

TOWN of FOX LAKE Minutes of Special Informational Regarding Impact of 2016 Annual Meeting to Vote to Rescind Village Powers

Wednesday, June 1, 2016 — Town Hall at 6:30p.m.

The Town of Fox Lake Board met following a special closed session meeting in a special informational meeting format with Attorney Chase Horne present and 5 members of the Board and 24 other members of the public present.

Chairman Schley brought the meeting to order at 6:50p.m.

Attorney Horne was present to respond to two motions of the electors made during the 2016 Annual Meeting which was April 23, 2016.

First, Attorney Horne presented a report regarding the motion of electors to rescind Village Powers of the Town of Fox Lake which was:

A motion was made by Ed Benter to rescind the Town Board's authority to exercise Village Powers, seconded by Dale Paul. A vote was called with 22 in favor, 6 opposed, motion carried. Town Attorney Horne commented that the Town would likely still have some limited zoning authority but will review the full legal effect of this motion and report back to the Board at the June 2016 Board Meeting. *[Clerk's note: from Town of Fox Lake Code of Ordinances, Revised 2015 "Village Powers Ordinance": The Town meeting of the Town of Fox Lake dated July 12, 1973 (recessed meeting of April 3, 1973) did authorize, by adoption of a resolution, and the Town Board of the Town of Fox Lake does, by adoption of this ordinance, confirm that the Town Board of the Town of Fox Lake has the specific authority, powers and duties noted above in Chapter 60 and 61 Wis. Stats., and has established pursuant to these chapters and this ordinance the powers and duties of the Town Board of the Town of Fox Lake to exercise village board powers pursuant to Sec. 60.22 and 61.34, (2003-04) Wis. Stats., and subject to the conditions established in Sec. 60.22 Wis. Stats]*

Attorney Horne explained that since it was unknown from the record (minutes of 1973 Annual Meeting) how many electors from 1973 Annual Meeting voted to enact Village Powers that the 22 votes received supporting the motion from the 2016 Annual Meeting were sufficient to have a binding effect on the Town. It was therefore opined per Attorney Horne, in consultation with the Wisconsin Towns Association, that as of April 23, 2016 Village Powers for the Town of Fox Lake were effectively rescinded per the above motion. Attorney Horne also opined that any ordinances adopted prior to April 23, 2016 while the Town had active Village Powers in effect still remain in effect. The full effect therefore of the abovementioned motion is that the Town may not, after April 23, 2016, enact or adopt any ordinances which require the presence of Village Powers to enforce, unless of course Village Powers are reinstated at some future date with a vote of the electors exceeding the number of electors voting to rescind Village Powers (i.e. more than 22 elector votes). Attorney Horne also opined that the abovementioned motion had no legal effect on the status quo of the powers of the Town to enforce Town Zoning (per Zoning Ordinance). Attorney Horne commented that had the motion been made to rescind the Town's ability to enforce Town zoning this would have had the binding effect of eliminating the power of the Town to enforce local zoning.

Secondly, Attorney Horne addressed the other motion in question passed during the 2016 Annual Meeting:

Ed Benter made a motion to recommend to the Town Board to resolve to adopt County Zoning at the next Town meeting, seconded by Ron Paul. A vote was called with 22 in favor, 5 opposed, motion carried.

Attorney Horne opined that this motion of the electors was of advisory nature only and had no binding effect on the Town Board whatsoever.

Attorney Horne was then available per direction of Chairman Schley to answer several questions of the electors gathered.

Supervisor Brieman made a motion, seconded by Supervisor Kok to adjourn. All in favor, motion carried.

Meeting adjourned at 8:20p.m.

Respectfully submitted,

Mason Zantow
Town of Fox Lake Clerk/Treasurer