

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL MEETING TO ORDER

Mayor Craig called the meeting to order at 7:05 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Paul Craig
Phil Schuman, Ald.
Erv Sadowski, Ald.
Linda Quartaro, Ald.
Linda Kuklinski, Ald.
Ron Miskelley, Ald.
Matt Carlson, Administrator
Marilyn Czubkowski, Clerk

Absent

Mike Roberts, 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 FEBRUARY 17, 2003

R. MISKELLEY MOVED TO APPROVE. P. SCHUMAN MADE A MODIFICATION, PAGE FIVE, MARY SCHUMAN SHOULD HAVE ONE 'N'. L. KUKLINSKI STATED THAT ON PAGE SIX, THE CHAMBER LETTER REFERENCE, THE DATE IS SATURDAY, JULY 12. L. KUKLINSKI SECONDED THE MOTION WITH THESE CHANGES. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR OF THE AMENDED MINUTES. MOTION CARRIED.

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

Jim Zahorik, 1948 West Shore Drive - Item 7a - He stated that M. Mathey would be missed because of his dedicated involvement in trying to keep the community the way he would like it. In regards to Item 9b - he realized that this is just a report for an upcoming public hearing, but at this point, he knows it may involve other decisions that are made at this Council meeting and the next Council meeting previous to the public hearing; it has to do with water and the water issue. As all know, Lake Michigan level is dropping. Lake Michigan water is being considered as a water source for New Berlin. What is coming in under this public hearing is another impact to the water availability. Mayor Craig asked if this had to do with the hearing. He stated that if J. Zahorik had a point to bring about that issue, he should bring it to the hearing. J. Zahorik stated that that was fair enough.

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Larry Schouton, 4518 Vettleson Road -- Spoke in regards to Item 7a – The fact that his name would appear on the ballot would be respectful, but on the other hand it he thought that there may be a lot of people that may not know that he is deceased. In his opinion, he felt it would be better not to have his name so that the votes would be to candidates that could use the votes.

Mary Schuman, 1717 Nagawicka Road – She is the President of the Friends of the Library Board. She gave the following report: They are making presentations about the need for a new library to many civic and community groups around town. Members of the Friends group, along with library board members and other volunteers, are filling their calendars with these opportunities to encourage people to vote “yes” on April 1. They have been distributing their bookmarks, buttons, and signs and will continue to do so throughout the month. A second postcard mailing to all registered voters will occur later this week and a new poster and tri-fold brochure with some of the architectural drawings will also be printed this week. Their website is drawing lots of interest and they try to update it periodically with new information. Their ads change every week and as they get closer to the election, it will become more interesting featuring endorsements by well-known citizens. She has heard many positive comments about the architect’s presentation last Thursday. Most people thought he did a very thorough job and were especially impressed with the floor plan and layout. There was a very positive article in the Waukesha Freeman about the project, and she thanked Shannon who was present at the meeting, and the Oconomowoc Enterprise seemed equally impressed. The Lake Country Reporter also ran a wonderful article today and a rendering and they wanted to thank them also for helping them out on this item. Although they have accomplished a lot over the last few weeks, there is still much more need to be done in the four weeks remaining. Their referendum steering committee is strong, they meet every Monday, enthusiastic, and operating in a very organized fashion. Membership in the Friends Group is growing everyday. One note that she wanted to add to this report, because several people had asked questions about it, that money that was donated for the building over time has been earmarked for the building and has not been used and spent on referendum issues. She wanted to make this point to everyone publicly so those who may have donated for the building understand that the money they are using for ads has not come from that money that was donated for the building. As always, she is happy to answer any questions and is available to anybody who might have any questions or comments.

R. MISKELLEY MOTIONED TO CLOSE THE CITIZEN’S COMMENTS. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

L. Kuklinski asked that Item a and b be removed.

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L. QUARTARO MOVED TO APPROVE C. L. KUKLINSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. AUTHORIZE MAYOR TO SIGN STANDARD STORMWATER MAINTENANCE AGREEMENTS THAT HAVE BEEN REVIEWED AND RECOMMENDED BY THE CITY OF DELAFIELD'S ENGINEER.

