

CITY OF DELAFIELD PLAN COMMISSION MEETING MINUTES

Call to Order
Mayor McAleer called the meeting to order at 7:00 P.M.

Pledge of Allegiance
The Pledge of Allegiance was recited.

Roll Call for the Wednesday, June 29, 2011 Plan Commission meeting:

Present

Ed McAleer, Mayor
Michele DeYoe, Ald.
Kent Attwell
Kevin Fitzgerald
Dan Jashinsky
Matthew Katz
Roger Dupler, Planner
Tim Schuenke, Administrator
Gina Gresch, Clerk-Treasurer
Scott Hussinger, Building Inspector

Absent

Chris Smith
Michael Frede

PUBLIC HEARING #1:

CONDITIONAL USE AMENDMENT– HOLIDAY INN

APPLICANT:

J. Randy Bruce - Holiday Inn Express

MATTER:

Amend the Conditional Use for architectural modifications, change in roof color and signage.

E. McAleer called the public hearing to order at 7:01 p.m. Jack Weissgerber, property owner, stated he is asking the Plan Commission for approvals for the Holiday Inn Express so that they may comply with the corporate changes for re-launching the brand.

PUBLIC COMMENTS: None.

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS FOR THE HOLIDAY INN PUBLIC HEARING AT 7:03 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #2:

CONDITIONAL USE AMENDMENT – UNIVERSITY LAKE SCHOOL

APPLICANT:

Timothy Horner – University Lake School

MATTER:

Amend the Conditional Use for an additional building, parking lot and road modifications.

E. McAleer called the public hearing to order at 7:03 p.m. Tim Michaels, 6831 STH 83, Hartland, stated he owns Michaels Construction and is volunteering to help the school with the construction project. T. Michaels reviewed the improvement plans with the Plan Commission. Tim Horner, the school's Business Administrator, was present and stated that the school is excited to be re-orientating the campus in a way that is in the vision of the original architect. Time is of the essence to complete it during the summer. T. Michaels stated they are working with the City Forester on tree mitigation; she is satisfied that trees will be planted to replace those that are being removed.

PUBLIC COMMENTS: None.

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS FOR THE UNIVERSITY LAKE SCHOOL PUBLIC HEARING AT 7:08 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PUBLIC HEARING #3:

CONDITIONAL USE AMENDMENT – DESIGN MART

APPLICANT:

John DeToro – Design Mart

MATTER:

Amend the Conditional Use to allow both the electronic reader board and premise sign.

E. McAleer called the public hearing to order at 7:08 p.m. John and Alexandra DeToro, 1165 N. Canterbury, Mequon, stated they are the owners of Design Mart and came to the Plan Commission for prior approval to allow the electronic reader board sign. J. DeToro stated he didn't realize that the approval for the electronic message board was contingent

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upon the Design Mart sign coming down. A. DeToro stated they operate three businesses in one building, and the Design Mart sign is vital to identifying that.

PUBLIC COMMENTS: None.

K. ATTWELL MOVED TO CLOSE PUBLIC COMMENTS FOR THE DESIGN MART PUBLIC HEARING AT 7:10 P.M. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

1. Approve Plan Commission meeting minutes of May 25, 2011 meeting.

M. DEYOE MOVED TO APPROVE THE MAY 25, 2011 PLAN COMMISSION MEETING MINUTES AS PRESENTED. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE ABSTENTION BY M. KATZ.

2. City of Delafield Citizen's Comments pertaining to subjects on this agenda.

Raffi Shirikian, 740 Mill Road, spoke about the Roller Mill Dam removal agenda item. **Clerk's Note: Due to the length of his statement, his statement will be attached to the minutes when it is received.*

K. ATTWELL MOVED TO CLOSE CITIZEN'S COMMENTS PERTAINING TO SUBJECTS ON THE AGENDA AT 7:16 P.M. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. Consent Agenda (Recommended approvals in accordance with the staff report).
 - a. **DELC 0736.988.001, at the intersection of Campbell Trace and STH 83, Hartland.** Owner: State of Wisconsin. Applicant: Suzanne Dauer. Applicant seeks approval of a Temporary Business Plan of Operation to sell sweet corn. Hours of Operation are July 1 through September 30. Times and employees were not specified on the application.
 - b. **DELC 0804.994.002, 2863 Heritage Drive, Delafield.** Owner: ND Realty Corp. c/o Wal-Mart Stores. Applicant: Michael G. Drout d/b/a Subway. Applicant seeks approval of a Business Plan of Operation for a restaurant, Subway, in the Wal-Mart store. Hours of operation are Weekdays 7AM to 6PM and Saturday 7AM to 3PM 15 part-time and 5 full-time employees.
 - c. **DELC 0803.006, 20 Crossroads Ct., Delafield.** Owner: Darlene Osgood. Applicant: D. K. Hinkel Investments, LLC. Applicant seeks approval of Business Plan of Operation Amendment for a multi-tenant hair salon, Delafield Salon Suites. Hours of Operation are Weekdays and Weekends 9AM to 9PM with 6 individual single owner salons.
 - d. **DELC 0794.996.001, 500 Mill Street, Delafield.** Owner: Margaret Zerwekh. Applicant: Marty Melchior, Inter-Fluve. Applicant seeks a Temporary Business Plan of Operation for demolition and excavation of the Roller Mill Dam. Hours of operation are Weekdays 7AM to 6PM with 4 full-time employees.
 - e. **DELC 0781.005 and 0781.992, 2630 Oakwood Road, Delafield.** Owner/Applicant: Kettle Moraine Curling Club. Applicant seeks approval to expand the existing parking lot.

K. ATTWELL MOVED TO APPROVE ITEMS A, B, C & D ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

K. Attwell stated he has a question about the curling club's site plan. Gerry Meier, 3300 Stonebridge Isle, Hartland, was present as the Curling Club's representative. K. Attwell asked where the blacktop would be added to. R. Dupler stated he added the hash marks to the plans so that it is readable in black and white. G. Meier stated the Club's Conditional Use Permit gives them permission to make a parking lot out of the entire area, but they won't be using the entire space. There are times that there is overflow parking on the street and they want to contain the parking within in their lot.

K. ATTWELL MOVED TO APPROVE ITEM E ON THE CONSENT AGENDA IN ACCORDANCE WITH THE STAFF REPORT. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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4. Final Consideration, Approvals, Previous Approval.

- a. **DELC 0798.026.090, 617 Wells Street, Delafield.** Owner/Applicant: Raul Perez. Applicant seeks approval of a Final Certified Survey Map to combine two lots into one, and recommendation to the Common Council of the same.

R. Dupler stated the Lumber Inn returns to the Plan Commission this month for final approval of the proposed CSM. This survey instrument will consolidate the two existing lots into one. City approval will not impact the existing structure or operation. The submitted documents have addressed all of the Yaggy Colby comments from the preliminary submittal. K. Fitzgerald asked if this will be a single lot with two zonings. R. Dupler stated yes and it doesn't become an issue until a building is erected, at which time the applicant will have to choose which zoning they want to utilize. The property owner will be requesting an addition in the future, but that building will be contained in one zoning. They are combing the lots to only have one tax bill.

M. DEYOE MOVED TO APPROVE THE FINAL CERTIFIED SURVEY MAP TO COMBINE TWO LOTS INTO ONE FOR DELC 0798.026.090, 617 WELLS STREET, DELAFIELD. OWNER/APPLICANT: RAUL PEREZ, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. KATZ SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

The applicant for Great Harvest Bread Company stated he noticed on the agenda that his hours and Subway's hours seem to be transposed on the agenda. The hours should be as follows:

- **Subway:** Weekdays 7AM to 10PM, Saturday 7AM to 11PM and Sunday 7AM to 10PM
- **Great Harvest Bread Company:** Weekdays 7AM to 6PM and Saturday 7AM to 3PM

- b. **DELC 0804.993.003, 3030 Golf Road, Delafield.** Owner: Tirama, LLC. Applicant: Holiday Inn Express-J. Randy Bruce. Applicant seeks approval to amend the Conditional Use for architectural modifications, change in roof color and signage and recommendation to the Common Council of the same.

R. Dupler stated the Holiday Inn wishes to modify and upgrade their existing building. This project was approved as a Planned Development and is therefore governed by a Conditional Use. As a Conditional Use, the Plan Commission must recommend to the City Council for final approval. The architectural modifications are proposed to update the building façade and add detailing to match the corporate profile. This is accomplished by attaching EFIS panels, frieze board and cornice to the structure. This additional fenestration does not impact the structure or constitute a major change to the building. The entry vestibule is modified to eliminate the curtain wall of glass and install a masonry knee wall with windows above. The porte-cochere is modified to remove the masonry veneer and replace with EFIS columns. The roof color is proposed for change from the deep green, which is prevalent throughout the Shoppes at Nagawaukee Center, to neutral beige. The roof atop the tower element will remain green.

R. Dupler stated new signs are also proposed as a part of this petition. The proposed locations include three sides of the tower, a monument sign near the entrance drive, and a panel on the existing project monument signs. Each tower sign is 70.4 sf, and the total building signage is 211.2 sf. The allowable building signage based on right-of-way frontage is 332 sf. The proposed entrance sign is intended to occupy the same space as the existing sign; however the size of the sign is much larger than the original. The original entrance sign is 17.32 sf, and the proposed entrance sign is 51.25 sf. This increase in sign presentation is allowable and conforms to code. The Plan Commission may however ask that the entrance sign be reduced to be more consistent with the existing presentation. The directional sign in the shopping center monument sign is pre-approved.

Plan Commission members asked J. Weissgerber if he would be willing to modify the entrance sign size so that it is not as large as presented. J. Weissgerber stated corporate wants the sign to be that large. R. Dupler stated the sign size does meet zoning requirements. There will be a panel on the monument sign but not a large free standing pylon sign. E. McAleer stated he is in favor of it as long as it meets the zoning code. K. Attwell asked about the roof paint and if it will last. R. Dupler stated the applicant did submit paint specifications and they will be using Sherwin-Williams products. J. Weissgerber stated the paint will last at least 10 years.

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K. ATTWELL MOVED TO APPROVE THE REQUEST TO AMEND THE CONDITIONAL USE FOR ARCHITECTURAL MODIFICATIONS, CHANGE IN ROOF COLOR AND SIGNAGE FOR DELC 0804.993.003, 3030 GOLF ROAD, DELAFIELD. OWNER: TIRAMA, LLC. APPLICANT: HOLIDAY INN EXPRESS-J. RANDY BRUCE AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **DELC 0734.989, 4024 Nagawicka Road, Hartland.** Owner: University Lake School. Applicant: Timothy Horner. Applicant seeks approval to amend the Conditional Use for an additional building, parking lot and road modifications and recommendation to the Common Council of the same.

R. Dupler stated applicants came to a Plan Staff meeting about a month ago and they chose to apply directly for a public hearing by ordinance instead of having to go through two meetings. Publication was put out immediately, and he continued to work with them and received all documents that have been requested. He is asking for a revised master plan and intent to give consideration on campus and justification for those changes. They exist as a CU, so we can provide comments about what to change. They have been coordinated closely with DPW and engineering. The additional engineering review was submitted yesterday. Yaggy Colby met with the petitioner again this afternoon. There is a lot of water being move and stored on site; many trees are being removed but they complying with mitigation requirements. We can approve tonight with recommendation to Common Council and allow staff to follow this through to the Public Works Committee. R. Dupler stated to date there are 1540 caliper inches being removed. The applicant intends to replace those caliper inches; however, on the plans they submitted, they are about 440 caliper inches and intend to make that up by adding to the apple orchard.

E. McAleer stated he wants it to be very clear that the Public Works Committee still has to approve the stormwater plans. R. Dupler stated the applicant is responding to the direct review by the engineer in preparation of Public Works Committee meeting next week. The Stormwater Management Agreement also needs to be approved by the Common Council, which they can do next week subject to the Public Works Committee approving it. Common Council can approve it ahead of time. K. Fitzgerald stated he doesn't understand how the Plan Commission can modify a master plan that doesn't exist and why this is a Conditional Use since it is an allowed use in this district. R. Dupler stated he is not sure about the plans and the Conditional Use, just that that is what is in the record; however the records from back then were not kept.

There was further discussion among the Plan Commission about the driveway/roundabouts. T. Horner stated they are pleased with the positions of both roundabouts to have the same first impression when people enter the school's parking lot. T. Michaels also stated maintenance buildings will be relocated. T. Horner stated there is a safety issue with the entrance right now; these changes fix that.

K. ATTWELL MOVED TO APPROVE THE REQUEST TO AMEND THE CONDITIONAL USE FOR AN ADDITIONAL BUILDING, PARKING LOT AND ROAD MODIFICATIONS OF THE REDESIGNED CAMPUS MASTER PLAN FOR DELC 0734.989, 4024 NAGAWICKA ROAD, HARTLAND. OWNER: UNIVERSITY LAKE SCHOOL. APPLICANT: TIMOTHY HORNER, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. ALSO RECOMMEND TO THE PUBLIC WORKS COMMITTEE CONTINGENT UPON APPROPRIATE TREE MITIGATION PLAN, CURB AND GUTTER, STORM SEWER, TRAFFIC MANAGEMENT AND EROSION CONTROL APPROVALS. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **DELC 0807.978.009, 3700 Hillside Design Mart, Delafield.** Owner: Robert Tobe. Applicant: John DeToro – Design Mart. Applicant seeks approval to amend the Conditional Use to modify the sign program to allow both the electronic reader board and premise sign and recommendation to the Common Council of the same.

E. McAleer stated he read the minutes and it is very clear that the applicants agreed to take the sign down. R. Dupler stated in December 2009 the Design Mart appealed a Staff sign denial to the Plan Commission to allow an electronic sign on the north façade of the building in order to increase exposure to the interstate highway. The Staff denial was justified in that the existing sign program for the building had already been maximized to ordinance allowances. The petitioner presented to the Plan Commission removal of the Design Mart premise sign in lieu of the new electronic sign in order to maintain

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conformance with the allowable sign area. The Plan Commission acted to allow the new digital sign contingent upon removing the Design Mart premise sign. The petitioner now wishes the Plan Commission to reconsider the approval to alleviate them from the responsibility of removing the existing premise sign.

J. DeToro stated the electronic message board brings in more business. He stated the sign company representative came to the meeting and he wasn't aware that the Design Mart sign had to come down. A. DeToro stated the general public didn't understand that they were open to the public and the electronic reader board helps with that.

K. ATTWELL MOVED TO DENY THE REQUEST TO AMEND THE CONDITIONAL USE TO MODIFY THE SIGN PROGRAM TO ALLOW BOTH THE ELECTRONIC READER BOARD AND PREMISE SIGN, FOR DELC 0807.978.009, 3700 HILLSIDE DESIGN MART, DELAFIELD. OWNER: ROBERT TOBE. APPLICANT: JOHN DETORO – DESIGN MART, BECAUSE THE PROPERTY'S SIGNAGE IS IN EXCESS OF THE ALLOWABLE SIGNAGE SQUARE FOOTAGE. ALSO, THE APPLICANT SHALL REMOVE THE DESIGN MART SIGN WITHIN 30 DAYS AND DIRECTED STAFF TO IMPOSE FINES AS ALLOWED BY ORDINANCE IF/WHEN NECESSARY, AND RECOMMENDATION TO THE COMMON COUNCIL OF THE SAME. M. DEYOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. Plans of Operation, Signage and Site Plan.

- a. **DELC 0807.987.005, 3558 Hillside Drive, Delafield.** Owner: Isler Investments. Applicant: Norman Hanson – Grace Church. Applicant is appealing the sign permit application denial by the City Planner.

R. Dupler stated Grace Church returns to the Plan Commission with a revised petition for Plan Commission consideration. Staff has worked with the church to reinterpret the existing building signage and create an allowance for the church to realize their preferred 40 sf sign. The Plan Commission may act to allow the proposed sign with the following understanding of the existing conditions and the potential for a revised analysis. Grace Church leases space in the Hotsy Building. The building was designed and approved as a multi-tenant building; the developer/owner also operates Hotsy Cleaning System. It is important to understand the original sign approval to appreciate the allowances afforded the Plan Commission. When the sign was originally approved in 1997, the computation took into account the entire building width rather than the "frontage" of the building. The entire width is then projected northward to the right-of-way line and measured along the angle to produce 120 feet of frontage. The frontage is then multiplied by 1.5 to produce 180 sf of aggregate sign area. This method of calculation is a very creative interpretation of the sign code that produces a very favorable solution for the developer. In the current configuration the entire 180 sf is occupied by the Hotsy signs. The sign ordinance 17.67(3) allows for additional signage in the form of a premise sign for multi-tenant buildings. In this case, the premise sign may be as large as 43.48 sf, *[2 additional feet for each 10' of right-of-way frontage, 217.43' yields 43.48 sf]*. The Plan Commission minutes of 1997 are silent on the sign calculations, but it does not appear that any request for, or consideration of, a premise sign took place. At this time, the Plan Commission may wish to grant the additional area to Grace Church for their sign. In doing so, it should be noted that the HOTSY portion of the existing sign be considered a premise sign for this multi-tenant building, "The Hotsy Building." Although the distribution of the sign area amongst these three signs does not neatly conform to the ordinance formulas, the aggregate amount of signage does not exceed the allowable amount of signage afforded this development. The proposed sign location does not conform to the M-1 district front setback of 50'. Sign setback is coterminous with the building setback; the intent of the code is that the sign and building respect the same front yard requirement. In this situation the existing building exhibits only 10' setback from the right-of-way. This is a result of additional right-of-way dedication after the building was constructed. The building location is therefore a legal non-conforming condition. The proposed sign location respects the building setback in the spirit of the ordinance. The Plan Commission may wish to allow the proposed location in light of the fact that it will not encroach upon the front yard established by the existing building location. The colors and presentation are appropriate and is similar to other signs in the City. There is no proposed lighting on the sign. M. DeYoe thanked Planner Dupler for trying to help the applicant with this issue.

K. ATTWELL MOVED TO DENY THE REQUEST FOR ADDITIONAL SIGNAGE FOR DELC 0807.987.005, 3558 HILLSIDE DRIVE, DELAFIELD. OWNER: ISLER INVESTMENTS. APPLICANT: NORMAN HANSON – GRACE CHURCH, BECAUSE THE PROPERTY'S SIGNAGE IS IN EXCESS OF THE ALLOWABLE SIGNAGE SQUARE FOOTAGE. K. FITZGERALD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED WITH ONE NAY BY M. DEYOE.

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- b. **DELC 0793.014.023, 601-637 Genesee Street, Delafield.** Owner: ACE Delafield Properties, LLC. Steinergrupp Commercial Real Estate. Applicant: Jon E. Rasmussen. Applicant seeks approval of a Business Plan of Operation for a bakery, Great Harvest Bread Company. Hours of operation are Weekdays 7AM to 10PM, Saturday 7AM to 11PM and Sunday 7AM to 10PM with 12 part-time and 3 full-time employees. Applicant also seeks approval of outdoor seating, building color change and architectural modifications.

R. Dupler stated the signage conforms to the zoning and is a staff approval and not under Plan Commission review. This item was moved from the Consent Agenda because the applicant submitted additional items for approval which included outdoor seating and architectural modifications. The prior tenant had outdoor seating which there is ample space for, and it and creates continuity between the other businesses. There was further discussion about outdoor seating. R. Dupler stated in the eleventh hour the applicant notified the City that the landlord wants to modify the building color. Also, the applicant wants to include a new window on south elevation. In order to approve these additional changes, a public hearing is required because the building is under a Conditional Use. The Plan Commission can approve the Business Plan of Operation with outdoor seating and amended hours and schedule a public hearing to consider architectural changes and change in building color.

K. FITZGERALD MOVED TO APPROVE THE REQUEST FOR A BUSINESS PLAN OF OPERATION FOR A BAKERY, GREAT HARVEST BREAD COMPANY, WITH HOURS OF OPERATION WEEKDAYS 7AM TO 6PM AND SATURDAY 7AM TO 3PM WITH 12 PART-TIME AND 3 FULL-TIME EMPLOYEES AND OUTDOOR SEATING FOR DELC 0793.014.023, 601-637 GENESEE STREET, DELAFIELD. OWNER: ACE DELAFIELD PROPERTIES, LLC. STEINERGRUP COMMERCIAL REAL ESTATE. ADDITIONAL ARCHITECTURAL MODIFICATIONS OF VENTS AND BUILDING COLOR REQUIRE A PUBLIC HEARING K. ATTWELL SECONDED HE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Business owner J. Rasmussen further reviewed the other changes he will be making when he moves into the space. These changes included signage: window cling graphics of wheat to block the view into the kitchen area from the outdoor seating area. He also stated he will need to install venting for the ovens which would be in the windows. R. Dupler stated that should be OK, but if there is going to be a public hearing, that item should be included in the petition. J. Rasmussen showed the possible duct work that could be along the side of the building and, if needed, he could install a fence around it so that it similar to fencing used as railing in that is used elsewhere on the property. He is hoping to have regular intake system instead. E. McAleer suggested the applicant schedule a Plan Staff meeting before submitting documents for the Plan Commission packet.

- 6. Preliminary
- 7. Zoning and Ordinance Revision.
- 8. Reports of City Officials:

- a. Administrator

- 1. Zastrow Bay Dredging temporary Business Plan of Operation approval.

T. Schuenke stated he issued the temporary Business Plan of Operation approval for Zastrow Bay dredging project which has been completed.

- b. Clerk

- 1. Public Hearing Dates
 - 2. Board of Zoning Appeals Minutes (if applicable)
 - 3. Correspondence

- c. Planner

R. Dupler stated the Fish Hatchery building addition is out to bid. Work will be done through September. Also Yaggy Colby is about ready to send bids for the library garden.

- d. Building Inspector

S. Hussinger stated the total number of permits to date is 47 with one occupancy permit this month.

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9. Adjournment.

K. ATTWELL MOVED TO ADJOURN THE JUNE 29, 2011 PLAN COMMISSION MEETING AT 8:19P.M. M. DEYOE SECONDED THE MOTION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:



Gina C. Gresch, MMC/WCPC
City of Delafield Clerk-Treasurer
Waukesha County