



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
Ron Troy  
**Supervisors**  
Edward Kranick  
Christie Dionisopoulos  
Billy Cooley  
Steve Michels  
**Clerk/Treasurer**  
Dan Green

### TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING TUESDAY, JANUARY 12, 2021 – 6:30 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 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 three (3) 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. Public comment on specific agenda items are limited to Town of Delafield Residents only and individuals will have up to three (3) minutes to speak. 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 Minutes:
  - A. December 22, 2020 Town Board Minutes
5. Action on vouchers submitted for payment:
  - A. Report on budget sub-accounts and action to amend 2020 budget
  - B. Report on budget sub-accounts and action to amend 2021 budget
  - C. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
  - A. Mixed Use Ordinance General Update (Discussion Only)
  - B. Deer Management Program Update
7. Unfinished Business - None
8. New Business
  - A. Discussion and possible action to approve Resolution 21-642, a Resolution to refund taxes due to palpable error pursuant to §74.33 of the Wisconsin statutes regarding real property for DELT0807.058 owned by Timothy Lisa Wall.
  - B. Discussion and possible action on the approval of Ordinance 2021-01, an Ordinance to repeal and re-create portions of Chapter 2 of the Town of Delafield Municipal Code, concerning the conduct of meetings and vacation of chair.
9. Announcements and Planning items
  - A. Plan Commission – Tuesday, January 19, 2021 @ 6:30 PM
  - B. Town Board – Tuesday, January 26, 2021 @ 6:30 PM
  - C. Plan Commission – Tuesday, February 2, 2021 @ 6:30 PM

## 10. Adjournment



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Dan Green  
Town of Delafield Clerk/Treasurer

**PLEASE NOTE:**

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum 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 governmental body specifically referred to above in this notice.
- ✓ Also, 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 Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
DECEMBER 22, 2020 @ 9:00 AM**

**Members Present:** Chairman Troy, Supervisor Cooley, Supervisor Michels and Supervisor Dionisopoulos. Also present was Administrator/Clerk/Treasurer Dan Green and Engineer Tim Barbeau. Supervisor Kranick was excused

**First order of business:** Call to Order  
Supervisor Troy called the meeting to order at 9:00 a.m.

**Second order of business:** Pledge of Allegiance

**Third order of business:** Citizen Comments: None

**Fourth order of business:**  
A. Approval of December 8, 2020 Town Board Minutes

*Motion made by Supervisor Cooley to approve the minutes from December 8, 2020 as presented. Supervisor Michels seconded. Motion carried 4-0.*

**Fifth order of Business:** Action on vouchers submitted for payment:  
A. Report on budget sub-accounts and action to amend 2020 budget  
B. 1) Accounts payable; 2) Payroll

*Motion by Supervisor Cooley to approve payment of checks #64219-#64223 and #64228-#64263 in the amount of \$352,904.49, and the payrolls dated December 24, 2020 in the amount of \$26,214.19. Seconded by Supervisor Dionisopoulos. Motion carried 4-0.*

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

A. Mixed Use Ordinance General Update (Discussion Only)

Chairman Troy updated the board that an online information meeting is scheduled for Wednesday, January 6, 2021 at 6:30 PM. He explained that due to past concerns related to virtual meetings and potential quorums, he would address the Town Attorney whether the Plan Commission or Town Board could attend.

Chairman Troy discussed future meetings regarding the Thomas Property, including a Plan Commission to discuss the drafted ordinance before the public hearing. The joint public hearing will be held before a Plan Commission where the ordinance may be recommended to the Town Board. He explained the timeline is dependent on when the ordinance is completed.

**Seventh order of Business:** Unfinished Business - None

**Eighth order of Business:** New Business  
A. Discussion and possible action on a Municipal Engineering and Planning, and Information Technology services contract to R.A. Smith, Inc. through December 31, 2021.

Engineer Barbeau explained that the contract for 2021 reflects what was budgeted and approved in the 2021 budget process.

