**TOWN OF DEERFIELD**

**TOWN BOARD MEETING**

**September 12, 2016**

Chairman Mike Schlobohm called the meeting to order at 7:00 p.m. Those in attendance were: Supervisors Dennis Mandt, Dan Kelly, Brian Berninger, Nick Brattlie and, Chairman Mike Schlobohm, Treasurer Korby Holzhueter, Clerk Kim Grob, Patrolman Al Pulvermacher and fourteen attendees.

Dennis Mandt made a motion to approve the August 8, 2016, town board meeting minutes with a correction in public comment section, line eight, that should state “A comprehensive plan is a guideline or a tool to be used by municipalities or legislation to enact an ordinance”. Brian Berninger second the motion. All ayes. Motion carried.

**Public Comment:** Ken Frjelich spoke on the town constable position. Asking if the constable will make the decision to give a citation and serve it? Or just serve the citations? Ken also expressed that he would like to see the board pass an ordinance that would require notifying residences within a half mile of a zoning change or new C.U.P. The law now requires 500 ft notification to residences. Ken also stated that there is a case being brought before the court of appeals by the Oak Park Quarry to get the status changed to non-conforming.

Dane County Deputy Sheriff Heidi Studnicka introduced herself as our new deputy for our town.

**Business**

1. **Discussion & possible action on garbage-recycling contract/proposals.**

 The town received four proposals and they were from Pellitteri, John’s Disposal, Badgerland Disposal and Advanced Disposal. The board reviewed the proposal information and asked questions to the representatives that were present. Brian Berninger made a motion to approve Pellitteri Waste Systems proposal. No seconds was made. Nick Brattlie made a motion to approve Advanced Disposal five year contract contingent on plan for improvement of services. Dan Kelly second the motion. Roll call:

Nick Brattlie Aye Dan Kelly Aye

Brian Berninger Aye Mike Schlobohm Aye

Dennis Mandt Aye

1. **Discussion & possible action to approve driveway permit for Jim Ludrow on Oak Park Rd.**

 Jim Ludrow’s future driveway is being created off of an existing driveway on Oak Park Rd. Mike Schlobohm made a motion to approve the driveway permit for Jim Ludrow on Oak Park Rd. Dennis Mandt second the motion. All aye’s. Motion carried.

1. **Discussion & possible action on re-zone for Janet Berge, to separate the farmland from the residence at 961 Nuland Road.**

Janet Berge’s home is zoned on .3 of an acre with the farm buildings on a separate parcel. Janet wishes to rezone the house to include the farm buildings which would make the parcel 2.8 acres with a A-2(2) zone. The Planning Commission passed the rezone. Nick Brattlie made a motion to approve the re-zone for Janet Berge, 961 Nuland Rd. Dennis Mandt second the motion. All aye’s. Motion carried.

1. **Discussion & possible action on culvert on Liberty Road**

Discussion occurred about the concern of the culvert being kept clear of debris. Brian Berninger replied that he is keeping the culvert clear. Al Pulvermacher and Brian will inspect the culvert again.

1. **Discussion & possible action on weed control on the corner of Oak Park Rd & Liberty Rd.**

There have been complaints about the obstructed visibility at the Liberty Road stop sign to the south. Brian Berninger likes the wild flowers and takes care of the noxious weeds. Mike Schlobohm explained it is the board’s concern for public safety and liability. Dennis Mandt made a motion to mow the road right away at the corner of Liberty Road and Oak Park Road on the south side. Dan Kelly second the motion. Roll call:

Dennis Mandt Aye Brian Berninger Nay

Dan Kelly Aye Mike Schlobohm Aye

Nick Brattlie Aye

Motion carried.

1. **Discussion & possible action on outstanding charges for public records request from Stafford Rosenbaum LLP**

Brian and Martha Berninger’s attorney of Stafford Rosenbaum LLP made a public records request that resulted in $355 of charges back in November 2015 with the invoice is still being outstanding. Brian Berninger requested from the board that the charges be reduced. Dennis Mandt made a motion to keep the invoice total at $355.85. Nick Brattlie second the motion. Roll call:

Dennis Mandt Aye Brian Berninger Nay

Dan Kelly Aye Mike Schlobohm Aye

Nick Brattlie Aye

Motion carried.

1. **Discussion & possible action on filing in Circuit Court for violations of Town Ordinances by Oak Park Quarry**

Dennis explained that the board was advised by the town attorney not to pursue legal action on possible passed violations from the Oak Park Quarry at this time. Brian Berninger expressed his thought of passed meetings where the board and town attorney had mentioned about filing in circuit court. Nick Brattlie explained that it was decided to focus on moving forward.

**Quarry Public Comment:** Cheryl Lemke asked about the plan of action for the possible septic tanks being damaged by blasting and the concern of contamination into the village water reserve. Korby Holzheuter explained that the County requires rural homeowners to have their septic’s pumped and inspected every three years. Ken Frjelich suggested to Cheryl to ask the Village how often they test the water for bacteria. Ken Frjelich spoke asking for the town attorney to explain to residents on why not take possible previous violations from Oak Park Quarry to circuit court.

1. **Discussion & possible action to approve an ordinance providing the town attorney with authority to enforce the Town ordinances.**

The ordinance is to give the town attorney authority to commence legal action to enforce the Town of Deerfield Code of Ordinances. Dennis Mandt expressed it is an ordinance that needs to be passed because of board members having possible conflict of interest with the quarry. The town attorney would be able to act on a possible violation by serving and enforcing the citation. Nick Brattlie asked who decides if a violation has occurred or not. Dennis Mandt made a motion to pass the 2016-06 Ordinance providing the town attorney with authority to enforce the Town of Deerfield Code of Ordinances. Dan Kelly second the motion. Roll call:

 Dan Kelly Aye Dennis Mandt Aye

 Brian Berninger Aye Mike Schlobohm Abstain

Nick Brattlie Aye

Motion carried.

1. **Discussion & possible action for Town Constable position**

As a result of the board passing the 2016-06 Ordinance, this item is being disregarded.

1. **Discussion & possible action regarding application of blasting ordinances to baseline blast testing**

Dennis Mandt explained that Viking Blasting would be a company willing to perform some baseline research to see if the town blasting limits were obtainable, if some blasting provisions were lifted for the testing. Viking would perform one signature blast and enter the data into a computer program designed for blast simulations. Nick Brattlie proposed to postpone the item and invite Viking Blasting to attend the October meeting.

1. **Discussion on Oak Park Quarry Reclamation Plan**

Dennis Mandt explained that people can talk with Dan Everson of Dane County Zoning Department about the reclamation plan, but the town has no jurisdiction over the plan at this time. Brian Berninger express his concern about the quality of fill coming back into the quarry. Dennis Mandt expressed his concern with the high walls that are proposed in the plan.

1. **Discussion & possible action for the selling of the 1993 Plow Truck**

The truck was put on the Wisconsin Surplus Co. website for auction and will end September 22. The current bid is at $13,250. Mike Schlobohm feels 13,250 would be a fair price for the truck and asked the board for the permission to confirm the winning bid on Sept. 22 if the truck is at $13,000 or higher. Nick Brattlie made a motion to accept the sale of the plow truck at $13,000 or above. Dennis Mandt second the motion. All ayes. Motion carried.

1. **Treasurer’s report was read by Korby Holzhueter for the month of August 2016.**

General Account Balance: $51,775.57

Money Market Balance: $288,647.71

Deerfield Real Estate Balance: $647.09

Certificate of Deposit: $17,346.21

Nick Brattlie made a motion to approve the August Treasurer’s report. Dan Kelly second the motion. All aye’s. Motion carried.

The loan for the fire station/EMS building is up for renewal. The Bank of Deerfield quoted loan options of 5 yr @ 3.2% and 10 yr @ 4.25%. Mike Schlobohm made a motion to accept the 10 year @ 4.25% loan option through the Bank of Deerfield for the Fire Station/EMS building. Dennis Mandt second the motion. All aye’s. Motion carried.

The board reviewed the August 29 invoice from Reuter, Whitish & Evan, S.C. Dennis Mandt made a motion to approve payment of $3,539.50 of the invoice from Reuter, Whitish & Evan, S.C. Nick Brattlie second the motion. Roll call:

Dan Kelly Aye Dennis Mandt Aye

Brian Berninger Aye Mike Schlobohm Abstain

Nick Brattlie Aye

Motion carried.

**Clerk’s Report –** Announced a September WI Town’s Association meeting on transportation.

**Road Updates/Discussions from Patrolmen**

Black top and edging is completed for the season.

***Agenda for October***

*Public Comment*

*Baseline test blast at quarry*

*Garbage contract approval*

*Plow Truck update*

*Expand distance of notification of C.U.P. applications*

Nick Brattlie made a motion to adjourn the meeting at 9:43 p.m. Dennis Mandt second the motion. All aye’s. Motion carried.

Town of Deerfield, Kim Grob, Clerk