



**TOWN OF LISBON
TOWN BOARD MINUTES
JANUARY 10, 2022**

JOINT PUBLIC HEARING MINUTES

A Joint Public Hearing with the Plan Commission and the regular meeting of the Town of Lisbon Town Board of Supervisors was held on Monday, January 10, 2022, at the Richard Jung Memorial Fire Station, N54 W26455 Lisbon Road.

Supervisor Moonen called the Public Hearing and Town Board meeting to order at 6:34p.m.

Roll Call: Present: Chairman Joseph Osterman (via Zoom); Supervisors Doug Brahm, Marc Moonen, Linda Beal, and Rebecca Plotecher; Plan Commission Members Ed Nelson, Bryan Oelhafen, Joe Eberle, and Jeff Musche; Planners Orrin Sumwalt and Shaun Mularkey; Attorney John Macy; Administrator Kathy Nickolaus; and Clerk Elisa Cappozzo to record the minutes.

Public Hearing No. 1: Consideration of a proposed update to the Town of Lisbon Comprehensive Development Plan: 2035 as required under Wis. Stats. §66.1001. The Plan has been revised to reflect updated population and housing data, existing development patterns, opportunities for infill residential development, and general development trends.

Supervisor Moonen read the published Notice of Public Hearing into the record and opened the Public Hearing.

Planner Mularkey gave a detailed overview of the reasons for the proposed amendments to the Comprehensive Plan, steps that have been taken with the County, reviewed the Public Information Meeting (PIM) that was held with the public, updating verbiage and definitions. He also showed proposed map changes, categories they were assigned, and the reasons why.

Public Comments:

John Radmer, W220N5229 Townline Road, voiced concern that expansion of Lannon Stone Quarry would bring dust, noise, and water onto his property.

Sherry Howard, N73W25301 Howard Lane, stated her belief that the SEWRPC guidelines which were prepared for the Waukesha County Comprehensive Plan do not belong in Lisbon's Comprehensive Land Use Plan. She also thought the notation at the bottom of Exhibit B regarding Other Open Lands to be Preserved should be deleted.

Mark Schmidt, W220N5259 Townline Road, asked for a definition/ explanation of what an Isolated Natural Resource Area is.

Lisa Oddis (via Zoom), W220N9359 Townline Road, asked if the 2020 Census data had been incorporated into the plan, what percentage of lands changed categories, and if the proposed changes to the Comprehensive Land Use Plan will satisfy the state's requirements when and if Lisbon petitions for incorporation in the future. She also expressed concern that some CUPs fill wetland in order to create an artificial wetland, and stated that she doesn't want any lands designated Other Open Lands to be Preserved to change. She also stated her standing objection to rezoning any environmentally sensitive areas for any reason.

Andrew John, W218N5426 Taylors Woods Road, stated that he objects to Lannon Stone Quarry expanding its area, his belief that it will negatively affect his property value, and thinks the quarry isn't beneficial to the immediate area.

James Davidson, N53W21948 Red Bud Lane, stated that he strongly opposed the expansion of Lannon Stone Products. He felt that residents of the Taylors Woods subdivision in Menomonee Falls were not given sufficient information regarding Lannon Stone's proposals, that their property taxes would be affected, and that the existing quarries are an eyesore.

Matt Frankovis, N55W21724 Adam Dale Drive, stated that nobody wants a quarry in their backyard. He believed quarry expansion would negatively affect property values in Taylors Woods subdivision.

Hans Dawson, of Lannon Stone Products, rebutted the claim that quarries are a deterrent to housing as evidenced by the large increase in homes built over the last 80 years surrounding various quarries that were in previous existence. He also noted that LSP has studied publicly available home sales numbers and assessed values in 2 separate subdivisions over both a 3-year and 15-year period both near and far from quarries. That data showed that being adjacent to a quarry had little to no effect on home values in both the 3-year and 15-year periods. Mr. Dawson also stated that he is happy to answer any questions from residents or Town officials at any time.

Planner Mularkey responded to questions that were raised regarding the Comprehensive Plan update:

- There was a question about the housing elements that were added to Chapter 5 and Chapter 9. Housing pieces from SEWRPC that were added to County's Plan and then incorporated into the Town's plan. The housing elements are just regional guidelines from the Southeastern Wisconsin Regional Planning Commission (SEWRPC) for the County as a whole, and not all of them directly pertain to Lisbon. Because the Town plan is based on the County's plan, we are just keeping within the County's framework. These are not policy decisions being made, we are just acknowledging the guidelines for the County as a whole and saying we support them.
- There was a question about areas designated as Other Open Lands to be Preserved. We haven't changed the locations of those on the map itself, so those remain on the map. There is a clause in the Plan that says those lands found not to be encumbered by wetlands, floodplains, or soil constraints by updated data may be considered under the adjacent land use category/ies. It isn't carte blanche for development, but rather reflects changing soil/ water conditions. These would still be considered on a case-by-case basis by the Plan Commission and Town Board if applicants can prove projects would not be a detriment to the environment. Wetland boundaries change over time, so this definition reflects that those areas still exist and are important to preserve, but the boundaries may change if evidence is presented that soil conditions have changed.
- There was a question about the 2020 Census data. We have included all of the Census information that is available to-date, but not all of it is available yet. In terms of population and housing projections, we used the most-recent data but it is not there for all counties and localities yet. When Lisbon is ready to do a full-blown Comprehensive Plan update in a few years, we will be able to use all of the 2020 Census data.
- There was a question about what Isolated Natural Resource Area, and what it meant on the map. The Plan recognizes major environmental areas and labels them as Primary- or Secondary Environmental Corridors or as Isolated Natural Resource Areas. All of those terms are defined by SEWRPC and are mapped, and it's up to the local community to decide what to do with them. They are protected to some degree, and then the community writes the guidelines and polices. Lisbon's policies follow the County, as those areas are preserved and not intended to be developed with limited exception. Isolated means just that – it is a defined area that is much smaller in size that isn't contiguous to a larger environmentally sensitive area, but still has something that is worth preserving.

- There was a question about what percentage of lands that changed categories. We do have calculations for land to be developed. As I mentioned before, about half the town is in areas that are natural resource areas, rights-of-way, recreational, extractive, basically areas that won't be developed. So 50% of the Town is developable. Of that, 32% is already developed. So essentially 82% of the Town is either not developable or is already developed. This leaves about 18% to be developed. Of that 18%, there is a portion that is set aside for Agricultural and Rural lands, and the remainder – which is about 15.8% of the Town – is not currently developed and is set aside for future development.
- There were a few other concerns regarding wetland fill and the quarries, but those are not directly related to the Comprehensive Plan so they won't be addressed during the Public Hearing.

Lisa Oddis (via Zoom), W220N9359 Townline Road, said she didn't feel like her concerns about replacing existing wetlands with artificial wetlands were addressed.

Planner Mularkey stated that the Comprehensive Plan does not address that. There are protections in place for environmentally sensitive areas with very limited exceptions on residential lots. This is a very limited update to the Comprehensive Plan and that was not an area that the Planners were asked to address, and no language was changed related to wetland preservation.

There being no further comments from the public, motion by Eberle, second by Nelson, to close the Public Hearing. The motion carried unanimously, and the Public Hearing was closed at 7:37p.m.

The Public Hearing being closed, Commissioners Oelhafen, Nelson, Eberle, and Musche took their leave.

TOWN BOARD MINUTES

Supervisor Moonen called the regular Town Board meeting to order at 7:39 p.m.

Roll Call: Present: Chairman Osterman (via Zoom); Supervisors Brahm, Moonen, Beal, and Plotecher; Attorney John Macy; Planners Shaun Mularkey and Orrin Sumwalt; Administrator Kathy Nickolaus; and Clerk Elisa Cappozzo to record the minutes.

Citizen Comment:

Parks Committee Member Ed Nelson invited the Town Board and all present to Winterfest.

Minutes – December 13, 2021, Town Board

Motion by Plotecher, second by Brahm, to approve the minutes of the December 13, 2021 Regular Town Board meeting as presented. Motion carried.

Accounts Payable

- A. Authorize payment of the 12/22/2021 Falls Auto Parts bill in the amount of \$26.52
Motion by Beal, second by Plotecher, to approve payment of the Falls Auto Parts bill as presented. Motion carried 4:0 with Chairman Osterman abstaining.
- B. Authorize payment of remainder bills dated 12/22/2021 in the amount of \$100,848.42
Motion by Osterman, second by Brahm, to approve payment of remainder of bills as presented. Motion carried unanimously.

- C. Authorize payment of the 1/6/2022 bills in the amount of \$167,489.93
Motion by Brahm, second by Plotecher, to approve payment of remainder of bills as presented. Motion carried unanimously.

Announcements/Correspondence

- Parks Committee – Monday, January 17 at 6:30p.m., Richard Jung Fire Station
- Sanitary Sewer District #1 Commission – Wednesday, January 19 at 6:30p.m., Town Hall
- Town Board Meeting – Monday, January 24 at 6:30 p.m. Town Hall
- Plan Commission – Thursday, February 3 at 6:30p.m., Richard Jung Fire Station

Clerk Cappozzo also noted receipt of correspondence dated 1/10/2022 received from resident Mark Schmidt.

Administrator Report

Administrator Nickolaus gave a brief update on current Town projects and departments.

Supervisor Reports: None.

Unfinished Business

- A. Request for approval of 2022 Lake Country Muni Court contract and related Ordinance (tabled 11/22/21)
Attorney Macy stated that he had reviewed the contract. Although he would prefer a few amendments, all participating municipalities must approve the same contract. Attorney Macy advised to approve as-is, noting that revisions must be made prior to any subsequent contracts being approved.
Motion by Osterman, second by Moonen, to approve the 2022 Lake Country Municipal Court contract and adopt related Ordinance as presented. Motion carried unanimously.

New Business

- A. Request for approval of amendment to Employee Handbook and authorization of back pay
Motion by Moonen, second by Brahm, to approve removal of "Holidays are not considered days worked as part of the overtime pay calculation" from the Employee Handbook and approve back pay for hours worked on observed holidays of 12/27/21, 12/31/21, and 1/1/22 for snowplow drivers at the cost of \$1,534.00. Motion carried unanimously.
- B. Request for approval of change in garbage billing for model homes
Motion by Beal, second by Brahm, to approve policy change to start garbage service on all new homes, including model homes, once the occupancy permit is issued. Motion carried unanimously.
- C. Request for approval of amendment to Comprehensive Land Use Plan
Motion by Plotecher to adopt the Comprehensive Land Use Plan and amendments as presented, direct staff to draft an Ordinance consisting of the same, and authorize the Chairman to sign the Ordinance, subject to Planner and Attorney review. The motion was seconded by Beal, was voted upon, and carried unanimously.
- D. Review of written comments received regarding §66.0307 Intergovernmental Agreement with Sussex
Attorney Macy noted that the Board received an itemized list of all written comments pertaining to the proposed 2022 Agreement with Sussex. Attorney Macy read the itemized list of comments, each Board member confirmed review of each comment, and responded "no" when asked if each comment required the proposed agreement be altered or amended in any way. Attorney Macy also noted that the comment attributed to Margaret Sutton received on 12/17/21 was on behalf of Gordon S Rankin & Mahala B Rankin, and the comment cover sheet will be updated as such. All comments and itemized cover sheet are attached to these minutes and thereby incorporated herein. No further action was taken.

- E. Discussion only regarding future Incorporation efforts
Administrator Nickolaus gave a status report on a conceptual timeline for possible future incorporation efforts. No action was taken.

A short break was taken from 8:35p.m. to 8:42p.m.

- F. Discussion only regarding offer to purchase from Larry Kelly for a parcel within Business Park East
Larry Kelly (via Zoom) gave a brief overview of the dance studio he and his daughter are hoping to bring to Lisbon's Business Park East which is related to the offer to purchase that the Board would be considering during tonight's Closed Session review of Mr. Kelly's offer to purchase. No action was taken.

Closed Session (8:55p.m.)

Supervisor Moonen read the notice of Closed Session pursuant to Wis. Stat. §19.85(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically regarding an offer to purchase received from Larry Kelly for parcel within Lisbon Business Park East; and pursuant to Wis. Stat. §19.85(e) for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, more specifically regarding proposed contract with Lannon Stone Products regarding Lisbon Quarry Fund.

Motion by Brahm, second by Beal, to adjourn into Closed Session pursuant to Wis. Stats. §19.85(1)(e) related to Larry Kelly's offer to purchase for a parcel within Lisbon Business Park East, and pursuant to Wis. Stats. §19.85(1)(e) related to a proposed contract with Lannon Stone Products regarding Lisbon Quarry Fund. A roll call vote was taken, and the motion carried unanimously.

Open Session (9:35p.m.)

Motion by Beal, second by Brahm, to adjourn into Open Session pursuant to Wis. Stats. §19.85(2) for possible action on the Closed Session discussion, and to adjourn the meeting. Motion carried unanimously.

Motion by Moonen, second by Beal, to authorize Administrator Nickolaus to draft a counteroffer as discussed during Closed Session and authorize Chairman to sign on behalf of the Town. Motion carried unanimously.

Motion by Moonen, second by Plotecher, to approve the Letter of Agreement with Lannon Stone Products and authorize Chairman to sign on behalf of the Town. Motion carried unanimously.

Adjournment

Motion by Beal, second by Plotecher, to adjourn the meeting at 9:37p.m. Motion carried.

Respectfully Submitted,

Elisa M. Cappozzo, WCMC
Municipal Clerk