

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
January 28, 2014

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

Others Present: P. Kozlowski, *Fire Chief*, D. Roberts, *Highway Superintendent*, E. Kranick, *Plan Commissioner*, G. Johnson, *Ehlers*, J. Johnson, *Advanced Disposal*, 7 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

Fourth order of business: Approval of January 14, 2014 Town Board Minutes
The minutes will be filed as prepared by the clerk with one correction.

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

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

B. 1) Accounts payable; 2) Payroll

Accounts Payable

**MOVED TO APPROVE PAYMENT OF CHECKS #53702 – 53709 IN THE AMOUNT OF \$11,190,977.92
AND CHECKS #53712 – 53743 IN THE AMOUNT OF \$105,302.10**

Payroll

MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$30,573.64

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

Ms. Duchow stated that the committee meets weekly and things are progressing.

1. New fire station/town hall financing presentation by Ehlers, Inc.

Greg Johnson, Ehlers, summarized two preliminary financing options: 1. Issue G.O. Notes with a 10 year term; and, 2. Issue G.O. Bonds with a 20 year term. He provided information on estimated project costs and financing for the two options. He reviewed the finance related expenses: 1. Financial Advisor, 2. Bond Counsel, 3. Rating Agency Fee; and, Max. Underwriter's Discount.

B. Discussion and possible action on an Ordinance to create Section 17.02 2., which defines a Vacation Rental Establishment; Section 17.05 5. AQ., which allows a Vacation Rental Establishment by Conditional Use, to repeal and recreate Section 17.05 4. D., of the Town of Delafield Zoning Code regarding termination of Conditional Uses and set a date for a Public Hearing (tabled 1/14/14)

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

Ms. Duchow stated that she trusts the Plan Commission's recommendation, as they have put a great amount of time into this.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. KRAUSE TO ALLOW THE CLERK TO SET A PUBLIC HEARING. MOTION CARRIED.**Eighth order of business:** New Business**A.** Discussion and possible action on cell phone reimbursement for Highway Superintendent

Mr. Roberts requested that the Town buy him a cell phone, and he will pay the monthly fees. Mr. Krause requested that staff contact the Town Auditor to ask if this purchase would be considered taxable income.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUCHOW TO TABLE FOR TWO WEEKS. MOTION CARRIED.**B.** Discussion with Advanced Disposal re: services

Jason Johnson, Advanced Disposal, stated that there will be changes to the recycling program in 2015. The County is in the process of researching single stream recycling. Advanced Disposal is the only company that will continue up-the-drive service. Mr. Johnson stated that what fits for the Town of Delafield may not for the City of Oconomowoc. The County is now saying that municipalities may get whatever size cart they wish. He offered to put together a proposal for the next meeting to extend the current contract and include some savings for 2014. The consensus of the Town Board is to address the proposal in two weeks.

C. Consideration and possible action on Plan Commission's recommendation for approval of a Certified Survey Map on lands located at W282 N3388 Taylors Woods Road to combine Portions of Lots 14 and 15 of Pewaukee Lake Park, A Part of Government Lot 1

Chairman Kanter stated that the subject property is made up of two different lots, one that the house sits on and one being an ancient subdivision lot. The lot that the house sits on is made up of portions of two of these ancient subdivision lots. This CSM effectively eliminates the underlying ancient lot lines and makes this the single lot.

MOTION MADE BY MR. VAN HORN, SECONDED BY MR. KRAUSE TO APPROVE. MOTION CARRIED.**D.** Consideration and possible action to make a financial contribution to the Town of Eagle to help defer costs incurred in their appeal to the Wisconsin Supreme Court, in the case of Hegwood vs. Town of Eagle Zoning Board of Appeals, as the outcome of the litigation may significantly impact the Town of Delafield, and the Town of Eagle and the Town of Delafield have a common interest in the legal issues involved

Chairman Kanter stated that the Town of Eagle Board of Appeals denied a requested variance on a wetland property in the Town of Eagle. The owner of the property appealed to the Circuit Court and the Judge held for the owner. The decision said the Town is out of shoreland zoning and the only jurisdictional body that has any say over shoreland zoning is the County. The Town of Eagle appealed it to the State Court of Appeals who affirmed the decision of the Trial Court. The Town of Eagle is requesting an appeal to the State Supreme Court. They will have to file a Writ of Appeal requesting the State Supreme Court to take the case. The Court can either say yes or no. We haven't heard if the State Supreme Court is going to take the case but if it does, the Town of Eagle will appeal their specific issue and then various other entities are going to file what's known as Amicus Briefs. The Town of Delafield has been asked to participate in an Amicus Brief. The Towns of Mukwonago, Eagle, Genesee and Oconomowoc have agreed to contribute in varying amounts. The Town of Oconomowoc has agreed to the highest amount (\$4,000). The cost of the Amicus Brief has been estimated to be between \$5,000 and \$12,000. It would impact the Town of Delafield hugely if we were to be out of shoreland zoning and the County was the only responsible entity for shoreland zoning around Pewaukee Lake.

MOTION MADE BY MR. KRAUSE, SECONDED BY MS. DUNDON TO CONTRIBUTE 20% OF THE COST OF THE AMICUS BRIEF SHOULD THE SUPREME COURT AGREE TO ACCEPT THE ISSUE WITH THE TOWN OF EAGLE, 20% OF THE COST UP TO THE MAXIMUM OF \$2,000. MOTION CARRIED.

- E. Discussion and possible action on Application for a Temporary Class "B" license to sell fermented malt beverages and a Temporary "Class B" License to sell wine at an Annual Spring Auction Fundraiser to be held at Prairie Hill Waldorf School on May 3, 2014

Mr. Van Horn directed the Town Clerk to contact Prairie Hill Waldorf School to ask what time the event will end.

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

Ninth Order of business: Announcements and Planning Items

- A. Next Town Board Meeting – Tuesday, February 11, 2014
- B. Spring Primary Election – Tuesday, February 18, 2014

Tenth order of business: MOTION MADE BY MS. DUCHOW SECONDED BY MR. KRAUSE TO ADJOURN AT 8:30 P.M.

Respectfully submitted,

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

Minutes approved on February 11, 2014