

CALL MEETING TO ORDER

Mayor Craig called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Paul Craig
Jeff Krickhahn, Ald.
Erv Sadowski, Ald.
Mike Roberts, Ald.
Marily Gardner, Ald.
Linda Kuklinski, Ald.
Don Swain, Ald.
Matt Carlson, Administrator
Marilyn Czubkowski, Clerk

Phil Schuman

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 SEPTEMBER 20, 2004 MEETING

E. SADOWSKI MOTIONED TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 2004 MEETING. M. ROBERTS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Jane Lazynski, The Knitting Ark, 711 Wells Street, Representing the Downtown Business Association – A handout with a petition of downtown business strongly recommending retaining all three stop signs was given to the commissioners.

Margaret Zerwekh, 500 Mill Road – Asked which Bark River Dam was going to be discussed on this agenda. Mayor Craig stated that it was her dam. The Commissioners granted M. Zerwekh permission to participate in the discussion during the agenda item.

Dennis Bork, Antiquity, 719 Genesee – He supported retaining all of the stop signs as they are now.

Kelly Smith, Lake Country Publications & Lake Country Reporter – Spoke on agenda Item 12. After conferring with an attorney for the Wisconsin Newspaper Association and their parent company, Journal Communications, the Lake Country Reporter and Lake Country Publication formally objected to the closed session for the purpose of discussing these items because they believed it would violate the Wisconsin Open Meeting law. He read a statement objecting to the closed session, specifically the Highway 83. He felt that the Highway 83 matter was vague and asked what it was about, the purpose of the closed meeting, and why it was required. He reviewed their attorney's opinion on the open meeting/closed session laws. A copy of his statement will be provided to the City. (This statement follows the minutes.)

Mayor Craig asked three times if there were any further citizen's comments. There were none.

E. SADOWSKI MOTIONED TO CLOSE THE CITIZEN'S COMMENTS. D. SWAIN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

M. GARDNER MOTIONED TO APPROVE. L. KUKLINSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

a. PLAN COMMISSION APPROVED CONDITIONAL USE PERMIT AND SITE PLAN FOR MILWAUKEE STREET CONDOMINIUMS WITH A MINOR CHANGE TO THE LANDSCAPE PLAN, TAX KEY 802.981.001, 1856 MILWAUKEE STREET, DELAFIELD

b. PLAN COMMISSION APPROVED FINAL PLAT FOR MISSION WOOD SUBDIVISION, TAX KEY 621.999 AND 746.999, 2777 MISSION ROAD, DELAFIELD. – RESOLUTION 2004-09 –FINAL PLAT MISSION WOODS

c. PLAN COMMISSION APPROVED A MINOR AMENDMENT TO SITE PLAN FOR WESTBROOK CHURCH, TAX KEY 784.971.973, 1100 HIGHWAY 83, DELAFIELD, WI

4. COMMITTEE REPORTS

a. LICENSES

Two-Year Bartender Licenses

Angelique Tyborski, 3185 S. Pinewood Creek Ct. #203, New Berlin, WI;
Delafield Pizza Hut
Ben Miller, N7 W30538 Maple Ave., Waukesha, WI; Benny's Seafood
Restaurant

E. SADOWSKI MOTIONED TO APPROVE. M. ROBERTS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. PLAN COMMISSION

Mayor Craig reported that the Lang Corporation came in and gave a presentation to the Plan Commission on their ideas for downtown.

A copy of the draft minutes was included in the commissioner's packets.

1. APPROVAL OF CERTIFIED SURVEY MAP FOR WESTBROOK CHURCH, TAX KEY 784.971-973

M. Carlson recommended approval of the Plan Commission recommendation to approve the CSM with the City Engineer comments attached.

L. KUKLINSKI MOVED TO ACCEPT THE PLAN COMMISSION'S RECOMMENDATION FOR THE CSM FOR WESTBROOK CHURCH. D. SWAIN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

c. LAKE WELFARE COMMITTEE

No report.

d. PARK AND RECREATION COMMISSION (DRAFT MINUTES FROM SEPTEMBER 27, 2004 MEETING)

Met last Monday and had presentations from two of the companies for the RFP for the Highway 83 Park.

Park & Rec will have a meeting this coming Wednesday, October 6, 2004, to review the budget.

Wisconsin Veteran Memorial Riverwalk – The public build to install the boardwalk will take place this Saturday from 7 a.m. – 4 p.m. Volunteers should meet at the Fish Hatchery. A complimentary breakfast and lunch

will be served. Verification of an anonymous \$50,000 cash donation was received. The bridge is on order.

e. PUBLIC WORKS COMMITTEE

The next meeting will be held this Wednesday, October 6, 2004. They will meet at 6:15 at the Delafield Bank and will reconvene at the Council Chambers at 6:30 p.m.

f. DEL-HART COMMISSION

The last meeting was held in the new Del-Hart boardroom. The final completion for the project is scheduled for December 2004. They are planning a spring 2005 open house. An agreement was entered into with Virchow Krause & Company to conduct a multi-year financial planning study. The Faire Lakes Common retention plan was discussed. Discussion also took place on the inter-municipal agreement with the Town of Summit Utility District #2. The next meeting will be held on October 19, 2004.

g. RECYCLING COMMITTEE

No meeting is scheduled.

h. POLICE AND FIRE COMMISSION

No meeting is scheduled.

i. LIBRARY BOARD (DRAFT MINUTES FROM SEPTEMBER 14, 2004 INCLUDED)

The Library Board will meet October 12, 2004 at 7 p.m. in the Council chambers.

j. FINANCE ADVISORY BOARD

L. Kuklinski reminded everyone of the October 11, 2004 budget show and tell meeting. Strong citizen participation is encouraged. This meeting will be a joint meeting of the Common Council and the Finance Advisory Board. There will be brief presentations from department heads. The meeting will take place at the Fish Hatchery at 7 p.m. Several members of the Finance Advisory Board have provided feedback to M. Carlson regarding the fire merger.

5. OLD BUSINESS

None.

6. MAYOR'S REPORT

- Attended the Del-Hart meeting
- Attended the Board of Review meetings
- Met with M. Carlson and M. Czubkowski
- Attended the Plan Commission meeting
- Attended the Ward 2 meeting conducted by P. Schuman
- Talked to Citizens on a wide variety of subjects
- Received a call this evening from the Milwaukee Journal/Sentinel that B. Borkowski is suing the City over the Village Square in regards to the conditional use and procedure. The suit was filed late in the day in the Waukesha Circuit Court today.

7. NEW BUSINESS

a. DISCUSSION REGARDING BARK RIVER DAM

M. Zerwekh was present and was given permission to participate in the discussion. M. Gardner stated that she has had a number of complaints over the last two months over how dry the Mill Pond is and concern was expressed about the ecosystem. The end result of two months of working together with the citizens and M. Zerwekh is that five citizens from the Bark River Court area helped solve the problem. Stainless steel slats were developed and put into the dam. The water level appears to now be at the correct level. It has taken care of the problem and was done with the permission of the DNR and M. Zerwekh. M. Zerwekh stated that two padlocks were put on the dam and she did not give them permission to do this. She would like the locks removed. M. Gardner clarified that the locks have been removed. In addition, M. Zerwekh's attorneys have advised her that no one should touch her property. She reviewed the work that had been done on the dam. Mayor Craig stated that he has been talking to her about the Mill Pond because they would like to include the Mill Pond in the dredging project. M. Zerwekh stated that she is getting estimates to repair her dam. The DNR has given her orders to widen her spillway. Another option would be to abandon her dam and stop generating electricity, but it is not in the works yet. There must be a public hearing before she can abandon the dam. She discussed the state of the river – she estimated that it would cost \$1 million to restore the river. She has not sent in the application yet. Mayor Craig stated that he hoped that she would not do that and that she would consider alternatives. M. Zerwekh stated that she would be happy to sell the property to someone who was an engineer and understood hydrology. M. Gardner stated that M. Zerwekh should inform the city of how she chooses to proceed and what decisions she makes making regarding the dam. The property owners on the Mill Pond are very willing to help her with the dam. M. Zerwekh stated that the Town of Summit people are requesting the installation of flow meters. She requested that the City allow her to work with the people downstream. Mayor Craig was concerned about the control that the Upper Nehmabin Lake Management District wished to impose. Discussion took place on the ramifications if the dam was removed—the Mill Pond would dry up.

b. DISCUSSION REGARDING GENESEE STREET STOP SIGNS

M. Carlson stated that the Public Works Committee reviewed the signage and the installation of the stop signs is now being revisited. Mayor Craig reviewed the different opinions.

M. GARDNER MOTIONED TO KEEP ALL THREE STOP SIGNS. J. KRICKHAHN SECONDED THE MOTION. M. Roberts stated that he thought that the one on Wells Street was going to be temporary. Mayor Craig stated that the one on Milwaukee and Genesee was also supposed to be temporary. The Public Works Committee recommended removal. L. Kuklinski discussed the benefits versus adverse reactions. She indicated that the Common Council appreciated the technical and engineering recommendation from the Public Works Committee, but that we need to balance general access and safety as well. J. Krickhahn feared that by eliminating a sign now, it is possible that accidents may occur because of the length of time that the signs have been up. M. Gardner agreed with L. Kuklinski's comments; the number one factor is safety. D. Swain's stated that the Public Works Committee's original feeling was that after construction it was supposed to go back to one four-way stop (this was the recommendation of the Traffic Committee and the Public Works Committee). He did not see a need for all three signs. E. Sadowski was overwhelmed with the downtown merchants and letters that they had sent. The Police Chief wrote that based on engineering and traffic standards the stop signs were not warranted. The traffic count did not justify traffic control signals. E. Sadowski has received comments from citizens who stated that they avoid the downtown area to avoid the stop signs as they feel there are too many. M. Gardner stated that her District was very happy with the stop sign at Wells. She was also concerned that if one stop sign was removed, accidents would occur. She was truly concerned about pedestrian traffic. Mayor Craig stated that there are a number of new businesses that have opened up on Wells and Genesee Streets. Discussion took place regarding the future of this area. **FIVE WERE IN FAVOR OF THE MOTION. D. SWAIN OPPOSED. THE MOTION CARRIED.**

8. ADMINISTRATOR'S REPORT

No report.

9. CLERK'S REPORT

- a. Notice of Public Hearing for Delafield Square
- b. Notice of Public Hearing for Delafield Inn
- c. Notice of Public Hearing for South Shore Harbor Condominiums
- d. November 2nd is Election Day. Absentee ballots have not been received yet, but are expected on Wednesday. M. Czubkowski recommended calling the City Hall before coming in to make sure that the ballots have been received.
- e. Blood Drive sponsored by Fire Dept. will be held at the Fish Hatchery – on October 5, 2004 from 2:30 p.m. – 7 p.m.

10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

E. SADOWSKI MOTIONED TO APPROVE. M. ROBERTS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. TREASURER'S REPORT – AUGUST 2004

L. KUKLINSKI MOTIONED TO APPROVE. D. SWAIN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

11. CORRESPONDENCE

None.

12. ADJOURN TO CLOSED SESSION PER §19.85(E) DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION (HIGHWAY 83 AND FIRE MERGER) AND (LAND ACQUISITION – LANG PROPERTY)

Mayor Craig removed the section regarding the Highway 83 & Fire Merger from closed session and will confer with the City attorney. M. Carlson asked K. Smith to call if he has an issue with how things are listed on future agendas.

E. SADOWSKI MOTIONED TO ADJOURN TO CLOSED SESSION PER §19.85(E) DELIBERATING OR NEGOTIATING THE PURCHASE OF PUBLIC PROPERTIES, THE INVESTING OF PUBLIC FUNDS, OR CONDUCTING OTHER SPECIFIED PUBLIC BUSINESS WHENEVER COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION (LAND ACQUISITION – LANG PROPERTY). D. SWAIN SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN: J. KRICKHAHN, AYE; E. SADOWSKI, AYE; M. ROBERTS, AYE; M. GARDNER, AYE; L. KUKLINSKI, AYE; D. SWAIN, AYE. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED INTO CLOSED SESSION AT 8:06 P.M.

13. RECONVENE INTO OPEN SESSION

E. SADOWSKI MOTIONED TO RECONVENE INTO OPEN SESSION. M. ROBERTS SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING RECONVENED AT 8:53 P.M.

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

No action was taken.

15. ADJOURNMENT

E. SADOWSKI MOTIONED TO ADJOURN FROM THE MEETING. D. SWAIN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:54 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC