



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
 Ron Troy
Supervisors
 Pete Van Horn
 Edward Kranick
 Christie Dionisopoulos
 Billy Cooley
Clerk/Treasurer
 Dan Green

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
 TUESDAY, JUNE 23, 2020 - 6:30 P.M.
 DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Citizen Comments – During the Public Comment period of the agenda, the Town Board welcomes comment on any matter not on the agenda. Please be advised that pursuant to State law, the Board cannot engage in a discussion with you but may ask questions. The Board may decide to place the issue on a future agenda for discussion and possible action. Each person wishing to address the Board will have up to three (3) minutes to speak. Speakers are asked to submit to the Town Clerk, a card providing their name, address, and topic for discussion.

The Board will also take comment from the public on agenda items as called by the Chair, but not during the Public Comment. Public comment on specific agenda items are limited to Town of Delafield Residents only and individuals will have up to three (3) minutes to speak. Please note that once the Board begins its discussion of an agenda item, no further comment will be allowed from the public on that issue.

4. Approval of Minutes:
 - A. June 9, 2020 Town Board Minutes
5. Presentation of the Fire Department Member of the Year for 2019 to Matthew Smaglick
6. Presentation by Chief Matt Fennig from Lake Country Fire and Rescue
7. Action on vouchers submitted for payment:
 - A. Report on budget sub-accounts and action to amend 2020 budget
 - B. 1) Accounts payable; 2) Payroll
8. Communications (*for discussion and possible action*)
 - A. Update from Administrator Dan Green
 - B. Mixed Use Ordinance General Update (Discussion Only)
9. Unfinished Business
 - A. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.
 - B. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.
 - C. Discussion and possible action on permanently removing the skate park at Town Hall. (Tabled 6/9/2020)
 - D. Discussion and possible action on the approval of new operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to Daniel Blaesing. (Tabled 6/9/2020)

10. New Business

- A. Discussion and possible action on Plan Commission Appointments
- B. Discussion and possible action on a Temporary Class "B" License to the Church of the Resurrection for the Beer & Hymns event on July 12, 2020.
- C. Discussion and possible action regarding Fire Department Consolidation with Lake Country Fire
- D. Discussion on possible 2021 Budget and Referendum for roadway improvements, police services and the fire department.
- E. Discussion and possible action to change the date of the first August Town Board meeting regularly held on August 11, 2020 due to the Fall Primary.

11. Announcements and Planning items

- A. Board of Appeals – Monday, June 29, 2020 @ 5:30 pm
- B. Plan Commission Meeting – Tuesday, July 7, 2020 @ 6:30 pm
- C. Town Board Meeting – Tuesday, July 14, 2020 @ 6:30 pm

12. Adjournment



Dan Green
Town of Delafield Clerk/Treasurer

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
June 9, 2020 @ 6:30 PM

Members Present: Chairman Troy, Supervisor Kranick, Supervisor Cooley, Supervisor Van Horn and Supervisor Dionisopoulos. Also present was Administrator/Clerk/Treasurer Dan Green.

First order of business: Call to Order
 Chairman Troy called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments:

Fourth order of business:

- A. Approval of May 28, 2020 Town Board Minutes

Motion made by supervisor Cooley to approve the minutes as presented by the clerk. Supervisor Dionisopoulos seconded. Motion carried unanimously.

Fifth order of Business: Action on vouchers submitted for payment:

- A. Report on budget sub-accounts and action to amend 2019 budget
 B. Report on budget sub-accounts and action to amend 2020 budget
 C. 1) Accounts payable; 2) Payroll

Motion by Supervisor Cooley to approve payment of checks #63446-63562 and #63567-63602 in the amount of \$97,955.31 and payroll checks dated June 12, 2020 in the amount of \$29,555.22. Seconded by Supervisor Dionisopoulos. Motion carried unanimously.

Sixth order of Business: Communications (for discussion and possible action)

Zoning Violation Letter from Waukesha County Parks and Land Use for Kim's Lakeside

Chairman Troy read the description of the violation that was filed by the County for Kim's Lakeside regarding their pier.

Update from Administrator Green

Administrator Dan Green gave an update on the email and website updates. The email update has been completed and Supervisors can now access their new accounts on their mobile devices. The website has finished the design phase and now we are working on all the updates to our current site for when we transition into the new site. He also reviewed the grants the Town is currently working on due to Covid-19 and discussed potentially changing health insurance plans for the Town employees.

Mixed Use Ordinance General Update (Discussion Only)

Chairman Troy stated he put this item on the agenda for the purpose of discussion only. He explained the Town is attempting to create a mixed use zoning ordinance. This effects one particular property, the Thomas Farm. The first attempt raised concerns with the residents in the area. We have called a group of residents along with staff from the County and Town to review options for making a Mixed Use Zoning Ordinance work in the area. Chairman Troy explained the framework and the first meeting would be held at 2:00 pm on Thursday, May 11. Supervisor Kranick asked if these meetings should be publically noticed as to not be accused of having secret meetings and to give the Town Board members a chance to attend. Chairman Troy stated it would be difficult to open these up to the public as they are work sessions with no quorum of elected

bodies present. Supervisor questioned the process given that the Town staff are not planners and the normal process is to have a developer come forward with a plan.

Seventh order of Business: Unfinished Business

- A. Discussion and possible action on concern re: condition of property at S1W31448 Hickory Hollow Ct.
- B. Discussion and possible action on code enforcement options for the property located at N14W28109 Silvernail Rd.

Administrator Green explained that the Waukesha Sheriff will be citing these properties based on Chapter 17 of our code which gives the Town the authority to site for any violations to this chapter.

- C. Discussion and possible action on permanently removing the skate park at Town Hall (Tabled 5/28/2020)

Public Comments:

Patrick Schultz, N8W30060 Woodcrest drive, stated he was in favor of the park and that it is a great place for kids.

Bryan Wilson, S4W32685 Government Hill Rd, stated he is a long time Town resident. He passed around information to the board he gathered since the last meeting and did a survey which he received 66 responses, most of which were good. He found in his survey that people were willing to donate between \$5,965 to \$11,525.

David Johnson, S4W31174 Hidden Hollow Ct, reviewed comments received from the survey that was done. Comments read were all in favor of the skate park.

Dan Dupies, S3W31806 Mary Ct, thanked the board for not making a snap decision. He stated he understood the hard decisions and the give-and-take through the budget process. He asked the board not to look at the skate park funding as a competing interest to the referendum which is being used for funding roads, police and fire protection. He explained he is committed to raising funds for future maintenance. The Chairman clarified that he has never stated this issue was an opposing interest to the referendum.

Mark Fischer, W320N1005 Butternut Ridge Ct., stated the Town used fundraising money for a parking lot. Chairman Troy and Supervisor Kranick stated the money raised from fundraising before 2020 had not been touched and the parking lot was paved by the Town's money. Mr. Fischer brought up the point about 1% of the Town of Delafield residents using the park, but the School District donated money for the park repairs. Kids from all over the area are in the Kettle Moraine School District. He explained he can get a good cost for lumber. He will work with the Friends of the Skate Park group to keep the park alive and will create a 501C3 if necessary.

Reese Slobodianuk, N8W31309 Salem Ct., thanked the board and would like to serve as the liaison for the skate park group. He stated he had gone through a similar process of raising money for other parks. He suggested talking to the Village of Wauwatosa who has gone through a similar transition. Supervisor Van Horn brought up the problem of bicycles on the skate park.

Board Discussion.

Supervisor Kranick stated the park is an asset and people clearly want to keep it. He did not want to make repairs and be back to square one in 4 or 5 years when the park needs more repairs. He stated the only way repairing the park will work is if there is a plan for the next ten years.

Chairman Troy explained he asked the Town attorney to address two issues. The first is fundraising and the role of a Town officer. A communication was presented to the board that gives standards for how the Town

can accept donated money. In the correspondence it explains donated monies can only come from a 501-C3 or LLC and stipulations need to be in place as to where the entity wants the monies to go. The board then has the ability to accept the donation or not. He also explained that board members can make donations to these fundraisers by their legal name but not by their Town titles.

Supervisor Dionisopoulos stated she agreed with Ed's earlier comments and she has heard loud and clear that people like the park. She expressed concerns with the cost of repairs but would like to get the park up and running as soon as possible. She also agreed there needs to be a long term plan. She questioned the fundraising concerns and stated the industry standard is to have public/private partnerships which has been done in a lot of other cities. She stated she would like to give some time for folks to raise money and create a future plan.

Chairman Troy stated the Town received communication from the City of Oconomowoc today which stated they are very interested in purchasing the skate park from the Town. He thought Oconomowoc would be a better fit for the park as they have the business community to support it and the police enforcement to patrol it.

Supervisor Kranick wanted to get some direction from the board before tabling the item and supported getting the park up and running as soon as possible. Chairman Troy stated he asked 30 to 40 residents of the Town and none were in favor of spending Town money for the repairs. Supervisor Kranick stated he also talked to friends and neighbors and they questioned why, in the state of the world today, the Town is picking on skateboarders. Chairman Troy stated that is not what he is doing. Supervisor Kranick explained he flipped on this issue because skate boarders are still going to skate and its better they have somewhere to go. The chairman expressed concerns about spending \$60,000 for something that will only have a 5 year life span. Supervisor Kranick and Dionisopoulos stated they need to commit to a public/private relationship for funding. The board directed the Administrator to get quotes for a structural engineer to determine the repairs that need to be made in order for the park to be structurally sound.

Motion by Supervisor Kranick to table, "Discussion and possible action on permanently removing the skate park at Town Hall". Seconded by Supervisor Van Horn. Motion carried unanimously.

Eighth order of Business: New Business

- A. Discussion and possible action on the approval of new operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to Daniel Blaesing.

Motion by Supervisor Kranick to table "Discussion and possible action on the approval of new operator licenses for the licensing period of July 1, 2020 to June 30, 2022 to Daniel Blaesing". Seconded by Supervisor Cooley. Motion carried unanimously.

- B. Discussion on possible 2021 Budget and Referendum for roadway improvements, police services and the fire department.

Administrator Green reviewed this item as being a reoccurring item on the agenda until we get through budget time and the referendum. Chairman Troy explained that the Town Attorney is in favor of one question on the referendum. The Board members all agreed they would like to see separate questions and the questions should be very specific and well worded. They agreed that the Town's mill rate needs to be published for residents to understand how low the Town's tax rate is. They hoped to have the questions formalized in an adopted resolution by the second meeting in July.

- C. **Closed Session:** The items to be discussed in Closed Session are as enumerated in Section 19.85(1)(c) of the Wisconsin Statue. (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically: 6 month performance review of Town Administrator.

Motion by Supervisor Kranick to enter into closed session at 8:09 p.m. Seconded by Supervisor Cooley. A roll call vote was taken.

<i>Supervisor Van Horn</i>	<i>aye</i>
<i>Supervisor Kranick</i>	<i>aye</i>
<i>Chairman Troy</i>	<i>aye</i>
<i>Supervisor Cooley</i>	<i>aye</i>
<i>Supervisor Dionisopoulos</i>	<i>aye</i>

Motion carried unanimously.

Motion to reconvene to open session by Supervisor Dionisopoulos 8:14 p.m., seconded by Billy. Motion carried unanimously.

Following the closed session, the Town Board will reconvene in open session, and may take action on any matter discussed in closed session.

Motion by Supervisor Kranick to increase the Administrator/Clerk/Treasurer salary to \$72,000 per year effective July 1, 2020. Seconded by Supervisor Dionisopoulos. Motion carried unanimously.

9. Announcements and Planning items

- A. Town Board Meeting – Tuesday, June 23, 2020 @ 6:30 pm
- B. Board of Appeals – Monday, June 29, 2020 @ 6:30 pm
- C. Plan Commission Meeting – Tuesday, July 7, 2020 @ 6:30 pm
- D. Town Board Meeting – Tuesday, July 14, 2020 @ 6:30 pm

10. Adjournment

Motion by Supervisor Cooley to adjourn at 8:16 p.m. Seconded by supervisor Van Horn. Motion carried unanimously.

Respectfully submitted:

Dan Green, CMC/WCMC
Administrator - Town Clerk/Treasurer



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To: Town Board Members
From: Dan Green, Administrator
Date: June 23, 2020
Subject: Administrator's Report

Employee Health Insurance

I have reached out to ETF regarding Group Health Insurance through the State. ETF requires a Resolution be adopted by the Town Board in order to begin enrollment for 2021. The Resolution needs to be adopted by the end of August. I will be working with the employees currently carrying health insurance on what plans would best suit their needs.

Based on the packages presented by ETF, it is promising to think we can make the transition to the State insurance with lower deductibles, if any, and built in dental coverage which employees currently do not have. In July I will bring forward options as discussed with the employees and explore funding options.

Recreation Budget Update

Due to the baseball season being cancelled, the Town has refunded registration fees for the season. We have also refunded most of the donations offered by our sponsors. Although we are losing revenues generated by our leagues, it has allowed the Town to rent more fields that are now available. We budgeted \$5,000 for park rentals and we are currently trading for \$8,500 by the end of July (depending on rain outs). As we continue budget discussions in the coming months we will revisit this item as it may affect more than this year's budget.



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To: Town Board Members
From: Dan Green, Administrator
Date: June 23, 2020
Subject: Skate Park Closure

Item: Discussion and possible action on the removal of the Delafield Skate Park.

Description:

The Highway Department had begun repairs to the skate park in the spring. It was discovered that there were some structural issues due to water damage and wear and tear resulting in splintered wood pieces and rotting. They also discovered the material underneath the skatelite pieces would need to be replaced with 3/8" plywood due to erosion, with companies no longer manufacturing the material.

Quote for Services

Spohn Ranch submitted a quote which totaled \$74,862.95. See the attached for a description. Spohn Ranch will sign off that the skate park is structurally sound when completed.

Fiscal Impact

The quote also takes into consideration that there may be further need for repairs down the road. Spohn Ranch gave a 10 year timeline for repairs with another allocation in 2025 for replacement skatelite pieces. This year's budget set aside a total of \$72,000 from the donation funds for park projects. Projects included:

Shelters	Electrical Work	\$1,000
	Roof SC and Elmhurst	\$2,000
	Paint SC and Elmhurst	\$500
Signs	Stop Sign Sports Commons	\$60
	Deltown Park Sign	\$1,000
	Elmhurst Park Sign	\$1,000
Skate Park	Skatelite Material	\$28,850
	Plywood	\$3,584
	Hardware	\$1,000
	Wood	\$1,000
	Paint	\$300
	Labor & Contingencies	\$25,178
Volleyball	Net	\$150
	Sand	\$1,134

Playground Woodchips	Sports Commons	\$2,282
	Elmhurst	\$972
Benches		\$490
Fence around Bathroom	Deltown	\$1,500
Total		\$72,000

The total allocated funds for the Delafield Skate Park without delaying any other projects is \$59,922 (if no contingency dollars are used for other projects). Highway Superintendent, Don Roberts stated two projects need to be completed in 2020, the electrical work on the sports commons shelter and the playground woodchips. The maximum total the Town could potentially contribute to the Skate Park is \$67,686 but would require putting off \$8,000 in projects to the following year. That also does not include materials already purchased for the skate park.



DESIGN. BUILD. COME TOGETHER.

PROPOSAL FOR SKATEPARK REPAIRS
CITY OF DELAFIELD PARKS AND RECREATION—DELAFIELD, WI
JUNE 19, 2020

SPOHN RANCH SCOPE OF WORK:

- Tool, equipment and crew mobilization
- Shipping and handling for materials
- Detailed inspection of existing equipment
- Supply and install 35 sheets Skatelite Pro (4' x 8' x ¼" Black)
- Supply and install 27 sheets Skatelite Pro (4' x 10' x ¼" Black)
- Supply and install 26 sheets of 3/8" marine grade plywood underlayment
- Supply and install 13 sheets of ¾" marine grade plywood underlayment
- Install 36 sheets of City supplied marine grade plywood underlayment for mini ramp feature
- Repair two hubba ledge features
- Replace hardware as necessary
- Secure loose steel edge protection, coping, grind rails, guard rails and approach plates
- Warranty
 - 5-year limited warranty for new Skatelite
 - 1-year limited warranty for materials and workmanship

TOTAL PRICE: \$74,862.95

Additional work that becomes apparent after Skatelite and underlayment sheets are removed will be done on a Time & Materials (T&M) basis.

EXCLUSIONS:

- Prevailing Wages
- Taxes of any kind, except for payroll taxes and sales taxes on materials when project is not tax exempt
- Bonding
- Permitting
- 3rd party testing/inspections
- Expenses related to any Union labor requirements
- Disposal of existing Skatelite, underlayment, lumber, etc. removed for replacement
- Any work not expressly described in Spohn's scope of work



TERMS & CONDITIONS:

The following terms are expressly part of this proposal and any subsequent agreement between Client and Spohn similarly shall incorporate these terms. In the event that no further contract is entered into, the terms set forth in the proposal shall constitute the entire agreement between the parties.