L. Kuklinski stated on the Stormwater Maintenance Agreement, page 1, item 2, where it says "the corrective actions" she wanted to confirm that the "correction action" meant that it is the result of an adverse affect of the stormwater program regardless of whether they followed the ordinance. This is how M. Carlson would interpret it. He stated that if there was a problem with the stormwater system that has been in place and installed, it is their responsibility to maintain it. In the purpose of the City's municipal code with respect to erosion control and stormwater management, and these stormwater agreements as a "belt and suspenders" gives the City multiple avenues of pursuing compliance with that code. L. Kuklinski stated that she wanted to be certain because the City has had in history where a pond may have been constructed according to code and then the City didn't have any legal action. She thought this was good, but wanted to make sure that that interpretation was on the record.

On Page 2, Item 4, where it lists detention basins, L. Kuklinski asked if it needed to be expanded to talk about detention and retention basins, and does the City need to further say wet or dry. M. Carlson stated that each stormwater agreement starts off from a standard template stormwater management agreement. The specific one that was being looked at was with respect to the Cushing Park Business Center. L. Kuklinski understood that M. Carlson was going to move to approve this document as a standard document, and that is why she is bringing up some specific items. M. Carlson stated that the action item on the agenda is to authorize the Mayor to sign any of the stormwater agreements that are based on this model, the standard boiler plate language that goes with all of the stormwater facilities that are out. L. Kuklinski would like to add detention/retention and wet and/or dry. If this document were going to be a standard document, she would like to see this defined.

On Page 3, Item 7, it should say "fractional ownership interests" - this was a correction to the document.

L. Kuklinski asked if the City needed to state in the agreement that in the event that the owner, developer assigns their interest, such as in the case of homeowner groups, that it specifically assigns all the responsibilities in the stormwater agreements to those parties. M. Carlson stated that the stormwater agreement is in addition to the municipal code. The municipal code gives the City the authorities that are outlined in the stormwater agreement. The stormwater agreement is

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an additional layer above and beyond the ordinance to guarantee successful performance under the maintenance program for the storm sewer system and it includes all of those items, i.e., detention, retention, stormwater conveyance systems, everything. L. Kuklinski stated that she was specifically referring back to the first part where it was being talked about "corrective measures" that whether or not the owner and developer are still involved, that whoever is assigned those responsibilities is accountable for those corrected measures. Mayor Craig asked if putting "owner(s)/developer" would work. L. Kuklinski stated that it could be "owner, developer, their successors and/or assigns". M. Carlson stated that they could do this.

L. QUARTARO MOVED TO APPROVE AS REVISED. L. KUKLINSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. APPROVE LEASE BETWEEN AMERICAN LEGION POST 196 AND THE CITY OF DELAFIELD.

L. Kuklinski stated that on the lease agreement with the American Legion and the City of Delafield there was a severability clause in there, but not specifically a termination clause. M. Czubkowski stated that there was not a termination clause in the original lease either. Bob Savernac of the Legion called her and that they did want something in there. He mentioned 60 days. M. Czubkowski has not had an opportunity to get back to him, but she has discussed this with M. Carlson and if it was 60 days, it would be 60 days before the end of the calendar year because the City would already be negotiating the fields for the next year and she did not think it would be appropriate budget-wise so it would be one year and 60 days (14 months). L. Kuklinski thought there should be a definitive day in the lease. M. Czubkowski stated that a 14 month notice prior to the contract. Mayor Craig stated that he did not feel comfortable with this before talking to B. Savernac.

On Page 2, "the Legion shall have exclusive use of the leased property." (Section 5). This was a correction.

On #3, in the Indemnification - "any final judgment rendered against the Legion that arises out of or relating to the City's use of the leased property"; L. Kuklinski stated that this was fine, in the last sentence it does say "nor does it extend to facilities or properties not covered by this lease." She thought that it should read "unless arising out of or relating to the City's use of the leased property." M. Carlson stated that this wording would extend the City's risk. L. Kuklinski stated that if the City is leasing this out to another party and they go somewhere they are not supposed to be, the risk needs to be assigned to the party that has control of what is going on for the use for that day. L. Quartaro stated that the City would never have control of the facility. Discussion took place. Mayor Craig stated that there is time to have this wording worked

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out. M. Czubkowski stated that they did add the words "and the pavilion" because the pavilion was not in there last time and they were concerned that was out in the open and should be included.

This will be brought back for consideration after conversations have taken place with the Legion.

- c. APPROVE ZERO TAX EQUIVALENT 2002 - WATER UTILITY.

