

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL 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.  
Phil Schuman, Ald.  
Erv Sadowski, Ald.  
Michele DeYoe, Ald.  
Marily Gardner, Ald.  
Brian Faracy, Ald.  
Ron Miskelley, Ald.  
Matt Carlson, Administrator  
Marilyn Czubkowski, Clerk

Also Present

Mark Sewell, City Attorney

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 NOVEMBER 21, 2005 AND DECEMBER 5, 2005 COMMON COUNCIL MEETINGS

**M. GARDNER MOTIONED TO APPROVE THE MINUTES OF THE NOVEMBER 21, 2005 MEETING AS PRESENTED. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

**M. GARDNER MOTIONED TO APPROVE THE MINUTES OF THE DECEMBER 5, 2005 MEETING AS PRESENTED. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

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

Todd Riley, 1018 Milwaukee Street – Encouraged the support of the nominee for District 5, Steve Headley. He felt that S. Headley had good knowledge of what is happening in the City of Delafield, City improvements, and future choices facing

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

the City. He strongly recommended support of S. Headley. He thanked M. Gardner for the service she has provided to her District and the City.

There were no other citizen's who wished to comment.

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

3. CONSENT AGENDA

None.

4. COMMITTEE REPORTS

a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-Year Bartender Licenses

Ashley R. Lyons, Dousman; Delafield Daybreak  
Samantha Beller, Delafield; Delafield Daybreak

**M. GARDNER MOTIONED TO APPROVE THE TWO TWO-YEAR BARTENDER LICENSES. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

Change in Agent - WHG Real Estate North, LLC (Applebee's)  
Ben Dereszynski, Pewaukee

**M. GARDNER MOTIONED TO APPROVE. E. SADOWSKI SECONDED THE MOTION. M. CZUBKOWSKI CLARIFIED WHY AGENTS NAMES MAY CHANGE. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.**

b. PLAN COMMISSION (NEXT MEETING DECEMBER 21, 2005)

1. RECOMMENDATION TO APPROVE AN ACCESSORY BUILDING ON THE HOLIDAY INN EXPRESS PROPERTY AND SIP, TAX KEY 804.999.003 - PARCEL 2, 3030 GOLF ROAD, DELAFIELD, AS A MAJOR CHANGE AND PREPARATION OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT WITH THE RESTRICTION OF THE OPERATIONS OF THE FACILITY FOR PROMOTIONAL INFORMATION.

P. Schuman explained that this would be a permanent informational kiosk that the Weisgerbers have proposed for events in the community, i.e. ticket sales and promotion of community events. A business plan and signage is still needed. Traffic will be reviewed, but the proposed kiosk is not expected to increase traffic in the area. M. Carlson stated that the Conditional Use Permit

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

drafted by the Attorney was included in the Commissioner's packet. Attorney Sewell stated that any conditional use that is abandoned (granted but not used), after 12 months would go away.

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

2. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS

The next meeting will be held Wednesday, December 21, 2005 at 7 p.m.

- c. LAKE WELFARE COMMITTEE (DRAFT MINUTES OF DECEMBER 14, 2005 MEETING INCLUDED)

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The Lake Welfare Committee discussed the dredging application. P. Schuman and others met with the DNR on November 30, 2005 and reviewed the application to date. T. Hafner will work with a consultant to put the formal application together. Discussion took place on the dam and restoration. Coordination of the two projects may not be possible as the DNR would like to have the dam repaired on a faster track. The consultant for shoreline restoration emailed sketches of demo plantings on the berm at St. John's Park. Riparian owners interested in having a demonstration on their property should contact P. Schuman. The goal of the shoreline restoration is to prevent run-off and sediment build up in the lake. Discussion also took place regarding the boathouse code; staff response is pending. Review of a proposed boathouse took place at the meeting – the commissioners were concerned with run-off and would like rain gardens; they also thought that the size of this particular boathouse was too big and some aesthetic improvements were suggested. It was requested that there be no lighting on the roof. The Lake Awareness Meeting has been scheduled for May 10, 2006 and work will begin on the agenda. A report was given on the NALMS symposium. The next meeting will be held January 11, 2006.