- Acceptance of the work shall be commercially reasonable and expeditious
- Failure to object to work within a reasonable time shall constitute deemed acceptance
- Spohn shall have approval rights as to any initial project schedule, and all subsequent schedule changes
- Spohn shall accept no risk of loss outside of its direct control
- All discretion attributed to Client in any contract shall be subject to commercial reasonableness standard
- Spohn shall not indemnify Client for losses not proximately and solely caused by Spohn
- Spohn must approve any material increases in scope in writing including agreeing to an equitable adjustment of contract price and time changes in scope in writing
- All modifications, waivers, alterations to be charged against Spohn must be written and signed by Spohn's authorized representative
- Any increase in the price of raw materials anticipated to be used in Spohn's scope greater than ten percent (10%) occurring after execution of this proposal shall constitute a material changed condition necessitating an equitable adjustment to the contract price
- The price contained in this proposal is valid for thirty days and may be accepted by issuance of a notice to proceed or any similar instruction whereby Client indicates desire to commence project. The price is further conditioned upon Client's delivery of all items outside Spohn's scope of work upon which Spohn's work may be predicated.
- Payment terms – 20% upon contract, 20% upon mobilization, 30% upon 50% completion of scope of work, 25% upon 100% completion of scope of work, 5% within 30 days of completion of scope of work
- Any payments not made according to terms will be considered delinquent and interest will accrue at the rate of 1.5% per month
- Spohn shall have the right to cure any alleged default within a reasonable time
- Client acknowledges that Spohn is not party to any organized labor agreements. Client agrees that Spohn will not be responsible or liable for any issues, injuries or damages, relating to labor peace, strikes, picketing or otherwise, regardless as to cause. Client agrees that delays related to labor issues shall constitute a contractual delay and entitle Spohn to additional time to perform for the length of the delay, and compensation for any additional costs incurred. These terms are material conditions to Spohn's willingness to provide a proposal to Client.
- In the event that other entities affect the site conditions adversely or impede the progress of the work, the Client shall be responsible for any additional costs
- Client to provide temporary access to restroom, water source, power source and dumpster within 150' of skatepark footprint
- Any liability of Spohn which relates to the sale, manufacture, delivery, resale, installation or use of any goods sold by or furnished by Spohn, whether arising out of contract, negligence, strict tort, under any warranty or otherwise, shall be limited to Spohn's choice of the following: the repair of the goods; the replacement of the goods; the cancellation of the contract, return of the goods in question to Spohn, and Spohn's refund of the purchase price
- In no event shall Spohn's liability exceed the price of the specific goods upon which the liability is based
- In addition, Spohn shall not, under any circumstances, be responsible for special, consequential, or incidental damages such as, but not limited to, damage to or loss of other property; loss of profit, revenue or reputation; loss of capital; loss of purchased or replaced goods; or claims for delays, back charges, or loss of use
- Spohn reserves the right to makes any corrections as necessary to typographic errors
- In the event of any action, suit, arbitration, or other proceeding of any nature is brought in connection with the payment terms related to these Terms and Conditions, any related agreement, or Spohn's provision of goods, services, products, or to recover any of Spohn's property ("Dispute"), the prevailing party shall be entitled to recover its reasonable attorney's fees, expert-witness fees, other litigation costs and fees (e.g., deposition costs, trial preparation costs, etc.), and other costs and expenses of suit, judgment or award Any Dispute including the determination of the scope or applicability of this agreement to arbitrate, shall be determined by arbitration in Los Angeles, California, before one arbitrator. At the option of the first to commence an arbitration, the arbitration shall be administered either by the American Arbitration Association (AAA) pursuant to its Commercial Rules or by JAMS pursuant to its Comprehensive Arbitration Rules and Procedures. Judgment on the Award may be entered in any court having jurisdiction. This clause shall not preclude parties from seeking provisional remedies in aid of arbitration from a court of appropriate jurisdiction. The arbitrator shall, in the Award, allocate costs, reasonable attorney's fees, expert-witness fees, other litigation fees and expenses including the costs of arbitration to the prevailing party in accordance with the Attorney's Fees provision. Judgment on any arbitration award may be entered by any court of competent jurisdiction.
- These Terms and Conditions are necessarily incorporated by reference into any other related agreement; Client agrees that California law shall govern the relationship between the Client and Spohn to the fullest extent of applicable law including enforcement of any part of these Terms and Conditions or any other related agreement between or among Client and Spohn.
- Each Term and/or Condition herein is severable in the event one or more provisions are unenforceable for any reason



DESIGN. BUILD. COME TOGETHER.

PROPOSAL FOR SKATEPARK REPAIRS
CITY OF DELAFIELD PARKS AND RECREATION—DELAFIELD, WI

PROPOSAL VALID FOR 30 DAYS FROM JUNE 19, 2020

TOTAL PRICE (does not include prevailing wage): \$74,862.95

I AUTHORIZE THE PURCHASE OF THE PRODUCTS AND SERVICES FROM SPOHN RANCH INCLUDED
IN THIS PROPOSAL ACCORDING TO THE SPECIFIED TERMS AND CONDITIONS.

SOLD TO: _____

SHIP TO: _____

CONTACT: _____
TELEPHONE: _____
E-MAIL: _____

CONTACT: _____
TELEPHONE: _____
E-MAIL: _____

SPOHN RANCH REPRESENTATIVE:

PURCHASE AUTHORIZED BY:

DATE: _____

(AGENCY NAME)

DESIGNATED SKATEPARK

SKATEPARK HOURS: OPEN DAWN TO DUSK

CAUTION: Skateboarding and non-motorized wheel sports are high-risk recreational activities with inherent risks of serious injury

SKATEPARK RULES AND REGULATIONS:

- Skatepark **CLOSED** during inclement weather and/or when equipment is damaged or wet
- Contact the (Agency Name) if equipment is damaged (xxx.xxx.xxxx)
- The skatepark is **UNSUPERVISED** and participants use the skatepark at their own risk
- It is strongly recommended that proper protective equipment such as helmets, elbow pads, knee pads, etc. be used during skatepark activities

PROHIBITED IN SKATEPARK:

- Introduction of personally owned ramps, boxes or other devices into the skatepark
- Food, drinks and glass containers
- Alcohol and tobacco
- Disrespectful and offensive language
- Pets
- Motorized wheels
- Amplified sound, except by permit

In the event of an emergency or to report illegal activities, dial 911.

THIS IS YOUR SKATEPARK! TREAT IT WITH RESPECT. KEEP IT CLEAN. BE SAFE.