4. COMMITTEE REPORTS

a. LICENSES

- 1. Class B Beer and Class C Wine
El Corita, Inc., Raul Perez, 1123 The Strand, Waukesha WI 53186,
Agent: Lumber Inn, 617 Wells Street, Delafield, WI

**L. QUARTARO MOTIONED TO APPROVE. R. MISKELLEY
SECONDED THE MOTION. THERE WAS NO FURTHER
DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. PLAN COMMISSION

P. Schuman reported that they met on February 26, 2003. They discussed the Hillside Drive retaining wall modifications. They also discussed Village Square. It was previously tabled, it came back and the Plan Commission took it off of the table. The developer and attorney presented items and discussion took place. A public hearing will be held. The Plan Commission will then make a recommendation and it will then come back to the Common Council.

c. LAKE WELFARE COMMITTEE (DRAFT MINUTES OF FEBRUARY 20, 2003 MEETING INCLUDED)

They have received proposals for dredging and stormwater. A chart was prepared on each. The Committee wants to look at the proposals themselves and several committee members have done this. It appears that Verbaker is the lowest bid that meets their requirements at \$37,450. They are checking references. Their bid did not include the aquatic plant harvesting. The sub-committee who reviewed the proposals will meet again for a recommendation at the March Lake Welfare meeting. At the next Common Council they will submit their recommendation. The stormwater RFPs have been referred to the Public Works Committee for their recommendations. They would like to have mailers out and back by the City meeting on May 1. All of these are covered by the DNR grant at 70%. They have had discussion as to what topics will be on the May 1 meeting. The Lake Management Plan that was adopted by the Council two years ago said that the current Lake Welfare Committee system seems to be working. There were some questions whether a lake

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association would make some sense. The Committee felt that the present configuration is working as it is, however there may be some advantages to a lake association. They will be discussing this at a committee level. Two DNR reps, Heidi Bunk and Sue Beyler were present at their meeting and talked about the fish and stocking along with a reassessment of the sensitive areas around the lake, in particular the St. John's Bay area. P. Schuman has asked them to reassess in order to possibly do some dredging. S. Beyler, Fish Biologist, is not in favor of the dredging in this area. They are also looking at the Bleeker Street launch area to make sure that it is usable. There are some problems with dredging because it takes the aquatic plants and usually replaces them with Eurasian Milfoil, which is a problem. Dredging also disturbs some of the fish and aquatic animals habitat. Mayor Craig stated that the City is in the middle of a study that could help in proving the City's point. Some measuring devices were installed this last fall that will tell what is going into the lake and what is going out of the lake. S. Beyler is concerned about the fish living in the lake now and what effects dredging will have on them.

P. Schuman stated that the people in the 2nd District are invited to meet with him this Thursday, 7 p.m. at the Fish Hatchery. He will be hosting a meeting of all residents there as part of the communication process.

d. **PARK AND RECREATION COMMISSION (DRAFT MINUTES OF FEBRUARY 19, 2003 MEETING INCLUDED)**

L. Quartaro reported on the Trail. They were thrilled about the trees from Baymont and she wanted to thank them for trying to remedy the situation and for the donation of trees to the Riverwalk. They have retained a landscape/architect/engineer who is working at a very reduced rate; he built and designed the boardwalk in Hartland. The Riverwalk project is being built with no tax dollars; all money has been raised privately. The finalized design will have different areas for benches and plaques for history; there will be a large boulder for each one of the wars on which it will be stated the war and date of the war. There will be some history written about each one. There is a history committee researching the different wars and they will try to have a Delafield spin on the information provided. There is a children's committee working with the children to design things. Design workshops are being scheduled with Veterans and Historians. They have finalized their grant submission to Greater Milwaukee Foundation. The DNR has provided a matching grant for \$108,000, and the National Trails has provided a grant for \$75,000. Since the kick-off they have raised \$20,000. They do not think there will be any trouble raising the money for the matching grants. There are pledges for in kind services to help with construction and consultation. WCTC has volunteered the labor and materials for all the masonry work. They are working on an RFP. M. Carlson received a draft of the RFP today that covers the design and construction. The one item not presently resolved is the easement

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needed on the St. John's land. This is proceeding, but not resolved. The St. John's board meets in May. Things are moving along. They are getting in touch with Ice Age Trail representatives who helped launch this project.

P. Schuman stated that they are concerned about the shoreline restoration. They thought a good place to start would be with the City's own lake front property. He asked that this be passed on to the Park & Rec Committee.

On the Geason Land they need to revise the Five Year Park & Rec Plan and would do this with the Geason land planning. They are trying to be sensitive about getting an overall scheme of the parks. This will most likely be the last parkland that the City acquires. They want to make sure that they do a careful job designing to ensure that it will meet the City's needs now and forever. They will be do a community opinion survey taking not only the Geason land, but also the overall Five Year Park & Rec Plan. They are doing conceptual planning on the Geason land to figure out what would fit there. The survey is being designed now and they are hoping to move some earth in fall. P. Schuman requested a copy of the survey before it goes out.

They approved the Legion lease that was provided.

The YMCA summer programs - Delafield will offer summer programs through the "Y" which will consist of adult fitness and children's programming. They have also agreed to do a one-year pilot program with Hartland. Hartland has extensive recreational opportunities. Delafield will submit their brochure to City residents under Delafield's name. There will be a reduced cost for Delafield residents.

The Park & Rec bought some lights that were reasonably priced for the baseball field. Two electrical engineers looked at them and advised Park & Rec not to put them up. They will be auctioned off at the Spring Auction. The lighting of any or all of the fields will be addressed as part of the Five Year Plan.

e. PUBLIC WORKS COMMITTEE

Meets Wednesday.

f. DEL-HART COMMISSION

At the meeting they talked about the expansion project that is going on. The bids were reviewed and discussed. The Commission awarded the bid to Staabe Construction. The bids all came in very competitively. Staabe was the lowest bid, but they also have experience with this type of job work. The award is contingent on the Clean Water Fund approval and attorney review. The Clean Water Fund continues to move forward and

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the discussion centers around the draw schedule. L. Kuklinski stated that M. Carlson had received an e-mail and it appears that the DNR has approved this. This will allow Del-Hart to optimize the investment money set aside for this expansion. Construction should begin in late April.

1. Letter to Delafield-Hartland Water Commission from Ehlers & Associates dated February 18, 2003 regarding post-bid financing issues.

g. RECYCLING COMMITTEE

No representative.

h. POLICE AND FIRE COMMISSION

No representative.

i. LIBRARY BOARD

There was a board meeting on February 27, 2003. They unveiled the drawing and model. The library has the drawing and different views of the building available for the public to look at. The meeting with the architect will be on TV and will start tomorrow. It will be played periodically between now and the election. For the new library \$2.5 million of the bonding money will be raised privately. The \$2.5 million will be fund raised and the remainder the City will appropriate for the library.

j. FINANCE ADVISORY BOARD

No meeting.

k. OTHER

5. OLD BUSINESS

- a. PLAN COMMISSION RECOMMENDED APPROVAL OF FINAL PLAT OF DELAFIELD COMMONS SUBDIVISION

L. QUARTARO MOVED TO APPROVE. R. MISKELLEY SECONDED THE MOTION. R. MISKELLEY STATED THAT THIS HAS BEEN BEFORE THE PLAN COMMISSION AND PUBLIC WORKS AND EVERYTHING, AS FAR AS HE KNOWS, IS HOW IT IS SUPPOSED TO BE. MAYOR CRAIG STATED THAT HE WAS ASSUMING THAT THE MOTION IS WITH THE CONCERNS OF THE ENGINEER'S 2/20/03 LETTER. M. CARLSON STATED THAT THE PLAN COMMISSION RECOMMENDATION INCLUDED THOSE REFERENCES. L. QUARTARO AMENDED THE MOTION TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION. R. MISKELLEY REVISED HIS

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

- b. PLAN COMMISSION RECOMMENDED APPROVAL OF CERTIFIED SURVEY MAP FOR LANG INVESTMENTS AT 324 AND 400 GENESEE STREET LOCATIONS.

L. QUARTARO MOTIONED TO APPROVE. R. MISKELLEY SECONDED. M. CZUBKOWSKI CLARIFIED THAT THIS WAS SUBJECT TO THE FEBRUARY 20, 2003 PLAN COMMISSION RECOMMENDATION. L. QUARTARO AMENDED HER MOTION TO APPROVE THE PLAN COMMISSION'S RECOMMENDATION. R. MISKELLEY REVISED HIS SECOND ACCORDINGLY. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. PLAN COMMISSION RECOMMENDED APPROVAL OF HILLSIDE TERRACE SITE PLAN MODIFICATIONS (SIP).

L. QUARTARO MOVED TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION. L. KUKLINSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. MAYOR'S REPORT

- Meet with M. Carlson and M. Czubkowski
- Attended the last one-half of the library presentation and Plan Commission meeting
- Attended the DelHart meeting

7. NEW BUSINESS

- a. DECISION BY COMMON COUNCIL TO RETAIN OR REMOVE ALDERMAN MAURICE MATHEY'S NAME ON THE APRIL 1, 2003 VOTING BALLOT.

Mayor Craig extended sympathy to the family of M. Mathey.

R. Miskelley commented that everyone liked and respected M. Mathey and will miss him. He asked who would best decide who the representation is for District 1 would be, the people or the council. There are now two candidates in District 1. He thought that M. Mathey's name should come off of the ballot so that the City does not appoint the representative.

R. MISKELLEY MOTIONED TO REMOVE M. MATHEY'S NAME FROM THE APRIL 1 BALLOT. L. KUKLINSKI SECONDED THE MOTION AND STATED THAT SHE DID NOT THINK THAT THERE WAS ANY DISRESPECT IN TAKING HIS NAME OFF. IT SHOWS MORE

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RESPECT BECAUSE M. MATHEY WAS A MAN WHO PRECHED THE DEMOCRATIC SOCIETY IN A VOICE OF THE PEOPLE AND SHE THOUGHT THAT THIS IS WHAT THIS ACTION WILL DO. M. CZUBKOWSKI STATED THAT THE STATE ELECTION BOARD ASKED HER TO NOTIFY THE COUNTY CLERK OF THE DECISION AND THERE NO NAME ON THE BALLOT AND IT WILL BE LEFT BLANK WITH APPROPRIATE WRITE-IN AREAS. THE VOTERS WILL HAVE TO WRITE IN THE CANDIDATES' NAME. DISCUSSION TOOK PLACE ON THE REQUIREMENTS TO ACTIVELY CAMPAIGN. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

- b. APPROVAL OF BID AWARD FOR 2003 PAVING PROGRAM TO LOWEST RESPONSIBLE BIDDER (WOLF CONSTRUCTION) IN THE AMOUNT OF \$275,038.80, SUBJECT TO CONCURRENCE OF PUBLIC WORKS COMMITTEE.

M. Carlson recommended awarding Wolf Paving, the lowest responsible bidder in the dollar amount of \$275,038.80. Vettleson Road was suggested as being removed from the Paving List. That dollar amount was \$23,747. When you add back the engineering contingency for \$15,000 it is \$266,291. He recommended approval subject to the Public Works Committee concurring with the results of the bidding process.

L. KUKLINSKI MOVED TO APPROVE. P. SCHUMAN SECONDED THE MOTION. R. MISKELLEY STATED THAT THE STREET PAVING WAS RAISED TO \$275,000 THIS YEAR. EVERY YEAR IT GOES UP \$15,000 - \$20,000 MORE. ALL WERE IN FAVOR. MOTION CARRIED.

8. ADMINISTRATOR'S REPORT

- The next Community Facilitation meeting is March 4, 2003 at 7 p.m. at the Fish Hatchery
- Lift Station Upgrade Project - Lift station #12 - The private wells are being tested. Three of the four have come back with no contamination. The results of the fourth well are still being waited for. The news is positive.
- The film that was done in Delafield, "Red Betsy", with producer Andrew Lang, will be shown at the Wisconsin State Film Festival in Madison at the Majestic Film Theater on March 27, 2003 at 7 p.m.

9. CLERK'S REPORT

- a. 2003 BOARD OF REVIEW TRAINING SESSION ON THURSDAY, APR. 17, 2003 FROM 10:00 A.M. TO 12 NOON IN STEVENS POINT, WI.

M. Czubkowski stated that in addition to the above session, she would also contact the local attorney who sometimes conducts seminars in the

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area. Mayor Craig suggested candidates to get in touch with M. Czubkowski.

- b. NOTICE OF PUBLIC HEARING FOR VILLAGE SQUARE SHOPPING CENTER TO BE HELD AT LAKE COUNTRY SCHOOL, 1800 VETTELSON ROAD, HARTLAND, WI ON MARCH 19, 2003 AT 7:00 P.M.
- c. Two individuals have filed as official write-in candidates for District 1, namely, Jeff Krickhahn, 4506 Vettelson Road, and Kean Kemnitz, 3733 Nagawicka Road. M. Czubkowski will be sending these off to the newspapers.

10. FINANCIAL REPORT

- a. APPROVE VOUCHER LIST

L. QUARTARO MOVED TO APPROVE. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. TREASURER'S REPORT FOR JANUARY 2003 -

M. Czubkowski stated that this was prior to the audit, so some numbers may change versus audit entries.

L. KUKLINSKI MOVED TO APPROVE. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

11. CORRESPONDENCE

12. ADJOURNMENT

L. QUARTARO MOVED TO ADJOURN. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 7:59 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications, LLC