



## A PERFECT ENVIRONMENT

Residential      Recreational      Responsible

**Chair**  
 Ron Troy  
**Supervisors**  
 Pete Van Horn  
 Edward Kranick  
 Christie Dionisopoulos  
 Billy Cooley  
**Clerk/Treasurer**  
 Dan Green

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
 TUESDAY, SEPTEMBER 22, 2020 - 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. September 1, 2020 Town Board Minutes
  - B. September 8, 2020 Town Board Minutes
5. Action on vouchers submitted for payment:
  - A. Report on budget sub-accounts and action to amend 2020 budget
  - B. 1) Accounts payable; 2) Payroll
6. Communications (*for discussion and possible action*)
  - A. Mixed Use Ordinance General Update (Discussion Only)
  - B. Correspondence from Thomas Schroeder regarding the Carini Residence
  - C. Election Update
  - D. Skate Park Update
7. Unfinished Business
  - A. Discussion and possible action to share the cost of Attorney John Macy reviewing the consolidated fire contract with Lake Country Fire and Rescue with the Town of Genesee, and the Village of Oconomowoc Lake. (Tabled 8/13/2020)
8. New Business
  - A. Discussion and possible action to adopt Ordinance 2020-05, An Ordinance to Create Section 10.12 of the Town of Delafield Municipal Code, Concerning the Regulation of Portable Outhouses.
  - B. Discussion and possible action on November 3, 2020 Tax Levy Referendum correspondence.
  - C. Discussion and possible action on refinancing the Town Hall Building Bond.

9. Announcements and Planning items
  - A. Town Board Budget Workshop – Tuesday, September 29, 2020 @ 5:30 pm

- B. Joint Plan Commission & Town Board Meeting – Tuesday, October 6, 2020 @ 6:30 pm
- C. Town Board – Tuesday, October 13, 2020 @ 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  
SEPTEMBER 1, 2020 @ 6:30 PM**

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

**First order of business:** Call to Order  
Chairman Troy called the meeting to order at 5:15 p.m.

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

**Third order of business:** Citizen Comments:

**Fourth order of business:** New Business

- A. Discussion and possible action on the award of a construction contract for the 2020 Skatepark Improvement Project.

*Motion made by Supervisor Cooley to approve the awarding of a construction contract for the 2020 Skatepark Improvement Project to American Ramp Company for a not to exceed cost of \$64,870.00. Supervisor Dionisopoulos seconded. Roll Call Vote:*

Supervisor Dionisopoulos	-	aye
Supervisor Cooley	-	aye
Chairman Troy	-	nay
Supervisor Kranick	-	aye
Supervisor Van Horn	-	aye

*Motion carried 4-1 with Chairman Troy opposing.*

- B. **Closed Session:** The items to be discussed in Closed Session are as enumerated in Section 19.85(1)(e) of the Wisconsin Statute. (e) deliberating or negotiating 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, more specifically: Entering into an intermunicipal agreement with Lake Country Fire and Rescue.

*Motion by Supervisor Kranick to enter into closed session at 5:24 PM. Seconded by Supervisor Dionisopoulos. Roll Call vote:*

Supervisor Dionisopoulos	-	aye
Supervisor Cooley	-	aye
Chairman Troy	-	aye
Supervisor Kranick	-	aye
Supervisor Van Horn	-	aye

*Motion carried unanimously.*

*Motion to enter into open session at 5:52 PM by Supervisor Kranick. Seconded by Supervisor Dionisopoulos. Roll Call vote:*

Supervisor Dionisopoulos	-	aye
Supervisor Cooley	-	aye
Chairman Troy	-	aye
Supervisor Kranick	-	aye
Supervisor Van Horn	-	aye

*Motion carried unanimously.*

Following the closed session, the Town Board will reconvene in open session, and may take action on any matter discussed in closed session.

Supervisor Cooley questioned the fire station maintenance and wanted clarification on what items the Town would cover and what the LCFR would cover. LCFR Chief Matt Fennig explained there is an exhibit in the contract that deals with what is the Town's responsibility and what is Lake Country's responsibility.

Supervisor Van Horn asked if something were to happen to the HVAC on this building if the Town would be responsible. Mr. Fennig explained that would be the Town's responsibility. Mr. Fennig explained the buildings LCFR currently operate in, are public safety type of buildings and there is no way to break out the electricity costs. He explained the building is not built for the purpose of having separate tracking for different departments.

Chairman Troy questioned the logic behind having a board with two volunteers and a commission with two separate volunteers. Mr. Fennig explained that this stemmed back to the original 2000 LCFR merger. Each one of the communities were given equal say. He also explained, by law, you need to have a commission. He stated there would be a conflict of interest if the same members on the board were on the commission.

Supervisor Kranick questioned the municipal aid agreements that would no longer be valid. Mark Hoppe explained, the Town never signed into a mutual aid agreement that currently extends through most of the area. Mr. Fennig also explained, more specifically, how the funding formula works and how the 65% contribution rates were calculated.

Supervisor Kranick stated this was going to be a big step for the Town of Delafield with 24 hour a day, 365 days a year, paramedic level service.

*Motion by Supervisor Kranick to enter an intermunicipal agreement with Lake Country Fire and Rescue. Seconded by Supervisor Cooley. Roll Call vote:*

<i>Supervisor Dionisopoulos</i>	-	<i>aye</i>
<i>Supervisor Cooley</i>	-	<i>aye</i>
<i>Chairman Troy</i>	-	<i>nay</i>
<i>Supervisor Kranick</i>	-	<i>aye</i>
<i>Supervisor Van Horn</i>	-	<i>aye</i>

*Motion carried 4-1 with Chairman Troy opposing.*

**Fifth order of Business:** Adjournment

*Motion by Supervisor Kranick to adjourn the Tuesday, September 1, 2020 Special Town Board meeting at 6:12 PM. Seconded by Supervisor Cooley. Motion carried unanimously.*

Respectfully submitted:

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

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING  
SEPTEMBER 8, 2020 @ 6:30 PM**

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

**First order of business:** Call to Order  
Chairman Troy called the meeting to order at 6:30 p.m.

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

**Third order of business:** Citizen Comments:

**Fourth order of business:**

- A. Approval of August 25, 2020 Town Board Minutes

*Motion made by Supervisor Kranick to approve the minutes as presented by the clerk. Supervisor Dionisopoulos seconded. Motion carried unanimously.*

**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 Kranick to approve payment of checks #63871-#63878 and #63879-#63915 in the amount of \$390,341.65 and payrolls dated September 4, 2020 in the amount of \$22,420.34. Seconded by Supervisor Dionisopoulos. Motion carried unanimously.*

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

- A. Mixed Use Ordinance General Update (Discussion Only)

No Update at this time.

- B. Correspondence from Thomas Schroeder regarding the Carini Residence

Supervisor Kranick explained that the Town lost its shoreland jurisdiction from the Supreme Court case and the County took over. He stated that when the County gets involved, sometimes things get missed and we need better coordination with the County. Engineer Barbeau explained there used to be an exception to homes being built closer than 20 feet to another near the lake. This was removed due to the fact that everyone who came to the board requesting an exception was granted. He also explained that the properties on Maple Avenue are wedged very close to one another. The board asked that Mr. Schroeder come to the next Town Board meeting to discuss this issue and determine what he is requesting the Town do.

- C. Website Update

Administrator Green explained the website is up and running. There were a few small issues in the beginning but those have been worked out. He encouraged board members and residents to utilize the "Notify Me" feature which gives alerts to news, agendas and minutes.

**Seventh order of Business:** Unfinished Business

- A. Discussion and possible action to share the cost of Attorney John Macy reviewing the consolidated fire contract with Lake Country Fire and Rescue with the Town of Genesee, and the Village of Oconomowoc Lake. (Tabled 8/13/2020)

**Eighth order of Business:** New Business

- A. Discussion and possible action on the Plan Commission's recommendation to approve a request from James Horneck, S23 W33769 Morris Road, Oconomowoc, for an amendment to a Conditional Use Permit to allow a veterinary clinic at W314 N720 STH 83, Delafield.

Engineer Barbeau explained that the use of this property in the past had been a taxidermy studio for many years. After it was used as a wellness/counseling center. The Plan Commission approved the Conditional Use to use this as a veteran clinic and determined the use to still be office. He explained the only major change to the original document was condition B on page two. Also, the times of operation changed. The Plan Commission gave a unanimous recommendation and a public hearing was held on September 1, 2020. Chairman Troy added that the Plan Commission was satisfied with the new use and there were no major parking concerns due to the little amount of traffic it would add to HWY 83.

*Motion by Supervisor Kranick to approve the Plan Commission's recommendation to approve a request from James Horneck, S23 W33769 Morris Road, Oconomowoc, for an amendment to a Conditional Use Permit to allow a veterinary clinic at W314 N720 STH 83, Delafield. Seconded by Supervisor Dionisopoulos. Motion carried unanimously.*

- B. Discussion and possible action to reconsider the action taken by the Town Board on August 25, 2020 concerning the sale of Fire Department's feet truck #3187.

Chairman Troy explained that at the last meeting the board decided to sell the truck. Don Roberts contacted the Administrator and Chairman, stating he would like to retain the truck for his department. Mr. Roberts stated he had been interested in the truck for a while since her heard the Fire Department was going to sell it. He explained a lot of his fleet trucks are getting older and he would like to have a backup for one of his trucks that has over 300,000 miles on it. He stated the repair estimates are for \$1600 to \$2400 but he believes he can fix the truck at his shop for a fraction of the cost. Chairman Troy stated that if the truck is retained by the HWY Department, the cost of repairs will come out of the operating budget with no additional request for funds. Don stated that if turns out the cost is to high for repairs, we can always sell the truck as initially intended. Supervisor Cooley stated the HWY Department should not spend too much time with repairs.

*Motion by Supervisor Kranick to reconsider the motion at the Town Board meeting on August 25, 2020 to direct the Town Administrator and Fire Chief to sell Fire Department's fleet truck #3187. Seconded by Supervisor Cooley. Motion carried unanimously.*

- B. Discussion on ClearGov Budget Marketing software.

Supervisor Kranick and Administrator Green put on a presentation of the budgeting software. The board discussed the cost of the software and the purpose. The software is designed as a transparency tool for residents to see where their tax dollars go and compares rates with other municipalities in the state. No action was taken on this item.

- C. Discussion and possible action on setting dates for budget workshop meetings.

The board agreed to Tuesday, September 15, 2020 and Tuesday, September 29, 2020 for budget workshop meetings.

- D. Discussion on Trick or Treat Hours

The board agreed to set the Trick-or-Treat date and time for Saturday, October 31, 2020 from 4:00 pm to 7:00 pm.

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

- A. Town Board – Tuesday, September 22, 2020 @ 6:30 pm  
 B. Joint Plan Commission & Town Board Meeting – Tuesday, October 6, 2020 @ 6:30 pm  
 C. Town Board – Tuesday, October 13, 2020 @ 6:30 pm

**Tenth order of Business:** Adjournment

*Motion by Supervisor Kranick to adjourn the September 8, 2020 Town Board meeting at 6:57 p.m. Seconded by Supervisor Dionisopoulos. Motion carried unanimously*

Respectfully submitted:

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

August 25, 2020

Waukesha County Executive  
Paul Farrow  
515 W. Moreland Blvd.  
Rm. 320  
Waukesha, Wi. 53188

Waukesha County  
Department of Parks & Land Use  
Planning and Zoning Division  
515 W. Moreland Blvd.  
Waukesha, Wisconsin 53188

Attn:  
Mr. Dale R. Shaver,  
Director of the Waukesha County Department  
of Parks and Land Use  
Mr. Benjamin Greenberg  
Senior Land Use Specialist

Waukesha County Board of Supervisors  
District 12  
Supervisor Peter M. Wolf  
W286N991 Shepherds Way  
Waukesha, Wi 53188-9493

Re: Carini Residence  
N26 W30255 Maple Avenue  
Pewaukee, Wisconsin 53072  
Permit No. 37722

Town of Delafield  
Delafield, Wisconsin 53018

Attn:  
Mr. Ron Troy, Board Chairman  
Mr. Timothy Barbeau, P.E.  
Mr. Dave Hendrix,  
Building Inspection

Shoreland Zoning Policy Coordinator  
Ms. Kay Lutze  
Green Bay Service Center  
2984 Shawano Avenue  
Green Bay, Wisconsin 54313-6727

Wisconsin Representative to the Assembly  
Cindy Duchow  
Room 221  
North State Capitol PO Box 8952  
Madison, WI 5370

Wisconsin State Senator District 33  
Chris Kapenga  
Room 15  
South State Capitol PO Box 7882  
Madison, 53707



To my Representatives:

I have written several letters in complaint of the construction next door. I first want to discuss the ordinance addressing building separation. I submit the following.

**WAUKESHA COUNTY PUBLIC HEARING MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER,  
ROOM AC 155/159 TUESDAY, JULY 12, 2016, 6:30 P.M.**

**EXHIBIT A**

*The Town of Delafield requested that, for fire safety purposes, the amendments incorporate the building separation requirements of the Town Zoning Code. Staff agreed with this recommendation and has added the 20' separation requirement between a principal structure and another building and the 10' separation requirement between an accessory structure and another building to the Delafield Shoreland Overlay District.*

Although the Town of Delafield ordinance number 2017-04, dated 23 May, 2017, discusses the amendment to the ordinance, it does not appear that it was approved by the Town Board.

In the February 5, 2019, Town of Delafield Plan Commission Meeting, changes to the Waukesha County Department of Parks and Land Use, regarding proposed modifications to their Shoreland & Floodland Protection Ordinance, was noted. "Engineer Belan stated that Engineer Barbeau reviewed the subject matter

*and does not recommend any changes to the proposed modifications."* What exactly did Engineer Barbeau review? Did he talk to anyone? Did he talk to the fire chief?

At the February 21, 2019 Park and Planning Commission Meeting, Public hearing includes RZ29 (Waukesha County Parks and Planning Commission) "Proposed text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance to incorporate a new Downtown Okauchee District, incorporate provisions required by State Statute, and to modernize various code provisions." Unlike the reference to Okauchee, no mention of Section 37 DSO Delafield Shoreland Overlay District was made. The Notice of Public Hearing makes no mention of Section 37 DSO Delafield Shoreland Overlay District. It does, however, mention Downtown Okauchee District.

The WAUKESHA COUNTY SHORELAND & FLOODLAND PROTECTION ORDINANCE draft Ordinance, dated 3/21/2019, presumably for the Plan Commission meeting of that date, indicates proposed changes to the 20' building separation. It appears, although vaguely, that the separation issue was again discussed in the Park and Planning Commission meeting, March 21, 2019. Although I have found no signatures of approvals, this seems to be the date that the Town of Delafield Ordinance was amended.

WAUKESHA COUNTY SHORELAND & FLOODLAND PROTECTION ORDINANCE, Section 40 PUBLIC HEARINGS, (b) Procedure, 1. Posting and publishing, B, states. "When the hearing involves a proposed change in the zoning district classification of any property, or the granting of a Conditional Use, notice of the public hearing shall be given by first class mail to the owners of all lands within three hundred (300) feet of any part of the land included in such proposed change or Conditional Use at least seven (7) days before such public hearing. **In the case of any proposed text amendment or a Conditional Use request, zoning map amendment or zoning map refinement affecting more than six (6) properties and which does not solely set forth a specific amendment or use change to a single particular property owner's land and where such petition is initiated by the municipality, the county or other governmental agency, the requirements for individual notice to affected property owners or those who own property within 300 feet of the project area shall not be required.** The failure of such notice to reach any property owner, provided such failure be not intentional, shall not invalidate any amending ordinance or granting of Conditional Use." I understand the last sentence. I do not believe more than a handful of residents were affected by this amendment. In the County's research, how many residents were found to be affected?

Understanding that it was recommended, Exhibit A, July 12, 2016, that the separation ordinance, for fire safety purposes, be maintained, to which the staff agreed, why has it been changed? With whom was the change discussed? Was the Fire Chief contacted? Was anyone affected by the ordinance contacted, as required by Section 40(b)1.B. of the Shoreland Ordinance? Was there any consideration for life safety? I am looking at a structure that has one of the most volatile finishes that can be put on a building, ten feet from my window, possibly eight feet between the eaves. I would argue that this decision was made without necessary due diligence and the Town and County were negligent in their decision to remove the 20' separation. Perhaps, if the Notice of Hearing had noted Town of Delafield, you may have heard from someone.

Another issue I have noted in previous letters is the height. I don't believe the building meets 35' maximum height requirement. I presented the facts in my last correspondence, August 3, 2020. The contractor had added a Lannon stone veneer next to the foundation, arguing the top of the stone was top of grade. In my last letter I pointed out that the stone was not grade. Assuming the County would approve the stone veneer, the contractor has continued the application around the building. Should this stone veneer application be approved as grade, the height restrictions become meaningless. I have attached pictures. I recommend that the ordinance be amended to require the height be measured from the lowest grade from the property line, or ten feet, to the base of the structure whichever is less.

I believe the efforts to accommodate the building height ordinance is the result of setting the floor elevation 4'-6' higher than that shown on approved drawings. Evidence of this can be seen in the adding of veneer and when comparing the right elevation shown on approved drawings with what has been constructed. I have attached pictures of both. This then questions the footings and their meeting the frost depth requirement. Although "As-Built" drawings, locating the footings, has been required, prior to issuance of Occupancy Permit, I suggest that a certified survey and exploration confirming the depth of footings be provided. I do not believe anyone knows where the footings are placed.

Site grading is not as shown on the approved drawings. Drawings indicate a difference in grade, from the property line to the building, to be between 1' and 2' with a swale adjacent to the property line. The field stone provided along the left side, east northeast side, has no swale and does not conform to approved plans, not to mention a visually unpleasant finish. I have concerns for maintenance. Applying vegetation killer was discussed. I am not comfortable with that. I see no reason why grass could not be provided, matching the property on the opposite side of me, which has the same 7' side yard. The site, as graded, does not follow the approved plans and has the potential for causing drainage problems in the future.

I have had questions for the Building Inspector but have received no response. Although the right-side walk appears to have been eliminated, guardrails are still required at the patio. Has this been noted? With today's concern for energy efficiency, is the air barrier product approved. I saw no Tyvek as specified on drawings.

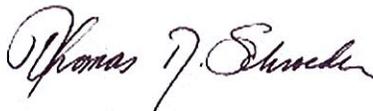
All the trees were removed by the previous contractor. It is my understanding that trees are to be provided in accordance with the County's protection of "Priority Trees". I believe this was noted by the County or DNR.

And last, I want to ask that all damage to my property be repaired to my satisfaction prior to issuance of the Occupancy Permit. Our flower bed was buried during excavation. The contractor said it would be repaired in the Spring. My wife cleaned it out. When the workmen were applying the EFIS product, they trampled the area. The contractor provided no effort to restore our garden. The plants are dead. I have attached pictures. I think two smaller Arborvitae have died. All our Arborvitae were alive last year. Attached are pictures of our Peonies, before and after. The before picture was taken before

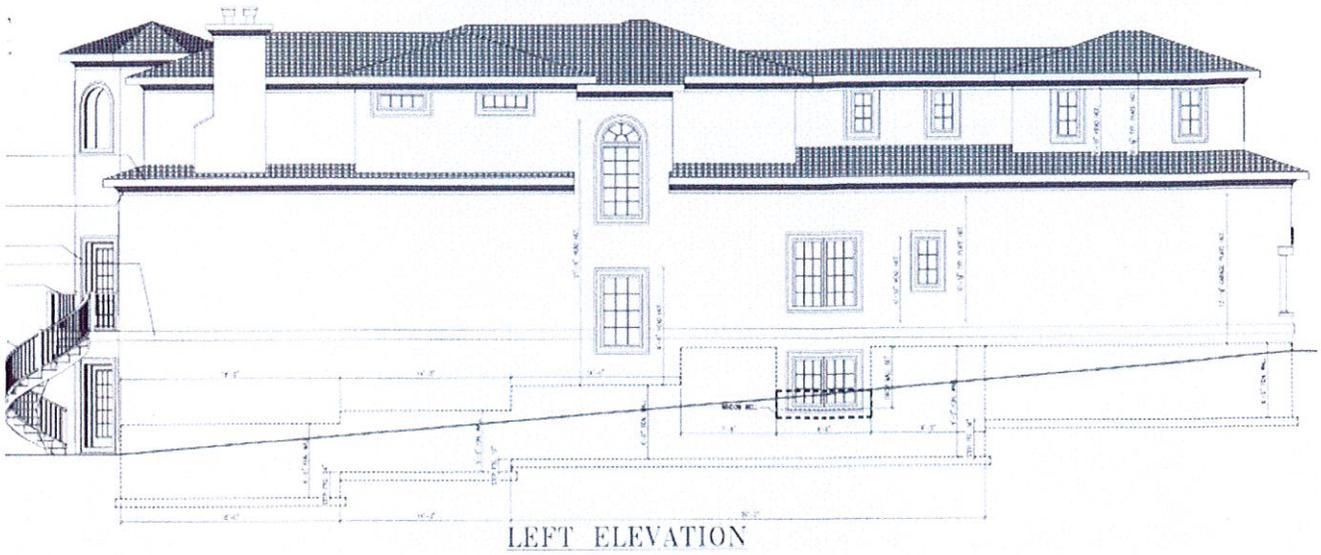
The change to separation ordinance was irresponsible, negligent, and certainly not representative of the Town residents. The height of the building is a show of incompetence by those who wrote the ordinance. There is no defined intent, which would provide some argument to the case. Regarding the height and the separation, both should be reviewed with the fire chief, the ability for the fire department to respond to a fire. It is a life/safety issue.

The grading is an insult, having a rock ditch for the full length of the house, noting the house on the opposite side of me, having the same side yard with a nicely manicured lawn. And the Uniform Dwelling Code violations, perhaps this sets precedence, as does the County Ordinance violations.

Respectfully,



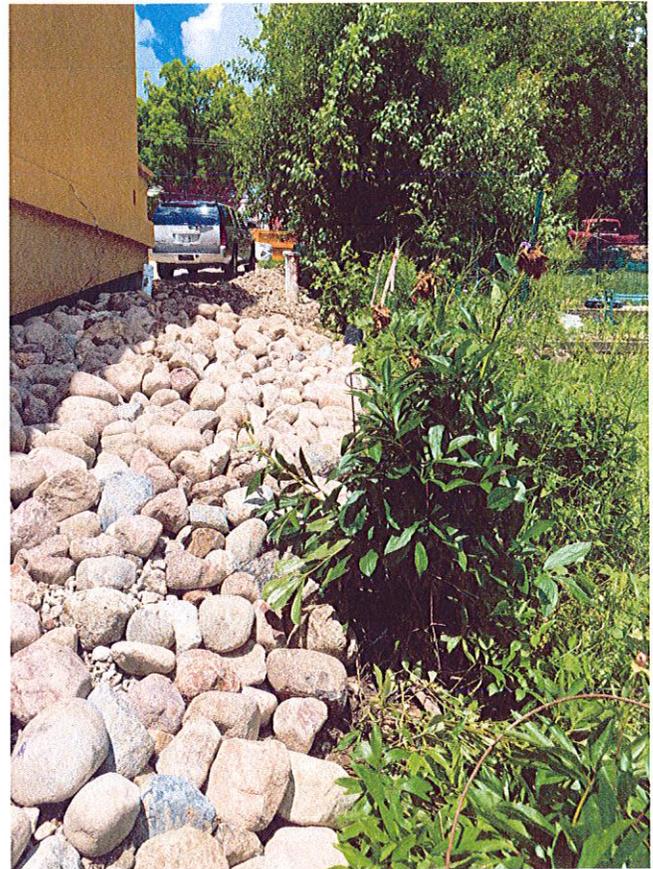
Thomas R. Schroeder  
N26 W30285 Maple Avenue  
Pewaukee, Wisconsin 53072



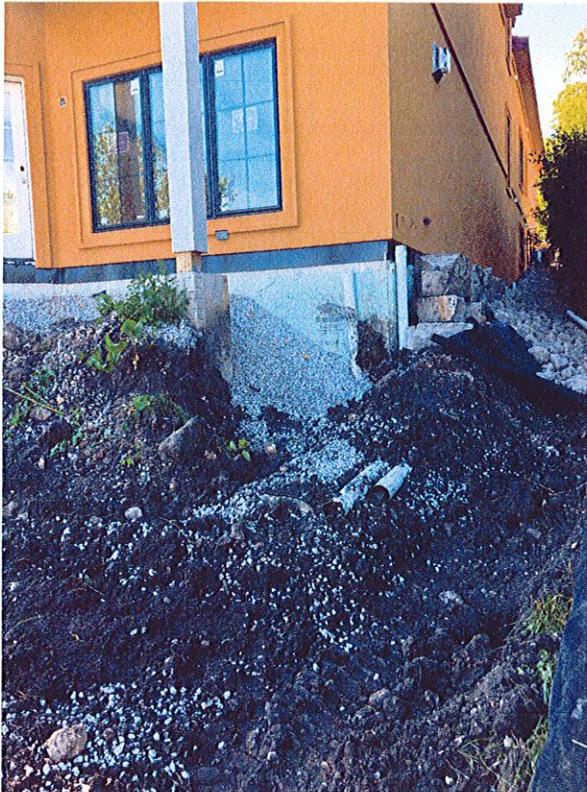
**APPROVED DRAWINGS LEFT ELEVATION (WINDOW SHOWN BELOW GRADE4)**



**LEFT ELEVATION (WINDOW AS BUILT)**



**LEFT ELEVATION ROCK DITCH**



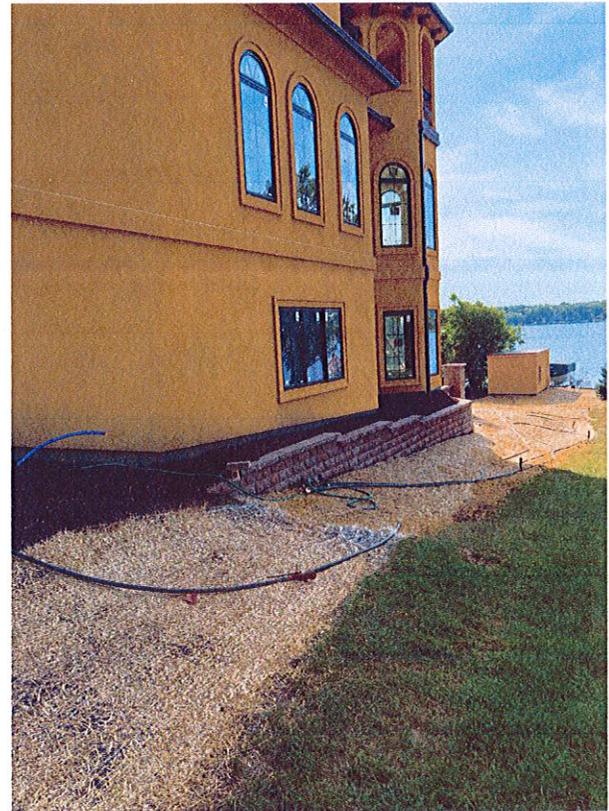
**REAR ELEVATION**



**REAR ELEVATION SEPARATION**



**REAR ELEVATION PATIO**



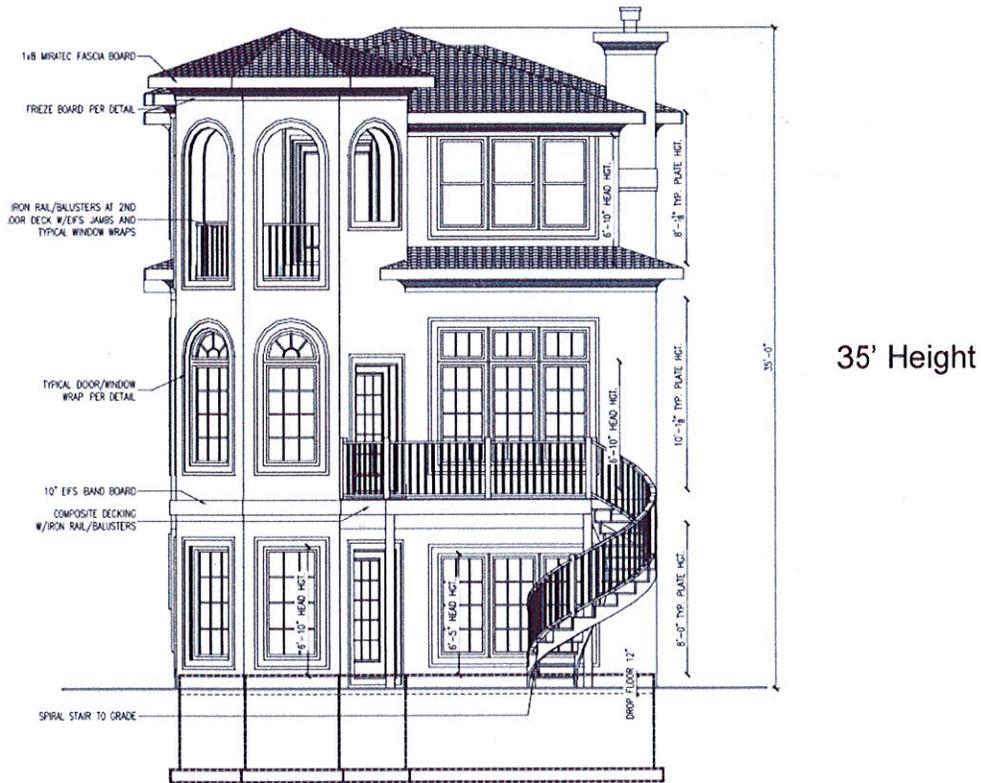
**LEFT ELEVATION**



**ELEVATION PEONIES (07/29/2019)**



**RIGHT ELEVATION Peonies (04/11/2020)**



**REAR ELEVATION**

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

**ORDINANCE NO. 2020-05**


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**AN ORDINANCE TO CREATE SECTION 10.12 OF THE TOWN OF DELAFIELD  
MUNICIPAL CODE, CONCERNING THE REGULATION OF PORTABLE OUTHOUSES**

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WHEREAS, Town of Delafield Town staff have raised concerns about the use of portable outhouses in the Town, in circumstances not previously conducted, and have recommended that the Town Board consider adopting appropriate regulations; and

WHEREAS, the Town Board finds that portable outhouses cause potential health hazards of spread of disease and vermin; cause potential nuisance conditions due to appearance and odor; create conflict with the community standards for residential, recreational, and responsible land uses; cause blight, and potential diminution of property values; and therefore portable outhouses are incompatible with the health, safety, and welfare of the Town and its inhabitants, and are a public nuisance, unless permitted for the limited purposes described herein,

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

**SECTION 1:** Chapter 10 of the Town of Delafield Town Code entitled "Public Nuisances," Section 10.12 of the Town of Delafield Municipal Code is hereby created as follows:

**10.12 REGULATION OF PORTABLE OUTHOUSES**

- (1) **PROHIBITED.** No person shall build, place or maintain any portable outhouse or other moveable method of sewage disposal or cause the same to be built, located, placed, or constructed on any lot or premises within the Town limits except as follows:
  - a. The Town Building Inspector may grant permission in conjunction with the issuance of a building permit. Such permission shall be expressly set forth on the face of the building permit and shall terminate upon the Building Inspector's determination that the project for which the building permit was issued has been substantially completed, or the expiration, suspension, or revocation of the building permit by the Town, whichever occurs first.
  - b. The Building Inspector or Town Administrator may grant a permit to allow such temporary structure for a special event or other limited use, based upon a determination by the Building Inspector or Town Administrator that restroom facilities are not otherwise available or that restroom facilities are available but are not reasonably adequate for the size of the expected assemblage. The permit shall terminate 24 hours after conclusion of the special event or other use, or a specific time noted in the permit, whichever occurs first. The portable outhouse shall be removed from any premises no later than the termination time. Application for a permit under this subsection shall be made on the application form provided by the Town and may be accompanied by the fee as established by the Town Board from time to time. For purposes of this subsection, the Building Inspector and Town Administrator shall consider the proximity of existing restroom facilities without regard to whether such facilities are subject to payment of a fee for their use.
- (2) **PENALTIES.** If the owner or applicant violates or permits violation of any provision of this section, such owner or applicant shall be liable to the Town for a penalty as provided for

in §25.04 of this Municipal Code for each violation of which convicted. Each day that a violation occurs or continues shall be considered a separate violation of this section.

**SECTION 2:**

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:** 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 \_\_\_\_\_ day of September, 2020.

TOWN OF DELAFIELD

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

ATTEST:

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



A PERFECT ENVIRONMENT

Chair 016  
Ron Troy  
Supervisors  
Pete Van Horn  
Edward Kranick  
Christie Dionisopoulos  
Billy Cooley  
Clerk/Treasurer  
Dan Green

Residential      Recreational      Responsible

September 16, 2020

RE: Town of Delafield Tax Referendum

Dear Town of Delafield Residents,

On August 25, 2020 the Town Board voted unanimously to place a question on the November 3, 2020 Election ballot. We are asking Town residents whether to approve a \$450,000 increase to the annual tax levy. Even with this increase, the Town of Delafield’s tax rate would be the second lowest in Waukesha County, based on the current tax data. Of the 37 municipalities in Waukesha County, the Town’s tax rate has been the lowest for several years. Below is a chart comparing the 2020 tax rates from surrounding communities in the area. The chart shows our current tax rate and the proposed referendum levy rate.

Municipality	Tax Rate (per thousand)
Town of Delafield (Current Budget)	1.28
Town of Ottawa	1.52
<b>Town of Delafield with \$450,000 Road, Police General Operating levy increase</b>	<b>1.59</b>
Town of Genesee	1.89
Town of Merton	1.90
Town of Oconomowoc	1.92
Town of Eagle	1.95
Town of Vernon	2.14
Town of Waukesha	2.56
City of Pewaukee	3.35
Town of Mukwonago	3.38
Town of Brookfield	3.74
Town of Lisbon	3.83
City of Delafield	4.49
Village of Hartland	4.55

There are three major factors impacting the Town’s budget:

Road Improvements

The Town’s Highway Superintendent worked with the Town’s Engineer to come up with a 10-year road improvement program. The road improvement program is intended to ensure the necessary road improvements are completed on a consistent schedule moving forward. Currently the Town has 75 miles of road with a typical lifespan of 17 to 20 years. Although the Town needs to improve 3.8 - 4.1 miles of roadway per year to stay current, budget constraints have restricted us from achieving this standard for over the past 10 years. Typically, the Town has budgeted an average of \$300,000 - 350,000 per year on road improvements. The 10-year plan reflects an

average cost of \$550,000 - \$600,000 per year on road infrastructure. If approved, \$250,000 of the levy limit increase would be used for improvements to the Town's roadways. Below shows how the Town's roadway improvement budget over the past 10 years.

<u>Actual Spent</u>	<u>Miles of Road Improvements</u>
2019 – \$357,614	1.64
2018 – \$383,825	2.75
2017 – \$351,410	1.96
2016 – \$424,663	2.17
2015 – \$624,308	4.29
2014 – \$108,246	1.39
2013 – \$269,866	1.86
2012 – \$344,609	2.76
2011 – \$349,110	3.21
2010 – \$341,728	2.72

#### 40-Hour Police Services

The Town currently has 14-hours per week of police service through a contract with Waukesha County. The board supports moving to a 40-hour per week police presence. Additional services are needed due to calls for better patrols on Maple Avenue, Cushing Park Road, Highway C, and Highway KE. The Town also receives numerous code enforcement calls that, many times, involve law enforcement. The proposed change to 40-hours per week would allow officers to have their own office in the Town Hall, for better communication with Town staff and faster response time. If approved, \$115,000 of the levy limit increase would be used for 40-hour per week police service.

#### General Operational Services

The Town has been working steadily to improve communication with Town residents, along with improving staff efficiency. Some of those improvements include a new website, an updated email server, and higher speed internet for both Town staff and the Fire Department. If approved, \$85,000 of the levy limit increase would be used for operational expenses for Town staff.

The Town of Delafield's tax rate is the lowest municipal tax rate in Waukesha County based on [Waukesha County 2019 tax statistics](#). In 2005, the State of Wisconsin imposed limits on municipalities to allow tax increases based only on net new construction. Over the years, the Town has tried to maintain a minimal tax rate, resulting in a tax rate of 1.28 per \$1,000 of assessed value, with the next highest municipal tax rate in the County being the Town of Ottawa at 1.52. This proposal would result in an increase of \$139.90 per year for a home valued at \$500,000, or \$11.66 per month.

The Town Board understands that one of the things that makes the Town of Delafield a great place to live is its low tax rate. The alternative to this tax levy increase is a proposed budget that includes a combination of budget deficits and debt financing (borrowing funds). The proposed referendum will accomplish the above stated goals, and keep the tax rate the second lowest of the 37 municipalities in Waukesha County, according to current tax data.

Town Board members and Town staff are available for any questions residents may have. You can reach us by phone or email:

**Town Board**

Ron Troy, Chairman:	<a href="mailto:rtroy@townofdelafield.org">rtroy@townofdelafield.org</a>	262-309-9669
Ed Kranick, Supervisor:	<a href="mailto:ekranick@townofdelafield.org">ekranick@townofdelafield.org</a>	262-408-0229
Billy Cooley, Supervisor:	<a href="mailto:bcooley@townofdelafield.org">bcooley@townofdelafield.org</a>	262-337-3110
Christie Dionisopoulos, Supervisor:	<a href="mailto:cdionisopoulos@townofdelafield.org">cdionisopoulos@townofdelafield.org</a>	402-430-4737
Pete Van Horn, Supervisor:		262-646-3610

<b>Staff:</b> Dan Green:	<a href="mailto:dgreen@townofdelafield.org">dgreen@townofdelafield.org</a>	262-646-2398
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Sincerely,

Ron Troy  
Chairman - Delafield Town Board

## Dan Green

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**From:** Philip L. Cosson <PCosson@ehlers-inc.com>  
**Sent:** Friday, September 18, 2020 11:14 AM  
**To:** Dan Green  
**Cc:** Greg Johnson  
**Subject:** RE: Possible refinancing of Building loan

Dan,

Since the 2014 Bonds aren't callable until 4-1-22, the Town would have the following two options:

- 1) Wait until 90 days before the call date and undertake a current refunding on a tax-exempt basis; or
- 2) The Town could issue Taxable Refunding bonds now which would be an advance refunding. The estimate annual savings after all costs would be around \$11,500, the overall savings is approximately \$163K which is a PV savings of over 5%.

Typically, we would advocate to wait but with historically low interest rates and minimal spreads between tax-exempt and taxable rates, we are seeing communities moving forward with taxable refunding's to lock in savings.

Let us know if you have questions or would like to discuss further.

Phil

**Philip L. Cosson**, CIPMA  
 Senior Municipal Advisor  
 O: (262) 796-6161 | M: (262) 617-0395 | [ehlers-inc.com](http://ehlers-inc.com)



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**From:** Philip L. Cosson <PCosson@ehlers-inc.com>  
**Sent:** Thursday, September 17, 2020 1:12 PM  
**To:** Annie Mallon <AMallon@ehlers-inc.com>; Dan Green <dgreen@townofdelafield.org>  
**Cc:** Greg Johnson <gjohnson@ehlers-inc.com>; Kathy Myers <kmyers@ehlers-inc.com>; Beth Mueller <BMueller@ehlers-inc.com>  
**Subject:** RE: Possible refinancing of Building loan

Hi Dan,

Hope all is well.

We will review and get back to you with our analysis.