

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
January 13, 2015

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

Others Present: M. Walden, *Snyder Insurance*, E. Kranick, *Plan Commissioner*, 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: Citizen Comments
Paul Bugenhagen, Jr., Candidate for Waukesha County Judge, introduced himself. He stated that he was born and raised in Waukesha county and wishes to give back to the community he has always called home. He is an attorney, and his years of work in a general practice gives him the experience needed to preside in the circuit court.

Fourth order of business: Approval of December 22, 2014 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #54906 to #55244 IN THE AMOUNT OF \$11,097,464.42 AND DRAW #6 TO SCHERRER CONSTRUCTION IN THE AMOUNT OF \$455,783.35

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$30,014.12

MS. DUNDON/MR. KRAUSE

MOTION CARRIED

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

A. None

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

1. Approval of change orders

Ms. Duchow summarized Mr. Mann's update. The building is weather tight and insulated; metal roofing is in progress and, weather permitting, should be completed in the next two weeks; temporary heat is on in the entire building; lower level drywall is completed and painting is under way; upper level drywall is hung and being finished. Within the next week, the following items will be started: elevator, ceiling grid in the lower level, and hard tile in the lower level. Review of the furniture process is very difficult because 3 companies have submitted similar bids. The Town Annual meeting may be held in the building.

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO TAKE ITEM 8B OUT OF ORDER. MOTION CARRIED.

Eighth order of business: New Business

B. Appointment to the Park and Recreation Commission

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MR. KRAUSE TO APPOINT SHARLENE KONKEL TO THE PARK AND RECREATION COMMISSION. MOTION CARRIED.

Eighth order of business: New Business

- A. Mike Walden, Snyder Insurance, Re: Consideration and possible action on renewal of liability insurance for Town of Delafield

Mr. Walden stated that Snyder was purchased by R&R insurance in September. This was a positive step for Snyder, as legal people are on staff along with those who set up safety plans for companies. Services have taken off to another level. He provided a review of the proposal.

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

- C. Consideration and possible action on a Temporary Class "B" license to sell fermented beverages and a Temporary "Class B" license to sell wine for St. Anthony Committee on January 24, 2015.

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

Ninth Order of business: Announcements and Planning Items

- A. Next Park and Recreation Commission Meeting – Monday, January 19
- B. Next Town Board Meeting – Tuesday, January 27
- C. Next Plan Commission Meeting – February 3
- D. Spring Primary – February 17

Tenth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO ADJOURN AT 7:32 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: January 27, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
January 27, 2015

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

Members Absent: P. Van Horn

Others Present: J. Mann, *Mannedge*, E. Kranick, *Plan Commissioner*, B. Cooley, *Plan Commissioner*,
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: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of January 13, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

**MOVED TO APPROVE PAYMENT OF CHECKS #55245 to #55296 IN THE AMOUNT OF
\$147,330.88**

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$35,162.59

MS. DUNDON/MS. DUCHOW

MOTION CARRIED

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

A. Lindsay Gauger, Re: 32nd Annual MS Toyota Best Dam Bike Tour

There were no objections to the particulars of holding this event.

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

Ms. Duchow stated that the first floor is painted, all lit and the goal is for the inside to be completed by March. Chairman Kanter suggested that we schedule another tour.

1. Approval of change orders

Mr. Mann reviewed change orders numbered 20, 21 and 22. He provided an update to the contingency to allow for change order number 23, additional erosion control, in the amount of \$12,503.00. He stated that the erosion control change orders will be done in "piece meal". Dealings with Waukesha County Parks and Land Use have driven additional increases to erosion control costs. Mr. Mann is estimating that we will have to spend an additional \$20 - \$30,000 on erosion control.

**MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE CHANGE
ORDER #20 TO ADD SUMP PUMP WIRING FOR ELEVATOR NOT SHOWN ON THE PLANS.
MOTION CARRIED.**

Chairman Kanter directed Mr. Mann to do research on possible remediation regarding this matter being missed on the plans.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO APPROVE CHANGE ORDER #21 TO ADD WIRING AND INSTALLATION FOR DE STRATIFICATION FANS IN THE APPARATUS BAY. MOTION CARRIED.

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE CHANGE ORDER #22 TO CHANGE THE HEIGHT OF MILLWORK IN THE BREAK ROOM. MS. DUCHOW – AYE, MS. DUNDON – AYE, MR. KRAUSE – AYE, CHAIRMAN KANTER – NAY. MOTION CARRIED 3-1.

MOTION MADE BY MS. DUCHOW, SECONDED BY MS. DUNDON TO APPROVE CHANGE ORDER #23 FOR ADDITIONAL EROSION CONTROL. MOTION CARRIED.

The Town Board requested that the committee “put pressure” on Waukesha County to confirm that the Town is required to meet the demands the county is making on aspects of the project.

Ms. Duchow requested approval of \$900.00 to purchase paint to cover the cost of accenting walls in the apparatus bay and town hall meeting room.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MS. DUNDON TO APPROVE THE PURCHASE OF PAINT NOT TO EXCEED \$400.00 FOR THE TOWN BOARD MEETING ROOM. MOTION CARRIED.

Discussion followed on using the existing drop box, cutting a hole in the wall of the new building and installing the drop box. Mr. Mann will research this issue.

There will be two signs on the property: Town of Delafield Town Hall with address and Town of Delafield Fire Department with address (both to include Town logo with silhouette, as long as the graphics stand out).

Eighth order of business: New Business

- A. Consideration and possible action on a proposal for architectural and engineering services to re-purpose the existing Town Hall building

Jon Wallenkamp, Kueny Architects LLC, submitted a proposal of \$3,100 to provide a study and include drawings of the current building as well as cost estimates for renovation into cold storage. Mr. Wallenkamp stated that this process will take approximately three weeks. Renovation of the building will include removal of interior walls, installation of garage doors, new light and outlet locations, etc.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO APPROVE THE PROPOSAL SUBMITTED BY KUENY ARCHITECTS IN THE AMOUNT OF \$3100.00. MOTION CARRIED.

- B. Consideration and possible action on Chicken License Application for Tom Trawitzke at W294N425 Bryn Drive

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

- C. Consideration and possible action on 2015 Police Citation Administrative Support Services Contract with the Village of Sussex

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

- D. Consideration and possible action on a Temporary Class "B" license to sell fermented beverages and a Temporary "Class B" license to sell wine for Prairie Hill Waldorf School's Annual Spring Auction Fundraiser on Saturday, April 25, 2015

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Wisconsin Towns Association Meeting, Waukesha County Unit - Wednesday, January 28, 7:00 p.m. @ Village of Merton
- B. Next Plan Commission Meeting – February 3
- C. Next Town Board Meeting – February 10
- D. Spring Primary – February 17
- E. Next Park and Recreation Commission Meeting – February 18

Tenth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO ADJOURN AT 8:10 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: February 20, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
February 10, 2015

Members Present: C. Dundon, P. Van Horn, C. Duchow

Members Absent: P. Kanter and L. Krause

Others Present: T. Barbeau, *Town Engineer*, P. Kozlowski, *Fire Chief*, J. Formea, *Fire Department*, M. Hoppe, *Deputy Fire Chief*, E. Kranick, *Plan Commissioner*, 12 Citizens

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: Citizen Comments
Lisa Cunningham, W290N3070 Hillcrest Drive, questioned if the old fire station has been put up for sale. She was informed that this issue will be discussed in Item 7A.

Fourth order of business: Approval of January 27, 2015 Town Board Minutes
MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE. MS. DUCHOW – AYE, MS. DUNDON – AYE, MR. VAN HORN – ABSTAINED. MOTION PASSED.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55297 to #55411 IN THE AMOUNT OF \$126,390.66 AND DRAW #7 PAYABLE TO SCHERRER CONSTRUCTION IN THE AMOUNT OF \$391,851.78

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,664.39

MS. DUNDON/MS. DUCHOW

MR. VAN HORN ABSTAINED.

MOTION PASSED

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

A. None

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

1. Approval of change orders

Ms. Duchow reviewed the change order in the amount of \$5,946 broken into four items:

- 1. Add hold open devices for the entrance to the board/training room - \$972*
- 2. Add covering to the kitchen exhaust hood in the breakroom - \$646*
- 3. Add an additional shut off valve for the hose bib in park storage room to further prevent accidental freezing - \$173*
- 4. Additional work by the IT vendor for work that was originally going to be completed by the fire department - \$4,155*

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUNDON TO TABLE TO ALLOW MR. VAN HORN TO REVIEW THE PAPERWORK RELATED TO THE CHANGE ORDER. MOTION CARRIED.

2. Committed expense update

Ms. Duchow stated that the lower level is in the final stages of finishing. By the end of this week, almost everything, except the carpet, should be completed. The upper level is dry walled, painting is in progress, ceiling grid is completed and mechanical and electrical work is in progress in the apparatus bay. A furniture vendor has been chosen, and the cost is expected to come in at \$92,000 (\$100,000 is in the budget).

3. Approval of Fire Alarm Monitoring Contract

MOTION MADE BY MS. DUCHOW, SECONDED BY MS. DUNDON TO APPROVE 24-HOUR MONITORING SERVICES AT \$28.00 PER MONTH PLUS \$5.00 PER MONTH FOR DAILY TESTING OF FIRE ALARM SIGNAL. MS. DUCHOW – AYE, MS. DUNDON – AYE, MR. VAN HORN – ABSTAINED. MOTION PASSED.

Discussion followed on plans for the existing fire station. Ms. Duchow stated that the current plan is either to leave the building as is and put it up for sale or demolish the existing building and sell off the three lots. This issue will be placed on the Annual Meeting agenda for discussion with the citizens.

Eighth order of business: New Business

A. Approval of Chicken License renewals

MOTION MADE BY MS. DUCHOW, SECONDED BY MS. DUNDON TO APPROVE THE FOUR CHICKEN LICENSE RENEWALS: JIM AND KAREN ROMANOWSKI, TANYA PALMER, PETER OGDEN AND JACK ABLER. MOTION CARRIED.

B. Consideration and possible action to approve a Certified Survey Map to combine three lots into one lot at W293N3080 Poplar Drive – Force Properties, LLC, by Vicki Braden, owner

Engineer Barbeau stated that the subject three lots were created in 1907. The owner is requesting to combine them into one. The proposed lot to be created will be more conforming than the existing three. The surveyor made required technical changes to the CSM. Engineer Barbeau recommended approval subject to incorporation of review comments from Waukesha County Department of Park and Land Use.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUCHOW TO CONFIRM THE PLAN COMMISSION'S ACTION SUBJECT TO WAUKESHA COUNTY'S COMMENTS. MOTION CARRIED.

C. Consideration and possible action to approve an ordinance to create Section 17.05 5. AR of the Town Zoning Code related to Commercial Planned Unit Development Conditional Uses

Engineer Barbeau stated that the proposed ordinance allows for flexibility in overall design/development related to commercial planned unit developments. Currently, we do not have that allowance for commercial. The new code requires the owner to set aside a percentage of the land as permanent open space. This would somewhat mirror the current residential code.

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

D. Consideration and possible action on the Town Engineer's report related to designation of Cushing Park Road as a Rustic Road

MOTION MADE BY MS. DUNDON, SECOND BY MS. DUCHOW TO TABLE UNTIL ALL BOARD MEMBERS ARE IN ATTENDANCE. MOTION CARRIED.

- E. Consideration and possible action on reducing speed limit on Maple Avenue between Franciscan Road and North Shore Drive

Engineer Barbeau stated that Woodridge Estates is in the process of being developed. With the additional access points needed for this development, there will be additional vehicles on the road. The current speed limit is 45 mph to the North and may be too fast for this change. He is recommending that it be changed to 35 mph for that portion of Maple Avenue between Franciscan Road and North Shore Drive that is currently posted at 45 mph.

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

Ninth Order of business: Announcements and Planning Items

- A. Spring Primary – February 17
- B. Next Park and Recreation Commission Meeting – February 18
- C. Next Town Board Meeting – February 24
- D. Next Plan Commission Meeting – March 3

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO ADJOURN AT 7:50 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: February 24, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
February 24, 2015

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

Others Present: T. Barbeau, *Town Engineer*, P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, E. Kranick, *Plan Commissioner*, B. Cooley, *Plan Commissioner*, 6 *Citizens*

First order of business: Call to Order

Chairman Kanter called the meeting to order at 7:00 p.m. and commended Angela Lorbach, Park and Recreation Coordinator, on her efforts in putting the Town Crier together.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments

There were no citizen comments.

Fourth order of business: Approval of February 10, 2015 Town Board Minutes

The minutes will be filed as prepared by the clerk with one minor correction.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55413 to #55423 AND #55446 TO #55479 IN THE AMOUNT OF \$3,704,707.88

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,212.01

MS. DUNDON/MR. KRAUSE

MOTION CARRIED

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

A. Eric Larson (2/5/15), Re: Wireless Telecommunications Siting Laws New Federal Limitations

None

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

1. Approval of change orders (tabled 2/10/15)

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

Ms. Duchow reviewed the 4 items included in Change Order #24.

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE CHANGE ORDER #24 DATED FEBRUARY 9, 2015. MOTION CARRIED.

Ms. Duchow stated that by the end of next week both levels of the building will be completed except for carpeting. The inside should be ready for punch list by March 9th. The outside is still weather dependent.

B. Consideration and possible action on the Town Engineer's report related to designation of Cushing Park Road as a Rustic Road (tabled 2/10/15)

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

Engineer Barbeau stated that the Town can do construction on the road as long as it is not substantial. The Wisconsin Administrative code does not define substantial. The Highway Superintendent and Engineer Barbeau determined that the roadway is between 18 and 21 feet wide throughout the proposed improvement section (Cushing Park Road between Abitz Road and USH 18). In order to minimize disturbance to the adjacent properties, they are proposing to widen the road to 22 feet in the areas outside of the "hill" that is adjacent to the old cheese factory structure. At the "hill", they are proposing to try to improve the site distance. This could be accomplished by widening the road to 22 feet of pavement and install curb and gutter on both sides of the road, due to the slope of the land to the east and erosion problems that are experienced on the west side of the road. Due to the proximity of the bicycle and pedestrian path and driveways, widening the roadway to the west was not feasible; therefore, they looked at options to widen the road to the east, within the existing right-of-way. In order to avoid installing a retaining wall, they designed the grade east of the road to have a flat area behind the curb for snow storage (curb was used since there was no room for a ditch) and then slope the land at a 3:1 slope to the east. The match point on existing lands to the east ended up on the Latsoudis property. Engineer Barbeau met with the owners on site, explained what was being proposed, assured them that all would be restored to their satisfaction (including using wildflower seed mix on their property) and requested a temporary grading easement to perform the work. A plan was provided to them for evaluation. The work was bid out with the expectation that Mr. and Mrs. Latsoudis were amenable to providing a temporary grading easement on their property.

Pamela Latsoudis, W334S850 Cushing Park Rd. and Peter Latsoudis, W334S850 Cushing Park Rd. stated the importance of preserving and restoring the natural and scenic characteristics of the road and the Town of Delafield's "perfect environment". They requested that a planting budget be adopted to include restoration of the oak savannah and native plants. Ms. Latsoudis suggested that the Town contact Jim Uhrinak of Green Tree – Tree Care and Consulting with any questions.

Engineer Barbeau stated that the Town Board will have to carefully consider whether the petition meets the qualifications to designate the three mile stretch of Cushing Road as a "Rustic Road" and support the request prior to sending it to the Wisconsin Department of Transportation for consideration.

Chairman Kanter stated that we could look into the cost of restoration of trees after the work is completed and only remedial work within the right-of-way will be paid for by the taxpayers.

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO DELAY A DECISION ON THE RUSTIC ROAD ISSUE UNTIL THE IMPROVEMENTS ARE COMPLETED. MOTION CARRIED.

Eighth order of business: New Business

A. Park and Recreation Coordinator's report on Community Easter Egg Hunt

Ms. Lorbach stated that the first Community Easter Egg Hunt will be held Saturday, March 28 from 10:00 a.m. – noon at the Sports Commons Park. The event is geared toward children 12 and under. She is recruiting high school art students for the face painting booth and asked for volunteers to scatter 5000 candy-filled eggs (businesses are providing prizes to be put into the eggs) and park cars. The cost will be very minimal because the City of Delafield Chamber of Commerce is working with us. Cookie decorating will be provided by Sentry. There will not be food or entertainment provided. The fire department has been invited to attend.

B. Consideration and possible action on proposals for relocation to new Town Hall building

Clerk Elsner stated that she received three proposals for the subject issue. She recommended hiring Schroeder Moving Systems, Inc.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO OBTAIN REFERENCES ON SCHROEDER MOVING SYSTEMS, INC. MOTION CARRIED.

C. Approval of Joint Powers Agreement – County 9-1-1 Emergency System

MOTION MADE BY MS. DUCHOW, SECONDED BY MS. DUNDON TO APPROVE. MOTION CARRIED.

D. Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
1. *Alexander Kihslinger – Buck Rub Outfitters Ltd.*

Mr. Kihslinger stated that while he was a student at Steven's Point, he had been drinking too much. He learned from this experience and has not been involved in activities of this nature. He stated that this was an ordinance violation.

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

E. Consideration and possible action on a Temporary Class "B" license to sell fermented beverages and a Temporary "Class B" license to sell wine for an event to be held by St. Anthony Congregation Men's Club on Friday, May 1, 2015

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

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – March 3
- B. Next Park and Recreation Commission Meeting – March 9
- C. Next Town Board Meeting – March 10

Tenth order of business: Adjournment

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

Respectfully submitted,

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

Minutes approved on: March 10, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 10, 2015

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

Members Absent: P. Van Horn

Others Present: D. Roberts, *Highway Superintendent*, P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, T. Kinley, *Assistant Deputy Fire Chief*, J. Formea, *Fire Department*, J. Wachtl, *Fire Department*, J. Mann, *Mannedge*, E. Kranick, *Plan Commissioner*, B. Cooley, *Plan Commissioner*, 5 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: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of February 24, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55483 to #55522 IN THE AMOUNT OF \$183,178.89 AND DRAW #8 TO SCHERRER CONSTRUCTION IN THE AMOUNT OF \$358,108.63

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$37,709.26

MS. DUNDON/MR. KRAUSE

MOTION CARRIED

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

A. Timothy T. Kay (3/5/15), 2014 Lake Country Municipal Annual Review Report

None

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

Mr. Mann stated there are no change orders this evening. The interior of the building will be substantially complete by the end of this week and final completion will be on March 30. The epoxy flooring bids were opened today and came in lower than the budgeted amount.

To get a temporary occupancy permit, the outside would need to be safe for the public. The asphalt parking lot cannot be done by the Annual Meeting (4/21). In order to hold the meeting in the new building it would cost approximately \$2,000 to "cold patch". The Town Board is not in favor of spending the money, so the Annual Meeting will be held in the existing Town Hall building.

Mr. Mann suggested that another "walk through" be scheduled. It will be held on Sunday, March 22 @ 2:00 p.m.

The move in date is scheduled for Friday, June 12. The Town Board directed the clerk to issue a press release re: this date. An open house will be scheduled for a Saturday or Sunday before the move in.

- B. Consideration and possible action on proposals for relocation to new Town Hall building (tabled 2/24/15)

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

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE SCHROEDER MOVING SYSTEMS ESTIMATE FOR MOVING. MS. DUCHOW –AYE, MS. DUNDON – AYE, MR. KRAUSE – AYE, CHAIRMAN KANTER – NAY. MOTION PASSED 3-1.

- C. Consideration and possible action on Kueny Architect's review of a report to re-purpose the existing Town Hall building

Jon Wallenkamp, Kueny Architects, displayed the site and floor plan for the subject project. The proposed plan reflects installation of a new French drain and drainage swale on the north side of the building, as the floor is 4 inches lower than the grade. The structural integrity is in good shape. He is proposing to: keep the current stairwell, install a new 16' wide, 14' high overhead door and relocate the current gas meter. He provided an "Option A" that includes painting the current façade and "Option B" proposing the installation of brick that was left over from the new building.

The Town Board requested that more options and allocated costs be provided for review at the next meeting.

Eighth order of business: New Business

- A. Consideration and possible action on the purchase of a new fire engine

Deputy Fire Chief Kinley stated that he, Lt. Jeremy Wachtl, Lt. Jamie Formea and Andrew Karnes made up the committee to replace the new engine. \$341,000 was put away in the 2014 budget. The current 3161 e-chassis is 21 years old and has electrical and maintenance problems. The transmission does not shift properly and does not always start. It also has aging pump problems. According to NFPA's guidelines, any vehicle that is over 20 years should be put into a reserve capacity and used as a second engine. The 2nd engine is also a 20 year vehicle and is more reliable than the 3161. This is a safety issue when there are no reliable engines.

Lt. Formea stated that the Town has partnered with Pierce and Reliant Fire. Pierce is a Wisconsin company. The committee is proposing the purchase of a 2015 Pierce quantum with a 500 engine and a top-mount pump (\$613,511.00).

Lt. Wachtl stated that, in order to keep costs down, they looked into the 450 engine. This model reduces the following features of the 500 engine: on-board foam system, high end electronics, consists of different roll-up doors, removes flow meters, has a stand-alone generator and removes the light tower with 6 light heads. The cost of this engine is \$549,270. If payment of \$341,000 is made at the time of contract entry, a discount of \$17,755.00 will be applied, bringing the final cost to \$531,515.

Deputy Fire Chief Kinley stated that the department is putting the 3161 on the market and the 3162 will need preventative maintenance. He discussed the option of paying an additional cost to the contractor to provide a performance bond.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE PURCHASE OF THE TRUCK WITHOUT THE BID BOND. MOTION CARRIED.

The Town Board directed the clerk to forward the agreement to the Town Attorney for review.

- B. Consideration and possible action on Ehlers Letter of Engagement to provide services to assist the Town of Delafield in meeting its continuing disclosure obligations

Chairman Kanter stated that we addressed this issue in June of last year, agreed on a different cost and signed the document.

MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MS. DUNDON TO REQUEST THAT A REPRESENTATIVE FROM EHLER'S ATTEND A FUTURE MEETING TO EXPLAIN THE COST INCREASE. MOTION CARRIED.

- C. Consideration and possible action on changing the location of the Annual Town Meeting

The meeting will be held here as previously scheduled.

Ninth Order of business: Announcements and Planning Items

- A. Next Town Board Meeting – March 24
- B. Next Plan Commission Meeting – March 31 (possible quorum of Town Board needed)
- C. Spring Election – April 7
- D. Next Park and Recreation Commission Meeting – April 13

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO ADJOURN AT 7:20 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on:

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 24, 2015

Closed Session: It is anticipated the Town Board will convene into closed session for the following reason: Pursuant to authorization conferred by Section 19.85(1)(c), Wisconsin Statutes, to consider employment, promotion, compensation or employment evaluation data of any public employee over which the Town Board has jurisdiction or exercises responsibility, more specifically concerning the park and recreation coordinator. Participating in the closed session will be the Town Board and Town Clerk. Following the closed session, the Town Board may take action on matters discussed in the closed session.

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

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

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

Members Absent: P. Van Horn

Others Present: H. Jeanson, *Rotroff Jeanson and Company*, P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, J. Mann, *Mannedge*, E. Kranick, *Plan Commissioner*, K. Smith, *Lake Country Reporter*, 15 *Citizens*

First order of business: Call to Order
Chairman Kanter called the meeting to order at 7:35 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
Tim Frank, W301N3226 Windrush Circle, spoke on behalf of the Hawksnest Homeowner's Association, requesting that curbs be installed in the entrances of the subdivision. Chairman Kanter informed him that this discussion could take place at budget time.

Fourth order of business: Approval of March 10, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2014

Howard Jeanson reviewed the proposed 2014 budget amendment per audit. A copy of this document is available for review in the Clerk's office during normal office hours.

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE THE AMENDMENTS AS PRESENTED. MOTION CARRIED.

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55523 to #55558 IN THE AMOUNT OF \$416,707.83

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$32,867.66

MS. DUNDON/MS. DUCHOW

MOTION CARRIED

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

A. John P. Macy (3/6/15), Wisconsin Towns Association 2015 District Meeting

None

B. Eric J. Larson (3/16/15), Short-Term Rental Regulation Legal Issues and Recommendations

Chairman Kanter stated that it seems the Town of Delafield was proactive and ahead of the curve. We should feel proud of this. He referenced Page 5 ii of Attorney Larson's letter in that he recommends the Town authorize him to consider whether any updates should be made in light of the recent case referenced in this document.

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO REQUEST THAT ATTORNEY LARSON REVIEW THE TOWN CODE TO CONFIRM WHETHER OR NOT CHANGES NEED TO BE MADE. MOTION CARRIED.

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO TAKE ITEM 8C OUT OF ORDER. MOTION CARRIED.

C. Consideration and possible action regarding bids received for epoxy flooring work in the new Town Hall/Fire Station building

Mr. Mann stated that he and Chief Kozlowski are recommending Industrial Protective Coatings be awarded the bid in the amount of \$40,100.

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

The sign proposals came in over the \$20,000 budget amount. Mr. Mann displayed new proposals. This matter will be addressed at the 3/31 Plan Commission meeting.

Mr. Mann stated that he received a quote of \$2837.00 to install the mail slot. Chairman Kanter requested that this issue be discussed with the architect, as it was missed in the original plan. It's the principle of the matter.

The grand opening will be held on May 31st and Ms. Dundon has offered to chair the committee. The time of the event will be announced soon.

B. Consideration and possible action on Kueny Architect's review of a report to re-purpose the existing Town Hall building (tabled 3/10/15)

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

The Town Board unanimously approved a rendering with one change to the front door (at the request of Ms. Duchow).

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO DIRECT KUENY ARCHITECTS TO FINISH THE DRAWING AND PROCEED TO BID THE PROJECT. MOTION CARRIED.

Eighth order of business: New Business

- A. Consideration and possible action on matters discussed in the closed session specifically concerning the park and recreation coordinator

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

- B. Consideration and possible action on request to approve Alcohol Beverage "Class B" Liquor, Class "B" Beer and Soda Water Beverage License Applications for the period of July 1, 2014 through June 30, 2015 for Golden Anchor Properties WI LLC, Charles Hastings, Agent

Chairman Kanter recused himself from this matter. Ms. Dundon stated that a public hearing will be held on the 31st and she is of the opinion that the license process is premature at this point.

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

- D. Town Engineer's presentation of the Annual Stormwater Report for 2014

MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO TABLE FOR TWO WEEKS. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – March 31
- B. Spring Election – April 7
- C. Next Park and Recreation Commission Meeting – April 13
- D. Next Town Board Meeting – April 14
- E. Annual Town Meeting – April 21

Tenth order of business: Adjournment

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO ADJOURN AT 8:15 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: April 14, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
April 14, 2015

Closed Session: It is anticipated the Town Board will convene into closed session for the following reason: Pursuant to authorization conferred by Section 19.85(1)(c), Wisconsin Statutes, to consider employment, promotion, compensation or employment evaluation data of any public employee over which the Town Board has jurisdiction or exercises responsibility, more specifically concerning the park and recreation coordinator. Participating in the closed session will be the Town Board and Town Clerk. Following the closed session, the Town Board may take action on matters discussed in the closed session.

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

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

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

Others Present: D. Roberts, *Highway Superintendent*, P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, J. Formea, *Fire Department*, J. Mann, *Mannedge*, E. Kranick, *Plan Commissioner*, K. Smith, *Lake Country Reporter*, 8 Citizens

First order of business: Call to Order
Chairman Kanter called the meeting to order at 8:05 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments

Fourth order of business: Approval of March 24, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55561 to #55622 IN THE AMOUNT OF \$180,603.23 AND DRAW #9 PAYABLE TO SCHERRER CONSTRUCTION IN THE AMOUNT OF \$220,343.84

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$26,064.04

MS. DUNDON/MR. KRAUSE

MOTION CARRIED

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

A. Eric J. Larson (3/26/15), Seminar Materials
None

B. Eric J. Larson (3/31/15), Town Shoreland Zoning Proposed Legislation

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO DIRECT THE TOWN ATTORNEY TO WRITE A LETTER TO THE TOWN'S ASSOCIATION, AND POSSIBLY TO THE LEGISLATURE, RECOMMENDING HIS AMENDMENTS TO THE EXISTING PROVISIONS OF THE SUBJECT SECTIONS OF THE WIS. STATS. MOTION CARRIED.

- C. Tim Frank (3/31/15), Curb installation at the entrances of Hawksnest subdivision

Engineer Barbeau stated that he met with Mr. Frank earlier this year regarding the Hawksnest Homeowners Association request to install curbs at the entrance to their subdivision at Maple Avenue and Windrush Circle. He received specific information from Mr. Frank on their request.

The general consensus of the Town Board is to request that Mr. Frank let the property owners know that if they want the curbs installed, they need to either provide the money up front or a signed waiver approving an assessment for all costs related to this installation.

Seventh order of business: Unfinished Business

- A. Further discussion on new fire station/town hall

1. Approval of change order

Mr. Mann requested approval of change order #26 in the amount of \$2,837 for installation of a mail slot. It has already been installed, but the paperwork needs to be finalized.

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

Mr. Mann directed attention to 2 change orders that will be addressed at the next meeting in the amount of \$1,000. He stated that he added an amount of \$7500.00 for shelving, and we are in the process of working on this issue. The last coat of asphalt will go on in May.

2. Consideration and possible action on Kueny Architect's review of bid requirements to re-purpose the existing town hall

Mr. Mann stated that Jon Wallenkamp wrote an advertisement for bid. It was forwarded to Attorney Larson and is being finalized. Because we exceed the threshold, then we are required to pay prevailing wages on this project.

3. Consideration and possible action on internet/phone service

Jamie Formea reviewed proposed costs from Time Warner Cable and Century Link for internet/phone service for the new Fire Station/Town Hall

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO ACCEPT PROPOSAL #4. MOTION CARRIED.

- B. Consideration and possible action on matters discussed in the closed session specifically concerning the park and recreation coordinator (tabled 3/24/15)

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

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO INCREASE THE PARK AND RECREATION COORDINATOR SALARY TO \$14,000/YEAR. MOTION CARRIED.

- C. Town Engineer's presentation of the Annual Stormwater Report for 2014 (tabled 3/24/15)

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

Engineer Barbeau summarized the subject report identifying Zion Creek as an impaired water body. He stated that the Town has discussed with Lake Pewaukee Sanitary District and Western Lakes Golf Club the possibility of a stream improvement project on the golf course where Zion Creek passes through multiple ponds. Maintenance issues detected during screening of the dry weather fields were reviewed by the Highway Superintendent and are being scheduled for completion. The Town will work with the DNR to update their construction site pollutant control ordinance and their post-construction storm water management ordinance by 3/31/16. Their construction site pollutant control program will also be reviewed and revised as needed. Engineer Barbeau provided a summary on the town's pollution prevention management.

Eighth order of business: New Business

- A. Consideration and possible action on Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment

Engineer Barbeau stated that there have been issues regarding an alley off of Maple Avenue that is severely deteriorating, allowing material other than storm water to flow through the Town's storm sewer system and toward Pewaukee Lake. The property owners have been concerned about getting this fixed. The Town Board gave them an opportunity to vacate the alley and pave it to reduce the debris. Since the property owners have not responded, the Town went forward and put together a resolution. The Town will pave the road, grind it up, re-grade and repave it and assess the costs back to the property owners.

Ed Welch, Maple Ave., stated that the neighbors are in process of discussing the proposal. There is a good faith understanding and it looks positive. The neighbors would like to work more with Engineer Barbeau and Don Roberts before agreement of the ultimate vacation of the road.

Engineer Barbeau stated that the paperwork for the vacation has to be signed by all parties before the road can be vacated.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO TABLE UNTIL JUNE 9. MOTION CARRIED.

- B. Consideration and possible action on Plan Commission's recommendation to approve a Commercial Planned Unit Development Conditional Use Permit and Certified Survey Map for Fiduciary Real Estate Development Co., on lands located on the north side of Golf Road, west of CTH SS; also approval of stormwater maintenance agreement and deed restrictions

Engineer Barbeau stated that a commercial planned unit development ordinance was approved by the Town Board requiring 75% minimum open space in the B-3 District. He reviewed the subject Conditional Use and directed attention to letters W – Z stating that they were recommended additions by the Town Attorney.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO APPROVE THE PLAN COMMISSION'S RECOMMENDATION SUBJECT TO THE ORDINANCE BEING APPROVED BY THE COUNTY ON THE 28TH. MOTION CARRIED.

MOTION AMENDED BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO INCLUDE APPROVAL OF THE CERTIFIED SURVEY MAP. MOTION CARRIED.

- C. Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
 - 1. Brittni Begale – Pewaukee Yacht Club, Inc.

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

Ninth Order of business: Announcements and Planning Items

- A. Annual Town Meeting – April 21
- B. Next Town Board Meeting – April 28
- C. Next Plan Commission Meeting – May 5
- D. Next Park and Recreation Commission Meeting – May 11

Tenth order of business: Adjournment

**MOTION MADE BY CHAIRMAN KANTER, SECONDED BY MS. DUNDON TO ADJOURN AT 9:40 P.M.
MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on: April 28, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
April 28, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: D. Roberts, *Highway Superintendent*, T. Barbeau, *Town Engineer*, P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, J. Formea, *Fire Department*, T. Fockler, *Building Inspector*, J. Mann, *Mannedge*, K. Smith, *Lake Country Reporter*, 14 Citizens

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments

Fourth order of business: Approval of April 14, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE AS PRESENTED.
MOTION CARRIED.

Fifth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55661 to #55688 IN THE AMOUNT OF \$79,759.84

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$39,010.41

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

A. John and Nancy Kreil (4/20/15), Re: Request to obtain 20 feet of property along the northern border of their property line adjacent to the Town of Delafield Fire Station #1

Chairman Krause stated that this item was on the Annual Meeting Agenda, and he requested that the new Town Board discuss the matter.

Engineer Barbeau stated that Fire Station #1 sits on three individual lots. They were never split, and the lines for each property were never erased. The Kriels live to the south of one of the lots and they access through grass to get to the back of their property on the north. There is a retaining wall and terracing on the south. Also, there is a gas easement through a grassy area on the fire station property that was granted by the Town to the gas company for service to the Kreil property.

Chairman Krause stated that it's always been in the plan to raise the existing building, market the lots and return the money to the taxpayers of the town. If there is no financial penalty to the town for the Kriels to obtain the requested 20 feet of property along the northern border of their property line adjacent to fire station #1, there would not be a problem working with the Kriels.

Mrs. Kreil stated that she is concerned about a discrepancy if a new survey is done. Their survey dated 10/16/08 shows that the east corner of their home is only 2.93' from their north property line. The survey ordered by the Town in 2011 reflected a discrepancy in the common lot line, and she is asking the Town to resolve this issue before the property is sold.

The general consensus of the Town Board is that there is not enough information available at this time as far as value of the land, easements, etc., in order to make a determination.

- B. Eric J. Larson (4/23/15), Re: An Ordinance to Repeal and Recreate Sections 9.14(1)(b)(1) and 9.14(6)(b) of the Town of Delafield Municipal Code Related to Minimum Property Standards

Chairman Krause stated that this matter was sent to the Town Attorney to tidy up the Town Code re: offsets between buildings.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

Seventh order of business: Unfinished Business

- A. Further discussion on new fire station/town hall
1. Approval of change orders

Mr. Mann summarized Change Order Number 027 in the amount of \$5,126.00.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

2. Discussion and possible action on Disposition of Fire Station #1

Ms. Duchow stated that she is working with a realtor to help us with a plan to split the land into three lots and sell them. She will report back to the Town Board with financial information. The town wants to be the developer, but is seeking professional help. If a realtor is hired, they could mark the property as three lots. The questions as to how we obtain sanitary sewer and gas service to the property, etc. would need to be researched.

The general consensus of the Town Board is to request that a professional provide a presentation on what can be done with the property, financial information, etc., at a later meeting.

3. Public use of the new Town Hall

Chairman Krause stated that the clerk brought this matter to his attention, due to questions she has received and current reservations slotted. The general consensus of the Town Board is to continue allowing private use of the Town Hall per Chapter 12.095 of the Town Code.

- B. Consideration and possible action on request to approve Alcohol Beverage "Class B" Liquor, Class "B" Beer and Soda Water Beverage License Applications for the period of July 1, 2014 through June 30, 2015 for Golden Anchor Properties WI LLC, Charles Hastings, Agent (tabled 3/24/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

The clerk directed attention to #9 of the application re: premises description. Mr. Hastings included the patio area as to where alcohol beverages will be sold and stored.

Mr. Hastings amended his application to reflect that no liquor will be sold or stored on the patio.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE SUBJECT TO GETTING ALL NECESSARY APPROVALS RECOMMENDED BY WAUKESHA COUNTY. MOTION CARRIED.

Eighth order of business: New Business

A. Appointments to the Plan Commission

Chairman Krause stated that Mr. Tagtow has decided to resign from the Plan Commission. At the present time, there are three openings. Mr. Kranick was appointed for a 3-year term as a citizen as is now a Town Board member.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. VAN HORN TO APPOINT MR. KRANICK TO THE PLAN COMMISSION FOR A ONE YEAR TERM. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – ABSTAINED, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. KRANICK TO APPOINT CLARE DUNDON TO SERVE ON THE PLAN COMMISSION FOR A ONE YEAR TERM. MOTION CARRIED.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO APPOINT PAUL L. KANTER TO SERVE ON THE PLAN COMMISSION FOR A THREE YEAR TERM. MOTION CARRIED.

B. Appointments of Town Board liaisons

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO NOMINATE MR. KRANICK AS THE NEW PARK AND RECREATION COMMISSIONER. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – ABSTAINED, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED.

Chairman Krause stated that he will handle the legal issues, represent the town on the Lake Country Municipal Court Committee and serve as liaison to the clerk's office. Ms. Duchow was appointed to serve as liaison to the clerk's office and fire department. Mr. Van Horn will handle the lake patrol and work with Ms. Duchow on the disposition of Fire Station #1. Mr. Troy was appointed to serve as liaison to the highway department.

C. Consideration and possible action on Alcohol Permit for an event to be held at the Sports Commons on May 17, 2015

Victoria Bolskar, 2116 Patrick Lane, Waukesha stated that she will be in charge of checking ID's.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

D. Consideration and possible action regarding ordinance violations at W305 N1775 Silverwood Lane, and opportunity for property owner to show cause why the Town should not commence enforcement

The homeowners received a letter from the Town Attorney requesting their attendance at this meeting. Subsequently, neither they nor anyone on their behalf attended.

Building Inspector, Tony Fockler, stated that this has been an ongoing issue, as the property owner has failed to construct a conforming pool enclosure and the permit expired last year. Mr. Fockler received a letter from the property owners stating that they have hired a contractor and the project will be completed by 5/22.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUCHOW TO DIRECT THE TOWN ATTORNEY TO WRITE A LETTER TO THE HOMEOWNERS STATING THAT A PERMIT MUST BE OBTAINED AND THE PROPERTY MUST BE IN COMPLIANCE BY MAY 22, 2015, OR THE TOWN WILL COMMENCE AN ENFORCEMENT ACTION AGAINST THEM. MOTION CARRIED.

- A. Consideration and possible action on approval of Developer's Agreement for Woodridge Estates II

Mr. Kranick recused himself.

Engineer Barbeau stated that the subject document is the same as Woodridge Estates I with the exception of the hydrant requirement and date changes. The Town Attorney is suggesting that it be approved subject to final revisions or any updates by Engineer Barbeau or Attorney Larson.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE SUBJECT TO FINAL APPROVAL BY STAFF AND LEGAL COUNSEL. MOTION CARRIED.

- F. Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
Diana Stukel – Golden Anchor

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – May 5
- B. Next Park and Recreation Commission Meeting – May 11
- C. Next Town Board Meeting – May 12
- D. New Fire Station/Town Hall Open House – May 31

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADJOURN AT 8:25 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: May 12, 2015

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
May 12, 2015**

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: T. Barbeau, *Town Engineer*, J. Wallenkamp, *Kueny Architects*, J. Formea, *Fire Department*, 7 *Citizens*

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments

Fourth order of business: Approval of April 28, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE AS PRESENTED. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55691 to #55798 IN THE AMOUNT OF \$87,671.21 AND DRAW NO. 10 PAYABLE TO SCHERRER CONSTRUCTION CO. IN THE AMOUNT OF \$65,030.00

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$36,149.07

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

A. Jason Fruth (4/28/15), Re: Waiver to Reduce the Established Road Right-of-Way Width of Poplar Dr. from 66 ft. to 30 ft.

Chairman Krause stated that Waukesha County approved the subject right-of-way width.

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

Ms. Duchow stated that grand opening will be held on the 31st. She encouraged all to attend, as the fire dept. is not often open for tours so this will be a great opportunity to view the trucks. The fire dept. will be offering free blood pressure screenings, blood sugar tests and demonstrate the new CPR device.

Eighth order of business: New Business

A. Recognition of Mike Tagtow

Chairman Krause stated that Mike was not able to attend this evening. He served on the Plan Commission for 11 years. He always had great input, was very dedicated to the commission and the Town is grateful for his service. A plaque will be presented to him at his home.

B. Award of contract for renovation of the existing Town Hall

Jon Wallenkamp stated that all paperwork has been submitted to the State, and he is expecting to receive their review this week. He presented a cost estimate for the storage building remodel and bid results. The general consensus of the Board is to table this matter to allow additional time to review the information presented by Mr. Wallenkamp.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO TABLE FOR TWO WEEKS. MOTION CARRIED.

**C. Consideration and possible action on Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
Evan Wolf – Golden Anchor**

Chairman Krause questioned Mr. Wolf on the OWI conviction he had listed on his application that occurred in July of 2013. Mr. Wolf explained stated he was the passenger in the car. He appeared in court, and the conviction was dropped to wreckless driving. He was directed by the Court to take a class pertaining to this matter, and he did comply.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – NAY, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

D. Consideration and possible action on Plan Commission's recommendation to approve a request to rezone lands located at W300 N3317 Maple Avenue and W300 N3371 Maple Avenue from A-1 Agricultural District to R-1A Residential District for the development of a subdivision

Engineer Barbeau stated that a public hearing was held on this matter last Tuesday. The rezoning request is for potential development of the land at a future time. There were concerns from residents of the Hawksnest subdivision primarily related to the development, the berm and water issues that have occurred in the past. The homeowners would prefer not to have traffic come through their subdivision. The density from the town's land use plan has set the maximum number at 11. The minimum area required under the R-1A district is 1 acre. The proposed 11 lots range from 1.0 acre to 1.47 acres. He stated that issue before the Board this evening is only to approve the rezoning.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE REQUEST TO REZONE THE SUBJECT LANDS. MOTION CARRIED.

E. Consideration and possible action on Plan Commission's recommendation to approve a request to rezone lands located at N35 W29710 North Shore Drive from A-1 Agricultural District to A-2 Rural Home District

Engineer Barbeau stated that the subject 3.7 acres of lands are located on the north side of North Shore Drive, directly west of the North Shore Middle School. The applicant's request to rezone his property will bring his land into conformance with the A-2 Rural Home District requirements and allow him a higher open space percentage for construction of an accessory building.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE REQUEST TO REZONE THE SUBJECT LAND. MOTION CARRIED.

- F. Consideration and possible action regarding A Resolution to Petition that Waukesha County Pay the Full Cost of its Election Equipment Update Program

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

- G. Consideration and possible action regarding A Resolution to Change the Town of Delafield Polling Place for Wards 1,2,5,6 to the New Town of Delafield Town Hall

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

- H. Discussion on alternative polling location for the Special Election to be held on July 21, 2015

This item will be on the next Town Board agenda.

Ninth Order of business: Announcements and Planning Items

- A. Board of Review – May 26, 7:00 p.m. – Adjourn to July 9 @ 7:00 p.m.
- B. Next Town Board Meeting – May 26 – Immediately following Board of Review
- C. Open House – Sunday, May 31 – 1:00 p.m. to 4:00 p.m.

Tenth order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 7:45 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: May 26, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
May 26, 2015

Members Present: L. Krause, P. Van Horn, E. Kranick

Members Absent: C. Duchow, R. Troy

Others Present: P. Kozlowski, *Fire Chief*, D. Roberts, *Highway Superintendent*, J. Mann, *Mannedge*, 4 *Citizens*

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of May 12, 2015 Town Board Minutes
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 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55801 to #55828 IN THE AMOUNT OF \$55,022.31

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$25,990.27

CHAIRMAN KRAUSE/MR. KRANICK

MOTION CARRIED

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

A. None

Seventh order of business: Unfinished Business

A. Further discussion on new fire station/town hall

Mr. Mann provided a summary sheet of costs and reviewed the few additions that result in the balance of the contingency fund at \$56,510.00. He stated that, to his knowledge, there will be no more change orders. There are a couple of punch list items to be taken care of, but mostly the building is in great shape. His two biggest concerns are water (moisture) issues located in the bottom of the elevator shaft and the area directly east of the transformer in the electrical room.

Mr. Roberts and Mr. Mann will look into installing a permanent pipe on the hillside in front of the generator to allow water to run westerly from the building.

B. Discussion on alternative polling location for the Special Election to be held on July 21, 2015

The town clerk was directed to contact Faith Springs Presbyterian Church and Prairie Hill Waldorf School and request approval to use their facilities for the subject election.

Eighth order of business: New Business

A. Consideration and possible action on Operator Licenses for the period of 7/1/14 to 6/30/16:

1. George Kiesow – *Golden Anchor*

Mr. Kiesow stated he didn't include information on the 2008 misdemeanor that appeared on his background check because he was informed at the time of the incident that if he paid the fine, it would not go on his record. He also told the Town Board that he was only the passenger in the car. The Town Board informed Mr. Kiesow that if anything happens again, he will not be approved for another license.

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

2. Janel Kramer – *Golden Anchor*

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

3. Alexandra Kutzt – *Western Lakes Golf Club*

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

4. Paige Levenhagen – *Western Lakes Golf Club*

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

- B. Discussion re: purchase of utility vehicle

Mr. Roberts stated that during last year's budget process, money was set aside for a truck. He is requesting to use the monies to purchase a utility vehicle to plow at the new Fire Station/Town Hall building. He would like to purchase a side-by-side Bobcat (with a snow blower attached) for \$58,500. It could also be used for leaf removal.

The general consensus of the Board is to review the proposal before making a decision.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO TABLE FOR TWO WEEKS. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Open House – Sunday, May 31 – 1:00 p.m. to 4:00 p.m. – W302 N1208 Maple Ave. and W302 N1254 Maple Ave.
- B. Next Plan Commission Meeting – June 2 – 7:00 p.m. – N14W30782 Golf Rd.
- C. Next Park and Recreation Commission Meeting – June 8 – 7:00 p.m. – N14W30782 Golf Rd.
- D. Next Town Board Meeting – June 9 – 7:00 p.m. - N14W30782 Golf Rd.

Tenth order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO ADJOURN AT 7:35 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: June 9, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
June 9, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: P. Kozlowski, *Fire Chief*, D. Roberts, *Highway Superintendent*, T. Barbeau, *Town Engineer*,
6 Citizens

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:10 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of May 26, 2015 Town Board Minutes
The minutes will be filed as prepared by the Town Clerk.

Chairman Krause requested to make a change to the April 28 minutes. He stated that Mr. Kranick was appointed as Town Board member on the Plan Commission to a 3-yr. term, and it should be a 1-yr. term. The minutes will be corrected as proposed.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55830 to #55876 IN THE AMOUNT OF \$93,222.71

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$26,263.89

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

A. None

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO TAKE ITEM 8A OUT OF ORDER.
MOTION CARRIED.**

Eighth order of business: New Business

A. Consideration and possible action on Ordinance to Repeal and Recreate Section 1.15 of the Town of Delafield Municipal Code Related to Board of Review

Chairman Krause stated that as was going through the Town Code, he discovered that the subject section states the Clerk is a member of the Board of Review. As the Clerk does not live in the Town, we need to correct this Section. Also, the area that references alternates needs to be made consistent with State Statute.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE ORDINANCE TO REPEAL AND RECREATE SECTION 1.15 OF THE TOWN OF DELAFIELD MUNICIPAL CODE RELATED TO BOARD OF REVIEW. MOTION CARRIED.

Seventh order of business: Unfinished Business

A. Further discussion and possible action on new fire station/town hall and moving into the new town hall

Ms. Duchow stated that the new building looks great and everything is in place for the move.

B. Award of contract for renovation of existing town hall (tabled 5/12/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Chairman Krause stated that the original estimate came in low, as new issues developed after it was presented. The raising of the old structure will cost more than had been anticipated.

Mr. Troy is concerned about voting for the program until we have the full cost in place. He would like to have a firm look at both structures to deal with the asbestos abatement, send it out for bid and address the issue at that time.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO TABLE THE VOTE ON RENOVATION OF THE EXISTING TOWN HALL UNTIL THE BUILDING HAS BEEN REVIEWED FOR ASBESTOS ABATEMENT. MOTION CARRIED.

Mr. Troy stated the request to consider spending no more than \$3500 to obtain an assessment for asbestos removal of the town hall, shed and fire station #1.

Mr. Wallenkamp informed the Town Board of the need to relocate the existing WE energies gas and electric meter. He stated that there will also be costs to remove power from the existing shed.

C. Consideration and possible action on disposition of Fire Station #1

Engineer Barbeau stated that the subject land consists of 2 tax key #'s with 3 lots of record. The 3 lots that can be built on are zoned R-2, consist of portions of environmental corridor, are 100 ft. wide and have sewer. The County will allow 15,000 sq. ft. of disturbance. The County land use plan designates the land as institutional and government. The plan commission will take up the issue to change this in the summer. An environmental inspection will be done prior to the demolition bid process, and the Town Board will decide on how to sell the land.

Chairman Krause stated that this issue will be re-addressed in two weeks.

D. Consideration and possible action on Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment (tabled 4/14/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Engineer Barbeau stated that a letter and schematic plan will be going out to the four neighbors on the second and third alleys informing them that the Town will re-pave the area as a driveway and ask the neighbors to take it over.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO ALLOW THE NEIGHBORS TO MAKE A DECISION BY THE JULY 14TH MEETING. MOTION CARRIED.

E. Discussion on alternative polling location for the Special Election to be held on July 21, 2015

The general consensus of the town is to hold the election at the new town hall facility.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO HOLD THE SPECIAL ELECTION FOR WARDS 7, 8 AT THE NEW TOWN HALL FACILITY AND APPROVE A RESOLUTION TO REFLECT THE SAME. MOTION CARRIED.

F. Discussion re: purchase of utility vehicle (tabled 5/26/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Troy stated that this is a self-created issue because of the topography of the new town hall driveway. There is no area available to push the snow. The proposed utility vehicle could also be used for mowing, weed whacking and to run the leaf blower.

MOTION MADE BY MR. TROY, SECONDED BY MR. VAN HORN TO APPROVE THE HIGHWAY DEPARTMENT'S REQUEST TO PURCHASE A UTILITY VEHICLE NOT TO EXCEED \$58,100. MS. DUCHOW – NO, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

Eighth order of business: New Business

B. Appointment to Board of Review

Chairman Krause stated that the Board of Review is composed of 6 members, and he wishes to appoint Paul Kanter to fill a vacancy.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO APPOINT PAUL KANTER TO THE BOARD OF REVIEW. MOTION CARRIED.

C. Appointment to Lake Pewaukee Sanitary District

Chairman Krause stated that he was an LPSD commissioner and recently resigned that position. As it is his duty to appoint a replacement, he is recommending John Gutenkunst. John is a lake resident, and his grandfather installed the sewer around the lake. He has a strong interest in the environment.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO APPOINT JOHN GUTENKUNST AS LAKE PEWAUKEE SANITARY DISTRICT COMMISSIONER. MOTION CARRIED.

D. Request from Chad Coley, N21W28624 Louis Avenue, for an exception to Section 9.14(1) of the Town of Delafield Code

Engineer Barbeau stated that this request allows the Town to continue to enforce codes related to the subject section. In areas where structures are located very close together, the fire chief is very concerned about fires jumping from one home to another. Mr. Coley does not meet the recommended setback of 20 ft. He is located 11 ft. away from his neighbor and the side yard offsets are 2.4 and 3.1. Town Code requires 7.5 ft. Engineer Barbeau stated that we do not have a system of variance/by a system of exception that can be granted by the Town Board. There has to be a finding of the following facts in making a decision: exceptional circumstances, preservation of property rights and absence of detriment in making a decision. Also, there are water runoff concerns from the roof.

Mr. Coley has received County approval conditioned upon the Town's decision re: the fire issue. He stated that he talked to his neighbor to the north and they requested that Mr. Coley inform them of the work schedule. He is proposing to install a 6" gutter with a leaf guard. He would like to bring everything up to code and use the home for long term use. He stated that the footprint will remain the same. He presented models of the current home and summarized the proposed revisions.

The Town Board discussed each finding of fact. 1. Exceptional Circumstances: The property is 3 ft. off the lot line on one side and is only 32 ft. wide, which presents a burden. 2. Preservation of property rights: This is a partial repair and aesthetic issue, but this exception would allow Mr. Coley and his neighbors to enjoy his property more.

3. Absence of detriment: There is no detriment to the town or neighbors, and this will be a positive for the Town of Delafield.

MOTION MADE BY MR. TROY, SECONDED BY MR. VAN HORN TO GRANT A 20 FT. SEPARATION EXCEPTION AND THE REQUESTED OFFSETS NOT TO EXCEED 2.4 AND 3.1. MOTION CARRIED.

E. Consideration and possible action on Metropolitan Builders Association's request to hold the Parade of Homes at Woodridge Estates Subdivision

Chairman Krause stated that the MBA initially sent their forms to the City, and he requested that a letter be sent to the Town. The Town Board recommend that the highway department and fire chief discuss the traffic issues.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO ALLOW THE METROPOLITAN BUILDER'S ASSOCIATION TO HOLD THE PARADE OF HOMES AT WOODRIDGE ESTATES SUBDIVISION CONDITIONED UPON APPROVALS FROM THE DPW SUPERVISOR AND FIRE CHIEF. MR. KRANICK – ABSTAINED. MOTION PASSED 4-1.

F. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map to reconfigure lands owned by Peter Ogden, W290N2171 Happy Hollow Road

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE A CERTIFIED SURVEY MAP TO RECONFIGURE LANDS OWNED BY PETER OGDEN, W290N2171 HAPPY HOLLOW ROAD. MS. DUCHOW - AYE, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – NO, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

G. Consideration and possible action on Town Plan Commission's request to begin termination proceedings for James Cadd, Watercrest Investments d/b/a JR Motorsports, N47 W28229 Lynndale Road, and referral to the Plan Commission for public hearing and recommendation thereon

Engineer Barbeau stated that a conditional use permit was granted in July for "other uses" for the subject property. Since that time, there has been a large pile of asphalt millings dumped, grading was ceased because it wasn't allowed and installation of a fence was requested by the plan commission but never done. The Plan Commission has decided to terminate the conditional use permit and is petitioning the Town Board to proceed. If the Town Board agrees, the matter would then be referred back to the Plan Commission for public hearing and recommendation.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO PROCEED WITH REMOVAL OF THE CONDITIONAL USE PERMIT FOR THE SUBJECT DEVELOPMENT. MOTION CARRIED.

H. Approval of Chicken Licenses: 1. Mark and Mary Gundrum (renewal) N2 W28791 Sylvan Trail
2. Robin Weiss (new) N11 W31950 Phyllis Parkway

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE CHICKEN LICENSE RENEWAL FOR MARK AND MARY GUNDRUM. MOTION CARRIED.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE CHICKEN LICENSE FOR ROBIN WEISS. MOTION CARRIED.

I. Approval of Election Equipment Contract Governmental Agreement

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE THE ELECTION EQUIPMENT CONTRACT GOVERNMENTAL AGREEMENT SUBJECT TO THE FINAL DIVISION OF COSTS THAT IS MOST FAVORABLE TO THE MUNICIPALITY THAT THE COUNTY ULTIMATELY AGREES TO PROVIDE, WHICH SHALL NOT REQUIRE MORE THAN ONE-THIRD OF THE "SET A" COSTS TO BE BORNE BY THE MUNICIPALITY AND SUBJECT TO THE FINAL FORM OF THE DOCUMENT BEING PREPARED IN A FORM APPROVED BY THE TOWN ATTORNEY. MOTION CARRIED.

J. Discussion and possible action on agricultural use of the proposed new KE Park

Mr. Kranick presented a copy of an agricultural lease between the Town and Delafield and Lessor, and Dave Morris, Lessee. The Town Board presented the following concerns: What happens after Mr. Morris harvests the crop in the spring; Should there be an indemnification clause in the lease; If any attorney fees are incurred, the Town should not be responsible for them.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO APPROVE SUBJECT TO THE TOWN CHAIRMAN APPROVING THE LIABILITY AND CONDITIONED UPON SOME DETERMINATION AS TO HOW THE LAND WILL BE LEFT AFTER LEASING OF THE KE AREA. MOTION CARRIED.

K. Request to approve renewal Alcohol Beverage "Class B" Liquor, Class "B" Beer and Soda Water Beverage License Applications for the period of July 1, 2015 through June 30, 2016 for the following:

1. *Pewaukee Yacht Club, Inc.*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR PEWAUKEE YACHT CLUB, INC. MOTION CARRIED.

2. *Kim's Lakeside LLC*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR KIM'S LAKESIDE LLC. MOTION CARRIED.

3. *Western Lakes Golf Club, Inc.*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR WESTERN LAKES GOLF CLUB, INC. MOTION CARRIED.

4. *Golden Anchor*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR WESTERN LAKES GOLF CLUB, INC. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – NO, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

L. Request to approve renewal Alcohol Beverage Class "A" Beer License Application for the period of July 1, 2015 through June 30, 2016 for Gluten Free Trading Company LLC

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSE FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR GLUTEN FREE TRADING COMPANY LLC. MOTION CARRIED.

M. Request to approve renewal Alcohol Beverage Class "B" Beer and Soda Water Beverage License Applications for the period of July 1, 2015 through June 30, 2016 for Buck Rub Outfitters, Ltd.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSES FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR BUCK RUB OUTFITTERS, LTD. MOTION CARRIED.

- N. Request to approve renewal Soda Water License Application for the period of July 1, 2015 through June 30, 2016 for St. Anthony on the Lake

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF THE SUBJECT LICENSE FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016 FOR ST. ANTHONY ON THE LAKE. MOTION CARRIED.

- O. Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
Paige Wamser – *Western Lakes Golf Club*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE OPERATOR LICENSE FOR PAIGE WAMSER – WESTERN LAKES GOLF CLUB, FOR THE PERIOD OF 7/1/14 TO 6/30/16. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Senate District 33 Special Partisan Primary – June 23
- B. Next Town Board Meeting – June 24, 2015 – W302 N1254 Maple Avenue
- C. Next Plan Commission Meeting – July 7 – W302 N1254 Maple Avenue
- D. Next Park and Recreation Commission Meeting – July 13 – W302 N1254 Maple Avenue

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADJOURN AT 9:20 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: June 24, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
June 24, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, J. Formea, *Fire Department*, T. Barbeau, *Town Engineer*, 7 Citizens

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of June 9, 2015 Town Board Minutes
The minutes will be filed with one minor correction.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55887 to #55927 IN THE AMOUNT OF \$64,804.39

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$40,837.35

MS. DUCHOW/MR. TROY

MOTION CARRIED

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

A. Eric J. Larson (6/9/15), Re: Woodridge Estates, LLC, Irrevocable Letter of Credit

Mr. Kranick recused himself. Engineer Barbeau stated that this is a standard Letter of Credit for Town improvements including grading, landscaping, curb and gutter.

Seventh order of business: Unfinished Business

A. Consideration and possible action on disposition of Fire Station #1 (tabled 6/9/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Mr. Kranick questioned whether or not the Town should be in the demolition business and what the Town would get out of developing the subject property. The general consensus of the Board is to consult with a professional to give us a statement of value and provide comparisons of demolishing and then selling the three lots, or selling the property "as is". Ms. Duchow stated that she will contact a developer to obtain a pro forma analysis.

Nancy Kreil, W304N2437 Maple Avenue, stated that she is trying to initiate a conversation with the Board to purchase a portion of the property to allow her and her husband to gain access to the back of their yard. Chairman Krause informed her that any adjustments would need to be done by a survey.

B. Consideration and possible action on renovation of existing town hall

1) Asbestos inspection proposal

Mr. Troy presented an asbestos proposal from KPH Environmental stating that it would cost \$1100.00 to obtain an asbestos analysis of the old town hall or \$3250.00 to cover the old town

hall, existing shed and old fire station. Discussion followed on hiring 1 contractor who could sub contract the abatement.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO ACCEPT THE ASBESTOS INSPECTION PROPOSAL OF \$3250.00 TO COVER ALL 3 BUILDINGS AND BE COMPLETED BY THE NEXT TOWN BOARD MEETING. MOTION CARRIED.

- C. Further discussion and possible action on new fire station/town hall
1) Appreciation

Ms. Duchow expressed appreciation to Jamie Formea for his countless hours of working "above and beyond" on setting up phone, cable and IT services for the new fire station/town hall. She presented him with a token of appreciation for his hard work and dedicated service to the Town.

- 2) Furniture

Ms. Duchow stated that the fire department is requesting to take \$4100.00 out of their appreciation fund to purchase furniture for their day room area.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

Eighth order of business: New Business

- A. Lee and Nancy Dlouhy W294 N3107 Bittersweet Lane, Re: Consideration and possible action on a request to amend the Town Street and Highway Width Map to reduce Bittersweet Lane and Hill Street from proposed 66 feet to the platted right of way width of 30 feet

Engineer Barbeau stated that Bittersweet Lane and Hill Street are shown on the street map as 66 feet. At the existing 30 ft. platted right-of-way, the subject property owners can build an accessory building. Engineer Barbeau is requesting approval from the Town Board to refer this matter to the Plan Commission.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO REFER THIS MATTER TO THE PLAN COMMISSION. MOTION CARRIED.

- B. Consideration and possible action to award the 2015 Town Road Paving Program contract

Engineer Barbeau stated that the Town received 2 bids for the subject project that far exceeded the budget amount. This was due primarily to the bid for the retaining wall along Hillcrest Drive, east of Poplar Drive. Payne & Dolan bid the item at \$225,000, but staff's estimate of \$65,000 was based on similar sized walls bid out by the WisDOT. Based on staff conversations as well as those with other contractors, the bid proposed is out of line. Both bidders indicated that Zenith Tech was the only subcontractor that offered a bid to both contractors. In order to accomplish the projects within the budget it may mean removing the item from the bid and re-bidding it separately, reducing other bid items to create some funds or rebidding the project in its entirety with reduced bid items.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO REJECT THE PAVING BIDS AND RE-BID THE PROJECT NOT TO INCLUDE ITEMS 10 AND 11 (SOLDIER PILE AND WOOD LAGGING WALL AND BEAM GUARD).

AMENDED MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO INCLUDE THAT STAFF PROVIDE A BID FOR PROBLEM AREA (RETAINING WALL) AT THE SECOND MEETING IN JANUARY OF 2016. MOTION CARRIED.

- C. Consideration and possible action to approve the asphalt path paving project contract at Elmhurst Park

Engineer Barbeau stated that we received three quotes from contractors to pave the walking path at Elmhurst Park. He recommended awarding the project to Poblocki Paving in the amount of \$24,680.00.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. TROY TO APPROVE IF FULLY BUDGETED. MOTION CARRIED.

- D. Consideration and possible action on Operator Licenses for the period of 7/1/14 to 6/30/16:
1) Halle Grove - *Western Lakes Golf Club*

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

- 2) Megan Grenz - *Kim's Lakeside*

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

- E. Consideration and possible action on a request for temporary employee parking for Golden Anchor staff at the old fire station

The general consensus of the Board is to not allow this request due to the following: there is an underground storage tank on the property that is currently being removed; this would be a temporary solution to a lengthy problem. When this building goes away, what happens?

MOTION MADE BY MR. TROY, SECONDED BY MR. VAN HORN TO DENY THE REQUEST FOR TEMPORARY EMPLOYEE PARKING FOR GOLDEN ANCHOR STAFF AT THE OLD FIRE STATION. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – July 7
- B. Board of Review – July 9 @ 7:00 p.m.
- C. Next Park and Recreation Commission Meeting – July 13
- D. Next Town Board Meeting – July 14
- E. Special Senate 33 District Election – July 21

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADJOURN AT 8:11 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: July 14, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
July 14, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: P. Kozlowski, *Fire Chief*, D. Roberts, *Highway Superintendent*, T. Barbeau, *Town Engineer*, K. Smith, *Lake Country Reporter*, 8 Citizens

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:01 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of June 24, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO APPROVE WITH TWO CORRECTIONS. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55950 to #56006 IN THE AMOUNT OF \$149,572.07

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$37,054.92

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

A. None

Seventh order of business: Unfinished Business

A. Consideration and possible action on disposition of Fire Station #1

Ms. Duchow stated that she met with Mr. Siepmann, Siepmann Development, and he is of the opinion that the building should be removed to make it more marketable and to eliminate questions on other possible uses. He requested additional time to review.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO TABLE FOR TWO WEEKS. MOTION CARRIED.

B. Consideration and possible action on renovation of old town hall

Mr. Troy stated that we still need estimated costs to remove telephone wires, re-locate gas meter, IT, etc.

Mr. Roberts stated that he contacted the phone company, and they will run wires from the existing pedestal to the highway garage at a cost of approximately \$100.00. He will contact We Energies to obtain the costs to re-locate the gas meter and disconnect the gas and electric and provide information at the meeting in two weeks.

C. Consideration and possible action on asbestos inspection analysis reports:

1) Old Town Hall on Golf Rd.

Mr. Troy directed attention to the asbestos and universal waste removal and disposal proposal submitted by KPH Environmental. The amount of \$1618.00 is to cover removal of 1% asbestos containing materials, 63 fluorescent light ballasts and 194 fluorescent light bulbs.

- 2) East garage on Golf Rd.

The amount of \$1019.87 is to cover removal of 1% asbestos containing materials, 4 fluorescent light ballasts, 8 fluorescent light bulbs, 1 window air conditioner and 1 mercury thermostat.

- 3) Old Fire Station on Maple Ave.

The amount of \$2592.15 is to cover removal of 1% asbestos containing materials, 55 fluorescent light ballasts, 123 fluorescent light bulbs, 1 air conditioner unit and 1 soda machine.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO MOVE FORWARD WITH ASBESTOS REMOVAL FOR THE OLD TOWN HALL AND EAST GARAGE. MOTION CARRIED.

- D. Further discussion and possible action on new fire station/town hall

- 1) Drainage and landscape issues

Ms. Duchow stated that Mr. Roberts will correct the problem with the pipe that goes into the west basin. He does not have the equipment or expertise to bore underneath the sidewalk at the fire station entrance where the downspout drains into the electrical inlet. Ms. Duchow will contact Scherrer Construction re: erosion on the west side of the upper parking lot. The dead trees and shrubs will be replaced in the Fall. Discussion followed on screening the generator.

- E. Consideration and possible action on Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment (tabled 6/9/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE.

Engineer Barbeau stated that he and Highway Superintendent Roberts met with Mr. Walters and Mr. Smerz and developed a proposed location for the 2nd driveway. He sent a letter to the property owners of the 2nd and 3rd alleys requesting that they meet and decide on which of the following options they desire: 1. The Town make improvements to the alleys and assesses the cost of the engineering, administration and construction to the abutting property owners; 2. The Town paves the alleys in exchange for the property owners agreeing to take over the alleys. The letter also informed them that the Town Board would request a resolution by the July 14 meeting. Chairman Krause stated that if the property owners are in favor of option #2, they would be obligated to pay the legal costs of approximately \$2,000 to proceed on vacation of the alleyways.

Sue Welch, N27W30080 Maple Avenue, is asking for reconsideration to pay costs because alley #3 has always been maintained by the property owners. Alley #2 needs major repair, and why doesn't the Town fix it (but not by Town standards). She feels that since the alleys were determined to be public, the Town should maintain them. Also, there are many Town roads that are not up to standards.

James Smerz, N27W30020 Maple Ave., stated that he has been working with Tim and Don. This is a construction project, and he will not sign the vacation until details are worked out. How will the Town put in a road that meets Town standards?

Jonathan Walter, N27W30028 Maple Ave., stated that he needs details before making a decision.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO TABLE TO ALLOW ALLEY OWNERS TWO MORE WEEKS TO COME TO AN AGREEMENT AND, IF NOT, ASSESS THEM TO BRING THE ALLEY UP TO TOWN STANDARDS. MOTION CARRIED.

Eighth order of business: New Business

A. Consideration and possible action on EMS billing services contract

Chief Kozlowski stated that the current billing service, Kettle Moraine Ambo., is going out of business. He is recommending approval to enter into an agreement with Andres Medical Billing, Ltd. Attorney Larson has reviewed and approved the contract.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

B. Consideration and possible action to request for alcohol permit for an event to be held on July 31 at the Sports Commons

MOTION MADE BY MS. DUCHOW SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

C. Consideration and possible action to request for alcohol permit for an event to be held on September 26 at the Sports Commons

MOTION MADE BY MS. DUCHOW SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

D. Consideration and possible action on the Plan Commission's recommendation not to revoke Mr. Cadd's Conditional Use Permit on lands located at N47W28229 Lynndale Road

James Cadd, 2640 Bartlett Drive, stated that he has allowed parking of a vehicle on his property.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION NOT TO REVOKE MR. CADD'S CONDITIONAL USE PERMIT ON LANDS LOCATED AT N47W28229 LYNNDALE ROAD CONDITIONED UPON THE FOLLOWING: THERE IS TO BE NO STORAGE OF PRIVATE ITEMS OR VEHICLES ON THE PROPERTY; PRIOR TO ANY NEW BUSINESS OPENING ON THIS PROPERTY, MR. CADD MUST RETURN AND OBTAIN PLAN COMMISSION APPROVAL OF A PLAN OF OPERATION FOR THE NEW BUSINESS. MOTION CARRIED.

E. Consideration and possible action on Plan Commission's recommendation to approve the proposed park improvement plans for KE park

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE THE PRELIMINARY PLAN FOR THE PROPOSED PARK IMPROVEMENTS FOR KE PARK, COMMENCE REZONING THE PROPERTY TO P-1 AND COMBINE THE PROPERTY INVOLVED INTO ONE TAX KEY PARCEL. MOTION CARRIED.

F. Consideration and possible action to accept bid for the 2015 Annual Road program

Engineer Barbeau stated that two bids were opened today for the subject project. Payne & Dolan, Inc. came in at \$608,729.75 and Wolf Paving, Inc. came in at \$615,878.50. He is recommending to award the 2015 Road Improvement Program Contract to Payne & Dolan, Inc. in the amount of \$608,729.75.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO AWARD THE 2015 ROAD PAVING PROGRAM CONTRACT TO PAYNE & DOLAN, INC. IN THE AMOUNT OF \$608,729.75. MOTION CARRIED.

- G. Consideration and possible action on a Temporary Class "B" license to sell fermented beverages and a Temporary "Class B" license to sell wine for St. Anthony on the Lake on August 29, 2015

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

- H. Consideration and possible action on a Temporary Class "B" license to sell fermented beverages and a Temporary "Class B" license to sell wine for Lifestriders on September 26, 2015

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

- I. Consideration and possible action on Operator Licenses for the period of 7/1/14 to 6/30/16:
1) Madeline Schaber - *Western Lakes Golf Club*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

- 2) Ariel Steinke – *Western Lakes Golf Club*

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

- 3) Katelyn Kotajarvi – *Golden Anchor*

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

- 4) Jacqueline Behling - *Kim's Lakeside*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Special Senate 33 District Election – July 21
- B. Next Town Board Meeting – July 28
- C. Waukesha County Budget Hearing – July 30 @ 6:00 p.m. – Delafield Town Hall
- D. Next Plan Commission Meeting – August 4
- E. Next Park and Recreation Commission Meeting – August 10

Tenth order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO ADJOURN AT 9:15 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: July 28, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
July 28, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy
Others Present: P. Kozlowski, *Fire Chief*, D. Roberts, *Highway Superintendent*, John Mann, Mannedge, 4 Citizens

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments

There were no citizen comments.

Fourth order of business: Approval of July 14, 2015 Town Board Minutes
MINUTES APPROVED WITH ONE CORRECTION.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56028 to #56070 IN THE AMOUNT OF \$84,045.42 WITH THE EXCEPTION OF CHECK #56052 TO POBLOCKI PAVING WHICH WILL BE HELD BY THE TOWN CLERK UNTIL THE ELMHURST PARK PAVING PROJECT IS REVIEWED AND APPROVED BY THE PARK AND RECREATION COMMISSION.

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,710.80

MS. DUCHOW/MR. KRANICK. MOTION CARRIED.

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

A. Eric Larson (7/22/15) Re: 2015 Wisconsin Act 55 - State Budget - Treatment of Prevailing Wage

B. Matt Neumann (7/23/15) Re: Special event on August 14 in Woodridge Estates
Mr. Neumann stated the Parade of Homes begins August 15. Preview Night on August 14 is a celebration for the builders, contractors, and everyone who has been involved in the developments and homes. A developer's party will be held on August 14 beginning at 7:30 p.m. in the common area of the Woodridge Estates subdivision with a fire pit, food, and music. He expects 200-500 people. Neighbors have been notified and invited. He hopes to have Phase 2 of the subdivision paved prior to the start of the Parade.

Seventh order of business: Unfinished Business

A. Consideration and possible action on disposition of Fire Station #1 (tabled 7/14/15)
Since Engineer Barbeau was on vacation for this meeting, the Board left this item on the Table.

B. Consideration and possible action on renovation of old town hall
1) Discussion on removal of remaining items left in building

Mr. Kranick will work with the Park and Recreation Coordinator to move items the Park and Recreation Commission has stored upstairs in the old town hall. The Clerk's office has arranged for Habitat for Humanity to pick up the remaining office furniture, the board room table, and other remaining items next Wednesday. Hwy. Superintendent Roberts will meet with Habitat for Humanity and will dispose of any items remaining in the building.

Mr. Troy said KPH Environmental misrepresented their proposal. There is no change in the proposal for the current storage building, but there are significant changes in the environmental assessment for the old town hall. Issues relating to floor tile, upper level construction and hazardous materials which must be removed with special equipment have raised the quote to \$21,792. The builder doesn't feel qualified to remove the upper level materials. Mr. Troy instructed KPH to abate the old storage building beginning tomorrow but not to work on the old town hall.

The Board agreed with Mr. Troy's actions. They requested that Engineer Barbeau compare the new quote with the demolition quote to determine if there is overlap in the work on the two proposals. Hwy. Superintendent Roberts will work with KPH regarding moving of the items out of the building during the abatement process. Engineer Barbeau is instructed to take the remaining part of the project out to other environmental companies for new bids and be ready to discuss the progress at the next Board meeting.

Hwy. Superintendent Roberts is working on the gas relocation for the old town hall. Details for both the gas and electric relocation will be available for the next Town Board meeting.

Mr. Troy will work on the reconsideration of the current contract regarding KPH and will keep Chairman Krause apprised of any changes.

- C. Further discussion and possible action on new fire station/town hall
1) Punch List Items

Supervisors raised concerns regarding long-term costs associated with the items on the list from the architect. These included drainage problems, as well as ADA, grading, landscaping, and safety issues. Many decisions regarding the "A" items were made by the Town Board as the construction progressed. The Highway Department is able to correct some of the problems. Ms. Duchow will seek reimbursement from Scherrer Construction for several of the items which the Highway Department will be fixing.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW, TO INFORM THE CONTRACTOR THAT THE TOWN WILL ACCEPT THE "A" ITEMS CONTINGENT UPON FULL COMPLIANCE AND CORRECTION OF THE "B" ITEMS.

MOTION CARRIED 3/2 WITH CHAIRMAN KRAUSE, MS. DUCHOW AND MR. TROY VOTING "YES" AND MR. KRANICK AND MR. VAN HORN VOTING "NO".

Mr. Troy requested an understanding by the Board that since funding for correcting the items on this list is not provided for in the current Highway Department budget, the Board will agree not to penalize the Highway Department for all costs associated with the issues surrounding the new building. Hwy. Superintendent Roberts was instructed to keep a list and separate the costs associated with fixing issues concerning the new building and the property associated with it.

THE BOARD UNANIMOUSLY AGREED TO MR. TROY'S REQUEST.

Mr. Mann explained a maintenance agreement from Waukesha County. Chairman Krause will address this issue. An "As Built" document of just the stormwater retention system is needed

which is not in the budget. The current price quote is \$6,000. The document is required by the County. In addition, a posting board is being ordered for the Town Hall.

- D. Consideration and possible action on Resolution Declaring Intent to Exercise Police Power Authority for Special Assessment (tabled 7/14/15)

Input is needed from Engineer Barbeau. Therefore, Agenda Item D will remain on the Table for the next Town Board meeting.

Eighth order of business: New Business

- A. Consideration and possible action on Operator Licenses for the period of 7/1/14 to 6/30/16:
1) Sarah Kasten – *The Golden Anchor*

MOTION BY MR. KRANICK, SECONDED BY MS. DUCHOW, TO APPROVE THIS LICENSE. MOTION CARRIED.

- 2) Paul Ramage, Jr. – *The Golden Anchor*

MOTION BY MS. DUCHOW, SECONDED BY MR. KRANICK, TO APPROVE THIS LICENSE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Waukesha County Budget Hearing – July 30 @ 6:00 p.m. – Delafield Town Hall
B. Next Plan Commission Meeting – August 4
C. Swear-in Ceremony for Chris Kapenga – August 6 @ 8:30 a.m. – Delafield Town Hall
D. Next Park and Recreation Commission Meeting – August 10
E. Next Town Board Meeting – August 11

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY, TO ADJOURN AT 8:30 P.M. MOTION CARRIED.

Respectfully submitted,

Lauren Beale
Town Deputy Clerk/Treasurer

Minutes approved on: August 11, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
August 11, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: P. Kozlowski, *Fire Chief*, T. Barbeau, *Town Engineer*, John Mann, *Mannedge*,
8 Citizens

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of July 28, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE AS PRESENTED.
MOTION CARRIED.

Fifth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56075 TO #56118 IN THE AMOUNT OF \$162,708.02 AND CHECK #56052 TO POBLOCKI PAVING IN THE AMOUNT OF \$24,680.00

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$38,731.44

MS. DUCHOW/MR. KRANICK. MOTION CARRIED.

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

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

Eighth order of business: New Business

A. Request from Patrick DiStefano, N27W29999 Maple Avenue, for an exception to Section 9.14(1) of the Town of Delafield Code

Engineer Barbeau stated that Mr. DiStefano is proposing to remove an existing house and build a new residence on Maple Avenue, just west of the Jolly Fisherman curve. He received a number of approvals from Waukesha County, including a Conditional Use Permit for land disturbance. The Town Plan Commission reviewed the proposed grading and drainage plans and recommended approval to Waukesha County with conditions. When Mr. DiStefano submitted plans to the Town building inspector, it was determined that the minimum 15 foot setback requirements were not met. Section 9.14 (1)(9) of the Town Code allows for application of exception or modifications before the Board.

Patrick DiStefano provided a plat of survey of his proposed house labeled Exhibit "A". He is requesting an exception from Section 9.14 (1)(b)(2). From the north lot line, the proposed home is currently 14.81 ft., 14.73 ft. from the west lot line and 13.99 ft. from the east lot line. The exception is very small on the north and west lot line setbacks and just over 1 ft. for the east lot line setback. Mr. DiStefano has complied with all county requirements. The demolition was scheduled to occur a few

weeks ago. The foundation was supposed to be poured this week. He does not believe that this exception creates any police or fire safety issues. His proposed home complies with all other requirements of Section 9.14 re: minimum building standards. He has been working on this project for approximately 18 months, has been in continual contact with the Town Engineer and was never made aware of the Town Code 9.14 requirements for minimum 15 ft. setbacks.

Exhibit "B" reflects that the existing home does not comply with the shoreland setback, floodplain setback or side setback on the west. The home, as it is today, is located 8 inches from the neighbor to the west, the garage is in the middle of the Maple Avenue right-of-way, is too close to the road and the retaining wall is over the lot line and over the neighbor's property to the east.

Exhibit "C" identifies the exceptional circumstances, preservation of property rights and absent of detriment.

Mr. DiStefano stated that he did not ask his neighbors to the east and west to attend the meeting, but he presented commentaries identified in Exhibit "D". He has been working on the proposed grading plan with his neighbor on the east.

Ms. Duchow asked Mr. DiStefano if he was aware of the setbacks when he prepared to build his home. She asked how long this code has been in existence, and was there a 10 ft. setback requirement before the ordinance was adopted. Engineer Barbeau stated that it was adopted in 11/14, and there has always been a 15 ft. setback requirement in the RL District.

Mr. Troy directed attention to Mr. DiStefano's letter re: the survey issue and starting the process all over. Mr. DiStefano stated it was determined that the 1st survey drawn up was incorrect.

Chairman Krause questioned the entire width of the lot. He asked Mr. DiStefano if it would be a tremendous issue to change the plan, as he is so close to the minimum setback requirement. This is not a small home and allowances could be made. Mr. DiStefano stated that it would be very costly and add time constraints.

Mr. Kranick stated that we are talking about 1.38 ft. on the east side and then a couple inches from the west and a couple inches from the road. If the home is going to be demolished, he would like to see this as compliant as possible.

Dustin Hutter, N27W29978 Maple Ave., stated this his property looks directly at the subject location. He would rather look at a house that is more consistent with others and believes that this would help property values.

Mark Augustine, Landmark Engineer Services, stated that if we made this sight compliant with all setback requirements, the envelope for the building would not be conducive to build. The house currently is less than 2 ft.; however, there is not enough room to move the house one way or the other to allow for the shore setback. The majority of the home on the east and west is compliant. The proposed plan allows for removal of the detached garage to allow storage space for a boat. The May 1st version of the plan was in front of the Plan Commission for public hearing. It's in line with the other houses in the area, is an improvement to what is already out there and an improvement to emergency response access issues. They are within the County minimum allowable setbacks of 12.7 ft. and 25 ft. from the established right-of-way.

Attorney Val Anderson took the Town Board through the Findings of Fact re: Section 9.14 (9). He stated that all three standards must exist in order to grant the exception. He stated that the Board needed to decide, as a judicial body, if circumstances or factors apply.

1. Exceptional Circumstances: Section 9.14 (9)(a)

Ms. Duchow stated that the applicant has met this case and feels that the following reason applies:

“The home is intended to replace an existing residence. The existing residence is nonconforming regarding shore setback, floodplain setback, side yard, offset, shore offset and floodplain offset, and the attached garage is nonconforming to the road setback. The proposed new construction will more fully comply with applicable laws”.

Mr. Troy agrees that the applicant has met the case for exceptional circumstances. He is concerned that some of these boxes are too specific. While he has serious doubts as to Section 9.14, it is the Town’s code. He would be concerned that some of these may provide a precedent. The last box is the most vague allowing the exception based on the totality of the circumstances. Any of the other ones by themselves may not be sufficient to allow it, based on the fact that Mr. DiStefano has worked with the County and the Town did not inform him of the requirements until two weeks ago. This may protect the Town in going further with other cases.

Mr. Kranick stated that the applicant has met the case for exceptional circumstances and agrees with Mr. Troy in choosing the last box. Mr. Van Horn concurred.

Chairman Krause agreed with comments made by the Board, but stated that ignorance of the law/rule is not an excuse. This has been before the Town for quite a while, and someone could have stepped up. He informed Mr. DiStefano that an applicant does not prepare a final set of plans, take them into the building inspector and get a permit. That’s not the way the process works. As all members are in agreement, the exception circumstances were met in this case. Attorney Anderson stated that the record would reflect the reasoning by the Town Board for this decision.

2. Preservation of Property Rights:

Mr. Van Horn stated that the rules should have been known, as they have been in effect for a long time. He is of the opinion that it has not been met.

Mr. Kranick believes that it is met in this case because the proposed new construction will provide a substantial improvement to the neighborhood, by removing a less conforming structure and constructing a more conforming structure.

Mr. Troy believes that it is met in this case and that the structure will preserve the property rights of the owner and adjoining property owners.

Ms. Duchow and Chairman Krause agree that it has been met in this case.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY THAT THE BURDEN OF PRESERVATION OF PROPERTY RIGHTS HAS BEEN MET IN THIS CASE FOR THE REASONS DISCUSSED. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – AYE, MR. VAN HORN – ABSTAINED, MR. KRAUSE – AYE. MOTION PASSED 4-1.

3. Absence of Detriment

Ms. Duchow believes that it has been met in this case because the requested exceptions differ very slightly from what they need to be. The west lot line is just an easement, and now it is on the lot line, so it is an improvement. The existing garage located on the road is dangerous.

Mr. Troy believes that it has been met because the exception is consistent with the purpose of the ordinance. The ordinance is based upon the health, safety and welfare of the town and its residents. It was drafted not only under the zoning policy or ordinance basis, but under a police power basis.

Maintenance of health, safety and welfare is the essence of the police power of the Town. This exception is consistent with the purpose of this ordinance.

Mr. Kranick, Mr. Van Horn and Mr. Krause agree that it has been met, and they also agree with Mr. Troy in that it is consistent with the purpose of this ordinance.

The determination, based on discussion of the applicant's request for exception, is granted.

Chairman Krause stated that we will take Item 8B out of order. Mr. Kranick recused himself.

Eighth order of business: New Business

B. Consideration and possible action on Plan Commission's recommendation to approve the final plat for Woodridge Estates II

Engineer Barbeau stated that this is the balance of the 44 lots that are being developed at this time. The necessary changes recommended by the Plan Commission, as well as Engineer Barbeau's comments and those of the County and State were incorporated. It is not likely that the final plat will be recorded until the improvements are completed. The Plan Commission recommended approval based on all changes being incorporated into document.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUCHOW TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE THE FINAL PLAT FOR WOODRIDGE ESTATES II. MOTION CARRIED.

Seventh order of business: Unfinished Business

A. Consideration and possible action on disposition of Fire Station #1 (tabled 7/28/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Engineer Barbeau stated that Mr. Siepmann provided him with a quote of less than \$25,000 for disposition of Fire Station #1. This does not include asbestos removal or final restoration. He and Mr. Siepmann are recommending the following: 1. The Town mark the boundaries of each lot so potential buyers can determine what they are purchasing; 2. Hire a broker and place a sign with the lot configuration on the site; 3. Work with Waukesha County tax listing to assign a third tax key number to the parcel; 4. Hire an appraiser.

Ms. Duchow is in favor of demolishing the property, cleaning up the sight and hiring a broker.

Mr. Troy questioned whether or not this is a conflict of interest if we are approving plans and developing the land. Would it be reasonable to try to sell "as" is for 6 weeks and after that move on?

This land is in the County shoreland and is zoned residential. The rezoning would be out of the Town's control.

Mr. Kranick is of the opinion that it is important to include a town representative to manage this project. The contractor who is providing the quote could consider hiring a sub to remove the asbestos. We could ask the broker to come in to present us with some proposals and then get the property appraised.

MOTION MADE BY MR. TROY, SECONDED BY MR. VAN HORN TO APPROVE AUTHORIZATION OF AN APPRAISAL OF THE OLD FIRE STATION #1 ON MAPLE AVENUE TO REFLECT TWO PROPERTY VALUES: 1. PROPERTY SOLD "AS IS" WITH CURRENT ZONING; AND 2. PROPERTY WITH STRUCTURE REMOVED, THE PAVING REMOVED AND LOT IN SALEABLE CONDITION NOT TO EXCEED \$25,000.00. MOTION CARRIED.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO DIRECT THE TOWN ENGINEER TO CONTACT WAUKESHA COUNTY TO REQUEST A 3RD TAX KEY FOR OLD FIRE STATION #1 PROPERTY ON MAPLE AVENUE. MOTION CARRIED.

- B. Consideration and possible action on renovation of old town hall
1) Highway Superintendent - report on gas and electric relocation

Engineer Barbeau stated that he submitted an application to get the gas and electric removed from the cold storage building and also submitted to get the gas meter changed. He has not received a cost from We Energies yet. Chairman Krause requested that he try to expedite this process.

- 2) Further discussion on asbestos abatement

Mr. Troy stated that the cold storage building has been totally abated and is ready to be demolished with the exception of the gas and electric removed.

Town Hall – Mr. Troy stated that we needed to get and have received a release from the contract we signed a month ago. The new cost for abatement is \$21,800. Issues relating to floor tile, upper level construction and hazardous materials, which must be removed with special equipment, have raised the quote. Mr. Troy discussed the old and new contracts with Attorney Larson. He is of the opinion that the old contract is vague. The Town could take legal action, but it would most likely cost more to go in this direction. The new contract is still somewhat vague, and they discussed how Engineer Barbeau could clarify it with KPH.

Attorney Anderson directed attention to the original proposal item of “universal waste”. This is not included in the new version. Also, the language regarding “receiving a credit from the general contractor” needs to be looked into. The problem with the contract is that it is so vague according to the report. The Town is better off working with the current company. He stated that the Town should make sure that everything is abated according to the report and receive credits that are deserved.

MOTION MADE BY MS. DUCHOW TO ABATE THE OLD TOWN HALL BUILDING. MOTION FAILED FOR LACK OF A SECOND.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO REVIEW ALL CONTRACTS, NEGOTIATE WITH KPH, GET A REDUCED PRICE CONSIDERATION FOR THIS BID AND AUTHORIZE APPROVAL UP TO \$20,000 TO ABATE THE OLD TOWN HALL. MS. DUCHOW – AYE, MR. TROY – AYE, CHAIRMAN KRAUSE – AYE, MR. KRANICK – NAY, MR. VAN HORN – ABSTAINED. MOTION PASSED 3-2.

- C. Further discussion and possible action on new fire station/town hall
1) Punch List Items

Ms. Duchow summarized the “B” list. All items have been addressed with the exception of receiving a credit from Scherrer Construction re: epoxy mesh for front sidewalk and a credit for landscaping. Mr. Van Horn requested that we ask the builder to either wash the windows or provide us with \$500 to do the work.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO APPROVE THE PUNCH LIST ITEMS SUBJECT TO WASHING WINDOWS, \$1000 CREDIT FOR LANDSCAPING, CREDIT FOR EPOXY MESH FOR FRONT SIDEWALK AND FINAL PAYMENT TO SCHERRER CONSTRUCTION. MS. DUCHOW – AYE, MR. TROY – AYE, CHAIRMAN KRAUSE – AYE, MR. KRANICK – NAY, MR. VAN HORN – ABSTAINED. MOTION PASSED 3-2.

- 2) Approval of payment to Phoenix Loss Control

Mr. Mann stated that last November a semi driver damaged a Time Warner cable while attempting to perform construction on the new Fire Station/Town Hall site. The Town received a bill for damages in the amount of \$1839.33. The consensus of the Town Board is that the driver is responsible for this bill.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO DENY PAYMENT.
MOTION CARRIED.**

- 3) Approval of final payment to Fischer-Fischer-Theis, Inc.

Mr. Mann stated that Mr. Fischer has agreed to sign off on the stormwater management issue.

**MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUCHOW TO APPROVE THE
FINAL PAYMENT OF \$3,312.00 TO FISCHER-FISCHER-THEIS, INC. MS. DUCHOW – AYE,
MR. TROY – AYE, MR. KRANICK – NAY, MR. VAN HORN – AYE, CHAIRMAN KRAUSE –
AYE. MOTION PASSED 4-1.**

- 4) Approval of proposal from Landmark Engineering Services to conduct as-built survey

Mr. Mann stated that part of Waukesha County's requirement to get stormwater approval is to conduct an as-built survey. The Town received a proposal from LandMark Engineering Services, Inc. in the amount of \$1350.00.

Mr. Kranick directed attention to condition 5.1 in the proposed agreement. Mr. Troy also expressed concerns with 16.1.

**MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO AUTHORIZE THE
EXPENDITURE NOT TO EXCEED \$1350.00 WITH LANDMARK ENGINEERING SERVICES, INC.
TO PROVIDE AS-BUILT PLANS FOR THE STORMWATER BASIN AFTER APPROVAL OF THE
CONTRACT BY THE TOWN ATTORNEY WITH SPECIFIC INSTRUCTION TO REVIEW ARTICLES
5, 16 AND 18. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – NAY, MR. VAN HORN –
AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.**

Eighth order of business: New Business

- C. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map to reconfiguration 4 parcels of land located at N34 W28341, N34 W28439 and N34 W28453 Taylors Woods Road into 3 parcels of land

Engineer Barbeau stated that this piece of land has 4 parcels on it, including one vacant parcel. Each new parcel meets the minimum area of 3 acres and all setback and offsets. A portion of Lots 1 and 2, and all of Lot 3 is in the Waukesha County Shoreland and Floodland Protection Ordinance jurisdiction. With the exception of a small portion of Lot 1, the balance of the land is in the Primary Environmental Corridor. All comments by myself and the Plan Commission have been addressed and are incorporated into the Certified Survey Map.

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO ACCEPT THE PLAN
COMMISSION'S RECOMMENDATION TO APPROVE. MOTION CARRIED.**

- D. Supervisor Kranick – Park and Recreation Commission Update

Mr. Kranick stated that he wanted to provide a report to the Town Board and note some of the accomplishments of the Park and Recreation Commission. The Easter Egg hunt was successful, and the Commission is looking to continue this event in 2016. The baseball program was a success, with teams coming in 1st and 2nd place. Paving of the path at Elmhurst Park was completed in July.

The concept plan for KE Park has been approved and it will be named North Shore Park.

The Commission suggested the potential of holding movie nights in the Sports Commons and/or Del Hart Park, as these areas provide best parking options. There has been discussion on bringing back the Log Cabin Run and adding a Farmer's Market. The Commission is always looking for other ideas and suggestions from the Board and citizens.

The park on KE will be developed in three phases: 1. Grading and Site Prep; 2. Nature based play, 1/3 of trees; 3. Install sport court type facility and plant 1/3 of trees. The Commission will come before the Board next month to ask permission to retain RA Smith to work on design documents for the park. They will also be asking for monies in the budget process to start work in spring of 2016. The SW corner of the skateboard park will be closed next month for repairs. The dates of Fright Hike are October 23 & 24.

E. Set 2016 Budget workshop dates

The Budget workshop dates are set for September 14 and September 21 @ 6:00 p.m.

Ninth Order of business: Announcements and Planning Items

- A. Next Town Board Meeting – August 25
- B. Special Primary Election – Assembly District 99 – September 1
- C. Next Plan Commission Meeting – September 15

Tenth order of business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN, TO ADJOURN AT 9:45 P.M. MOTION CARRIED.

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: August 25, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
August 25, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: T. Barbeau, *Town Engineer*, D. Roberts, *Highway Superintendent*, 4 Citizens

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of August 11, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE AS PRESENTED. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56121 TO #56146 IN THE AMOUNT OF \$43,981.12

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,003.86

MS. DUCHOW/MR. KRANICK. MOTION CARRIED.

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

A. None

Supervisor Krause stated that a communication item was received, via the night deposit box, today from Nancy Kreil, W304N2437 Maple Avenue, and informed the Town Board that they may take it with them and read it.

Seventh order of business: Unfinished Business

A. Consideration and possible action on disposition of Fire Station #1

Engineer Barbeau stated that the issue of getting the tax key #'s switched over is in the hands of Waukesha County. He contacted Rick Larkin to inquire whether or not he would provide the town with a proposal to do an appraisal. He sent Engineer Barbeau an e-mail Friday afternoon declining the opportunity to do this. Richard Zurowski was able to look at the property today, and he came back with an e-mailed proposal to include the following: an appraisal of each lot separately and 1 to appraise the three lots together, in the amount of \$2,000. If the Town Board approves this proposal, Mr. Zurowski will get them back to us in 3 weeks. Mr. Siepmann and Mr. Zurowski are of the opinion that the Town should demolish the building in order to sell a vacant property, so an appraisal of the property "as is" will not be submitted. The appraisal will not include removal of the existing tank. Superintendent Roberts will obtain a proposal to remove the tank and move it to Fire Station #2 (per request of Chief Kozlowski), as he does not have the proper equipment to do so.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO MOVE AHEAD WITH THE PROPOSAL FROM MR. ZUROWSKI TO PROVIDE 4 APPRAISALS IN THE

AMOUNT OF \$2,000, SUBJECT TO REVIEW OF THE PROPOSAL BY THE TOWN ATTORNEY. MOTION CARRIED.

Mr. Kranick asked if we could work in parallel, get in contact with the brokers to find out if they are interested in working with us and obtain proposals to review at the next meeting. Engineer Barbeau was directed to complete this project.

- B. Consideration and possible action on renovation of old town hall
1) Further discussion on asbestos abatement

Mr. Troy stated that he, Engineer Barbeau and Highway Superintendent Roberts decided to hire another firm to provide us with a bid to abate the old town hall per the KPH assessment report. A representative from PARSS met with Mr. Troy at the facility and examined the building in detail. Mr. Rahmanpanah submitted a proposal for \$25,732.00.

At Mr. Troy's meeting with the president and executive president of KPH, they admitted that many of things listed in their report were not in the bid. He asked them to make the bid align with the report. The proposal submitted on 8/25/15 equals the report that was provided to us and includes the permit cost of \$1,325. The bid was submitted in the amount of \$20,900. This does not cover any "surprises". If there is asbestos in the insulation behind the interior of the outside walls, there will be an additional cost to remove it. There is a cost of \$15.00 per test if that material has to be tested. If the bid is approved today, KPH will apply to the DNR for a removal abatement approval. The DNR has very strict approvals for remodeling. This process will take approximately 10 days (September 8th or 9th). It will take KPH up to 2 weeks to complete the abatement. Ford Construction may be able to be work on the outside of the building while the inside is being completed. Engineer Barbeau directed attention to the sentence on page 2 of the KPH proposal stating "... your project will be completed in the timeliest manner...". Discussion followed on inserting "work to be completed within 30 calendar days (Friday, October 2)".

Mr. Kranick expressed concern regarding the KPH bid. He is of the opinion that the proposal from PARSS should be accepted. Even though it is higher than that of KPH, their first proposal did not match their report and questioned whether or not there will there be additional costs incurred due to their inaccuracies.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO ACCEPT THE KPH CONTRACT IN THE AMOUNT OF \$20,900 CONDITIONED UPON TAKING OUT THE WORDS "TIMELIEST MANNER" AND INSERTING "COMPLETED ON OR BEFORE OCTOBER 2". MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – NAY, MR. VAN HORN - AYE. MOTION PASSED 4-1.

- 2) Award of contract for renovation of existing town hall (tabled 6/9/15)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Engineer Barbeau stated that he spoke with Robert Ford, Ford Construction, regarding the original bid submitted for consideration on May 12. Even though it is well past the 90 days, he has agreed to hold the prices. He is requesting the Town to act on it as soon as possible so that he can schedule with his subcontractors. The bid came in at \$155,800. The total cost of the project will be approximately \$210,000. This includes remodel, asbestos abatement, Time Warner Cable removal costs and WeEnergies reconnection costs. Mr. Troy stated that he will meet with staff, KPH and Ford Construction to make sure that all terms/costs of the project are resolved. He spoke with Attorney Larson today and discussed sending an e-mail to Ford

Construction requesting to hold the prices, but allow the Town additional time to do more homework. Also, if Town awards the contract, they will award it to Ford Construction.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO DIRECT ENGINEER BARBEAU TO DRAFT AN E-MAIL TO FORD CONSTRUCTION STATING THAT IF THE TOWN OF DELAFIELD AWARDS THE CONTRACT WITHIN 45 DAYS, THE CONTRACT WILL GO TO FORD CONSTRUCTION. MOTION CARRIED.

C. Approval of proposal from Landmark Engineering Services to conduct as-built survey

Chairman Krause informed Mr. Augustine that the contract basically stated that his company would not be responsible for anything outside of getting paid for the job. Mr. Augustine stated that this is a very simple job and he has to have a boilerplate to handle all issues. Chairman Krause stated that the terms of the contract were the issue, and the Town should have ownership of the product. Mr. Augustine concurred.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO APPROVE THE AGREEMENT FROM LANDMARK ENGINEERING SERVICES IN THE AMOUNT OF \$1350.00 TO CONDUCT AN AS-BUILT SURVEY SUBJECT TO APPROVAL OF THE FINAL AGREEMENT BY THE TOWN ATTORNEY. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – NAY, MR. VAN HORN - AYE. MOTION PASSED 4-1.

Eighth order of business: New Business

A. Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
1) Kimberly Stukel – *The Golden Anchor*

Ms. Stukel stated that she is going through the court process as a result of her March, 2015 conviction. She stated that she was arrested for something she didn't do and pleaded not guilty. If she is charged, she will not be able to get a bartender license. She has held one for 27 years and has been a good citizen. She currently holds a license in the Village of Summit.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO TABLE FOR TWO WEEKS TO OBTAIN ADDITIONAL INFORMATION ON THE PENDING CHARGES. MOTION CARRIED.

Ninth Order of business: Announceme@nts and Planning Items

- A. Special Primary Election - Assembly District 99 – September 1
- B. Variance Hearing – Thursday, September 3 – 6:30 p.m.
- C. Next Town Board Meeting – September 8
- D. Next Park and Recreation Commission Meeting – September 14
- E. Next Plan Commission Meeting – September 15
- F. Budget Workshop – September 21 @ 6:00 p.m.
- G. Budget Workshop – October 8 @ 6:00 p.m.
- H. Budget Workshop – October 15 @ 6:00 p.m.

Tenth Order of Business: **Closed Session:** It is anticipated the Town Board will convene into closed session for the following reason: Pursuant to authorization conferred by Section 19.85(1)(c), Wisconsin Statutes, to consider employment, promotion, compensation or employment evaluation data of any public employee over which the Town Board has jurisdiction or exercises responsibility, more specifically concerning the deputy clerk/treasurer. Participating in the closed session will be the Town Board and Town Clerk. Following the closed session, the Town Board shall continue with the matters noted in the agenda.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO GO INTO CLOSED SESSION. MOTION CARRIED.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO GO INTO OPEN SESSION. MOTION CARRIED.

MOTION MADE BY MR. KRAUSE, SECONDED BY MR. KRANICK TO INCREASE THE DEPUTY CLERK/TREASURER'S PAY BY \$1.00 PER HOUR EFFECTIVE 9/1. MOTION CARRIED.

Eleventh order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK, TO ADJOURN AT 8:32 P.M. MOTION CARRIED.

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: September 8, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
September 8, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: T. Barbeau, *Town Engineer*, T. Fockler, *Building Inspector*, 8 Citizens

First order of business: Call to Order

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments

There were no citizen comments.

Fourth order of business: Approval of August 25, 2015 Town Board Minutes

The minutes will be filed as presented by the Clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56165 TO #56216 IN THE AMOUNT OF \$46,278.70

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$28,392.04

MS. DUCHOW/MR. KRANICK. MOTION CARRIED.

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

A. Mike Koles, Wisconsin Towns Association (8/31/15), Re: Increase in 2016 Dues
None

Seventh order of business: Unfinished Business

A. Consideration and possible action on disposition of Fire Station #1

1) Broker Proposals

Engineer Barbeau stated that the Town received proposals from Siepmann Realty Corporation and Ogden Real Estate. James Siepmann proposed a charge of 6.0% of the sale price if a co-broker is involved and 3.6% if not. Ogden Residential proposed a 5% fee plus \$395.00 to list the property. Siepmann Realty will assist the Town in defining a sales price along with the appraisal, and we should receive it by the next meeting. The general consensus of the Town Board is to accept the Siepmann proposal, based on their past history and relationship with the Town.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK, TO ACCEPT THE SIEPMANN REALTY CORPORATION PROPOSAL. MOTION CARRIED.

B. Consideration and possible action on renovation of old town hall

1) Further discussion on asbestos abatement

Mr. Troy stated that there was a very productive meeting held last week with KPH, Ford Construction, Engineer Barbeau and Superintendent Roberts. KPH will begin asbestos abatement on September 10, and the project will take 10 days to 2 weeks to complete.

Engineer Barbeau direction attention to § 5.1.3 of the AIA contract payment provision. He requested that payments to the contractor be extended until the 15th of the following month to allow the Town Board to approve before paying. He also suggested that lien waivers be added as #3 to § 5.2.1. Mr. Ford is concerned about the 100 day schedule that he is under and questioned what items could be excluded from the 100 day requirement. Painting of the building and installation of the brickwork could be an issue. There needs to be a discussion on the color of paint and type of brickwork. If Mr. Ford is held up, he cannot complete the work within the 100 days. The general consensus of the Town Board is to not hold him up. The bid also includes demolishing and removal of products.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO APPROVE THE AIA DOCUMENT FOR THE REMOVAL AND RENOVATION OF THE EXISTING OLD TOWN HALL AND DEMOLISHMENT OF THE EXISTING COLD COLD STORAGE FACILITY. MS. DUCHOW – AYE, MR. TROY – AYE, MR. KRANICK – NAY, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

- 2) Award of contract for renovation of existing town hall

Eighth order of business: New Business

- A. Consideration and possible action regarding ordinance violations at W304 N2509 Maple Avenue, and opportunity for property owner to show cause why the Town should not commence enforcement

Mr. Fockler presented pictures and stated that the property has been cleaned up. The only outstanding issue is to remove the masonry chimney.

Mr. Becker, W304N2509 Maple Avenue, stated that this is his permanent residence. He bought this property as a “fixer upper”. He was of the opinion that he could leave the fireplace, but it was confirmed by the building inspector that he needs to take it down. He looked into hiring someone to do the work, but it was not cost effective. Mr. Troy informed him that it would cost less to hire someone to do the work than pay the penalties. Mr. Becker stated that he will have the chimney down and concrete blocks gone by October 1st.

- B. Consideration and possible action regarding ordinance violations at S1 W31448 Hickory Hollow Court, and opportunity for property owner to show cause why the Town should not commence enforcement

Mr. Fockler presented pictures and stated that the subject items have been sitting on the property for 2 years. He believes that they will be used to complete a shed. The owner needs to renew his permit, and Mr. Fockler recommended that the Town Board set a deadline to complete the shed or remove the materials from the property.

Mr. Sitzberger, S1 W31448 Hickory Hollow Court, stated that he replaced the rotted wood on the deck and has not worked on the shed. He confirmed that he will have the shed completed by October 1.

- C. Consideration and possible action on request to create or amend an existing storm sewer easement at N30W28895 Lakeside Drive

Engineer Barbeau provided a history of the subject item stating that a pipe goes from West Lakeside Road to the lake. The property owner put in the pipe, but there are no records indicating that the Town accepted it as a drainage easement. The easement was recorded, but the minutes indicated there was discussion but no action. Somehow the easement was

recorded, but it wasn't actually approved by the Town by signature. Attorney Larson recommended that if the Town has the rights to the easement, we would vacate them and then create a maintenance agreement. The agreement would state that this pipe is a private pipe and will be maintained by the property owner. If not maintained, the Town would do the work and charge it back the property owner. The DNR stated that this pipe is navigable.

John Schoenheider, Regency Builders, stated that they will like to be 5' from the existing sewer pipe. The owners will accept the maintenance agreement and will also be a party to the easement agreement.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO VACATE ANY RIGHTS IN ANY CASE OF AND INSTRUCT ATTORNEY LARSON TO DRAFT AN EASEMENT AGREEMENT. MOTION CARRIED.

D. Reduction in Letter of Credit for Woodridge Estates and Woodridge Estates II

Mr. Kranick recused himself and left the room.

Engineer Barbeau stated that Letter of Credit for Woodridge Estates has a required balance of \$195,215 that will be used for asphalt, ditches and restoration of site grading. He recommends a reduction by \$43,461.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO REDUCE THE LETTER OF CREDIT FOR PHASE I OF WOODRIDGE ESTATES BY \$43,461.00 MOTION CARRIED.

Engineer Barbeau stated that the Letter of Credit for Woodridge Estates II has a balance of \$373,971 out of the \$844,685. He is recommending a reduction by \$470,714 and stated that there is a lot of work remaining on the project.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO REDUCE THE LETTER OF CREDIT FOR PHASE II OF WOODRIDGE ESTATES BY \$470,714. MOTION CARRIED.

E. Adoption of Resolution setting the speed limit for Maple Avenue between Franciscan Road and North Shore Drive

Engineer Barbeau stated that he didn't want to proceed with the subject resolution until the work on Woodridge Estates II began. He is requesting approval but is of this opinion that it may have to be sent to the DOT as well. The speed limit will not change until the highway superintendent puts up the signs.

MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUCHOW TO APPROVE THE RESOLUTION SETTING THE SPEED LIMIT FOR MAPLE AVENUE BETWEEN FRANCISCAN ROAD AND NORTH SHORE DRIVE FROM 45 MPH TO 35 MPH. MOTION CARRIED.

F. Consideration and possible action on a request from KTB Properties, N21W29727 Glen Cove Road, for an exception to Section 9.14 (1) (b) 2. Of the Town of Delafield Code

Engineer Barbeau stated that this is a single family home. The proposal is to increase the size of the existing residence and build a second story that would be located approximately 5.61 feet from the east lot line and 6.45 feet from the west lot line. The lot separation must be 15% of the lot width, provided that such separation shall not be less than 7-1/2 ft.

Michael Amrhein, 3935 N. Maryland, Shorewood, spoke on behalf of KTB properties. He stated that this is an older building on a very narrow lot. They have made changes to meet the number of requirements of both Waukesha County and the Town. Initially, they requested 4 variances from the County and 2 were denied. The County has informed us that there is not adequate front yard distance, but they allow averaging with an adjacent neighbor. The immediate neighbor to the west is in favor of this, but the next door neighbor to the east has bought up 4 properties and has no intention of selling. He doesn't want anyone to build any buildings on his property. He wanted to know why the building couldn't be torn down and just built. Mr. Amrhein stated that if we had disturbed too many openings, then we would have violated too many statutes to build on the property. The neighbor across the street wanted the building to come down and build new. Engineer Barbeau informed the Town Board that he talked to the neighbor to the east before the meeting and they were in favor of this proposal. He provided a summary of the three required findings of fact.

Exceptional Circumstances: The east wall of the new addition is to be constructed on an existing wall which is within and less than the required setback distance of 7.5 feet. The enforcement of the side yard setback standard would require an unusual means and method of construction for the new addition's east load bearing wall. It would be offset by approximately 22" and require unique engineering and affect the exterior design and interior configuration of the space.

The Town Board finds that this standard is met in this case for the following reason: The existing home is to remain on site but improved. The proposed improvements to the east will not make the structure more non-conforming than the existing residence; the new structure to the west will result in a west side yard separation of not less than 7.60 feet.

Preservation of Property Rights: The residence is located on a unique and irregular shaped lot where the width of the lot is a small percentage of total depth (approximate 1 to 6 ratio). The unusually narrow lot width in of itself restricts the design of an addition, and, with the application of required setback requirements, design limitations are imposed to an even greater degree. Other properties with the same lot configuration have portions of their homes construction within setback distances just as in the case with this existing home. This addition does not further encroach upon the setback requirement but continues with the same setback as the existing wall. This residence currently possesses the right to have the east wall within the side yard setback, and we are requesting that the addition share the right that the existing building, as well as other properties in the vicinity, possesses.

The Town Board finds that this standard is met in this case for the following reasons: The proposed new construction will provide a substantial improvement to the neighborhood by removing a small non-confirming sized residence and increasing the size to meet minimum house size; and, The new construction will add value to the neighborhood.

Absence of Detriment: It is believed that the addition and improvements to the residence as proposed will not only enhance the neighborhood but provide a benefit to existing housing stock through use of improved construction materials and methods than those employed for the construction of the existing home. The addition and remodel of the existing structure will also elevate property values for adjacent properties and increase the aesthetics of the existing structure. It is our position that an exception to will not adversely affect the adjacent property and is not contrary to the purpose of spirit of Section 9.14.

The Town Board finds that this standard is met in this case for the following reason: The exception is consistent with the purposes of the ordinance, as this maintains the health, safety and welfare of the Town and its inhabitants, and it preserves property values; this does not

adversely impact risks of fire or adversely affect access by public safety personnel and equipment or risks to public safety personnel, it does not create disturbance from one property to another whether by noise or other cause, or interfere with the passage of light and air between buildings; the exception also preserves the uniform development patterns, devoid of an appearance of excessive crowding, allows unobstructed views from within buildings and preserves property values for the commercial benefit of the Town.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE REQUEST FOR EXCEPTION TO SECTION 9.14 (1) (b) 2. OF THE TOWN OF DELAFIELD CODE FOR N21W29727 GLEN COVE ROAD WHERE ALL 3 FINDINGS OF FACT HAVE BEEN FOUND. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Park and Recreation Commission Meeting – September 14
- B. Next Plan Commission Meeting – September 15
- C. Budget Workshop – September 21 @ 6:00 p.m.
- D. Next Town Board Meeting – September 22
- E. Special 99th District Election – September 29

Tenth Order of Business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY, TO ADJOURN AT 8:20 P.M. MOTION CARRIED.

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: September 22, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
September 22, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: T. Barbeau, *Town Engineer*, P. Kozlowski, *Fire Chief*, M. Hoppe, *Deputy Fire Chief*, 7 *Citizens*

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
Steve Lukach, N30W29497 Hillcrest Dr., thanked the Town for doing the paving job on his road. He is of the opinion, though, that the work resulted in trading one hazard for another. Since the asphalt was put on top of the existing pavement, there are dangerous areas with a 6" to 12" shoulder (drop off). He lives at the very end of Hillcrest, which is basically a 50' x 60' circle that used to be relatively flat. At the end of his circle is his driveway. Because of the paving, it is no longer flat and is tapered to the west away from his driveway. It has been constructed to have a grade which, basically, funnels all the water right down his driveway. He was directed to come to the Town Board meeting to express his concerns.

Julie Kita, N30W29389 Hillcrest Dr., appreciates the fact that the road is now smooth but does not know that it is safer. It's a narrow road and when there are vehicles that are parked for yard maintenance, etc., there is no place for the cars to go. This is a safety issue because there is no shoulder. She lives by the culvert, and that is the only unpaved area on Hillcrest. The culvert is huge safety issue. Her driveway ends about 3 ft. from the ravine. Because of the way the culvert was constructed, the road underneath has given way and Hillcrest is dipped down at end of ravine because the underlayment of road is washed away. This would be a problem for someone coming down from the west end of Hillcrest in the winter. Possibly, a guard rail could be put in until the culvert can be replaced.

Fourth order of business: Approval of September 8, 2015 Town Board Minutes
Chairman Krause directed attention to the motion in Item 8C to revise it to read, "Motion made by Mr. Troy, seconded by Ms. Duchow to vacate any easement and instruct Attorney Larson to draft a maintenance agreement".

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE WITH ONE CORRECTION. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56218 TO #56253 IN THE AMOUNT OF \$96,387.80

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$37,661.38

MS. DUCHOW/MR. KRANICK. MOTION CARRIED.

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

A. Jeanne Ring, Prairie Hill Waldorf School (8/31/15), Re: Request for reduced speed limit in front of the school

Chairman Krause stated that the Board has taken up this issue in the past. The Town has no control over the speed limit, as we do not plow or maintain the road. Engineer Barbeau was informed by Waukesha County that this is a frontage road. When the matter was discussed last year, Engineer Barbeau informed Prairie Waldorf School that they needed to contact the DOT, as the Town has no jurisdiction over the road.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK THAT THE TOWN OF DELAFIELD SUPPORT PRAIRIE HILL WALDORF SCHOOL IN GETTING A SCHOOL ZONE SET UP ON THE FRONTAGE ROAD, WHICH IS PART OF THE I-94 COMPLEX, AND SEND A LETTER TO THE STATE DOT AND WAUKESHA COUNTY SUPPORTING IT. MOTION CARRIED.

Engineer Barbeau was directed to write the letter.

B. Paul Farrow, Waukesha County Executive (9/3/15), Re: Consolidating fire and EMS service areas within Waukesha County

Chairman Krause stated the subject letter is a request for each community in Waukesha County to participate in a discussion of the issues surrounding the topic of consolidating fire and EMS services areas. This would be followed by hiring a consultant that could details the options available and make a recommendation on how to proceed. In order to pay for this effort, each community is being asked to commit \$1000 to \$2000.

Ms. Duchow stated that we've done our due diligence and found that consolidation would be cost prohibitive. It's an overwhelming task and does not benefit the Town of Delafield because we do not offer the same level of service as larger communities, i.e. full time fire and paramedic. We already have mutual agreements with other communities.

Chief Kozlowski stated that all communities have not received this letter and does not know why. He does not believe it would be in our best interest to spend the money.

Mr. Van Horn is in support of this and would be willing to spend up to \$1500.00.

Mr. Troy feels that if we do not contribute the money, we would still be involved.

Mr. Kranick is of the opinion that it is imperative to be at the table to discuss the issues of better economizing the services.

Chairman Krause is really split on this. The Town has done our due diligence several times over. We have great benefits of agreements with our neighbors. Yet, he feels that it is important to be part of the conversation. He stated that if we are not treated as an equal partner, the Town's participation could change.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. VAN HORN TO COMMIT TO THE STUDY UP TO \$1500.00. MS. DUCHOW – NAY, MR. TROY – NAY, MR. KRANICK – AYE, MR. VAN HORN – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 3-2.

C. Tim Frank (9/16/15), Re: Curb installation in Hawksnest Subdivision

Chairman Krause read the minutes from the Town Board meeting that was held on April 14, 2015 re: this issue. "The general consensus of the Town Board is to request that Mr. Frank let the property owners know that if they want the curbs installed, they need to either provide the money up front or a signed waiver approving an assessment for all costs related to this installation".

Tim Frank, W301N3226 Windrush Circle, stated that if there is any possibility in widening the road, adding rumble strips, etc., he would appreciate it. He will continue to try to fight for support from the neighbors.

If Mr. Frank is successful, Attorney Larson stated that the Town would prepare a waiver form for everybody in the subdivision to sign agreeing to pay an equal share, or that subset of the subdivision that agrees to share the cost would sign the waiver. The Town will only do the job if the residents agree to pay for it. Engineer Barbeau's estimate to complete the work is \$131,000. Discussion followed on the option to spread out the project over several years.

Attorney Larson stated that if Mr. Frank believes that the process could occur with a limited amount of neighbors sharing in the cost, he would prepare the waiver. He would need to know how many people are going to do it and pin down the number of years it will be paid in. The special assessment process would be followed with a resolution. The cost to prepare the waiver would be approximately \$500.00. All costs would be charged back to the participating residents.

Seventh order of business: Unfinished Business

A. Consideration and possible action on new town hall/fire station

1) Final change order

Ms. Duchow reviewed the final change order to include the following: \$500 deduct for window washing needed due to Nonn's Flooring, \$1000 deduct for landscape maintenance not completed per spec., \$210.00 deduct for epoxy wire mesh cost difference.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE FINAL CHANGE ORDER IN THE AMOUNT OF \$1710.00. MOTION CARRIED.

2) Application for payment

Mr. Van Horn questioned whether or not the architect has signed off on the project. Attorney Larson stated that the Town needs to have all lien waivers before approving the application for payment.

MOTION MADE BY MR. TROY, SECONDED BY MR. VAN HORN TO APPROVE THE FINAL APPLICANT FOR PAYMENT IN THE AMOUNT OF \$18,127.00 CONTINGENT UPON THE ARCHITECT SIGNING OFF ON THE PROJECT AND VERIFICATION THAT ALL LIEN WAIVERS HAVE BEEN PROPERLY APPLIED. MOTION CARRIED.

3) Waukesha County maintenance agreement

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO TABLE UNTIL THE NEXT MEETING. MOTION CARRIED.

B. Consideration and possible action on disposition of Fire Station #1

1) Proposal from KPH for Asbestos and Universal Waste Removal and Disposal

Mr. Troy stated that the subject proposal in the amount of \$2,592.00 does not include abatement of 400 sq. ft. of 12" gray floor tile in the kitchen, office and west bathroom that tested less than 1% per asbestos content. The proposal says that the contractor would be responsible for abatement of that material. The contractor would need to comply with OSHA regulations for less than 1% asbestos, and Mr. Troy would like this to be mentioned in the bid.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE ASBESTOS ABATEMENT FOR THE OLD FIRE STATION #1 WITH KPH ENVIRONMENTAL NOT TO EXCEED \$2,592.00. MOTION CARRIED.

2) Proposal from Siegler Grading & Excavating LLC

Engineer Barbeau stated that the proposal from Siegler, in the amount of \$23,400, covers demolishing and removing the existing building, facilitation of gas and electric disconnect, abandonment of the existing well per the DNR, capping of sewer lateral, removal of asphalt, asbestos inspection and obtaining necessary permits. There will be a \$100 charge to cap the sanitary sewer per LPSD requirements.

Discussion followed on not needing the asbestos inspection. Mr. Troy requested that the contractor be informed of his need to comply with OSHA regulations for removal of less than 1% asbestos. Also, the contract needs to indicate that not only does the contractor facilitate the gas and electric disconnect, but he need to pays for it.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE BID FROM SIEGLER GRADING AND EXCAVATING LLC NOT TO EXCEED \$23,400 FOR DEMOLITION OF THE OLD FIRE STATION ON MAPLE AVENUE. MOTION CARRIED.

3) Old tank removal

Engineer Barbeau stated that Siegler has proposed to either remove the existing 10,000 gallon steel tank for \$2,000 to \$3,000 or move it to another location for \$5,000. Chief Kozlowski stated that he has no need for the tank. Discussion followed on the Town taking responsibility to fill the remaining hole.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRANICK TO ACCEPT THE PROPOSAL FROM SIEGLER TO REMOVE THE EXISTING TANK NOT TO EXCEED \$3,000 AND THE TOWN OF DELAFIELD TO FILL THE REMAINING HOLE. MOTION CARRIED.

4) Siepmann real estate agreement

Engineer Barbeau stated that this is a standard real estate agreement and has been reviewed by Attorney Larson. He will complete the areas that need to be addressed.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO APPROVE THE CONTRACT WITH MR. SIEPMANN TO SELL THE OLD FIRE STATION ON MAPLE AVENUE CONTINGENT UPON COMPLETION BY STAFF AND SIGNED BY THE TOWN CHAIRMAN. MOTION CARRIED.

C. Consideration and possible action on renovation of old town hall

1) Proposal for fuel tank rewiring

Engineer Barbeau reviewed the bid from Ford Construction Co. in the amount of \$8,164.00. The general consensus of the Town Board is that this is excessive and directed Engineer Barbeau to get another proposal to address at the next meeting.

Eighth order of business: New Business

A. Consideration and possible action on Intergovernmental Cooperation Agreement regarding the Pewaukee Lake Water Safety Patrol Unit

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

B. Re-appointments to the Plan Commission and Board of Appeals

Chairman Krause stated that Plan Commission Chairman Oberhaus does an outstanding job for the Town, and we are very fortunate to have him on the commission.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. KRANICK TO APPROVE ANOTHER 3 YEAR TERM FOR TOM OBERHAUS TO SERVE AS CHAIRMAN OF THE PLAN COMMISSION TO EXPIRES IN SEPTEMBER OF 2018. MOTION CARRIED.

There are three member terms expiring on 9/25; Nancy Bonniwell (Chair), Robert Schieble and Richard Nowacki. Chairman Krause stated that the Town Code now states that the terms expire in January and are staggering.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. TROY TO REAPPOINT NANCY BONNIWELL AS CHAIR AND HER TERM TO EXPIRE IN JANUARY OF 2016, TO REAPPOINT ROBERT SCHIEBLE AND HIS TERM TO EXPIRE IN JANUARY OF 2017 AND TO REAPPOINT RICHARD NOWACKI AND HIS TERM TO EXPIRE IN JANUARY OF 2018. MOTION CARRIED.

C. Consideration and possible action on a Temporary Class "B" license to sell fermented beverages and a Temporary "Class B" license to sell wine for St. Anthony on the Lake Music Ministry on October 17 and St. Anthony Men's Club on October 23

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE LICENSES FOR OCTOBER 17 AND OCTOBER 23. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Special 99th District Election – September 29
- B. Congressman Sensenbrenner – October 4, 12:30 – 3:00 p.m.
- C. Next Plan Commission Meeting – October 6
- D. Budget Workshop – October 8 @ 6:00 p.m.
- E. Next Park and Recreation Commission Meeting – October 12 – Town Board quorum needed
- F. Next Town Board Meeting – October 13
- G. Budget Workshop – October 15 @ 6:00 p.m.

Tenth Order of Business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY, TO ADJOURN AT 8:30 P.M. MOTION CARRIED.

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: October 13, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
October 13, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick

Members Absent: R. Troy

Others Present: T. Barbeau, *Town Engineer*, P. Kozlowski, *Fire Chief*, J. Formea, 2 *Citizens*

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of September 22, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56273 TO #56334 IN THE AMOUNT OF \$124,886.19

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$27,592.81

MS. DUCHOW/MR. KRANICK. MOTION CARRIED.

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

A. Eric J. Larson (9/17/15), Re: Shoreland Zoning, Current State of Law

Ms. Duchow stated that this issue has to be fixed. Currently, all houses built on the lake require a 150 ft. setback, but this standard provides a setback of 75 feet.

Seventh order of business: Unfinished Business

A. Consideration and possible action on new town hall/fire station

1) Waukesha County maintenance agreement (tabled 9/22)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO REMOVE FROM THE TABLE. MOTION CARRIED.

Engineer Barbeau stated that Waukesha County required a maintenance agreement be adopted in order to approve stormwater management for the new town hall/fire station property. Attorney Larson reviewed the agreement, provided recommended changes and they have been submitted to Waukesha County. Mr. Fischer (architect) is requesting revisions to some language in the as-built drawings for the ponds, as the conditions did not match the original design.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO AUTHORIZE CHAIRMAN KRAUSE TO SIGN THE STORMWATER MANAGEMENT PRACTICE MAINTENANCE AGREEMENT WHEN COMPLETED. MOTION CARRIED.

- 2) Purchase of 6-digit clocks

The fire department will purchase 2 green, 2.5" CSS Time Machines with funds from their budget.

- 3) Installation of logo in town hall meeting room

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE PURCHASE OF A 4X4 CLEAR ACRYLIC LOGO FOR \$1037.50 AFTER THE TOWN BOARD REVIEWS A PROOF OF THE ARTWORK. MOTION CARRIED.

- 4) Final payment/change order

Mr. Van Horn is not in favor of approving the final payment to the contractor due to the fact that the architect will not sign off on the project.

Ms. Duchow stated that the Town Board signed off on all items.

MOTION MADE BY MR. DUCHOW, SECONDED BY MR. KRANICK TO MAKE THE FINAL PAYMENT TO SCHERRER CONSTRUCTION IN THE AMOUNT OF \$18,127.00. MS. DUCHOW – AYE, MR. VAN HORN – NAY, MR. KRANICK – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 3-1.

- B. Consideration and possible action on disposition of Fire Station #1

Engineer Barbeau stated that KPH was in yesterday and today doing asbestos removal. The agreement for demolition has been signed by Chairman Krause. Siegler will be getting in soon to do the work. We received an appraisal for the property at \$65,000 per lot, but the sales price can be determined by the Town Board. Chairman Krause directed staff to contact Mr. Siepmann to attend the next meeting to discuss this issue. Mr. Siepmann is working on a real estate sign.

- C. Consideration and possible action on renovation of old town hall

- 1) Proposals for fuel tank rewiring

Chairman Krause stated that we received 2 additional proposals that came in at approximately \$5,000 less than provided by Ford Construction Co. The difference of \$350.00 in the proposals related to the key switch and emergency stop button. Meyers Electric will reuse the existing and Midwest Electric will furnish new materials.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE BID OF MEYERS ELECTRIC IN THE AMOUNT OF \$3,000 IF THEY CAN DO THE JOB IN A TIMELY MANNER; IF NOT, THE JOB WILL BE AWARDED TO MIDWEST ELECTRIC. MOTION CARRIED.

Eighth order of business: New Business

- A. Consideration and possible action on Chicken License Application for Eugenia and Charles Whelan, N9W31440 Concord Lane

Engineer Barbeau stated that everything is acceptable, with the exception of the coop being uncovered.

The Town Board directed Engineer Barbeau him to notify the owners that they need to have this issue resolved by the next meeting in two weeks.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO TABLE FOR TWO WEEKS. MOTION CARRIED.

- B. Consideration and possible action on Plan Commission's recommendation to approve a request to rezone the Randal Schoenfeld property located at N6W30515 Maple Avenue from A-1 Agricultural to R-1 Residential

Mr. Kranick stated that this rezoning will put the property into conformance.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A REQUEST TO REZONE THE RANDAL SCHOENFELD PROPERTY LOCATED AT N6W30515 MAPLE AVENUE FROM A-1 AGRICULTURAL TO R-1 RESIDENTIAL. MOTION CARRIED.

- C. Consideration and possible action on Plan Commission's recommendation to approve a request from Judith Williams to rezone a vacant 5-acre parcel located on the west side of Elmhurst Road, approximately 600 feet south of Sylvan Trail, from A-1 Agricultural to A-2 Rural Home District

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A REQUEST FROM JUDITH WILLIAMS TO REZONE A VACANT 5-ACRE PARCEL LOCATED ON THE WEST SIDE OF ELMHURST ROAD, APPROXIMATELY 600 FEET SOUTH OF SYLVAN TRAIL, FROM A-1 AGRICULTURAL TO A-2 RURAL HOME DISTRICT. MOTION CARRIED.

- D. Consideration and possible action on Plan Commission's recommendation to approve the request to rezone the property known as KE Park located on the south side of North Shore Drive, east of the property at N34W29637 North Shore Drive, from R-1 Residential to P-1 Park and Recreation District

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A REQUEST TO REZONE THE PROPERTY KNOWN AS KE PARK LOCATED ON THE SOUTH SIDE OF NORTH SHORE DRIVE, EAST OF THE PROPERTY AT N34W29637 NORTH SHORE DRIVE, FROM R-1 RESIDENTIAL TO P-1 PARK AND RECREATION DISTRICT. MOTION CARRIED.

- E. Consideration and possible action on Operator License for the period of 7/1/14 to 6/30/16:
1) Laura Polkus – *St. Anthony Parish*

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Budget Workshop – October 15 @ 6:00 p.m. (cancelled)
- B. Next Plan Commission Meeting – October 20
- C. Fright Hike – October 23 & 24
- D. Wisconsin Towns Association Convention – October 25 - 27
- E. Next Town Board Meeting – October 27 – Closed Session @ 6:30 p.m.

Tenth Order of Business: Adjournment

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

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: October 27, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
October 27, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy
Others Present: M. Hoppe, J. Formea

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of October 13, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56339 TO #56380 IN THE AMOUNT OF \$394,015.33

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$38,795.24

MS. DUCHOW/MR. TROY

MOTION CARRIED.

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

A. None

Seventh order of business: Unfinished Business

A. Consideration and possible action on Chicken License Application for Eugenia and Charles Whelan, N9W31440 Concord Lane (tabled 10/13/15)

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO REMOVE FROM THE TABLE. MOTION CARRIED.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE LICENSE REQUEST OF EUGENIA AND CHARLES WHELAN SUBJECT TO ENGINEER BARBEAU'S APPROVAL IN MEETING ALL REQUIREMENTS. IF THEY ARE NOT MET BY THE APPLICANTS, THE TOWN WILL PURSUE ACTION. MOTION CARRIED.

Eighth order of business: New Business

A. Consideration and possible action on Plan Commission's recommendation to approve a request of a Certified Survey Map to reconfigure multiple parcels into 2 parcels located at N20 W28382 Oakton Road (house has been removed), Tax Key No. 813-041

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A REQUEST OF A CERTIFIED SURVEY MAP TO RECONFIGURE MULTIPLE PARCELS INTO 2 PARCELS LOCATED AT N20 W28382 OAKTON ROAD, TAX KEY NO. 831-041. MOTION CARRIED.

- B. Possible consideration and possible action concerning the closed session agenda items noted above.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO PAY THE PARK AND REC DIRECTOR \$16.50/HR BEGINNING 1/1/16 AND THAT THE PARK AND REC COMMISSION GUIDE HER ON HER HOURS USED. MOTION CARRIED.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO GRANT A STIPEND OF \$3600/YR., INCLUDING DEFERRED COMPENSATION, TO THE HIGHWAY SUPERINTENDENT BEGINNING 1/1/16. MOTION CARRIED.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADOPT JIM SIEPMANN'S RECOMMENDATION FOR LOT PRICING AT THE OLD FIRE STATION #1 SPECIFICALLY, \$94,700 FOR LOT 16, \$89,900 FOR LOT 17 AND \$85,900 FOR LOT 18. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – November 3
- B. Next Park and Recreation Commission Meeting – November 9
- C. Next Town Board Meeting – November 10
- D. Annual Budget Hearing – Wednesday, November 18 @ 7:00 p.m.

Tenth Order of Business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK, TO ADJOURN AT 7:32 P.M. MOTION CARRIED.

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: November 10, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
November 10, 2015

Members Present: L. Krause, P. Van Horn, E. Kranick, R. Troy
Members Absent: C. Duchow
Others Present: 5 Citizens

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of October 27, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll
Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56381 TO #56430 IN THE AMOUNT OF \$37,966.45

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$26,006.59

CHAIRMAN KRAUSE/MR. KRANICK

MOTION CARRIED.

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

A. None

Seventh order of business: Unfinished Business

A. Consideration and possible action on proposed sewer lateral for lot 18 (old Fire Station #1 property)

Engineer Barbeau summarized the proposed project directing attention to the drawing provided by LPSD. He stated that the lateral connected to the existing building will be capped by the contractor to be used by the owner of lot 17. A new lateral will be required for lot 16. A new 4" inch lateral is required to be extended from the existing sanitary sewer located north of the existing firehouse to lot 18 (to be installed across lot 17). Engineer Barbeau stated that the cost should not exceed \$3,000. There will be a LPSD hookup fee charged to the owner of lots 16 and 18.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE INSTALLATION OF A SEWER LATERAL, NOT TO EXCEED \$3,000, TO SERVICE LOT 18. MOTION CARRIED.

B. Consideration and possible action on costs to re-create the Town of Delafield logo for installation in the Town Hall meeting room

At the 10/13 meeting, the Town Board approved the purchase of a 4x4 clear acrylic logo to be installed in the meeting room. The printing company needs to re-create the logo using the Town JPEG image.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE COSTS TO RE-CREATE THE LOGO FOR INSTALLATION IN THE TOWN HALL MEETING ROOM NOT TO EXCEED \$225.00. MOTION CARRIED.

Eighth order of business: New Business

- A. Request from Chad Coley, N21 W28624 Louis Avenue, for an exception to Section 9.14(9) of the Town of Delafield Code

Engineer Barbeau stated that Mr. Coley was granted an exception in June. His proposal was to take off the roof, increase the wall height by a story above the first floor and reconfigure the roof line. The three required standards were followed. Mr. Coley was granted permits from the county and town. As construction was in progress, the structural foundation failed. Mr. Coley has requested a variance from the county, and the staff report indicates that the county is in favor of his request. The plans for the home have not changed since his first proposal. The updated survey shows the exact offsets, 3.1' separation from the north lot lines and 3.3' from the south. Chairman Krause stressed the importance of not changing the proposed plans.

Engineer Barbeau discussed each finding of fact. 1. Exceptional Circumstances: The property is only 32.5 feet wide (average). The lot separation of the previously existing house on the site was 3.1 feet from the south lot line and 2.4 feet from the north lot line. The proposed lot separation is more than what previously existed. The property owner sought and obtained an exception from the requirements of 9.14(1)(b)(1) and (2) from the Town Board on June 9, 2015, for a structure that was only to include removal of the roof structure and increase the wall height a second level. The separation between buildings is increased slightly due to the lot separation increasing slightly. 2. Preservation of property rights: The proposed new construction will provide a substantial improvement to the neighborhood by removing a small non-conforming sized residence, improve the aesthetics and allow the owner adequate space to enjoy their property. Also, the new construction will add value to the neighborhood. 3. Absence of Detriment: The exception is consistent with the purposes of the ordinance, as this maintains the health, safety and welfare of the Town and its inhabitants, and it preserves property values; this does not adversely impact risks of fire or adversely affect access by public safety personnel and equipment or risks to public safety personnel, it does not create disturbance from one property to another whether by noise or other cause, or substantially interfere with the passage of light and air between buildings; the exception also preserves the uniform development patterns and preserves property values for the benefit of the Town.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE THE FINDINGS OF FACT FOR THE EXCEPTION, WHERE EACH OF THE CONDITIONS IS MET AND THAT THE EXCEPTION IS GRANTED. MOTION CARRIED.

- B. Employee Handbook review

Chairman Krause stated that the handbook has not been updated since 2007. Mr. Troy offered to go through it with the Town Clerk and Town Chairman.

- C. Consideration and possible action on Operator Licenses for the period of 7/1/14 to 6/30/16:
1) Robert Elliott, Jr. – Western Lakes Golf Club

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

2) Eric Fisher – *Western Lakes Golf Club*

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

D. Consideration and possible action on a Temporary Class “B” license to sell fermented beverages and a Temporary “Class B” license to sell wine for St. Anthony on the Lake School Committee on January 30, 2016

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Park and Recreation Commission Meeting – Thursday, November 12
- B. Annual Budget Hearing – Wednesday, November 18 @ 7:00 p.m.
- C. Next Town Board Meeting – November 24
- D. Next Plan Commission Meeting – December 1

Tenth Order of Business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADJOURN AT 7:25 P.M. MOTION CARRIED.

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: November 24, 2015

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
November 24, 2015**

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy
Others Present: T. Barbeau, *Town Engineer*, 6 citizens

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

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of November 10, 2015 Town Board Minutes
The minutes will be filed as prepared by the clerk.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56432 TO #56478 IN THE AMOUNT OF \$210,031.59

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$26,633.68

MS. DUCHOW/MR. KRANICK

MOTION CARRIED.

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

A. None

Seventh order of business: Unfinished Business

A. None

Chairman Krause requested to take Item 8B out of order.

Eighth order of business: New Business

B. Approval of Letter of Credit Reduction for Summerhill West

Engineer Barbeau recommended approval to reduce the subject Letter of Credit in the amount of \$186,341.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE. MOTION CARRIED.

A. Request from Gertrude Mihalovich, N20 W29976 Glen Cove Road, for an exception to Section 9.14 of the Town of Delafield Code

Engineer Barbeau directed attention to the existing Plat of Survey. He identified the subject property as being located on the west end of Glen Cove Rd., just before entering the cul-de-sac and very close to the westerly lot line. The original request allowed setbacks of 7.48', but the Town Code requires 7.50'. The applicant has agreed to meet the required 7.50' separation from the side lot lines on both sides of the house. Also, he is proposing to remove an existing structure on the property and construct a new home that is separated from its outward-most points by approximately 15.43' from the house to the west and 17.68' from the house to the east.

Chairman Krause requested that the applicant build the house back far enough on the property in respect of his neighbor to the west. Mr. Mihalovich presented a letter of support from the subject neighbor.

Engineer Barbeau stated Section 9.14(9)(a) of the Town ordinance requires that an exception cannot be granted unless there are exceptional circumstances, which the ordinance describes:

1. "(a) Exceptional Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this Section 9.14 would result in a severe burden. Such circumstances should not apply generally to other properties or be of such a recurrent nature as to suggest that Section 9.14 should be changed." He believes that this standard has been met in this case because the parcel is approximately 50' wide. The owner will be meeting the required 7.50' separation from the side lot lines on both sides of the house; thus resulting in a buildable width of 34.89 feet. The separation distance between the existing house and the house to the west is approximately 11'. The separation distance between the existing house and the house to the east is 33". The request by the owner is not for a specific house location but to determine the lot separation distances to determine an envelope to build a new house. If the proposed house is shifted north, the distance between the outer limits of the house to the existing house to the east will be 17.70'.

Section 9.14(9)(b) of the Town ordinance requires that an exception cannot be granted unless there is a need to preserve property rights, which the ordinance describes:

2. "(b) Preservation of Property Rights. That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity." Engineer Barbeau believes that this standard has been met in this case because, 1. The proposed new construction will provide a substantial improvement to the neighborhood by increasing the west side lot separation and overall building separation and allow the owner adequate space to enjoy their property; 2. The new construction will add value to the neighborhood; 3. The new construction will allow construction of a house that is rectangular, without indentations to accommodate the building separation requirement that would result in the house width to be 30.39' or less.

Section 9.14(9)(c) of the Town ordinance requires that an exception cannot be granted unless there is an absence of detriment, which the ordinance describes:

3. "(c) Absence of Detriment. That the exception or modification will not create substantial detriment to adjacent property, the desirable general development of the Town and its environs, and will not materially impair or be contrary to the purpose and spirit of this Section 9.14." Engineer Barbeau believes that this standard has been met in this case because the exception is consistent with the purposes of this ordinance, as this maintains the health, safety and welfare of the Town and its inhabitants, and it preserves property values; this does not increase adverse impact risks of fire or adversely affect access by public safety personnel and equipment or risks to public safety personnel, it does not create disturbance from one property to another whether by noise or other cause, or substantially interfere with the passage of light and air between buildings; the exception also preserves the uniform development patterns and preserves property values for the benefit of the Town.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO GRANT THE SPECIAL EXCEPTION TO THE 20' EAVE SEPARATION FOR THE REASONS EXPLAINED BY ENGINEER BARBEAU IN SPECIAL EXCEPTIONS 1, 2 AND 3. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – December 1
- B. Next Town Board Meeting – December 8
- C. Next Park and Recreation Commission Meeting – January 11, 2016

Tenth Order of Business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADJOURN AT 7:26 P.M. MOTION CARRIED.

Respectfully submitted,

Mary Elsner
Town Clerk/Treasurer

Minutes approved on: December 8, 2015

CLOSED SESSION
TOWN OF DELAFIELD BOARD OF SUPERVISORS
December 8, 2015

Closed Session: It is anticipated the Town Board will convene into closed session for the following reason: Pursuant to authorization conferred by Section 19.85(1)(c), Wisconsin Statutes, to consider employment, promotion, compensation or employment evaluation data of any public employee over which the Town Board has jurisdiction or exercises responsibility, more specifically concerning the park and recreation coordinator. Participating in the closed session will be the Town Board and Town Clerk. Following the closed session, the Town Board may take action on matters discussed in the closed session.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO GO INTO CLOSED SESSION. MR. VAN HORN – AYE, MR. KRANICK – AYE, MR. TROY – AYE, MS. DUCHOW – AYE, CHAIRMAN KRAUSE – AYE. MOTION CARRIED.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO GO INTO OPEN SESSION. MR. VAN HORN – AYE, MR. KRANICK – AYE, MR. TROY – AYE, MS. DUCHOW – AYE, CHAIRMAN KRAUSE – AYE. MOTION CARRIED.

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: T. Barbeau, *Town Engineer*, M. Hoppe, *Deputy Chief*, J. Formea, *11 Citizens*

Public Hearing: Prior to the start of the scheduled Town Board meeting there will be a public hearing in front of the Town Board to solicit public input on a request from Donald D. Popp, W299 N3222 Maple Avenue for annexation of lands he owns at W299 N3222 Maple Avenue (Tax Key No. DELT 0763-986) into the Lake Pewaukee Sanitary District (LPSD).

Engineer Barbeau stated that the septic system of the subject 2.3 acre property is failing and access to sanitary sewer is ready available. Mr. Popp is planning to connect to the sewer, which was installed in the area when Woodridge Estates was developed. Tom Koepp, Manager of the Lake Pewaukee Sanitary District, is recommending approval of the subject annexation.

No one wished to speak on this matter.

First order of business: Call to Order
Chairman Krause called the meeting to order at 7:07 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
There were no citizen comments.

Fourth order of business: Approval of November 24, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

Fifth order of business: Action on vouchers submitted for payment:
A. Report on budget sub-accounts and action to amend 2015 budget

- B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #55561 to #55622 IN THE AMOUNT OF \$40,161.29

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$39,775.05

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

- A. None

Seventh order of business: Unfinished Business

- A. Discussion on Lot 18 (old Fire Station #1 property)

Jim Siepmann stated that sanitary sewer is available for lots 16 and 17 and the connection fee has been paid. There will be an easement to lot 18, and the sewer connection fee will be approximately \$8890.00. The cost of lot 18 plus the Lake Pewaukee Sanitary District connection fee would result in that lot having a higher price than the other lots but, from a marketing standpoint, we will be able to offset the price with the existing well.

Eighth order of business: New Business

- A. Mike Walden, R&R Insurance Services, Re: Consideration and possible action on renewal of liability insurance for Town of Delafield

Mr. Walden informed the Town Clerk that he is still waiting to receive all necessary quotes.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO TABLE. MOTION CARRIED.

- B. Consideration and possible action on request from Donald D. Popp, W299 N3222 Maple Avenue for annexation of lands he owns at W299 N3222 Maple Avenue into the Lake Pewaukee Sanitary District (LPSD)

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE THE REQUEST TO ANNEX INTO THE LAKE PEWAUKEE SANITARY DISTRICT. MOTION CARRIED.

- C. Consideration and possible action on Plan Commission's recommendation to approve a Conditional Use Permit to Operate a Commercial Stable at W288S290 Elmhurst Road

Engineer Barbeau stated that the owners submitted a Plan of Operation that was incorporated into the Conditional Use Permit. The Plan indicated that the maximum number of horses to be boarded on the site shall be 7, including those horses owned by the business operators. It identified services included, as well as not part of, the Plan of Operation. All boarders must sign a boarding agreement. Manure will be disposed of in the northeast corner of the property or spread across the fields for disposal. Per night accommodations may be made for guest horses only; maximum one week stay for guest horses. The operation will not include the operation of a commercial facility such as a bar or restaurant.

As referenced in Letter V, the conditional use, site plan and plan of operation shall be reviewed every five years. The Plan Commission unanimously recommended approval of the Conditional Use Permit.

Mr. Kranick stated that others applying for a conditional use permit should take a class from the subject applicants, as they presented a very complete and thorough Plan of Operation.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL STABLE AT W288S290 ELMHURST ROAD AS PREPARED BY STAFF. MOTION CARRIED.

D. Consideration and possible action on Plan Commission's recommendation to approve a Certified Survey Map to split land into two parcels at W290 N3159 Hillcrest Drive

Engineer Barbeau stated that the subject property is currently 10.4 acres in size; Lot 1 is 4.0 acres (to the north) and Lot 2 is 6.15 acres (to the south). There are laterals in the road that extend to the lot line for lot 1. The current parcel is in the Lake Pewaukee Sanitary District, and a sewer lateral is available outside the roadway to connect. Portions of both lots are in the Primary Environmental Corridor. No construction of buildings will be allowed in the PEC, except with approvals by Waukesha County and the Town. As the land is located partially in the shoreland district, the Certified Survey Map has been submitted to Waukesha County for review. They have not yet provided comments. Any approval granted should be subject to comments from Waukesha County. If there are comments of any significance, the Town will have to go through a re-approval process. The Plan Commission unanimously recommended approval.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION TO APPROVE A CERTIFIED SURVEY MAP TO SPLIT LAND INTO TWO PARCELS AT W290 N3159 HILLCREST DRIVE SUBJECT TO COMMENTS FROM WAUKESHA COUNTY. MOTION CARRIED.

E. Consideration and possible action on Reduction in Letter of Credit for Woodridge Estates II

Mr. Kranick recused himself and left the room for this discussion.

Engineer Barbeau is recommending a reduction in the Letter of Credit for Woodridge Estates II by \$229,990. This allows for retainage of 10% for each of the items that have not yet been completed.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE THE REDUCTION IN LETTER OF CREDIT FOR WOODRIDGE ESTATES II BY \$229,990, AS RECOMMENDED BY STAFF. MOTION CARRIED.

F. Consideration and possible action on Village of Pewaukee Requests for Proposal on Provision of Fire Services and Emergency Medical Services

Ms. Duchow stated that she spoke with the Fire Chief, and they are in agreement that it doesn't make logistical sense for the Town to submit an RFP. The Village of Pewaukee is looking to pay less for the subject services. Also, Chief Kozlowski doesn't want to get into competition with another fire department.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO NOT PURSUE THE VILLAGE OF PEWAUKEE REQUESTS FOR PROPOSAL ON PROVISION OF FIRE SERVICES AND EMERGENCY MEDICAL SERVICES. MOTION CARRIED.

- G. Consideration and possible action on an Ordinance to Repeal Sections 9.14(2) and 9.14(3) of the Town of Delafield Municipal Code Related to Green Space and Floodplain Separation Minimum Standards

Engineer Barbeau stated that recent amendments to State law affect shoreland throughout the State. The Town asked Attorney Larson to provide advice on whether these changes to State law have any impact on the Town. He stated that the risks are larger now with regard to the subject sections, which establish certain Town-wide standards through police powers. Section 9.14(2) identifies a flood plain separation of 75 ft. and Section 9.14(3) identifies a minimum of 60% green space. The Town Attorney has recommended that the State and County regulate these two items.

Engineer Barbeau directed attention to the draft Ordinance and suggested the following revisions: in Section 1, (2) should be changed to (3), and in Section 2 (3) should be changed to (2).

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE SUBJECT TO THE TOWN ATTORNEY MAKING THE SUGGESTED CHANGES. MOTION CARRIED.

- H. Consideration and possible action on an Ordinance to Create Section 1.31 Entitled Publication and Posting of Official Public Notices of the Town of Delafield Town Code

Chairman Krause stated that this is the result of a new bill that was passed allowing us to post in one location and on the Town website, rather than at three locations.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE. MOTION CARRIED.

- I. Consideration and possible action on Storm Water Management Maintenance Agreement and Release of Easement for the parcel known as N30W28895 West Lakeside Dr.

Engineer Barbeau stated that a potential buyer is planning to build a home on the subject property. There is an existing storm sewer easement to allow storm water to drain across the subject property to Pewaukee Lake, including the water that is discharged onto the subject property from a culvert underneath Lakeside Drive and across Lakeside Drive. The potential buyer is requesting that the Town release this easement to allow for construction to take place. Waukesha County has jurisdiction over the property, as it located in the shoreland. We want to make sure that the owner has a qualified professional perform an inspection of the storm water management practice every five years.

Jim Bernthal, N30W28895 West Lakeside Drive, is asking that in the terms of conditionally approving the stormwater management, he does not have to sign the document as the owner and that the new owners sign it.

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MR. KRANICK TO CONDITIONALLY APPROVE THE STORM WATER MANAGEMENT MAINTENANCE AGREEMENT AND RELEASE OF EASEMENT AS PRESENTED WITH THE TOWN ATTORNEY'S LETTER OF DECEMBER 7, 2015, SUBJECT TO THE FOLLOWING: 1) IF THE AGREEMENT IS SIGNED BY JAMES BERNTHAL AND VICKY BERNTHAL, AS DRAFTED, IT MUST BE SIGNED AND RECORDED PRIOR TO THE BERNTHALS CONVEYING THE PROPERTY; 2) IF THE AGREEMENT IS SIGNED BY THE PROPOSED PURCHASERS (THE MULLINS), IT MUST BE REVISED TO THE SATISFACTION OF THE TOWN ATTORNEY SO THAT IT CAN BE SIGNED AND RECORDED BY THE MULLINS AFTER THEY TAKE TITLE TO THE PROPERTY AND THEIR DEED IS RECORDED; AND 3)

THE TOWN CHAIR AND TOWN CLERK ARE AUTHORIZED TO SIGN ON BEHALF OF THE TOWN ONLY UPON PRESENTATION FROM THE RELEVANT PROPERTY OWNERS OF THE APPROVED AGREEMENT BEARING THE NECESSARY SIGNATURES OF THE RELEVANT PROPERTY OWNERS, AND THIS APPROVAL IS ONLY VALID UPON SUCH FULL EXECUTION; AND 4) IF THE FOREGOING CONDITIONS ARE NOT SATISFIED WITHIN ONE YEAR OF THE DATE OF THIS APPROVAL, THIS CONDITIONAL APPROVAL AUTOMATICALLY EXPIRES. MOTION CARRIED.

J. Consideration and possible action on 2016 contracts/agreements:

1. Elmbrook Humane Society

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO RENEW OUR CONTRACT WITH ELMBROOK HUMANE SOCIETY. MS. DUCHOW – AYE, MR. TROY – AYE, MR. VAN HORN – NAY, MR. KRANICK – NAY, CHAIRMAN KRAUSE – AYE. MOTION PASSED 3-2.

2. Rotroff Jeanson & Company

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO APPROVE THE ROTROFF JEANSON & COMPANY CONTRACT FOR ANOTHER YEAR. MS. DUCHOW – AYE, MR. TROY- AYE, MR. VAN HORN – NAY, MR. KRANICK – AYE, CHAIRMAN KRAUSE – ABSTAINED. MOTION PASSED 3-2.

3. Waukesha County Sheriff's Department - Police Services and Transcription Service

Chairman Krause stated that he asked the supervisor in charge of the department to track the amount of time spent in the Town as well as other areas.

MOTION MADE BY MR. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE WAUKESHA COUNTY SHERIFF'S DEPARTMENT POLICE SERVICES AND TRANSCRIPTION SERVICE CONTRACT AS PREPARED. MOTION CARRIED.

4. R.A. Smith National, Inc.

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO APPROVE THE CONTRACT SUBMITTED BY RA SMITH NATIONAL, INC. MS. DUCHOW – AYE, MR. TROY – AYE, MR. VAN HORN – NAY, MR. KRANICK – AYE, CHAIRMAN KRAUSE – AYE. MOTION PASSED 4-1.

K. Consideration and possible action on Resolution Approving Municipal Court Budget

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO APPROVE THE MUNICIPAL COURT BUDGET RESOLUTION. MOTION CARRIED.

L. Consideration and possible action on changing Town Board meeting night

MOTION MADE BY MR. TROY, SECONDED BY MS. DUCHOW TO TABLE FOR FUTURE DISCUSSION. MOTION CARRIED.

M. Appointments of Clerk/Treasurer, Deputy Clerk/Treasurer and Fire Chief

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO APPOINT MARY ELSNER AS CLERK/TREASURER, LAUREN BEALE AS DEPUTY

**CLERK/TREASURER AND PAUL KOZLOWSKI AS FIRE CHIEF FOR ANOTHER YEAR.
MOTION CARRIED.**

N. Appointment of Election Inspectors for the period of 1/1/2016-12/31/2017

**MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO APPROVE AS
RECOMMENDED BY STAFF. MOTION CARRIED.**

Ninth Order of business: Announcements and Planning Items

A. Next Plan Commission Meeting – December 15

B. Next Town Board Meeting – December 22 – 6:00 p.m.

Tenth order of business: Adjournment

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. TROY TO ADJOURN AT 8:15 P.M.
MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on: December 22, 2015

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
December 22, 2015

Members Present: L. Krause, P. Van Horn, C. Duchow, E. Kranick, R. Troy

Others Present: T. Barbeau, *Town Engineer, 10 Citizens*

First order of business: Call to Order
Chairman Krause called the meeting to order at 6:00 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Citizen Comments
Michael Cloherty, W319N1049 Balsam Lane, expressed concerns regarding the news report related to the Ethan Allan Juvenile Facility. Chairman Krause stated that this issue would be placed on a future agenda when there is something to discuss.

Tom Calder, Village of Pewaukee Trustee, requested that the Town Board reconsider their decision on submitting an RFP for fire and EMS services. He stated that the Village of Pewaukee has a budget of \$1.7m for 2016. The City of Pewaukee charges \$8204.00 per call (fire or false alarm) and a \$77,000 administrative fee. Mr. Calder thanked the Town for their relationship with the Pewaukee Lake Patrol.

Fourth order of business: Approval of December 8, 2015 Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2015 budget

B. 1) Accounts payable; 2) Payroll

Accounts Payable

MOVED TO APPROVE PAYMENT OF CHECKS #56539 TO #56586 IN THE AMOUNT OF \$419,823.51

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$38,625.21

MS. DUCHOW/MR. KRANICK

MOTION CARRIED

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

A. None

Seventh order of business: Unfinished Business

A. None

Eighth order of business: New Business

A. Consideration and possible action on Plan Commission's recommendation to approve three Certified Survey Maps in the Southeast ¼ of Section 26 and the Northeast ¼, Northwest ¼ and Southeast ¼ of Section 35, created to dedicate Bryn Drive and CTH G to the public for road purposes

Engineer Barbeau summarized the proposed request stating that the purpose of the Certified Survey Map is to dedicate the road as a public right-of-way. The William's family owns approximately 408 acres, and they are in the process of selling the land. The prospective owner would like to have Bryn Drive dedicated rather than accept the right-of-way as being present, due to prescriptive rights in the State Statutes. It is the Town's right-of-way, but it was developed by a prescription. The Town laid it out, worked it and has maintained it since the

1930's. The land underneath it is still described as the William's property. The dedication would define it as Town land. There are no new lots being created. The land adjacent to lot 3 will be 33 ft. on the east side and there is already 33 ft. on the west side to give us 66 ft. It goes through the William's property at 66 ft. The property adjacent to CTH G has a dedication on both Bryn Drive of 33 ft. and on CTH G at 40 ft., which is consistent with the 80' future road width that is designated by Waukesha County. As many different versions of the CSM's have been presented, the Town Board did not have the updated version referencing the existing shed on sheet 5 of 9. The Plan Commission recommended approval at a 5-2 vote.

Chairman Krause stated that this is a benefit for the Town for the following reasons: It defines where the road is and it gives us ownership of the land and the road underneath it; it also corrects a problem with the cemetery, where in the past there may have been a part of the cemetery that was in the road; and, we also took care of the issue of the road passing through the one set of farm buildings by moving the right-of-way to the northeast. This helps to eliminate potential future issues.

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO APPROVE THE PLAN COMMISSION'S RECOMMENDATION TO INCLUDE USING THE UPDATED VERSION OF THE CSM REFERENCING THE SHED IN SHEET 5 OF 9. MOTION CARRIED.

B. Consideration and possible action on purchase of Tackboard for meeting room

Ms. Duchow stated that the subject purchase would be paid for by using excess monies from the building loan. The board will serve as an informational piece displaying various maps, etc. of the Town.

MOTION MADE BY MR. KRANICK, SECONDED BY MS. DUCHOW TO APPROVE MS. DUCHOW'S REQUEST AS PREPARED. MOTION CARRIED.

C. Re-appointment to Board of Appeals

MOTION MADE BY CHAIRMAN KRAUSE, SECONDED BY MS. DUCHOW TO REAPPOINT NANCY BONNIWELL FOR A 3 YR. TERM BEGINNING IN JANUARY, 2016. MOTION CARRIED.

Ninth Order of business: Announcements and Planning Items

- A. Next Plan Commission Meeting – January 5, 2016
- B. Next Park and Recreation Commission Meeting – January 11, 2016
- C. Next Town Board Meeting – January 12, 2016

Tenth order of business: Adjournment

MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRANICK TO ADJOURN AT 6:20 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on: January 11, 2016