

**Minutes of the Town Board Meeting
Town of Lisbon, Town Hall
Monday, April 23, 2018
6:30 p.m.**

Chairman Osterman called the Town Board meeting to order at 6:33 PM.

Roll Call: Present: Chairman Osterman, Supervisors Gamiño, Moonen and Beal. Also present: Matthew Janecke, Town Administrator and Joe DeStefano, Jr., Public Works Director. Absent: Supervisor Plotecher and Gina Gresch, Town Clerk.

Comments from citizens present. None.

Consent Agenda. Items listed under the Consent Agenda are considered in one motion unless a Town Board member requests that an item be removed from the Consent Agenda.

- April 9, 2018 Town Board minutes.
- Appointment of Public Works Director Joe DeStefano, Jr. as the Weed Commissioner.
- Picnic License for Church of the Resurrection for the Faithful Youth Inc. Wild West, Wild Youth" Fundraising Dinner at Ausblick Ski Hill, on Saturday, May 19, 2018.

Motion by Supervisor Moonen to approve the Consent Agenda. Seconded by Supervisor Gamiño. Motion carried, 4-0.

Approval of Bills.

Motion by Supervisor Beal to approve the April 19, 2018 check register as presented. Seconded by Supervisor Moonen. Motion carried, 4-0.

Announcements/Correspondence - Listing of upcoming meeting dates & times.

Chairman Osterman reviewed the list of upcoming Town meetings.

Department Reports - Presentation of activity statistics and recently attended meetings.

Fire Department – Chairman Osterman reviewed the Fire Department report which included statistics, departmental activities and meetings the Fire Chief attended.

Town Administrator – Administrator Janecke met with S.E.H. to begin the STH 164 Sewer/Water Feasibility Study.

Supervisor's Reports - This is an opportunity for Supervisors to report on respective Committees, Commissions, and Boards of which they serve as a member. Matters require no action or approval.

Supervisor Beal – the Sanitary District meeting was rescheduled to next week.

New Business.

Presentation from Judge Kay regarding the Lake Country Municipal Court 2017 State of the Court.

Lake Country Municipal Court Judge Tim Kay gave the 2017 State of the Court report. Last year the Village of Johnson Creek was added to the court system seamlessly; they are a good fit. \$33 of each citation written is collected in order to maintain the court, salaries, insurance and rent to the City of Oconomowoc.

There is discussion of the Police Department moving to the old Sentry Foods building in Oconomowoc and the court office would go with them. All 19 municipalities would have to agree to that. The 2018 Budget was approved and the court came in under budget for 2017. All court staff was trained in Narcan. The court office staff and officers all do a great job. Village of Oconomowoc Lake Chief/Administrator Don Wiemer who is also on the Operations Committee is retiring and his Deputy Chief will be taking his place on the committee in the interim. Retired Waukesha County Sheriff's Department Officers are acting as bailiffs in the Court. Everything is running very well and if you have any questions you can call the Court Clerk Pam Strunk.

Discussion and necessary action to award the 2018 Pavement Resurfacing Program Construction Contract – Payne & Dolan.

Public Works Director Joe DeStefano, Jr. stated bids were sent; two bids received by Stark and Payne & Dolan. Payne & Dolan was the lower bid. After this project is completed and paid for there will still be money remaining from the \$8 million dollar borrow. Prices from 2018 to 2017 are very similar and will be resurfaced the same as was done last year. Supervisor Gamiño asked for clarification if the bid includes the Engineer's portion and Director DeStefano replied yes it is. Supervisor Beal asked about the Public Works Department parking lot paving and septic system project. Director DeStefano stated he is working on that and will bring it to a Town Board meeting soon. Supervisor Gamiño asked where on Center Oak Road needs work. Director DeStefano stated south of the railroad tracks is pretty bad with potholes. Administrator Janecke stated after this and the following road improvement projects are approved and paid for, there will be an approximate \$25,873.50 balance from the \$8 million dollar borrow. Director DeStefano stated we could still come in under the amounts approved, so the Town is in pretty good shape.