- d. PARK AND RECREATION COMMISSION (NEXT MEETING JANUARY 23, 2006)

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

There will not be a meeting this month.

- e. PUBLIC WORKS (DRAFT MINUTES OF DECEMBER 7, 2005 MEETING INCLUDED) (NEXT MEETING JANUARY 4, 2006)

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

R. Miskelley reported on the Trillium project. The location of the road was reviewed. The PWC agreed that the location of the road is in the most optimum location based on hills, headlights, etc. A cost impact analysis has been requested to determine the feasibility of one well versus 20 wells on this property and on the water table itself. It is hoped to have this information available at the next PWC meeting.

- f. DEL-HART

1. DEL-HART DISCUSSION AND POTENTIAL ACTION REGARDING PURCHASE OF RESERVE CAPACITY CHARGES

The Del-Hart commission has partially discussed this item. This item will come back to the City of Delafield Common Council at a later date. Del-Hart will have further discussion and more information will be provided at a later date.

M. DeYoe discussed the memo from M. Carlson entitled "The Impending Del-Hart Ordinances and Issues". She stressed that nothing was decided at the Del-Hart meeting. Further discussions will take place.

2. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The next meeting will take place on January 10, 2006.

- g. RECYCLING COMMITTEE (NEXT MEETING TBA)

1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

No report.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

- h. POLICE AND FIRE COMMISSION (NEXT MEETING TBA)
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

No report.

- i. LIBRARY BOARD (NEXT MEETING JANUARY 10, 2006)
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The Library Board did not meet this month because of lack of quorum. The next meeting will be held on January 10, 2006.

- j. FINANCE ADVISORY BOARD (NEXT MEETING TBA)
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

An RFP will be put out and a report on this will take place at the next City Council meeting.

5. OLD BUSINESS

None.

6. MAYOR'S REPORT

- a. INTERVIEW AND APPOINT ALDERPERSON TO TAKE OFFICE JANUARY 1, 2006 FOR DISTRICT 5 TO FILL THE SEAT VACATED BY MARILY GARDNER.

Mayor Craig stated that the City was very appreciative to M. Gardner for everything she has done for this community.

R. Miskelley suggested making the interviews more free flowing and not as structured in the past. As long as the candidates addressed the same general topics, the other commissioners were in agreement. It was noted that this would be M. Gardner's last meeting.

- 1. LETTER FROM STEPHEN HEADLEY DATED DECEMBER 7, 2005 REGARDING HIS INTEREST IN BEING INTERVIEWED FOR THE DISTRICT 5 ALDERMANIC SEAT.

S. Headley introduced himself and gave a background on his experiences. He then answered questions from the alderpersons

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

regarding why he would like to be an alderperson, key issues that face the City, how he would determine how to vote on issues, his role with Truth in Delafield and what he would do if appointed to the alderperson position, his involvement with the Mill Pond Dam, his strengths, and his assessment of the City's financial health.

2. LETTER FROM EMILY FEY DATED DECEMBER 12, 2005 REGARDING HER INTEREST IN BEING INTERVIEWED FOR THE DISTRICT 5 ALDERMANIC SEAT.

Candidacy was withdrawn.

3. LETTER FROM GERALD MACDOUGALL DATED DECEMBER 13, 2005 REGARDING HIS INTEREST IN BEING INTERVIEWED FOR THE DISTRICT 5 ALDERMANIC SEAT.

G. McDougall introduced himself and gave a background on his experiences; why he would like to be an alderperson; key issues facing the City; how the City has done in controlling and planning the growth that it is going through; what he would bring to the Council, district and City; and how he would determine how to vote on issues. He stated that he was ethical, honest, straight-forward and does not beat around the bush.

P. Schuman stated that he has known S. Headley through the Lake Welfare Committee and that his participation, attendance, and work have been very good. He has known G. MacDougall from the Yacht Club. They are both very good people. Based on his experience he would recommend S. Headley.

B. Faracy stated that he was impressed by S. Headley's work with the organization that he created and because he stepped forward.

E. Sadowski thought that the City was lucky that it had two fine people interested in the position. Because of S. Headley's participation and attendance at the meetings, he is an excellent candidate. The City should utilize G. MacDougall in another area.

**E. SADOWSKI NOMINATED S. HEADLEY FOR THE POSITION OF ALDERPERSON. B. FARACY SECONDED THE MOTION. IT WAS NOTED THAT G. MAC DOUGALL IS ON THE BOARD OF REVIEW, AND BOARD OF ZONING. MAYOR CRAIG STATED THAT BOTH CANDIDATES ARE VERY PASSIONATE FOR THE CITY. M. GARDNER CONCURRED WITH ALL OF THE ABOVE STATEMENTS. SHE FELT CONFIDENT THAT EITHER WOULD REPRESENT HER DISTRICT WELL, BUT FELT THAT S. HEADLEY WAS A STRONGER CANDIDATE BECAUSE SHE HAS SEEN HIM ATTENDING THE MEETINGS FOR A LONG TIME. J. KRICKHAHN WAS OF THE FIRM BELIEF THAT YOU MUST STICK WITH YOUR DISTRICT AND VOTE WITH YOUR DISTRICT. M. DE YOE HAS WORKED CLOSELY WITH S. HEADLEY**

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

**AND SUPPORTS HIM AS AN ALDERPERSON. R. MISKELLEY STATED THAT HE KNOWS BOTH PEOPLE AND BOTH HAVE OUTSTANDING BUSINESS RESUMES. HIS DECIDING FACTOR WAS THE FACT THAT S. HEADLEY HAS BEEN ATTENDING A LOT OF CITY MEETINGS AND WOULD HAVE A SHORT LEARNING CURVE. ALL WERE IN FAVOR. MOTION CARRIED.**

b. APPOINTMENT

1. JACK WEISSGERBER - PROMOTIONAL COMMITTEE (VACATED BY DEBORAH WALLACE) - EXPIRATION OCTOBER, 2006

**P. SCHUMAN MOTIONED TO APPROVE THE APPOINTMENT OF J. WEISSGERBER. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

c. OTHER

- Tourism has met and the concept of expanding the membership is moving forward.
- M. Czubkowski and her husband were thanked for the Christmas party.
- Attended Del-Hart meeting
- Conducted office hours
- Talked to M. Czubkowski, M. Carlson, and various citizens

7. NEW BUSINESS

- a. STAFF RECOMMENDATION REGARDING \$6,759.85 DUE TO DELAFIELD DEVELOPMENT COMPANY AND WAUKESHA COUNTY FOR 2004 TAXES ASSESSED ON PROPERTIES IN DELAFIELD COMMONS DEEMED UNBUILDABLE.

There are three parcels in Delafield Commons that are unbuildable parcels that the City sent tax bills to. The best solution is to reimburse for the taxes that were paid. The parcels are out lots.

**R. MISKELLEY MOTIONED TO ACCEPT THE STAFF RECOMMENDATION REGARDING REIMBURSEMENT OF THE \$6,759.85 DUE TO THE DELAFIELD DEVELOPMENT COMPANY FOR TAXES PAID ON AN UNBUILDABLE LOT. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. STAFF RECOMMENDATION TO ACCEPT THE BID FROM FOSTER COACH SALES, INC./MED-TEC FOR THE NEW 2006 AMBULANCE IN THE AMOUNT OF \$99,596.

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

The low responsible bidder for the ambulance which was included in the 2006 budget came in at \$99,596. Two bids were received with the lowest bid being from Foster Coach Sales and it was recommended that the Common Council authorize the purchase. General discussion took place.

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

- c. ORDINANCE 550 - ANNEXING TERRITORY TO (HILLSIDE DRIVE) TO THE CITY OF DELAFIELD.

M. Carlson explained that the City was accepting responsibility to maintain Hillside Drive in front of the Delafield Brewhouse and in front of the Yaggy Colby building. It was discovered that this property is not located within the city limits, but is located in the Town of Delafield. Credit was not received for this piece of road when reimbursements for transportation aid were submitted. M. Czubkowski has worked with the Town of Delafield Clerk. The Town of Delafield considered the request to annex to the south center line of 94 and agreed to it. The City Attorney sought approval from the Department of Administration (correspondence included in the Commissioner's packets). This would annex the south half of I94 into the city limits so that credit can be received on transportation aids. Attorney Sewell stated that in the ordinance annexing territory it indicates that it was filed on December 19, 2005 – this is not correct and should be December 16, 2005.

**M. GARDNER MOTIONED TO APPROVE WITH THE NOTED CHANGE OF DATE. B. FARACY SECONDED THE MOTION. IT WAS CLARIFIED THAT THIS WOULD NOT HAVE AN IMPACT ON THE POLICE AND FIRE DEPARTMENTS. ALL WERE IN FAVOR. MOTION CARRIED.**

8. ADMINISTRATOR'S REPORT

- a. UPDATE REGARDING BANNERS ACROSS GENESEE STREET.

An email response from the insurance carrier was distributed in which they suggested that the language in the WeEnergies agreement should be modified. The insurance premiums that the City pays do not include costs for indemnifying third parties. There is a concern that insurance rates will go up if the City does this. M. Carlson suggested the possibility of putting a banner in St. John's Park to inform citizens of upcoming events. The insurance carrier suggested that banners be hung from the City's own poles. R. Miskelley asked that staff come together with a total recommendation on how to address this with the poles, etc. It was the general consensus not to sign the WeEnergies agreement.

- b. LIQUOR LICENSE ISSUE (12/12/05 JOURNAL SENTINEL ARTICLE)

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

A copy of the news article was included in the commissioner's packets. M. Carlson received a phone call from the author of the article. He stated that there may be an opportunity to join some of the other municipalities in the state to pursue the issue of local control with respect to liquor licenses. This was for informational purposes only.

c. **BID RESULTS FOR WATER MAIN, NOTICE OF AWARD**

Three bids for the material were received and they were opened on December 15, 2005. The lowest responsible bidder was National Waterworks of New Berlin in the amount of \$441,370. This was approximately \$43,000 less than the engineer's estimate for these expenses. The Notice of Award has been executed and the pipe will be delivered as construction unfolds.

9. **CLERK'S REPORT**

An election will take place on January 10, 2006.

10. **FINANCIAL REPORT**

a. **APPROVE VOUCHER LIST**

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

b. **TREASURER'S REPORT - NOVEMBER 2005**

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

11. **CORRESPONDENCE**

None.

12. **ADJOURN INTO CLOSED SESSION PER §19.85(1)(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 (POLICE) AND (PUBLIC WORKS) AND PER §19.85(1)(G) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (ATTORNEY GENERAL'S OPEN MEETINGS COMPLAINT - POTENTIAL SETTLEMENT)**

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

**M. GARDNER MOTIONED TO ADJOURN INTO CLOSED SESSION PER §19.85(1)(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 (POLICE) AND (PUBLIC WORKS) AND PER §19.85(1)(G) CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED (ATTORNEY GENERAL'S OPEN MEETINGS COMPLAINT - POTENTIAL SETTLEMENT). E. SADOWSKI SECONDED THE MOTION. A ROLL CALL VOTE TOOK PLACE: J. KRICKHAHN, AYE; P. SCHUMAN, AYE; E. SADOWSKI, AYE; M. DEYOE, AYE; M. GARDNER, AYE; B. FARACY, AYE; R. MISKELLEY, AYE. THE MEETING ADJOURNED INTO CLOSED SESSION AT 8:20 P.M.**

13. RECONVENE INTO OPEN SESSION

**M. GARDNER MOTIONED TO RECONVENE INTO OPEN SESSION. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING RECONVENED INTO OPEN SESSION AT 8:31 P.M.**

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

**M. GARDNER MOTIONED TO ACCEPT THE AGREEMENT AS WRITTEN. B. FARACY SECONDED THE MOTION. A FRIENDLY AMENDMENT WAS MADE AND AGREED UPON BY M. GARDNER AND B. FARACY TO CLARIFY THAT THE AGREEMENT WAS BETWEEN THE ATTORNEY GENERAL AND THE CITY OF DELAFIELD DEALING WITH THE OPEN MEETINGS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

15. ADJOURNMENT

**M. GARDNER MOTIONED TO ADJOURN FROM THE MEETING. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:32 P.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC