

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING**  
**June 24, 2014**

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

**Others Present:** E. Larson, *Town Attorney*, T. Barbeau, *Town Engineer*, P. Kozlowski, *Fire Chief*, E. Kranick, *Plan Commissioner*, B. Cooley, *Plan Commissioner*, M. Hoppe, *Deputy Fire Chief*, J. Formea, *Fire Department*, J. Mann, *Mannedge Consultants*, G. Johnson, *Ehlers & Associates*, 20 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 was no citizen comment.*

**Fourth order of business:** Approval of June 10, 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 2013 budget

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

**MOVED TO APPROVE PAYMENT OF CHECKS #54236 – 54274 IN THE AMOUNT OF \$173,242.29**

Payroll

**MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$36,891.44**

**MS. DUNDON/MR. KRAUSE**

**MOTION CARRIED**

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

A. Bill Sykes (5/27/14), Re: 2014 Bike MS: Toyota Best Dam Bike Ride

None

B. Jonathan Walter (6/11/14), Re: paving a Town of Delafield alley

*Engineer Barbeau stated that alleys are considered public, and staff has determined that there is no obligation for the town to pave the subject area with asphalt. Based on this conclusion, the Board can decide what kind of action to take. Do we allow neighbors to pave it? If it becomes paved, what happens as far as future maintenance goes? The alley serves three neighbors directly and one neighbor has access to one side.*

*Attorney Larson stated that the subject alley has not been discontinued because State statute indicates they are public. He recommended that the Town direct the neighbors to pursue a court order to vacate. This would require unanimous approval of the property owners, as they would have an obligation to maintain it by Town standards.*

*Warren Hornick, James Smerz and Jim Ferrell are in agreement that this is not an alley, as it serves as primary ingress and egress for the property owners. The Town has created a dangerous situation and a liability issue.*

*Attorney Larson stated that the plat defines this as an alley. He suggested that staff discuss this further and bring it back in two weeks for consideration.*

**Seventh order of business:**

A. Further discussion on new fire station/town hall

*Ms. Duchow stated that the Town is waiting for a permit from the State, but otherwise we are ready to go.*

1. Approval of Resolution and Scope of Engagement Re: Authorizing the Issuance and Sale of \$3,950,000 General Obligation Town Building Bonds, Series 2014A

*Greg Johnson, Ehlers, stated that the sale of the bonds occurred today, with Baird coming in at 3.1217%.*

**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE RESOLUTION AND SCOPE OF ENGAGEMENT RE: AUTHORIZING THE ISSUANCE AND SALE OF \$3,950,000 GENERAL OBLIGATION TOWN BUILDING BONDS, SERIES 2014A. MS. DUCHOW – AYE, MS. DUNDON – AYE, MR. KRAUSE – AYE, MR. VAN HORN – AYE, CHAIRMAN KANTER – AYE. MOTION CARRIED UNANIMOUSLY.**

2. Approval of Agreement to Provide Annual “Small Issue – Limited” Disclosure Reporting Services between Ehlers & Associates, Inc. and the Town of Delafield

*Greg Johnson stated that new rules have been put into place regarding continuing disclosure for small municipal bond issuers. The Town must now make their financial records available by posting an annual report on the Municipal Securities Rulemaking Board’s Electronic Municipal Mark Access website. He offered the services of Ehlers to file the report on behalf of the Town for \$150 annually.*

**MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE THE AGREEMENT WITH ELHLERS TO PREPARE AND FILE THE ANNUAL DISCLOSURE REPORT ON BEHALF OF THE TOWN OF DELAFIELD. MOTION CARRIED.**

3. Approval of Post Issuance Compliance Policy for Tax-Exempt and Tax Advantaged Obligations

*Greg Johnson stated that the tax exemption certificate and post-closing compliance checklist included in the closing documents for each issue of bonds or notes establishes the requirements and procedures the Town must comply with. However, the IRS has stressed the importance of having written compliance policies in place regarding these federal tax requirements. He provided an example of this policy prepared by the Town’s Bond Attorney for consideration.*

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

4. Review of the construction cost and delegation of limited change order authority

*Ms. Duchow stated the request to authorize Mr. Mann to work as the Town’s representative in making limited change orders on his own for things that come up during construction.*

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO DELEGATE THE TOWN’S CONSULTING OWNER’S REPRESENTATIVE, MANNEDGE CONSULTING, LLC, AUTHORITY TO APPROVE CHANGE ORDERS ON BEHALF OF THE TOWN REGARDING THE TOWN FIRE STATION AND TOWN HALL CONSTRUCTION PROJECT SUBJECT TO THE FOLLOWING LIMITATIONS: A. SUCH AUTHORITY CAN ONLY BE EXERCISED WHEN THE OWNER’S REPRESENTATIVE BELIEVES ALL OF THE FOLLOWING TO BE TRUE: I. AWAITING TOWN BOARD APPROVAL AT THE NEXT REGULAR TOWN BOARD MEETING WOULD NECESSARILY DELAY THE PROJECT; II. THE CHANGE DOES NOT WARRANT CALLING A SPECIAL TOWN BOARD MEETING, BECAUSE IT IS CLEARLY CONSISTENT WITH THE INTENT OF THE PROJECT; III. THERE ARE SUFFICIENT CONTINGENCY FUNDS AVAILABLE TO ACCOMMODATE THE CHANGE ORDER; B. NO MORE THAN \$15,000 IN CHANGE ORDERS CAN BE APPROVED BY THE OWNER’S REPRESENTATIVE IN THE TIME PERIOD BETWEEN CONSECUTIVE REGULAR MEETINGS OF THE TOWN BOARD; C. THE TOTAL CHANGE ORDERS ON THE PROJECT SHALL NOT EXCEED 15% OF THE CONTRACT AMOUNT; D. A COPY OF EACH APPROVED CHANGE ORDER SHALL BE PROMPTLY FILED IN THE OFFICE OF THE TOWN CLERK. MS. DUCHOW – AYE, MS. DUNDON – AYE, MR. KRAUSE – AYE, MR. VAN HORN – NAY, CHAIRMAN KANTER – AYE. MOTION PASSED 4-1.**

5. Award and approval of construction contract agreement

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO AWARD THE CONTRACT FOR THE TOWN FIRE STATION AND TOWN HALL CONSTRUCTION PROJECT TO SCHERRER CONSTRUCTION CO., INC., AND TO APPROVE THE CONTRACT BETWEEN THE TOWN OF DELAFIELD AND SCHERRER CONSTRUCTION CO., INC., AS PRESENTED SUBJECT TO THE CONTRACT BEING PLACED INTO FINAL FORM AND CONTENT APPROVED BY THE TOWN ATTORNEY AND TOWN'S OWNER'S REPRESENTATIVE, AND TO AUTHORIZE THE TOWN CHAIR AND TOWN CLERK TO SIGN ON BEHALF OF THE TOWN. MOTION CARRIED.**

- B. Request to approve renewal of 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 the following:  
- *Kim's Lakeside LLC (tabled 6/10/14)*

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

**MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE RENEWAL OF 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 KIM'S LAKESIDE.**

- C. Consideration and possible action on Operator's License Renewals for the period of 7/1/14 to 6/30/16:

1. *Michaela Books – Pewaukee Yacht Club, Inc. (tabled 6/10/14)*

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

*Ms. Books stated that she made a bad decision, but fortunately did not drive home while intoxicated. Chairman Kanter informed her that if this happens again, termination will be considered and her whole history will be reviewed.*

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

2. *Marijo Burbach – Kim's Lakeside, LLC (tabled 6/10/14)*

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

*Ms. Burbach stated that they sent in a sting for the area she was working in at the time. When she carded the individual, she missed the birth date and accidentally served a minor. Chairman Kanter informed her that if this happens again, termination will be considered and her whole history will be reviewed.*

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

**Eighth order of business:** New Business

- A. Discussion and possible action on Town of Delafield Violations of Law at N22W28821 Louis Avenue

*Thomas Riepenhoff stated that he has completed maintenance issues with exception to the roof being repaired on his shed. The contractor will be working on it this week, and the issue will definitely be resolved in two weeks. Chairman Kanter directed Mr. Fockler to go out and inspect the property and report to the Board in two weeks.*

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

- B. Consideration and possible action on Plan Commission's recommendation to approve a Residential Planned Unit Development Conditional Use Permit, Preliminary Plat, Phasing Plan and Declaration of Covenants for Woodridge Estates Subdivision

*Engineer Barbeau stated that the Phasing plan is subject to addressing all requirements listed in the Conditional Use permit relating to time frame on completion of phases.*

**MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE THE RESIDENTIAL PLANNED UNIT DEVELOPMENT CONDITIONAL USE PERMIT FOR THE KRANICK, NEUMANN WOODRIDGE ESTATES SUBDIVISION. MOTION CARRIED.**

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. KRAUSE TO APPROVE THE WOODRIDGE ESTATES PRELIMINARY PLAT TO INCLUDE THE REVISIONS INCORPORATED BY THE PLAN COMMISSION ON JUNE 17, 2014 LISTED IN THE ENGINEER'S MEMORANDUM OF THAT DATE. MOTION CARRIED.**

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO APPROVE THE PHASING PLAN SUBJECT TO ALL CONDITIONS SET FORTH IN THE C.U. PERMIT AS THEY AFFECT THE PHASING PLAN. MOTION CARRIED.**

*Attorney Larson stated his request to further review the Declaration of Covenants.*

**MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO TABLE THE DECLARATION OF COVENANTS. MOTION CARRIED.**

- C. Consideration and possible action on Plan Commission's recommendation to approve a Conditional Use permit for Watercrest Investments d/b/a JR Motorsports located at N47 W28229 Lynndale Road

**MOTION MADE BY MR. VAN HORN, SECONDED BY MS. DUCHOW TO ACCEPT PLAN COMMISSION'S APPROVAL OF THE CONDITIONAL USE PERMIT FOR WATERCREST INVESTMENTS CONDITIONED UPON RESTRICTING ANY ACTIVITIES TO BE HELD ON SUNDAY AND THE OWNER TO APPEAR BEFORE THE PLAN COMMISSION TO REQUEST SPECIAL EVENTS BY SPECIFIC REQUEST AND APPROVAL OF THE PLAN COMMISSION. MS. DUCHOW – AYE, MS. DUNDON – AYE, MR. KRAUSE – AYE, MR. VAN HORN – AYE, CHAIRMAN KANTER – NAY. MOTION PASSED 4-1.**

- D. Consideration and possible action on Plan Commission's recommendation to deny rezoning the property at W300N3317 and W300N3371 Maple Avenue

**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE THE PLAN COMMISSION'S RECOMMENDATION TO DENY REZONING THE PROPERTY AT W300N3317 AND W300N3371 MAPLE AVENUE. MOTION CARRIED.**

- E. Award of 2014 Road Program Contract

*Engineer Barbeau stated that we received 2 bids: Payne & Dolan, Inc. - \$374,487.50 and Wolf Paving, Inc. - \$388,625.50.*

**MOTION MADE BY MS. DUCHOW, SECONDED BY MR. VAN HORN TO AWARD THE 2014 PAVING CONTRACT TO PAYNE AND DOLAN. MOTION CARRIED.**

- F. Consideration and possible action on Alcohol Permit for Sports Commons on July 20, 2014 from 1:00 to 5:00 p.m.

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

- G. Consideration and possible action on Operator's License Renewals for the period of 7/1/14 to 6/30/16:
1. *Teresa Burbach – Kim's Lakeside LLC*  
**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.**
  2. *Suzanne Chartier – Kim's Lakeside LLC*  
**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.**
  3. *Clark Jester – Kim's Lakeside LLC*  
**MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.**
  4. *Sarah Ledger – Kim's Lakeside LLC*  
**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO APPROVE. MOTION CARRIED.**
  5. *Rena Manriquez – Kim's Lakeside LLC*  
**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.**
  6. *Kimberly Neder – Kim's Lakeside LLC*  
**MOTION MADE BY MS. DUNDON, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.**
  7. *Christopher Schroeder – Kim's Lakeside LLC*  
**MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO APPROVE. MOTION CARRIED.**
  8. *Sarah Toth – Kim's Lakeside LLC*  
**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 – July 1
- B. Next Town Board Meeting – July 8
- C. Next Park and Recreation Commission Meeting – July 14 @ 6:30 p.m.

**Tenth order of business:** Adjournment

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

Respectfully submitted,

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

Minutes approved on: July 8, 2014