Motion by Chairman Osterman to award the 2018 Pavement Resurfacing Program Construction Contract – Payne & Dolan, at a cost not to exceed \$1,060,940, which includes the base bid and two alternate bids. Seconded by Supervisor Gamiño. Motion carried, 4-0.

Discussion and necessary action to award the Good Hope Road Pavement Resurfacing Construction Management and Inspection Services Proposal.

Director DeStefano stated this contract is similar to what Engineer Mitch Leisses does for the Town for the annual road program is what he's proposing to do when the Town piggybacks with the Village on the Good Hope Road Project. The construction manager will be on site every day to be sure the work is being done correctly. Administrator Janecke stated this is in addition to the original construct contract already approved. Director DeStefano stated the Town's portions will be completed after the Sussex portion is completed.

Motion by Supervisor Moonen to award the Good Hope Road Pavement Resurfacing Construction Management and Inspection Services Proposal to Kunkel Engineering at a cost not to exceed \$8,860. Seconded by Supervisor Gamiño. Motion carried, 4-0.

Discussion and necessary action to award the Good Hope Road Reconstruction Contract – Stark Pavement Corporation.

Director DeStefano stated Sussex received alternate bids for the Town's portion and Stark was the lowest bid which Sussex approved. In an effort to maintain efficiencies by having the same contractor do the work, it makes the sense to approve this, even though this was not the lowest alternative bid. Administrator Janecke stated the amount is still under budget but isn't the lowest bid received. If we were to bid this out on its own we wouldn't receive a good price based on the economy of scale. If we did not accept the alternate bid, the Town Board would have to direct staff to send out an entire separate new bid which would come in more than what was received. Director DeStefano stated if bid on its own it would be over \$300,000. Chairman Osterman stated the Village of Sussex is installing sidewalks which the Town doesn't

allow, but would like the Administrator to speak with Sussex about continuing the sidewalks through the Town portion because it wouldn't make sense to have a sidewalk stop, have a gap and start up again. Supervisor Gamiño agrees it should be looked into and does the Town have any rules as to how to take care of your sidewalk? Director DeStefano stated we already have a good mutual relationship with Sussex taking care of road clearing but is sure they would do that. They have a machine specifically designed to clear sidewalks so it would make sense to have them do it, but we'd have to talk to them about that. There was further discussion about the pros and cons of bidding this project out separately. Town Board members agreed there isn't enough time to send out another bid and the Town is still saving money by using this alternate bid.

Motion by Supervisor Moonen to award the Good Hope Road Reconstruction Contract – Stark Pavement Corporation, at a cost not to exceed \$279,300. Seconded by Supervisor Beal. Motion carried, 4-0.

Discussion and necessary action to approve Barnwood Conservancy Preliminary Plat dated March 9, 2018.

Administrator Janecke stated Wis. State Statute §236.11(1)(a) requires that within 90 days of receiving the preliminary plat, the approving agency (Town Board) shall take action to approve, approve with conditions, or deny the preliminary plat. The Preliminary Plat was received by the Town Hall on January 25 and effectively this is the last Board meeting before the 90 day requirement sunsets. If action isn't taken, final approval shall be assumed. The Plan Commission unanimously approved the preliminary plat with four conditions, and all but one of those four conditions has been fulfilled. The last outstanding condition from the Plan Commission is #1 on the list below. The other conditions were decided upon in conjunction with the Town's Attorney, Planner, and Staff. Planner Lindstrom stated Waukesha County is also still reviewing the plat and some of these conditions are Waukesha County's.