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 10.00

Application Date: 06/16/2020

Town Village City of Delafield

County of Delafield Waukesha

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
- A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning 07/12/2020 and ending 07/12/2020 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

- 1. Organization** (check appropriate box) →
- Bona fide Club
 - Church
 - Lodge/Society
 - Veteran's Organization
 - Fair Association or Agricultural Society
 - Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Church of the Resurrection

(b) Address W287N3700 North Shore Dr Pewaukee, WI 53072
(Street) Town Village City

(c) Date organized 01/01/1976

(d) If corporation, give date of incorporation _____

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President Jennifer McCullough

Vice President Jake Gould

Secretary Lynn Meyer

Treasurer Barb Maloney

(g) Name and address of manager or person in charge of affair: Susan Daniels

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number W287N3700 North Shore Dr Pewaukee, WI 53072

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? event will be held outdoors

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: _____

3. Name of Event

(a) List name of the event Beer & Hymns

(b) Dates of event 07/12/2020

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer Jennifer McCullough
(Signature / Date)

Church of the Resurrection
(Name of Organization)

Date Filed with Clerk 6/18/2020

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

TOWN OF DELAFIELD

Customer Name Church of the Resurrection

Receipt Number: 3604

Customer ID Church of the Resurr

Date: 6/18/20

Reference licenseclassB cash

<u>ITEM / INVOICE</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
	LIQUOR LICENSES			10.00

Payment Method: Cash

Subtotal	10.00
Sales Tax	0.00
	10.00

TOWN OF DELAFIELD

Receipt Number: 3604

Date: 6/18/20

Reference licenseclassB cash

<u>ITEM / INVOICE</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
	LIQUOR LICENSES			10.00

Payment Method: Cash

Subtotal	10.00
Sales Tax	0.00
	10.00



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To: Town Board Members
From: Dan Green, Administrator
Date: June 23, 2020
Subject: 2021 Budget Referendum

Item: Discussion on possible 2021 Budget Referendum for roadway improvements, police services and the fire department.

Description:

The Town is working on referendum questions that will need to be submitted to Waukesha County for a November Referendum. The referendum currently is structured to have three items; roads improvements, police service and fire service. The board will need to determine if this is in their best interest and approve a resolution to move forward with the referendum. The resolution will need to outline the questions on the ballot. The referendum must designate a specific dollar amount, not a levy amount. The Fire Department's dollar amount has changed since the last meeting to meet the needs of the Fire Department if we were to keep the department. The proposed numbers for the referendum are at a per year basis and are as follows:

Road Improvements	\$250,000
Police Services	\$115,000
<u>Fire Department</u>	<u>\$300,000</u>
Total	\$665,000

Fiscal Impact per household

Below gives an overview of what the dollar amount per year and per month are for each item and with combined items, depending on what the board moves forward with and what gets approved.

Increased Cost per Household PER YEAR

Value of Home	\$250,000	\$500,000	\$750,000	\$1,000,000	\$2,000,000
\$250,000 Road Levy Increase (per year)	<i>\$40.00</i>	<i>\$80.00</i>	<i>\$120.00</i>	<i>\$160.00</i>	<i>\$320.00</i>
\$415,000 Fire & Police Levy Increase (per year)	<i>\$65.00</i>	<i>\$130.00</i>	<i>\$195.00</i>	<i>\$260.00</i>	<i>\$520.00</i>
\$365,000 Road & Police Levy Increase (per year)	<i>\$57.50</i>	<i>\$115.00</i>	<i>\$172.50</i>	<i>\$230.00</i>	<i>\$460.00</i>
\$665,000 Road, Fire & Police Levy Increase (per year)	<i>\$105.00</i>	<i>\$210.00</i>	<i>\$315.00</i>	<i>\$420.00</i>	<i>\$840.00</i>

Increased Cost per Household PER MONTH

Value of Home	\$250,000	\$500,000	\$750,000	\$1,000,000	\$2,000,000
\$250,000 Road Levy Increase (per year)	\$3.33	\$6.67	\$10.00	\$13.33	\$26.67
\$415,000 Fire & Police Levy Increase (per year)	\$5.42	\$10.83	\$16.25	\$21.67	\$43.33
\$365,000 Road & Police Levy Increase (per year)	\$4.79	\$9.58	\$14.38	\$19.17	\$38.33
\$665,000 Road, Fire & Police Levy Increase (per year)	\$8.75	\$17.50	\$26.25	\$35.00	\$70.00

The Town's mill rate, even after the referendum gets passed, will still be extremely low compared to other communities. A chart similar to what is below can be used to reflect the changes we are proposing will still make the Town of Delafield one of the lowest, if not the lowest in Waukesha County. These numbers were verified by our accountant.

Municipality	Tax Rate (per thousand)
Town of Delafield	1.28
Town of Delafield w/ \$250,000 Road levy increase	1.44
Town of Delafield w/ \$365,000 Road & Police levy increase	1.51
Town of Ottawa	1.52
Town of Delafield w/ \$665,000 Road, Police & Fire levy increase	1.70
Town of Genesee	1.89
Town of Merton	1.90
Town of Oconomowoc	1.92
Town of Eagle	1.95
Town of Vernon	2.14
Town of Waukesha	2.56
City of Pewaukee	3.35
Town of Mukwonago	3.38
Town of Brookfield	3.74
Town of Lisbon	3.83

City of Delafield	4.49
Village of Hartland	4.55

Attached is a draft Resolution which the Town Board may adopt which will allow the Town to move forward with the referendum in the November Election. The Resolution will need to reflect three separate questions and those must be finalized and sent to Waukesha County at least 70 days before the General Election. Attached please find correspondence from the Town Attorney regarding the process of moving forward with a referendum.

Municipal LAW

& L I T I G A T I O N G R O U P

DALE W. ARENZ, RETIRED
 DONALD S. MOLTER, JR., RETIRED
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 AMY E. FRY-GALOW

Wisconsin Towns Association - Waukesha County Unit January 23, 2019 State Levy Limit Increase Procedures Eric J. Larson

Enclosed please find the following materials:

- Checklist of Required Steps for Town Levy Limit Increase by Referendum
- Wisconsin Statutes Section 66.0602(4).
- Wisconsin Statutes Section 66.0602 (5) and Checklist of Required Steps for Town Levy Limit Increase for Town's Under 3,000 Population.

In addition to the statutory and procedural issues, important policy considerations apply and I note the following;

1. **Must Commit:** The process does not start unless a majority of the governing body votes to exceed the levy by adopting a resolution to do so.
2. **Describe the Purpose:** State statute requires that you identify a purpose for which the increase will be used.
3. **Duration:** If the increase is by a referendum (not by Town meeting approval for Towns under 3,000 population), the increase can be ongoing rather than just for the upcoming fiscal year, so which of these is intended should be specified.
4. **Just the Facts:** If the resolution is adopted and it goes to referendum, Town funds should not be spent to advocate, and Town equipment should not be used to advocate. Any Town statements about the referendum should be factual, and fully accurate.

Thank you for this opportunity to present these issues at your unit meeting.

Checklist of Required Steps for Town Levy Limit Increase by Referendum

- Resolution. Town Board must adopt a Resolution to exceed the levy limit.
 - The Resolution must specify the proposed amount of increase in the levy above the amount allowed by the statute; and
 - The Resolution must specify the purpose for which the increase will be used; and
 - The Resolution must specify whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis.
 - If adopted, the levy increase only takes effect if approved by Referendum.

- Referendum.
 - *When.*
 - *Even year.* If the Resolution is adopted in an even numbered year, the Referendum shall be held at the next succeeding spring primary or election or partisan primary or general election.
 - *Odd year.* If the Resolution is adopted in an odd-numbered year, the Referendum may be held at a special election.
 - *More than 70 days.* The referendum question must be filed with the official or agency responsible for preparing the ballots at least 70 days before the election, per Wis. Stats. Section 8.37. So, the Resolution must be adopted in time to comply with that 70-day requirement.
 - *How.* Ordinary statutory election notices and procedures are required.
 - *Required Question:* "Under state law, the increase in the levy of the (name of political subdivision) for the tax to be imposed for the next fiscal year, (year), is limited to%, which results in a levy of \$.... Shall the (name of political subdivision) be allowed to exceed this limit and increase the levy for the next fiscal year, (year), for (purpose for which the increase will be used), by a total of%, which results in a levy of \$....?".
 - *Note that the required question does not say what will happen in subsequent years.*
 - *I recommend that you clarify that in the question, however. If it is ongoing, it should say that. If it is only for the next fiscal year, it should say that. If it is for a period of years (which arguably is a third option) it should say that.*
 - *Careful drafting of the question is essential.*

- *Clerk Certification of Result.* Within 14 days the Clerk must certify the result to the DOR. The increase takes effect if the Referendum passes; otherwise it does not.

Wisconsin Statutes Section 66.0602. Levy Limits. Statutory Referendum Language:

(4) Referendum exception.

- (a) A political subdivision may exceed the levy increase limit under sub. (2) if its governing body adopts a resolution to that effect and if the resolution is approved in a referendum. The resolution shall specify the proposed amount of increase in the levy beyond the amount that is allowed under sub. (2), the purpose for which the increase will be used, and whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis. With regard to a referendum relating to the 2005 levy, or any levy in an odd-numbered year thereafter, the political subdivision may call a special referendum for the purpose of submitting the resolution to the electors of the political subdivision for approval or rejection. With regard to a referendum relating to the 2006 levy, or any levy in an even-numbered year thereafter, the referendum shall be held at the next succeeding spring primary or election or partisan primary or general election.
- (b) The clerk of the political subdivision shall publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2). Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this paragraph.
- (c) The referendum shall be held in accordance with chs. 5 to 12. The political subdivision shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots under ss. 5.64 (2) and 7.08 (1) (a). The question shall be submitted as follows: "Under state law, the increase in the levy of the (name of political subdivision) for the tax to be imposed for the next fiscal year, (year), is limited to%, which results in a levy of \$.... Shall the (name of political subdivision) be allowed to exceed this limit and increase the levy for the next fiscal year, (year), for (purpose for which the increase will be used), by a total of%, which results in a levy of \$....?". In preparing the ballot question for a referendum held at a partisan primary in 2014, as it relates to the allowable amount of levy rate increase and the total amount of a levy, a county with a population of at least 30,000, but no more than 40,000, that is adjacent to a county with a population exceeding 450,000, shall use the most recent data that it has and the most recent data that is available from the department of revenue.
- (d) Within 14 days after the referendum, the clerk of the political subdivision shall certify the results of the referendum to the department of revenue. The levy increase limit otherwise applicable to the political subdivision under this section is increased in the next fiscal year by the percentage approved by a majority of those voting on the question. If the resolution specifies that the increase is for one year only, the amount of the increase shall be subtracted from the base used to calculate the limit for the 2nd succeeding fiscal year.

Wisconsin Statutes Section 66.0602. Levy Limits. Statutory Alternative for Town's Under 3,000 Population:

(5) Exception, certain towns.

A town with a population of less than 3,000 may exceed the levy increase limit otherwise applicable under this section to the town if the town board adopts a resolution supporting an increase and places the question on the agenda of an annual town meeting or a special town meeting and if the annual or special town meeting adopts a resolution endorsing the town board's resolution. The limit otherwise applicable to the town under this section is increased in the next fiscal year by the percentage approved by a majority of those voting on the question. Within 14 days after the adoption of the resolution, the town clerk shall certify the results of the vote to the department of revenue.

Checklist of Required Steps for Town Levy Limit Increase in Towns Under 3,000 by Town Meeting Approval

- Resolution. Town Board must adopt a Resolution to exceed the levy limit.
 - The Resolution only applies to the next fiscal year.
 - If adopted, the levy increase only takes effect if approved by the electors at an annual town meeting or special town meeting.
- Town Meeting Approval.
 - *When.* Can be at the annual town meeting or a special town meeting..
 - *How.* Ordinary town meeting procedures apply, though if it is to be at the annual town meeting the statute says you must “place the question on the agenda”.
 - *Required Procedure:* A resolution of the town meeting is required, to “endorse the town board’s resolution.”
- *Clerk Certification of Result.* Within 14 days the Clerk must certify the result to the DOR. The increase takes effect if the town meeting endorses the Town Board resolution; otherwise it does not.

RESOLUTION NO. 20-XXX

**A RESOLUTION FOR EXCEEDING THE STATE IMPOSED LEVY FOR THE
TOWN OF DELAFIELD**

WHEREAS, since 2005 the State of Wisconsin has imposed limits on town, village, city and county property tax levies under Wis. Stat. sec. 66.0602; and

WHEREAS, Wis. Stat. sec. 66.0602 limits the increase in 2021 to the local property tax levy to no more than the greater of (a) 0% of last year's actual levy or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed; which for the Town of Delafield is expected to be [REDACTED] percent; and **WHEREAS**, the Board of Supervisors of the Town of Delafield, Waukesha County believes it is in the Town's best interest to exceed the state levy limit as described above by a greater percentage than the expected limit of [REDACTED]

WHEREAS, the Town of Delafield actual levy in 2019 (collected in 2020) was \$1,752,268; and state law is expected to limit the increase to \$ [REDACTED] for an anticipated total allowable 2020 (collected in 2021) Town tax levy of \$ [REDACTED].}

WHEREAS, the Town of Delafield Town Board is significantly concerned about the service that the Town can offer its residents for roadway maintenance, fire protection services and additional police protection, if the tax levy is not increased; and

WHEREAS, by increasing the Town tax levy by \$550,000, the Town of Delafield can maintain existing fire protection services, can add additional police protection services, and maintain high quality Town roads; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Town of Delafield, Waukesha County as follows:

The Town board hereby supports an increase in the Town tax levy for 2020 (to be collected in 2021) to exceed the state levy limit. The Town board intends that the levy increase be applied on an ongoing basis by including it in the base used to calculate the limit for 2021 as well. The purpose for the increased levy is roadway maintenance, fire protection services and additional police protection services.

The Town board directs that the question of increasing the Town tax levy for 2020 (to be collected in 2021) by [REDACTED] percent, which would increase the Town levy by \$550,000 over the past year's levy on an ongoing basis, for a Town tax levy of \$ [REDACTED] (*insert total dollar amount of proposed Town tax levy for 2020*) to be used for roadway improvements, fire protection services and additional police protection services shall be submitted to the electors in a referendum at a special referendum election to be held on November 3, 2020.

PASSED AND ADOPTED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this XX day of July, 2020.

TOWN OF DELAFIELD

Ron Troy, Town Chairman

ATTEST:

Dan Green, Administrator-Clerk/Treasurer