



**CITY OF DELAFIELD
MEETING MINUTES
COMMON COUNCIL**

Mayor: Kent Attwell

Council President: Alderperson Wayne Dehn

Alderpersons: Tim Aicher, Jim Behrend, Matt Grimmer, Danielle Henry, Phil Kasun, Jackie Valde

Monday, April 18, 2022

7:00 p.m.

City Hall, Council Chambers
500 Genesee St.

Regular Meeting

DRAFT

[YouTube Link](#)

1. Call to Order

The meeting was called to order at 7:00 PM.

2. Pledge of Allegiance

The pledge of allegiance was recited.

3. Roll Call

Alderpersons Present: Danielle Henry, Ald. D1
Jim Behrend, Ald. D2
Jackie Valde, Ald. D3
Wayne Dehn, Ald. D4, Council President
Matt Grimmer, Ald. D5
Phil Kasun, Ald. D6
Tim Aicher, Ald. D7

Also present: Kent Attwell, Mayor
Tom Hafner, City Administrator/Director of Public Works
Molly Schneider, City Clerk

4. Special Orders of Business:

- A.** Resolution 2022-07, a resolution extending appreciation to District 6 Alderperson Phil Kasun.

Mayor Attwell read Resolution 2022-07.

Motion by Dehn seconded by Valde, to approve Resolution 2022-07, a resolution extending appreciation to District 6 Alderperson Phil Kasun.

All in favor. Motion carried.

- B.** Resolution 2022-08, a resolution extending appreciation to District 2 Alderperson Jim Behrend.

Mayor Attwell read Resolution 2022-08.

Motion by Dehn seconded by Valde, to approve Resolution 2022-08, a resolution extending appreciation to District 2 Alderperson Jim Behrend.

All in favor. Motion carried.

- C.** Resolution 2022-09, a resolution in memoriam and honoring former Alderperson Al Johnson.

Mayor Attwell read Resolution 2022-09.

Motion by Grimmer seconded by Henry, to approve Resolution 2022-09, a resolution in memoriam and honoring former Alderperson Al Johnson.

All in favor. Motion carried.

- D.** Resolution 2022-10, a resolution extending appreciation to Public Works Foreman Mike O'Brien for his many years of dedicated public service and wishing him a long and joyful retirement.

Hafner expressed gratitude for the service Mike O'Brien has provided to the City since 1980 and read Resolution 2022-10.

Motion by Behrend seconded by Aicher, to approve Resolution 2022-10, a resolution extending appreciation to Public Works Foreman Mike O'Brien for his many years of dedicated public service and wishing him a long and joyful retirement.

All in favor. Motion carried.

Hafner presented O'Brien with a token of appreciation.

Chief Fennig presented O'Brien with a Challenge Coin as a token of appreciation.

5. Approval of minutes of the March 21, 2022 Common Council meeting

Motion by Grimmer seconded by Aicher, to approve the minutes of the March 21, 2022 Common Council meeting as presented.

All in favor. Motion Carried.

6. City of Delafield Citizen Comments

Heidi Harder, 2150 Old lantern Circle – Spoke regarding the traffic from the large trucks that utilize HWY C and the damage they cause to the roads and the danger they present to pedestrians. She would like a traffic study and truck traffic restrictions. Acknowledged HWY C is a County Road and acknowledged the companies would find issue with the time spent to reroute truck traffic. The traffic deters customers from spending time outdoors in the restaurants and business in the Downtown area near Hwy C.

Jackie Lyden, 1614 West Shore Dr – Noted she is part of the opposition who did not vote for Mayor Attwell. She stated she felt that the reason for the opposition is that they disagree with the transparency exhibited by the Common Council, policies seem rushed, and there seems to be divisive opinions. The Mayor should represent all citizens. There should be no partisan politics in local government. She questioned the election results for District 6.

Susie Thompson, 700 Milwaukee St - Spoke regarding item 11.D. She has experienced issues with excessive noise due to garbage pickup in very early morning hours. Specifically, dumpster pickup. She has reached out to the garbage companies regarding the issue. The response was not helpful. She thanked Kasun and the rest of the Common Council and the Mayor for all that they do.

At this time Attwell moved to item 11.A.

7. 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.

8. 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

B. Plan Commission

1) Commission Report by Ald. Aicher

There are some new businesses that are starting to fill up the vacancies in Village Square. The Delafield Oaks Range was approved. The Economic Development Focus Group recommended area between Town Bank and the cemetery across the street from Cushing Elementary is being reviewed as a transitional neighborhood for residences and businesses. There has been an update to the Economic Development Focus Group Land Use update recommendations scheduling which is online. Residents should sign up for notify me to receive information about the Plan Commission.

C. Lake Welfare Committee

1) Committee Report by Ald. Kasun

The dredging will be a slow process and boats should be cautious. Goose egg oiling is beginning.

D. Park and Recreation Commission/Tree Board

1) Committee Report by Ald. Grimmer

Park walk is scheduled for June 4th at 9:00 AM. The free fishing day for kids at the Fish Hatchery Pond is May 21st.

E. Public Works Committee

1) Committee Report by Ald. Behrend

The business for Public Works Committee was approving the road projects.

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

The Library is hosting Police Officer story time with Capt. Bob Hagen. Library was Nominated as outstanding Organization of the year. National library week was celebrated. Nealy 200,000 items checked out in 2021 which was a 42% increase over the previous year. Next meeting Tuesday, May 17th, 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
No meeting due to lack quorum.

K. Lake Country Fire and Rescue Commission

L. Lake Country Fire and Rescue Board

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

M. Other Committees, Commissions, and Boards

- 1) **Deer Management Committee**
 - a) Committee Report by Ald. Henry
No meeting, no report.

9. Unfinished Business

- A. Follow-up discussion and possible action, as requested by Alderperson Henry, regarding Municipal Code Section 2-198(a), involving the City Council Conduct of deliberations and the presiding officer speaking, including a second legal opinion on the matter from the new City Attorney, as requested by Alderperson Dehn.

Hafner summarized that a second opinion had been requested and the interpretation had been the same as the previous opinion. It was recommended that if there was issue with the language the Common Council should change it.

Henry is concerned about hindering the dialogue. However, much discussion occurs before the motion.

Aicher noted that it would be helpful to have an item on a future agenda to clarify the process with new Common Council members.

- B. Follow-up discussion and possible action, as requested by Alderperson Kasun, regarding city procedures for notification of public hearings.

Kasun summarized the concerns previously addressed and the reasons for the concerns. The changes are significant in nature to the City as far as development. The changes seem to have been minimized. There is a lack of information going out. The Common Council should look at it not from the Common Council perspective, but from the perspective of a resident. He suggested press releases for this project and suggested Public Hearings be separate from the meeting where the voting occurs. Also suggested utilizing social media such as Facebook and NextDoor.

Valde referred to the ePacket on pages 15-17. There were several items that were helpful on the list provided by Kasun. It is important to look at this from the resident's perspective. It seems that there could be updates based on

feedback from residents. Leaving the link up on the website for the Economic Development Focus Group website was suggested.

Grimmer noted this used to be a role provided by the media. Some of the changes could be added to add further transparency.

Discussion ensued regarding the link for the Economic Development Focus Group not being on the City's Website occurred.

Aicher noted that some changes in the schedule for the Economic Development Focus Group recommendations were due to developer interest. The Plan Commission does consider the process, including the landowner's interest and the City's property values. There is some responsibility for the Alderperson to reach out to their residents. The Economic Development Focus Group was meant to bring forth thoughtful change to the existing Land Use Plan, but is not forcing development.

Kasun noted these are big changes on what seems to be a short timeline.

There had been a meeting hosted by a few Alderpersons. Public Informational Meetings were discussed. Aicher noted that developers are encouraged to hold public informational meetings.

Aicher noted the 500' surrounding property distance notification versus the 300' distance was a good suggestion. The notification timeline changes could have significant impact on the developer timeline.

Hafner recommended Common Council seeking input from City Planner and City Attorney prior to making any changes. There had been a reporter into the City today that was looking for information on a few issues, one being the Economic Development Focus Group recommendation.

At this time Attwell moved to 11.C.

10. 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.

11. New Business

- A. Discussion and possible action regarding Resolution 2022-11, a Resolution of the Common Council of the City of Delafield, WI amending the 2022 capital budget to account for higher-than-expected road resurfacing bids.

Hafner explained that the Street Improvement Program contract exceeded the budgeted amount. The Village of Summit has taken bids for their program and the Mill Rd project came in over budget. The combination of the budgetary increases requires a budget amendment. The proposed amendment would be \$45,000 to accommodate the two paving projects. This amount is included in the proposed borrowing to be discussed later in item 11.B.

Aicher asked about the Village of Summit and their budget adjustments. Hafner noted the Village of Summit is looking to move forward.

Motion by Aicher seconded by Grimmer, to approve the budget amendment as proposed in Resolution 2022-11, a Resolution of the Common Council of the City of Delafield, WI amending the 2022 capital budget to account for higher than expected road resurfacing bids.

Hafner noted this would require a 2/3 majority vote to pass.

Aicher noted that the Mill Road project has been an issue for a long time and coordinating budgets with Summit has been difficult.

Hafner noted that there are a lot of complaints about the condition of the road.

All in favor. Motion carried.

- B. Consideration of Resolution Authorizing the Issuance and Sale of Not to Exceed \$2,050,000 General Obligation Promissory Notes, Series 2022A. Roll call vote.

Phil Cosson, Ehlers, was present to speak regarding the resolution and pre-sale report. The parameters resolution was prepared by the City's Bond Attorney. The municipal bond market is seeing a jump in interest rates likely due to inflation, federal policy, and uncertainty. The road project change was included in the current resolution. The City will go through a competitive sale process which means Ehlers will take bids from companies for the note to ensure the best rate. This step is for approving the process for the bid. The process for reviewing the City's rating was summarized.

Grimmer asked about what an excessive fund balance would be and how it affects rating. Cosson explained some communities hold a fund balance of 40%. The City's 20% is sufficient. Building a fund balance under levy limits is difficult.

Aicher asked about the possible threat to the City's AA2 rating. Cosson stated the level of fund balance being drawn down to 10% causes issues.

Hafner asked what the rating notch equates to about 10 basis points for each notch.

Motion by Behrend seconded by Aicher, to approve Resolution 2022-12, a Resolution Authorizing the Issuance and Sale of Not to Exceed \$2,050,000 General Obligation Promissory Notes, Series 2022A.

Roll Call Vote (Aye/Nay):

<i>Aldersperson</i>	<i>Aye</i>	<i>Nay</i>
<i>Henry</i>	<u>X</u>	<u> </u>
<i>Behrend</i>	<u>X</u>	<u> </u>
<i>Valde</i>	<u>X</u>	<u> </u>
<i>Dehn</i>	<u>X</u>	<u> </u>
<i>Grimmer</i>	<u>X</u>	<u> </u>
<i>Kasun</i>	<u>X</u>	<u> </u>
<i>Aicher</i>	<u>X</u>	<u> </u>

Motion carried.

Attwell returned to 8.B.

- C. Discussion and possible action regarding an Intermunicipal Agreement between the City of Delafield and the Village of Summit regarding repairs on Mill Road between CTH DR and CTH B. Action to be contingent upon City Attorney review and approval.

Hafner summarized the proposed agreement which split costs right down the center of the road. The City is responsible for slightly larger percentage due to side roads being on the City Side.

Motion by Behrend seconded by Aicher, to approve an Intermunicipal Agreement between the City of Delafield and the Village of Summit regarding repairs on Mill Road between CTH DR and CTH B. Action to be contingent upon City Attorney review and approval.

All in favor. Motion carried.

- D. Discussion and possible action, as requested by Aldersperson Kasun, regarding proposed Ordinance 792, an Ordinance to amend Section 34-22 of the City of Delafield Municipal Code to regulate the noise associated with the emptying of garbage dumpsters.

Kasun noted he heard the emptying of dumpsters from his house, and it is happening at 5:00 and 5:30 AM. Other municipalities have these kinds of restrictions.

Hafner noted that the GFL representative indicated that other municipalities have ordinances. If there is an ordinance GFL would comply. Most municipalities have a 6:00 AM restriction. The proposed ordinance is 7:00 AM.

Valde noted the same issue had occurred for her when contacting the garbage company regarding their response to the situation.

Attwell noted that the business rely on the garbage pickup and the restrictiveness should be considered so as not to cause issue.

Hafner noted traffic is an issue. 7:00 AM may be an issue with traffic.

Behrend had lived close to Fishbones at one time and had issues with the early pickup times then, also.

Motion by Behrend seconded by Aicher, to approve Ordinance 792, an Ordinance to amend Section 34-22 of the City of Delafield Municipal Code to regulate the noise associated with the emptying of garbage dumpsters, subject to the time limitation being changed to 8:00 PM to 6:00 AM.

Aicher suggested trying to address this with Business Plans of Operation. That may not be workable.

Henry asked about an exception. Discussion occurred about a process for an exception.

All in favor. Motion carried.

- E. Approval of Vouchers Payable report for reporting dates of 3/15/2022 – 4/18/2022 in the amount of \$306,248.53 for accounts payable and \$151,890.65 for payroll.

Motion by Aicher seconded by Grimmer, to approve the Vouchers Payable report for reporting dates of 3/15/2022 – 4/18/2022 in the amount of \$306,248.53 for accounts payable and \$151,890.65 for payroll.

All in favor. Motion carried.

12. Report of City Officials

A. City Administrator

- 1) First work date for Pluggin' Along the Bark (River) Volunteer Group - Saturday April 23, 2022, 7am to 10am, meet at the Hwy C bridge by the Post Office, rain or shine.

Hafner explained the group will be maintaining the plantings along the Bark River. The first meeting is this Saturday.

- 2) Dam repair update.

The Dam repair is complete and took the full three days.

- 3) New Cleaning Service Contract.

Vanguard Cleaning has been approved for Public Works, Library, City Hall and the Fish Hatchery.

The previous cleaner is still cleaning the Public Safety Building, with a significant increase in the price.

B. City Clerk

- 1) Summary of election and recount.

Clerk Schneider summarized the Spring 2022 Election. There was a 39% voter turnout which is higher than normal for a spring election. There was a tie in District 6, which is rare. The Municipal Board of Canvassers broke the tie via lot draw on April 7, 2022, resulting in a tie breaker for Paul Price. A recount was conducted on April 13, 2022 at the request of Ald Kasun.

The recount results were summarized. For District 6, there has been 364 voters recorded in the poll book, but the District 6 race had only 363 votes cast in the machine. The poll book was verified for accuracy. The absentee ballots were verified for accuracy, with the rejected ballot pertaining to District 6 remaining a rejected ballot, as the voter was contacted regarding the issue with their absentee ballot and chose not to fix the issue. The tally was confirmed with Kasun receiving 172 votes, Price receiving 172 votes, 17 no votes and one write in for Pedro and one write in for Nicolas Martin Brown.

The election had nine different ballot styles. The polls are open for 13 hours and the elections happen a maximum of 4 times per year. The goal is to have no mistakes for an election, but there is always room for human error, both poll worker and voter.

There were some instances of error that had been discovered as part of the canvass process and the recount process.

The City is taking steps to try to eliminate the possibility for error, including the implementation of Badger Books.

Participation in the election as a poll worker was encouraged for individuals to understand the election process, especially that of the Spring election.

There is poll worker training and the Clerk and Chief election inspectors are always trying to consider possible mistakes and ways to eliminate any mistakes, but it is hard to account for every scenario.

The specific error for District was likely that a voter received an incorrect ballot.

Other factors that affected the vote count were noted, such as the ballots cast with a no vote for the Aldermanic race and the lower voter turnout percentage.

Schneider fully supports the poll workers and noted they work hard, and it is a long day.

Grimmer noted that the Clerk and the Election staff did a great job.

Valde noted concern about the vote discrepancy. Schneider explained that the machine tabulators counted 363 ballots for District 6, but the poll books where the voter checked in there were 364 voters. Somewhere between the voter checking in at the poll book and receiving the ballot, a mistake was made.

Hafner noted that there is some element of voter responsibility to be considered as well.

Valde suggested colors might be considered. Schneider explained the colors are provided by the County. Knowing there might be issue, there were additional steps taken to try to eliminate the possibility for error.

Aicher asked if the total number of ballots issues equaled the total number of voters. Schneider stated that the numbers of voters in the poll books and ballots cast did match.

- 2) Update regarding Public Hearing Notices on the City Website

Schneider noted that there has been a News Flash section specific to public hearing notices and there will be a news flash when public hearing notices are posted. There has been a notification sent on the City News blast encouraging folks to sign up for the Public Hearing news flash.

C. City Treasurer

- 1) March 2022 Treasurer's Report

D. Council requests for future agenda items

Note: No discussion on requested items

- 1. Aicher requested at the May 16th meeting, a review of City code for rules and conduct at Common Council meetings for the new Common Council members.
- 2. Valde requested the link on the website be reposted for the Economic Development Focus Group.

13. Correspondence

14. Closed Session:

- A. Motion to convene in closed session pursuant to the provisions of Wis. Stat. 19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically regarding the retirement benefit compensation for one of the Public Works Foremen. The Council will reconvene in open session after completion of the closed session to consider the balance of the agenda.

Motion by Behrend seconded by Grimmer, to convene into closed session at 8:54PM, pursuant to the provisions of Wis. Stat. 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, more specifically regarding the retirement benefit compensation for one of the Public Works Foremen. The Council will reconvene in open session after completion of the closed session to consider the balance of the agenda.

Roll Call Vote (AYE/NAY):

	AYE	NAY
Henry	<u>X</u>	_____
Behrend	<u>X</u>	_____
Valde	<u>X</u>	_____
Dehn	<u>X</u>	_____
Grimmer	<u>X</u>	_____
Kasun	<u>X</u>	_____
Aicher	<u>X</u>	_____

Motion carried.

Discussion held in closed session.

- B. Motion to re-convene into Open Session.

Motion by Behrend seconded by Henry, to reconvene into open session at 9:11 PM.

Roll Call Vote (AYE/NAY):

	AYE	NAY
Henry	<u>X</u>	_____
Behrend	<u>X</u>	_____
Valde	<u>X</u>	_____
Dehn	<u>X</u>	_____
Grimmer	<u>X</u>	_____
Kasun	<u>X</u>	_____
Aicher	<u>X</u>	_____

Motion carried.

- C. Discussion and possible action regarding the retirement benefit compensation for one of the Public Works Foremen.

Motion by Valde seconded by Kasun, to approve the requested exception for 1200 hours of sick leave post retirement insurance bank for Mike O'Brien, retiring Public Works Foreman, subject to the stated understanding that any subsequent employee hours shall not exceed the 960-hour limit.

Motion carried with Grimmer voting nay.

15. Adjournment

Having no further business, the meeting was adjourned at 9:13 PM.

Respectfully submitted,

Molly Schneider
City Clerk