

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

PUBLIC HEARING

1. TOLD DEVELOPMENT COMPANY AND THE WEISSGERBER FAMILY - GENERAL DEVELOPMENT PLAN FOR THE SHOPPE'S AT NAGAWAUKEE.

M. Czubkowski read the public hearing notice. At the time of this meeting, she had not received any written opinions on this subject.

Greg Kost from Told Development Company was present at the meeting and gave a presentation on the original Nagawaukee Center general development plan that was approved by the City of Delafield in 1993. He showed a drawing of the property prior to their involvement and prior to the reconstruction of Golf Road and Highway 83. The original development that was approved had three large retail stores and a mixture of office, hotel, shops, banquet, restaurant and health club facilities. Since that time the Nagawaukee Shopping Center has been developed, the County developed a golf course maintenance facility behind it, and the project was developed with less retail than what was initially approved. The six-story hotel and convention center was not able to move forward due to soft demand. Tonight they wanted to discuss the development of the shops -- the life style retail development on the 20 acres of vacate property that remains within the existing Nagawaukee Center and approximately six acres of property currently known as the Charles Dix Gallery located on Milwaukee Street. They are proposing to develop multiple buildings over the 20 acres with the intention of developing a main street theme life style center that would be very pedestrian friendly. To accomplish this they: pulled several buildings out towards the road with parking inwards with a nice streetscape, and introduced significant landscaping that includes bermings and plantings around Golf Road and the perimeter of the property to act as a buffer area. Numerous landscape islands have been introduced throughout the parking lot to further screen the parking area and soften the view of the project. Architecturally they are trying to have a Main Street feel to the project with a pedestrian orientation. Three conceptual plans of the buildings were displayed. The buildings would have four-sided architecture constructed with upscale materials. The engineering of the site will be done so that the Shoppes at Nagawaukee is developed to the City's current stormwater standards on site so that the Dix property can be preserved as green space. This accomplishes several smart growth initiatives for the City. The Dix property is currently zoned B1A. The Dix site could accommodate at 30,000 square foot building. Rather than have commercial development occur in this area (primarily residential) they would like to preserve this area as green space and focus the commercial development into the commercial district. Told proposed that the property would be provided to the City to allow the City to construct a regional stormwater facility for the collective good of the City and Lake Nagawaukee. It would serve as a regional detention facility to address the stormwater concerns that have been raised regarding this watershed area. The Nagawaukee Center was approved with approximately 480,000 sf of commercial development. If the 30,000 sf that could be developed on the Dix property were included, that is approximately 510,000 sf of commercial space that could be developed on the two properties per the existing Nagawaukee Center and the proposed plan for the Dix property. They are now proposing approximately 417,000 sf in total development for all buildings including the multi-story hotel; approximately 20% less intense development than what was previously approved for the Nagawaukee Center and the Dix property potential. A traffic comparative analysis was looked at and from what was previously

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

approved and what is being proposed, it is a slight improvement or a wash - it would have the same traffic impact. He stated that there would be a tax advantage to the City to attract a much higher quality commercial development here in a commercialized area to improve the tax base versus a more mixed type commercial development that might occur in a more residential area.

Bob Borkowski, 4521 Vetteson Road - He was concerned about the trees in the Nagawaukee Shoppe area. They are cutting into some of the trees in this area and he thought these trees are of similar value as those at Baymont. He would like to see them all saved as much as possible rather than being cut into. The buildings should be designed to use the trees as a positive aspect. In regards to traffic, he thought that there would be more. He asked the commissioners to consider these things. He foresees a problem with the holding pond in that they are making their green space as small as possible. Thought that they should have the same amount of green space at the Nagawaukee Shop Area. He wasn't fond of a holding pond being developed on a nonadjacent piece of property.

Mayor Craig asked three times if there were any other citizens who wished to speak. There were none.

**M. GARDNER MOTIONED TO CLOSE THE PUBLIC HEARING. D. CURTIS-COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

CALL MEETING TO ORDER

Mayor Craig called the meeting to order at 7:22 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

ROLL CALL

Present

Mayor Paul Craig  
Phil Schuman  
Chrys Mursky  
Fred Welch  
Marily Gardner  
Diri Curtis Costa  
Roger Dupler  
Matt Carlson  
Marilyn Czubkowski

Absent

Robert Transon  
Tom Maney

Mayor Craig expressed his sympathies to the Robert Transon family.

1. APPROVE MINUTES OF DECEMBER 18, 2002

D. Curtis-Costa stated that a change should be made on page 6, Item 7A: It should read "M. Carlson stated they have talked to the City Attorney about ..."

**D. CURTIS-COSTA MOTIONED TO APPROVE THE MINUTES AS CORRECTED. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. M. GARDNER ABSTAINED. MOTION CARRIED.**

2. DELAFIELD CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA.

Jim Zahorik, 1948 West Shore Drive - Item 3A - Took a look at the packet and was excited to see their ideas. He stated that Bil-Bar Farms is seeking to have an auction one time per year and he highly endorsed this. It would help a lot of people in this community because it allows equipment to be sold or consigned. In regards to Item 5A - Weissgerber Family, J. Zahorik stated that they have helped this community. He felt that a retention pond of this capacity would be beneficial in preventing run-off into the lake. He thought that this was a wonderful idea. There is a possibility of grant money being available for this type of situation. What bothers him is that as it is presented it would be developed and then given back to the City. In doing this, the City is setting a precedent by allowing development that would not be able because of limited green space by creating green space in another area. He suggested that if the City approves this, the City encumber the title by putting a deed restriction on, it would hold title to that property to the Developer and make him responsible for the ongoing maintenance that occurs down the road and take the liability off of the shoulders of the City. He thought that if this could be put together and still qualify for grant money that it is a win-win situation. He asked not to allow the title to be discarded or start a precedent where you can do one thing and then do a kind of "bait and switch".

Mayor Craig asked three times if there were any other citizen comments. There were none.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

**P. SCHUMAN MOTIONED TO CLOSE THE CITIZEN'S COMMENTS. F. WELCH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA

**P. SCHUMAN MOTIONED TO APPROVE. D. CURTIS-COSTA ASKED THAT ITEM "A" BE REMOVED. P. SCHUMAN MOVED FOR APPROVAL OF ITEM "B". D. CURTIS-COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. **Tax Key 743.999, 6345 Nashotah Rd.** Owner: William and Barbara Knoff. Owner seeks approval of a Business Plan of Operation at Bil-Bar Farms.

