

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
January 12, 2010

Members Present: C. Dundon, L. Krause and R. Ackley

Members Absent: P. Kanter and P. Van Horn

First order of business: Call to Order

Acting Chairperson Dundon called the meeting to order at 7:00 p.m. She requested a moment of silence in honor of Plan Commissioner Gary Meyer, who was killed yesterday in a tragic accident. He will be sorely missed by the Plan Commission and Town family.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of December 22, 2009

The minutes will be filed as prepared by the Town Clerk/Treasurer.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #46756 – 46840 IN THE AMOUNT OF \$10,917,460.73

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21085 – 21105 IN THE AMOUNT OF \$26,809.09

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. None

Sixth order of business: Unfinished Business

A. None

Seventh order of business: New Business

A. Mike Walden - Snyder Insurance Agency, Re: Consideration and possible action of Property and Liability Insurance renewal proposal for Town of Delafield

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO APPROVE THE SNYDER INSURANCE AGENCY 2010 PROPERTY AND LIABILITY INSURANCE RENEWAL PROPOSAL FOR THE TOWN OF DELAFIELD. MOTION CARRIED.

B. Consideration and possible action of Application for Temporary Class "B" License to sell fermented malt beverages and a Temporary "Class B" License to sell wine during a special event on January 15, 2010, for St. Anthony Congregation Men's Club

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE A TEMPORARY CLASS "B" LICENSE TO SELL FERMENTED MALT BEVERAGES AND A TEMPORARY "CLASS B" LICENSE TO SELL WINE DURING A SPECIAL EVENT ON JANUARY 15, 2010, FOR ST. ANTHONY CONGREGATION MEN'S CLUB

C. Consideration and possible action of Resolution Authorizing the Issuance and Sale of Not to Exceed \$352,750 General Obligation Promissory Note

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE THE RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$352,750 GENERAL OBLIGATION PROMISSORY NOTE SUBJECT TO THE REVISION OF ONE TYPOGRAPHICAL ERROR. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Town Board Meeting – January 26
- B. Next Plan Commission Meeting – February 2
- C. Next Park and Recreation Commission Meeting – February 8 – 6:30 p.m.

Ninth order of business: Adjournment

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 7:20 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on January 26, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
January 26, 2010

Members Present: P. Kanter, C. Dundon, L. Krause and R. Ackley

Members Absent: P. Van Horn

Others Present: D. Richards, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, J. Stevens, *Lake Country Reporter*, 6 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:03 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of January 12, 2010
The minutes will be filed as prepared by the Town Clerk/Treasurer.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #46864 – 46904 IN THE AMOUNT OF \$94,776.94

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21106 – 21161 IN THE AMOUNT OF \$30,320.87

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Tim Barbeau (1/21/2010), Re: Anticipated WisDOT projects in the Town of Delafield
None

Sixth order of business: Unfinished Business

A. None

Seventh order of business: New Business

A. Consideration and possible action regarding the Pewaukee Lake dam upgrade required by the DNR.

Michelle Schneider, DNR, Scott Gosse, Village of Pewaukee Administrator and Jeff Knutson, Village of Pewaukee President were in attendance. Per a recent inspection of the subject dam, it does not meet NR333 standards, i.e., the structure must be capable of passing the 1000-year flood without overtopping. Mr. Gosse stated that a grant application indicates the estimated total project cost is \$994,000, and the total proposed allocation for the Village's grant award is \$400,000. Given the Village shares Pewaukee Lake with the City of Pewaukee and Town of Delafield and all communities receive benefits from the lake, the Village Board is proposing that the three communities share equally in the estimated balance.

The general consensus of the Town Board is that the budget has been set, and the Town does not have the funds. As the State has jurisdiction over navigable waterways and considers them resources of the entire State, they should bear the costs.

- B. Consideration and possible action to approve the acquisition of a 2010 patrol truck package snow plow at a cost of \$78,585 for the chassis, and \$58,900 for the equipment package, for a total of \$137,485, and to authorize the Town Clerk to execute the motor vehicle purchase contract on behalf of the Town.

The Town Clerk was directed to contact the Town Attorney to finalize the subject contract with Burke Truck and Equipment.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE. MOTION CARRIED.

- C. Consideration and possible action to approve the acquisition of a Pierce heavy-duty vehicle at a cost of \$465,174.00, and to authorize the Town Chair to execute the motor vehicle purchase contract on behalf of the Town.

Chief Richards stated that all the Town Attorney's requests have been met regarding the subject purchase contract.

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO APPROVE THE EXPENDITURE OF \$468,128.00 (THIS INCLUDES \$2,954.00 PREMIUM FOR A PERFORMANCE BOND) FOR THE NEW PIERCE RESCUE VEHICLE AND TO AUTHORIZE THE TOWN CHAIR TO EXECUTE THE MOTOR VEHICLE CONTRACT ON BEHALF OF THE TOWN. MOTION CARRIED.

- D. Consideration and possible action to approve Report No. 2 for Reduction in the Letter of Credit for Shepherds Pass South.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE REPORT NO. 2 FOR REDUCTION IN THE LETTER OF CREDIT FOR SHEPHERDS PASS SOUTH AS PREPARED BY THE TOWN ENGINEER. MOTION CARRIED.

- E. Consideration and possible action to approve Report No. 2 for Reduction in the Letter of Credit for Scuppernon Springs/Paradise Valley Court.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE REPORT NO. 2 FOR REDUCTION IN THE LETTER OF CREDIT FOR PARADISE VALLEY COURT AS PREPARED BY THE TOWN ENGINEER. MOTION CARRIED.

- F. Consideration and possible action of Town Engineer's request for direction to proceed regarding the American Tower facility, Lloyd and Cheryl Williams' property.

Mr. Barbeau stated that Mr. Williams has provided notice to American Tower that the lease will be revoked; however, due to language in the lease agreement and notice requirements, the tower operator appears to have an opportunity to maintain the lease until 2011.

Engineer Barbeau was directed to draft a document extending the original conditional use until 1/31/2011 with no changes and bring it back in two weeks.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE. MOTION CARRIED.

G. Discussion and possible action of purchase of bucket truck.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO AUTHORIZE THE PURCHASE OF A BUCKET TRUCK NOT TO EXCEED \$32,000.00 AND TO AUTHORIZE THE TOWN CHAIRMAN TO SIGN ANY DOCUMENTS RELATED TO THE PURCHASE. MOTION CARRIED.

H. Discussion and possible action of sale – 1990 Ford dump truck.

Mr. Roberts stated his request to advertise the subject truck for \$10,000 in the WI Town's Association magazine and Craig's list. The Town Clerk was directed to place the ad in the next publication.

I. Consideration and possible action of appointment to the Park and Recreation Commission.

Chairman Kanter stated that the applicant has withdrawn his application.

J. Consideration and possible action of Operator's License for the period of 7/1/08 to 6/30/10.
- Christopher T. Schroeder for *Airman's Sandtrap*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.

K. Consideration and possible action to approve donation to the Sydney Meyer College Fund.

Ms. Dundon stated that Sydney Meyer is Gary Meyer's daughter. Gary was a very valuable member of our plan commission, and this would be a very nice way to remember him by making a contribution to his daughter's college fund. She suggested that \$350.00 be contributed on behalf of the Town, as this amount is roughly equivalent to what Gary would have received for serving on the commission.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO CONTRIBUTE \$350.00 TO SYDNEY MEYER'S COLLEGE FUND. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Wisconsin Town Association - Waukesha County Unit Meeting – January 27 – 7:00 p.m.
Vernon Fire Station
- B. Next Plan Commission Meeting – February 2
- C. Next Park and Recreation Commission Meeting – February 8 – 6:30 p.m.
- D. Next Town Board Meeting – February 9

Ninth order of business: Adjournment

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:55 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on February 9, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
February 9, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn, L. Krause and R. Ackley

Others Present: 12 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of January 26, 2010
The minutes will be filed as prepared by the Town Clerk/Treasurer.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #46841 – 46951 IN THE AMOUNT OF \$684,808.25

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21162 – 21192 IN THE AMOUNT OF \$22,812.81

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. None

Sixth order of business: Unfinished Business

A. Consideration and possible action of Town Engineer's request for direction to proceed regarding the American Tower facility, Lloyd and Cheryl Williams' property (tabled 1/26/10).

This item will remain on the table.

Seventh order of business: New Business

A. Review and discussion of Lake Patrol proposals and selection of the preferred service.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO CONTINUE THE EXISTING LAKE PATROL SERVICES FOR 2010-2011. MR. ACKLEY-NO, MS. DUNDON-YES, CHAIRMAN KANTER-YES, MR. KRAUSE-YES, MR. VAN HORN-YES. MOTION CARRIED.

B. Consideration and possible action of Ordinance to Amend Section 1.22(1) of the Town of Delafield Municipal Code to Establish Different Working Hours for Different Election Officials Assigned to the Same Polling Place.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE. MR. ACKLEY-NO, MS. DUNDON-YES, CHAIRMAN KANTER-YES, MR. KRAUSE-YES, MR. VAN HORN-YES. MOTION CARRIED.

- C. Consideration of Application for Temporary Class "B" License to sell fermented malt beverages and a Temporary "Class B" License to sell wine during a special event on February 13, 2010, for St. Anthony Christian Formation Committee.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

- D. Consideration and possible action of Alcohol Permit request for a graduation party to be held at the Sports Commons on 6/12/10.

The Town Board expressed concern as to who will be supervising the distribution of alcohol.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO TABLE. MOTION CARRIED.

- E. Consideration and possible action to approve the acquisition of a 2010 patrol truck package snow plow at a cost of \$78,585 for the chassis, and \$58,900 for the equipment package, for a total of \$137,485, and to authorize the Town Clerk to execute the motor vehicle purchase contract on behalf of the Town (tabled 1/26/10).

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE. MOTION CARRIED.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO APPROVE THE PURCHASE OF THE TRUCK. MR. ACKLEY-NO, MS. DUNDON-YES, CHAIRMAN KANTER-YES, MR. KRAUSE-YES, MR. VAN HORN-YES. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Town Board Meeting – February 23
- B. Next Plan Commission Meeting – March 2
- C. Next Park and Recreation Commission Meeting – March 8 – 6:30 p.m.

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:23 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on February 23, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
February 23, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn and L. Krause

Members Absent: R. Ackley

Others Present: T. Barbeau, *Town Engineer*, 3 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of February 9, 2010
The minutes will be filed as prepared by the Town Clerk/Treasurer.

Fourth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #46952 – 46983 IN THE AMOUNT OF \$48,357.66 AND CHECKS #46991 – 46999 IN THE AMOUNT OF \$4,322,327.55

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21193 – 21247 IN THE AMOUNT OF \$32,911.42

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)
A. None

Sixth order of business: Unfinished Business
A. Consideration and possible action of Alcohol Permit request for a graduation party to be held at the Sports Commons on 6/12/10 (tabled 2/9/10).

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM TABLE. MOTION CARRIED.

Jane Zeman stated her request to use the Sports Commons between the hours of 12:00 p.m. and 6:00 p.m. for a graduation party. She stated that she will be responsible for monitoring the serving of alcoholic beverages.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE ALCOHOL PERMIT FOR A GRADUATION PARTY TO BE HELD AT THE SPORTS COMMONS ON 6/12/10. MOTION CARRIED.

Seventh order of business: New Business
A. Consideration and possible action of Exclusive Solid Waste and Recyclables Collection and Disposal Contract between the Town of Delafield and Veolia Environmental Services.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO APPROVE THE CONTRACT BETWEEN THE TOWN OF DELAFIELD AND VEOLIA ENVIRONMENTAL SERVICES COMMENCING 1/1/2010 AND TERMINATING 12/31/2014. MOTION CARRIED.

B. Consideration and possible action of Direct Seller's Permit Application for Laurie Lang.

Ms. Lang is requesting to go "door-to-door" to hand out AVON samples, her business card and ask the resident to contact her with any interest in purchasing products.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO APPROVE A DIRECT SELLER'S PERMIT FOR LAURIE LANG. MOTION CARRIED.

C. Plan Commission Re-appointment: Mike Tagtow.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. KRAUSE TO RE-APPOINT MIKE TAGTOW TO SERVE AS PLAN COMMISSIONER FOR THE PERIOD OF 3/2/10 TO 3/2/13. MOTION CARRIED.

D. Consideration and possible action of Resolution of Lot Configuration for Jeff Harvie at N29W30388 Hawksnest Ct.

Engineer Barbeau provided a summary of the subject request stating that the original owner was granted a building permit in 1991 to build a home on the middle of 2 lots. The current owner approached the assessor in 2008 to contest his assessment. He also requested his desire to receive only 1 tax bill. The assessor combined his lots without following the requirements listed in Chapter 3.09 of the Town Code that read in part: "Any combination or creation of lots as provided in sub. (1) above shall only be done through a certified survey map, which map shall be recorded in the Register of Deeds' office for Waukesha County under the requirements of Ch. 236, Wis. Stats". Mr. Harvie recently approached the Town stating that, as his lots had not been combined legally when the building permit was issued and the assessor did not notify him of the CSM requirement, the Town should be responsible for any costs relating to obtaining a CSM. The Town Board determined that the responsibility relating to this issue lies with the current owner.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO DENY THE REQUEST TO PAY FOR THE COST OF OBTAINING A CSM. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – March 2
- B. Next Park and Recreation Commission Meeting – March 8 – 6:30 p.m.
- C. Next Town Board Meeting – March 9

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 7:40 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on March 9, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 9, 2010

Members Present: P. Kanter, C. Dundon, R. Ackley and L. Krause

Members Absent: P. Van Horn

Others Present: C. Kapenga (Candidate for 33rd District), 1 citizen

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of February 23, 2010
The minutes will be filed as prepared by the Town Clerk/Treasurer.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47000 – 47034 IN THE AMOUNT OF \$68,049.79

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21248 – 21271 IN THE AMOUNT OF \$24,269.24

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. None

Sixth order of business: Unfinished Business

A. None

Seventh order of business: New Business

A. Consideration and possible action of Draft Intergovernmental Cooperation Agreement Between the Village of Pewaukee, City of Pewaukee and the Town of Delafield Regarding Winter and Summer Lake Patrol Services.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE BASED ON THE TOWN CHAIRMAN'S SPECIFIC REVIEW WITH THE TOWN ATTORNEY AND ACCEPTANCE OF THE TOWN ATTORNEY'S COMMENTS. MOTION CARRIED.

B. Consideration and possible action of Temporary Class "B" license to sell fermented malt beverages and Temporary "Class B" license to sell wine at the Prairie Hill Waldorf School Oscar Night on April 24, 2010.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

A. Next Town Board Meeting – March 23

B. Spring Election – April 6

C. Next Plan Commission Meeting – Wednesday, April 7

Ninth order of business: Adjournment

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 7:15 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on March 23, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 23, 2010

Members Present: P. Kanter, C. Dundon, and L. Krause

Members Absent: P. Van Horn and R. Ackley

Others Present: D. Roberts, *Highway Superintendent*, M. Hoppe, *Deputy Fire Chief*, P. Mortimer, *Code Enforcement Officer*, H. Jeanson, *Rotroff Jeanson & Co.*, J. Stevens, *Lake Country Reporter*, 8 citizens

First order of business: Closed Session. Following announcement by the Town Chair, and upon motion duly made, seconded, and adopted by roll call vote, the Town Board of Supervisors may convene into closed session for the following reason:

- A. Pursuant to Wisconsin Statutes Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the Town Board has jurisdiction or exercises authority, more specifically, to discuss the performance evaluation of the Town Code Enforcement Officer.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO GO INTO CLOSED SESSION. MS. DUNDON – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO GO OUT OF CLOSED SESSION. MS. DUNDON – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE. MOTION CARRIED.

Second order of business: Action on Closed Session Items. The Town Board may take action on the matters discussed in closed session.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE. MOTION CARRIED.

Third order of business: Call to Order
Chairman Kanter called the meeting to order at 7:25 p.m.

Fourth order of business: Pledge of Allegiance

Fifth order of business: Minutes of March 9, 2010
The minutes will be filed as prepared by the Town Clerk/Treasurer with one minor spelling correction.

Sixth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2009 budget

Mr. Jeanson presented information on the 2009 proposed budget amendment per the audit.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE PROPOSED AMENDMENTS TO THE 2009 BUDGET PER COMPLETION OF THE AUDIT. MOTION CARRIED.

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47035 – 47069 IN THE AMOUNT OF \$44,462.29

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21272 – 21321 IN THE AMOUNT OF \$32,764.83**MS. DUNDON/MR. KRAUSE****MOTION CARRIED.****Seventh order of business:** Communications (*for discussion and possible action*)

A. Ron and Jane Muehlbauer (3/10/10), Re: Stuart Drive

Jane Muehlbauer, W287N2048 Stuart Drive, stated that she should have been notified about Stuart Drive becoming a one-way street. She doesn't feel that this is the only option and questioned if it could be made a four-way stop or if mirrors could be put up.

Mike Derynda, N21 W28664 Louis Ave., stated his agreement with Ms. Muehlbauer's comments.

Ron Muehlbauer, W287N2048 Stuart Drive, stated that the bushes should come down. He is in favor of a 3-way stop at both Oakton and Stuart.

Eighth order of business: Unfinished Business

A. None

Ninth order of business: New Business

A. Consideration and possible action of Mutual Aid Box Alarm System Agreement and Addendum C Resolution.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE 13 PAGE MUTUAL AID BOX ALARM SYSTEM AGREEMENT AND THE SINGLE PAGE RESOLUTION ADDENDUM C TO MUTUAL AID BOX ALARM SYSTEM AGREEMENT. MOTION CARRIED.

B. Ackley proposal for fire station/town hall referendum.

Mr. Ackley submitted, by e-mail, the following draft of a referendum question: "The Town Board of Supervisors shall arrange financing of an amount not to exceed \$5.5 million dollars for the construction of a new combined Fire Station/Town Hall building to replace the existing obsolete structures". Chairman Kanter stated that all members of the board should be in attendance when this issue is discussed.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE UNTIL A FULL PANEL OF THE TOWN BOARD IS PRESENT. MOTION CARRIED.

C. Discussion and decision on Town Board position re: Stoltz request for variance.

Chairman Kanter expressed the need for the Town Board to take a position on the subject issue before the Board of Appeals meets. He presented the question as to whether or not a Town Board member should be in attendance to oppose the variance.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPEAR AT THE BOARD OF APPEALS HEARING, ON BEHALF OF THE TOWN BOARD, TO SUPPORT THE TOWN ZONING CODE ON THIS PARTICULAR MATTER . MOTION CARRIED.

Tenth order of business: Announcements and Planning Items

- A. Spring Election – April 6
- B. Next Plan Commission Meeting – Wednesday, April 7
- C. Next Park and Recreation Commission Meeting – April 12 – 6:30 p.m.
- D. Next Town Board Meeting – April 13
- E. Annual Town Meeting – April 14

Eleventh order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:40 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on April 13, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
April 13, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn, L. Krause and R. Ackley

Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, P. Mortimer, *Code Enforcement Officer*, M. Tagtow, *Plan Commissioner*, J. Stevens, *Lake Country Reporter*, 10 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of March 23, 2010
The minutes will be filed as prepared by the Town Clerk/Treasurer.

Fourth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47070 – 47116 IN THE AMOUNT OF \$158,805.21

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21322 – 21382 IN THE AMOUNT OF \$48,502.79

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)
A. Hans Meyer (4/7/2010), Re: Open Space Issues

Mr. Meyer stated that the town needs to follow better procedures in the area of addressing enforcement issues. The Town Board concurred with Mr. Meyer. Chairman Kanter stated that the town engineer is drafting information on solutions and will provide guidance on how to proceed.

Sixth order of business: Unfinished Business
A. Reconsideration of Stuart Drive issue

Engineer Barbeau reviewed his report that provided his conclusions and recommendations to the subject issue: 1. remove the trees from the Town's right-of-way to provide adequate site distance for a safe and functional intersection; 2. maintain the current situation of having the southerly portion of Stuart Drive, from Angela Drive to Oakton Road remain a one-way street northbound.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO RECONSIDER THE DECISION REACHED IN THE MOTION OF MARCH 23, IN THE INSTANCE OF INSTALLING A 3-WAY STOP FOR STUART DRIVE AND OAKTON ROAD. MR. ACKLEY-NO, MS. DUNDON-YES, CHAIRMAN KANTER-NO, MR. KRAUSE, YES, MR. VAN HORN-NO.

The Highway Department was directed to post the intersection as a 3-way stop.

B. Ackley proposal for fire station/town hall referendum (tabled 3/23/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Ackley stated the need to re-entertain the subject issue and place a referendum question on the November ballot. The following question was discussed: "Shall the Town of Delafield secure financing, in an amount not to exceed \$_____ million dollars, for the construction of a new combined Fire Station/Town Hall building to replace the existing structures?"

MOTION MADE BY MR. ACKLEY TO ADOPT THIS REFERENDUM QUESTION TO BE PLACED ON THE NOVEMBER ELECTION BALLOT. MOTION FAILED FOR LACK OF SECOND.

It was requested that the Town Attorney review the subject question and provide feedback.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

Seventh order of business: New Business

A. Consideration and possible action of Agreement to Provide Access to Lakeview Lanes Building for Fire Department Training Purposes

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.

B. Consideration and possible action re: Plan Commission's recommendations of changes to Chapter 17 (Zoning Code) of the Town of Delafield Code of Ordinances

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

C. Introduction of Resolution of the Town Board to Vacate and Discontinue a Portion of Louis Avenue Right-of-Way in the Area Abutting N23W28990-92 Louis Avenue

The subject Resolution was introduced to the Town Board.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO SET A PUBLIC HEARING FOR MAY 25, 2010. MOTION CARRIED.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REFER THIS MATTER TO THE TOWN PLAN COMMISSION FOR CONSIDERATION AND RECOMMENDATION. MOTION CARRIED.

D. Appointment to Plan Commission

Chairman Kanter nominated Billy Cooley to the Plan Commission. He is a member of the Town Fire Dept. and involved in home construction. Chairman Kanter stated that he expressed an interest in serving on the commission, originally, in 2005.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. ACKLEY TO APPOINT BILLY COOLEY TO THE TOWN OF DELAFIELD PLAN COMMISSION. MOTION CARRIED.

E. Consideration and possible action of Operator's License for the period of 7/1/08 to 6/30/10.
- Lisa J. Hansen for *Lloyd's Never Inn*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Annual Town Meeting – April 14
- B. Next Plan Commission Meeting – Tuesday, April 20
- C. Next Town Board Meeting – April 27

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:25 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on April 27, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
April 27, 2010

Members Present: P. Kanter, C. Dundon, L. Krause and R. Ackley

Members Absent: P. Van Horn

Others Present: D. Roberts, *Highway Superintendent*, P. Mortimer, *Code Enforcement Officer*, J. Schultz, *Town Assessor*, T. DeLacy, *Independent Inspections*, J. Stevens, *Lake Country Reporter*, 7 citizens

As there was no objection, Item 9B was taken out of order to allow the Highway Superintendent to tend to a personal family emergency.

Ninth order of business: New Business

B. Consideration of Offer to Purchase for plow truck

Mr. Roberts addressed the \$7,000 offer to purchase, received from Oconomowoc Landscape Supply and Garden Center, stating that he has received other verbal offers of \$5,000. He suggested that the town await more offers as he continues to advertise.

First order of business: Closed Session. Following announcement by the Town Chair, and upon motion duly made, seconded, and adopted by roll call vote, the Town Board of Supervisors may convene into closed session for the following reason:

A. Pursuant to Wisconsin Statutes Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any public employee over which the Town Board has jurisdiction or exercises authority, more specifically, to discuss the performance evaluation of the Town Code Enforcement Officer.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO GO INTO CLOSED SESSION. MS. DUNDON – AYE, MR. ACKLEY – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO GO OUT OF CLOSED SESSION. MS. DUNDON – AYE, MR. ACKLEY – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE. MOTION CARRIED.

Second order of business: Action on Closed Session Items. The Town Board may take action on the matters discussed in closed session.

None.

Third order of business: Call to Order

Chairman Kanter called the meeting to order at 7:35 p.m.

Fourth order of business: Pledge of Allegiance

Fifth order of business: Minutes of April 13, 2010

The minutes will be filed as prepared by the Town Clerk/Treasurer with one minor spelling correction.

Sixth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2009 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47117 – 47162 IN THE AMOUNT OF \$111,953.99

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21383 – 21440 IN THE AMOUNT OF \$34,603.88

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Seventh order of business: Communications (for discussion and possible action)

A. None

Eighth order of business: Unfinished Business

A. Update and discussion of Agreement on Pewaukee Lake Safety Patrol

Chairman Kanter summarized the subject matter stating that the Town Board voted at their March 9 meeting to approve the Pewaukee Lake Safety Patrol Agreement in principle but allowed him to discuss any changes/concerns with the town attorney. He directed attention to the original agreement with the Village of Pewaukee, which does not allow either the City of Pewaukee or Town of Delafield a say in the operation of the lake patrol. He referenced Chapter 60 of the Wis. State Statutes pointing out his duties and powers as town board chairperson. He stated that he is willing to delegate, but not advocate, the statutory responsibility to the Village of Pewaukee. He is not willing to accept the present proposal and will execute further discussions with the appropriate parties on behalf of the town.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO AFFIRM THE TOWN CHAIRMAN'S DECISION. MOTION CARRIED.

B. Consideration and possible action of changes to Chapters 19 and 21 of the Town of Delafield Code of Ordinances

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO TABLE DUE TO THE SIGNIFICANT MODIFICATIONS THAT NEED TO BE MADE TO THE PROPOSED AGREEMENT. MOTION CARRIED.

Ninth order of business: New Business

A. Town of Delafield Assessor's Report – Jud Schultz

Chairman Kanter stated that he placed this item on the agenda due to phone calls he has received from town residents regarding assessment questions in relation to the economy. Mr. Schultz proposed to do a market adjustment, not a reevaluation, at no cost to the town in time for the board of review. He stated that he will look at individual areas and make adjustments based on sales. He requested to extend the board of review date to September to allow him adequate time to complete the process.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO DIRECT THE TOWN ASSESSOR TO PERFORM A MARKET ADJUSTMENT OF THE TOWN AND EXTEND THE BOARD OF REVIEW DATE TO SEPTEMBER. MOTION CARRIED.

C. Consideration and possible action of laser tag event to be held at the Sports Commons

Lisa Kirkpatrick spoke on behalf of Laser Tag Anywhere stating their request to host a grand opening at the Sports Commons on a Sunday in May or June from 12:00-4:00 p.m. The cost would be \$5.00/game or \$10.00/all day pass with a 25% revenue share with the town. They want to sell food,

soft drinks and water. Discussion followed on parking concerns, as there is no parking on Silvernail Road and had questions regarding proposed signage.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE THE SALE OF FOOD AND SOFT DRINKS AND REFER THE MATTER BACK TO THE PARK AND RECREATION COMMISSION TO RESOLVE THE HOURS, PARKING AND SIGNAGE ISSUES. MOTION CARRIED.

D. Consideration and possible action of Waukesha Blazer's request to sell concessions at the Sports Commons on June 5 and 6

As there was no representation from the Park and Recreation Commission, it was suggested that Items D and E be tabled.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE ITEMS 9D & 9E. MOTION CARRIED.

E. Consideration and possible action of Delafield Youth Baseball, Inc.'s request to sell concessions at the Sports Commons on June 12

F. Consideration and possible action of Plan Commission's recommendation to approve the Conditional Use amendment for Lloyd & Cheryl Williams to allow the retail sale of cheese and bottled milk on their property located at W289 N520 Elmhurst Road

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO APPROVE THE CONDITIONAL USE AMENDMENT FOR LLOYD & CHERYL WILLIAMS TO ALLOW THE RETAIL SALE OF CHEESE AND BOTTLED MILK ON THEIR PROPERTY LOCATED AT W289 N520 ELMHURST ROAD. MOTION CARRIED.

G. Consideration and possible action of Operator's License for the period of 7/1/08 to 6/30/10 - Heather S. Allen for *Western Lakes*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

Tenth order of business: Announcements and Planning Items

- A. Board of Review Training – Wednesday, April 28 – 1:00 p.m. to 3:00 p.m. – Morningstar Golfers Club
- B. WI Towns Association, Waukesha County Unit Meeting – Wednesday, April 28 – 7:00 p.m. Town of Brookfield
- C. Next Plan Commission Meeting – May 4 – 7:00 p.m.
- D. Next Park and Recreation Commission Meeting – May 10 – 6:30 p.m.
- E. Next Town Board Meeting – May 11

Eleventh order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:35 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on May 11, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
May 4, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn, L. Krause and R. Ackley

Others Present: 3 citizens

First order of business: Call to Order

Chairman Kanter called the meeting to order at 6:45 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Unfinished Business

A. Further discussion and consideration of Pewaukee Lake Safety Patrol

Chairman Kanter submitted an e-mail from Attorney Riffle regarding alternate provisions addressing the Chief's issues. He directed attention to paragraph B, which states that the Chief's discretion shall be approved unanimously by the referenced elected officials. He expressed his objection, as he is in favor of a majority rule. Chairman Kanter stated that he spoke with the Waukesha County Sheriff's Department, and they are in favor of taking over the safety patrol for the Town of Delafield. They are prepared to extend their services and deal with any issues. The town would have interaction and direction over the sheriff.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. KRAUSE TO ADOPT THE POSITION OF REQUIRING A MAJORITY VOTE ALONG WITH THE SIGNIFICANT, BUT MINOR, CHANGES DISCUSSED THIS EVENING AND IN THE SUBJECT E-MAIL. MOTION CARRIED.

Fourth order of business: Adjournment

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 7:00 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on April 11, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
May 11, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, L. Krause and R. Ackley

Others Present: S. Riffle, *Town Attorney*, T. DeLacy, *Independent Inspections*, N. Bonniwell, *Board of Appeals Chair*, J. Stevens, *Lake Country Reporter*, 11 citizens

First order of business: Closed Session. It is anticipated the Town Board will convene into closed session for the following reason: Pursuant to State Statutes 19.85(1) (c) to consider employment, promotion, compensation or performance evaluation data of any employee over which the Town Board has jurisdiction, more specifically, to consider the qualifications of applicants for the position of Town of Delafield Town Building Inspector/Code Enforcement Officer and compensation to be offered to the particular applicants. Participating in this closed session will be the Town Board, Town Clerk, Tom DeLacy - Independent Inspections, and in turn the following applicants for the position: Tony Fockler, Peter Rafalski and Cindy Wandsneider.

Following the closed session, it is anticipated that the Board will reconvene and may take action on the matters discussed in closed session, and thereafter the Town Board shall continue with the matters noted in the agenda. Chairman Kanter called the Closed Session to order at 6:30 p.m. and read the Closed Session notice.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO GO INTO CLOSED SESSION. MS. DUNDON – AYE, MR. ACKLEY – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO GO OUT OF CLOSED SESSION. MS. DUNDON – AYE, MR. ACKLEY – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE. MOTION CARRIED.

Second order of business: Action on Closed Session Items. The Town Board may take action on the matters discussed in closed session.

None

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO TAKE ITEM 8A OUT OF ORDER. MOTION CARRIED.

Eighth order of business: Unfinished Business

A. Update and discussion of Agreement on Pewaukee Lake Safety Patrol

Attorney Riffle summarized the subject issue stating that there is one sentence of the agreement drawn up by the Village that is in dispute. It references all decisions regarding the lake patrol stating that they must be unanimous between the three communities. He stated that if the Town of Delafield requests Waukesha County Sheriff's Department to patrol its portion of the lake, it would be done on the "county's dime" and all revenue from citations would go to the County. He referenced the state statute which reflects, if multiple communities comprise more than 60 percent of the lakeshore, they can have their own lake patrol or contract for one that will enforce the communities ordinances and receive citation revenues. Chairman Kanter stated that the city and town comprise 86% of Pewaukee Lake. Attorney Riffle stated that the Village of Pewaukee will address this issue at their meeting in one week.

MOTION MADE BY MR. ACKLEY, SECONDED BY CHAIRMAN KANTER TO MOVE ON FROM THE SITUATION IN WAITING FOR THE VILLAGE OF PEWAUKEE TO COMPLY WITH THE REQUIREMENT OF THE PROPOSAL AND CONSIDER THAT THEY HAVE DEFAULTED AND TO CONTACT THE CITY OF PEWAUKEE TO PROCEED WITH HIRING THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT TO CARRY OUT THE DUTIES OF THE PEWAUKEE LAKE SAFETY PATROL.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO AMEND THE MOTION TO DELAY DISCUSSIONS FOR ONE WEEK TO AWAIT THE DECISION OF THE VILLAGE OF PEWAUKEE. MOTION CARRIED.

Third order of business: Call to Order
Chairman Kanter called the meeting to order at 7:20 p.m.

Fourth order of business: Pledge of Allegiance

Fifth order of business: Minutes of April 27 and May 4, 2010
The minutes will be filed as prepared by the Town Clerk/Treasurer.

Sixth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2009 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47163 – 47201 IN THE AMOUNT OF \$59,063.52

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21442 – 21493 IN THE AMOUNT OF \$35,292.22

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Seventh order of business: Communications (*for discussion and possible action*)

A. None

Eighth order of business: Unfinished Business

B. Consideration and discussion of procedures concerning new fire station/town hall (tabled 4/13/10)

This item will remain on the table.

C. Consideration and possible action of Waukesha Blazer's request to sell concessions at the Sports Commons on June 5 and 6 (tabled 4/27/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO REQUEST THE REQUEST OF THE WAUKESHA BLAZER'S TO SELL CONCESSIONS AT THE SPORTS COMMONS ON JUNE 5 AND 6. MOTION CARRIED.

D. Consideration and possible action of Delafield Youth Baseball, Inc.'s request to sell concessions at the Sports Commons on June 12 (tabled 4/27/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO REMOVE FROM THE TABLE. MOTION CARRIED.

As the subject proposal includes all proceeds to benefit the Titans Select Baseball, Inc., the Town Board directed staff to contact the applicant and request his attendance at the next meeting.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TABLE. MOTION CARRIED.

Ninth order of business: New Business

A. Consideration and possible action to approve a Certified Survey Map to combine two lots into one lot for Jeff and Mary Harvie at N29W30388 Hawksnest Court

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE A CERTIFIED SURVEY MAP TO COMBINE TWO LOTS INTO ONE LOT FOR JEFF AND MARY HARVIE AT N29W30388 HAWKSNEST COURT. MOTION CARRIED.

This subject proposal includes City of Delafield and Village of Hartland extraterritorial jurisdiction and requires such approval. Mr. Harvie requested to apply for his permit before these municipalities address the issue, due to a recent fire in his home.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. VAN HORN TO DIRECT THE TOWN ENGINEER TO CONTACT THE CITY AND VILLAGE AND INFORM THEM OF THE TOWN'S APPROVAL TO THE REQUESTED CHANGE IN PROCEDURE. MOTION CARRIED.

B. Award of 2010 Annual Road Paving Program Contract

Engineer Barbeau stated that two bids were received for the subject program: 1. Wolf paving – \$314,002.00; and 2. Payne & Dolan – 328,292.50. The Highway road budget is \$320,000 and the Town received \$18,642.000 in TRIP funds. The Highway Superintendent will need \$20,000 for crack filling and miscellaneous work, leaving a balance of \$318,642.00. Engineer Barbeau recommended awarding the bid to Wolf Paving in the amount of \$314,002.00.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO AWARD THE 2010 ANNUAL ROAD PAVING PROGRAM CONTRACT TO WOLF PAVING IN THE AMOUNT OF \$314,002.00. MOTION CARRIED.

C. Appointment to Board of Appeals

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MS. DUNDON TO APPOINT MIKE KAISER TO THE BOARD OF APPEALS. MOTION CARRIED.

Chairman Kanter stated that he will address another volunteer in two weeks.

D. Consideration and possible action of new Town Hall sign

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO APPROVE THE SIGN PROPOSAL FROM STICKYBOYZ (OPTION 2) IN THE AMOUNT OF \$260.00. MOTION CARRIED.

E. Consideration and possible action of Operator's License for the period of 7/1/08 to 6/30/10
- Haley A. Wittemann for *Western Lakes*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE THE OPERATOR'S LICENSE FOR HALEY A. WITTEMAN FOR WESTERN LAKES. MOTION CARRIED.

- Katie M. Tetkoski for *Western Lakes*

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE OPERATOR'S LICENSE FOR KATIE M. TETKOSKI FOR WESTERN LAKES. MOTION CARRIED.

Tenth order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – May 18 – 7:00 p.m.
- B. Board of Review – May 25 – 7:00 p.m. (adjournment to September 29, 2010 at 7:00 p.m.)
- C. Next Town Board Meeting – May 25 – Immediately following Board of Review

Eleventh order of business: Adjournment

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:05 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on May 25, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
May 25, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, and L. Krause

Members Absent: R. Ackley

Others Present: E. Larson, *Town Attorney*, S. Kramlich, *Park and Recreation Commission*, J. Stevens, *Lake Country Reporter*, 7 citizens

Chairman Kanter stated that Mr. Kramlich requested to have Item 5B taken out of order.

Fifth order of business: Unfinished Business

B. Consideration and possible action of Delafield Youth Baseball, Inc.'s request to sell concessions at the Sports Commons on June 12 (tabled 5/11/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE. MOTION CARRIED.

Shawn Kramlich was in attendance on behalf of Delafield Youth Baseball, Inc. In response to the question as to whether or not the proposal could include donating a percentage of the proceeds to the Town, he stated that the organization is already paying a \$200.00/day rental fee and this is not a "big money making event".

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE AS PRESENTED. MOTION CARRIED.

First order of business: Public Hearing. The Town Board will hold a hearing on May 25, 2010, immediately following the Board of Review in the Town Hall of the Town of Delafield located at N14 W301782 Golf Road, Delafield, Wisconsin, upon the resolution to discontinue a portion of Louis Avenue and may act upon said resolution at said time and place. Said resolution was introduced before the Town of Delafield Town Board on the 13th day of April, 2010, and proposes to adjust the curve in the right-of-way in an area abutting N23 W28992 Louis Avenue.

Brian Dupont, Jahnke and Jahnke, spoke on behalf of Mr. Schultz. He provided a summary of the subject proposal utilizing exhibits displaying the existing right-of-way line and the existing home located adjacent to the right-of-way that will be removed. The land will be dedicated back to the town in order to create a 33 foot right-of-way strip north of the centerline of Louis Avenue. Mr. Schultz confirmed that he will incur all costs of the subject project, and the area will be incorporated and vegetated.

Mr. Dupont indicated that the legal descriptions previously provided to the Town and to the neighbors for the areas to be vacated had to be modified. The original versions assumed a property corner to be on the section line between sections 13 and 24, but while creating the CSM they determined that this was not the case. Revised legal descriptions were provided to the Town Engineer on April 20, 2010.

Attorney Larson proposed that the resolution be approved subject to attaching the revised exhibits and legal descriptions provided to the Town Engineer on April 20, 2010.

The public hearing closed at 7:22 p.m.

Second order of business: Minutes of May 11, 2010
The minutes will be filed as prepared by the Clerk.

Third order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47203 – 47240 IN THE AMOUNT OF \$73,180.76

Payroll

**MOVED TO APPROVE PAYMENT OF CHECKS #21494 – 21518 IN THE AMOUNT OF \$24,158.07
MS. DUNDON/MR. KRAUSE MOTION CARRIED.**

Fourth order of business: Communications (*for discussion and possible action*)
None

Fifth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station/town hall (tabled 4/13/10)

**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO REMOVE FROM THE TABLE.
MOTION CARRIED.**

Chairman Kanter stated that he has received numerous oppositions relating to the construction of a new town hall. He is of the opinion that the consolidation of a town hall and fire station is the fiscally responsible thing to do. Nonetheless, the need for a new fire station is far too great to allow this controversy to continue to block the new station.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MS. DUNDON TO ENGAGE BOND COUNSEL AND A FINANCIAL ADVISOR IMMEDIATELY; TO ENGAGE A CONSULTANT TO HELP US DELIVER THE MESSAGE TO THE VOTERS; AND, THAT WE PROCEED WITH A BINDING REFERENDUM ON THE NOVEMBER BALLOT FOR THE APPROVAL TO ISSUE MUNICIPAL BONDS SUFFICIENT FOR THE CONSTRUCTION OF A NEW TOWN OF DELAFIELD FIRE STATION, CONSISTENT WITH THE RECOMMENDATION OF ATTORNEY LARSON. MS. DUNDON – YES, CHAIRMAN KANTER – YES, MR. KRAUSE – YES, MR. VAN HORN – NO. MOTION CARRIED.

AMENDED MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO INCLUDE THE LOCATION OF THE NEW FIRE STATION ON THE BASEBALL DIAMOND ADJACENT TO THE TOWN HALL. MS. DUNDON – YES, CHAIRMAN KANTER – YES, MR. KRAUSE – YES, MR. VAN HORN – NO. MOTION CARRIED.

C. Consideration of Offer to Purchase for Plow Truck

Supervisor Van Horn recommended acceptance of the subject offer: \$6,000 cash and \$2,000 credit toward future purchases at Oconomowoc Landscape Supply Center.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO ACCEPT THE OFFER TO PURCHASE FROM OCONOMOWOC LANDSCAPE SUPPLY CENTER. MOTION CARRIED.

Sixth order of business: New Business

A. Adoption of resolution to discontinue a portion of Louis Avenue which will adjust the curve in the right-of-way in the area abutting N23 W28990-92 Louis Avenue

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. KRAUSE TO APPROVE ADOPTION OF THE RESOLUTION TO DISCONTINUE A PORTION OF LOUIS AVENUE WHICH WILL ADJUST THE CURVE IN THE RIGHT-OF-WAY IN THE AREA ABUTTING N23 W28990-92 LOUIS AVENUE SUBJECT TO RECEIPT OF AN UPDATED AGREEMENT FROM THE NEIGHBORS AND FINAL APPROVED BY THE TOWN ATTORNEY AND TOWN ENGINEER. MOTION CARRIED.

B. Consideration and possible action of Certified Survey Map defining the property at N23 W28992 Louis Avenue after execution of possible road vacation and dedication of a portion of the land currently occupied by a duplex residential building

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. VAN HORN TO APPROVE THE CERTIFIED SURVEY MAP DEFINING THE PROPERTY AT N23 W28992 LOUIS AVENUE AFTER

EXECUTION OF POSSIBLE ROAD VACATION AND DEDICATION OF A PORTION OF THE LAND CURRENTLY OCCUPIED BY A DUPLEX RESIDENTIAL BUILDING CONSISTENT WITH THE RECOMMENDATIONS OF THE PLAN COMMISSION AT THEIR MEETING HELD ON MAY 4, 2010. MOTION CARRIED.

C. Approval of Agreement regarding the Pewaukee Lake Water Safety Patrol Unit and adoption of Town Code ordinance revisions

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE THE AGREEMENT REGARDING THE PEWAUKEE LAKE WATER SAFETY PATROL UNIT. MOTION CARRIED.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE ADOPTION OF TOWN CODE ORDINANCE REVISIONS. MOTION CARRIED.

D. Appointment to Board of Appeals

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. KRAUSE TO APPROVE THE APPOINTMENT OF ROSE SASICH TO THE BOARD OF APPEALS. MOTION CARRIED.

E. Consideration of Community Oriented Policing Services grant

Chairman Kanter stated that he wanted to make the Town Board aware of this available option. The general consensus of the board is that, even with assistance from the federal government, the town is not presently in a financial position to follow through.

F. Consideration and possible action of St. Anthony on the Lake Congregation Temporary Class "B" license to sell fermented malt beverages and Temporary "Class B" license to sell wine on the outside picnic grounds on June 13, 2010

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE THE SUBJECT LICENSE. MOTION CARRIED.

G. Consideration and possible action of Friends of Lapham Peak Temporary Class "B" license to sell fermented malt beverages and Temporary "Class B" license to sell wine at the Summer Solstice Celebration on June 19, 2010

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE SUBJECT LICENSE. MOTION CARRIED.

Seventh order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – June 1 – 7:00 p.m.
- B. Next Town Board Meeting - June 8 - 7:00 p.m.
- C. Next Park and Recreation Commission Meeting – June 14 – 6:30 p.m.

Eighth order of business: Adjournment

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO ADJOURN AT 8:03 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on June 8, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
June 8, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, L. Krause and R. Ackley

Others Present: T. DeLacy, *Independent Inspections*, J. Stevens, *Lake Country Reporter*, 2 citizens

First order of business: Call to Order

Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of May 25, 2010

The minutes will be filed by the Clerk with revisions to include voting of the motion made by Chairman Kanter in Item 5A and one minor spelling correction.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47240 – 47276 IN THE AMOUNT OF \$34,680.37

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21533 – 21589 IN THE AMOUNT OF \$31,121.41

MS. DUNDON/MR. KRAUSE MOTION CARRIED.

Ms. Dundon directed attention to the May invoice from Independent Inspections that included special inspections/services charges. Mr. DeLacy, Independent Inspections, stated that the former building inspectors were not documenting their time for code enforcement services; thus, the town was not being charged for several years. The general consensus of the Town Board is to research this matter further and table the \$951.50 portion of the invoice until the next meeting.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO AMEND THE MOTION OF ACCOUNTS PAYABLE TO EXCLUDE THE \$951.50 CHARGE FROM INDEPENDENT INSPECTIONS, BRINGING THE TOTAL TO \$33,728.87. MOTION CARRIED.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE PAYROLL IN THE AMOUNT OF \$31,121.41. MOTION CARRIED.

Chairman Kanter requested to take Item 7a out of order. There was no objection.

Seventh order of business: New Business

A. Update on Building Inspector/Code Enforcement Officer

Mr. DeLacy spoke on behalf of Independent Inspections stating that it will take the present building inspector, Peter Rafalski, approximately one year to learn the town code. As a result, he assigned Tony Fockler to work Mon., Wed. and Fri. between 8:00 – 10:30 a.m. and Peter Rafalski to Tues. and Thurs. between 11:30 – 12:30 p.m. Ms. Dundon expressed her concern regarding continuity, i.e., scheduling 2 different people every other day. Mr. DeLacy also stated that billable hours for code enforcement services were not being charged to the town for the past 10-12 years. He is looking for direction from the Town Board, as the terms for these services are stated in the current contract. Chairman Kanter directed attention to a proposal submitted by Engineer Barbeau for code enforcement services. He stated that he has questioned whether or not the building inspector is properly suited to do zoning administration. Engineer Barbeau knows the town code inside and out. Would Engineer Barbeau be the logical connection? As the Town Board did not have adequate time to review the proposal, it will be addressed at the next meeting. Chairman Kanter stated that the responsibilities of the building inspector and town engineer need to be clearly defined.

Should the responsibilities of zoning administration be taken from Independent Inspections and given to someone else?

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

Fifth order of business: Communications (for discussion and possible action)

A. Steve Korthof (4/23/10), Re: Inspections of Local Establishments
None

Chairman Kanter requested to take item 7B out of order. There was no objection.

Seventh order of business: New Business

B. Consideration and possible action of Alcohol Permit request for a wedding reception to be held at the Sports Commons on 8/21/10

The applicants stated that Cindy and Scott Lang will be in charge of serving the alcoholic beverages at their wedding reception.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Mr. Krause stated that a conference call was held with Chief Richards, Deputy Chief Hoppe, Mr. Ackley, Mr. Mann, himself and Zimmerman regarding a revised plan for construction of a fire station. Zimmerman was requested to provide a proposal outlining their scope of services to be completed by August 1. Mr. Krause also contacted Brian Lanser of Quarles & Brady regarding information on the role of bond counsel and Ehlers and Associates for financial consultation. Mr. Ackley stated that he received a proposal from Zimmerman in the amount of \$19,540.00, including reimbursable expenses, to re-design a building (fee inclusions are reflected in the letter dated June 7). The cost of a single computer image is included in the base fee. The cost of additional images is: second image, \$2300; third image, \$1700.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO PROCEED WITH THE PROGRAM THAT WAS OUTLINED THIS EVENING NOT TO EXCEED \$19,540.00 INCLUDING REIMBURSABLE EXPENSES. MR. ACKLEY – YES, MS. DUNDON – YES, CHAIRMAN KANTER – YES, MR. KRAUSE – YES, MR. VAN HORN – NO. MOTION CARRIED 4-1.

Seventh order of business: New Business

C. Request to approve renewal Alcohol Beverage "Class B" Liquor and Class "B" Beer License Applications for the period from July 1, 2010 through June 30, 2011 for the following:
1. Western Lakes Golf Club

Ms. Dundon stated that Mr. Essig failed to complete C. 1. and C. 3. of the application.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE THE SODA LICENSE AND CLASS B LICENSE WITH THE CONDITION THAT THE PRESIDENT PROVIDE THE FULL NAME OF THE CORPORATION AND COMPLETION OF C. 3. (ALCOHOL BEVERAGES MUST BE PURCHASED FROM WI WHOLESALERS). MOTION CARRIED.

2. Frank's Tap - Lloyd's Never Inn

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO APPROVE THE CLASS B RETAILER'S LICENSE FOR FRANK'S TAP – LLOYD'S NEVER INN. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE THE CIGARETTE LICENSE FOR FRANK'S TAP – LLOYD'S NEVER INN. MOTION CARRIED.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE SODA LICENSE FOR FRANK'S TAP – LLOYD'S NEVER INN. MOTION CARRIED.

3. Pewaukee Yacht Club

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE CLASS B RETAILER'S LICENSE CONTINGENT UPON THE FACT THAT THE PEWAUKEE YACHT CLUB PURCHASE THEIR BEVERAGES FROM WI WHOLESALERS, APPROVAL OF THE NEW OFFICERS: GREG RIEMER, ROBERT GUIDINGER AND PETER MCCORMICK. MOTION CARRIED.

4. Airman's Sandtrap

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE CLASS B RETAILERS LICENSE, SODA LICENSE AND CIGARETTE LICENSE FOR AIRMAN'S SANDTRAP. MOTION CARRIED.

5. Aliota's Golden Anchor

It was suggested that this item be tabled due to the Wholesaler's Report of Delinquent Retail Licensee submitted by Capitol-Husting Company, Inc. to Aliota's Golden Anchor as of May 25, 2009.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO TABLE FOR PROOF OF PAYMENT. MOTION CARRIED.

D. Request to approve renewal Alcohol Beverage Class "B" Beer License Application for the period from July 1, 2010 through June 30, 2011 for the following:

- Buck Rub Outfitters, LTD

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE CLASS "B" BEER LICENSE AND SODA LICENSE FOR BUCK RUB OUTFITTERS, LTD. MOTION CARRIED.

E. Consideration and possible action of renewal of Operator's Licenses for the period of July 1, 2010 to June 30, 2012:

1. *Marijo Burbach for Airman's Sandtrap*
2. *Teresa Burbach for Airman's Sandtrap*
3. *Karyn A. Dutton for Airman's Sandtrap*
4. *Michael L. Helker for Airman's Sandtrap*
5. *Katherine M. Rizer for Airman's Sandtrap*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

6. *Hilbert A. Gramza for Lloyd's Never Inn*
7. *Lisa Hansen for Lloyd's Never Inn*
8. *Annelie E. Kolander for Lloyd's Never Inn*
9. *Larry D. McCutcheon for Lloyd's Never Inn*
10. *Susan Myatt for Lloyd's Never Inn*
11. *Stacy L. Smith for Lloyd's Never Inn*
12. *Betty J. Stacks for Lloyd's Never Inn*
13. *Julie M. Stephens for Lloyd's Never Inn*
14. *Dina M. Veas for Lloyd's Never Inn*
15. *Mary L. Ybarra for Lloyd's Never Inn*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.

16. *Briana M. Books for Pewaukee Yacht Club*
17. *Aaron J. Frank for Pewaukee Yacht Club*
18. *John W. Grignon, Jr. for Pewaukee Yacht Club*
19. *Michael H. McCaffrey for Pewaukee Yacht Club*
20. *Taylor A. Scholz for Pewaukee Yacht Club*
21. *Kayla M. Whitney for Pewaukee Yacht Club*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

22. *Courtney L. Carlson for Western Lakes Golf Club*
23. *Michael P. Culver for Western Lakes Golf Club*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Town Board Meeting - June 22
- B. Next Plan Commission Meeting – July 6
- C. Next Park and Recreation Commission Meeting – July 12 – 6:30 p.m.

Ninth order of business: Adjournment

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO ADJOURN AT 8:30 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on June 22, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
June 22, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, L. Krause and R. Ackley

Others Present: T. Barbeau, *Town Engineer*, T. DeLacy, *Independent Inspections*, J. Stevens, *Lake Country Reporter*

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of June 8, 2010
The minutes will be filed as prepared by the Clerk.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47277 – 47314 IN THE AMOUNT OF \$37,165.22

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21590 – 21611 IN THE AMOUNT OF \$23,690.10

MS. DUNDON/MR. KRAUSE MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Eric J. Larson (6/11/10), Re: Smart Growth, 2009 Wisconsin Act 372 Modifications
None

B. Eric J. Larson (6/15/10), Re: Wind Turbine Siting Rules
The fees that municipalities may charge a developer appear to be very low. Engineer Barbeau will present this information to the Plan Commission.

C. Tim Barbeau (6/17/10), Re: STH 83 Improvements
The paving for this project will be done between the hours of 6:00 p.m. and 6:00 a.m.

D. LPSD (6/21/10), Re: Village of Pewaukee Dam
LPSD is asking the Town of Delafield to draft a letter to the DNR requesting an informational meeting to inform residents of this project and how the modifications to the lake levels could affect them. Staff will send the subject letter to the DNR.

Sixth order of business: Unfinished Business

A. Update on Building Inspector/Code Enforcement Officer (tabled 6/8/10)

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE.
MOTION CARRIED.**

Discussion followed on how to go forward with zoning administration. Engineer Barbeau's proposal, dated June 7, for code enforcement services was reviewed. The suggestion was made to charge a flat fee on every permit that gets issued to cover the costs of code enforcement. A fee should be charged to review plans for private projects. Before making a final decision on this matter, Engineer Barbeau was directed to continue working with the Plan Commission to finalize open space calculation procedures. There will be no changes in responsibilities of the Town Engineer or Building Inspector/Code Enforcement Officer at this time. Town staff will meet with Mr. DeLacy to review the current fee schedule and present information at the next Town Board meeting.

- B. Consideration and possible action of Invoice - Independent Inspections, Ltd. - special inspections/services

Chairman Kanter referenced paragraph 10 of the Independent Inspections contract.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE THE \$951.50 INVOICE FOR CODE ENFORCEMENT SERVICES. MOTION CARRIED.

- C. Consideration and discussion of procedures concerning new fire station

Mr. Ackley stated that the project is moving forward with August 1 being the target date to present comparative costs, etc.

- D. Request to approve renewal Alcohol Beverage "Class B" Liquor and Class "B" Beer License Application for the period from July 1, 2010 through June 30, 2011 for Aliota's Golden Anchor (tabled 6/8/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE. MOTION CARRIED.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO APPROVE THE RENEWAL OF ALCOHOL BEVERAGE "CLASS B" LIQUOR AND CLASS "B" BEER LICENSE FOR ALIOTA'S GOLDEN ANCHOR. MOTION CARRIED.

MOTION AMENDED BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO INCLUDE APPROVAL OF THE TOBACCO LICENSE AND SODA LICENSE FOR ALIOTA'S GOLDEN ANCHOR. MOTION CARRIED.

Seventh order of business: New Business

- A. Update on Cushing Park Road Bike Path

Engineer Barbeau provided an update on the current status of the Cushing Park Road Bike Path project. He stated that a public informational meeting will be held by the DNR on Wednesday, June 30 at 4:30 p.m. at the Delafield Town Hall. The Town Board had no objection in proceeding with this project.

- B. Request to approve Soda License Application for the period from July 1, 2010 through June 30, 2011 for the following:
- St. Anthony Congregation

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

- C. Consideration and possible action of renewal of Operator's Licenses for the period of July 1, 2010 to June 30, 2012:

1. *Jacqueline Behling for Airman's Sandtrap*
2. *Christopher Schroeder for Airman's Sandtrap*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

3. *Daniel Hapka for Buck Rub Outfitters*
4. *Christine Johnson for Buck Rub Outfitters*

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO APPROVE. MOTION CARRIED.

5. *Paul Rosenkranz for St. Anthony on the Lake*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

6. *Heather Allen for Western Lakes Golf Club*
7. *Sara Miller for Western Lakes Golf Club*
8. *Leigh Ann Pochowski for Western Lakes Golf Club*
9. *Katherine Tetkoski for Western Lakes Golf Club*
10. *Erin Trimborn for Western Lakes Golf Club*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – July 6
- B. Next Town Board Meeting – July 13

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO ADJOURN AT 8:45 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on July 13, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
July 13, 2010

Members Present: P. Kanter (by telephone), C. Dundon, P. Van Horn, L. Krause and R. Ackley

Others Present: D. Richards, *Fire Chief*, T. Barbeau, *Town Engineer*, Tom DeLacy, *Independent Inspections*, 2 citizens

First order of business: Closed Session. It is anticipated the Town Board, Town Fire Chief and Town Clerk will convene into closed session for the following reason: Pursuant to State Statutes 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation data of any employee over which the town board has jurisdiction, more specifically to consider the qualifications and salary to be offered to a particular applicant for the position of full-time firefighter.

Following the closed session, it is anticipated that the Board will reconvene and may take action on the matters discussed in closed session, and thereafter the Town Board shall continue with the matters noted in the agenda.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO GO INTO CLOSED SESSION. MR. ACKLEY – AYE, MS. DUNDON – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE, MR. VAN HORN - AYE. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO GO OUT OF CLOSED SESSION. MR. ACKLEY – AYE, MS. DUNDON – AYE, CHAIRMAN KANTER – AYE, MR. KRAUSE – AYE, MR. VAN HORN - AYE. MOTION CARRIED.

Second order of business: Call to Order.
Acting Chair Dundon called the meeting to order at 7:38 p.m.

Third order of business: Pledge of Allegiance

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. KRAUSE TO TAKE ITEM 8D OUT OF ORDER. MOTION CARRIED.

Eighth order of business: New Business
D. Consideration and possible action regarding hire of full-time firefighter

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. ACKLEY TO EXTEND AN OFFER OF FULL TIME FIRE FIGHTER EMPLOYMENT TO PAUL KOZLOWSKI AS STATED IN CHIEF RICHARD'S MEMO OF JULY 12, 2010, EXCLUDING RECOMMENDATION #6. MOTION CARRIED.

Chairman Kanter stated that the Town Fire Chief makes officer appointments, and Chief Richards has indicated his intention to appoint Paul Kozlowski as deputy chief with the appointment effective assuming his full time position. The Town Board is in favor of this appointment.

Fourth order of business: Minutes of June 22, 2010
The minutes will be filed as prepared by the Town Clerk.

Fifth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47315 – 47368 IN THE AMOUNT OF \$97,822.53

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21442 – 21493 IN THE AMOUNT OF \$23,251.08

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

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

A. Eric J. Larson (6/23/10), Re: 2009 Wisconsin Act 402

None

Seventh order of business: Unfinished Business

A. Consideration and possible action of updated fees

Tom DeLacy summarized his letter of June 25, 2010, re: Zoning Administration Update.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. VAN HORN TO TABLE THIS ISSUE UNTIL WEDNESDAY, JULY 21, AT 7:00 P.M., TO ALLOW STAFF TO PRESENT COMPARISONS OF ALL CURRENT AND PROPOSED FEES TO INCLUDE ZONING ADMINISTRATION FEES PROPOSED BY MR. DELACY. MOTION CARRIED.

B. Consideration and discussion of procedures concerning new fire station

Mr. Ackley stated that the next meeting will be held tomorrow to finalize drawings and continue the planning process.

Eighth order of business: New Business

A. Consideration and possible action to accept Plan Commission's recommendation to approve an updated Conditional Use Permit for Church of the Resurrection

Engineer Barbeau summarized the subject proposal to include the allowance of a Montessori school. The Plan Commission recommended that the Conditional Use be modified to allow either a day care or a school at the church facility.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

B. Consideration and possible action of Operator's License renewals for the period of 7/1/10 to 6/30/12:

- Thomas R. Schroeder for *Airman's Sandtrap*

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.

- Leah G. Panawash for *Western Lakes*

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.

- C. Consideration and possible action of Alcohol Permit for a graduation party to be held at the Sports Commons on July 31, 2010

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE THE ALCOHOL PERMIT CONSISTENT WITH THE REPRESENTATION OF THE E-MAIL SUBMITTED BY KIRSTEN AND LENO VILLEGAS DATED JULY 10, 2010. MOTION CARRIED.

- E. Consideration and possible action of employee dental care health benefit

Ms. Dundon stated that a new health insurance carrier has been accepted for the town, allowing a savings of approximately \$40,000. She referenced a proposal received from Delta dental.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO COVER DENTAL BENEFITS FOR THE EMPLOYEES.

MOTION AMENDED BY MR. VAN HORN, SECONDED BY MS. DUNDON TO COVER DENTAL BENEFITS FOR THE EMPLOYEES NOT TO EXCEED \$500.00/MONTH. MS. DUNDON – AYE, MR. VAN HORN – AYE, CHAIRMAN KANTER – NO, MR. KRAUSE – NO, MR. ACKLEY – PRESENT. MOTION FAILED.

Ninth order of business: Announcements and Planning Items

- A. Next Park and Recreation Commission meeting – July 19 – 6:30 p.m.
- B. Next Town Board Meeting – Wednesday, July 21 @ 7:00 p.m.
- C. Next Town Board Meeting – July 27
- D. Next Plan Commission Meeting – August 3

Tenth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO ADJOURN. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:50 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on July 27, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
July 27, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, L. Krause and R. Ackley

Others Present: D. Richards, *Fire Chief*, 2 *Citizens*

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of July 13, 2010
The minutes will be filed as prepared by the Clerk.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47369 – 47410 IN THE AMOUNT OF \$81,734.09

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21630 – 21685 IN THE AMOUNT OF \$35,288.40

MS. DUNDON/MR. KRAUSE MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Eric J. Larson (7/9/10), Re: 2009 Wisconsin Acts 376 and 399 Regarding Land Division
None

B. Eric J. Larson (7/19/10), Re: FD Regulations – Tobacco Sales

The Town Chairman directed staff to contact Attorney Larson and request that he review the Town Code and any ordinances relating to tobacco sales and provide direction to keep the town in compliance with the current subject laws.

Sixth order of business: Unfinished Business

C. Consideration and discussion of procedures concerning new fire station

John Mann, Mannedge, presented a Golf Road site plan, floor plan and elevations dated July 27, 2010, displaying the proposed 14,800 sq. ft. fire station and a Maple Avenue site plan displaying the proposed 14,800 sq. ft. addition and renovation. John Sabinash, Zimmerman Architectural Studios, provided and reviewed an estimate of probable construction costs comparing the new building on Golf Road site and remodeled scenario on Maple Avenue.

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO ACCEPT AND SELECT THE PLANS AND FIGURES FOR THE PROPOSED GOLF ROAD SITE FOR THE NEW FIRE DEPARTMENT FACILITY. MR. ACKLEY-AYE, MS. DUNDON-AYE, CHAIRMAN KANTER-AYE, MR. KRAUSE-AYE, MR. VAN HORN-NO. MOTION PASSED 4-1.

Discussion followed on drafting a referendum question. It is the opinion of the Town Board that the town would benefit from the assistance of bond counsel in drafting the question. Mr. Krause or Mr. Ackley will contact bond counsel and have the question ready to address at the next town board meeting in two weeks. Mr. Ackley suggested that a public forum be held after Labor Day.

Seventh order of business: New Business

A. None

Eighth order of business: Announcements and Planning Items

- A. WI Towns Association – Waukesha County Unit Meeting – Wednesday, July 28 – 7:00 p.m.
– Town of Delafield
- B. Next Plan Commission Meeting – August 3
- C. Next Park and Recreation Commission Meeting – August 9 – 6:30 p.m.
- D. Next Town Board Meeting – August 10

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO ADJOURN AT 8:05 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on August 10, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
August 10, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, and L. Krause

Members Absent: R. Ackley

Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, D. Richards, *Fire Chief*, T. DeLacy, *Independent Inspections*, J. Stevens, *Lake Country Reporter*, 3 *Citizens*

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of July 27, 2010
The minutes will be filed as prepared by the Clerk.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47411 – 47443 IN THE AMOUNT OF \$10,413.50

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21686 – 21705 IN THE AMOUNT OF \$27,003.53

MS. DUNDON/MR. KRAUSE MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Tom DeLacy (7/23/10), Re: Building Inspection Department Information Sheet
The Town Board had requested that Mr. DeLacy provide the subject information.

B. Eric J. Larson (7/26/10), Re: Basic Municipal Law Principles – Recent Court of Appeals Decisions

None

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Mr. Krause stated that he contacted Ehlers & Associates regarding a \$4,000,000 General Obligation Corporate Purpose Bond. He provided a handout that provided sources and uses of funds and a 20-year debt service schedule. He stated that Ehlers is advising the town to be rated by Moody's to make the bonds more marketable.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ASK THE VOTERS TO APPROVE A GENERAL OBLIGATION BONDS OF \$4,000,000 AT THE NOVEMBER 2 ELECTION. MS. DUNDON-AYE, CHAIRMAN KANTER-AYE, MR. KRAUSE-AYE, MR. VAN HORN-NAY. MOTION CARRIED.

An informational meeting will be held with town residents and the architect on September 21 @ 7:00 p.m. Staff was directed to contact Attorney Larson to question whether or not informational handouts could be provided at all polling locations at the September 14 election.

Seventh order of business: New Business

- A. Confirmation of Sherry Dunker as fire department lieutenant

Chief Richards indicated his appointment of Sherry Dunker as fire department lieutenant. The Town Board had no objection and expressed their approval.

- B. Consideration and possible action of Plan Commission's recommendation to approve the existing Conditional Use Permit for Golden Anchor, including requiring the current owners to sign a new Conditional Use document

Engineer Barbeau provided a summary of the subject issue stating that Torano Financial, LLC is the current owner being requested to sign the Conditional Use document. The only changes to the current C.U. include the new owners name and Paragraph T to include, "No parking shall be allowed on the grass portions of the property. Owner shall install a sign to indicate no parking on the grass and enforce this requirement".

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE EXISTING CONDITIONAL USE PERMIT FOR GOLDEN ANCHOR, INCLUDING REQUIRING THE CURRENT OWNERS TO SIGN A NEW CONDITIONAL USE DOCUMENT

- C. Consideration and possible action of Ordinance to Eliminate the Requirement for a Holding Tank Cash Bond Requirement

Engineer Barbeau stated that the current code allows a \$300.00 cash bond to be held if the owner does not clean out their existing tank.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE THE ORDINANCE TO ELIMINATE THE REQUIREMENT FOR A HOLDING TANK CASH BOND REQUIREMENT. MOTION CARRIED.

- D. Consideration and possible action of Ordinance to Repeal and Recreate Sections 25.04(1)(a) and 25.04(1)(b) of the Town of Delafield Municipal Code

Engineer Barbeau stated that the current code reflects a \$5 minimum penalty for a first offense with the request to change the amount to \$100.00. Discussion followed on Attorney Larson's recommendation to increase the minimum penalty for the second offense.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE THE PROPOSED ORDINANCE TO REFLECT A \$100.00 MINIMUM PENALTY FOR THE FIRST OFFENSE AND A \$200.00 MINIMUM PENALTY FOR THE SECOND OFFENSE. MOTION CARRIED.

- E. Consideration and possible action of Resolution to Establish a Fee Schedule for the Town of Delafield

Mr. Van Horn requested that the highway department fees be re-visited, as he wishes to further review the matter.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE FEE SCHEDULE WITH THE EXCEPTION OF THE HIGHWAY DEPARTMENT PROPOSED FEES LISTED ON PAGE 5 AND THE INCLUSION OF THE WORDS, "SUBDIVISION PLATS" ADDED TO THE CHARGE FOR LAND SPLITS AND CERTIFIED SURVEY MAPS. MOTION CARRIED.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE RESOLUTION TO ESTABLISH A FEE SCHEDULE, LISTED AS EXHIBIT A, FOR THE TOWN OF DELAFIELD. MOTION CARRIED.

F. Consideration and possible action of Agreement for Services - Independent Inspections, Ltd.

Mr. DeLacy stated that the fee split has been revised due to a 35% fee added in for zoning administration services.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE THE NEW CONTRACT FOR INDEPENDENT INSPECTIONS, LLC TO BE EFFECTIVE AUGUST 10, 2010. MOTION CARRIED.

G. Consideration and possible action of proposal to upgrade HVAC in the Town Hall

Mr. Van Horn referenced a proposal from Aasen Heating and Cooling in the amount of \$9775.00. Mr. Roberts presented a proposal from Sprung Heating and Cooling in the amount of \$9179.00 to include cash back reward of \$150.00 for installation of a furnace and \$100.00 for installation of an air conditioning unit. The general consensus of the Town Board is not to upgrade the equipment at this time, as it is functioning properly. Ms. Dundon stated that she would like to see proposals for ductwork replacement to alleviate the noise problem.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO DIRECT STAFF TO OBTAIN QUOTES TO RE-DO THE DUCTWORK IN THE BOARD ROOM. MOTION CARRIED.

H. Approval of payment for final invoice - Wolf Paving

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE PAYMENT TO WOLF PAVING IN THE AMOUNT OF \$329,126.06 AS RECOMMENDED BY THE TOWN ENGINEER. MOTION CARRIED.

I. Consideration and possible action of renewal of Operator's License for the period of July 1, 2010 to June 30, 2012:
- Haley A. Wittemann for Western Lakes Golf Course

Ms. Wittemann indicated a recent underage drinking offense in anticipation of the ticket being dismissed. The Town Board would like to see proof of resolution of the ticket being issuing the subject license.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Town Board Meeting – August 24
- B. Next Plan Commission Meeting – September 7
- C. Next Park and Recreation Commission Meeting – September 13 – 6:30 p.m.
- D. Partisan Primary Election – September 14

Ninth order of business: Adjournment

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO ADJOURN AT 8:40 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on August 24, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
August 24, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, L. Krause and R. Ackley
Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, J. Stevens, *Lake Country Reporter*, 30 Citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:05 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of August 10, 2010
The minutes will be filed as prepared by the Clerk.

Fourth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47444 – 47488 IN THE AMOUNT OF \$430,560.01

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21706 – 21762 IN THE AMOUNT OF \$39,899.92

MS. DUNDON/MR. ACKLEY

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Sharon and Jeff Roso (8/11/10), Re: Request to be heard

Chairman Kanter stated that this item is listed in 7A on the agenda. As there was no objection by the Town Board, Item 7A was addressed at this time.

Seventh order of business: New Business

A. Discussion of stormwater issues on Glacier Pass

Engineer Barbeau referenced a letter from the Town Engineer, Jerry Wegner, dated September 13, 1973, stating that most of the land in the South and SE portions of the property would drain, as it has in the past, to a series of potholes along the south property line. These potholes are periodically wet and dry, as was observed on several site inspections of the property. Based on this information, it would appear that there was knowledge of some low areas in the back of the property. Today, we call these areas "kettles". Based on the 1961 topo maps, the 1991 topo maps and current topo maps there is no outlet for the low areas. Most likely, at that time it was intended to internally drain and infiltrate into the ground. Most developments approved by the Town now require infiltration as a part of the development process, if the soils will handle it. Mr. Barbeau stated that since he became the Town Engineer in 1995, there has never been a complaint or concern, until 2008, regarding substantial water behind the homes. In 2008, the water was pumped into the ditches, went down to 83 and into Scuppernong Creek. The elevation of Scuppernong Creek is approximately 952 just west of the Hills of Delafield. The water elevation is approximately 972-973. He stated that it would be great if the water could get to Scuppernong Creek, except that Hwy 83 is there and the water elevations of 83 and the adjacent land are approximately 994-996. It is 24-26 feet above the water elevations. He stated that he contacted Waukesha County Land Use and Environment, Leif Hauge, to question him about the groundwater in the area. He stated that the Waukesha County monitors, located

in areas of Genesee and Mukwonago, are showing groundwater levels of 4-5 ft. higher than normal. It is well known that the groundwater is higher in many places. One pond in the area, Pabst Farms, is up 2 ft. higher than normal. The Town Highway Department is doing ditching work in the Town right-of-way area, at this time. Engineer Barbeau stated that Steve Hoelz, Waukesha County Environmental Health Division, visited the site. He has indicated that there is no mosquito larvae, there is no stagnate water in the ditches, he did not find any sewage discharge into the surface or into the flood waters behind the homes, the flood water is located 25 feet from a septic system in the area, but it is not required for the septic system to be replaced and he did not see any major sewage issues.

Bonnie Kapalczynski, S13W31899 Glacier Pass, stated that she spoke with Mr. Hoelz and he indicated that although he did observations, there are no records on file and there has been no testing. It would be up to the Town to make recommendations. He cannot make any guarantees in writing that there will be no sewage that will go to the ground. There is no record of DCR testing from the state so you don't know what type of larvae there is. There are studies that prove that even though the water does move, larvae and west nile virus can occur. In 1992, in the State of Wisconsin, there were 22 cases reported. In 2002, double cases were reported from stagnant water. She stated that she contacted Mr. Hoelz and Mr. Lundquist and asked them about the land topography. They indicated that when these subdivisions were built, there were no codes or compliance to control mitigation on stormwater. These laws were put into place in the 1980's. The County will not get involved until the Town of Delafield requests. Based on her knowledge, the Town of Delafield did not invite them to this meeting. She stated that she asked, two weeks ago, for the Town to invite them. The Town of Delafield chose not to invite them. Her understanding is that the jurisdiction of stormwater is under Lundquist's department. Based on conversations, the water course hasn't changed but when these subdivisions were built there should have been 100 yr. issue. The ditches that have been planned are short term. These people that are pumping will be pumping for the rest of their lives. We will be getting water through the ditches for the rest of our lives. We have the right to not have that water in our ditches. Yes, it is an easement, but our enjoyment is important. There are concerns of public health. These are short term solutions, not long term. We need to determine the alternative long-term solutions.

Shannon Kumbier, S13W31805 Glacier Pass, displayed pictures of the flood waters behind the homes.

Sharon Roso, S13W31757 Glacier Pass, stated they have the pump in the back of their yard. Her issue is that they are wondering what has changed in their area, as this has become such an issue. What can the Town do for us? They have incurred over \$12,000 in pumping and gas costs. It is to save their home. There are safety hazards with their electric box. They feel it is no fault to them. Nothing was documented that this was a retention area. Was it built as a retention area? They are looking for the Town for help. They feel bad that they have to pump into their neighbor's yards, but they have no choice. They are looking for answers.

Ms. Dundon provided a history of water and standing water in her backyard. They have lost approximately 100 pine trees. She stated that the cause for this is that the springs have been re-charged. She said it is not the Town's fault, not the County's fault but God has put this in our way. This area is called Lake Country and Kettle Moraine for a reason. She stated that her backyard slopes and they have a lot of water. You are not the only ones with a lot of water flowing through your yards.

Mark Wiebersch, S13W31681 Glacier Pass, stated that yes it is affected by God. But, he does give us a mind and tools to correct things. We are asking for direction and some assistance from the Town as to "what the heck to do".

Elaine Wiebersch, S13W31681 Glacier Pass stated that they are the ones with the 7 feet of water in their backyard. They are paying property taxes on something they can't use and it and it smells terrible. How can they pump out 7 ft. of water on a continual basis? They are concerned with property values and major health issues. The water cannot just sit there. This tunnel that was put in at the end of 83, Mark has to pump water out in order to get the water through the tunnel. I'm not sure that was cost effective.

Bill Berenz, S12W31781 Gray Fox Run, stated that he has lived here for 15 years. He described the water flow pattern of Glacier Pass. He stated that the long term solution is to get the water to run to the west side of 83. His opinion is that what was done in front of the 1st lot, doesn't have any affect on anything.

Chairman Kanter stated that, at the present time, the water is being pumped across the street. This was done because of the objection to the water staying on the south side of Glacier Pass and going down that ditch line.

Conrad Ettmayer, S12W31664 Glacier Pass, stated that the low point is approximately 972-974 and at Highway 83 is at 990. The long term solution is to dig a culvert down from the Wiebersch residence. This would involve about 1500 ft. of deep excavation.

Mr. Van Horn stated that this is the property owner's problem. The Town of Delafield would be willing to work with the residents, but the taxpayers should not have to pay for this. Possibly, the buyers did not have good guidance; or, maybe it was developed improperly. It was approved by the standards, at that time. This does not make the Town of Delafield responsible for anything.

Mary Knoavaluk, S12W31893 Gray Fox Run, stated that she appreciates the digging that was done today, but we do need a permanent solution to the problem. Pumping is not the permanent solution. The neighbors need to work together.

John Tilch, S13W31725, stated that they pumped back in the 80's. At that time, the ditches all flowed. What is going on is a natural process of 35 years of being there. The ponds have been there for years. The pumping did not cause the ditch problems. This is a natural process when the water table gets so high. He is of the opinion that the neighbors should be working together to resolve any issues.

Jeff Roso, S13W31757 Glacier Pass, stated that he has the pump in his backyard. He stated that the issue starts with a pot hole to the east. When the pot hole fills up, it runs like a creek into his backyard. Before it starts flowing west, it fills up his backyard until 1-1/2 ft. of water goes up to his basement. Two years ago, everyone worked together. Now, he has to take all the expense on himself. This problem will jeopardize the other neighbors if we don't work together.

Dave Washebek, S13W31781 Glacier Pass, stated that he is very concerned about the water flowing from yard to yard, especially, if the water freezes. He is also concerned that the electrical system of the neighbor will fail from all the water.

Randy Rauth, S13W31845 Glacier Pass, stated that this is the 3rd time they had to pump. If Jeff doesn't pump, he is under water. He isn't sure whose house is jeopardized after that. He believes that most of this happened after Genesee built a subdivision behind them. His long term solutions are: 1. install a pumping station; 2. install a solid pipe going from his house to 83.

James Hoyter, W315S1234 Highway 83, stated that the water shouldn't be going across the road. He disagrees that this is the natural flow of the water.

Chairman Kanter stated that he looked into this matter 2 yrs. ago and also studied it this year. This is not a town taxpayer problem. The electors have requested that the Town Board run a fiscally conservative government. The subdivision was laid out in the 1970's, and maybe standards have changed since then. The subdivision is doing what it was designed to do, and it is draining into the kettle as it was designed to do. He stated that the pump station idea is interesting, but the Town would request a special assessment from the area residents to pay for it. The Town Engineer was directed to research some alternative solutions and the Town will report back to the residents in this area.

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Seventh order of business: New Business

B. Presentation - Sgt. Iding, Re: Status of the Pewaukee Lake Water Safety Patrol Unit

Sgt. Iding reviewed his handout summarizing Pewaukee Lake Patrol activities that took place during the months of May through August. He stated that there were boat issues this year, as they are old.

Sgt. Miswald reviewed the enforcement patrol monthly reports that were filed with the DNR during the months of May through August.

Chairman Kanter requested that the Pewaukee Lake Water Safety Patrol Unit schedule at least one boater safety class later in the season to accommodate the college students.

C. Review of stormwater issues

1. Outfall of bridge at Oakton Road: Engineer Barbeau will provide a cost summary during the budget process.

2. North ditch and drainage on west end of Shepherds' Way: If repairs need to be made, it would be at the cost of the homeowners.

3. South side of Williams Bay Drive – The ditch water in front of Williams' farm is bypassing the detention pond. Engineer Barbeau will contact Waukesha County.

4. Hwy. G and Windrift Lane (southwest corner): Mr. Van Horn requested that Waukesha County review stormwater issues in this area. The County informed him that everything is flowing the way it should. Engineer Barbeau will contact Waukesha County to review the matter.

5. Elmhurst Park:

a) Ice skating future near picnic shelter – There are no plans at this time, but the Park and Rec. commission will research the matter.

b) Ditches and culverts – Engineer Barbeau has been contacted by the Park and Rec. Commission to research paving the Elmhurst Park pathway. This will be discussed during the budget process.

6. Elmhurst Road (Hwy G) east ditch from Shepherds' Way to Northview – Engineer Barbeau will contact Waukesha County for an update.

D. Set budget workshop dates:

September 22 – 6:30 p.m. – Delafield Town Hall

October 6 – 6:30 p.m. – Delafield Town Hall

October 21 – 6:30 p.m. – Delafield Town Hall

- E. Consideration and possible action regarding Initial Resolution Authorizing General Obligation Bonds in an Amount not to Exceed \$4,000,000 for Fire Station Project

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADOPT THE INITIAL RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$4,000,000 FOR FIRE STATION PROJECT. MR. VAN HORN – NO. MOTION CARRIED.

- F. Consideration and possible action regarding Resolution Providing for a Referendum Election on the Question of the Approval of an Initial Resolution Authorizing the Issuance of General Obligation Bonds in an amount not to Exceed \$4,000,000 for Fire Station Project

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE RESOLUTION PROVIDING FOR A REFERENDUM ELECTION ON THE QUESTION OF THE APPROVAL OF AN INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$4,000,000 FOR FIRE STATION PROJECT. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – September 7
- B. Next Park and Recreation Commission Meeting – September 13 – 6:30 p.m.
- C. Partisan Primary Election – September 14
- D. Next Town Board Meeting – September 15
- E. Deadline for submittal of referendum question – September 21

Ninth order of business: Adjournment

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO ADJOURN AT 9:45 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on September 15, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
September 15, 2010

Members Present: P. Van Horn, C. Dundon, L. Krause and R. Ackley

Members Absent: P. Kanter

Others Present: J. Knutson, *Village of Pewaukee President, 1citizen*

First order of business: Call to Order

Acting Chair Dundon called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of August 24, 2010

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. VAN HORN TO APPROVE WITH ONE SPELLING CORRECTION. MOTION CARRIED.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47489 – 47548 IN THE AMOUNT OF \$102,151.78

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21787 – 21839 IN THE AMOUNT OF \$35,857.45

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Stacey Arnett (8/20/10), Re: Request to amend Town of Delafield Nuisance Ordinances

Ms. Arnett stated that her neighbor brought the Town ordinance to her attention because of the noise caused from her children riding their mini-bikes/motorcycles. She contests the ordinance because it is too broad, it could allow her neighbors to apply the ordinance when it does not apply and it can be personally interpreted. She would challenge that lawn mowing falls under this ordinance.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REFER THIS ISSUE TO THE PLAN COMMISSION. MOTION CARRIED.

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Mr. Ackley stated that the public informational meeting will be held next Tuesday evening at 7:00 p.m. at Fire Station #1. There will be representatives in attendance to provide data.

Seventh order of business: New Business

A. Update on Village of Pewaukee Dam – Jeff Knutson

Mr. Knutson stated that as the dam does not meet the current NR333 spillway capacity requirements, the DNR is requiring that it be updated. The cost of the project is coming in under

budget. The DNR has set aside approximately \$350,000, and the Village of Pewaukee is proposing that the City of Pewaukee and Town of Delafield share equally in the estimated balance of \$350,000.00. Mr. Knutson stated that he has received calls from residents of the Town of Delafield expressing concerns that their properties would be damaged if the dam was closed. He is requesting that the Town reconsider their decision and contribute \$100,000 toward the Pewaukee Lake dam upgraded required by the DNR.

B. Consideration and possible action on request for public access to Etter Lake

The Town Board requested that this matter be forwarded to the Fire Department regarding the following: Is this no longer a pumping site; if not, is parking needed any longer; if not, it is okay to remove the existing sign. Engineer Barbeau to address the following: research on the easement; what is it; how big is it; would the town have a right to place a parking lot on the easement.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO TABLE FOR TWO WEEKS. MOTION CARRIED.

C. Consideration and possible action on request to approve Class "A" Beer license for Gluten-Free Trading Co., LLC

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE. MOTION CARRIED.

D. Consideration and possible action on Operator's Licenses for the period of July 1, 2010 to June 30, 2012:

1. Joseph P. Moriarty for Western Lakes Golf Club

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

2. Christine E. Johnson for Western Lakes Golf Club

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

3. Marilee K. Ulatt for Lloyd's Never Inn

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

E. Consideration and possible action on Alcohol Permit request for an event to be held at the Sports Commons on 9/25/10

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO DIRECT STAFF TO CONTACT THE RESPONSIBLE PARTY AND REQUEST THAT SHE SEND VERIFICATION TO THE TOWN STATING THAT SHE WILL BE RESPONSIBLE FOR CHECKING I.D.'S AT THE SUBJECT EVENT.

The Town Board directed staff to confirm with the Town Attorney that the alcohol permit be revised to strike the line, "method of service alcoholic beverages" and replace it with, "I will be responsible for checking i.d.'s to insure legal consumption of alcohol".

Eighth order of business: Announcements and Planning Items

- A. Public Informational Meeting – September 21 – 7:00 p.m. – Fire Station #1
- B. Budget Workshop – Wednesday, September 22 – 6:30 p.m. - Town Hall
- C. Next Town Board Meeting – September 28
- D. Budget Workshop – Wednesday, September 29 – 6:30 p.m. - Town Hall
- E. Board of Review – Wednesday, September 29 – 7:00 p.m. – to be adjourned to October 28 @ 7:00 p.m.
- F. Next Plan Commission Meeting – October 5
- G. Budget Workshop – Wednesday, October 6 – 6:30 p.m. - Town Hall
- H. Next Park and Recreation Committee Meeting – October 11 – 6:30 p.m.

Ninth order of business: Adjournment

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO ADJOURN AT 7:55 P.M.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on September 28, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
September 28, 2010

Members Present: P. Kanter, P. Van Horn, C. Dundon, L. Krause and R. Ackley

Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, J. Stevens, *Lake Country Reporter*, 15 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:03 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of September 15, 2010
The minutes will be filed as prepared by the Clerk.

Fourth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47549 – 47585 IN THE AMOUNT OF \$83,959.50

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21840 – 21893 IN THE AMOUNT OF \$25,790.17

MS. DUNDON/MR. ACKLEY

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Steve Carter (9/7/10), Re: Invoice received from the Town of Delafield

Mr. Carter stated that the subject invoice was a result of an on-site meeting involving Waukesha County and Engineer Barbeau. He didn't expect a bill for this is, as he had submitted a landscape plan complying 100% with the plat as requested by Waukesha County.

MOTION MADE BY MR. VAN HORN TO SPLIT THE INVOICE WITH MR. CARTER. MOTION FAILED FOR LACK OF SECOND.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO AFFIRM THE INVOICE. MR. ACKLEY-YES, MS. DUNDON-YES, CHAIRMAN KANTER-YES, MR. KRAUSE-YES, MR. VAN HORN-NO. MOTION CARRIED.

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Mr. Ackley stated that an informational meeting was held at Fire Station #1 on September 21. There were approximately 30 people in attendance, and the feedback seemed positive. There are two advocacy groups supporting the project. The next informational meeting will be held at the Pewaukee Yacht Club on Thursday, September 30 at 7:00 p.m.

B. Discussion of stormwater issues on Glacier Pass

Engineer Barbeau summarized three alternatives to resolving the subject issues referencing his report dated September 23, 2010. The installation of a pump station proved to be the best option. Chairman Kanter requested that Engineer Barbeau first follow up on grant money

possibilities and then send a letter to residents in this subject area to request their feedback on the assessment option.

- C. Consideration and possible action on request for public access to Etter Lake (tabled 9/15/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Vyvyan, president of Shepherds Pass Homeowners Association, stated that the DNR will restock the fish in Etter Lake if the existing pumping site sign is removed and a handicapped parking sign installed close to the lake.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. VAN HORN TO REMOVE THE EXISTING PUMPING SITE SIGN AND INSTALL A HANDICAPPED PARKING SIGN. MOTION CARRIED.

- D. Consideration and possible action of Village of Pewaukee's request to contribute \$100,000.00 toward the Pewaukee Lake dam upgrade

Mr. Van Horn stated that the Village of Pewaukee never asked for the Town's input regarding the subject upgrade.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO DENY THE REQUEST TO CONTRIBUTE \$100,000.00 TOWARD THE PEWAUKEE LAKE DAM UPGRADE. MOTION CARRIED.

Seventh order of business: New Business

- A. Consideration and possible action of an Ordinance to Repeal and Recreate Section 7.12 of the Town of Delafield Municipal Code Related to Regulation of Off-the-Road Vehicles
- B. Consideration and possible action of an Ordinance to Create Section 10.05(14) of the Town of Delafield Municipal Code Related to Public Nuisances Arising from Use of Off-the-Road Vehicles

Chairman Kanter stated that he has received several nuisance complaints regarding running of dirt bikes on private property.

Debra Acker, W311S292 Wildwood Trail, stated that she lives next to the outlot where individuals are riding dirt bikes on a daily basis. The amount of noise prevents them from enjoying and using their personal property. Dust and dirt is a problem, and she is concerned about the "drop off" that has been caused by the bikers.

Rona Sonnenberg, W312S285 Wildwood Trail, live right across from the subject area. She stated that the noise caused by the dirt bikes prevents her from enjoying and using her personal property.

The following suggested revisions to Section 7.12 were discussed: 7.12 (2)(c)(1) and (2) change seven to ten acres; 7.12 (2)(c)(2)(c) change the hours of operation to 7:00 p.m. and 9 a.m.; and 50' to 100' of a dwelling.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO APPROVE SECTION 7.12 AS AMENDED AND SECTION 10.05(14) AS PROPOSED. MOTION CARRIED.

Engineer Barbeau was directed to contact the Town Attorney for direction on assessing the outlot owners, in the area discussed this evening, for the expense of repairing the town right-of-way.

C. Discussion re: holiday schedule

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

D. Consideration of Operator's Licenses for the period of July 1, 2010 to June 30, 2012:

1. *Brian E. Miller for Lloyd's Never Inn*

The Town Board wished to question Mr. Miller on the results of his background check. As he was not in attendance, staff was directed to contact Mr. Miller and request that he attend the next meeting.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

2. *Michael A. Sandroni for Lloyd's Never Inn*

Mr. Ackley directed attention to the subject establishment stating that there have been numerous requests for approvals of operator's licenses by individuals with extensive records. He suggested that the owner attend the next meeting to provide additional information.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO TABLE. MOTION CARRIED.

3. *Alfred N. Menning for Lloyd's Never Inn*

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO TABLE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

A. Board of Review – Wednesday, September 29 – 7:00 p.m. – to be adjourned to October 28 @ 7:00

B. Next Budget Workshop – Immediately following Board of Review – Town Hall

C. Next Plan Commission Meeting – October 5

D. Budget Workshop – Wednesday, October 6 – 6:30 p.m. - Town Hall

E. Next Park and Recreation Committee Meeting – October 11 – 6:30 p.m.

Ninth order of business: Adjournment

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO ADJOURN AT 9:10 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on October 12, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
October 12, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn and R. Ackley

Members Absent: L. Krause

Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, 6 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Minutes of September 28, 2010
MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE.
MOTION CARRIED.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47586 – 47626 IN THE AMOUNT OF \$27,636.96

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21840 – 21893 IN THE AMOUNT OF \$30,774.19

MS. DUNDON/MR. ACKLEY

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)
None

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Mr. Ackley stated that there is an advocacy informational meeting at the fire house on Thursday evening at 7:00 p.m.

B. Consideration of Operator's Licenses for the period of July 1, 2010 to June 30, 2012: (tabled 9/28/10) and discussion with Lloyd Frank

1. *Brian E. Miller for Lloyd's Never Inn*
2. *Michael A. Sandroni for Lloyd's Never Inn*
3. *Alfred N. Menning for Lloyd's Never Inn*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Ackley stated that he expressed concern at the last meeting due to the number of requests received for bartender licenses with lengthy background checks in comparison to the other establishments in the town. Results of these checks have indicated numerous past misdemeanors and law violations. It is his duty to the residents of the town to practice good judgment in approving these applications. The applicants have served the penalties and paid their fines, but the repeated occurrences "raise a flag" regarding their ability to exercise good judgment. We do not need to take these risks. Mr. Ackley stated that residents have spoken to him concerning these applicants who don't fit the bill.

Mr. Frank stated that these people who have applied for licenses have tried to help him out while he had been going through treatment for pancreatic cancer. He has been in business for approximately 40 years and has had to contact the police 3 or 4 times. To his knowledge, the neighbors have had no complaints about his establishment. In response to the question, he stated that he does not screen his applicants.

The general consensus of the town board is that the town should order the background check on the applicant.

Brian Miller – MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE. MR. ACKLEY-NO, MS. DUNDON-YES, CHAIRMAN KANTER-YES, MR. VAN HORN-YES. MOTION CARRIED.

Michael Sandroni – MOTION MADE BY MR. ACKLEY TO DENY. MOTION FAILED FOR LACK OF SECOND. THE LICENSE WAS DENIED.

Alfred Menning – MOTION MADE BY MR. ACKLEY, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

C. Consideration and possible action on Plan Commission's recommendation to Town Board regarding changes to the nuisance ordinance (referred to Town Board 10/5/10)

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO REMOVE CHAPTER 10.07 OF THE TOWN CODE. MOTION CARRIED.

D. Consideration and possible action on Plan Commission's direction to revise building permit to include hours of construction (referred to Town Board 10/5/10)

The Plan Commission recommended the following hours of construction to become part of the building permit application: Monday through Friday – 7:00 a.m. to 8:00 p.m.; Saturday 8:00 a.m. to 5:00 p.m. and Sunday 8:00 a.m. to 5:00 p.m.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. ACKLEY TO ADJUST THE PLAN COMMISSION'S RECOMMENDATION OF HOURS OF CONSTRUCTION : MONDAY THROUGH FRIDAY BETWEEN 7:00 A.M. AND 8:00 P.M., SATURDAY 7:00 A.M. TO 5:00 P.M. AND SUNDAY 8:00 A.M. TO 5:00 P.M. TO BE REFLECTED ON THE BUILDING PERMIT APPLICATION. MOTION CARRIED.

E. Consideration and possible action of proposed change to park alcohol permit application and regulations

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE THE SUGGESTED CHANGES. MOTION CARRIED.

F. Discussion re: holiday schedule (tabled 9/28/10)

The Town Board directed staff to re-work their revised wording regarding the holiday schedule.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO TABLE. MOTION CARRIED.

Seventh order of business: New Business

A. Consideration and possible action on Plan Commission's approval of building addition and site alterations for the meeting facility building located in Lapham Peak State Park

Engineer Barbeau summarized the proposed request to put an addition on the vestibule of the subject building, located north of the tower parking lot, currently being used as a meeting room. This would allow more accessibility for meetings up to 150 people. At the present time, the building does not meet public access standards. The access road would be repaved and a parking lot installed for 41 cars. The parking lot will be used as overflow for the tower parking lot. It will be located approximately 700 ft. away from the building. The land is zoned P-1, Park and Recreation district. The accessory use is permitted subject to the approval of the building, site, landscape and operational plans by the Town Board following recommendations by the Plan Commission and Park and Recreation Commission. The Park and Recreation commission recommended approval to the Town Board at their meeting last evening.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE PLAN COMMISSION'S APPROVAL OF BUILDING ADDITION AND SITE ALTERATIONS FOR THE MEETING FACILITY BUILDING LOCATED IN LAPHAM PEAK STATE PARK. MOTION CARRIED.

- B. Consideration and possible action of Application for Temporary Class "B" License to sell fermented malt beverages and a Temporary "Class B" License to sell wine during a special event on November 12, 2010, for St. Anthony Congregation Men's Club

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Fire Station #1 facility tour/open house – Thursday, October 14 – 7:00 p.m.
- B. Next Town Board Meeting – Tuesday, October 26
- C. Board of Review – Thursday, October 28 – 7:00 p.m.
- D. Fire Station #1 facility tour/open house – Thursday, October 28 – 7:00 p.m.
- E. General Election – Tuesday, November 2
- F. Next Plan Commission Meeting – Wednesday, November 3

Ninth order of business: Adjournment

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO ADJOURN AT 8:00 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on October 26, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
October 26, 2010

Members Present: P. Kanter, C. Dundon, L. Krause and R. Ackley

Members Absent: P. Van Horn

Others Present: 4 citizens

First order of business: Call to Order

Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Approval of Minutes of October 12, 2010

Chairman Kanter directed attention to the motion in Item 6D to include the hours of construction to become part of the building permit application.

The minutes will be filed as prepared by the Town Clerk with amendments.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47627 – 47667 IN THE AMOUNT OF \$71,925.71

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21951 – 21975 IN THE AMOUNT OF \$24,231.63

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. Bonnie Krause-Kapalczynski (10/13/10), Re: Construction Quiet Times

None

B. Tim Barbeau (10/15/10), Re: Glacier Pass Flooding Funding Opportunities

Chairman Kanter stated that Engineer Barbeau was directed to prepare a letter to Glacier Pass residents requesting their feedback on assessment options after he explored these funding opportunities.

C. Eric J. Larson (10/21/10), Re: Sex Offender Residency Regulation - State Preemption Update

Staff was directed to contact Attorney Larson to request that he prepare an ordinance for the Town Board's consideration.

Sixth order of business: Unfinished Business

A. Consideration and discussion of procedures concerning new fire station

Mr. Ackley stated that the next open house is scheduled for Thursday, October 28 @ 7:00 p.m.

Seventh order of business: New Business

A. Discussion with We Energies representative re: natural gas meter and energy bill for W304N2455 Maple Avenue

Vivian Kuss spoke on behalf of We Energies stating that the meter readings used for billing between 11/3/08 - 9/7/10 were incorrect. A visual inspection of the subject meter was completed on 9/6/10, and a new automated meter reading device was installed. The reading of the meter dials showed that the town was under billed by 4,382 therms of natural gas. She stated that the town has the option of paying the bill over a 24-month period. As the bill reflects the due date of 10/30/2010, Ms. Kuss confirmed that the town will not be charged a late fee if the bill is not paid by the 31st. Mr. Krause

requested that this item be tabled for two weeks to allow staff to review budget numbers.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

B. Report on Pewaukee Lake Advisory Committee

Mr. Ackley reported on behalf of the Pewaukee Lake Advisory Committee stating that a significant amount of time has been spent on the lake in 2010 compared to last year. He complimented the Pewaukee Lake Patrol on their exemplary performance.

C. Review existing 5-year Pewaukee Lake Patrol Agreement

Mr. Ackley stated that the subject agreement is the same as the existing 1-year agreement. He provided information on the search for a new boat stating that the Pewaukee Lake Advisory Committee recommended the purchase of a Rib 650 with a 115 hp Mercury 4-stroke.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE THE DRAFT AGREEMENT WITH THE AMENDMENTS PROVIDED BY THE TOWN ATTORNEY.

Ms. Dundon directed attention to Item G of the agreement questioning if the Town of Delafield will be responsible for the unemployment benefits if the Village of Pewaukee decided to disband their police department. She was directed to contact Attorney Larson regarding this issue.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO TABLE. MOTION CARRIED.

D. Consideration and possible action to enter into a contract with Colt Construction for the construction of the Cushing Park Road Bike Trail

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO ACCEPT THE BID FROM COLT CONSTRUCTION SERVICES FOR 563,968.40 FOR THE CONSTRUCTION OF THE CUSHING PARK ROAD BIKE TRAIL TO REFLECT THE TOWN'S PORTION OF \$355,479.05 AND THE WDNR LAPHAM PEAK PORTION OF \$208,489.35. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. WI Towns Association, Waukesha Co. Unit Meeting – Wednesday, October 27 – 7:00 p.m., Waukesha Town Hall
- B. Board of Review – Thursday, October 28 – 7:00 p.m.
- C. Fire Station #1 facility tour/open house – Thursday, October 28 – 7:00 p.m
- D. General Election – Tuesday, November 2
- E. Next Plan Commission Meeting – Wednesday, November 3
- F. Next Town Board Meeting – November 9

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADJOURN AT 7:50 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on _____

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
November 9, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn, L. Krause and R. Ackley

Others Present: D. Roberts, *Highway Superintendent*, J. Stevens, *Lake Country Reporter*, 40 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance
Chairman Kanter honored all veterans for their service to our country.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO TAKE ITEM 7A OUT OF ORDER. MOTION CARRIED.

- A. Consideration and possible action of an Ordinance to Create Section 10.11 of the Town of Delafield Town Code re: Sex Offender Regulations

Attorney Aquavia stated the intent of the subject ordinance to serve the Town's interest to promote, protect and improve the health, safety and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers; wherein, certain sex offenders and sex predators are prohibited from loitering and residing. If a sex offender was never a town of Delafield resident, they would not be able to move to the Town. The subject ordinance includes prohibited locations of residence for designated offenders within 2000 feet of real property. The Town Board discussed these areas outlined in the ordinance, referenced in the child safety zones map prepared by RA Smith National (dated 11/9/10) and proposed the following additions: churches (Sunday school programs), retreat centers and bike trails. Attorney Aquavia stated that the enforcement mechanism of this ordinance is the circuit court. Any registered sex offender who already lives in a spot that is prohibited before this ordinance is adopted would be grandfathered into that spot.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO TABLE TO ALLOW ADEQUATE TIME TO REVIEW INFORMATION PRESENTED AND INCORPORATE THE CHANGES DISCUSSED. MOTION CARRIED.

Third order of business: Approval of Minutes of October 26, 2010
Mr. Krause directed attention to the motion made in Item 7D to include the Town of Delafield's portion of \$355,479.05 and the WDNR Lapham Peak portion of \$208,489.35.

The minutes will be filed as prepared by the Town Clerk as amended.

Fourth order of business: Action on vouchers submitted for payment:

- A. Report on budget sub-accounts and action to amend 2010 budget

- B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47668 – 47715 IN THE AMOUNT OF \$76,534.18

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #21976 – 22070 IN THE AMOUNT OF \$39,541.47

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (for discussion and possible action)

- A. Eric J. Larson (10/26/10), Re: Well Permit Authority
None

Sixth order of business: Unfinished Business

- A. We Energies natural gas meter and energy bill for W304N2455 Maple Avenue (tabled 10/26/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO PAY THE FULL AMOUNT OF THE SUBJECT BILL (\$4,372.04) THIS YEAR. MOTION CARRIED.

- B. Review existing 5-year Pewaukee Lake Patrol Agreement (tabled 10/26/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO REMOVE FROM THE TABLE. MOTION CARRIED.

Ms. Dundon contacted the town attorney to request information on whether or not the Town of Delafield would be responsible for paying unemployment benefits if the Village of Pewaukee decided to disband their police department. She was informed that the town will be legally bound to pay these benefits.

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO APPROVE THE 5-YEAR PEWAUKEE LAKE PATROL AGREEMENT. MOTION CARRIED.

- C. Discussion of fire station referendum: What next?

Chairman Kanter thanked Mr. Ackley and Mr. Krause for all their hard work in coming up with the fire station proposal. He also thanked the fire department for their continued efforts and all volunteers who provided their services. He stated that the voter turnout was an impressive 80%, in comparison to the Presidential election of 83%. As the voters do not want a new fire station built, he expressed the possibilities of either renovating the existing station or consolidating with another fire dept.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO PLACE THE FIRE STATION REFERENDUM QUESTION ON THE APRIL BALLOT. MR. ACKLEY-YES, MS. DUNDON-NO, CHAIRMAN KANTER-NO, MR. KRAUSE-YES, MR. VAN HORN-NO. MOTION FAILED 3-2.

Seventh order of business: New Business

- B. Consideration and possible action of proposal from Electrical Concepts, Inc. to replace lighting in the Town Hall

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO TABLE TO ALLOW ADEQUATE TIME TO REVIEW THE MATERIALS PRESENTED. MOTION CARRIED.

- C. Consideration and possible action of proposal from Aasen Heating and Cooling to furnish and install new ducting in the Town Hall meeting room

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO APPROVE THE PROPOSAL FROM AASEN HEATING AND COOLING IN THE AMOUNT OF \$1000.00 TO FURNISH AND INSTALL NEW DUCTING IN THE TOWN HALL MEETING ROOM.

MR. ACKLEY-NO, MS. DUNDON-YES, CHAIRMAN KANTER-YES, MR. KRAUSE-PRESENT, MR. VAN HORN-YES. MOTION CARRIED 3-2.

Eighth order of business: Announcements and Planning Items

- A. Budget Hearing – Wednesday, November 17 @ 7:00 p.m.
- B. Next Park and Recreation Commission Meeting – November 22 @ 6:30 p.m.
- C. Next Town Board Meeting – November 23

Ninth order of business: Adjournment

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO ADJOURN AT 8:23 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on November 23, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
November 23, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn and R. Ackley

Members Absent: L. Krause

Others Present: 9 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Approval of Minutes of November 9, 2010
The minutes will be filed as prepared by the Town Clerk.

Fourth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47716 – 47751 IN THE AMOUNT OF \$42,885.17

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #22072 – 22086 IN THE AMOUNT OF \$22,900.51

MS. DUNDON/MR. ACKLEY

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)
A. None

Sixth order of business: Unfinished Business
A. Consideration and possible action of an Ordinance to Create Section 10.11 of the Town of Delafield Town Code re: Sex Offender Regulations (tabled 11/9/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO REMOVE FROM THE TABLE. MOTION CARRIED.

Chairman Kanter stated that a second draft of the subject ordinance was submitted today by Attorney Larson. This was due to a call he received from an official with the State of WI Department of Corrections expressing concern that the draft Sex Offender Ordinance for the Town of Delafield could impose restrictions on residents of the Ethan Allen School. Chairman Kanter stated that as Ethan Allen is no threat to the residents of the Town of Delafield, this subject draft includes an exception which would allow sex offenders to continue to be placed at the Ethan Allen School juvenile correction facility. The following suggested revisions/additions to the draft ordinance were discussed: 1. the inclusion of the Schoenstatt Retreat Center (it has been added to the revised child safety zones map); 2. Item 3 (b) to be rewritten, as the discussion at the last meeting indicated that if a sex offender had been residing in a child safety zone before the ordinance was adopted, they would be allowed to live in the Town. If not, they would have to reside outside of the child safety zones; 3. The Town Attorney to provide answers on any questions regarding the enforceability or related potential litigation issues arising in this matter.

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO TABLE AND DIRECT STAFF TO CONTACT ATTORNEY LARSON AND REQUEST THAT HE ATTEND THE DECEMBER 14 MEETING TO FURTHER DISCUSS THESE ISSUES. MOTION CARRIED.

- B. Consideration and possible action on lighting improvements for the Town Hall (tabled 11/9/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Krause submitted an estimate, by e-mail, from Midwest Electric to repair the existing lights at the Town Hall. As he was not in attendance, it was suggested that this matter be tabled.

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

- C. Consideration and possible action of proposal from Chas Maier Co., Inc., to remove and replace acoustical tile ceiling and grid in the meeting room of the Town Hall (tabled 11/9/10)

This item will remain on the table.

- D. Discussion re: holiday schedule (tabled 10/12/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO REMOVE FROM THE TABLE. MOTION CARRIED.

The following wording was submitted by staff for consideration: When Christmas Day and New Year's Day fall on a Saturday, the holiday will be observed on the following Monday; When Christmas Eve and New Year's Eve fall on a Sunday, the holiday will be observed on the previous Friday.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

Seventh order of business: New Business

- A. Consideration and possible action of Plan Commission's recommendation to rezone a portion of W310S478 Maple Avenue from A-1, Agricultural District to A-2, Rural Home District

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE REZONING A PORTION OF W310S478 MAPLE AVENUE FROM A-1, AGRICULTURAL DISTRICT TO A-2, RURAL HOME DISTRICT. MOTION CARRIED.

- B. Consideration and possible action of Plan Commission's recommendation to rezone a portion of W310S486 Maple Avenue currently zoned A-1, Agricultural District to A-2, Rural Home District

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE REZONING A PORTION OF W310S486 MAPLE AVENUE CURRENTLY ZONED A-1, AGRICULTURAL DISTRICT TO A-2, RURAL HOME DISTRICT. MOTION CARRIED.

- C. Consideration and possible action of Plan Commission's recommendation to approve a Certified Survey Map combining a portion of the former Lakeview Lanes property with the

St. Anthony on the Lake property and combining a portion of the former Lakeview Lanes property with lands owned by the Pewaukee Yacht Club

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. VAN HORN TO TABLE BASED ON A REQUEST FROM THE SURVEYOR REPRESENTING ST. ANTHONY ON THE LAKE. MOTION CARRIED.

D. Request to approve Alcohol Beverage "Class B" Liquor, Class "B" Beer and Soda License Application for the period from November 24, 2010 through June 30, 2011 for the following trade name: *Dylon's Steakhouse, N26W30227 Maple Avenue*

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO APPROVE A ALCOHOL BEVERAGE "CLASS B" LIQUOR, CLASS "B" BEER AND SODA LICENSE APPLICATION FOR THE PERIOD FROM NOVEMBER 24, 2010 THROUGH JUNE 30, 2011 FOR THE FOLLOWING TRADE NAME: DYLON'S STEAKHOUSE, N26W30227 MAPLE AVENUE. MOTION CARRIED.

E. Consideration and possible action of new Operator's Licenses for the period of July 1, 2010 to June 30, 2012:

1. *Andrew Kirk for Dylon's Steakhouse*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE AN OPERATOR'S LICENSE FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2012 FOR ANDREW KIRK FOR DYLON'S STEAKHOUSE. MOTION CARRIED.

2. *Kelly Kehl for Dylon's Steakhouse*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE AN OPERATOR'S LICENSE FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2012 FOR KELLY KEHL FOR DYLON'S STEAKHOUSE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

A. Next Plan Commission Meeting – December 7

B. Next Park and Recreation Commission Meeting – December 13 @ 6:30 p.m.

C. Next Town Board Meeting – December 14

Ninth order of business: Adjournment

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO ADJOURN AT 7: 35 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on December 14, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
December 14, 2010

Members Present: P. Kanter, C. Dundon, P. Van Horn, L. Krause and R. Ackley

Others Present: D. Roberts, *Highway Superintendent*, T. Barbeau, *Town Engineer*, J. Schultz, *Town Assessor*, H. Jeanson, *Rotroff, Jeanson & Co.*, M. Walden, *Snyder Insurance*, J. Stevens, *Lake Country Reporter*, 12 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 6:55 p.m.

Second order of business: Pledge of Allegiance

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO TAKE ITEM 6A OUT OF ORDER. MOTION CARRIED.

Sixth order of business: Unfinished Business

A. Consideration and possible action of an Ordinance to Create Section 10.11 of the Town of Delafield Town Code re: Sex Offender Regulations (tabled 11/23/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO REMOVE FROM THE TABLE. MOTION CARRIED.

Ms. Dundon requested further clarification regarding the original domicile restriction reflected in the subject draft ordinance. Attorney Aquavia directed attention to (3) (b) which states, "no designated sex offender shall be permitted to reside in the Town of Delafield unless the person was domiciled in the Town of Delafield at the time of the offense resulting in the person's most recent conviction of a designated sex offender crime".

Engineer Barbeau will further review and make revisions to the child safety zones map to include North Shore Middle School, Kettle Moraine High School, theatre and any other boundaries that would affect the Town of Delafield.

Staff was directed to contact the Town Attorney to schedule a Closed Session Meeting to discuss litigation issues relative to the proposed ordinance.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO TABLE. MOTION CARRIED.

Third order of business: Approval of Minutes of November 23, 2010
The minutes will be filed as prepared by the Town Clerk.

Fourth order of business: Action on vouchers submitted for payment:

A. Report on budget sub-accounts and action to amend 2010 budget

Mr. Krause stated the requested amendment to fire department expenditure #52230-293 (contracted emergency services). The balance of this account is \$86.00, and \$1175.00 will need to be added for the purposes of consulting fees for a digital upgrade to the Waukesha County communications system. The cost for this service has been divided up equally between all communities.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE \$1175.00 TO BE ADDED TO THE SAID ACCOUNT. MOTION CARRIED.

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47752 – 47802 IN THE AMOUNT OF \$72,515.49

Payroll

**MOVED TO APPROVE PAYMENT OF CHECKS #22090 – 22140 IN THE AMOUNT OF \$34,360.59
MS. DUNDON/MR. KRAUSE MOTION CARRIED.**

Fifth order of business: Communications (for discussion and possible action)

A. None

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO TAKE ITEMS 7M AND 7N OUT OF ORDER. MOTION CARRIED.

Seventh order of business: New Business

M. Discussion and possible action of modifications to Fire Station #1

Chairman Kanter stated that modifications will need to be made to Fire Station #1, due to the fact that the new fire truck is too large to park into one of the existing bays. Billy Cooley, Next Step Builders, LLC, submitted a proposal for \$9724.00 to reconstruct one of the bays to accept the new truck. Chairman Kanter contacted Attorney Larson requesting clarification on whether or not there would be a conflict with Mr. Cooley working on this project, as he is a member of the fire department and plan commission. Attorney Larson's legal opinion referenced Section 946.13(2)(a) exempting from its reach those contracts that involve receipts and disbursements aggregating less than \$15,000.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO ACCEPT THE BID FROM NEXT STEP BUILDERS, LLC, IN THE AMOUNT OF \$9724.00. MR. ACKLEY-YES, MS. DUNDON-YES, CHAIRMAN KANTER-YES, MR. KRAUSE-YES, MR. VAN HORN-NO. MOTION CARRIED.

N. Discussion and possible action on disposition of excess equipment

Mr. Krause stated that the 1987 rescue truck has been for sale since August (\$22,500). Deputy Chief Kozlowski received an offer of \$12,000. He stated that the individual who made the offer is not in need of the cascade system. It could be removed and sold for approximately \$3000-\$3500.00.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO APPROVE THE OFFER OF \$12,000, REMOVING THE CASCADE SYSTEM AND DISPOSING OF IT PROPERLY. MOTION CARRIED.

Deputy Chief Kozlowski stated that there is excess scuba gear in storage that was purchased in the 1990's. It hasn't been used for quite some time and is not much value to the fire department. He is looking to liquidate the items. He stated that he could place the items on Craig's list or members of the fire department have expressed interest in them.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ALLOW THE FIRE DEPARTMENT TO DISPOSE OF THE SCUBA EQUIPMENT AS THEY SEE FIT IF NOT SOLD ON CRAIG'S LIST AFTER ONE WEEK. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO TAKE ITEM 6D OUT OF ORDER. MOTION CARRIED.

Sixth order of business: Unfinished Business

D. Discussion re: Fire Station (Supervisor Van Horn's comments)

Mr. Van Horn reviewed the subject comments. Mr. Krause stated that he is actively pursuing this issue. He has contacted Zimmerman and requested downsized revisions to the current plans submitted. If there is a referendum on the April ballot, the question will need to be submitted to the County Clerk by February 22.

Sixth order of business: Unfinished Business

B. Consideration and possible action on lighting improvements for the Town Hall (tabled 11/23/10)

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO REMOVE FROM THE TABLE. MOTION CARRIED.

C. Consideration and possible action of proposal from Chas Maier Co., Inc., to remove and replace acoustical tile ceiling and grid in the meeting room of the Town Hall (tabled 11/23/10)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO REMOVE FROM THE TABLE. MOTION CARRIED.

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO ACCEPT THE ESTIMATE FROM MIDWEST ELECTRIC, LLC, TO REPAIR THE EXISTING LIGHTS AT THE TOWN HALL IN THE AMOUNT OF \$1,225.00. MOTION CARRIED.

Seventh order of business: New Business

A. Discussion of change in 2010 Town valuation

Mr. Jeanson stated that the tax base decreased by \$72 million more than estimated by the Town Assessor (approx. 8%). This will not affect tax amounts collected, but it increases the mill rate from \$1.10 to \$1.15.

B. Discussion with Jud Schultz re: State requirement of computerized house drawings

Mr. Schultz presented a handout from the WI Dept. of Revenue reflecting the requirement for all municipalities to have their house drawings computerized by CAD by the 1/1/13 assessment. He is requesting approval from the Town Board to begin the project at this time, but he stated that he will "float" the money due until the next budget cycle. His approximate cost to complete this project is \$5.00 per parcel. He will submit a written proposal in the near future.

C. Discussion re: Maintenance of Private Roads

Mr. Krause stated that he requested this item be placed on the agenda. Engineer Barbeau referred to the subject road as "Stoltz's road" (a little stub road that comes off of Lakeside). The highway department has been plowing this for years, even though it is not clear if it was designated as a public road. Mr. Stoltz may have to remove a portion of his road/driveway in order to obtain additional greenspace. This portion is currently used as a turnaround for the plow truck. Mr. Barbeau referenced a resolution from 1990 regarding mill tax roads that did not indicate if this stub section of road was included. Discussion followed on a map prepared by Waukesha County Department of Parks and Land Use dated June 2004 (referencing the 1990 resolution). Engineer Barbeau will further research this matter.

D. Discussion and possible action of Plan Commission's recommendation to change the Land Use Plan Map from Mixed Use to Governmental and Institutional on a portion of St. Anthony's on the Lake, W280N2101 CTH SS

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

E. Discussion and possible action of Plan Commission's recommendation to change the zoning on a portion of St. Anthony's on the Lake, W280 N2101 CTH SS, from B-1 to R-2

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

F. Discussion and possible action of Plan Commission's recommendation to amend the Conditional Use Permit of St. Anthony's on the Lake, W280 N2101 CTH SS

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

G. Discussion and possible action of Plan Commission's recommendation to amend the Conditional Use Permit of Pewaukee Yacht Club (DELT 0772-027)

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO APPROVE. MOTION CARRIED.

H. Consideration and possible action of Resolution Adopting the Waukesha County all Hazards Mitigation Plan

Engineer Barbeau was directed to research this matter to determine how it affects the Town of Delafield and report back at a future meeting.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO TABLE. MOTION CARRIED.

I. Consideration and possible action of Ordinance to Create Chapter 13 of the Town of Delafield Town Code Regarding Wind Energy Systems License and Regulations

Chairman Kanter stated that he requested a legal review of the article that appeared in the November Towns Association newsletter relating to wind turbines. Attorney Larson agrees with Mr. Stadelman's comment that the PSC rules will significantly affect any such local regulation of wind turbines. The Town Board will review the proposed ordinance and address it at a future meeting.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO TABLE UNTIL THE NEXT MEETING; AMENDED MOTION BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO TABLE UNTIL THE FIRST MEETING OF 2011. MOTION CARRIED.

J. Consideration and possible action of Resolution Approving the Lake Country Municipal Court 2011 Budget

MOTION MADE BY MS. DUNDON, SECONDED BY MR. ACKLEY TO APPROVE. MOTION CARRIED.

K. Consideration and possible action on the following 2011 contracts/agreements: Elmbrook Humane Society, Rotroff Jeanson & Company, Waukesha County Sheriff's Department and R.A. Smith National, Inc.

Elmbrook Humane Society – **MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE 2011 AGREEMENT WITH ELMBROOK HUMANE SOCIETY. MOTION CARRIED.**

Rotroff Jeanson & Company – **MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO APPROVE THE 2011 AGREEMENT WITH ROTROFF JEANSON & COMPANY. MOTION CARRIED.**

Waukesha County Sheriff's Department – **MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE 2011 POLICE SERVICES CONTRACT. MOTION CARRIED.**

Waukesha County Sheriff's Department Transcription Services – **MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE 2011 TRANSCRIPTION SERVICES CONTRACT. MOTION CARRIED.**

R.A. Smith National, Inc. – **MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE 2011 AGREEMENT WITH R.A. SMITH NATIONAL, INC. MOTION CARRIED.**

L. Mike Walden, Snyder Insurance Agency, Re: Consideration and possible action of renewal of liability insurance for Town of Delafield

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO ACCEPT AND APPROVE THE RENEWAL OF LIABILITY INSURANCE WITH COMMUNITY INSURANCE CORPORATION. MOTION CARRIED.

O. Appointment of Clerk/Treasurer, Deputy Clerk/Treasurer and Fire Chief

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. VAN HORN TO APPROVE THE APPOINTMENT OF MARY ELSNER AS TOWN CLERK/TREASURER AND DIANN WICK AS DEPUTY CLERK/TREASURER. MOTION CARRIED.

Chairman Kanter stated that the appointment process for fire chief is still in effect. This issue will be considered at the December 28 Town Board meeting.

P. Consideration and possible action of Operator’s Licenses for the period of July 1, 2010 to June 30, 2012:
1. *Merritt W. Steinbach for Dylon’s Steakhouse*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.

2. *Cynthia A. Dobbs for Dylon’s Steakhouse*

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

3. *Pamela R. Balfanz for Gluten-Free Trading Co.*

MOTION MADE BY MS. DUNDON, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

Q. Consideration and possible action of Application for Temporary Class “B” License to sell fermented malt beverages and a Temporary “Class B” License to sell wine during a special event on January 29, 2011, for St. Anthony Congregation School Committee

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPROVE. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

A. Next Town Board Meeting – December 28

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO ADJOURN AT 8:55 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on December 28, 2010

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
December 28, 2010

Members Present: P. Kanter, C. Dundon, L. Krause and R. Ackley

Members Absent: P. Van Horn

Others Present: J. Stevens, *Lake Country Reporter*, 14 citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:15 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Approval of Minutes of December 14, 2010
The minutes will be filed as prepared by the Town Clerk.

Fourth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2010 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #47803 – 47873 IN THE AMOUNT OF \$53,026.70

Payroll

MOVED TO APPROVE PAYMENT OF CHECKS #22144 – 22167 IN THE AMOUNT OF \$23,795.35

MS. DUNDON/MR. KRAUSE

MOTION CARRIED.

Fifth order of business: Communications (*for discussion and possible action*)

A. None

Sixth order of business: Unfinished Business

A. Discussion re: fire station

Mr. Krause stated that Zimmerman Architectural has submitted a bid for \$4100.00 to review 3 proposed locations and to downsize the plans to build a fire station for today (not the future). The following 3 sites are being studied: Del Hart baseball diamond, an area next to the town hall and at the existing Maple Avenue site.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. ACKLEY TO ACCEPT THE PROPOSAL OF \$4100.00 FOR PROFESSIONAL DESIGN SERVICES. MOTION CARRIED.

Mr. Krause stated that he received the first set of renderings and a meeting will be held on January 3 to review them. More details will be presented at the next Town Board meeting.

B. Appointment of Fire Chief

Chairman Kanter stated that effective December 31, Deputy Chief Kozlowski will serve as the Interim Fire Chief, as a decision has not yet been reached.

Seventh order of business: New Business

A. Consideration and possible action on Plan Commission's recommendation to approve a request of St. Anthony on the Lake, W280 N2101 CTH SS, for a waiver to the established street width of 66 feet on Edgewater Drive to 60 feet

MOTION MADE BY MR. ACKLEY, SECONDED BY MS. DUNDON TO ACCEPT PLAN COMMISSION'S RECOMMENDATION TO APPROVE A REQUEST OF ST. ANTHONY ON THE LAKE, W280 N2101 CTH SS, FOR A WAIVER TO THE ESTABLISHED STREET WIDTH OF 66 FEET ON EDGEWATER DRIVE TO 60 FEET. MOTION CARRIED.

- B. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map combining a portion of the former Lakeview Lanes property with the St. Anthony on the Lake property, W280 N2101 CTH SS, and combining a portion of the former Lakeview Lanes property with lands owned by the Pewaukee Yacht Club

MOTION MADE BY MR. ACKLEY, SECONDED BY MR. KRAUSE TO ACCEPT PLAN COMMISSION'S RECOMMENDATION TO APPROVE A CERTIFIED SURVEY MAP COMBINING A PORTION OF THE FORMER LAKEVIEW LANES PROPERTY WITH THE ST. ANTHONY ON THE LAKE PROPERTY, W280 N2101 CTH SS, AND COMBINING A PORTION OF THE FORMER LAKEVIEW LANES PROPERTY WITH LANDS OWNED BY THE PEWAUKEE YACHT CLUB. MOTION CARRIED.

Eighth order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – January 4
- B. Next Park and Recreation Commission Meeting – January 10
- C. Next Town Board Meeting – January 11

Ninth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. ACKLEY TO ADJOURN AT 7:25 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on January 11, 2011