



# CITY OF DELAFIELD MEETING MINUTES COMMON COUNCIL

Mayor: Kent Attwell  
Council President: Alderperson Wayne Dehn  
Alderspersons: Tim Aicher, Jim Behrend, Matt Grimmer, Danielle Henry, Phil Kasun, Jackie Valde

Monday, February 21, 2022

7:00 p.m.

City Hall, Council Chambers  
500 Genesee St.

## Regular Meeting

**DRAFT**

[YouTube LINK](#)

### 1. Call to Order

Meeting was called to order at 7:00 PM.

### 2. Pledge of Allegiance

The pledge of allegiance was recited.

### 3. Roll Call

**Alderspersons Present:** Jim Behrend, Ald. D2 (Arrived at 7:01 PM)  
Jackie Valde, Ald. D3  
Wayne Dehn, Ald. D4, Council President  
Matt Grimmer, Ald. D5  
Phil Kasun, Ald. D6  
Tim Aicher, Ald. D7

**Alderspersons Excused:** Danielle Henry, Ald. D1

**Also present:** Kent Attwell, Mayor  
Tom Hafner, City Administrator/Director of Public Works  
Amy Barrows, City Planner (present via telephone)  
Molly Schneider, City Clerk

### 4. Special Order of Business

#### A. Swearing in of new City of Delafield Police Officer, Matthew DePrey.

Clerk Schneider swore in Officer DePrey.

### 5. Public Hearing:

#### A. Public Hearing #1:

**Topic:** Amend Map 7-4 City of Delafield 2030 Master Land Use Plan Map of the 2030 Comprehensive Plan from the Agricultural to Low Density Residential category on property described below and all amended properties through 2021.

**Location:** Nagawicka Road East, Tax Key #: DELC0781989004 & DELC0781989005

**Owner:** Joes Legacy Farm, LLC

**Applicant:** Jon Spheeris

**Matter:** Amendment to Map 7-4 City of Delafield 2030 Master Land Use Plan Map of the 2030 Comprehensive Plan from the Agricultural to Low Density Residential category to accommodate a Planned Unit Development – Conditional Use for a conservation type single-family subdivision and all amended properties through 2021.

Attwell opened the Public Hearing at 7:03 PM.

Chuck Gallagher, 1343 Parry Ln., Hartland - Property abuts Joe's Legacy Farm. Higher density hurts City Taxes, and this density does not keep in line with the surrounding properties, felt they residents were kept out of the loop. Provided excerpts from a presentation that noted that higher density developments often result in higher costs of services and is a burden to the tax income. Previous surveys of residents have noted that the residents prefer lower density. Focus group appeared to be unsure of the recommendation to lower density. Would prefer the 2-acre density.

Jason Harned, 1423 Parry Ln., Hartland - Agrees with Chuck Gallagher. Opposes rezoning as presented. Surrounding residents should have been involved in the process. Did not feel the meeting was properly noticed. Wants proof of cost of services not being a burden to City. Noted for every dollar in tax revenue for residential land uses, it costs the City \$1.16. Explained the difference between converting density to 1-acre vs. 2-acres. Would prefer RE-2, as it would cost the City less and have continuity of the area. The PUD would put houses on half-acre lots.

Kathleen Traudt, N41W33435 Nashotah Rd., - Supports the rezoning. She is familiar with the current owners who have been very thoughtful with who to allow to develop the land. Lives near a similar development and appreciates the concept with the shared open space.

Dan D'Amore, 2755 Horseshoe Bend, Hartland - Spoke regarding Mike Hausman being appointed to Common Council but voting on Plan Commission. Thought the process was being pushed through without information being shared in detail.

Michael D'Amore, 2812 Horseshoe Bend, - The Plan Commission has disregarded the wishes of City of Delafield citizens. Traffic on HWY 83 is horrendous and there are many accidents. Crime has increased. Development should be done more responsibly. There had been previous denials recently of other properties because it did not comply with surrounding homes and spirit of neighborhood. This development disregards master plan. Asked for denial of proposal.

Chuck Moranchek, 2609 Horseshoe Bend, Hartland - Asked for Common Council to slow down the approvals. Noted that the mayor had previously stated the applicant would be back several times over a few months. Felt Plan Commission members did not understand the concept of the proposal. Felt the City is turning into an urban area. Would prefer a rural area. Would prefer the land be developed at a 2-acre density.

Mark Schaefer, 2106 Evergreen Ln., - Agreed with some of the comments about Spheeris bringing a nice development to the City. Farmland in the area is not realistic. The lots are a half-acre, but there are still only 29 homes on 35 acres with a significant amount of shared open space and conservancy. Some of the close neighborhoods have a lower density.

Chuck Gallagher, 1343 Parry Ln., Hartland - Noted that the development is completely surrounded by 2-acre lots.

Laura Moranchek, 2609 Horseshoe Bend, Hartland - Found that the Seven Seas property proposal being rejected was interesting as that property was on the Lake. It seems the City is focused on the Lake properties. The designated conservancy land is not buildable. This will increase the cost of services. Is there a plan for this increase? Is for development of the land, the City is not a farming community and would like the development to occur in the good faith of the master plan. Would like the Common Council to vote no on this and slow this down so studies are occurring. The commenter on Evergreen Ln. lives on the lake and has access to that lake acreage.

Diane D'Amore, 2804 Horseshoe Bend, - There was not sufficient time for the City residents to voice their opposition to the proposal. Noted that there would be 10 cars coming and going per household per day which will greatly increase traffic and traffic study needs to be done before approval.

Hearing no one else who wished to speak, Attwell closed the Public Hearing at 7:29 PM.

## 6. Approval of minutes of the [January 17, 2022](#) Common Council Meeting

*Motion by Aicher seconded by Valde, to approve the minutes of the January 17, 2022 Common Council meeting as presented.*

*All in favor. Motion Carried.*

## 7. City of Delafield Citizen Comments

Mary Daniel, 309 Wisconsin Ave., - Spoke regarding item 13.C. On page 174 of the Treasurer's Report, the Capital Projects Summary shows that there are still projects active that were quite old. She had previously asked about the projects that remained active. They are still active. Asked about them being complete.

On October 4, 2021, at a previous Common Council meeting, she had pointed out impact value errors and asked if these were corrected.

Jackie Lyden, 1614 West Shore Dr., - Spoke regarding St. John's Bay pier. Felt the approval served the needs of the few while ignoring the needs of many. The Pier funds should be redirected to the dam repair. The Pier will irreparably damage the lake.

## 8. Consent Agenda

Items listed under the Consent Agenda are considered in one motion unless a Common Council member requests that an item be removed from the Consent Agenda.

At this time Attwell moved to 12.C.

## 9. Boards, Committees, and Commission Reports

Reports by Council Members on discussion and action taken at previous meetings, future agenda items, and upcoming scheduled meetings. No discussion or action on these reports, unless specifically listed on this notice.

### A. Licenses

- 1) Discussion and possible action to approve Successor Agent for Hillside Cinema

Schneider explained that the Common Council needs to approve Successor Agents for Liquor Licenses. The background check was completed and the agent was in good standing.

*Motion by Aicher, seconded by Dehn, to approve the Successor Agent, Dawn N. Majewski, for Hillside Cinema as presented.*

*All in favor. Motion Carried.*

### B. [Plan Commission](#)

- 1) Commission Report by Ald. Aicher

Aicher noted there was an upcoming meeting on Wednesday. There are additional properties that are up for discussion for land use amendments. Preliminary discussion referenced the Cemetery zoning being incorrect, a double lot across the street

has requested a dental office be allowed there. In addition to these properties, the Economic Development Focus Group had discussed possible updates to the zoning of the properties between that corner lot and Town Bank. This will be discussed at the next meeting.

Grimmer asked if the recommendations are coming from the EFD in order. Atwell explained there is a schedule, but some of the timeline would be driven by applicant interest. Grimmer noted concerns about this schedule change, as the message going out was that certain properties would be addressed later. Aicher noted the Plan Commission is obligated to address applicants in certain amount of time, regardless of the Economic Development Focus Group timeline.

- a) Discussion and Possible Action regarding Ordinance No. 791: An ordinance amending the Land Use Plan Map from the Agriculture designation category to the Low-Density Residential designation category and amending the Zoning District of the Official Zoning Map from the A-1 Agricultural District to the RE-1 One-Acre Rural Estate District on property known as DELC0781989004 & DELC0781989005, Unknown Address on Nagawicka Road East. Owner: Joes Legacy Farm, LLC. Applicant: Jon Spheeris. The ordinance would also update the Land Use Plan Map for all properties amended through 2021 and the property described above.

*Note: The Plan Commission recommended approval of the proposed request at their January 26, 2021 meeting.*

Aicher noted that this was brought to the Plan Commission via the Economic Development Focus Group study and recommendation. The thought behind this recommendation is that this type of development connects proposed medium density to lower density and also connects a bike trail.

The half-acre lots in conservation developments was enabled several years ago and is intended to decrease road and impervious surfaces and increase the buffer of the surrounding properties.

Grimmer asked what the Master Plan currently has the lot size designated as. Barrows explained that the Land Use Plan has is designated currently as agricultural, and the zoning is currently A-1 which requires a 3-acre minimum lot size. Atwell asked what a-1 typically converts to. Barrows explained that the Land Use Plan recommends this be rezoned to RE-2. The Land Use Plan was written when the stretch along HWY 83 was not served by sewer and water. The 2-acre density is difficult for a developer to accomplish if they are required to put in sewer and water.

Dehn noted the area surrounding the development is RE-2 and he would not support a zoning change to RE-1.

Dehn asked about the two nay votes for the development. Aicher explained that the concern regarding his nay vote at the Plan Commission meeting was about buffer, but this is something to be dealt with during the Planned Unit Development Conditional Use process. He could not speak to Hausman's nay vote.

Grimmer asked about the notices. Hafner explained that there was proper notice. There are two notices in question. The rezone was noticed accordingly for the Plan Commission meeting in January. The Common Council Public Hearing notice in question is a Land Use Plan Amendment notice and does not require property owners to be noticed. There was discussion about the notice requirements not allowing for enough time for property owners to address concerns. Over communication would be better moving forward. Kasun agreed with more advanced notice being necessary.

*Motion by Behrend seconded by Aicher, to approve Ordinance No. 791: An ordinance amending the Land Use Plan Map from the Agriculture designation category to the Low-Density Residential designation category and amending the Zoning District of the Official Zoning Map from the A-1 Agricultural District to the RE-1 One-Acre Rural Estate District on property known as DELC0781989004 & DELC0781989005, Unknown Address on Nagawicka Road East. Owner: Joes Legacy Farm, LLC. Applicant: Jon Spheeris. The ordinance would also update the Land Use Plan Map for all properties amended through 2021 and the property described above.*

Aicher noted this property has been discussed for development for some time. This has been in discussions for some time with the Economic Development Focus Group and has been thoughtfully considered for a long time.

Behrend stated his concern was that the cost of residential development is high and industrial would make money. The type of development being proposed would be high value and does pay off. A Planned Unit Development has less asphalt. A 2-acre development would not meet the market. Waterleaf has struggled to develop. There will not be investors at a lower density in a way that City will make money. The Economic Development Focus Group was an open meeting and having developers participating is efficient and often set higher standards. Behrend supports the development.

Hafner noted that the cost of services references was regarding the cost of services generally, not specific to Delafield. Specifically for Delafield, for every \$1.00 of residential tax revenue, the spends \$0.97 on services. Single family homes over \$400,000 would improve the ratio even more.

Kasun asked about utilities and whether the City well in that area has the capacity to serve the improvements in the area. The well has the ability to serve the entire east side of the lake. Behrend explained the rates will drop with added customers.

Valde noted that the water quality is suffering down the road in Waukesha. Valde noted that there is concern there is little support from residents. The plan is good – it allows for developer to afford to develop the property and appreciates the conservancy aspect. The closer to HWY 83 is where the higher density is preferred. The timing and communication are of concern.

Aicher noted this is reinforcing the recommendation that came from the Economic Development Focus Group and the consideration of the development site is all part of the conditional use. Another development may not be desirable. The reduced setbacks are due to the desire for ranch style homes.

Kasun asked if this was similar to the Sanctuary. Aicher stated those homes are on a quarter acre. Attwell explained one-acre is considered low density. Behrend noted that the smaller lots are in demand and the PUDs are a strong market and allows for land conservation.

Grimmer is still concerned about the perceived lack of communication for notice. Attwell asked what to do in the future. Discussion occurred about the notice and how to better communicate. Costs for increased notices or certified mail could be significant.

*Motion carried on a tie vote, with Attwell voted aye. Kasun, Dehn, and Valde voted nay.*

**C. Lake Welfare Committee**

- 1) Committee Report by Ald. Kasun  
No meeting, no report.

**D. Park and Recreation Commission/Tree Board**

- 1) Committee Report by Ald. Grimmer  
No meeting, no report.

**E. Public Works Committee**

- 1) Committee Report by Ald. Behrend  
Behrend explained there was a meeting, but he was not able to attend. There was an informational meeting on the Nagawicka Path. He referred to the minutes.

**F. Del-Hart Commission**

- 1) Commission Report by Ald. Aicher  
No meeting, no report.

**G. Police Commission**

- 1) Commission Report by Ald. Kasun  
No meeting, no report.

**H. Library Board**

- 1) Board Report by Ald. Valde  
Valde noted some highlights. The Library annual report was prepared and submitted. 195,936 items were circulated and loaned out. There were 119 programs and events with 7,200 participants. The next meeting is March 8, 2022.

**I. Zoning Board of Appeals**

- 1) Board Report by Ald. Kasun  
No meeting, no report.

**J. Promotion and Tourism Commission**

- 1) Commission Report by Ald. Behrend  
Behrend explained the marketing company is doing a lot and the Promotion & Tourism Commission ended very strong financially in 2021. The marketing should consider promoting the Library.

**K. Lake Country Fire and Rescue Commission**

**L. Lake Country Fire and Rescue Board**

- 1) Board Report by Ald. Grimmer  
The ladder truck was ordered. LCFR saved 18% by getting the order in early. Hybrid technology was discussed which helps to reduce the idle time and extends the life of the truck. The return on investment is 6 years. The battery life is 15 years. The cost is \$23,000 for the upgrade, which the LCFR agreed to pay. The oldest unit is 20 years old. Delivery time could be 2 years.  
There is legislation on the state level to use federal funds to increase Medicaid payments. The net positive would only be \$40,000 – \$50,000 due to the area Medicaid population.  
2020 fund balance excess funds that remained prior to the merger between the now 7 member LCFR, have been discussed. The compromise motion did not pass. Aicher asked how this is not considered part of the formula for the capital assets and suggested that the original members get credit towards payments due in. Behrend asked about expansion and what the new members would consider in a similar situation. Hafner noted that the expected revenue budgeted for 2022 is not expected to come in, but we are only paying 44% of the ladder truck replacement instead of 75%.  
Western Lakes is going to referendum due to difficulties hiring and staffing. Paid on call staff has a shortage due to increased in competition. This is not dissimilar to the issues LCFR is facing.

**M. Other Committees, Commissions, and Boards**

**1) Deer Management Committee**

- a) Committee Report by Ald. Henry

No report.

**10. Unfinished Business**

**11. Mayor's Report**

Report by the Mayor to the public regarding recent events attended, awards and commendations, and upcoming events. No discussion or action shall take place by members of the Council unless otherwise listed below.

**A. Discussion and possible action on the following items:**

- 1) Accept Resignation of Dave Greenway from the following Committees and Commissions:

- a) Lake Welfare Committee
- b) Plan Commission
- c) Del-Hart Commission

*Motion by Behrend seconded by Aicher, to accept the resignation of Dave Greenway from the Lake Welfare Committee, Plan Commission, and Del-Hart Commission.*

*All in favor. Motion Carried.*

- 2) Appoint Mike Hausman as the Lake Welfare Committee Representative to the Plan Commission, to serve the remainder of Dave Greenway's term.

First Name	Last Name	Meeting Type	Title	Begin Term	End Term
Mike	Hausman (D1)	Plan Commission	LWC Rep	1/2022	04/2024

*Motion by Aicher seconded by Grimmer, to approve the appointment of Mike Hausman to the Plan Commission as the Lake Welfare Committee representative to serve the remainder of the term ending 04/2024.*

*All in favor. Motion Carried.*

**12. New Business**

- A. Discussion and possible action regarding Resolution 2022-03, a Resolution of the Common Council of the City of Delafield, WI amending the 2022 capital budget to add an unanticipated emergency repair expense related to the Nagawicka Lake dam and higher than anticipated bids for a plow truck.

Hafner explained that there was an issue with the dam that was discovered a few months ago. The leak that was discovered has grown in size and cannot wait until the next budget cycle. The plow truck low bid came in \$15,000 over budget. \$51,150 is the requested increase to the Capital Budget in the resolution.

*Motion by Behrend seconded by Aicher, to adopt resolution 2022-03, a Resolution of the Common Council of the City of Delafield, WI amending the 2022 capital budget to add an unanticipated emergency repair expense related to the Nagawicka Lake dam and higher than anticipated bids for a plow truck.*

Aicher asked about the size and location of dewatering involved in the repair.

Kasun is concerned about the spending and the Common Council should consider removing items from the budget if they are going to increase spending.

*All in favor. Motion Carried.*

- B. Discussion and possible action regarding the creation of an equestrian trail volunteer maintenance program.

Hafner explained that the trail has seen increased usage which has spurred interest in additional maintenance. Increased service is not an option as the City does not have resources. A waiver should be completed by the volunteers.

*Motion by Behrend seconded by Valde, to approve the creation of an equestrian trail volunteer maintenance program.*

*All in favor. Motion Carried.*

- C. Discussion and possible action regarding the submittal of case closure documentation to the Wisconsin Department of Natural Resources for closure of the soil contamination site in the public right-of-way adjacent to the property at 1704 West Shore Drive and authorizing the City Administrator to sign closure documents on behalf of the City.

Hafner explained that there had been contamination discovered in 2002. The decontamination effort was ongoing for 20 years. A surrounding property owner is requesting case closure. There are costs associated with this. The property owner paid for the costs of the case closure. The City Attorney reviewed this and it was determined that this is an appropriate course of action and the City would not inherit additional liability.

Dehn asked where the contamination may have come from. The theory was that there was an underground fuel tank that had been abandoned.

Dehn asked about ongoing liability. Hafner noted there would be requirements for the City to notify anyone digging in the area that contamination exists and there is special handling of the contamination.

*Motion by Dehn seconded by Kasun to approve the submittal of case closure documentation to the Wisconsin Department of Natural Resources for closure of the soil contamination site in the public right-of-way adjacent to the property at 1704 West Shore Drive and to authorize the City Administrator to sign closure documents on behalf of the City.*

*All in favor. Motion carried.*

At this time Attwell moved to 9.A. on the agenda.

- D.** Discussion and possible action regarding a request from Hendricks Commercial Properties to allow additional overnight parking in the Dopkins Street municipal parking lot during the duration of the 705 Genesee Street construction project.

Hafner explained this is within the Police Chief's authority to designate, but Chief Kehl requested Common Council approval. This parking is for the tenants of Hendricks above Blue Collar Coffee that will be losing their parking across the street.

*Motion by Behrend seconded by Valde, to approve the request from Hendricks Commercial Properties to allow additional overnight parking in the Dopkins Street municipal parking lot during the duration of the 705 Genesee Street construction project.*

Aicher asked if the Chief would require documentation. Hafner suggested a simple approach first. Grimmer asked about the Farmers market location. They are moving to the Fish Hatchery Sports Complex parking lot.

*All in favor. Motion carried.*

- E.** Approval of Vouchers Payable report for reporting dates of 1/18/2022 – 2/17/2022 in the amount of \$448,053.89 for accounts payable and \$234,396.88 for payroll.

*Motion by Behrend seconded by Aicher, to approve the Vouchers Payable for reporting dates of 1/18/2022 – 2/17/2022 in the amount of \$448,053.89 for accounts payable and \$234,396.88 for payroll.*

### **13. Report of City Officials**

#### **A. City Administrator**

- 1) City Attorney/Prosecuting Attorney RFP process update.

The RFP is moving along and proposals are being reviewed. Three firms will be interviewed. Grimmer asked if consideration was given to conflicts of interest within their own clients. This has been considered and is on the list of questions for consideration.

- 2) 2022 City of Delafield Revaluation Timeline from City Assessor.

Hafner summarized the potential timeline. There will likely be an increase in values for residential homes, which will likely result in the shift of the tax burden to residential homes.

- 3) Groundbreaking ceremony conducted by Hendricks Commercial Properties on January 31 for the 705 Genesee Street project.

Hafner and Attwell attended the groundbreaking ceremony. There is 1.5 months to 2 months of digging expected. Kasun asked about the exit route for the trucks.

- 4) Liberty Park Stage Update.

Hafner is pursuing contact with MSI who had worked with DAFI for the initial project design to determine if they are interested in designing the project. A private firm has inquired about naming rights.

- 5) St. John's Pier Update.

Hafner is working on the Chapter 30 submittal. The design and bidding process is a straight procurement process. It would not be a formal bidding process.

- 6) Public Works seasonal hiring (parks, landscape maintenance, lake weed harvesting, boat inspections) – starting pay \$15/hr. & flexible scheduling.

There has not been much interest. Rate has been increased and scheduling is flexible.

- 7) Notice from Kleanline LLC regarding the discontinuance of providing cleaning services for City of Delafield facilities.

The city will be going out for an RFP process for a replacement. Kasun asked about the current budget for this. Hafner noted there is concern about a significant increase in rates. Schneider noted the 2021 total costs were in the mid \$20,000 range.

#### **B. City Clerk**

- 1) Spring Election April 5, 2022

- 2) SVD Voting at Heritage to be scheduled

Heritage will allow in-person absentee voting this year.

- 3) Badger Books delayed to late June delivery  
This is due to supply chain issues.

**C. City Treasurer**

- 1) December 2021 Treasurer's Report – Preliminary report pending City audit
- 2) January 2022 Treasurer's Report

**D. Council requests for future agenda items**

*Note: No discussion on requested items*

**14. Correspondence**

**15. Adjournment**

Having no further business, the meeting was adjourned at 9:07 PM.

Respectfully submitted,

Molly Schneider,  
City Clerk