

**CITY OF DELAFIELD JOINT PLAN COMMISSION AND COMMON COUNCIL 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

Common Council

Present

Mayor Ed McAleer
Tim Aicher
Michele DeYoe
Jeff Krickhahn
Gerald McDougall
Beth Leonard
Erv Sadowski
Jim Hammes, City Attorney

Absent

Lynn Morrison

Plan Commission

Present

Kent Attwell
Michele DeYoe
Kevin Fitzgerald
Michael Frede
Dan Jashinsky
Matthew Katz
Chris Smith
Gina Gresch, City Clerk
Tim Schuenke, City Administrator
Roger Dupler, Planner

Absent

Attorney Hammes explained the need for closed session was not needed at this time as an analysis had been provided to the Commission and Council via epacket. Mayor McAleer explained the process to be followed in review of items on the agenda for this joint meeting of the Plan Commission and Common Council.

Motion to convene into closed session per §19.85(1)(g), Wis. Stats. to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, more specifically the modification or revocation of the Hartland Sportman's Club Conditional Use Permit.

This item was not needed. See above.

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Motion to re-convene into Open Session

This item was not needed. See above.

1. Final Consideration, Approvals, Previous Approval

- a. Discussion and action to modify or revoke the Hartland Sportman's Club Conditional Use Permit, and recommendation to the Common Council of the same

Attorney Hammes explained that City Administrator T. Schuenke and he had prepared a document of Findings of Fact related to recent events concerning the Hartland Sportsman's Club (HSC). The Plan Commission was present to provide a recommendation to the Common Council regarding the Findings of Fact so that action could be taken by the Common Council later in the meeting on this matter.

M. Frede questioned whether the Mayor had conversations with HSC Staff on modifications being made to the Club. Mayor McAleer restated the purpose of the Plan Commission at this time. Attorney Hammes stated it was important for the Plan Commission to weigh all evidence, testimony, public opinion and findings to determine if the Findings of Fact were accurate in an evaluation process related to the HSC Conditional Use Permit.

K. Fitzgerald explained the HSC had been issued a permit in September of 1997 with a list of tasks to be accomplished in one year's time. Nine months later a state law was passed that provided certain rights to the Club. Thus, he did not think the first Findings of Fact was accurate as the Conditional Use Permit for the Club had not been breached as they still had three months left to bring the Club into compliance. K. Attwell and M. Frede agreed.

K. ATTWELL MOVED THAT FINDINGS OF FACT NO. 1 WAS NOT TRUE.

K. FITZGERALD SECONDED THE MOTION. K. FITZGERALD STATED HE DID NOT THINK THIS FINDING OF FACT WAS CORRECT AND IT SHOULD BE REMOVED. M. KATZ STATED THE HSC WAS NOT A LAWFUL USE AS OF JUNE 18, 1998 BECAUSE THE CLUB WAS NOT A LAWFUL USE AT THAT TIME. K. FITZGERALD STATED THE ISSUE BECAME MORE COMPLEX DUE TO THE STATE STATUTE THAT RELATED TO THIS FINDING OF FACT. M. FREDE CLARIFIED THAT THE HSC DID NOT COMPLETE THE NOISE ABATEMENT MEASURES DESCRIBED IN THE CONDITIONAL USE PERMIT DUE TO THE STATE STATUTE REFERENCED. A. HAMMES STATED THE ATTORNEY FOR THE HSC IN THE LAST PUBLIC HEARING STATED THAT BECAUSE OF THE STATUTE IN 1998, THE HSC WAS NOT REQUIRED TO COMPLETE THE NOISE ABATEMENT REQUIREMENTS OUTLINED IN THE CONDITIONAL USE PERMIT. HE WAS UNCERTAIN OF THE INDIVIDUALS AND CITY STAFF THAT WERE INVOLVED IN THESE DISCUSSIONS AT THAT TIME. IT WAS IMPORTANT TO STICK TO THE FACTUAL INFORMATION BEING PRESENTED TO DETERMINE IF THE FINDINGS OF

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

M. DeYoe read the second Findings of Fact into the record. She questioned the terms "NRA standards" and "NRA guidelines" and whether the terms were used interchangeably in historic documents.

Discussion ensued regarding various perceptions of these words. R. Dupler provided information that the historic documents referenced in the Findings of Fact were most likely based on a copy of NRA guidelines found in a book from the time period the original Conditional Use Permit was drafted. The terms were used interchangeably in reference to the original Conditional Use Permit.

M. DEYOE MOVED TO APPROVE FINDINGS OF FACT NO. 2 AS WRITTEN. M. KATZ SECONDED THE MOTION. K. FITZGERALD STATED THAT IF THE STANDARDS HAD CHANGED AND THE HSC FAILED TO CHANGE WITH THE STANDARDS, THAN IT WAS HIS OPINION THAT CONDITIONS OF THE CONDITIONAL USE PERMIT WERE NOT MET AND THE CLUB WAS IN VIOLATION OF THE CONDITIONAL USE PERMIT. M. DEYOE STATED THE BURDEN OF FOLLOWING THE STANDARDS WAS ON THE GUN CLUB AT THAT TIME, NOT THE CITY. MAYOR MCALEER STATED THE GUIDELINES IN PLACE TODAY WERE THE ONES THAT NEEDED TO BE FOLLOWED IN THE CONDITIONAL USE PERMIT. ATTORNEY HAMMES STATED THERE WERE THREE SPECIFIC INSTANCES NOTED OF VIOLATIONS THAT HAD NOTHING TO DO WITH THE CHANGES IN STANDARDS. THE GUN CLUB EXPERTS HAD PROVIDED UNDISPUTED TESTIMONY THAT STATED THE COBBLE ON THE RANGES WAS A FAILURE TO COMPLY WITH THE CONDITIONAL USE PERMIT. K. FITZGERALD NOTED IT WOULD BE IMPORTANT TO REVIEW THE SUB PARAGRAPHS FOR THIS FINDING. HE NOTED THE WORDS "WILL LIKELY" IN SUBPARAGRAPH 2 OF THIS FINDING WERE NOT CORRECT IN HIS OPINION. ONE PROVEN INCIDENT IN FIVE YEARS TIME SEEMED TO CATEGORIZE EVENTS TOO STRONGLY. WITHOUT OBJECTION FROM THE SECONDER OF THE MOTION, M. DEYOE AMENDED THE MOTION TO STATE "M. DEYOE MOVED TO APPROVE FINDINGS OF FACT NO. 2 AS AMENDED IN SUBPARAGRAPH 2, SENTENCE 1, CHANGE THE WORDS "WILL LIKELY RESULT" TO "COULD RESULT". THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. DEYOE MOVED TO APPROVE FINDINGS OF FACT NO. 3 AS WRITTEN.

MOTION FAILED FOR LACK OF A SECOND.

K. Attwell stated he had concerns with both sections of Findings of Fact No. 3. The backstop material referenced in sub-paragraph 1 was not substantiated by the testimony of the HSC members. The material had been recycled from other places and the origin of the bullet holes was undetermined. K. Fitzgerald agreed.

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M. DeYoe noted it was uncertain where the material had come from that was being used on the range. C. Smith agreed.

With regard to the second sub paragraph, K. Fitzgerald stated paragraph 12 of the Conditional Use Permit referenced in this sub-paragraph was about intoxicants, not fire arms and he believed an error had been made in this reference. K. Fitzgerald read paragraph 12 of the Conditional Use Permit into the record at this time. A. Hammes noted the change in paragraphs and stated the issue was intended to deal with whether a range officer needed to be on site when someone was shooting at the Club.

Discussion ensued by the Commission as to whether a range officer was required on site at all times. Various references to the original Conditional Use Permit were made and discussion of the provisions of paragraph 12 in the Conditional Use Permit and its interpretation. This was important because it related to use of having a range officer on site at all times and whether water jugs would have been approved for use at the Club. Paragraph 11 of the original Conditional Use Permit was also noted. The reference should have been to paragraph 11 not 12 in the Findings of Fact. K. Attwell noted there were several discrepancies in Finding of Fact No. 3.

K. ATTWELL MOVED TO DELETE FINDING OF FACT NO. 3 AS IT WAS NOT FACTUAL. K. FITZGERALD SECONDED THE MOTION. K. ATTWELL STATED THERE WERE NO PARTS OF THE FINDING THAT WAS TRUE. K. FITZGERALD STATED IT WAS NOT COMPLETELY ACCURATE. D. JASHINSKY STATED THERE ARE REFERENCES TO NUMEROUS INSTANCES AND THERE WERE TWO. M. FREDE STATED THE FINDING OF FACT WAS RELATED TO THE CONCEPT THAT THERE WAS A NECESSITY FOR A RANGE OFFICER ON SITE. MAYOR MCALEER EXPLAINED THE PROCESS TO BE FOLLOWED IF THE MOTION WAS APPROVED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

M. DeYoe read the fourth Finding of Fact into the record.

Discussion ensued regarding the change in laws and its relevance to the Conditional Use Permit relating to the need to have a range officer on site at all times. Further discussion ensued regarding whether there was a failure to follow rules that were established or whether the rules were not correctly designed and implemented in this matter. Discussion ensued regarding the person to have been consulted regarding the use of the water jug as a target on site during the time of the shooting incident. Discussion ensued regarding how to proceed with this Findings of Fact. Issues were tied together in this matter with regard to the Findings of Fact presented. M. DeYoe noted there were six items listed in violation of the range design at the Club in the report from City Staff that went beyond the escaped round in this matter. She thought these other items listed created unsafe conditions that were related to other incidents. Discussion

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ensued regarding whether to include other shooting incidents in the Findings of Fact on this matter.

K. ATTWELL MOVED TO REJECT FINDINGS OF FACT NO. 4. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR.

K. FITZGERALD MOVED TO REVISE FINDINGS OF FACT NO. 4 TO STATE "THE FAILURE OF THE HSC MEMBER TO FOLLOW THE RULES OF THE HSC CREATED AN UNREASONABLE RISK OF INJURY TO THE GENERAL PUBLIC" AND STRIKE THE THIRD PARAGRAPH UNDER FINDINGS OF FACT NO. 4 DEALING WITH OTHER INCIDENCES. M. DEYOE SECONDED THE MOTION. D. JASHINSKY QUESTIONED WHETHER THE ISSUE OF NO RANGE OFFICER BEING ON SITE WAS ADDRESSED IN THIS MOTION. DISCUSSION ENSUED REGARDING WHETHER AN HSC OFFICIAL WAS IN CHARGE AND NOT CONSULTED. K. FITZGERALD AMENDED THE MOTION TO STATE "THE FAILURE OF THE HSC MEMBER TO FOLLOW THE RULES OF THE HSC CREATED AN UNREASONABLE RISK OF INJURY TO THE GENERAL PUBLIC" AND STRIKE THE WORDS "AND THAT AT THE TIME OF THE INCIDENT NO RANGE OFFICER OR OTHER OFFICIAL OF HSC HAVING CHARGE OF THE PREMISES WAS PRESENT ON THE PROPERTY" AT THE END OF THE SECOND PARAGRAPH AND OMIT THE THIRD PARAGRAPH FROM OF FINDINGS OF FACT NO. 4. M. DEYOE SECONDED THE AMENDMENT. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. ATTWELL MOVED TO RECOMMEND THE HARTLAND SPORTSMAN'S CLUB CONDITIONAL USE PERMIT BE MODIFIED BACK TO ITS ORIGINAL HOURS OF OPERATION PRIOR TO THE SEPTEMBER COMMON COUNCIL MEETING, THAT THE GUN CLUB NOT BE ALLOWED TO RE-OPEN UNTIL CITY STAFF CAN VERIFY THAT THE SIX ITEMS OUTLINED IN THE STAFF REPORT ARE CONFIRMED TO BE IN COMPLIANCE ALONG WITH ANY ADDITIONAL ITEMS RECOMMEND BY MR. NASH AND THE GUN CLUB'S CORRECTIVE ACTIONS REPORT BE SUBMITTED TO THE COMMON COUNCIL AND AS OF THIS DATE, THAT THE PERMIT FURTHER BE MODIFIED TO RESTRICT THE USE OF .45 CALIBER OR LARGER HAND GUNS AND ALL SEMI AUTOMATIC AND AUTOMATIC HAND GUNS, THAT THE SPORTS SHOOTING RANGE BE MODIFIED TO ELIMINATE THE POSSIBILITY OF A BULLET LEAVING THE GUN CLUB IN THE MANNER OUTLINED BY THE CITY OF DELAFIELD POLICE REPORT, FURTHER, THAT RANGE OFFICERS BE REQUIRED TO BE PRESENT ANY TIME A PERSON IS SHOOTING A GUN AT THE CLUB. IF ALL THESE CONDITIONS ARE MET, THE HARTLAND SPORTSMAN'S CLUB WILL BE ACTING AS A GOOD NEIGHBOR. THEY WILL BE IN COMPLIANCE WITH CONDITIONAL USE PERMIT. THEY WILL BE OPERATING SAFELY AND IN THE BEST HEALTH AND WELFARE OF THIS COMMUNITY AND ITS IMMEDIATE NEIGHBORS. THEY WILL BE OPERATING WITH THE COMPATIBILITY OF

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EXISTING USES. THEY WILL BE OPERATING WITHIN THE GUIDELINES OF THE FIRE AND POLICE DEPARTMENT. K. FITZGERALD SECONDED THE MOTION. D. JASHINSKY QUESTIONED WHETHER THE DISCHARGE OF RIFLES WOULD BE ALLOWED AS A RESULT OF THIS MOTION. MAYOR MCALEER STATED HE DID NOT SUPPORT THIS MOTION. HE DID SUPPORT A COMPROMISE AND WOULD SUPPORT MODIFICATION BUT NOT THIS ONE. IF THE MOTION FAILED HE WOULD CONSIDER THE OUTLINED MODIFICATION IN THE PACKET. IT WOULD NOT BE IN THE CITY'S BEST INTEREST TO ALLOW SOLID PROJECTILES TO BE FIRED AT THE RANGE AT THIS TIME. TRAP OR ARCHERY COULD BE ALLOWED, BUT ONLY ON THE RANGES THAT WERE COMPLIANT WITH NRA STANDARDS NOTED BY R. DUPLER AT THIS MEETING. M. DEYOE STATED SHE DID NOT SUPPORT THIS MOTION AS THE HSC HAS REPEATEDLY BEEN IN VIOLATION OF THE CONDITIONAL USE PERMIT AND IT SHOULD BE REVOKED. THEY WOULD HAVE THE OPPORTUNITY TO MAKE REPAIRS AT THE CLUB AND COME BACK TO THE CITY WITH MODIFICATIONS AND REAPPLICATION TO THE CITY. IF THEY CHOOSE TO COME BACK WITH A MODIFIED DESIGN, THE RESPONSIBILITY IS ON THEM TO COME BACK WITH A DESIGN THAT IS CORRECTED AND FREE OF VIOLATION AND THAT THE CITY WOULD BE CONFIDENT THAT THE SAFETY OF ALL CITIZENS WOULD BE MAINTAINED AND COULD ADHERE TO ALL ORDINANCES. D. JASHINSKY QUESTIONED THE RIFLE ISSUE OF THE MOTION. K. ATTWELL STATED ALL SIX ITEMS OUTLINED BY CITY STAFF AND NRA GUIDELINES BE CORRECTED BEFORE THEY ARE OPEN AND ABLE TO SHOOT ANY GUNS WHICH WOULD INCLUDE RIFLES ONCE ALL CORRECTIONS ARE MADE. IN HIS OPINION, THEY WOULD HAVE MET ALL GUIDELINES AND SHOOTING RIFLES WOULD THEN BE ALLOWED. UNTIL ALL CORRECTIONS ARE MADE, THE HSC SHOULD NOT BE ALLOWED TO OPEN AT ALL TO SHOOT ANYTHING. HE STATED HIS MOTION STATED IT WENT WITH TESTIMONY THAT THE GUN CLUB GAVE. K. FITZGERALD STATED IT WAS HIS UNDERSTANDING THAT THEY WANTED TO OPEN IN PHASES BASED UPON WHAT WAS CONSIDERED SAFE AT THIS TIME. K. ATTWELL STATED HE WANTED TO MAKE SURE CORRECTIONS WERE MADE PRIOR TO SHOOTING THAT TYPE OF WEAPON. D. JASHINSKY AGREED. HE STATED THAT HE WOULD SUPPORT CHANGING THE MOTION TO INCLUDE ARCHERY, WAX PROJECTILES, AND SHOTGUNS. K. ATTWELL STATED HE WANTED IT TO BE UP TO CITY STAFF TO VERIFY THESE SIX ITEMS HAD BEEN TAKEN CARE OF PRIOR TO OPENING. D. JASHINSKY CLARIFIED HE AGREED THAT ARCHERY, SHOT GUNS AND WAX BULLETS ONLY SHOULD BE USED UNTIL OTHER ITEMS WERE CORRECTED. MAYOR MCALEER STATED HE AGREED WITH M. DEYOE'S STATEMENT REGARDING RESCINDING USE OF SOLID PROJECTILES AND HE ALSO AGREED WITH D. JASHINSKY IN UTILIZING 7.5 SHOT AND SMALLER FOR TRAP AND ARCHERY. **K. ATTWELL AMENDED HIS MOTION TO INCLUDE ALLOWANCE OF THE USE OF ARCHERY, TRAP SHOOTING SHOTGUN AND WAX BULLETS PRIOR TO THE OTHER SIX ITEMS REQUIRING**

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CORRECTION BY THE HSC AND BEING VERIFIED BY CITY STAFF. K. FITZGERALD AGREED TO THE AMENDMENT. M. FREDE STATED HE WAS CONFUSED BY THE MOTION STATED BECAUSE OF THE LENGTH, AND HE DID NOT FEEL PREPARED TO VOTE ON THIS MATTER. ATTORNEY HAMMES RESTATED THE INTENT OF THE MOTION. MAYOR MCALEER STATED HE DISAGREED WITH THE PROCESS TO RE-ESTABLISH THE SHOOTING OF SOLID PROJECTILES AS HE THOUGHT IT SHOULD REQUIRE A PUBLIC HEARING AS PART OF A CONDITIONAL USE PROCESS. C. SMITH NOTED THE PUBLIC HEARING PROCESS WOULD POTENTIALLY PROVIDE A NEW SET OF RULES TO ADHERE TO IN THIS MATTER, BUT HE WAS UNCERTAIN WHETHER A PUBLIC HEARING PROCESS WAS NEEDED FOR THE SHOTGUN AND ARCHERY RANGES. ATTORNEY HAMMES STATED IF A COMPLETE REVOCATION OF THE CONDITIONAL USE PERMIT WAS THE RESULT OF THIS MEETING, THE HSC COULD REAPPLY AT A LATER TIME. K. ATTWELL QUESTIONED WHAT ADDITIONAL INFORMATION WOULD BE GAINED BY HAVING ADDITIONAL PUBLIC HEARINGS ON THIS ISSUE. MAYOR MCALEER STATED HE THOUGHT A MISTAKE WAS MADE TO INCREASE THE HOURS OF THE HSC WITHOUT A PUBLIC HEARING, AND HE WOULD NOT WANT TO CHANGE ANY FUTURE USES WITHOUT GETTING THAT PUBLIC INPUT. K. FITZGERALD STATED THE STATUTES REFERENCED SEEMED TO LIMIT THE ABILITY OF THE CITY TO REGULATE THE HOURS OF OPERATION FOR THE HSC. ATTORNEY HAMMES EXPLAINED THE GUN RANGE LAW AND ITS RELATED HISTORY TO THIS PROCESS AS WELL AS IMPLICATIONS OF REVOCATION AND IMPACTS TO THE CONDITIONAL USE PERMIT. A ROLL CALL VOTE WAS TAKEN. C. SMITH, NAY; K. ATTWELL, AYE; D. JASHINSKY, AYE; K. FITZGERALD AYE; M. KATZ, NAY; M. FREDE NAY; M. DEYOE NAY. MOTION FAILED.

M. DEYOE MOVED TO REVOKE THE CONDITIONAL USE PERMIT FOR THE HSC BASED ON NUMEROUS VIOLATIONS AS PREVIOUSLY OUTLINED. C. SMITH QUESTIONED WHETHER THIS REVOCATION WOULD TERMINATE USE OF ALL SPORTS SHOOTING ACTIVITIES. M. DEYOE STATED SHE WANTED THE CONDITIONAL USE PERMIT REVOKED AS THE HSC WOULD BE WELL WITHIN ITS RIGHTS TO RETURN WITH ANOTHER PROPOSAL ONCE THE SAFETY REQUIREMENTS WERE MET. **C. SMITH SECONDED THE MOTION.** K. ATTWELL STATED IT WAS HIS OPINION THAT THE HSC WAS BEING TREATED DIFFERENTLY IN THIS CASE, BECAUSE WITH ALL OTHER CONDITIONAL USE PERMITS IT SEEMED THE CITY HAD AN ATTITUDE OF WORKING WITH APPLICANTS AND ADDRESSING CONCERNS. APPROVING THIS MOTION WOULD CIRCUMVENT THAT PROCESS AND CLOSE THE HSC UNTIL APPROVAL WOULD BE GAINED FOR NUMEROUS ISSUES REQUIRING THE CLUB TO HAVE TO START FROM "ZERO." M. DEYOE STATED THE HSC HAD SINCE 1997 TO BRING ISSUES INTO COMPLIANCE AND IN HER OPINION THEY HAD NOT COMPLIED. SHE THOUGHT THAT POSSIBLY THIS COULD MEAN THE HSC WAS TREATED DIFFERENTLY, BUT SHE THOUGHT IT WAS NOT FAIR TO

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CITIZENS TO ALLOW THE HSC TO CONTINUE TO EXIST IN ITS CURRENT STATE. D. JASHINSKY REQUESTED ATTORNEY HAMMES EXPOUND ON THE RIGHTS OF THE HSC IF THE CONDITIONAL USE PERMIT WERE TO BE RESCINDED. ATTORNEY HAMMES EXPLAINED THE PROPERTY WAS LOCATED IN A B-6 ZONING DISTRICT AND THEY COULD MAKE RE-APPLICATION FOR A SPORTS SHOOTING RANGE OR SCALED BACK VERSION OF A RANGE, OR COULD MAKE CORRECTIONS AND RETURN FOR CONSIDERATION OF THE CLUB WITH ITS CURRENT USES. DISCUSSION ENSUED REGARDING WHETHER A GUN CLUB WAS A PERMITTED BY CONDITIONAL USE PERMIT IN A B-6 ZONING DISTRICT. K. FITZGERALD ASSERTED THAT IF THE GUN CLUB WAS NOT LISTED ON THE LIST OF PERMITTED USES FOR THAT DISTRICT, THEN A QUESTION REMAINED AS TO WHETHER A RE-APPLICATION COULD BE REQUESTED IN THE FUTURE. R. DUPLER AFFIRMED THAT THE GUN CLUB COULD APPLY FOR A CONDITIONAL USE PERMIT IN B-6 ZONING DISTRICTS. M. FREDE QUESTIONED WHETHER THERE WERE SOME USES ONGOING AT THE CLUB THAT THE COMMISSION COULD AGREE TO ALLOW OPERATIONS AT THIS TIME. MAYOR MCALEER CALLED THE QUESTION. DISCUSSION ENSUED WHETHER THE HSC COULD OPERATE AS A LEGAL NON-CONFORMING USE DEPENDING ON THE IMPLICATIONS OF THIS MOTION. ATTORNEY HAMMES EXPLAINED SECTION 17.44 OF THE CITY ORDINANCES. K. ATTWELL STATED IT WAS HIS OPINION THAT THE HSC HAD BEEN ATTEMPTING TO WORK WITH THE CITY WITHIN THE CLUB'S FINANCIAL MEANS. M. DEYOE STATED UNFORTUNATELY IT WAS NOT ENOUGH AT THIS TIME. ATTORNEY HAMMES READ SECTION 17.44 INTO THE RECORD AT THIS TIME. K. FITZGERALD STATED HE HAD REVIEWED 17.46 REGARDING PERMITTED USES AND THE GUN CLUB WAS NOT LISTED UPON IT. R. DUPLER PROVIDED CLARIFICATION ON THIS MATTER, NOTING THE CONDITIONAL USE COULD BE RECONSIDERED AS PART OF THE PLANNED DEVELOPMENT PROCESS. K. ATTWELL REVIEWED FINDINGS OF FACT RELATED TO THIS ISSUE, NOTING THERE WERE ONLY TWO--THE HSC DID NOT KEEP UP WITH CHANGING NRA GUIDELINES REGARDING RANGE CHANGES AND THERE WAS SOMEONE ON SITE NOT FOLLOWING THE RULES. HE QUESTIONED THE COMMISSION AS TO WHETHER TWO FINDINGS OF FACT RELATED TO A MATTER, WOULD BE ENOUGH OF A REASON FOR THE COMMISSION TO TERMINATE A CONDITIONAL USE PERMIT FOR ANOTHER APPLICANT. HE DID THINK THAT WOULD HAPPEN. **THERE WAS NO FURTHER DISCUSSION. A SHOW OF HANDS WAS NOTED. MOTION FAILED.**

M. Frede questioned whether there were any uses that the Commission was comfortable with at this time. He listed archery, wax bullets, and shotguns with 7.5 or smaller shot as possible areas of agreement. Discussion ensued regarding the possibilities of an additional motion related to the areas that the Commission could agree upon at this time.

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M. FREDE MOVED TO APPROVE THE ALTERNATE PLAN THAT IDENTIFIED THE HOURS AND TIMES OF OPERATION UNDER PARAGRAPH 2, SUB PARAGRAPH A, AND PARAGRAPH B AS WRITTEN, AND HAD BEEN AMENDED TO STATE THAT ANY REVISIONS TO THE CONDITIONAL USE PERMIT SHALL GO THROUGH THE PUBLIC HEARING PROCESS. D. JASHINSKY SECONDED THE MOTION. M. KATZ STATED HE WAS NOT COMFORTABLE HAVING THE HSC OPERATE UNTIL SUCH TIME AS THEY COULD OPERATE SAFELY. M. FREDE STATED HE AGREED WITH K. ATTWELL IN THAT THE HSC HAD MADE ATTEMPTS AND FAILURES TO COMPLY AND HE DID NOT THINK THE PERMIT SHOULD BE RESCINDED. HE THOUGHT THE USES AND ISSUES OF CONCERN SHOULD BE RESTRICTED AND AREAS THAT COULD BE AGREED UPON SUCH AS WAX BULLETS, ARCHERY AND CERTAIN TRAP RANGES BE ALLOWED THROUGH MODIFICATION TO THE CONDITIONAL USE PERMIT. MAYOR MCALEER REQUESTED THE MOTION BE AMENDED TO INCLUDE THE ONE TRAP FIRING RANGE THAT R. DUPLER IDENTIFIED AS BEING NON-COMPLIANT SHOULD NOT BE IN USE AS PART OF THIS MOTION. **THE MAKER AND SECONDER OF THE MOTION AGREED TO AMEND THE MOTION TO ALSO INCLUDE THE TRAP FIRING RANGE WITHIN 200 YARDS OF THE PROPERTY LINE IDENTIFIED BY R. DUPLER AS BEING NON-COMPLIANT BE CLOSED. MOTION FAILED.**

C. Smith stated his objection was related to the process not to the efforts of the HSC. He noted the Commission would be changing the use associated with the HSC and the only way to do so would be to revoke the Conditional Use Permit and allow the HSC to reapply for the permit and give the citizens a voice in the matter. M. Katz and M. DeYoe agreed.

Mayor McAleer recessed the meeting at 8:49 p.m. and reconvened the meeting at 8:56 p.m.

Attorney Hammes noted the ordinance related to revocation and implications of the Common Council as a result. He encouraged the Commission to provide a recommendation at this time.

M. KATZ MOVED TO RESCIND THE CONDITIONAL USE PERMIT FOR THE HSC. M. DEYOE SECONDED THE MOTION. M. FREDE STATED IF THERE WERE FUNCTIONS AT THE HSC THAT WERE IN COMPLIANCE WITH THE CONDITIONAL USE PERMIT THEN THOSE USES SHOULD NOT BE THROWN OUT AT THE SAME TIME AS THE NONCOMPLIANT ONES. MAYOR MCALEER NOTED THE COUNCIL NEEDED A RECOMMENDATION ON THIS MATTER. D. JASHINSKY CLARIFIED THAT THE HSC COULD BE CLOSED PERMANENTLY AND HE WOULD LIKE THE COMMON COUNCIL TO UNDERSTAND THE SENTIMENT OF THE PLAN COMMISSION ON THIS MATTER. ATTORNEY HAMMES EXPLAINED THE IMPLICATIONS OF THE MOTION ON THE TABLE. M. KATZ MOVED TO AMEND THE MOTION TO STATE "TO REVOKE THE CONDITIONAL USE PERMIT AND RECOMMEND

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THAT THE CLUB BE ALLOWED TO SUBMIT A NEW APPLICATION.” M. DEYOE AGREED TO THE AMENDED MOTION. MOTION FAILED.

K. ATTWELL MOVED TO MODIFY THE CONDITIONAL USE PERMIT TO INCLUDE WAX BULLETS, TRAP AND ARCHERY AND OTHER GUNS COULD BE ALLOWED IN THE FUTURE DEPENDING ON CONDITIONS AT THE GUN CLUB AND RETURN TO THE HOURS OF OPERATION UTILIZED PRIOR TO OCTOBER OF 2009. D. JASHINSKY SECONDED THE MOTION. M. DEYOE STATED THE MOTION STATED WAS TOO VAGUE RELATED TO OTHER GUNS. DISCUSSION ENSUED REGARDING WHAT THE OTHER USES REFERENCED WOULD BE. K. ATTWELL AMENDED THE MOTION TO STRIKE “AND OTHER GUNS COULD BE ALLOWED IN THE FUTURE DEPENDING ON THE CONDITIONS”. D. JASHINSKY AGREED TO THE AMENDMENT. MAYOR MCALEER REQUESTED A SHOW OF HANDS TO SIGNIFY THE VOTE. MOTION CARRIED.

- b. Discussion and action on recommendation from Plan Commission to modify or revoke the Hartland Sportman's Club Conditional Use Permit

Mayor McAleer explained the process to be followed in consideration of the Plan Commission's recommendation for the Hartland Sportman's Club Conditional Use Permit.

G. MacDougall questioned the interpretation of the recommendation of the Plan Commission. Mayor McAleer stated it was necessary to affirm the Findings of Fact in this matter and take action on the recommendation. Attorney Hammes clarified the implications of the Gun Range Law in this matter.

B. Leonard expressed concern about the date related to the change in laws at that time that impacted the Conditional Use Permit for the HSC. She thought the Findings of Fact No. 1 would be more accurate if the date was changed to September 3, 1998 as she thought the implementation of required improvements had not been completed at any time and especially not during that first year.

B. LEONARD MOVED TO ACCEPT FINDINGS OF FACT NO. 1 WITH THE CHANGE IN DATE FROM JUNE 18, 1998 TO SEPTEMBER 3, 1998. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. J. KRICKHAHN VOTED NAY. MOTION CARRIED.

B. LEONARD MOVED TO ACCEPT FINDINGS OF FACT NO. 2 AS PRESENTED BY THE PLAN COMMISSION. E. SADOWSKI SECONDED THE MOTION. J. KRICKHAHN STATED HE THOUGHT THE TERMS “SUGGESTED PRACTICES” OR “STANDARDS” OR “GUIDELINES” ALL WERE USED INTERCHANGEABLY. T. AICHER AGREED, STANDARDS AND GUIDELINES COULD BE CONSIDERED EQUIVALENTS, BUT HE THOUGHT GUIDELINES TENDED TO BE LESS STRINGENT THAN STANDARDS, AND HE THOUGHT

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THE PLAN COMMISSION CONCLUSION THAT ALL WERE EQUIVALENT IN THE MATERIAL REFERENCED BY R. DUPLER WERE VALID. J. KRICKHAHN QUESTIONED WHETHER THE USE OF BERMING MATERIALS OF ROCK AND STONE WERE CONSIDERED A STANDARD OR A PRACTICE AT THE TIME OF THE ORIGINAL CONDITIONAL USE PERMIT AND WHETHER IT WAS DEFINED TO THE HSC AS BEING APPROPRIATE MATERIALS AT THAT TIME. MAYOR MCALEER STATED IT NEVER CAME UP IN 1997. T. AICHER STATED THE HSC SITE EXPERTS SAID PROBLEMS EXISTED ON SITE AND THAT IMPROVEMENTS WERE NEEDED. M. DEYOE NOTED THERE WERE SIX ITEMS THAT REQUIRED CORRECTION AT THE HSC. **THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

With regard to Findings of Fact No. 3, B. Leonard stated that she was concerned about the testimony heard in the public hearings. She did not think enough credibility was given to anecdotal evidence heard and she thought it consistent enough to believe it really happened in the manner described. Bullets had left the range at other times and there were many discrepancies and disputes in what was known to be true and what might have happened.

Discussion ensued regarding the use of range officers on site.

B. LEONARD MOVED TO ACCEPT FINDINGS OF FACT NO. 3 WITH THE CHANGE IN SUB PARAGRAPH 2 THAT REFERENCED PARAGRAPH 12 WHEN IT SHOULD HAVE REFERENCED PARAGRAPH 11 OF THE CONDITIONAL USE PERMIT. E. SADOWSKI SECONDED THE MOTION. J. KRICKHAHN STATED HE DISAGREED AS THE CORRUGATED METAL USED IN THE BERM MATERIAL HAD RUST ON IT AND WAS BELIEVED TO HAVE BEEN USED FROM AN UNKNOWN AREA. THIS WAS NOT SUPPORTED BY THE EVIDENCE IN PARAGRAPH NUMBER ONE OF THE FINDINGS AND HE COULD NOT SUPPORT THIS MOTION. HE ALSO THOUGHT THAT THE TERMS "HISTORICALLY AND CONSISTENTLY" WERE PRETTY BROAD IN THIS CASE, AND HE DID NOT THINK THE HSC HAD CONTINUALLY VIOLATED THE CONDITIONAL USE PERMIT. B. LEONARD STATED SHE WAS THE ALDERPERSON FROM THAT DISTRICT AND SHE HAD HEARD FEEDBACK FROM NEIGHBORS AND NEARBY OWNERS REGARDING THE WORDING PRESENTED. J. KRICKHAHN STATED THE FINDINGS OF FACT WERE BASED ON EVIDENCE AND AT THIS POINT TWO ITEMS IN THIS FINDING WERE UNFOUNDED. SINCE 1998, HE THOUGHT EFFORTS HAD BEEN MADE HISTORICALLY AND CONSISTENTLY WITH REGARD TO THE CONDITIONAL USE PERMIT. B. LEONARD NOTED THERE WERE NUMEROUS VIOLATIONS OF PROVISIONS, BASED ON THE CONDITIONAL USE PERMIT AND CONDITIONS OF THE CLUB THAT WERE NOT THERE AT THIS TIME. T. AICHER SUGGESTED AN AMENDMENT BE CONSIDERED TO ELIMINATE SUB PARAGRAPH 1 OF THIS FINDING REGARDING THE CORRUGATED METAL PIECES, AND CHANGE THE WORDS "RANGE OFFICER" IN SUB PARAGRAPH 2 TO "ADEQUATE ENFORCEMENT

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MEASURES IN PLACE" AS IT WAS KNOWN THAT THERE WAS ACTIVITY AT THE HSC THAT WAS NOT IN COMPLIANCE WITH THE HSC RULES, AND CHANGE THE REFERENCE NOTED IN SUB PARAGRAPH 2 FROM PARAGRAPH 12 TO PARAGRAPH 11. **THE MAKER AND SECONDER OF THE MOTION ACCEPTED THESE AMENDMENTS TO THE MOTION. SIX WERE IN FAVOR. J. KRICKHAHN VOTED NAY. MOTION CARRIED.**

With regard to Findings of Fact No. 4, B. Leonard requested clarification on the wording presented by the Plan Commission. Attorney Hammes provided this clarification.

Discussion ensued regarding the verbiage presented by the Plan Commission and whether the use of members as range officers was appropriate.

B. LEONARD MOVED TO ACCEPT FINDINGS OF FACT NO. 4 AS ORIGINALLY SHOWN IN THE EPACKET OF MATERIALS FOR THIS MEETING AND STRIKE THE VERBIAGE AT THE END OF PARAGRAPH 2, STATING "AND THAT AT THE TIME OF THE INCIDENT NO RANGE OFFICER OR OTHER OFFICIAL OF THE HSC HAVING CHARGE OF THE PREMISES WAS PRESENT ON THE PROPERTY". T. AICHER STATED HE WOULD SUPPORT THIS MOTION IF IT WOULD INCLUDE OMISSION OF THE THIRD PARAGRAPH REGARDING THIS BEING AN ISOLATED INCIDENT. B. LEONARD AND E. SADOWSKI ACCEPTED THE AMENDMENT TO THE MOTION THAT WOULD NOW STATE B. LEONARD MOVED TO ACCEPT FINDINGS OF FACT NO. 4 AS ORIGINALLY SHOWN IN THE EPACKET OF MATERIALS FOR THIS MEETING AND STRIKE THE VERBIAGE AT THE END OF PARAGRAPH 2, STATING "AND THAT AT THE TIME OF THE INCIDENT NO RANGE OFFICER OR OTHER OFFICIAL OF THE HSC HAVING CHARGE OF THE PREMISES WAS PRESENT ON THE PROPERTY AND INCLUDE OMISSION OF THE THIRD PARAGRAPH REGARDING THIS BEING AN ISOLATED INCIDENT. B. LEONARD STATED THE POLICE DEPARTMENT REPORT AND INADEQUACIES OF THE LAW BEING BROUGHT FORTH REGARDING FUTURE CONTROL BY THE CITY. SHE NOTED THE CLUB HAD EVERY RIGHT TO COME BACK WITH A CONDITIONAL USE PERMIT AND THERE WAS NO RESTRICTION ON A VERY PROFITABLE USE OF LAND IN ANY CASE. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. J. KRICKHAHN VOTED NAY. MOTION CARRIED.

With regard to the recommendation of modification of the Conditional Use Permit for the HSC, E. Sadowski stated that he had been on the Common Council for nine years and had taken an oath to serve the City and its citizens. In his opinion unless the Common Council revoked the Conditional Use Permit due to numerous violations and terms and conditions of that Permit, he did not think the right thing was being done in this case.

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E. SADOWSKI MOVED TO REJECT THE RECOMMENDATION BY THE PLAN COMMISSION TO MODIFY THE CONDITIONAL USE PERMIT FOR THE HSC. G. MACDOUGALL SECONDED THE MOTION. J. KRICKHAHN STATED HE TOO HAD BEEN ON THE COUNCIL A LONG TIME AND HAD SEEN OTHERS COME BEFORE THE COUNCIL WITH VIOLATIONS THAT HAD BEEN GIVEN THE CHANCE TO CORRECT THE VIOLATIONS. E. SADOWSKI AGREED, HOWEVER, IN THOSE OTHER INSTANCES NO ONE HAD BEEN SHOT AS A RESULT. M. DEYOE STATED SHE UNDERSTOOD J. KRICKHAHN'S VIEWPOINT ON THIS MATTER; HOWEVER, THE HSC WAS NOT NOW, AND NEVER HAD BEEN, IN COMPLETE COMPLIANCE WITH THE CONDITIONAL USE PERMIT. G. MACDOUGALL STATED HE WAS CONCERNED ABOUT THE INCONSISTENCIES RELATED TO THE IMPACTS THE CHANGE IN GUN LAW WOULD HAVE IN THE FUTURE. HE THOUGHT THEY SHOULD BE ABLE TO USE THE CLUB, BUT THAT THE CITY REQUIRED PROTECTION IN THIS MATTER. THE HSC HAD 11.5 YEARS TO COMPLETE REQUESTED CHANGES AND HE THOUGHT IT WOULD BE UNSAFE TO DO ANYTHING BUT RESCIND THE CONDITIONAL USE PERMIT. J. KRICKHAHN NOTED IN 2005 THE CITY HAD NOTED CONFORMANCE AND HE THOUGHT LENIENCY WAS NEEDED IN THIS MATTER. MAYOR MCALEER NOTED THE DIFFERENCE SINCE THAT TIME WAS THAT SOMEONE HAD BEEN HIT BY A STRAY BULLET. E. SADOWSKI SUPPORTED THIS MOTION BECAUSE THE HSC WAS NOT IN COMPLIANCE WITH ITS CONDITIONAL USE PERMIT AND SOMEONE HAD BEEN HIT BY A BULLET. HE HAD NOT SEEN ANY REASON TO MODIFY THE CONDITIONAL USE PERMIT AT THIS TIME. T. AICHER STATED HE THOUGHT THE PLAN COMMISSION RECOMMENDATION WAS REASONABLE AND THAT THE COUNCIL WAS BEING PUT IN THE UNFORTUNATE SITUATION OF BEING EXPERTS IN THIS MATTER. HE NOTED HE WOULD HAVE LIKED TO SEE A PROPOSAL PRESENTED TO THE COUNCIL INSTEAD OF HAVING TO CRAFT ONE. HE THOUGHT THE COMMISSION WAS REASONABLE IN THIS MATTER. **THERE WAS NO FURTHER DISCUSSION. FOUR VOTED IN FAVOR. TWO VOTED NAY. MOTION CARRIED.**

B. LEONARD MOVED THAT THE COMMON COUNCIL OF THE CITY OF DELAFIELD REVOKE THE CONDITIONAL USE PERMIT DATED SEPTEMBER 4, 1997, FOR THE HARTLAND SPORTSMAN'S CLUB AS AMENDED AND THAT THE REVOCATION REQUIRE TERMINATION OF ALL SPORT SHOOTING ACTIVITIES AT THE SITE BECAUSE OF VIOLATIONS OF TERMS AND CONDITIONS OF THE CONDITIONAL USE PERMIT. E. SADOWSKI SECONDED THE MOTION. E. SADOWSKI STATED HE THOUGHT THIS WAS THE RIGHT THING TO DO. J. KRICKHAHN STATED HE THOUGHT THERE WAS ROOM FOR IMPROVEMENT. M. DEYOE STATED THE HSC COULD RETURN WITH A NEW PROPOSAL AND OPTIONS THAT WOULD WORK. G. MACDOUGALL STATED THE HSC COULD COME BACK WITH PROBLEMS SOLVED FOR ANOTHER CONDITIONAL USE THAT WORKED. J. KRICKHAHN STATED THE HSC COULD STILL DO THAT WITH ARCHERY, TRAP SHOOTING, ETC.

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T. AICHER STATED THIS WAS A BUSINESS AND WAY OF LIFE FOR SOME PEOPLE IN THE COMMUNITY. HE REQUESTED THAT THE SAME ATTENTION AND TIME BE GIVEN TO CONSIDERATION OF ANY FUTURE REQUESTS OF THE HSC SIMILAR TO THOSE FOLLOWED IN THIS PROCESS FOR REVOCATION AND THAT THERE WAS A SENSE OF URGENCY IN THE MATTER TO ALLOW THEM TO FUNCTION AGAIN. E. SADOWSKI STATED HE THOUGHT T. AICHER MADE A NOBLE POINT; HOWEVER, HE WAS MORE CONCERNED ABOUT THE CITIZENRY AT THIS POINT. NUMEROUS VIEWS HAD BEEN HEARD FROM RESIDENTS OF DELAFIELD AND SURROUNDING COMMUNITIES. TO THAT END, HE THOUGHT SAFETY FOR ALL WAS MOST IMPORTANT IN THIS MATTER. B. LEONARD STATED THAT IF THE HSC DID COME FORWARD, SHE WOULD WORK TO MAKE SURE THE REQUEST WAS HANDLED IN A TIMELY MANNER. **THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. J. KRICKHAHN VOTED NAY.**

2. City of Delafield citizen's comments pertaining to subjects on this agenda

Due to the lateness of the hour, Mayor McAleer stated this item would not be addressed at this time.

Without objection from the Commission, Mayor McAleer moved to Item 4a on the agenda at this time.

3. Approve Plan Commission meeting minutes of May 26, 2010 meeting

K. ATTWELL MOVED TO APPROVE THE PLAN COMMISSION MEETING MINUTES OF MAY 26, 2010 AS PRESENTED. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. C. SMITH AND M. KATZ ABSTAINED. MOTION CARRIED.

Without objection from the Commission, Mayor McAleer proceeded to the Item 6 on the agenda.

4. Zoning and Ordinance Revision

- a. Discussion and action on Ordinance No. 638, An Ordinance to Repeal and Recreate Section 17.42(5)(a), and Repeal Sections 17.42(5)(b) and 17.42(5)(c) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, To Eliminate the Ability of the Plan Commission to Determine a Major vs. Minor Change to a Conditional Use, and recommendation to the Common Council of the same

K. Fitzgerald stated there was a typographical error and issues with the language as drafted. He thought the process was ambiguous referenced in 17.42 (5)(a) with regard to Plan Commission and Common Council approval.

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K. FITZGERALD MOVED TO APPROVE ORDINANCE NO. 638, AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.42(5)(A), AND REPEAL SECTIONS 17.42(5)(B) AND 17.42(5)(C) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, TO ELIMINATE THE ABILITY OF THE PLAN COMMISSION TO DETERMINE A MAJOR VS. MINOR CHANGE TO A CONDITIONAL USE AS AMENDED TO INCLUDE THE CORRECT PROCESS TO BE FOLLOWED FOR PLAN COMMISSION AND COMMON COUNCIL APPROVAL, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. M. FREDE QUESTIONED THE NEED FOR THE CHANGE IN ORDINANCE. MAYOR MCALEER EXPLAINED THE HISTORY OF THIS MATTER, NOTING THAT PUBLIC INPUT WAS IMPORTANT. M. DEYOE STATED IT WAS IMPORTANT TO REMOVE SUBJECTIVITY FROM THE APPROVAL PROCESS. C. SMITH STATED HE THOUGHT THE PROCESS UTILIZED CURRENTLY WORKED WELL WITH THE EXCEPTION OF THE ISSUES ASSOCIATED WITH THE GUN CLUB AND HE THOUGHT IT IMPORTANT TO FOR THE COMMISSION TO CONTINUE TO DETERMINE WHETHER ITEMS WERE A MAJOR OR MINOR CHANGE IN CERTAIN CASES. M. DEYOE NOTED THERE WOULD BE OTHER COMMISSIONS IN THE FUTURE AND IT WAS IMPORTANT TO HAVE THE ORDINANCE PROCESS CLEARLY DEFINED FOR ALL. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. C. SMITH AND M. FREDE VOTED NAY. MOTION CARRIED.

- b. Discussion and action on recommendation from Plan Commission to adopt Ordinance No. 638, An Ordinance to Repeal and Recreate Section 17.42(5)(a), and Repeal Sections 17.42(5)(b) and 17.42(5)(c) of the Municipal Code of the City of Delafield, Waukesha County, Wisconsin, To Eliminate the Ability of the Plan Commission to Determine a Major vs. Minor Change to a Conditional Use

E. SADOWSKI MOVED TO ACCEPT THE RECOMMENDATION OF THE PLAN COMMISSION REGARDING ADOPTION OF ORDINANCE NO. 638, AN ORDINANCE TO REPEAL AND RECREATE SECTION 17.42(5)(A), AND REPEAL SECTIONS 17.42(5)(B) AND 17.42(5)(C) OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, TO ELIMINATE THE ABILITY OF THE PLAN COMMISSION TO DETERMINE A MAJOR VS. MINOR CHANGE TO A CONDITIONAL USE AS AMENDED. J. KRICKHAHN SECONDED THE MOTION. J. KRICKHAHN STATED HE THOUGHT IT WAS IMPORTANT FOR ALL TO HEAR WHAT WAS NEEDED BY THE PUBLIC IN THE FUTURE. MAYOR MCALEER THOUGHT PUBLIC INPUT PROVIDED BALANCE IN MANY SITUATIONS BEFORE THE COMMISSION AND COUNCIL. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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5. Adjourn Common Council meeting

G. MACDOUGALL MOVED TO ADJOURN THE JUNE 10, 2010 COMMON COUNCIL MEETING AT 9:50 P.M. E. SADOWSKI SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Without objection, Mayor McAleer moved to Item 3.

6. Preliminary

- a. **DELC 0797.979.005 through 0797.979.026, 503 to 637 Sanctuary Lane, Delafield.** Owner: Trillium Development, LLC. Applicant: Jeffrey Christensen. Applicant seeks preliminary feedback of a Planned Development – revised Specific Implementation Plan to allow for additional modified architecture, relocated building pads, reduced landscape features and an additional sign

Vac Milka, representative of Trillium Development, LLC, was present to provide information on the modifications made to the Specific Implementation Plan (SIP) presented in 2007 on this matter. He noted several changes to the original design found in the plans for this project, including the smaller footprint of the housing than what was originally designed. He then provided a brief history of the project and the noted the proposed changes to the site plan including a change in exterior architectural elements and materials with multiple rooflines, hip and gable roofs, a variety of masonry, covered porches, garages and exposed lower level walkouts. The housing was designed to be approximately 244 square feet smaller than the original concept shared. The reason for the change was to provide greater opportunity to a newer market that desired greater space between buildings and additional green space. This change resulted in a greater offset that met setback requirements.

John Stigler, of Jahnke and Jahnke, a site engineering firm for the project, was also present. He reviewed the site changes including preservation of trees that required movement of the storm sewers for various lots. Setbacks were noted from the road and certain proposed buildings were rotated on the lots to provide additional room for the housing and utilities.

Discussion ensued regarding the various lots and distances from the roadway with the rotations described of the housing upon the lot.

Rod Carter, attorney for Trillium Development, LLC, stated there were revised building pads that assumed dimensions for larger units that came with an increased setback from the road.

J. Stigler explained the issues related to the recommendations associated with the liner of the pond in the project area. A berm would be placed on the site near the pond and signage was also shown to be made smaller than originally proposed. He then reviewed aspects of the project including changes in wattage

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for the lighting proposed, deed restrictions for certain lots, and brickwork to be placed near buildings. Wetland plantings, and tree mitigation information would be available at the next Plan Commission meeting.

C. Smith noted he did not think there would be an issue with the gravel trail on the site; however, it was his understanding that there would be no trail connection to the Lake Country Trail due to the steep grade changes on the site in the trail connection location. D. Jashinsky stated he would like to have the second entrance sign reviewed by the Department of Public Works regarding possible obstructed views for motorists.

V. Milka thanked the Commission for its time spent on this matter. R. Dupler explained the process to be followed for additional review on this matter, noting this item would also be placed on the June 30, 2010 Plan Commission meeting agenda.

7. Planner's Report

a. Cushing Business Park Directional Sign

R. Dupler stated the directional signage for the Cushing Business Park was available in the epacket for this meeting. The Department of Public Works would determine the final location.

8. Correspondence

- a. Email from Katie Cianciolo regarding the Hartland Sportman's Club
- b. Letter from the Cherokee Woods Homeowners & Neighbors regarding the Hartland Sportman's Club
- c. Letter from the Charles Winter regarding the Hartland Sportman's Club
- d. Letter from Waukesha County District Attorney Brad Schimel regarding the Hartland Sportman's Club

9. Adjourn Plan Commission meeting.

K. ATTWELL MOVED TO ADJOURN THE JUNE 10, 2010 PLAN COMMISSION MEETING AT 10:42 P.M. C. SMITH SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes prepared by:

Accurate Business Communication, Inc.