Bill Knoff, owner Bil-Bar Farms, was present. They are trying to bring people in and do a consignment auction. It would bring in more business and help people out here. He wrote a letter to the City requesting permission to have a consignment auction on Saturday, April 26, 2003. He as talked with the DPW. No cars will be parked on the road, but will park on the farm fields and no roads will be blocked. The auction would be on the south side of the road. It would bring a boon to the community and open up new opportunities for them. He thought it would be good for community and himself.

D. Curtis-Costa asked if this would be held outside. B. Knoff replied that it would be outside. D. Curtis-Costa asked what would happen to the items not sold. B. Knoff stated that all unsold items would be removed by the following Monday evening. He stated that his children are interested in continuing the business and it will be around for a long time.

**D. CURTIS-COSTA MOTIONED TO APPROVE. M. GARDNER SECONDED THE MOTION. F. WELCH CLARIFIED THAT THIS IS A ONE-YEAR EVENT. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. **Tax Key 787.079, 621 Milwaukee St.** Owner: Philip Haseker. Applicant seeks approval of an Amended Business Plan of Operation for Prickly Pear. Hours of operation: Tuesday through Thursday, 4pm - 9pm; Friday and Saturday, 4pm - 10pm; Sunday, 9am - 1pm. 4 full-time and 12 part-time employees.

4. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **Tax Key 798.011, 638 Milwaukee St.,** Owner and applicant: Leonard Susa. Applicant seeks approval of architectural modifications.

L. Susa was present at the meeting. Photos were included in the commissioner's packets. This is one of the oldest buildings in the City of Delafield. The photos showed the existing building and the proposed improvements. The colors are basically the same, but the house would be re-sided. It is his intention to put vinyl siding on the structure with aluminum trim on the soffit. The gutters will be the same color as the photo and rendering. Mayor Craig stated that this is before the Plan Commission because he is in the Historic District. The front entryway is not

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

being changed and will be the same as it is now.

**D. CURTIS-COSTA MOVED TO APPROVE. M. GARDNER SECONDED THE MOTION. R. DUPLER STATED THAT WHAT IS BEING PROPOSED IS 4 " LAP THAT COMPLIES WITH THE REQUIREMENTS OF THE HISTORIC DISTRICT. THE USE OF ALUMINUM SOFFET MATERIAL AND VINYL SIDING IS ALLOWABLE ALSO. L. SUSA STATED THAT THE CURRENT LAP IS APPROXIMATELY 4 ". THE AWNING ON THE BACK DOOR WILL PROBABLY BE A CANVAS-TYPE AWNING WITH AN ALUMINUM FRAME UNDERNEATH. L. SUSA WAS AMENDABLE TO HAVE THE AWNING COLOR WHATEVER COLOR THE PLAN COMMISSION WOULD FEEL NECESSARY. R. DUPLER STATED THAT GARY 'S AUTO HAS THE SAME TYPE OF AWNINGS. D. CURTIS-COSTA CHANGED THE MOTION TO APPROVE BASED ON STAFF APPROVAL OF AWNING COLOR AND MATERIAL. M. GARDNER AGREED TO THE CHANGE IN THE MOTION. D. CURTIS-COSTA MODIFIED HER MOTION TO ADD THAT R. DUPLER CHECK THAT THE COLOR OF THE PAINT ON THE CELLAR DOORS MATCHES THE GUTTERS AND SOFFET. M. GARDNER AGREED TO THE MODIFICATION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. **Tax Key 793.018 and 793.019, 524 Milwaukee St., Suite 101.** Owner: Lang Investments. Applicant: Pete Piranio. Applicant seeks approval of Business Plan of Operation and Signage for Piranio Fitness Systems, dba, Fitness Together. Hours of Operation: Monday through Friday, 6am-9pm; Saturday, 6am-3pm; closed Sundays and most major holidays and shortened hours pre and post holiday

Pete Piranio was present. He explained that this is a fitness consulting service, not a gym or a health club, specializing in personal fitness training in a private suite and that they work on various goals. Hours are by appointment only.

R. Dupler stated that they discussed alternate colors and configurations of the sign. The sign is compliant with ordinance requirements but it is right next to the Historic District. He thought that because of this, the sign should be more in keeping of the Historic District. P. Piranio brought examples and distributed them to the commissioners showing a color change. R. Dupler suggested keeping the lower band of text and eliminating the logo of "FT". C. Mursky stated that the font and style of sign were not in character of the building and surrounding area. She would like to see something more compatible. P. Piranio stated that it is a wood frame sign and is flat against the bldg. He stated that the shape of the sign blends well with the building. The logo and font is the national logo. R. Dupler asked if they would consider removing the FT from the sign and putting it in the window sign. Mayor Craig suggested emphasizing the F and T in **Fitness Together** and eliminating the top. R. Dupler stated that he has the opportunity to put the FT in the window signage. M. Carlson stated that whatever is selected for this tenant will be what will be followed for other tenants of the building.

**C. MURSKY MOVED TO APPROVE THE BUSINESS PLAN OF OPERATION. D. CURTIS-COSTA SECONDED THE MOTION. THE SIGNAGE ISSUE WAS**

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

**DEFERRED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR OF PLAN OF OPERATION. MOTION CARRIED.**

- b. **Tax Key 803.979.003, 2325 Sun Valley Dr., Suite B.** Owner: Wally Sauthoff. Applicant seeks approval of signage for Penzoil.

R. Dupler stated that this is presented in two signs; a building sign and a replacement monument sign. Penzoil has decided to modify their logo resulting in the petitioner asking for building sign replacement. Staff has reviewed the building sign and the proposed sign is much smaller than the previous existing sign. He would recommend approval of this sign. However the monument sign poses a situation where the Petitioner is asking to change the panel to illustrate the new logo. In doing this they are asking to change the color of the sign panel (background) to yellow. Examples of other signage in the area were reviewed. There is a consistent presentation of background colors. He recommended approval of the sign if the background color is changed to buff and to allow them to illustrate the yellow Penzoil logo with the beige background.