*Motion by Supervisor Dionisopoulos to approve the Municipal Engineering and Planning, and Information Technology services contract to R.A. Smith, Inc. through December 31, 2021. Seconded by Supervisor Michels. Motion passed 4-0.*

**Ninth order of Business:** Announcements and Planning items

- A. Town Hall Closed – December 24, 25 & 31, 2020 and January 1, 2021 (Christmas & New Years)
- B. Thomas Property Information Online meeting – Wednesday, January 6, 2021 @ 6:30 PM
- C. Town Board – Tuesday, January 12, 2020 @ 6:30 PM
- D. Plan Commission – Tuesday, January 19, 2020 @ 6:30 PM
- E. Town Board – Tuesday, January 26, 2020 @ 6:30 PM

Chairman Troy announced that this would be Supervisor Cooley's last Town Board meeting before moving out of State. He thanked Supervisor Cooley for his service, not only to the Town Board, but to the Town's Fire Department for many years.

**Tenth order of Business:** Adjournment

*Motion by Supervisor Michels to adjourn the December 22, 2020 Town Board meeting at 9:12 a.m. Seconded by Supervisor Cooley. Motion carried 4-0.*

Respectfully submitted:

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Dan Green, CMC/WCMC  
Administrator - Town Clerk/Treasurer

RESOLUTION NO. 21-642

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**A RESOLUTION TO REFUND TAXES DUE TO PALPABLE ERROR PURSUANT TO §74.33 OF THE WISCONSIN STATUTES REGARDING REAL PROPERTY FOR DELT0807.058 OWNED BY TIMOTHY LISA WALL**

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**WHEREAS**, the Town of Delafield Assessor has determined that a palpable error has been made by the Assessor on the Town of Delafield Real Property Tax Key DELT 0807.058; and

**WHEREAS**, the alleged error in the 2020 Town of Delafield 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 the statutory requirements and which are outlined in the Wisconsin Property Assessment Manual, the Town Assessor has concluded that a palpable error was made on January 1, 2020 and should be corrected as follows:

The assessment roll for January 1, 2020 shows an erroneous value of:

Land	\$338,000.00
Improvement	\$928,000.00
Total	\$1,266,000.00

The assessment roll should reflect the value of:

Land	\$338,000.00
Improvement	\$592,000.00
Total	\$930,000.00

**WHEREAS**, the Town Board, the governing body of the taxation district, finds that the assessment of the property for the year 2020 included a palpable error, and therefore the Town Board should rescind and refund the portions of the general property tax which was assessed in error in accordance with §74.33(1)(f) of the Wisconsin Statutes; and

**WHEREAS**, the Town Board hereby intends to cancel the tax on the difference between the erroneous total assessed value of \$1,266,000.00 and the correct total value of \$930,000.00 (a difference of \$366,000.00), so that if the property owner has already paid the tax based upon the erroneous value, the difference should be refunded the taxpayer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, that property tax for the 2020 tax year for Real Property Tax Key DELT 0807.058 is hereby rescinded as to the portion of the tax attributable to \$1,266,000.00 of assessed value, so that the tax is calculated based upon a total value of \$930,000.00 for this Real Property Tax Key DELT 0807.058.

**BE IT FURTHER RESOLVED**, if the property owner has already paid in full or a portion of the 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 \$1,266,000.00 of assessed value.

**PASSED AND ADOPTED** by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this \_\_\_\_ day of January 2021.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ron Troy, Town Chairman

ATTEST:

\_\_\_\_\_  
Dan Green, Administrator-Clerk/Treasurer

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

**ORDINANCE NO. 2021-01**


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**AN ORDINANCE TO REPEAL AND RE-CREATE PORTIONS OF CHAPTER 2 OF THE  
TOWN OF DELAFIELD MUNICIPAL CODE, CONCERNING THE CONDUCT OF  
MEETINGS AND VACATION OF CHAIR**

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

**SECTION 1:** Chapter 2 of the Town of Delafield Municipal Code entitled “The Governing Body,” Section 2.04 entitled “Conduct of Meetings,” Subsection (1) is hereby repealed and recreated as follows:

**2.04 CONDUCT OF MEETINGS.**

(1) The business of the Board shall be conducted in the following order:

- (a) Call to order by presiding officer.
- (b) Pledge of Allegiance.
- (c) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to §2.03).
- (d) Citizen Comments: Public comments from citizens regarding items not on the Agenda. The Board may not engage in a discussion with the citizen making the comments. Each citizen wishing to address the Board will have up to three (3) minutes to speak. Presentations shall be directed to topics subject to Town Board action and related to the Town of Delafield.
- (e) Approval of Minutes if correct, and rectifying mistakes if any exist.
- (f) Action on budget sub-accounts if necessary, and vouchers submitted for payment.
- (g) Communications (for discussion and possible action).
- (h) Unfinished business from previous meetings.
- (i) New business, including the introduction of ordinances and resolutions.
  1. Prior to presenting the first New Business Agenda item, the Town Chair shall inform those in attendance of the Rules of Public Comment for New Business Agenda items only, which are as follows. The Chair shall call upon residents in the audience that wish to comment on any Agenda item under new business. Residents wishing to address the Town Board shall stand at the podium, state their name and legal address for the purpose of the public record. Public comment shall be limited to the Town of Delafield Residents only. Residents electing to make comments on new business Agenda items shall address the Town Board within the parameters of the following procedures:
    - a. Comments from residents shall be limited to thirty (30) minutes in total, unless otherwise deemed appropriate by the Chairman or a Consensus of the Town Board; the time limit may be increased by increments of 15 minutes.
    - b. Each individual residents’ comments shall be limited to three (3) minutes, unless extended by the Chair.
    - c. Each individual resident is limited to making comments regarding new business Agenda items under consideration.
    - d. All comments shall be directed only to the members of the

Town Board, and not to Town staff, the applicant, other residents, or members of the audience.

- e. Residents shall not make comments regarding personalities of the Town Board, Town staff, applicants or members of the audience.
  - f. Resident’s comments shall not attempt or be designed for the purpose of engaging the Town Board, Town staff, applicants, or members of the audience in a debate, conversation or a question and answer session.
  - g. Residents are not allowed to yield time to another speaker/resident.
  - h. Agenda items that were or will be subject to a public hearing of the Plan Commission and/or Town Board are not subject to public comment under this section.
2. The Town Chair shall close public comment under this section after the time has expired or all residents’ comments under this section have been heard.
  3. The Town Chair shall introduce each New Business Agenda item and shall call upon Town Staff to present material to the Town Board, addressing and explaining the Agenda item.
  4. The Applicant and/or their designee, if present, shall have the opportunity to address the Town Board regarding the Agenda item
  5. The Town Board may discuss and act on the matter.

(j) Announcements and Planning Items

(k) Adjournment

**SECTION 2:** Chapter 2 of the Town of Delafield Municipal Code entitled “The Governing Body,” Section 2.07 entitled “Vacation of Chair,” is hereby repealed.

**SECTION 3:** 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 4:** This ordinance shall take effect upon passage and posting as provided by law.



**PASSED AND ADOPTED** by the Town Board of the Town of Delafield, Waukesha County, Wisconsin this 12<sup>th</sup> day of January 2021.

