

Chair
Larry Krause
Supervisors
Pete Van Horn
Christopher Smith
Edward Kranick
Ron Troy
Clerk/Treasurer
Mary Elsner

A PERFECT ENVIRONMENT

Residential ♦ Recreational ♦ Responsible

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
TUESDAY, APRIL 9, 2019 – 7:00 P.M.
DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Citizen Comments – During the Public Comment period of the agenda, the Town Board welcomes comment from any member of the public, other than an elected Town Board member, on any matter not on the agenda. Please be advised that pursuant to State law, the Board cannot engage in a discussion with you but may ask questions. The Board may decide to place the issue on a future agenda for discussion and possible action. Each person wishing to address the Board will have up to five (5) minutes to speak. Speakers are asked to submit to the Town Clerk, a card providing their name, address, and topic for discussion.

The Board will also take comment from the public on agenda items as called by the Chair, but not during the Public Comment. Please note that once the Board begins its discussion of an agenda item, no further comment will be allowed from the public on that issue.
4. Approval of March 26, 2019, Town Board Minutes
5. Action on vouchers submitted for payment:
 - A. Report on budget sub-accounts and action to amend 2019 budget
 - B. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
 - A. None
7. Unfinished Business
 - A. 2020 Town Budget Planning – tabled 3/12/19
 - B. Stormwater drainage issue review in the vicinity of W284 N3298 Lakeside Road
8. New Business
 - A. Approval of Municipal Court Ordinance
 - B. Consideration and possible action on Ordinance to Adopt New State Regulations within Chapter 16 of the town of Delafield Municipal Code, the Electrical Code
 - C. Consideration and possible action on Certified Survey Map to combine lots 34-37 and lots 38-40, Plat of Pewaukee Highlands into two lots

Town of Delafield Board of Supervisors Meeting Agenda

April 9, 2019

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- D. Consideration and possible action on Resolution to Rescind Taxes due to Palpable Error Pursuant to \$74.33 Parcel Number 0846-996-001, Frank Fisher
 - E. Consideration and possible action on Resolution to Rescind Taxes due to Palpable Error Pursuant to \$74.33 Parcel Number 0862-991, RSB Trust
9. Announcements and Planning items
- A. Next Park and Recreation Commission Meeting – April 11
 - B. Annual Town Meeting – April 16 – 7:00 p.m.
 - C. Next Town Board Meeting – April 23
 - D. Next Plan Commission Meeting – May 7

10. Adjournment



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

Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. The Town Board may take action on any item on the agenda. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the Town Board of Supervisors. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Mary Elsher, Town Clerk, at W302 N1254 Maple Avenue, Delafield, WI 53018-7000. This agenda is for informational purposes only. Posted – 4/4/19

TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
March 26, 2019

Members Present: L. Krause, E. Kranick, R. Troy, C. Smith
Members Absent: P. Van Horn
Others Present: T. Barbeau, Town Engineer, K. Smith, Waukesha Freeman, 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 March 12, 2019, Town Board Minutes
MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO APPROVE THE MINUTES AS PRESENTED BY THE CLERK. MOTION CARRIED.

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

A. Report on budget sub-accounts and action to amend 2018 budget by \$17,926 for CenturyLink billing error
MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO APPROVE TO AMEND 2018 BUDGET BY \$17,926 FOR CENTURYLINK BILLING ERROR. MR. KRANICK – AYE, MR. TROY – AYE, MR. SMITH – NAY, CHAIRMAN KRAUSE – AYE. MOTION CARRIED 3-1.

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

MOVED TO APPROVE PAYMENT OF CHECKS #61615 – #61646 IN THE AMOUNT OF \$62,726.13

Payroll
MOVED TO APPROVE PAYMENT IN THE AMOUNT OF \$29,284.98

MR. TROY/MR. KRANICK

MOTION CARRIED.

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

A. None

Seventh order of business: Unfinished Business

A. 2020 Town Budget Planning – tabled 3/12/19

There are no updates at this time.

B. Consideration and possible action to adopt proposed amendments to the Town Zoning Code (Chapter 17) and Land Division and Development Code (Chapter 18) – tabled 3/12/19

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

Mr. Troy raised the concern re: proposed hours for storage facilities. He is of the opinion that they are overly restrictive and suggested they be revised to allow the building to remain open for 24 hours. The general consensus of the Town Board is that the Plan Commission (per Town Code) would have flexibility to allow extended hours upon request.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO ADOPT THE AMENDMENTS TO THE TOWN ZONING CODE CHAPTER 17 AND LAND DIVISION AND DEVELOPMENT CODE (CHAPTER 18) AS PREPARED. MOTION CARRIED.

Due to the fact that the proposed amendments to Chapter 17 will require Waukesha County approval, Attorney Larson presented the option to delay the effective date of the Chapter 18 amendments.

AMENDED MOTION MADE BY MR. KRANICK, SECONDED BY MR. TROY TO ADOPT THE CHAPTER 17 AND CHAPTER 18 AMENDMENTS WITH THE EFFECTIVE DATE OF THE CHAPTER 18 AMENDMENTS TO COINCIDE WITH THE CHAPTER 17 AMENDMENTS. MOTION CARRIED.

C. Stormwater drainage issue review in the vicinity of W284 N3298 Lakeside Road

Engineer Barbeau presented 2 options to resolve the subject stormwater drainage issue:

1. Collect the water near Lakeside Road into a pipe and take it down along both the east (Klimowitz property) and Wagner property. He directed attention to the plan stating that the water goes toward the lake (on the southeast) and before it gets to the end, there is an existing boathouse on the Klimowitz property as well as a thick seawall. In getting down closer to the boathouse, the water would angle off on the Wagner property, dump off on the existing rocks and go directly to the lake. The type of construction would be directional drilling, all underground. Engineer Barbeau recommended that it may be a good idea to use a 6" pipe to alleviate clogging issue. The slope is approximately 14%. The pipe would be buried approximately 3-4'.
2. Collect water in the catch basin up on Lakeside Road and extend the pipe to the east. Engineer Barbeau presented a plan from the year 2000, stating there is an existing 12" pipe (very shallow) located approximately 165' east of the existing catch basin that continues down the hill and empties out into a drainage ditch at the lowest point of Lakeside Road. The plan would be to install an 8" pipe approximately 3-4' feet deep (to avoid freezing), extend it to the 12" pipe, remove the 12" pipe and re-lay it deeper. We would be connecting to an existing storm system. He stated that we would, most likely, be installing another catch basin next to the existing "blue/gray garage". All the work would be done in the right-of-way. In both cases, the existing pipe that drains to Ms. Wagner's property would be plugged. Once the decision is made, it could be done very quickly.