Motion by Chairman Osterman to approve the Barnwood Conservancy Preliminary Plat dated March 9, 2018, subject to the following conditions:

1. *Include the location of Lot 9 percolation test of Sheet 2.*
2. *Submittal of a storm water management plan acceptable to the Town and Waukesha County.*
3. *Submittal of landscape plan acceptable to the Town.*
4. *Submittal of detailed grading plan acceptable to the Town.*
5. *Approval of all legal documents, i.e., Developer's Agreement and Declarations.*
6. *Submittal of shared ownership of out lots plan acceptable to the Plan Commission and Town Board.*
7. *A traffic study be completed and shall include a plan for turn-in and out lanes and include other improvements to the road thereof.*
8. *All other required documents and approvals as required by Town ordinances.*
9. *Compliance with any approved Planned Unit Development (PUD) General Development Plans and Specific Development Plans.*
10. *All other required documents needing Waukesha County approval.*

Seconded by Supervisor Gamiño. Motion carried, 3-1, with one nay by Supervisor Beal.

Discussion and necessary action on the following requests for the Hamilton School District, for the property located at W220N6151 Town Line Road, LSBT 0244.999.004 and recommendation to Waukesha County of the same:

Ordinance 05-18, Ordinance Rezoning the Hamilton School District property from the Agricultural 10 (A-10) District and Upland Corridor (UP) District to the Public & Institutional (P&I) and Upland Corridor (UP) District.

Administrator Janecke stated this was prepared and sent to the Attorney for review which hasn't been received yet. We are waiting on confirmation of the legal description which pertains to the Upland Corridor.

Motion by Chairman Osterman to adopt Ordinance 05-18, Ordinance Rezoning the Hamilton School District property from the Agricultural 10 (A-10) District and Upland Corridor (UP) District to the Public & Institutional (P&I) and Upland Corridor (UP) District, subject to Attorney review and approval. Seconded by Supervisor Beal. Motion carried, 4-0.

Ordinance 06-18, Ordinance to Amend a Comprehensive Development Plan for the Town of Lisbon – 2035 Pursuant to Section 66.1001 of Wisconsin Statutes.

Motion by Chairman Osterman to adopt Ordinance 06-18, Ordinance to Amend a Comprehensive Development Plan for the Town of Lisbon – 2035 Pursuant to Section 66.1001 of Wisconsin Statutes, subject to Attorney review and approval. Seconded by Supervisor Beal. Motion carried, 4-0.

Chairman Osterman asked the Town Board to take a recess at 7:23 PM to allow time for the Town Attorney to arrive for the following agenda items. The Town Board reconvened at 7:45 PM.

Discussion and necessary action on an Intermunicipal Agreement between the Village of Lannon, Village of Sussex, Town of Lisbon, Lisbon Sanitary District #1 and the Village of Menomonee Falls.

Chairman Osterman stated this is the agreement we've been holding off approving because we were waiting to see if we can obtain sewer capacity from Sussex or Lannon. We've done that and getting the capacity is subject to this agreement being approved, but there are other conditions to be added. Attorney Hammes stated the agreement changes the method by which the participating municipalities pay for the treatment of sewage; it was based on capacity instead of by flow. The Town didn't sign the 2016 contract because he had concerns about it. The Town can postpone this until the next meeting or authorize Chairman Osterman to execute the agreement subject to the Attorney review and approval of the changes coming from the Village of Lannon. We were notified about this late this afternoon. Attorney Hammes recommended not paying anything until there is a signed agreement in place.

Motion by Chairman Osterman to postpone an Intermunicipal Agreement between the Village of Lannon, Village of Sussex, Town of Lisbon, Lisbon Sanitary District #1 and the Village of Menomonee Falls, until any proposed changes from the Village of Lannon are reviewed and approved by the Town Attorney. Seconded by Supervisor Gamiño. Motion carried, 4-0.

Presentation of development proposal by Forward Development Group relating to the proposed TIF project and development of the former Lied's Property.

Konner Kearney with Forward Development Group stated they were contacted to look at the land for potential redevelopment driven by demand in the area, some residential, some commercial. Started looking at the market in January and evaluating what it the highest and best use of the property and how the TIF financing would work. Jim Bricker, Senior Planner with JSD Professional Services, who also used to be a Town Administrator presented the proposed development. Looked at it from a planning standpoint, what would relate to surrounding areas and what would make sense as to how to provide services to this area. This corner is attractive to commercial uses. From a traffic standpoint, shifting Main Street south started to make sense as it would improve traffic flow and gives the land more street frontage. The Lannon Interceptor is in the area but there will be a connection to the water system. They included the following components in the plan: retail/commercial, medium to high density residential, industrial and office. This area is viable and works well with sewer and water flow, providing the water can be connected. As they

started to detail the infrastructure costs, they found it's roughly \$8 million dollars. Then what combinations of land use would provide that equalized assessed value, and possibly create a TIF District. One caveat the Town needs to discuss is the densities of multi-family housing. He also reviewed they need to study peak water flows and wastewater usage. In conversations with Waukesha County, they would like to have something improve this intersection but they would not like to help pay for that work. Some portion of this right-of-way could be Waukesha County's. The \$8M approximately development costs breakdown is as follows: \$2.65M grading; streets including relocating Main Street \$1.78M; water/sanitary sewer infrastructure about \$400,000. There aren't any approximate water main extensions or community well costs yet because they didn't have enough data. Attorney Hammes after build-out what kind of assessed value would this property have? Mr. Bricker stated with generalized assumptions they are in the range of \$44M. There was further discussion about road relocation/reconstruction of the roads and how the market demands shift what could be developed. They've determined there is a market need for multi-family but they aren't sure about how many units at this time. There needs to be an in-depth market study done to see what the demand is. It could be senior housing, multi-family or both. That area should be considered general residential until a market study is completed. Attorney Hammes stated the next step would be to contract with Forward to actually develop the property.

Recess into Closed Session pursuant to Wisconsin Statutes 19.85(1)(e) for the following reasons: 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, to discuss terms and negotiation strategy relating to a contract to develop the former Leid's Property, and, to discuss and adopt negotiation terms and strategies relating to the possible extension of water service from the Village of Sussex to the former Lied's Property.

Motion by Supervisor Beal to convene into Closed Session pursuant to Wisconsin Statutes 19.85(1)(e) for the following reasons: 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, to discuss terms and negotiation strategy relating to a contract to develop the former Leid's Property, and, to discuss and adopt negotiation terms and strategies relating to the possible extension of water service from the Village of Sussex to the former Lied's Property. Seconded by Supervisor Moonen, motion carried by roll call vote.

ROLL CALL VOTE:

Chairman Osterman: Yes
Supervisor Gamiño: Yes
Supervisor Moonen: Yes
Supervisor Plotecher: Yes
Supervisor Beal: Yes

Motion carried, 4-0, by roll call vote. Town Board convened into Closed Session at 8:26 PM.

Reconvene into Open Session for possible action on Closed Session deliberations.

Motion by Supervisor Beal to reconvene into Open Session for possible action on Closed Session deliberations. Seconded by Supervisor Gamiño.

ROLL CALL VOTE:

Chairman Osterman: Yes
Supervisor Gamiño: Yes
Supervisor Moonen: Yes
Supervisor Plotecher: Yes
Supervisor Beal: Yes

Motion carried, 4-0. The Town Board reconvened at 9:38 PM.

Motion by Chairman Osterman to authorize the Town Attorney to negotiate the terms of a contract with Forward Development, but not to include multi-family development as presented to the Town Board during the meeting of April 23, 2018. Seconded by Supervisor Beal. Motion carried 4-0.

Adjournment.

Motion by Supervisor Beal to adjourn the Monday, April 23, 2018 Town Board of Supervisors meeting at 9:40 PM. Seconded by Chairman Osterman. Motion carried, 4-0.

Respectfully submitted,

Gina C. Gresch, MMC/WCPC
Town Clerk