

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order

Mayor McAleer called the meeting to order at 7:00 P.M.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

Present

Mayor Ed McAleer
Kent Attwell
Ald. Michele DeYoe
Kevin Fitzgerald
Dan Jashinsky
Matthew Katz
Roger Dupler, Planner
Gina Gresch, City Clerk/Treasurer
Tom Maney, City Inspector
Tim Schuenke, City Administrator

Absent

Michael Frede
Chris Smith

PUBLIC HEARING #1: REZONING FROM RE-2 (2-Acre Rural Estate) TO RL-2 (Residential Lake)

OWNER: James R. Lang, 2731 Nagawicka Road, Delafield.

APPLICANT: Jay Lang, 132 W. Oak Street, Lake Mills.

MATTER: Applicant seeks approval to eliminate a dual zoning condition and convert a portion of the lot from RE-2 (2-Acre Rural Estate) to RL-2 (Residential Lake).

LEGAL DESCRIPTION DELC 0755.996

PARCEL 2 CERT SURV 2258 VOL 16/139 1.972 AC PT SW1/4 SEC 9 T7N R18E R1713/683

Mayor McAleer opened the Public Hearing at 7:01 p.m.

R. Dupler explained the applicant had requested action to facilitate a change in zoning for his property located on the east lakeshore of Nagawicka Lake near the intersection of Price and Nagawicka Roads. The applicant wanted to split off the eastern portion of the current lot that had an existing home and barn in disrepair so that the lots would retain marketability for residential use. The request conformed to the intent of the City's Master Plan with the rezoning from RE-2 to RL-2 and a CSM should be considered on the property as well.

Jim Lang, owner of the property, stated the barn on the property was not in disrepair and was in good condition. Originally, he had wanted to sell the lake property as a two-acre parcel and the impediment to doing so was that the lot was large and the barn a concern due to the issue of

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maintenance. He had purchased a new residence in the City and would like to have the property split as requested, with the barn kept for storage needs. In this way, the lake property would have a price that might be more saleable.

Mayor McAleer noted a letter from a resident concerned about the connection from the property to Zastrow Road. J. Lang explained that the original plat showed a connection to Zastrow Road on the south boundary of the property; however, he did not wish to connect the property to the roadway as he wanted access via the existing driveway. Mayor McAleer indicated this would not be an issue since the driveway would not be going over the neighbor's land.

M. DEYOE MOVED TO CLOSE THE PUBLIC HEARING AT 7:04 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve Plan Commission meeting minutes of June 30, 2010 meeting.

K. Fitzgerald stated there was an error in a motion listed on Page 12 as it seemed there was no second noted and the remainder of the motion missing.

Mayor McAleer stated the approval of the June 30 Plan Commission meeting minutes would be placed on a future Plan Commission agenda in order to allow time to research the missing verbiage.

2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

Bryan Diel, 3915 Campbell Trace opposed the canopy and portable restroom facilities for the corn stand at the intersection of Highway 83 and Cardinal Lane as it presented a safety hazard for traffic exiting off Highway 83 into the stand area and he thought the portable restroom facility was unsightly. He had gathered 11 signatures in opposition to the request in Item 3b.

K. Fitzgerald questioned whether all signatures were from neighborhood residents. B. Diel stated one individual was a farm employee that had experienced personal safety incidents with traffic and the operational farm equipment traversing the roadway.

Jeff Krickhahn, 4506 Vettleson Road was present to speak on Item 4c and Item 6a. With regard to the Village Square issues, he had been speaking with constituents regarding a request for screening, lighting and landscaping issues. A request for additional landscape screening of the area where the temporary construction driveway was located was noted. The developer is agreeable to this suggestion and more trees could be planted in the area if desired. With regard to Item 6a, J. Krickhahn noted there were no objections from constituents in his district relating to having a residential home and funeral home as requested.

K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:11 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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3. Consent Agenda

G. Gresch read the items on the Consent Agenda.

K. Fitzgerald requested Item 3b be removed for discussion.

K. ATTWELL MOVED TO APPROVE ITEMS A, C, AND D ON THE CONSENT AGENDA AS PRESENTED. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

a. **DELC 0787.076, 808 Genesee Street, Delafield.** Owner: Cornerstone Investments, LLC. Applicant: Cathy Quick. Applicant seeks approval of a Business Plan of Operation for a baby gifts and embroidery store, C.A. Designs. Hours of Operation are Weekdays 9:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m. with 1 part-time and 1 full-time employee.

