

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL MEETING TO ORDER

Acting Chairperson P. Schuman called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Maurice Mathey, Ald.
Phil Schuman, Ald.
Paul Craig, Ald.
Rick Lieblang, Ald.
Al Zietlow, Ald.
Ron Miskelley, Ald.
Matt Carlson, Administrator
Marilyn Czubkowski, Clerk

Absent

Mayor Ed McAleer
Linda Quartaro, Ald.

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.

1. APPROVE MINUTES OF JANUARY 7, 2002

M. MATHEY MOTIONED TO APPROVE THE JANUARY 7, 2002 MINUTES AS PRESENTED. R. LIEBLANG SECONDED THE MOTION.

Clerk Czubkowski noted that Item No. 1 on the agenda should read "January 7, 2002, not 2001".

THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. CITIZEN'S COMMENTS ON ITEMS PERTAINING TO THIS AGENDA.

Jim Zahorik, 1948 West Shore Drive -- Spoke regarding Item 12 Closed Session. He stated that this exemption (stormwater or stormwater management) has been used several times. He finds it difficult to understand how this topic has a competitive problem or bargaining situation to warrant closed session. He stated that he has filed a formal

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complaint against the Common Council for violation of closed session. P. Schuman responded. Discussion took place on the open meeting law.

John Platz, 703 Milwaukee Street – Spoke regarding noise problems from renters on various properties within walking distance of his home. Problems are still occurring and the ordinance is not working. He requested that the ordinance created in 12/99 be discontinued and that the eight parking spaces south of his garage to Milwaukee Street be converted to no overnight parking.

3. CONSENT AGENDA

None.

4. COMMITTEE REPORTS

a. Licenses - M. Czubkowski read the following two licenses in:

Susan Wagner, Daybreak, 2 year license.

R. MISKELLEY MOTIONED TO APPROVE. P. CRAIG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Dana Acker, Marty's Pizza, 1 year license.

R. LIEBLANG MOTIONED TO APPROVE. A. ZIETLOW SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. Plan Commission – There will be a meeting at the end of the month.

c. Lake Welfare Committee – The committee met and had discussions about the April 18, 2002 meeting agenda and the Lake Management Plan. Dean Richards, representing the proposed Jorgenson/Toughner subdivision, attended meeting and made a presentation. The commissioners were concerned about run-off from the subdivision. M. Carlson stated that he has had discussions with the Waukesha County Parks & Land Use office and with the attorney representing the developer and has suggested that the developer go back and put together a development plan that utilizes the planned unit development

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concept in the City's zoning code and subdivision ordinance as a way of preserving the open space amenities that are on the south side of the river on the north side of the property. The developer will talk to his clients about this. A letter was submitted to the City stating that this submittal was not a formal submittal.

- d. Park and Recreation Commission -Specs for the Copperfield/Valley Road Park were approved. Discussion took place at the Park and Recreation meeting regarding insurance requirements for the women's softball league. The committee also discussed the Geason land purchase. By motion, the committee gave M. Carlson direction to get a proposal out for planning services to help the commission and community come to consensus about what kind of uses and the location of these uses would be in the park.
- e. Public Works Committee - No report, there was no meeting in January.
- f. Del-Hart Commission - The meeting was held on January 15. A. Zietlow stated that a high level of commendation should go to the staff of the commission in terms of phosphorus removal modification and updating.
- g. Recycling Committee - No meeting.
- h. Police and Fire Commission - No meeting.
- i. Library Board - (Minutes included 12/12/01) - P. Craig reported that the library is participating in the Waukesha County Kids Choice. Ballots will be distributed and the results will be announced on Valentines Day. The circulation broke the record! The video collection is being increased with grant funds. The committee passed an e-book policy and six e-books have been purchased, also with grant funds.
- j. Other committees
 - 1. Genesee St. Reconstruction Steering Committee - R. Miskelley reported. This is funded through the TIF project. The committee looked at various streetscape proposals. They are developing information and plan on having four informational meetings. Timetables were proposed and reviewed. During reconstruction, one lane on Genesee Street

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will remain open at all times. Communication with residences and business in the area of reconstruction was discussed. The first public informational meeting will be held at the Fish Hatchery on January 29, 2002 at 7 p.m.

5. OLD BUSINESS

- a. Consideration of approval of CSM for Library site (Plan Commission approved 11/28/01). – M. Carlson reviewed.

R. MISKELLEY MOTIONED TO ACCEPT THE CSM AS LISTED IN THE PACKET. P. CRAIG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. MAYOR'S REPORT – P. Schuman discussed open meetings laws. P. Schuman and A. Zietlow attended sessions on open meeting laws. P. Schuman stated that there are a number of things that require closed sessions.

6. NEW BUSINESS

- a. Resolution No. 2002-02, regarding DNR Grant Application for Lake Nagawicka.

A. ZIETLOW MOVED TO APPROVE. P. CRAIG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. Urban Nonpoint Source & Stormwater Management Program (Grant) – M. Carlson reviewed. The City has received approval from the DNR. This is to approve the specific stormwater grant and sign off saying we will accept the grant. The scope of work that the City would like to see happen as a result of this grant is still to be determined. Discussion took place regarding if this would bind the City to any purchase or anything else. M. Carlson suggested having discussions with the DNR to see what changes in scope the City of Delafield would feel comfortable with, what changes in scope the DNR would feel comfortable with, and if an agreement is reached, take advantage of the grant money. Discussion took place regarding changes in scope.

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A. ZIETLOW MOVED TO ALLOW THE ADMINISTRATOR TO PURSUE DNR FOR POTENTIAL OF CHANGE IN SCOPE FOR THE ABOVE-MENTIONED GRANT AND MAKE SURE IT DOESN'T LOCK THE CITY INTO THE ONE PROJECT OF BUYING THE LAND. R. LIEBLANG SECONDED THE MOTION. R. MISKELLEY CLARIFIED THAT WE ARE NOT APPLYING FOR THE GRANT WITH THIS MOTION, BUT DEFINING THE SCOPE. M. CARLSON STATED THAT THE GRANT WOULD NOT BE EXECUTED, THE CITY IS LOOKING FOR THE BROAD SCOPE OF WHAT THE CITY CAN DO. THE TIME LIMIT ON ACCEPTING THE GRANT IS 30 DAYS (THE GRANT WAS RECEIVED JANUARY 11, 2002). THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

c. Resolution No. 2002-03, regarding Ward Designation. - **A. ZIETLOW MOTIONED TO APPROVE. M. CZUBKOWSKI CLARIFIED WHY THIS HAS TO BE DONE. P. CRAIG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

d. Resolution No. 2002-04 granting conditional use for Michael Gatzow - M. Carlson reviewed. Atty. Chapman prepared the conditional use agreement included in the packets.

A. ZIETLOW MOTIONED TO APPROVE THE RESOLUTION. R. MISKELLEY SECONDED THE MOTION. DISCUSSION TOOK PLACE. MR. GATZOW WAS CONCERNED ABOUT THE LAST CLAUSE IN THE AGREEMENT REGARDING COSTS INCURRED BY THE CITY BUT IS WILLING TO LIVE WITH THE CONDITIONAL USE AS IT IS PRESENTED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

e. Request from Ald. Zietlow regarding overnight parking on Oneida St. - A memo from A. Zietlow to M. Carlson was included the commissioner's packets. Discussion took place regarding changing the parking to prohibit overnight parking in the section of Oneida Street between Milwaukee Street and the south side of garage. The eight parking spaces nearest to Milwaukee St would be affected. Discussion took place.

A. ZIETLOW MOTIONED TO DIRECT THE ADMINISTRATOR TO DRAFT AN ORDINANCE FOR THE NEXT MEETING FOR NO

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OVERNIGHT PARKING NORTH OF MILWAUKEE ON ONEIDA BUT OKAY FOR THE SIX TO EIGHT SPACES NORTH OF THERE. M. MATHEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

8. ADMINISTRATOR'S REPORT

- a. Assessment Information -- M. Carlson has received a variety of information on assessment and reassessment process. He will share the information with the assessor. He distributed a booklet to the commissioners and members of the audience entitled "Guide to Property Owners" which outlines the process for property taxes in the State of Wisconsin.

9. CLERK'S REPORT

- a. Report on hours added for residents to vote & register. - M. Czubkowski stated that additional hours for residents to vote and register for the February 19 election will be on 2/2 from 10 a.m. - noon and 2/6 from 7-8:30 p.m. in the Clerk's office. For the April election, the additional hours will be on 3/20 from 7 -8:30 p.m. and 3/23 from 10 a.m. - noon. Absentee ballots will be available by Tuesday.
- b. Newsletter update - The City of Delafield residents should get the newsletter tomorrow, January 22, 2002 and Hartland residents should receive the newsletter on January 23, 2002. The calendar insert was discussed and it was noted that this would replace the monthly calendar. Articles to be included in future newsletter should be sent to M. Czubkowski. The newsletter will be coming out every 4-6 weeks.
- c. Mayoral Candidate Forum - The Chamber of Commerce is sponsoring this. It is scheduled for January 23, 2002 at 7:00 PM, in the Council Chambers and will be broadcast live on Channel 25.

8. FINANCIAL REPORT

- a. Approve voucher list - **R. MISKELLEY MOTIONED TO APPROVE THE VOUCHER LIST. R. LIEBLANG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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- b. Treasurer's Report - December 2001 – R. LIEBLANG MOTIONED TO APPROVE THE TREASURER'S REPORT FOR DECEMBER 2001. A. ZIETLOW SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

8. CORRESPONDENCE

- a. Notice regarding public meeting at the Chentis-Krueger Community Senior Center (Fish Hatchery) January 28, 2002 from 7-8 PM.
- b. Correspondence from League of Wisconsin Municipalities (1/10/02)
- c. Correspondence from Anne L. Reshadi-Neshad, (WISDOT) regarding timing of traffic signals on STH 83 at IH 94 interchange.
- d. Correspondence from Fred Welch, City Engineer, regarding right-of-ways in the vicinity of Fishbones Restaurant.
- e. Correspondence from MACC Fund regarding support of the Midwest Athletes Against Childhood Cancer, Inc.

8. ADJOURN INTO CLOSED SESSION PER

§ 19.85(1)(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. (Stormwater Management)

P. Schuman read the above statute.

R. MISKELLEY MOTIONED TO ENTER INTO CLOSED SESSION PER §19.85(1)(E). R. LIEBLANG SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. A ROLL CALL VOTE WAS TAKEN: M. MATHEY, AYE; P. SCHUMAN, AYE; P. CRAIG, AYE; R. LIEBLANG, AYE; A. ZIETLOW, NAY; R. MISKELLEY, AYE. THE MOTION CARRIED. THE MEETING ADJOURNED INTO CLOSED SESSION AT 7:50 P.M.

9. RECONVENE INTO OPEN SESSION.

R. MISKELELTY MOTIONED TO RECONVENE INTO OPEN SESSION AT 8:35 P.M., SECONDED BY R. LIEBLANG. A ROLL CALL VOTE WAS TAKEN M. MATHEY, AYE; P. SCHUMAN, AYE;

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P. CRAIG, AYE; R. LIEBLANG, AYE; A. ZIETLOW, NAY; R. MISKELLEY, AYE. THE MOTION CARRIED.

14. ACTION ON ITEMS DISCUSSED IN CLOSED SESSION.

15. ADJOURNMENT.

MEETING ADJOURNED AT 8:37 P.M. (ZIETLOW/MATHEY) CARRIED.

Respectfully submitted:

**Marilyn Czubkowski, CMC
City Clerk/Treasurer**

Minutes Prepared by:

**Sue Hildebrand
Accurate Business Communications**