Attorney Terry Booth spoke on behalf of Ms. Wagner. Ms. Wagner is interested in having the pipe capped right away. The Town Board informed Ms. Wagner that they cannot confirm as to where the water will go after the pipe is capped. She stated that she is aware and is still requesting that it be capped. Discussion followed on capping the pipe by the right-of-way to the road.

Katy Thomas, neighbor to the east of Jerry Klimowitz, questioned whether or not the catch basin has to be open? Can a manhole cover be placed over it so it doesn't collect the rain water? Engineer Barbeau stated that the intent is to collect the rain and spring water.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO ALLOW THE TOWN BOARD TO INSTRUCT ENGINEER BARBEAU AND HIGHWAY SUPERINTENDENT ROBERTS TO CAP THE CATCH BASIN TO PREVENT WATER FROM FLOWING ONTO MS. WAGNER'S PROPERTY AND REMOVE ALL AQUA PIPING THAT IS TIED TO THE CATCH BASIN AS FAR BACK AS POSSIBLE WITHOUT DAMAGING THE ROAD. MOTION CARRIED.

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO TABLE THE STORWATER DRAINAGE ISSUE REVIEW IN THE VICINITY OF W284 N3298 LAKESIDE ROAD, BETTER KNOWN AS CINDY WAGNER'S PROPERTY. MOTION CARRIED.

Engineer Barbeau was directed to talk to Margaret Colombe to update her on the proposed drainage improvement project on Lakeside Rd.

Eighth order of business: New Business

A. Approval of 2018 Stormwater report

Engineer Barbeau stated that the DNR dictates the subject annual report based on the EPA. The Town works with Waukesha County on public outreach and education, stormwater inspections for new development and erosion control. The DNR is aware that the Town does not meet their pond goals, and they understand that small towns do not have adequate room or funds for ponds. Grass swales take away majority of pollutants. Engineer Barbeau and Highway Superintendent Roberts will hold training for Highway Department staff related to storm water and erosion.

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO APPROVE THE 2018 STORMWATER REPORT AS PRESENTED. MOTION CARRIED.

- B. Consideration and possible action on a Resolution to grant final acceptance for Woodridge Estates Phases I and II
- C. Consideration and possible action on Reduction in Letter of Credit for Woodridge Estates and Woodridge Estates II

Mr. Kranick recused himself from items 8B and 8C and left the meeting room.

Engineer Barbeau stated that Woodridge Estates offered to pay \$15,000 to the Town to complete road shouldering. The subject resolution states that the Town will agree to a "final acceptance" date of September 30, 2018 (start of the 1 and 2 year guarantee period) of the two phases and release of monies in their letter of credit. So in exchange for the \$15,000 check, the Town will give Woodridge Estates the signed letter of credit reduction forms and a copy of the resolution.

MOTION MADE BY MR. TROY, SECONDED BY MR. SMITH TO ADOPT THE RESOLUTION TO GRANT FINAL ACCEPTANCE FOR WOODRIDGE ESTATES AS PRESENTED. MOTION CARRIED.

The letters of credit were reduced as indicated in the subject resolution.

- D. Consideration and possible action on request for a Temporary Class "B" license to sell fermented malt beverages and a Temporary "Class B" license to sell wine at an event to be held at Church of the Resurrection on April 6, 2019

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

- E. **Closed Session:** Upon motion duly made, seconded and adopted by roll call vote, the Town of Delafield Town Board will convene in closed session to consider the following:
1. Pursuant to authorization conferred by Section 19.85(1)(e), Wisconsin Statutes, to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; and by Section 19.85(1)(g), Wisconsin Statutes, to confer with counsel for the governing body with respect to litigation in which it is or is likely to become involved; more particularly with regard to complaints raised concerning stormwater drainage in the vicinity of W28 N3298 Lakeside Road. Participating in the closed session will be the Town Board, Town Clerk, Town Engineer, and Town Attorney.
- Following the closed session, the Town Board may convene into open session and take action on the matters discussed in closed session.**

MOTION MADE BY MR. KRANICK, SECONDED BY MR. SMITH TO GO INTO CLOSED SESSION PURSUANT TO SECTION 19.85(1)(E) AND SECTION 19.85(1)(G). MR. KRANICK – AYE, MR. TROY – AYE, MR. SMITH – AYE, CHAIRMAN KRAUSE – AYE. MOTION CARRIED.

MOTION MADE BY MR. SMITH, SECONDED BY MR. KRANICK TO GO INTO OPEN SESSION. MR. KRANICK – AYE, MR. TROY – AYE, MR. SMITH – AYE, CHAIRMAN KRAUSE - AYE. MOTION CARRIED.

Ninth Order of business: Announcements and Planning items

- A. Spring Election – April 2
- B. Next Plan Commission Meeting – Wednesday, April 3
- C. Next Town Board Meeting – April 9
- D. Next Park and Recreation Commission Meeting – April 11

Tenth Order of business: Adjournment

MOTION MADE BY MR. TROY, SECONDED BY MR. KRANICK TO ADJOURN AT 9:01 P.M. MOTION CARRIED.

Respectfully submitted,

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

Minutes approved on:

DEFERRED

ORDINANCE NO. _____

AN ORDINANCE TO CREATE AND ESTABLISH A MUNICIPAL COURT FOR THE CITY OF OCONOMOWOC, VILLAGE OF OCONOMOWOC LAKE, VILLAGE OF DOUSMAN, TOWN OF DELAFIELD, VILLAGE OF NASHOTAH, TOWN OF LISBON, TOWN OF MERTON, VILLAGE OF SUSSEX, VILLAGE OF HARTLAND, VILLAGE OF LAC LABELLE, TOWN OF OCONOMOWOC, VILLAGE OF SUMMIT, VILLAGE OF CHENEQUA, TOWN OF ERIN, VILLAGE OF MERTON, VILLAGE OF SULLIVAN, VILLAGE OF JOHNSON CREEK, TOWN OF IXONIA (CONTRACT MEMBER), TOWN OF OTTAWA (CONTRACT MEMBER), AND TOWN OF SULLIVAN (CONTRACT MEMBER), PURSUANT TO SECTIONS 755.01(4) AND 66.0301 WISCONSIN STATUTES

The Town Board of the Town of Delafield, Waukesha County, Wisconsin, does hereby ordain as follows:

SECTION 1. The Code of Ordinances for the Town of Delafield entitled "General Government," Section 1.30 entitled "Municipal Court," is hereby repealed and re-created as follows:

1.30 MUNICIPAL COURT

(1) MUNICIPAL COURT CREATED

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes for the City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia (Contract Member), Town of Ottawa (Contract Member), and Town of Sullivan (Contract Member), or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to §755.01(4).

(2) MUNICIPAL JUDGE

Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following Municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia, Town of Ottawa, or Town of Sullivan, or those municipalities which enact an ordinance identical to this

ordinance and enter into an agreement pursuant to §66.0301 Wis. Stats. for the joint exercise of the power granted under §755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of four (4) years commencing May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10 Wis. Stats., and selection at a primary election if such is held as provided in §8.11 Wis. Stats. The Town Board of the Town of Delafield shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in §8.11(1)(a) Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in §5.02(22) Wis. Stats.

(3) ELECTIONS

The Municipal Clerk of each municipality shall see to the compliance with §5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm) to provide for the election of a Municipal Judge under §755.01(4).

(4) OATH AND BOND

The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his oath and bond have been filed as required by §19.01(4)(c) Wis. Stats. and the requirements of §755.03(2) have been complied with.

(5) SALARY

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his/her term during which such Judge has not executed his official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Wis. Stats. §66.0301.

(6) JURISDICTION

The municipal Judge of the Municipal Court shall have such jurisdiction as provided by §755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under §66.0119 Wis. Stats.

(7) LOCATION AND HOURS

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 E. Wisconsin Avenue, Oconomowoc, Wisconsin, until relocated to the City of Oconomowoc Police Department building at 630 East Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

(8) FINES AND FORFEITURES

The Municipal Judge may impose punishment and sentences as provided by §800.09, Wis. Stats., and as provided in the ordinances of the following municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia, Town of Ottawa, or Town of Sullivan. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

(9) STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and, where applicable, other provisions of the Wis. Stats. as referred to in subsection (10) below. The Municipal Judge shall establish in accordance with §800.037 Wis. Stats., a schedule of deposits for violations of City, Village and Town ordinances, resolutions and by-laws, except traffic regulations which are and shall be governed by §345.26 Wis. Stats., and boating violations which are, and shall be governed by §23.66 and 23.67 Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

(10) PROCEDURE IN MUNICIPAL COURT

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including, but not excluding because of enumeration Chapters 66, 345, 751, 755, 757 and 800 of Wis. Stats.

(11) CONTEMPT PROCEDURES

- (a) The Municipal Judge may impose a sanction authorized under §800.12(2) for contempt of court, as defined in §785.01(1) Wis. Stats., in accordance with the procedures under §785.03 Wis. Stats.
 - (b) The Municipal Judge may impose a forfeiture for contempt under §800.12(1) Wis. Stats., in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture and the penalty assessment under §757.05 Wis. Stats., a jail sentence not to exceed 7 days.
- (12) The Municipal Court hereby established shall not be abolished while the 755.01(4) agreement is in effect.

SECTION 2. SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

TOWN OF DELAFIELD

BY: _____
Larry Krause, Town Chairman

ATTEST: _____
Mary Elsner, Town Clerk/Treasurer

ADOPTED: _____

POSTED: _____

ORDINANCE NO. APR 09 2019

AN ORDINANCE TO ADOPT NEW STATE REGULATIONS WITHIN ITEM #80 PAGE 1 of 2
CHAPTER 16 OF THE TOWN OF DELAFIELD MUNICIPAL CODE, THE
ELECTRICAL CODE

WHEREAS, effective March 1, 2019, new State of Wisconsin regulations allow for local regulation of electrical installations at farms, public buildings, places of employment, campgrounds, manufactured home communities, public marinas, piers, docks or wharves, and recreational vehicle parks; and

WHEREAS, the Town of Delafield Building Inspector has recommended that the Town exercise this authority that is allowed by State law; and

WHEREAS, the Town of Delafield Electrical Code is in need of updating with regard to references to the Department of Industry, Labor and Human Relations which are now under the jurisdiction of the State of Wisconsin Department of Safety and Professional Services; and

WHEREAS, the Town of Delafield hereby intends to exercise local authority over electrical inspections as allowed by Wisconsin Administrative Code Section SPS 316.011(1), and hereby intends to amend the Town Electrical Code accordingly.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Chapter 16 of the Town of Delafield Municipal Code entitled "Electrical Code," Section 16.01 entitled, "State Codes Adopted," is hereby repealed and re-created as follows:

16.01 STATE CODES ADOPTED. (Rep. & rec. #93-341) (1) OBJECT AND PURPOSE.

The object and purpose of this section is to safeguard persons and property from hazards arising from the use of electrical energy by establishing minimum standards for the installation and maintenance of electrical systems. The licensing of electrical contractors and examination of master electricians does not mean that such licensed electrical contractors or electricians are of equal competency or reliability.

(2) WISCONSIN ADMINISTRATIVE CODE. Except as otherwise specifically provided in this Code, the current and future provisions describing and defining regulations of the State of Wisconsin Department of Industry, Labor and Human Relations Safety and Professional Services are hereby adopted and made part of this section by reference as if fully set forth herein. Any act required to be performed or prohibited by any current or future provision incorporated herein by reference is required or prohibited by this Code. Any future additions, amendments, revision or modifications to the regulations incorporated hereby are intended to be made a part of the Code in order to secure uniform state-wide regulation. If there is a conflict between codes or interpretations, the most restrictive code or interpretation shall be enforced. The code adopted herein includes, but is not limited to, the following:

(a) Chapter ~~16~~ HR-16 "Wisconsin State Electrical Code" SPS 316 "Electrical".

(b) Chapter ILHR 17 "Electrical Inspection and Certification of Electrical Inspectors and Master Electricians" SPS 320 Uniform Dwelling Code, for inspection of electrical wiring installations for the construction of new one- and two-family dwellings.

(3) ENFORCEMENT. (a) Other Ordinances. Adoption of this section does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall be effective upon publication or posting as provided by law.

Passed and adopted by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this ____ day of _____, 2019.

TOWN OF DELAFIELD

ATTEST:

Lawrence G. Krause, Town Chair

Mary Elsner, Town Clerk

This ordinance posted or published _____.

C:\MyFiles\Delafield\Ordinances\Ord re electrical inspection 3.22.19.docx

Plan Commission Report for April 3, 2019

**Jay and Jane Brody/Richard Sessner
Agenda Item No. 4. A.**

Applicant: Jay and Jane Brody /Richard Sessner

Project: Certified Survey Map (CSM) for Lot Combination

Requested Action: Approval of CSM

Zoning: R-3 (County Shoreland)

Location: N30 W29298 Orchard Ave. / N30 W29340 Orchard Ave.

Report

From the March report:
In 2018, Jane Brody's father, Allan Hanson passed away. He lived on the south side of Orchard Ave., but owned two lots of record on the north side of Orchard Ave. which were located between Jay/Jane Brody's property and Richard Sessner's property. As part of the estate settlement, Mr. Hanson gave one of the parcels to Jay and Jane, and he gave the other parcel to Mr. Sessner. The Brody's and Mr. Sessner currently own several adjacent lots of record. In the past, each of them had combined the lots into one tax key number and each of the combined tax lot was in some way non-conforming. With the addition of the lot from Mr. Hanson, both the County and Town staff recommended that a CSM be prepared to remove the lots of record and create two parcels, which in turn addresses the non-conformity of the lots. The CSM before you accomplished the desires of the Town and County staff. The transaction between Mr. Hanson's estate and Jay/Jane Brody and Mr. Sessner took place in 2018.

The matter was tabled at the March meeting due to missing information that needed to be shown on the CSM to justify the lot boundary locations and distances. Since that meeting, the surveyor has provided us with additional information that indicated the basis for how he developed the boundary distances. The CSM included in the packets received March 28, 2019 is technically acceptable, subject to inclusion of the surveyors stamp and signature and revision date.

Staff Recommendation:

I recommend that the CSM received March 29, 2019 be approved by the Plan Commission and forwarded to the Town Board for approval, subject to incorporating proper stamps, signatures and revision date, and incorporation and any outstanding technical comments from Waukesha County.

Tim Barbeau, Town Engineer
 March 28, 2019

CERTIFIED SURVEY MAP NO. _____
 All that part of the SW 1/4 of the SE 1/4 and
 part of the NW 1/4 of the NE 1/4 of Section 11, T7N, R18E
 TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN
 Includes Lots 34 thru 40, Plat of Pewaukee Highlands

OWNERS:
 JAY & JANE E BRODY
 N30 W29298 ORCHARD AVE.
 PEWAUKEE, WI 53072
 (262) 367-2976
 RICHARD W. SESSNER
 N30 W29340 ORCHARD AVE.
 PEWAUKEE, WI 53072
 (414) 272-1230

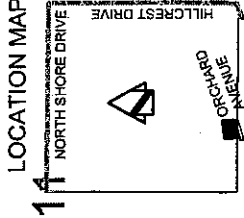
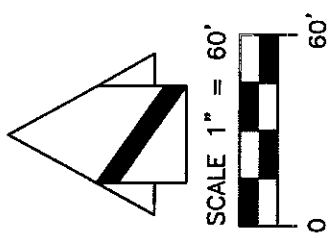
SURVEYOR:
 JOHN W. JAHNKE S-917
 JAHNKE & JAHNKE ASSOC., INC.
 711 W. MORELAND BLVD.
 WAUKESHA, WI 53188
 (262) 542-5797

REFERENCE BEARING: THE
 SOUTH LINE OF THE
 SOUTHEAST 1/4 OF SECTION
 11, T7N, R18E WAS USED AS
 THE REFERENCE BEARING
 AND HAS A BEARING OF
 S. 89° 43' 17" E.

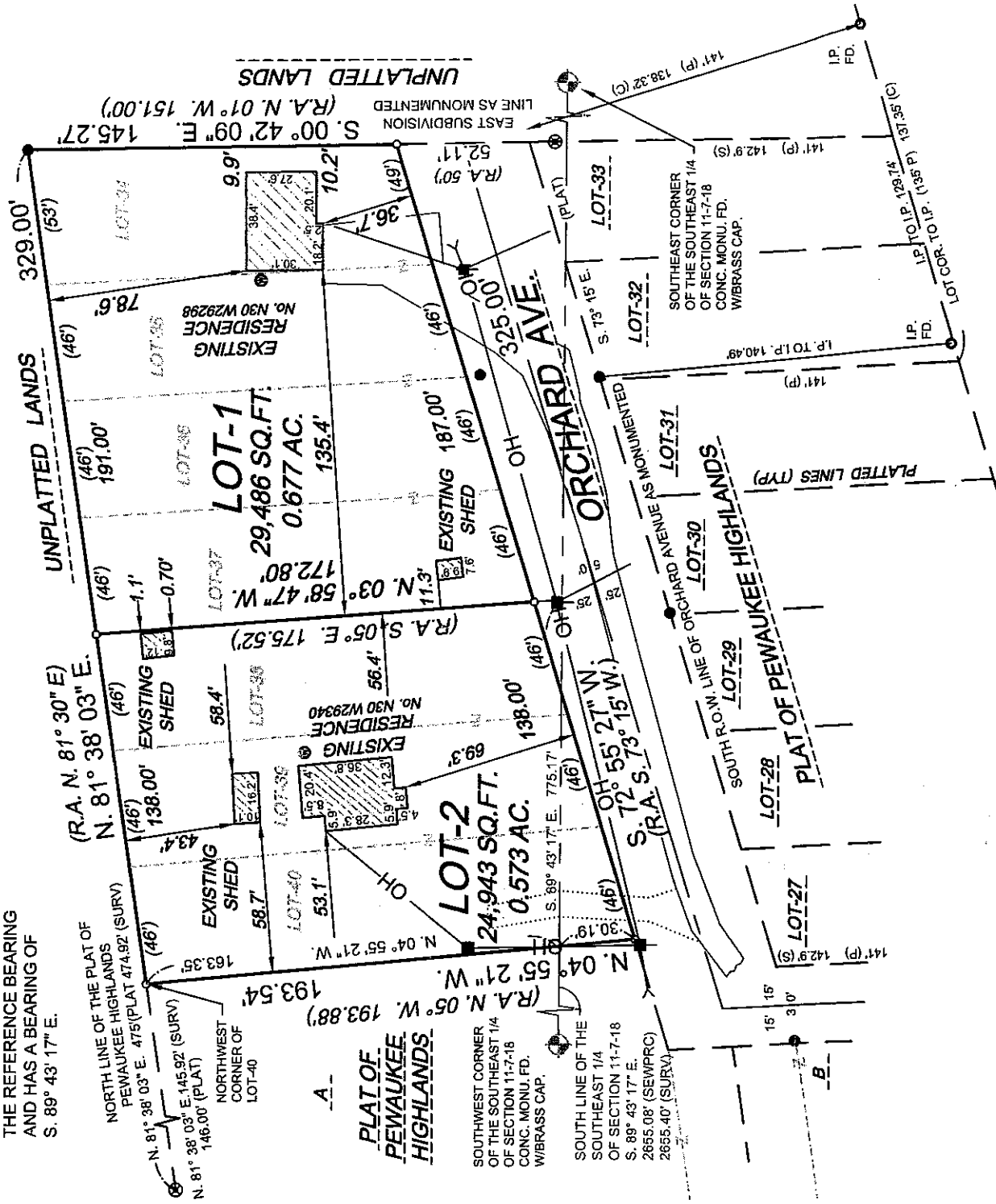
LEGEND

- CONCRETE MONU. FD WBRASS CAP
- 1" DIA. IRON PIPE SET 18" LONG
- 1.13 LBS. PER LIN. FT.
- 1" DIA. IRON PIPE FOUND
- ⊗ IRON ROD FOUND
- ⊙ EXISTING WELL
- ⊖ POWER POLE
- (R.A.) RECORDED AS

ZONING: R-3
 FRONT SETBACK 50'
 REAR SETBACK 20'
 SIDE SETBACK 20'
 MIN. 20,000 SQ.FT.
 MIN. WIDTH 120'



SE 1/4 SEC. 11-7-18
 SCALE: 1"=2000'



CERTIFIED SURVEY MAP NO.

Sheet 2 of 5

All that part of the SW ¼ of the SE ¼ of Section 11 and part of the NW ¼ of the NE ¼ of Section 14, T7N, R18E

TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

Includes Lots 34 thru 40, Plat of Pewaukee Highlands

SURVEYOR'S CERTIFICATE:

I, John W. Jahnke, professional land surveyor, being duly sworn on oath, hereby depose and say that I have surveyed, divided and mapped the following land bounded and described as follows:

All of Lots 34 thru 40 of the recorded Plat of Pewaukee Highlands, a recorded subdivision in the Register of Deeds Office for Waukesha County, being part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 11 and part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin. Containing 54,379 square feet (1.250 acre) of land.

I further certify that I have made such survey, land division and map by the direction of the owners of said land; that such map is a correct representation of the exterior boundaries of the land surveyed and map thereof made; and that I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes pertaining to Certified Survey Maps (Section 236.34) and the regulations of the Town of Delafield, Village of Hartland and Waukesha County in surveying, dividing and mapping the same.

JOHN W. JAHNKE – Wis. Reg. No. S-917

Revised this _____ day of _____, 2019

STATE OF WISCONSIN)^{ss}
WAUKESHA COUNTY)

The above certificate subscribed and sworn to me this _____ day of _____, 2018.

My commission expires July 5, 2019

PETER A. MUEHL – NOTARY PUBLIC

OWNERS: JAY & JANE BRODY
RICHARD W. SESSNER

Instrument drafted by John W. Jahnke

P.S. Delafield 1142

CERTIFIED SURVEY MAP NO. _____

All that part of the SW ¼ of the SE ¼ of Section 11 and part of the NW ¼ of the NE ¼ of Section 14, T7N, R18E

TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN
Includes Lots 34 thru 40, Plat of Pewaukee Highlands

OWNER'S CERTIFICATE: OWNER OF LOTS 34, 35, 36 AND 37 (LOT 1 IN CSM)

As owners, we hereby certify that we caused the land described on this map to be surveyed, divided, and mapped as represented on this map. We also certify that this Certified Survey Map is required to be submitted to the following for approval: Town of Delafield, Village of Hartland and Waukesha County

JAY BRODY - OWNER

JANE E. BRODY – OWNER (WIFE)

STATE OF WISCONSIN)ss
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 20____, the above named JAY BRODY and JANE E. BRODY, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My commission expires _____

NOTARY PUBLIC –

JOHN W. JAHNKE – Wis. Reg. No. S-917
Dated this _____ day of _____, 2018
Revised this _____ day of _____, 2019

OWNERS: JAY & JANE BRODY
RICHARD W. SESSNER

Instrument drafted by John W. Jahnke

CERTIFIED SURVEY MAP NO.

Sheet 4 of 5

All that part of the SW ¼ of the SE ¼ of Section 11 and part of the NW ¼ of the NE ¼ of Section 14, T7N, R18E

TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN
Includes Lots 34 thru 40, Plat of Pewaukee Highlands

OWNER'S CERTIFICATE: OWNER OF LOTS 38, 39 AND 40 (LOT 2 OF CSM)

As owner, I hereby certify that I caused the land described on this map to be surveyed, divided, and mapped as represented on this map. I also certify that this Certified Survey Map is required to be submitted to the following for approval: Town of Delafield, Village of Hartland and Waukesha County

RICHARD W. SESSNER – OWNER

STATE OF WISCONSIN)ss
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 20____, the above named RICHARD W. SESSNER, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My commission expires _____

NOTARY PUBLIC –

BASEMENT RESTRICTION – GROUNDWATER

This Certified Survey Map is located in an area with mapped soils that may have seasonal high groundwater. The Waukesha County Shoreland and Floodland Protection Ordinance currently requires that the lowest level of any residence must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any proposed residence or addition will be required to ensure compliance with this requirement. If the requirement regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland and Floodland Protection Ordinance, the requirement at the time of construction shall apply. All groundwater separation requirements set forth by the Town of Delafield must also be complied with.

JOHN W. JAHNKE – Wis. Reg. No. S-917

Dated this _____ day of _____, 2018

Revised this _____ day of _____, 2019

OWNERS: JAY & JANE BRODY
RICHARD W. SESSNER

Instrument drafted by John W. Jahnke

P.S. Delafield 1142

CERTIFIED SURVEY MAP NO.

Sheet 5 of 5

All that part of the SW ¼ of the SE ¼ of Section 11 and part of the NW ¼ of the NE ¼ of Section 14, T7N, R18E

TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN
Includes Lots 34 thru 40, Plat of Pewaukee Highlands

TOWN PLAN COMMISSION APPROVAL:

Approved by the Plan Commission, Town of Delafield, this _____ day of _____, 20____.

KEVIN FITZGERALD – CHAIRMAN

MARY T. ELSNER – CLERK

TOWN BOARD APPROVAL:

Approved by the Town Board, Town of Delafield, this _____ day of _____, 20____.

LAWRENCE G. KRAUSE – CHAIRMAN

MARY T. ELSNER - CLERK

VILLAGE PLAN COMMISSION EXTRATERRITORIAL APPROVAL:

Approved by the Plan Commission, Village of Hartland, this _____ day of _____, 20____.

JEFFREY PFANNERSTILL – VILLAGE PRESIDENT

DARLENE IGL - CLERK

VILLAGE BOARD EXTRATERRITORIAL APPROVAL:

Approved by the Common Council, Village of Hartland, this _____ day of _____, 20____.

JEFFREY PFANNERSTILL – VILLAGE PRESIDENT

DARLENE IGL – CLERK

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

Resolved that the above Certified Survey Map, which has been filed for approval as required by chapter 236, Wisconsin Statutes, is hereby approved this _____ day of _____, 20____.

Dale R. Shaver - Director

NOTE: Entire property is within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.

JOHN W. JAHNKE – Wis. Reg. No. S-917

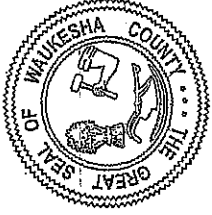
Dated this _____ day of _____, 2018

Revised this _____ day of _____, 2019

OWNERS: JAY & JANE BRODY
RICHARD W. SESSNER

Instrument drafted by John W. Jahnke

P.S. Delafield 1142



Waukesha County
Department of Parks and Land Use



TO:

Town of Delafield Clerk

NOTICE OF:

Conditional Approval of Certified Survey Map

DATE OF REVIEW:

February 4, 2019

RE:

Certified Survey Map for: **Richard Sessner & Jay Brody**
File No. SCS-1310

LOCATION:

Lots 34 through 40 Pewaukee Highlands, part of the SE ¼ of Section 11 and part of the NE ¼ of Section 14, T7N, R18E, Town of Delafield.

TAX KEY NO.:

DELT 0764.033, DELT0764.036 and DELT0764.038

SUBMITTED BY:

Richard Sessner
N30 W29340 Orchard Avenue
Pewaukee, WI 53072-3241

Jay and Jane Brody

N30 W29298 Orchard Avenue
Pewaukee, WI 53072-3241

SURVEYOR:

John Jahnke
RLS Jahnke & Jahnke Associates
711 W. Moreland Blvd.
Waukesha, WI 53188

DATE RECEIVED:

December 28, 2018

DATE OF CSM:

December 26, 2018

APPLICABILITY:

The above subject Certified Survey Map has been reviewed by the staff of the Waukesha County Department of Parks and Land Use pursuant to the provisions of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance as authorized by S.236.34 and S.236.45, Wisconsin Statutes.

Planning and Zoning

515 W. Moreland Blvd., Room AC 230 • Waukesha, Wisconsin 53188-3878

Phone: (262) 548-7790 • Fax: (262) 896-8071 • www.waukeshacounty.gov/planningandzoning

REMARKS:

RECEIVED

Conditional Approval of this Certified Survey Map is based on the following conditions being satisfied prior to the Director affixing his signature to the Final Certified Survey Map:

1. The legal description and Location Map on Sheet 1 shall be revised to include the NE ¼ of Section 14.
2. The Surveyor's Certificate incorrectly includes Lot 33 in the legal description. Please remove.
3. A note must be added to the Certified Survey Map that the entire property is within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.
4. The owners must apply to the Environmental Health Division of the Waukesha County Department of Parks and Land Use for a Preliminary Site Evaluation (PSE) of the existing septic system(s) on Lot(s) 1 and 2. If a problem with the septic system on Lot(s) 1 and/or 2 is discovered as a result of the PSE that problem must be resolved or a Sanitary Permit issued for a new septic system, prior to the Director affixing his signature to the Final Certified Survey Map.
5. There is a navigable waterway in the northeast corner of Lot 2. The waterway and the top of bank elevation shall be identified on the face of the CSM.
6. We do not require Zoning Districts to be shown on the Certified Survey Map. As zoning is subject to change, it is recommended that the Zoning Districts not be shown on the Certified Survey Map.
7. The shed along the lot line on Lot 2 is nonconforming to offset. The shed shall be relocated a minimum of 5' from the side lot line and the new location shown on the face of the CSM. Alternatively, the lot line between Lots 1 and 2 may be modified so that the shed is conforming to the required 5' offset.
8. All buildings on the adjacent lots that are located within 50 ft. of the exterior boundary of this Certified Survey Map must be shown on the Certified Survey Map and labeled as to their use.
9. This Certified Survey Map is located in an area with mapped soils that may have seasonal high groundwater. Therefore, the following restriction must be placed on the Certified Survey Map:

BASEMENT RESTRICTION – GROUNDWATER

This Certified Survey Map is located in an area with mapped soils that may have seasonal high groundwater. The Waukesha County Shoreland and Floodland Protection Ordinance currently requires that the lowest level of any residence must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any proposed residence or addition will be required to ensure compliance with this requirement. If the requirement regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland and Floodland Protection Ordinance, the requirement at the time of construction shall apply. All groundwater separation requirements set forth by the Town of Delafield must also be complied with.

10. All easements for any proposed or existing drainage ways, access, utilities shall be shown on the CSM. Any related recorded documents #'s shall also be noted on the CSM.
11. Please submit a revised Certified Survey Map for review and approval prior to contacting the County Planning & Zoning Division Office to schedule an appointment for the County signature on the Certified Survey Map.

SIGNED:

Amy Barrows

Amy Barrows, Senior Planner

For information regarding this review, please contact Jacob Heermans at (262) 548-7790.

cc:

- Richard Sessner, Owner
- Jay and Jane Brody, Owners
- John Jahnke, RLS Jahnke & Jahnke Associates, Surveyor
- Village of Hartland Clerk
- Skylar Behm, Environmental Health (via email only)
- Tim Barbeau, Town of Delafield Engineer/Planner (via email only)
- Alan Barrows, Land Resources Division (via email only)
- File

N:\PRK\NDLU\Planning and Zoning\Certified Survey Maps\Review Letters\DELAFIELD\1310 Sessner dlt.docx

APR 09 2019

ITEM # 8D PAGE 1 of 3

April 2, 2019

Town Board of Town of Delafield
C/o Jud Schultz, Town Assessor
W302 N1254 Maple Ave.
Delafield, WI. 53018

Re: Fisher Property 2018 Tax Bill – Tax Key # 0846-996-001

Dear Town Board Supervisors:

In 2018, the Fisher parcel was assessed at \$330,000.00 but should have been assessed at \$247,000.00 due to a data entry error. Unfortunately this situation was not brought forth by the tax payer until after the 2018 Open Book and Board of Review. The first installment of taxes have been paid and the tax payer has requested that a correction be made before the second installment is due July 31.

Under the statutes, there are three methods by which to resolve the matter. The first will give instantaneous relief to the property owner. The second will provide relief in the form of a refund on next year's taxes, and the third would allow the over assessment to stand for the 2018 tax year.

The first method will require the Town Board to rescind a portion of the property tax as shown on the tax roll, \$74.33 (1), Stats. This can be done by passing a resolution. If this action is taken at the board meeting, the property owner will receive immediate relief.

The second method is for the Assessor to correct the assessment through §70.43, Stats. Under this "palpable error" method, a note of correction is made on next years' roll; the amount of correction is referred to the Board of Review and if certified, entered on the new tax roll, to determine the amount to be refunded for the 2018 taxes. Under this method, relief will not be available until the 2019 tax bills are issued.

The third method is to deny any requests for relief from property owner, requiring them to pay the full amount of taxes on the incorrect valuation.

I'm requesting that a resolution be prepared under the first method noted above to avoid penalizing Mr. Frank by delaying resolution of this matter.

Respectfully,

Jud Schultz, CWA I, IIA& III
Town of Delafield Assessor

RESOLUTION NO. _____

A RESOLUTION TO RESCIND TAXES
DUE TO PALPABLE ERROR
PURSUANT TO SS74.33 OF THE WISCONSIN STATUTES
PARCEL NUMBER 0846-996-001
FRANK FISHER

WHEREAS, the Town of Delafield Town Assessor has determined that the assessment made for the Town of Delafield Parcel Number 0846-996-001, also known as S4 W32796 Government Hill Rd, reflects an arithmetic, transpositional or similar error

WHEREAS, the alleged error in the 2018 Town of Genesee tax roll has been submitted by the property owner to the Town officials; and

WHEREAS, based upon the Town Assessor’s reconsideration of this matter, in accordance with the assessment methods which conform to statutory requirements and which are outlined in the Wisconsin Property Assessment Manual, the Town Assessor has concluded that the assessed value of the subject property on January 1, 2019 should be corrected as follows:

The assessment roll for January 1, 2019 shows an erroneous value of:

Land	\$ 215,000
Imp.	<u>\$ 115,000</u>
Total	<u>\$ 330,000</u>

The assessment roll should reflect the value of:

Land	\$ 132,000
Imp.	<u>\$ 115,000</u>
Total	<u>\$ 247,000</u>

WHEREAS, the Town Board, the governing body of the taxation district, finds that the assessment of the property for the year 2018 included an arithmetic, transpositional or similar error, and therefore the Town Board should rescind the part of the general property tax which was assessed in error in accordance with Wisconsin Statutes Section 74.33(1)(f); and

WHEREAS, the Town Board hereby intends to cancel the tax on the difference between the erroneous total value of \$330,000 and the correct total value of \$247,000 (a difference of \$83,000), so that if the property owner has already paid the tax based upon the erroneous value, the difference should be refunded the taxpayer, and if the taxpayer has not yet paid the tax a corrected tax bill should be sent to the property owner and the unpaid balance must be paid no later than the second installment date of July 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, that property tax for the 2018 tax year for Parcel Number 0846-996-001 is hereby rescinded as to the portion of the tax attributable to \$83,000.00 of value, so that the tax is calculated based upon a total value of \$247,000.00 for this parcel.

Resolution No. _____

Page 2

BE IT FURTHER RESOLVED if the property owner has already paid the full tax based upon the erroneous value, the Town Treasurer is directed to refund the portion of the taxes paid that was based upon the erroneous \$330,000 of value; and if a portion of the full tax remains unpaid, the Town Treasurer shall calculate and prepare a corrected tax bill and the unpaid balance must be paid no later than the second installment date, which is July 31, 2 2019.

This resolution dated this _____ day of April, 2019

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD

Larry Krause, Town Chairman

ATTEST:

Town Clerk

April 2, 2019

Town Board of Town of Delafield
C/o Jud Schultz, Town Assessor
W302 N1254 Maple Ave.
Delafield, WI. 53018

Re: RSB Trust Property 2018 Tax Bill – Tax Key # 0862-991

Dear Town Board Supervisors:

In 2018, the RSB Trust parcel was assessed at \$452,000.00 but should have been assessed at \$182,000.00 . This was due to property erroneously included in the real property improvements which did not exist on January 1, 2019. Unfortunately this situation was not brought forth by the tax payer until after the 2018 Open Book and Board of Review. The first installment of taxes have been paid and the tax payer has requested that a correction be made before the second installment is due July 31.

Under the statutes, there are three methods by which to resolve the matter. The first will give instantaneous relief to the property owner. The second will provide relief in the form of a refund on next year's taxes, and the third would allow the over assessment to stand for the 2018 tax year.

The first method will require the Town Board to rescind a portion of the property tax as shown on the tax roll, \$74.33 (1), Stats. This can be done by passing a resolution. If this action is taken at the board meeting, the property owner will receive immediate relief.

The second method is for the Assessor to correct the assessment through §70.43, Stats. Under this “palpable error” method, a note of correction is made on next years’ roll; the amount of correction is referred to the Board of Review and if certified, entered on the new tax roll, to determine the amount to be refunded for the 2018 taxes. Under this method, relief will not be available until the 2019 tax bills are issued.

The third method is to deny any requests for relief from property owner, requiring them to pay the full amount of taxes on the incorrect valuation.

I’m requesting that a resolution be prepared under the first method noted above to avoid penalizing RSB Trust by delaying resolution of this matter.

Respectfully,

Jud Schultz, CWA I, II& III
Town of Delafield Assessor

RESOLUTION NO. _____

A RESOLUTION TO RESCIND TAXES
DUE TO PALPABLE ERROR
PURSUANT TO SS74.33 OF THE WISCONSIN STATUTES
PARCEL NUMBER 0862-991
RSB TRUST

WHEREAS, the Town of Delafield Town Assessor has determined that the assessment made for the Town of Delafield Parcel Number 0862-991, also known as W289 S503 Elmhurst Rd, reflects an arithmetic, transpositional or similar error.

WHEREAS, the alleged error in the 2018 Town of Genesee tax roll has been submitted by the property owner to the Town officials; and

WHEREAS, based upon the Town Assessor’s reconsideration of this matter, in accordance with the assessment methods which conform to statutory requirements and which are outlined in the Wisconsin Property Assessment Manual, the Town Assessor has concluded that the assessed value of the subject property on January 1, 2019 should be corrected as follows:

The assessment roll for January 1, 2019 shows an erroneous value of:

Land	\$ 152,000
Imp.	<u>\$ 300,000</u>
Total	<u>\$ 452,000</u>

The assessment roll should reflect the value of:

Land	\$ 152,000
Imp.	\$ 30,000
Total	<u>\$ 182,000</u>

WHEREAS, the Town Board, the governing body of the taxation district, finds that the assessment of the property for the year 2018 included an arithmetic, transpositional or similar error, and therefore the Town Board should rescind the part of the general property tax which was assessed in error in accordance with Wisconsin Statutes Section 74.33(1)(f); and

WHEREAS, the Town Board hereby intends to cancel the tax on the difference between the erroneous total value of \$452,000 and the correct total value of \$182,000 (a difference of \$270,000), so that if the property owner has already paid the tax based upon the erroneous value, the difference should be refunded the taxpayer, and if the taxpayer has not yet paid the tax a corrected tax bill should be sent to the property owner and the unpaid balance must be paid no later than the second installment date of July 31, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, that property tax for the 2018 tax year for Parcel Number 0862-991 is hereby rescinded as to the portion of the tax attributable to \$270,000.00 of value, so that the tax is calculated based upon a total value of \$182,000.00 for this parcel.

Resolution No. _____

Page 2

BE IT FURTHER RESOLVED if the property owner has already paid the full tax based upon the erroneous value, the Town Treasurer is directed to refund the portion of the taxes paid that was based upon the erroneous \$452,000 of value; and if a portion of the full tax remains unpaid, the Town Treasurer shall calculate and prepare a corrected tax bill and the unpaid balance must be paid no later than the second installment date, which is July 31, 2 2019.

This resolution dated this _____ day of April, 2019

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD

Larry Krause, Town Chairman

ATTEST:

Town Clerk