TOWN OF DELAFIELD

\_\_\_\_\_  
Ron Troy, Town Chair

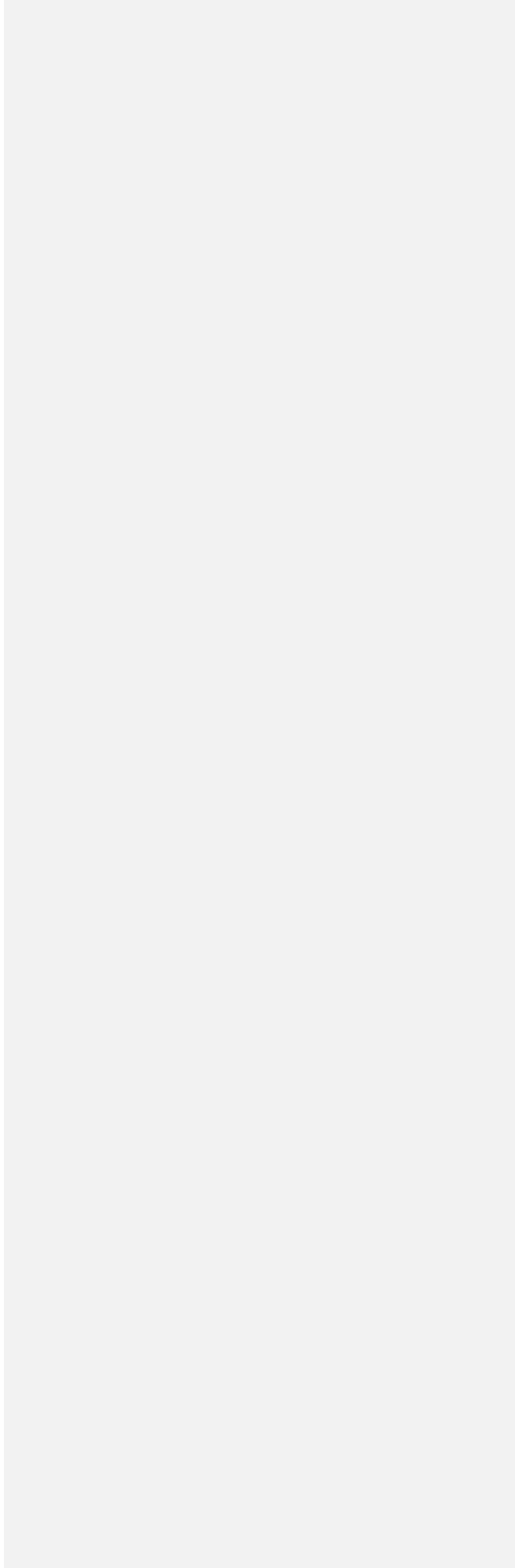
ATTEST:

\_\_\_\_\_  
Dan Green, Administrator/Clerk/Treasurer

This ordinance posted or published on\_\_\_\_\_.

CHAPTER 2  
THE GOVERNING BODY

- 2.01 Village Board Powers Adopted
- 2.02 Meetings
- 2.03 Adjournment to Specific Date
- 2.04 Conduct of Meetings
- 2.05 Duties of Presiding Officer
- 2.06 Absences
- ~~2.07~~ ~~Vacation of Chair~~
- ~~2.078~~ Conduct of Deliberations
- ~~2.089~~ Appropriation Ordinances or Resolutions
- ~~2.0940~~ Reconsideration
- 2.140 Transcription of Minutes
- 2.112 Suspension of Rules
- 2.123 Procedures at Public Hearings



THE GOVERNING BODY

2.01 VILLAGE BOARD POWERS ADOPTED. (Am. MSC '85) The Town Board has Village Board powers pursuant to 60.22(3), Wis. Stats., by resolution of the annual Town meeting dated April 2, 1935.

2.02 MEETINGS.

(1) OPEN MEETING LAW. All meetings of the Town Board, committees, boards and commissions shall be open to the public and preceded by public notice as provided in §19.84, Wis. Stats.

(2) REGULAR MEETINGS. (Rep. & rec. 98-456) Regular Meetings of the Town Board shall be held on the second and fourth Tuesday of the month at 6:30 p.m. Any regular meeting falling upon a legal holiday shall be held on the day designated by the Board. All meetings of the Board shall be held in the Town Hall, including special and adjourned meetings, unless otherwise designated. Notice of a substitute meeting place shall be given the public by posting a written notice of the substitute meeting place and time thereof on the outer door of the Town Hall at least 8 hours prior to such meeting.

(3) SPECIAL MEETINGS. (Rep. & rec. 2013-09) Special meetings of the Town Board may be called in one of the following ways: (a) by the Town Chair, with oral or written notice to the Town Clerk; or (b) by duly adopted motion of the Town Board, made and adopted at a properly noticed preceding Town Board meeting; or (c) by any 2 Supervisors in writing, filed with the Clerk at least 36 hours prior to the time specified for such meeting. When a special Town Board meeting is called, by any such method, the Town Clerk shall immediately notify each Supervisor of the time and purpose of such meeting by causing a written notice thereof to be delivered to each Supervisor personally, if such Supervisor can be found, and if such Supervisor cannot be found, then by leaving a copy of such notice at the home of such Supervisor in the presence of an adult member of the family of the Supervisor. Only the business for which such special meeting was called shall be transacted at the special meeting.

2.03 ADJOURNMENT TO SPECIFIC DATE. The Board may by a majority vote adjourn any regular or special meeting from time to time to a specific date and hour.

2.04 CONDUCT OF MEETINGS.

- (1) The business of the Board shall be conducted in the following order: (Am. #187)(Am. #95-374)
  - (a) Call to order by presiding officer.
  - (b) Pledge of allegiance.
  - (c) Roll Call. (If a quorum is not present, the meeting shall thereupon adjourn, which may be to a specific date pursuant to §2.03).

(d) Citizen Comments: Public comments from citizens regarding items not on the Agenda. The Board may not engage in a discussion with the citizen making the comments. Each citizen wishing to address the Board ill have up to three (3) minutes to speak. Presentations shall be directed to topics subject to Town Board action and related to the Town of Delafield.

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- 1. Prior to presenting the first New Business Agenda item, the Town Chair shall inform those in attendance of the Rules of Public Comment for New Business Agenda items only, which are as follows. The Chair shall call upon residents in the audience that wish to comment on any Agenda item under new business. Residents wishing to address the Town Board shall stand at the podium, state their name and legal address for the purpose of the public record. Public comment shall be limited to the Town of Delafield Residents only. Residents electing to make comments on new business Agenda items shall address the Town Board within the parameters of the following procedures:

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- a. Comments from residents shall be limited to thirty (30) minutes in total, unless otherwise deemed appropriate by the Chairman or a Consensus of the Town Board; the time limit may be increased by increments of 15 minutes.
  - b. Each individual residents' comments shall be limited to three (3) minutes, unless extended by the Chair.
  - c. Each individual resident is limited to making comments regarding new business Agenda items under consideration.
  - d. All comments shall be directed only to the members of the Town Board, and not to Town staff, the applicant, other residents, or members of the audience.
  - e. Residents shall not make comments regarding personalities of the Town Board, Town staff, applicants or members of the audience.
  - f. Resident's comments shall not attempt or be designed for the purpose of engaging the Town Board, Town staff, applicants, or members of the audience in a debate, conversation or a question and answer session.
  - g. Residents are not allowed to yield time to another speaker/resident.
  - h. Agenda items that were or will be subject to a public hearing of the Plan Commission and/or Town Board are not subject to public comment under this section.
2. The Town Chair shall close public comment under this section after the time has expired or all residents' comments under this section have been heard.
  3. The Town Chair shall introduce each New Business Agenda item and shall call upon Town Staff to present material to the Town Board, addressing and explaining the Agenda item.
  4. The Applicant and/or their designee, if present, shall have the opportunity to address the Town Board regarding the Agenda item
  5. The Town Board may discuss and act on the matter.

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- ~~(d) Reading the minutes of the preceding meeting, and approving the same if correct, and rectifying mistakes if any exist.~~
  - ~~(e) Reports of committees and officers.~~
  - ~~(f) Unfinished business from previous meetings.~~
  - ~~(g) New business, including introduction of ordinances and resolutions.~~
- (2) In the absence of the Clerk the Chairman shall appoint a Clerk pro tem.

2.05 DUTIES OF PRESIDING OFFICER. The Chairman at the stated hour shall call the meeting to order. He shall preserve order and decorum, decide all questions of order, and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Roberts' Rules of Order, current edition, unless otherwise provided by statute or by these rules. Any member shall have the right of appeal from a decision of the presiding officer. No appeal shall be debatable, and the appeal may be sustained by a majority of the members present, exclusive of the Chairman.

2.06 ABSENCES. If the Chairman is absent at the designated time for any meeting, the Clerk or, in his absence, the senior Supervisor present, based on date of original elections as Supervisor, shall call the meeting to order and preside until the Board shall by motion select an acting Chairman for that meeting.

~~2.07 VACATION OF CHAIR. Whenever the presiding officer shall desire to speak upon any question, or to make any motion, he shall vacate the chair and designate a Supervisor to preside temporarily.~~

2.08 CONDUCT OF DELIBERATIONS. The deliberations of the Board shall be conducted in the following manner:

- (1) No Supervisor shall address the Board until he has been recognized by the presiding officer. He shall thereupon address himself to the Chairman and confine his remarks to the question under

discussion and avoid all personalities.

- (2) When 2 or more members simultaneously seek recognition the presiding officer shall name the member who is to speak first.
  - (3) No person other than a member shall address the Board except under order of business as provided in §2.04.
  - (4) No motion shall be discussed or acted upon unless and until it has been seconded, unless the rules permit one Supervisor to initiate action. No motion shall be withdrawn without the consent of the person making the same and the person seconding it.
  - (5) When a question is under discussion, no action shall be in order, except to adjourn, to lay on the table, move the previous question, to postpone to a certain day, to refer to a committee, to amend, to postpone indefinitely. These motions shall have precedence in the order listed.
  - (6) Any member desirous of terminating the debate may move the previous question, in which event the Chairman shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Board to a direct vote, first upon any pending amendments, and then upon the main question.
  - (7) Any Supervisor may demand an aye and nay vote on any matter and such vote shall be entered in the proceedings. Every member shall vote when a question is put unless the Board by a majority vote of those present shall excuse him for special cause. A majority vote of all members of the Board in favor of any proposed ordinance, resolution or appointment shall be necessary for passage or approval, unless a larger number is required by statute, except as otherwise provided a majority vote of those present shall prevail in other cases.
  - (8) A motion to adjourn shall always be in order, and a motion to adjourn, to lay on the table, and a call for the previous question shall be decided without debate.
  - (9) No member of the Board, whether he be a Supervisor or the Town Chairman, shall vote on any question involving his own character or conduct, his right as a member or his pecuniary interest.
- 2.09 APPROPRIATION ORDINANCES OR RESOLUTIONS. All ordinances or resolutions appropriating money or creating any charge against the Town other than the payment of claims for purchases or work previously authorized by the Board shall only be acted upon by the Board at the next regular meeting, provided this provision may be suspended by affirmative action of all members of the Board. A roll call vote shall be taken and recorded on all appropriations.
- 2.10 RECONSIDERATION. Any member voting in the majority may move for a reconsideration of the vote of any question at that meeting or at the succeeding regular meeting. A motion to reconsider being put and lost shall not be renewed. A Supervisor may not change his vote on any question after the result has been announced.
- 2.11 TRANSCRIPTION OF MINUTES. Within 10 days after each meeting of the Board, the Clerk shall supply to each Supervisor at his residence a typewritten copy of the proceedings thereof which is perforated for insertion in a ring binder. By majority action of those present the Board may dispense with the reading of the minutes at the ensuing meeting.
- 2.12 SUSPENSION OF RULES. These rules or any part thereof may be temporarily suspended in connection with any matter under consideration by a recorded vote of 2/3 of the members present.
- 2.13 PROCEDURES AT PUBLIC HEARINGS. (Cr. #95-392) The Board shall be responsible for preparing written procedures for the conduct for all public hearings before the Board and the Plan Commission. A copy of the written procedures shall be maintained at all times in the Clerk's office and those procedures shall be made available to the general public for review.