**M. GARDNER MOTIONED TO APPROVE THE SIGNAGE ON SIDE OF THE BUILDING AND TO APPROVE THE IMPLEMENTATION OF THE NEW LOGO ON THE MARQUE SIGN BUT TO KEEP THE BACKGROUND THE CREAM COLOR AS IT IS NOW. C. MURSKY SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.**

- c. **Tax Key 803.994, 2675 Sun Valley Drive.** Owner: Open Pantry. Applicants: Open Pantry/Sign Effects seek approval of signage.

R. Dupler stated that the packets contain a petition that is being disregarded at this time; the petition for temporary signage. They are instead pursuing the original petition for the combined Open Pantry/BP signage issue that was unresolved at the last meeting. Some modifications have been made, but there are still some points that they are somewhat unyielding; i.e. the green canopy above the gas pumps. Points that they have taken into consideration and complied with the direction of the Plan Commission are in regards to the awnings which were previously red and have been changed to brown, the Open Pantry signage location on the building is not changed, the car wash has been modified per the Plan Commission's direction, the addition of "car wash" is within regulations for its size and location. The other element of the signage is the monument sign. The overall signage area may not exceed 200 sf. The Fuel Grade Panel is a message center that can be changed with a data cable. The height will not be above the freeway. Mayor Craig stated that the sign would only display the price of the gasoline for the different octane levels. The representative stated that the prices would scroll. Discussion took place as to just showing the unleaded price on the reader board and having the other prices displayed on signage on the building. BP's thought was that a reader board not be necessary if signs were on the building. They do not want to have the prices on the building and felt that this would degrade the look of the building. The green canopy was discussed. BP produces the green band. The actual amount of cream color on the top and bottom of the green band could be increased. The 40" band would match the one in Oconomowoc.

CITY OF DELAFIELD PLAN COMMISSION MINUTES

**M. GARDNER MOTIONED TO APPROVE THE SIGNAGE AS PRESENTED WITH A SCROLLING MESSAGE FOR THREE GASOLINE PRICES AND OCTANES ONLY, WITH A 30 DAY TRIAL PERIOD, INCREASING THE BAND WIDTH WITH STAFF APPROVAL FOR THE DECISION OF THE COLORS. MAYOR CRAIG STATED HE WANTED IT TO BE CLEAR THAT THE MESSAGE SIGN WAS ONLY FOR THE OCTANE AND PRICES FOR GAS ON THE SCROLLING. IF STAFF IS SATISFIED WITH THE SIGN, THERE WILL BE NO FURTHER ACTION, BUT IF A MEMBER OF THE PLAN COMMISSION OBJECTS WITHIN THE 30 DAYS, IT WILL BE PLACED ON THE AGENDA AGAIN. C. MURSKY SECONDED THE MOTION. C. MURSKY ASKED ABOUT THE COLLABORATION OF COLORS. THIS WAS DISCUSSED. M. CARLSON DISCUSSED THE INTERIOR SIGNAGE ON INTERIOR WINDOWS. THE ORDINANCE SPECIFIES ONLY 25% OF INTERIOR WINDOW SIGNAGE. IN REGARDS TO PHOTOMETRICS, THE REPRESENTATIVE STATED THAT IF ANYTHING, THERE WOULD BE A REDUCTION AS NO CHANGES IN LIGHTING WOULD BE TAKING PLACE. THE ILLUMINATION PATTERN WILL BE PROVIDED TO STAFF. THE LIGHTING LEVEL NOW AND AFTER NEW SIGNAGE WILL BE PROVIDED TO THE PLAN COMMISSION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. **Tax Key 803.991.003, 2580 Sun Valley Dr.** Owner: Richard Plath. Applicant seeks approval for produce stand in Marty's Pizza parking lot.

The owner was not present, but excused. The operator was in attendance and requested permission to continue to operate the produce stand. Mayor Craig stated that if approved, no signs would be displayed. Sara agreed, but would like a banner approximately 6' high by 14' long to be located above the stand. R. Dupler had no problem with a sign such as this. Sara stated that this banner sign would be constructed of vinyl with wind holes on a metal piping with no lights or flashing.

**M. GARDNER MOVED TO APPROVE THE SIGN WITH A ONE-YEAR APPROVAL ON THE BUSINESS PLAN OF OPERATION. F. WELCH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

5. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVALS

- a. **Tax Key 802.979; 802.984; 802.986; 802.987; 804.999.008; 804.993.004; 804.993.005; 804.993.002. Shoppes at Nagawaukee: Owner:** Told Development and the Weissgerber Family. Applicants seek approval of General Development Plan.

In response to comments received in the public hearing, Greg Kost stated that what was designed would maintain the hillside and the mature trees that are there. There would be a few trees along the edge that would be taken down to accommodate the building footprint, however they are maintaining the hillside and the vast majority of mature trees that are there. The project is designed to

## CITY OF DELAFIELD PLAN COMMISSION MINUTES

minimize damage to trees. The pond would be designed to save the one major oak tree by the retention pond. The other buildings could be a stand-alone restaurant and two other retail buildings. They just wanted to give the commissioners a feel for the architecture. M. Carlson stated that this is a general development plan. If the Plan Commission recommends approval and the Council approves it, then when each building comes into development the specific implementation plan comes back before the Plan Commission. This allows the Plan Commission to approve the specific architecture of the buildings. It is not necessary to do this tonight. The drawings shown are representative samples of those three major projects. G. Kost stated that their intent is a mixed use of restaurants, upscale clothing retailers, a bookstore, home furnishings, and arts & crafts type stores - all upscale in nature. The restaurants would be complimentary and some would have outside seating areas. How this area would be pedestrian friendly was discussed. There would be the current bike path that runs along the front of the projects and they will be pulling the buildings out to the front to make them accessible, significant landscaping will be used to make it pleasant for biking/walking. After discussion, G. Kost stated that he would look at connecting the buildings themselves with pedestrian friendly walks. The amount of parking and the possibility of using land banking were discussed. After land banking, if the parking demands dictated additional parking, they could add more at a later date. G. Kost stated that they developed the plan with what they feel are the bare minimum number of parking stalls that they need to develop the project. Mayor Craig said that they may need that many parking spaces, but if they could temporarily cut that down, they would have more green space now with those parking spaces banked for the future. G. Kost stated that their experiences have shown that the number of stalls shown is minimal. M. Carlson stated that it is his personal opinion that the parking is more important to the developer than the City. This is part of the reason why the City has overall impervious surface requirements in the municipal code. It gives the ability to look at the site as a whole and ask the question "are you installing too much pavement, too much rooftop on the site as a whole?" He asked the developer how he addressed that question. G. Kost stated that they have introduced considerable landscaping to the parking lot itself. He felt that the parking shown was the bare minimum needed for the project. Mike Arneson from Told Development stated that the parking ratio for Kohls, etc. was five stalls/thousand square feet on all of the retail space (the industry standard) and for all restaurant uses there was a ten-stall/thousand square feet requirement. M. Carlson stated that it is a stormwater quality issue. He reviewed ways of dealing with this issue. Told will review the square footages and the parking counts and will clarify the parking space numbers with Staff. R. Dupler stated that the City is trying to introduce as much green space as possible. The type of restaurants and the amount of square footage that would be required for restaurants is not known at this time, but may include a coffee shop, fresh/fast restaurant, and casual dining. It was stated that this isn't a restaurant-dominated project. D. Curtis-Costa asked about the Dix Property and how buildable it is. G. Kost stated that the area shown in the green area on the drawing would not be built on. F. Welch stated that there is a well-defined ditch and if it were to be developed you would probably enclose it. In regards to the tree issue with the proposed pond, G. Kost showed where the existing tree area fell on the drawing. He stated that it was predominately Box Elders and that the quality of the trees in this area is generally

## CITY OF DELAFIELD PLAN COMMISSION MINUTES

low. P. Schuman stated that he did a review of the stormwater study that was conducted in 2001. It talked about the Dix property wet retention pond in conjunction with another property nearby. He asked if the Dix property alone would be enough of a retention pond for the needs to meet the recommendations from the stormwater study. F. Welch stated that he believed so, but the study would need to be revisited. M. Carlson stated that he did not think the other property would need to be purchased to create this pond. When the study was completed in 2001 they didn't have the data and information about the additional stormwater facilities that would be constructed as part of this development plan. When you program the new stormwater facilities that would be coming on line with this project, it changes the calculations. P. Schuman stated that one of the goals was to reduce the suspended solids by 25%, and asked if it would still meet that requirement. M. Carlson stated that this would be the goal. The system would need to be designed and take into the account the new information that has been learned since the study was completed. Mayor Craig assumed that the gray area on the Dix property drawing to the north was the access for the property owners. G. Kost stated that those owners would still have easy access to their property. Additional green area would be kept all around the properties, so you would maintain the trees along the drive and keep the same feel with the added benefit of having a water feature there versus just an existing house. Mayor Craig asked with the property if Told Development would maintain ownership of the land. G. Kost stated that they are proposing that the stormwater on the property deal with the stormwater on site and that the Dix property just be viewed as green space. They are requesting to turn the property over to City and allow the City to construct a detention facility for the City's benefit. Mayor Craig clarified that they would turn the Dix property over to the City so the developer would no longer own it. G. Kost confirmed that this was correct. Mayor Craig clarified that the developer would be using the Dix property for the green space calculation but they would not own it any more. G. Kost stated that this property would be counted towards the overall. This property would not have any buildings on it. There would be the potential for the public benefit of having a regional detention facility and this is part of the reason they would like to turn it over to the City. The City could construct a basin and use the grant that it received, and because it is for regional benefit this would be for the collection of water for the entire watershed area, benefiting property owners and other surrounding landowners. For this reason, they would want to turn the property over to City. M. Gardner asked if the City needed to own the land in order to take advantage of the grant. M. Carlson asked if the ownership of the pond really mattered if the City could leverage or apply the DNR grant funds to the project. G. Kost stated that because it is for the regional benefit, the developer would not have control over what is going into the pond. If something came into the pond, they would not have the control that the City does to assess property owners for the maintenance of the pond. This would be for the collective benefit of the entire watershed area. G. Kost thought that the City would be in a much better position to assess the benefiting property owners in the area for the maintenance of this pond versus their ownership of the property that would not be serving them directly. Mayor Craig stated that this property is helping them with the green space calculation. Mayor Craig asked if there was some compromise that could be potentially agreed upon with the developer owning the surrounding land and the City owning the pond, thus, the City would be able to make assessment for

## CITY OF DELAFIELD PLAN COMMISSION MINUTES

the pond, but the developer would still own the green space. They responded that there is some flexibility. The developer's concern would be in being responsible for something that they are not in control of. The benefit to the City is that the developer is willing to bear the cost of the acquisition of the Dix property and basically transfer the benefit and use of the property for stormwater purposes to the City at no cost in return for using the land area allocation towards the green space calculation. Mayor Craig asked if they would be using the entire acreage for the green space calculation or the area minus the pond. G. Kost stated that they would be using the entire area excluding the asphalt driveway. F. Welch stated that if it acts as an amenity the pond could be used as green space calculation. He continued that the design of the basin would be under the City's overview. M. Arneson stated that their intent is to have all of the stormwater detention requirements for the Nagawaukee Center development met on that property. They are not intending to downsize the design of those facilities to utilize some of the capacity of the Dix property. The Dix property represents a way for the City to try to address the lake stormwater quality issue. M. Carlson stated that the system would have to be integrated to encompass the development to the east. He stated that in regards to the nature of the grant, the City applied for a grant and received a commitment for \$758,000 from DNR. It is 50/50 grant and therefore in order to get \$758,000, the City must spend \$758,000. If the total cost of the project were in the \$1.5 million range, the City would get 50%. In conversations with the City Council, this idea has been explored. In order to come up with this money, the City would create a stormwater utility. The contributing parties in the 500 +/- acre watershed at the intersection of 83/94 would participate in a stormwater utility. The money generated from those properties (through an additional tax on those properties only) would be used as the local match to build facilities and maintain them in the watershed. The building that has been approved of by the Town of Delafield is governed by a development agreement between the City of Delafield and the developer. That property owner has agreed to participate in the cost of the stormwater utility. This cost will not be shared by general taxpayers in Delafield, but generated from revenues derived solely from the operation of a new utility within that 500-acre watershed. M. Arneson discussed the opportunity with Dix property beyond the stormwater element, i.e., the bike path is in close proximity, the possibility of a park, etc. Mayor Craig stated that his concern is if the developer wants the green space calculation to apply to their development and they don't own it, it is setting a precedent. A review of different situations in Delafield and the surrounding area took place. F. Welch stated that it is new to Delafield, but not new to other sections of the country. It is a new concept that is coming into planning. D. Curtis-Costa stated that the City needed to make sure that the new developments coming in are aesthetically pleasing. M. Gardner stated that the Plan Commission should have the opportunity to do this on an as needed basis. This would solve a lot of problems. Each time something comes before the Plan Commission, it be addressed at that point. P. Schuman stated that it made sense; this is not disconnected. You have water channels going through this existing property and you have other water channels to the north side of the expressway going underneath to the Dix property, so it is connected by water. Mayor Craig clarified that the City is not against this, but is exploring concepts and ideas that need to be explored. It was clarified that Told is willing to work and deal with the City. Mayor Craig stated that he applauded their creativity. M.

## CITY OF DELAFIELD PLAN COMMISSION MINUTES

Arneson stated that this is a win-win situation. G. Kost stated that they are not skirting any issues. M. Gardner applauded the project because her concern is the welfare of the lake. Mayor Craig asked M. Carlson if any fiscal impact analysis has taken place. M. Carlson replied that a preliminary fiscal impact analysis would need to be updated. There are four items that need to be updated and verified if the Plan Commission is considering a motion to approve the general development plan and would like to suggest contingencies. Mayor Craig stated that the Golf Road curve, financials, bike path, and parking needed to be addressed. D. Curtis-Costa discussed floor area ratios as referred to in R. Dupler's report. R. Dupler stated that he was trying to explain that with the previous proposal with the convention center, even though it was multiple stories, there was a certain impact at ground level and that the impact of this development is not going to be perceived as any denser than it was originally approved for the convention center in the northwest portion. He distributed a sheet that contained comparison tables for the proposed general development plan. There is verifiable proof that the numbers for floor area ratios go back down to the quantity that is very comparable to the original design. R. Dupler discussed the Dix property being included as green space. By buying the Dix property they have come up with 6.3 acres of green space. That takes the Dix property into consideration, adding it to the overall general development plan, the original one approved in 1993, 35% of that total area, net from that those areas that have already been developed and on the undeveloped parcels we are considering now which is the southeast corner and the far west side, 6.3 acres of green space are needed. Further discussion took place. M. Carlson stated that as part of the information packet there was a one-page summary with the word "Sigma" on top and this took R. Dupler's suggestion of the idea of the available green space and shows a table illustrating what the green space requirements are compared to what is provided and shows an excess green space of 1.06 acres. M. Carlson stated that R. Dupler had a recommendation in his staff plan that if the Plan Commission approves the proposal it would be conditioned upon a green space calculation and a final floor area ratio calculations to be approved prior to the SIP. M. Carlson stated that they would like verifiable proof that the numbers are what the numbers are. He had additional suggestions include as contingency and those would be that it be contingent upon document approval by the City Council, development agreement, conditional use plan, stormwater management agreement, and deeds covenants & restrictions, a verification of the fiscal impact, and a provision of the updated tree inventory on both parcels. He also suggested that the development agreement include some kind of penalty clause for damage of trees that are specifically identified.

D. Curtis-Costa discussed her concern about the traffic. G. Kosta stated that a traffic study was included in the packet. The traffic consultant addressed the questions and concerns. He stated that they did the original traffic study two years ago for the Weissgerber development. Based on the traffic impact as far as generation of the two different sites (table 6), it shows a detailed comparison of what the differences are in traffic. He reviewed the table. Overall, this development would generate approximately 5% less traffic.

**M. GARDNER MOTIONED TO ACCEPT THE GENERAL DEVELOPMENT DESIGN FOR THE SHOPPES AT NAGAWAUKEE WITH PROOF THAT THE**

CITY OF DELAFIELD PLAN COMMISSION MINUTES

NUMBERS ARE CORRECT, CONTINGENT ON THE DOCUMENTS GOING TO THE COMMON COUNCIL, HAVING A DEVELOPMENT AGREEMENT THAT WOULD INCLUDE A PENALTY CLAUSE FOR TREE DAMAGE, A CONDITIONAL USE, STORMWATER MANAGEMENT AGREEMENT, DEEDS COVENANTS AND RESTRICTIONS, FISCAL IMPACT STUDY, AND A TREE INVENTORY UPDATE FOR BOTH PROPERTIES. P. SCHUMAN SECONDED THE MOTION. R. DUPLER COMMENTED THAT IN THE GDP THE CITY IS ESSENTIALLY CREATING THE BLUEPRINT THAT THE CITY WILL REFER TO AS THE PROCESS IS CONTINUED. HE THOUGHT IT WAS IMPERATIVE THAT THE CITY IDENTIFY/QUANTIFY AS MUCH AS POSSIBLE ANYTHING THAT IS GOING TO IMPACT THE USE OR DECISION MAKING PROCESS OF THE SIP. M. GARDNER MODIFIED THE MOTION BY ADDING THAT A STUDY BE DONE ON THE RATIO OF PARKING SPACES WITH THE POSSIBILITY OF LAND BANKING. C. MURSKY STATED THAT SHE WAS NOT SURE SHE WAS READY TO MOVE FOR APPROVAL. P. SCHUMAN ASKED WHAT AREAS OF THE MOTION SHE WANTED TO AMEND. C. MURSKY STATED THAT SHE JUST WANTED MORE TIME TO GO OVER THIS. P. SCHUMAN DID NOT SEE ANYTHING WRONG WITH THE OWNERSHIP OF THE DIX PROPERTY REVERTING TO THE CITY. HE THOUGHT THAT THE MAJOR CONCERN IS WHO WOULD PAY FOR THE MAINTENANCE OF THE STORMWATER RETENTION POND AND IN HIS MIND THAT WAS SATISFIED BY THE STORMWATER UTILITY. AS FAR AS THE GREEN SPACE GOES, ONE OF THE CONCERNS BY MR. ZAHORIK IS THAT LATER ON WHAT IS TO KEEP THEM FROM PUTTING RETAIL ON THE PROPERTY LATER ON, BUT IF IT WAS OWNED BY THE CITY, THAT WOULD NOT HAPPEN. G. KOST STATED THAT A SURVEYOR SURVEYED THE PROPERTY WITHIN THE EXISTING NAGAWAUKEE CENTER ALONG WITH THE PROPOSED DEVELOPMENT. P. SCHUMAN ASKED IF THE CITY COULD HAVE THE PUD MAKE REFERENCE TO THE DIX PROPERTY AS PART OF THE GREEN SPACE TO CONTROL THIS. MAYOR CRAIG THOUGHT THAT THE OWNERSHIP OF THE POND COULD BE SEPARATED FROM THE OWNERSHIP OF THE LAND SURROUNDING IT ALSO. M. CARLSON STATED THAT THE CITY WOULD STILL HAVE THE RESPONSIBILITY OF MAINTAINING IT. D. CURTIS-COSTA THOUGHT THAT THERE ARE SOME THINGS THAT NEED TO BE RESOLVED. P. SCHUMAN ASKED WHAT DIFFERENCE IT WOULD MAKE AS TO WHO OWNS IT - IT WOULD BE USED FOR STORMWATER RETENTION, IT WOULD MEET THE REQUIREMENTS OF THE STUDY THAT WAS DONE IN '01 AND 2% OF THE TOTAL AREA CONTRIBUTES ABOUT 7% OF THE TOTAL PHOSPHOROUS LOADS AND SOLIDS AND THIS IS AN EXCELLENT WAY OF MEETING THAT NEED. MAYOR CRAIG STATED THAT THE PROBLEM AND QUESTION WAS WHY THIS WAS BEING RUSHED. THERE ARE ISSUES THAT NEED TO BE DISCUSSED BY THE STAFF, STUDIES THAT NEED TO BE DONE. THEY COULD GET THIS GOING AND BRING IT BACK TO THE NEXT MEETING WITH ANSWERS AND MOVE ON AT THAT POINT. P. SCHUMAN REPLIED THAT THE MOTION WAS MADE CONTINGENT UPON A NUMBER OF ITEMS ALREADY. THE REPRESENTATIVE FROM TOLD STATED THAT ONE OF THE REQUIREMENTS ALREADY PUT ON THIS APPROVAL WAS THE

CITY OF DELAFIELD PLAN COMMISSION MINUTES

DEVELOPMENT AGREEMENT AND IT SEEMED TO HIM THAT THE DEVELOPMENT AGREEMENT REALLY IS THE VEHICLE THAT SPELLS ALL THAT DETAIL OUT. THIS WOULD BE THE OPPORTUNITY TO FIGURE OUT WHAT THE OWNERSHIP STRUCTURE LOOKS LIKE AND GIVEN THAT THE APPROVAL IS SUBJECT TO APPROVAL OF THE DEVELOPMENT AGREEMENT, IF IT IS NOT LIKED THE WAY IT WAS PUT TOGETHER YOU WOULD NOT APPROVE THE DEVELOPMENT AGREEMENT AND THE PUD APPROVAL WOULD BE INVALIDATED. THE PUD IS THE CITY'S WAY TO GIVE DIRECTION TO THE STAFF TO PURSUE WITHIN THE CONTEXT OF THE GENERAL PLAN ALL OF THE IDENTIFIED ISSUES. THE VOTE WAS CALLED. A ROLL CALL VOTE TOOK PLACE: C. MURSKY, NAY; D. CURTIS-COSTA, NAY; M. GARDNER, AYE; P. SCHUMAN, AYE; F. WELCH, ABSTAINED, P. CRAIG; AYE. THE MOTION WAS THREE IN FAVOR, TWO AGAINST. MOTION CARRIED.

- b. **Tax Key 787.999.** Applicant: Ryan Schultz representing Owner, MLG Commercial. Owner seeks approval of Preliminary Plat.

R. Dupler reviewed. There is an unresolved item regarding various stormwater issues. M. Czubkowski stated that all documents have been delivered to her office. The plat can be approved with condition, denied, or as submitted. This does not go to the Common Council.

P. Schuman stated that he had received an e-mail stating that Jens is trying to solicit lands along Lake Nagawicka. He was receiving questions as to why the developer would want to do this. The representative stated that any acquisition of these lots is not intended to increase the boundaries of the preliminary plat. The plat that is to be approved will consist only of the Jens parcel itself. Any lots that are picked up from Nagawicka Lake Heights would be used and sold in conjunction with a lot in the Carriage Hills development. M. Czubkowski stated that there is an ordinance that prohibits pyramiding. M. Carlson stated the neighborhood had a fear going through it that MLG was trying to buy lake access to pyramid in order to allow access for all the Carriage Hill lots through that lot. He stated that this is prohibited in the City of Delafield. Ryan Schultz of MLG told M. Carlson on the phone today that this is not was intended, that he is going to send a letter to the same people that he sent the solicitation letter to explaining this - that this was not the purpose of the whole idea, not a pyramiding scheme. P. Schuman stated that there were questions as to what the motives were. He stated that if a lake property was purchased that was adjacent to one of the other properties, he thought that both properties could be sold separately to an individual and if you wanted to blend them together into one lot it would have to come before the Plan Commission. M. Carlson stated that it would need to be resubdivided. The representative stated that this was not the intention. Extensive discussion took place. Two houses could not have access to one boat slip. M. Czubkowski stated that you couldn't sell your lake rights or give them to someone off of the lake. M. Carlson stated that there are circumstances under which you can do that. The representative stated that the rights of the lake slip stay with the lot that is in the existing Nagawicka Lake Heights. M. Carlson stated that he would not get two houses. Two residences are not allowed. Mayor Craig clarified: one building, two lots, one slip. That's the best that you can get in

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

that case scenario.

R. Dupler stated that the points on K. Kindred's letter have, for the most part, been addressed. By this he means that the PUD overrides many of them. The PUD overrides items 18.58, 18.34. The other items are tactical items that will have to be added to the plat prior to the final platting.

D. Curtis-Costa stated that several things needed to be reviewed.

It was clarified that the date of submittal was December 23, 2002 and it must be within 90 days. The stormwater is going to the Public Works Committee on 2/3/03.

This will be brought back to the Plan Commission in February. Items needed are the approval of the easement, stormwater agreement, development agreement, conditional use, and the deeds covenants & restrictions. These will be brought back to the next meeting.

