. The certification requirement (8.40(2), Stats) says:

“The certification of a qualified circulator stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. (1), stating that he or she personally circulated the petition and personally obtained each of the signatures; that the circulator knows that they are electors of the jurisdiction or district in which the petition is circulated; that the circulator knows that they signed the paper with full knowledge of its content; that the circulator knows their respective residences given; that the circulator knows that each signer signed on the date stated opposite his or her name; that the circulator is a qualified elector of this state, or

if not a qualified elector of this state, that the circulator is a U.S. citizen age 18 or older who, if he or she were a resident of this state, would not be disqualified from voting under s. 6.03; and that the circulator is aware that falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that he or she makes the certification next to his or her signature.”

On most of the pages of the Petition, no attempt, or only a nominal attempt, has been made to satisfy this certification. An attempt was made on two of the pages, which bear a notary block, but even there the certification is inadequate. None of the certifications say the circulator knows the signatories signed with full knowledge of the content, or that the circulator knows the signatories' respective residences, among other deficiencies.

Again, these deficiencies are moot given that the number of signatures is not sufficient regardless, but if it were otherwise necessary to closely consider the matter, we likely would be required to find the Petition fails to trigger the supermajority requirement due to these many ways that the Petition is inadequate.

If you have any questions regarding this matter, please contact the Town Administrator.

Sincerely,

Dan Green
Administrator, Clerk, Treasurer
Town of Delafield



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October 25, 2022

To: Chairman Ron Troy
Cc: Town Board
From: Dan Green, Administrator/Clerk/Treasurer

Item: Discussion and possible action on amending the 2022 Budget to expenditure accounts totaling \$8,883.25 and decrease expenditure accounts by \$6,268.25, as described below.

Description:

The following increases/decreases and explanations for the budget amendments are listed below.

1. Increase Impact Fee Capital Outlay Expenditures:
 - a. Capital Outlays by \$8,883.25 (Acct: 23-57620-820)
This increase is due to the cost of installing scoreboards exceeding the approved amount by \$2,615.00. There was also \$6,268.25 in engineer costs associated with the Sports Commons Paving project that was not included in the approved cost (RA Smith).
2. Decrease Engineer Expense Accounts:
 - a. Contracted Engineering by \$4,914.25 (Acct: 10-56300-299)
The cost associated with the Sports Commons Paving project being allocated to Impact Fees.
 - b. Road Improvement Program by \$1,357.00 (Acct: 10-56300-216)
The cost associated with the Sports Commons Paving project being allocated to Impact Fees.

Recommendation:

Staff recommends approval amending the 2022 Budget to increase expenditure account 23-57620-820 by \$8,883.25 and decrease expenditure account 10-56300-299 by \$4,914.25 and account 10-56300-216 by \$1,357.00.

Town Board Report for October 25, 2022

The Retreat Letter of Credit Reduction

Applicant: Jon Spheeris, agent
Project: The Retreat subdivision
Action: Approval of Letter of Credit Reduction

Report

Prior to construction starting at The Retreat, the developer was required to provide the Town with a letter of credit that covered the costs of improvements plus 10%. The Developer's Agreement allows periodic reductions in the letter of credit as the developer completes various improvements. The request before you is the third request. Items completed since the second reduction request include topsoil spreading on the site, elimination of a fire tank (per Chief Fennig, they have no need or desire for a fire tank), and restoration (seeding) of the site. A minimum of 10% of each of the improvements required remain in place and will be held for 1 year after final acceptance in accordance with the Developer's Agreement as part of the guarantee. The full cost plus 10% remains for the final surface course of asphalt, which will be placed on the roadways in 2023.

Staff Recommendation:

The reduction request is in order and is acceptable to Highway Superintendent Roberts and me. Therefore, I recommend approval for the reduction as stated in the Certification of Work Completed and Authorization for Reduction in Letter of Credit, No. 3 dated September 27, 2022.

Tim Barbeau, Town Engineer
October 19, 2022



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TO: Town Board
FROM: Dan Green, Administrator
DATE: October 25, 2022
SUBJECT: Purchase of 2500 Work Truck w/Plow

ITEM: Discussion and possible action on the approval of purchasing a 2500 work truck with a plow with funds to come from ARPA revenues.

DESCRIPTION:

The Highway Department currently utilizes a 1992 Ford F-250 to move mowing equipment. This truck is mainly used by part time employees during the spring and summer. Town staff recommends selling this truck, and rotating the fleet, so the 92' Ford would be replaced by the 2013 Chevrolet 2500. The new purchase would replace the Chevrolet. Currently, the Highway Superintendent is looking at a 2500 Ram with a Cummings Diesel engine for \$67,184. A plow would need to be purchased for the vehicle with an expected cost of \$10,000 - \$12,000. The total cost would not exceed \$80,000.

The Town's ARPA funds need to be allocated for purchases by 2024. As we continue to purchase capital equipment, we avoid the requirement to borrow for capital expenditures. During this time, we have built our General Reserves to over \$1.4 million, which we hope to continue to grow, and utilize for capital costs in the future.

RECOMMENDATION:

Staff recommends approval of the purchase of a 2500 work truck with a plow attachment, for a total cost not to exceed \$80,000, with funds to come from ARPA revenues.