Approved. See above.

b. **DELC 0736.988.001, at the intersection of Campbell Trace and STH 83, Hartland.** Owner: Ione Morris Living Trust. Applicant: Suzanne Dauer. Applicant seeks approval of a Temporary Business Plan of Operation to sell sweet corn. Hours of Operation are Weekdays 8:00 a.m. to 6:00 p.m., Saturday and Sunday 8:00 a.m. to 6:00 p.m. with 2 part-time and 4 full-time employees.

In response to a question, R. Dupler explained that the corn stand at the intersection of Campbell Trace and Highway 83 has been in existence for 14 years. The corn stand location included four parallel parking spaces and to date no safety concerns had been received with the exception of Mr. Diel's. R. Dupler noted the canopy structure to be temporary and the use was permitted.

Suzanne Dauer, applicant, explained the restroom facility had been there for the past three years with no complaint. She had worked very hard daily to make sure that customers parked in areas that were safe and made sure the site was clean. The portable restroom facility was for employee use and it was difficult for her to get across the busy highway to use the facilities in the gas station across the street during work hours.

Mr. Dauer stated the canopy could be removed and a small one used off the back of the truck. There is a lot of wind at that location and the canopy is not working out as well as hoped. Next year it would not be used. It is physically difficult to deal with moving the overhang canopy off the truck; however, he did not want to lose the spot.

K. ATTWELL MOVED TO APPROVE THE TEMPORARY BUSINESS PLAN OF OPERATION TO SELL SWEET CORN. HOURS OF OPERATION ARE WEEKDAYS 8:00 A.M. TO 6:00 P.M., SATURDAY AND SUNDAY 8:00 A.M. TO 6:00 P.M. WITH 2 PART-TIME AND 4 FULL-TIME EMPLOYEES FOR

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DELC 0736.988.001, AT THE INTERSECTION OF CAMPBELL TRACE AND STH 83, HARTLAND. OWNER: IONE MORRIS LIVING TRUST. APPLICANT: SUZANNE DAUER. M. KATZ SECONDED THE MOTION. M. DEYOE STATED SHE WANTED TO SEE THE OPERATION CONTINUE BUT SHE ALSO THOUGHT IT IMPORTANT TO FIND WAYS TO BE SENSITIVE TO THE NEIGHBORS' CONCERNS. SHE WONDERED IF THERE WERE ANY MODIFICATIONS THAT THE DAUER'S COULD MAKE TO WORK WITH CONCERNS PRESENTED. DISCUSSION ENSUED REGARDING THE POSSIBLE OPTIONS AVAILABLE FOR DEALING WITH THE RESTROOM FACILITY. S. DAUER STATED SHE THOUGHT THE USE OF THIS FACILITY AND CANOPY WAS HELPFUL; HOWEVER SHE WOULD WORK TO RESOLVE THE ISSUE. **THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. M. DEYOE AND K. FITZGERALD VOTED NAY. MOTION CARRIED.**

S. Dauer stated she would work to resolve these issues as much as possible. R. Dupler noted approvals had been granted for the remainder of this year, but she should come back one to two months before the season begins next year for this request if needed.

- c. **DELC 0798.965.004, 400 Genesee Street, Delafield.** Owner: Town Bank. Applicant: Janet M. Patterson. Applicant seeks approval of a Business Plan of Operation for a psychotherapist office, Janet M. Patterson, LLC. Hours of Operation are Weekdays 9:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to Noon, with 1 full-time employee.

Approved. See above.

- d. Extraterritorial Preliminary Plat for Paradise Valley.

Approved. See above.

4. Final Consideration, Approvals, Previous Approval

- a. **DELC 0755.996, 2731 Nagawicka Road, Delafield.** Owner: James R. Lang. Applicant: Jay Lang, 132 W. Oak Street, Lake Mills, WI. Applicant seeks approval of a rezone from RE-2 (2-Acre Rural Estate) to RL-2 (Residential Lake) to eliminate a dual zoning condition. Applicant also seeks approval of a Final Certified Survey Map and recommendation to Common Council of the same for both items.

R. Dupler explained that there were other RL-2 lakeshore lots not on the lake in the City. By converting the entire parcel to the RL-2 district it will be possible to create two legal lots that function independently. The existing Lang home would maintain access on Nagawicka Road while the newly created lot would have access to Zastrow Road. It was clarified that the removal of access to Zastrow Road could be done through the Certified Survey Map (CSM) approval process if desired.

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J. Lang stated access could be granted off the existing lane off Nagawicka Road and an easement granted to the neighboring property for this use.

M. DEYOE MOVED TO APPROVE A REZONE FROM RE-2 (2-ACRE RURAL ESTATE) TO RL-2 (RESIDENTIAL LAKE) TO ELIMINATE A DUAL ZONING CONDITION AND TO APPROVE A FINAL CERTIFIED SURVEY MAP FOR DELC 0755.996, 2731 NAGAWICKA ROAD, DELAFIELD. OWNER: JAMES R. LANG. APPLICANT: JAY LANG, 132 W. OAK STREET, LAKE MILLS, WI AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME. M. KATZ SECONDED THE MOTION. K. ATTWELL EXPRESSED CONCERN FOR CREATING SEPARATE PARCELS WITH SEPARATE OWNERS AND THE POTENTIAL THAT THE BUILDING WOULD BE MORE LIKELY TO FALL INTO DISREPAIR. IF THE BARN WERE REMOVED, THAT POTENTIAL WOULD ALSO BE REMOVED. FURTHERMORE, HE REMAINED CONCERNED ABOUT SHARING THE EASEMENT THAT WOULD SERVE BOTH NEIGHBORS AND HE THOUGHT THE ZONING CHANGE WOULD INCREASE THE ZONING DENSITY. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. K. FITZGERALD VOTED NAY. K. ATTWELL ABSTAINED. MOTION CARRIED.

Mayor McAleer questioned whether the removal of the access to Zastrow Road noted on the CSM should be included as an amendment to the motion for this item.

Jay Lang, applicant, stated he would like to have the access to Zastrow Road as it created another legal access because it went to the legal boundary of the parcel. If for some reason there was a legal issue with the easement sometime in the future, he thought it prudent to have this access remaining on the CSM despite no plans for use at this time. James Lang agreed, noting there were no plans to utilize the access at this time, but would like to have it remain on the CSM for future use if needed by a future property owner.

- b. **DELC 0793.991.001, 232 Main Street, Delafield.** Owner: 3N1 LLC. Applicant: Dave Nosek. Applicant seeks approval of a Final Certified Survey Map and a two year extension to the approved Conditional Use and recommendation to Common Council of the same for both items

R. Dupler explained this request was for consideration of an existing Conditional Use Permit for Main Street Condos from 2006. The petition submitted at that time was for 12 multi-family units in two separate buildings. The zoning in 2006 was R-3 and was now CBD-2. The petitioners had been advised that they had the ability to return with a redevelopment plan for the property that might allow them some commercial use as a result of the new zoning designation. The applicants were present to request the extension due to the poor economy. He then explained the options for proceeding in this matter.

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K. Fitzgerald stated the first extension was granted on this project due to the economy and two years time passed with no progress made. Smart Growth plans for the City had changed the zoning for this property and he questioned whether the action requested was needed or warranted since there had been no change after four years' time. K. Attwell agreed.

K. ATTWELL MOVED TO DENY APPROVAL OF A FINAL CERTIFIED SURVEY MAP AND A TWO YEAR EXTENSION TO THE APPROVED CONDITIONAL USE FOR DELC 0793.991.001, 232 MAIN STREET, DELAFIELD. OWNER: 3N1 LLC. APPLICANT: DAVE NOSEK AND RECOMMENDATION TO COMMON COUNCIL OF THE SAME. K. FITZGERALD SECONDED THE MOTION. MARK NEUMANN, PARTNER WITH THE APPLICANT FOR THE PROPERTY, STATED MORE TIME WAS REQUESTED TO GET THE PROJECT DONE. ACTIONS HAD TAKEN PLACE ON THE PROJECT INCLUDING SEWER AND GUTTER PLACEMENT. K. ATTWELL STATED HE WOULD LIKE TO SEE THE SITE DEVELOPMENT PLAN (SIP) COME FORWARD WITH A REQUEST THAT MET THE CURRENT CITY ZONING CODE. MAYOR MCALEER EXPRESSED CONCERN FOR SETTING AN UNDESIRABLE PRECEDENT IN WORKING WITH DEVELOPERS IN THIS WAY. HE THOUGHT CONSISTENCY OF ACTION WAS MOST IMPORTANT AND THE ECONOMY WAS DRIVING THIS REQUEST. K. ATTWELL STATED REQUESTS SUCH AS THIS ONE SHOULD CONTINUE TO BE DETERMINED ON A CASE-BY-CASE BASIS. R. DUPLER EXPLAINED THE APPLICANT WAS ENTITLED TO HAVE THE OPPORTUNITY TO CONSIDER A DEVELOPMENT THAT COMBINED MIXED USES AS A RESULT OF THE ZONING CHANGE AND THE CITY PLAN FOR THAT AREA. **THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. M. DEYOE AND M. KATZ VOTED NAY. MOTION CARRIED.**

- c. **DELC 0733.998.002, 003, 005, 007 and 008, Village Square Drive, Hartland.** Owner: United Properties. Applicant: City of Delafield. Owner seeks consideration to transfer development requirements to future phase of the existing Planned Unit Development.

R. Dupler explained City Staff brought this matter forward with three items, including lighting, landscaping and erosion control, remaining with Village Square. The neighbors were not opposed to the proposed resolution of the remaining items with exception of the landscaping. With the information presented by J. Krickhahn earlier this evening regarding residents' requests, he suggested Staff work with the developer to resolve the landscaping as originally intended at this time. He would provide additional information on this matter at a future Plan Commission meeting. No public hearing would be needed at this time.

K. Attwell complimented the landscaping currently on site, especially that found around the pump house, and he thought the screening of the pond area was more than adequate; however, he requested consideration be given for adding a solar pump to dispense the algae covering the pond surface.

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J. Krickhahn thanked the Commission for its consideration in this matter.

- d. **DELC 0750.035, 3352 Nagawicka Avenue, Delafield.** Owner/Applicant: Thomas Butz. Discussion and action on recommendation from Lake Welfare Committee for site plan and architecture for a boathouse.

R. Dupler explained the applicant was present this evening regarding a request for approval of a site plan and architecture for a boathouse located at 3352 Nagawicka Avenue. The Lake Welfare Committee had recommended approval of the matter, contingent upon Staff review and approval of a rain garden and specifications for lighting. Those items had been provided by the applicant at this meeting, but Staff had not had adequate time to review them.

K. ATTWELL MOVED TO APPROVE A SITE PLAN AND ARCHITECTURE FOR A BOATHOUSE FOR DELC 0750.035, 3352 NAGAWICKA AVENUE, DELAFIELD. OWNER/APPLICANT: THOMAS BUTZ AS PRESENTED, CONTINGENT UPON STAFF REVIEW AND APPROVAL. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan

- a. **DELC 0803.951, 2520 Hillside Drive, Delafield.** Owner: Joan Schaefer. Applicant: Jim Schaefer. Applicant seeks approval of site plan for a retaining wall shared by adjacent property owners.

Jim Schaefer, applicant, stated his family had purchased the property in the 1970's and now wanted to rebuild an existing retaining wall shared by adjacent property owners due to property lines that crossed the wall. A two tiered retaining wall was now being proposed. The adjoining neighbor had no objections as was listed as a co-applicant for this matter. It was noted that the wall being rebuilt would increase the non-conformity of the property.

Joan Schaefer noted the property lines were incorrect in the neighborhood due to the platting of the area that took place long ago.

K. ATTWELL MOVED TO APPROVE A SITE PLAN FOR A RETAINING WALL SHARED BY ADJACENT PROPERTY OWNERS FOR DELC 0803.951, 2520 HILLSIDE DRIVE, DELAFIELD. OWNER: JOAN SCHAEFER. APPLICANT: JIM SCHAEFER AS PRESENTED. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. Attwell requested the Assessor's Plat for the Hillside area be made available at the next Plan Commission meeting.

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- b. **DELIC 0798.001, 600 Milwaukee Street, Delafield.** Owner/Applicant: David Kowalske. Applicant seeks approval of site plan and architecture for a storage shed in the CBD-1 District.

David Kowalske explained he owned Kowalske Kitchen and Bath with his son. There was an existing 8 foot by 10 foot shed on the property that had fallen into disrepair. His request was to rebuild the shed to store tools and set up equipment for his business. R. Dupler stated Staff had no issue with this request.

M. DEYOE MOVED TO APPROVE A SITE PLAN AND ARCHITECTURE FOR A STORAGE SHED IN THE CBD-1 DISTRICT FOR DELIC 0798.001, 600 MILWAUKEE STREET, DELAFIELD. OWNER/APPLICANT: DAVID KOWALSKE AS PRESENTED, CONTINGENT UPON THE OWNER PAINTING THE STRUCTURE TO MATCH THE PRINCIPAL STRUCTURE. K. FITZGERALD SECONDED THE MOTION. D. JASHINSKY CONFIRMED THE OLD SHED WOULD BE REMOVED ONCE THE NEW SHED WAS CONSTRUCTED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. Preliminary

- a. **DELIC 0756.999, 3115 HWY 83, Delafield.** Owner/Applicant: Eric Harder, Harder Funeral Home. Applicant seeks preliminary feedback for a Planned Unit Development for a funeral home and residential lots, and schedule public hearing date for the same.

R. Dupler explained the petitioner was present and had been working on this request for several months with City Staff.

Eric Doring, Construction manager and designer for the proposed Harder Funeral Home, explained the request, noting this proposal would allow construction of a funeral home located at the intersection of Walnut Ridge Drive and Highway 83. The area was currently zoned agricultural and the proposal would allow for a funeral home and the possibility of residential lots behind the funeral home on the corner. Complications for construction were noted regarding the proximity to the Bark River.

Eric Harder, owner/applicant, stated this location would be considered a "satellite" location for services and visitation, as well as coordination and planning for funerals. The events would take place with no prep work being done on site. Traffic issues were not existent as the Wisconsin Department of Transportation (DOT) had reviewed the plans. The City was committed to extending Walnut Ridge Drive north as the City's Master Plan providing planning for the next ten years that supported this extension.

Discussion ensued regarding the need for negotiations with the DOT for commercial access in this area. K. Fitzgerald questioned why the City would

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want to have a commercial business in the middle of an area planned primarily for residential use. R. Dupler explained how this was allowable.

Phil Anderson, architect for the project, stated the number of parking spaces for the proposed project were well within the ratio requested by the City.

Mayor McAleer suggested the applicants meet with Staff members from the Town of Delafield and the Village of Hartland regarding the intent of the Lake Country Corridor Compact related to this matter. The property was located near and in environmental corridor areas that would require a trail easement along the corridor. K. Attwell agreed, noting he would like to see the applicant required to comply with the storm water management guidelines for this area.

Rob Davy of Lake Country Engineering stated the project had been reviewed by the DOT without concern for trip generations or traffic patterns as a result of funeral processions in the area. Right of way footage was noted in this matter to be approximately 30 feet from the right of way.

R. Dupler stated this matter could be placed on the September Plan Commission agenda for a public hearing.

- b. **DELIC 0798.972, 973, 083, 0798.079.001, 002, 003 and 0798.084.001, (extension of Bleeker Street, a.k.a Delafield Woods), Delafield.** Owner/Applicant: Joe McCormick. Applicant seeks approval of a Preliminary Plat for a multi-use residential project consisting of two multi-family buildings and single family homes, known as Delafield Woods.

Rob Davy, of Lake Country Engineering, stated he was present as a representative for Joe McCormick, applicant for this project. The preliminary plat had been submitted and reviewed by Staff and found to be in conformance with the Generalized Development Plan (GDP) for the project. The lot width had been increased to 70 feet as requested by the Plan Commission at the last meeting. R. Dupler stated many issues of concern had been resolved with the exception of nine conditions noted in a letter received from the surveyor's office, and the condition of Bleeker Street to the north as it did not line up properly for appropriate access. Approval should be conditioned upon resolution of these issues as well as making it contingent upon approval by other agencies.

D. JASHINSKY MOVED TO APPROVE A PRELIMINARY PLAT FOR A MULTI-USE RESIDENTIAL PROJECT CONSISTING OF TWO MULTI-FAMILY BUILDINGS AND SINGLE FAMILY HOMES, KNOWN AS DELAFIELD WOODS FOR DELIC 0798.972, 973, 083, 0798.079.001, 002, 003 AND 0798.084.001, (EXTENSION OF BLEEKER STREET, A.K.A DELAFIELD WOODS), DELAFIELD. OWNER/APPLICANT: JOE MCCORMICK, CONTINGENT UPON APPROVAL FROM OTHER AGENCIES AND SATISFACTION OF THE NINE CONDITIONS NOTED IN THE LETTER FROM THE YAGGY COLBY SURVEYOR. M. DEYOE SECONDED THE MOTION.

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THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. ZONING AND ORDINANCE REVISION

None.

8. HEARING DATES

No public hearings were slated for the August 28, 2010 Plan Commission Meeting.

9. ADMINISTRATOR'S REPORT

None.

10. PLANNER'S REPORT

R. Dupler reported modification to the City's subdivision code was required to be consistent with State Statutes. A public hearing was required on this topic.

K. ATTWELL MOVED TO SCHEDULE A PUBLIC HEARING AT THE SEPTEMBER, 2010 PLAN COMMISSION MEETING FOR COMMENTS REGARDING MODIFICATIONS TO THE CITY'S ZONING CODE RELATING TO SUBDIVISIONS. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

11. BUILDING INSPECTOR'S REPORT

T. Maney stated the total number of permits to date was 24 with three occupancy permits this month. There were no new single family home permits.

12. BOARD OF ZONING APPEALS

None.

13. CORRESPONDENCE

None.

14. ADJOURNMENT

M. DEYOE MOVED TO ADJOURN THE JULY 28, 2010 PLAN COMMISSION MEETING AT 8:28 P.M. K. ATTWELL SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:
Accurate Business Communications, Inc.