The representative stated that they are partially through the acquisition on determining where the easements are, what is there and what is not there. Their calculation of quantity numbers for stormwater will be done on Friday. The representative brought up that when they are negotiating with the homeowners, there may be the possibility that they will ask for quite a bit and the representative was hoping for some assistance from the City to help with the easements if all avenues were exhausted. M. Carlson asked what was meant by "City assistance." The representative stated that he meant possible condemnation. M. Carlson asked what they would be asking the City to condemn. He replied that it would be the necessary width for a drainage easement (20' - 10 feet on either side of a lot line). Mayor Craig stated that he would not give him a blank check and would need to see specifics. The representative stated that they would go down the path of negotiating with the lot owners themselves and if everything falls and they want some outrageous number or terms and the representative cannot meet them, they are hoping for assistance from the City. He reviewed what is happening with the culverts and existing drainage problems in the area. F. Welch confirmed that there are problems there now and cleaning the culverts out would help. Mayor Craig stated that municipal condemnation is a very difficult road and he does not feel comfortable in that position.

- c. **988.003 & 803.991.003, 2566-2574 Sun Valley Dr.** Owner and applicant: Gary Storts. Owner seeks approval of Certified Survey Map

Gary Storts was present at the meeting. As of January 27, 2003 the revised CSM came back and all issues resolved. R. Dupler recommended approval contingent on the stormwater management agreement. M. Carlson reviewed the stormwater management agreement with G. Storts.

**M. GARDNER MOTIONED TO APPROVE CONTINGENT ON THE STORMWATER MANAGEMENT DOCUMENTATION. F. WELCH SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

- d. Final approval of the Cushing Park Bridge.

Jan Zander, design engineer of the bridge, was present at the meeting. The cover of the bridge is not being funded with taxpayer dollars. The Park & Recreation has looked at the drawings. J. Zander displayed a drawing of the bridge with the cover. On the outside of the para-pit it is a smooth stone look. The other drawing displayed what the bridge looks like without the cover. The parking lot was modified as a result of the Park & Recreation meeting and takes into account a different parking pattern. The sidewalk is separated from the parking area and is made out of concrete to show separation. This is a two-lane bridge with an 8' sidewalk on one side to accommodate pedestrians and bicycles. M. Gardner stated that the Park & Recreation Committee felt strongly that the cover for the bridge be built with private funds and in case this does not happen, the Park & Rec Committee also wanted the bridge to look nice without the cover.

**M. GARDNER MOTIONED TO APPROVE THE BRIDGE AS DESIGNED. P. SCHUMAN SECONDED THE MOTION. R. DUPLER COMMENTED ON THE PHOTOGRAPHS IN THE BACK SHOWING THE SAMPLE BRIDGE WITH COLUMNS. DISCUSSION TOOK PLACE ON HAVING STEEL GRIDS WITH COLUMNS VERSUS THE SOLID CONCRETE WALLS. M. GARDNER WITHDREW HER MOTION. P. SCHUMAN WITHDREW HIS SECOND.**

**M. GARDNER MOTIONED TO APPROVE THE BRIDGE WITH COLUMNS AND TEXTURES ON FOUR SIDES WITH THE CONDITION THAT THE PARK & RECREATION COMMITTEE AGREES. P. SCHUMAN SECONDED THE MOTION. M. GARDNER STATED THAT SHE WANTED TO MEET WITH THE PARK & RECREATION COMMITTEE. J. ZANDER STATED THAT THE 80/20 FUNDING APPLIES TO THE BRIDGE ONLY AND DOES NOT APPLY TO THE COVER, PARKING LOT, OR SANITARY SEWER WORK. THE COST OF THE BRIDGE WITHOUT A COVER IS ESTIMATED AT \$234,000. THE CITY'S PORTION IS \$47,000.00. ALL WERE IN FAVOR. MOTION CARRIED.**

- e. Approval of Final Plat of Maple Fields, Town of Delafield.

This was removed from the agenda.

6. PRELIMINARY CONSIDERATION

None.

7. ZONING AND ORDINANCE REVISION

- a. DISCUSSION REGARDING OUTDOOR STORAGE

It was M. Carlson's suggestion to let the enforcement run its course and if the Plan Commission wanted to take it up after the enforcement issue is over to do so then. When asked, he stated that there is an issue that has been raised about

## CITY OF DELAFIELD PLAN COMMISSION MINUTES

outdoor storage of boats on a piece of property south of 94 in an agricultural zone that is now going through the enforcement process. The zoning code is being enforced and it is a violation of the zoning code. D. Curtis-Costa stated that it was her understanding was that if they own the boats that they can store them on their own property as long as a boat storage business was not going on. M. Carlson stated that it is not a permitted use in the A1 zone. The definition of the A1 zoning does not permit boat storage. The owner of the property could seek a business plan of operation or a conditional use. D. Curtis-Costa stated that this didn't seem right. M. Gardner stated that the definition of "equipment" and "materials" threw her off. She asked if there was anything that the Plan Commission had a stand on right now. M. Carlson stated that to permit storage of boats in an A1 district it has to either be a permitted use, you have to approve it as a part of a business plan of operation, or you have to approve it as part of a conditional use. None of that can happen at this meeting right now. If the Commission would want to change it they would need to state this change and would need to do a text amendment of the zoning code. You would have to make the storage of boats a permitted use or acceptable conditional use. P. Schuman referred to Attorney Chapman's letter of January 20. M. Carlson stated that the Attorney was saying that legally it is a violation and then he goes on to say that it may be appropriate, but that is not what the code says. P. Schuman referred to the letter and stated that these boats do not have anything to do with agriculture and it is a usage issue. P. Schuman agreed with M. Carlson and thought that this issue should be worked out with the attorney. M. Carlson stated that at the same time that this is happening the Plan Commission could initiate steps to amend the zoning code in the A1 district to allow storage of boats. You would need to publish this in the paper that a public hearing would be held on a text amendment to the zoning code, you would need to hold a public hearing, and the Plan Commission would then make its final recommendation. It would then go to the City Council. P. Schuman thought that that this should run its course and if there is a citizen affected by this that wishes to petition their elected officials to make a change so it would be allowed, they could do so. Mayor Craig stated that the language is wrong. M. Gardner thought that this needed to be addressed and reviewed. M. Carlson asked what process they would like to start, i.e. draft language to make it a permitted use in the A1 district, advise the property owner to pursue a business plan of operation that would permit it, or advise the property owner to pursue a conditional use. There are other ways to go about this other than changing the zoning code. Extensive discussion took place. J. Zahorik was present at the meeting. He read from Ordinance 17.23.2a. He stated that he should not be singled out from the rest of the community. M. Carlson detailed the trail of correspondence that has occurred. He stated that Atty. Chapman said that A1 does not permit storage of boats. J. Zahorik stated that the use for residential properties does not allow storage of boats. M. Carlson stated that Attorney Chapman defined the boat as not being equipment. M. Gardner would like to see the language reworded. Mayor Craig read the last sentence of Attorney Chapman's January 20, 2003 letter: "Assuming that one who owns a parcel zoned A1 and stores his own boats on that parcel is not a violation of the A-1 District because of ownership, the only violation of the zoning ordinance that I can see would be the storage of boats not owned by the owner of the parcel." The last sentence on page one and going into page two was discussed "Certainly boat storage is not a permitted use in an agricultural district (see 17.39(2))." The

## CITY OF DELAFIELD PLAN COMMISSION MINUTES

interpretation of the letter was discussed further. M. Carlson stated that he was not asking for interpretation of the zoning code on his behalf. Mayor Craig asked if the message that he was getting was agreement from the Plan Commission that an owner of their own property can store their material on their own property in an unsightly manner. M. Gardner stated that the Commission needed to be discretionary with limitations and time limitations. She thought that some leeway needed to be made. Discussion took place. Mayor Craig confirmed that this came about because of a complaint being received.

J. Zahorik referenced the ordinance about abandoned vehicles. He stated that his boats are shrunk wrapped and lined up in a row on the top of a hill at least 600' from the road. M. Gardner asked if he had six abandoned vehicles and put a tarp over them if he would not be in violation, but the fact that they are boats he is in violation.

M. Gardner motioned to address the language of 17.23.2. Discussion took place regarding storage of boats, piers, etc. M. Carlson stated that the Plan Commission could suspend the enforcement and address the language. M. Carlson will confer with Attorney Chapman and ask him to clarify his letter and bring back optional language for the Plan Commission's consideration that will do a variety of things; it will clarify the circumstances under which you can store boats, piers, and things that are related to lakefront property and what would be unacceptable. The Plan Commission will have to hold a public hearing and get input from the community on what they deem appropriate or inappropriate. D. Curtis-Costa asked if there was an easier way to do this. M. Carlson stated that a boat and pier on a lakefront property were incidental to the use of the lakefront property and would not be a violation. J. Zahorik asked if he said he would request a conditional use permit to store his boats on his A1 land for this season if that would work. M. Carlson said he could do this. M. Carlson suggested a temporary business plan of operation that he could approve administratively until the next Plan Commission meeting. J. Zahorik stated that if this would solve the problem, he would be happy to do so. J. Zahorik will meet with M. Carlson on Thursday for a temporary business plan of operation. There was no second to the motion. M. Gardner withdrew her motion. Mayor Craig stated that the commission was asking M. Carlson to get some language pulled together.

### 8. HEARING DATES

None.

### 9. ADMINISTRATOR'S REPORT

#### a. BAYMONT INN - TREE UPDATE

M. Carlson updated the Commissioners and stated that Baymont hired a tree company to trim trees. The tree company cut trees down on Baymont's property and on neighboring properties. Discussions have been taking place. Baymont is trying to come up with a solution for the problem. M. Carlson is trying to create an ongoing relationship with Baymont. He is still completing discussions with Baymont and they are having discussions with WalMart in order to arrive at a

**CITY OF DELAFIELD PLAN COMMISSION MINUTES**

mutually beneficial solution with WalMart. Baymont is doing what they can to resolve the issue. He expects that the City will be able to reach an agreement with Baymont that will be mutually beneficial. He is hopeful that this will be completed by the second Council meeting. The estimate of damage is in excess of \$80,000.

b. MOERTL REFUELING SERVICE - FOLLOW-UP REPORT

A memo was included in commissioners' packet. The regulations with respect to operating this type of equipment are changing. It appears that this will not be an issue to deal with in 2003. At some point, the Plan Commission may want list this on an agenda to gather input from the community as to whether they want to permit this kind of activity, assuming that the Dept. of Commerce would grant them a permit to do it. In some respects there is an entrepreneurial spirit at work here. It is a possibility that this may be something that the City would want to provide as a service to the people who live on the lake, but on the other hand people may be very concerned about the potential for hazards. It is one of those areas that input should be received before making any final decisions.

10. BUILDING INSPECTOR'S REPORT

The total permits to date are 11, plus three occupancy permits, and no new construction.

11. BOARD OF ZONING APPEALS

None.

12. CORRESPONDENCE

13. ADJOURN INTO CLOSED SESSION PER §19.85(1)(G) TO CONFER WITH LEGAL COUNSEL WHO, EITHER ORALLY OR IN WRITING, WILL ADVISE THE GOVERNMENTAL BODY ON A STRATEGY TO BE ADOPTED WITH RESPECT TO CURRENT OR LIKELY LITIGATION (VILLAGE SQUARE).

Marilyn read the above.

**M. GARDNER MOTIONED TO GO INTO CLOSED SESSION. P. SCHUMAN SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN: P. CRAIG, AYE; P. SCHUMAN, AYE; F. WELCH, ABSTAINED; C. MURSKY, AYE; M. GARDNER, AYE; D. CURTIS-COSTA, AYE. THE MEETING ADJOURNED INTO CLOSED SESSION AT 11:10 P.M.**

F. Welch and R. Dupler recused themselves from the discussion and physically left the room.

14. RECONVENE INTO OPEN SESSION

**M. GARDNER MOTIONED TO RECONVENE INTO OPEN SESSION. D. CURTIS-COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING RECONVENED AT**

CITY OF DELAFIELD PLAN COMMISSION MINUTES

12:32 A.M.

15. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

No action was taken.

16. ADJOURNMENT

**P. SCHUMAN MOVED TO ADJOURN FROM THE MEETING. D. CURTIS-COSTA SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 12:33 A.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC