

**TOWN OF GENESEE
IMMEDIATELY FOLLOWING THE BUDGET PUBLIC HEARING AT
6:00 P.M. AND THE MEETING OF THE ELECTORS
AMENDED REGULAR TOWN BOARD MINUTES
NOVEMBER 11, 2019**

Leair called the meeting to order at 6:12 p.m. Present were Town Board Supervisors Morris, Schmittinger, Ross and Houston. Also Present were Administrator/Planner Herrmann, Public Works Superintendent Gibson, Treasurer McCormick and Clerk Majeskie.

Discussion/action – Minutes to be approved – Regular Town Board Meeting of 10-16-19; Budget Work Sessions 10-16-19

Morris made a motion to approve to approve the regular Town Board minutes of 10-16-2019, seconded by Ross. The motion passed 4-0 Schmittinger abstaining. Ross made a motion to approve to approve the budget work session minutes of 10-16-2019, seconded by Houston. The motion passed 4-0 Schmittinger abstaining.

Discussion/Action – Waiver from Section 375-22(F) showing area contiguous to CSM own by the sub divider for Wolf Business Park, W329 S1744 Jones Road, Delafield, WI 53018.Both CSM #3 and CSM #4 (Tax Key GNT 1458-997-001)

Herrmann told the Board that this project is now called Lapham Corporate Park. Ross made a motion to approve the waiver from section 375-22(F), seconded by Houston. The motion passed unanimously.

Discussion/Action – Certified Survey Map #3 for Wolf Business Park, W329 S1744 Jones Road, Delafield, WI 53018. (Tax Key GNT 1458-997-001)

Houston made a motion to approve the CSM #3 subject to the Planners recommendations, seconded by Schmittinger. The motion passed unanimously.

**TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP**

PROJECT NAME: Wolf Business Park CSM #3

TAX KEY NO.: GNT 1458.997.003

DATE: October 21, 2019

OWNER: Jones Road LLC
514 Wells Street
Suite 1-W
Delafield, WI 53018

LOCATION: Part of the NW ¼ of Section 5, Town of Genesee, Waukesha County, Wisconsin and at W329 S1744 Jones Road.

TOWN ZONING: M-1 Limited Industrial District (1-Acre Minimum Lot Size).

SHORELAND ZONING: M-1 Limited Industrial District.
HG High Groundwater District.
C-1 Conservancy District.

LOT SIZE: Approximately 26.09 acres.

REQUESTED USES: A re-division of Lot 4 CSM No. _____ .

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035:

The Town of Genesee Comprehensive Land Use Plan – 2035 designates a major portion of this property in the Industrial category, which does not give a minimum density requirement. The southwest portion of the property that includes a tributary of Wales Creek is designated as Primary Environmental Corridor. The northwest portion of the property (not shown on the CSM), which includes Scuppernong Creek, is designated as Secondary Environmental Corridor. The proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The property is located on the south side of USH 18 and east of Jones Road. It is the former Bartolotta Fireworks property. The owner is in the process of constructing a business park, known as Lapham Corporate Park. For the most part, the lots will be created as they are sold/developed. The overall property size was approximately 42.25 acres in size. This is the third CSM in the series. The property in question is a lot consisting of approximately 26.09 acres. The property is currently zoned M-1 Limited Industrial District under the Town Zoning Code and M-1 Limited Industrial District, HG High Groundwater District and C-1 Conservancy District under the Waukesha County Shoreland Zoning Ordinance.

Wolf Business Park CSM #3

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The owner previously submitted two (2) CSM's to divide the original parcel, the first CSM contained four lots and dedicated Wales Creek Lane, an 80-foot wide public road. The second CSM was divided into one (1) lot and three (3) outlets. The Owner is now proposing to further divide Lot 4 of CSM #2 into four (4) lots. Lot 5 will be 3.00 acres in size, Lot 6 will be 6.79 acres, Lot 7 will be 5.95 acres, and Lot 8 will be 10.37 acres. It should be noted that the petitioner should consider revising the lot numbers and start with Lot 4, instead of Lot 5, otherwise the Lot 4 will fail to exist.

This submittal is a Certified Survey Map, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The Certified Survey Map was filed with the Town of

Genesee on September 18, 2019, giving the Town Plan Commission until December 1, 2019 and the Town Board until December 16, 2019, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated September 16, 2019, I have found the following items must be added to the map or waived by the Town of Genesee Plan Commission and Town Board in order to comply with the Town's Land Division Ordinance:

- Section 325-25 (Q) Soil tests if required by Waukesha County Environmental Health Division shall be completed on each lot. The location of the soil borings shall be shown on the CSM and the testing data for each required boring shall be presented to the Town Planner.
- Section 375-22 (F) Entire area contiguous to the proposed CSM owned or controlled by the subdivider and/or owner shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission has waived this requirement in the past, since it is unnecessary to fulfill the purposes and intent of this chapter.
- Section 375-29 (E) All Utility and/or Drainage Easements shall be shown on the final CSM.
- Section 375-29 (I) The square footage of each lot and outlot shall be shown on the CSM and in addition thereto the CSM shall show the exact acreage for each lot or outlot to the nearest 1/100 acre, such indicator to be located **within the boundary of each lot or outlot on the CSM.**
- Section 375-44 Duplicate CSM to be Filed; An identical reproducible copy (on stable drafting film at least 4 mils thick) along with the recording data shall be placed on file with the Town Clerk.
- Section 375-45 The Town Clerk or his/her designee shall place upon a copy of the map on each lot shown on said map the correct legal house numbers assigned to that lot in conformity with the grid system in effect in Waukesha County and any local ordinances, at the expense of the Developer.
- Section 375-46 The developer upon approval of the Town Engineer shall state on the identical reproducible copy of the final certified survey map the culvert sizes for each lot for future driveways (if applicable).

Wolf Business Park CSM #3

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PLANNER'S RECOMMENDATION:

Based on the above information, the Town Planner recommends that the Town Plan Commission recommend to the Town Board to **approve** the CSM subject to the aforementioned conditions being satisfied prior to Town signing the final CSM and subject to the following:

1. Subject to the Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin Administrative Code; Waukesha County Department of Parks and Land Use and the Village of Wales in regard to the CSM, prior to the Town signing the final CSM.
2. The Village of Wales shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of Wales Prairie shall be incorporated herein.
3. Waukesha County shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by Waukesha County shall be incorporated herein.
4. This CSM shall be recorded subsequently to CSM #2 being recorded, which created the original Lot 4.
5. The Lot numbering shall start with Lot 4 and not Lot 5.
6. On sheet 3 of 8, the word "Temporary" in Temporary Stormwater Access Easement shall be removed.
7. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the notes.
8. There shall be absolutely no direct access to U.S.H. 18 from the property without written permission from the Wisconsin Department of Transportation.
9. All existing and proposed easements shall be shown.
10. Subject to the Developer satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
11. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

12. Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses,

permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Village of Wales
Waukesha County Department of Parks and Land Use
Chief James Moon
Mark Mickelson
John Konopacki
Sean Wolf

Discussion/Action – Certified Survey Map #4 for Wolf Business Park, W329 S1744 Jones Road, Delafield, WI 53018. (Tax Key GNT 1458-997-001)

Houston made a motion to approve the CSM #4 subject to the Planners recommendations, seconded by Ross. The motion passed unanimously.

**TOWN OF GENESEE PLAN COMMISSION & TOWN BOARD
PLANNER'S REPORT AND RECOMMENDATION
CERTIFIED SURVEY MAP**

PROJECT NAME: Wolf Business Park CSM #4

TAX KEY NO.: GNT 1458.997.003

DATE: October 21, 2019

OWNER: Jones Road LLC
514 Wells Street
Suite 1-W
Delafield, WI 53018

LOCATION: Part of the NW ¼ of Section 5, Town of Genesee, Waukesha County, Wisconsin and at W329 S1744 Jones Road.

TOWN ZONING: M-1 Limited Industrial District (1-Acre Minimum Lot Size).

SHORELAND ZONING: M-1 Limited Industrial District.
HG High Groundwater District.
C-1 Conservancy District.

LOT SIZE: Approximately 10.36 acres.

REQUESTED USES: A re-division of Lot 8 CSM No. _____ .

COMPLIANCE WITH THE TOWN OF GENESEE COMPREHENSIVE LAND USE PLAN -2035:

The Town of Genesee Comprehensive Land Use Plan – 2035 designates a major portion of this property in the Industrial category, which does not give a minimum density requirement. The southwest portion of the property that includes a tributary of Wales Creek is designated as Primary Environmental Corridor. The northwest portion of the property (not shown on the CSM), which includes Scuppernong Creek, is designated as Secondary Environmental Corridor. The proposed parcels comply with the intent of the Town of Genesee Comprehensive Land Use Plan – 2035.

STAFF ANALYSIS:

The property is located on the south side of USH 18 and east of Jones Road. It is the former Bartolotta Fireworks property. The owner is in the process of constructing a business park, known as Lapham Corporate Park. The owner previously submitted three (3) CSM's to divide the original parcel. The first CSM contained four lots and dedicated Wales Creek Lane, an 80-foot wide public road. The second CSM was divided into one (1) lot and three (3) outlets. The Third CSM was divided into four (4) lots. The owner is now proposing to further divide Lot 8 of CSM #3 into two (2) lots. Lot 9 will be 6.34 acres in size and Lot 10 will be 4.02 acres in size. It should be noted that the petitioner should consider revising the lot numbers and start with Lot 8, instead of Lot 9, otherwise the Lot 8 will fail to exist, if CSM #3 is modified then Lot 8 may be Lot 7.

Wolf Business Park CSM #4

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This submittal is a Certified Survey Map, which gives the Town Plan Commission 75 days and the Town Board 90 days to take action. The Certified Survey Map was filed with the Town of Genesee on September 18, 2019, giving the Town Plan Commission until December 1, 2019 and the Town Board until December 16, 2019, to take action, unless the Developer grants an extension in writing.

In performing a detailed review of the CSM dated September 16, 2019, I have found the following items must be added to the map or waived by the Town of Genesee Plan Commission and Town Board in order to comply with the Town's Land Division Ordinance:

Section 325-25 (Q) Soil tests if required by Waukesha County Environmental Health Division shall be completed on each lot. The location of the soil borings shall be shown on the CSM and the testing data for each required boring shall be

presented to the Town Planner.

- Section 375-22 (F) Entire area contiguous to the proposed CSM owned or controlled by the subdivider and/or owner shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from strict application thereof.
- Section 375-29 (E) All Utility and/or Drainage Easements shall be shown on the final CSM.
- Section 375-29 (I) The square footage of each lot and outlot shall be shown on the CSM and in addition thereto the CSM shall show the exact acreage for each lot or outlot to the nearest 1/100 acre, such indicator to be located **within the boundary of each lot or outlot on the CSM.**
- Section 375-44 Duplicate CSM to be Filed; An identical reproducible copy (on stable drafting film at least 4 mils thick) along with the recording data shall be placed on file with the Town Clerk.
- Section 375-45 The Town Clerk or his/her designee shall place upon a copy of the map on each lot shown on said map the correct legal house numbers assigned to that lot in conformity with the grid system in effect in Waukesha County and any local ordinances, at the expense of the Developer.
- Section 375-46 The developer upon approval of the Town Engineer shall state on the identical reproducible copy of the final certified survey map the culvert sizes for each lot for future driveways (if applicable).

PLANNER'S RECOMMENDATION:

Based on the above information, the Town Planner recommends that the Town Plan Commission recommend to the Town Board to **approve** the CSM subject to the aforementioned conditions being satisfied prior to Town signing the final CSM and subject to the following:

1. Subject to the Owner satisfying all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including but not limited to the Wisconsin State Statute's per Chapter 236; Comm. 85, Wisconsin

Administrative Code; Waukesha County Department of Parks and Land Use and the Village of Wales in regard to the CSM, prior to the Town signing the final CSM.

2. The Village of Wales shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by the Village of Wales Prairie shall be incorporated herein.
3. Waukesha County shall review, approve and sign the CSM prior to the Town of Genesee signing the final CSM. All conditions imposed by Waukesha County shall be incorporated herein.
4. This CSM shall be recorded subsequently to CSM #3, which created the original Lot 8.
5. The Lot numbering shall start with Lot 8 and not Lot 9.
6. On sheet 3 of 6, the word “Temporary” in Temporary Stormwater Access Easement shall be removed.
7. Any and all waivers reviewed and approved by the Town Plan Commission and Town Board shall be noted on the final CSM. The Town Planner shall approve the language of the notes.
8. All existing and proposed easements shall be shown.
9. Subject to the Developer satisfying all of the aforementioned conditions within one year of the Town Board granting conditional final CSM approval.
10. Professional fees. Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

11. Payment of Charges. Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to

Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

Respectfully submitted,

Jeffrey C. Herrmann, AICP
Administrator-Planner

cc: Town of Genesee Clerk
Town of Genesee Building Inspector
Village of Wales
Waukesha County Department of Parks and Land Use
Chief James Moon
Mark Mickelson
John Konopacki
Sean Wolf

Discussion/action – Adopt the budget for 2019

Ross made a motion to adopt the budget that was approved by the electors, seconded by Houston. The motion passed unanimously.

Discussion/action – Ordinance 19-7 To Amend the Ordinance 356-9(f) to remove the limits of bottles of liquor to be sold.

Morris made a motion to Amend the Ordinance 356-9(f) to remove the limits of bottles of liquor to be sold in a “Class B” Liquor establishment to match the amended State statute 125.51(3)(b), seconded by Ross. The motion passed unanimously.

Discussion/action – Amend Resolution 19-10R to appoint the Town Clerk as the Recycling Coordinator

Ross made a motion to approve Resolution 19-10R without the words or designee, seconded by Houston. The motion passed unanimously.

Discussion/action – Reduction of the Letter of Credit –Arboretum (KW Genesee)

Ross made a motion to refund the letter of credit for \$25,000.00 upon the receipt of a \$5,000.00 bond for the yearly maintenance for KW Genesee, seconded by Houston. The motion passed unanimously.

Reports –
Treasurer – Carol McCormick

Discussion/Action – Bills to be presented

Houston made a motion to approve the bills, seconded by Ross. The motion passed unanimously.

Discussion.

Public Works – Will Gibson

Five-year Pacer Review for the Road Program

Gibson explained the five- year pacer program to the Board.

2020 Road Program

Gibson discussed the 2020 road program for 2020. Approximately \$500,000.00 will be spent each year to repair or replace the roads.

Request to Raise the Credit Limit for the DPW Credit Card

Ross made a motion to raise the credit limit on the DPW credit card to \$5,000.00, seconded by Houston. The motion passed unanimously.

Chairman – Sharon Leair

Legislation Concerning Towns

Leair gave a short report on AB203 Absentee voting law that would allow absentee voting by machine.

Discussion/action - Changes to the Employee Handbook

The board discussed changes to be added to Employee Handbook. Schmittinger made a motion to approve the changes with one additional change that if Christmas Eve or New Year's Eve falls on a weekend in that year the employee would not be paid holiday pay for that day, seconded by Houston. The motion passed 3-2. Leair and Morris voting against. The final updated handbook will be on next month's agenda.

Discussion/action - Maintenance Program for the Generator at the Town Hall

This was Tabled.

Discussion/action - Operator permit applications

Ross made a motion to approve the operator's permit for Stacy Thomas for Ella's Public House, seconded by Schmittinger. The motion passed unanimously.

Correspondence

Majeskie notified the Board that the Town can no longer use Magee School for a contingency plan for the Elections. She is looking into using St Paul's Church. Majeskie also shared with the board a list of all the businesses that we have with charge accounts.

Adjourn

Schmittinger made a motion to adjourn, seconded by Ross. The motion passed unanimously. The meeting was adjourned at 7:33 p.m.

Respectfully submitted,

Meri Majeskie, WCMC

Town Clerk