

CITY OF DELAFIELD COMMON COUNCIL MINUTES

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.
Michele DeYoe, Ald.
Marily Gardner, Ald.
Ron Miskelley, Ald.
Matt Carlson, Administrator
Ellen O'Brien, Deputy Clerk

Phil Schuman, Ald.
Brian Faracy, Ald.

SPECIAL ORDER OF BUSINESS

- 1. APPOINT MICHELE DEYOE AS DISTRICT 4 ALDERPERSON AND ADMINISTER OATH OF OFFICE

E. SADOWSKI MOTIONED TO APPOINT MICHELE DE YOE AS DISTRICT 4 ALDERPERSON TO FILL OUT THE REMAINDER OF MIKE ROBERTS' TERM. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

E. O'Brien gave the Oath of Office to M. DeYoe.

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 19, 2005 COMMON COUNCIL MEETING

R. MISKELLEY MOTIONED TO APPROVE THE MINUTES OF THE SEPTEMBER 19, 2005 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.

Jim Zahorik, 1948 West Shore Drive – Spoke as President of Voice of the Electors (VOTE). He stated that E. O'Brien was presented with 1,084

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signatures and he hoped that the City would consider them. He addressed Item 4b8 (Recommendation to approve the Conditional Use – General Development Plan for the Sanctuary of Delafield, Trillium Development). Mayor Craig stated that this item would be removed from the agenda tonight and moved to the next meeting because there would not be a quorum of council members present to act on it. J. Zahorik stated that after reviewing the item he found an omission in that the development as it appears in the packet references 25 units. The minutes of the September 20 special Planning Commission meeting are not reflected. If there was a quorum, he felt that it would need to be put off anyways because the Council members did not have the recommendation from the Plan Commission. J. Krickhahn stated that they did receive a letter on the table tonight with the recommendation of the Plan Commission. Mayor Craig stated that it would be distributed in the appropriate way and would be put on the website with the Trillium Development project. J. Zahorik stated that he waited until the last minute to review and it still was not available for the citizens to look at. He felt that it was difficult to comment on something that he could not gain access to. During this comment time J. Zahorik obtained the minutes and stated that it contained a motion from C. Mursky to approve the GDP for Trillium, that the minimum distance between the structures be 30'. He stated that this was the motion and that it really bothered him. He stated that they were compromising. It was clarified that the motion that J. Zahorik referenced died and another motion was made. J. Zahorik stated that in the motion C. Mursky stated that she was uncomfortable with the individual wells and wanted an expansion of the wells. It was again clarified that that motion died. J. Zahorik stated that the end result is a recommendation from the Plan Commission and when the final recommendation comes to the Common Council that states that there would be engineering for a stub that if water came, they could hook up, and if the Council takes it at face value and does not reintroduce an expansion of the municipal water system, he would rest his case. He stated that the Plan Commission could recommend something but that the Council could change it. As a citizen and as President of VOTE he would caution the City to take the final motion as modified by Attorney Sewell to not involve the expansion of municipal water to the west.

Mayor Craig asked three times if there were any more comments. There were none.

E. SADOWSKI MOTIONED TO CLOSE CITIZENS COMMENTS. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

J. KRICKHAHN MOVED TO APPROVE THE CONSENT AGENDA. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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- a. APPROVE PROPERTY TAX COLLECTION AGREEMENT BETWEEN THE CITY OF DELAFIELD AND WAUKESHA COUNTY TREASURER FOR 2005/2006
- b. RESOLUTION 2005-19 - A RESOLUTION TO CHANGE THE FOLLOWING STREET NAME – PORTION OF MAIN STREET TO WEST MAIN STREET.
- c. RESOLUTION 2005-20 – RESOLUTION TO ACCEPT THE SANITARY SEWER AND STORM SEWER COMPLETION IN THE CARRIAGE HILLS SUBDIVISION.
- d. RESOLUTION 2005-21 – RESOLUTION TO APPLY FOR THE DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT.
- e. RESOLUTION 2005-22 – RESOLUTION TO DISSOLVE LAKE AREA COMMUNICATION SYSTEM (LACS)

4. COMMITTEE REPORTS

- a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two Year Bartender License

Michelle Platz, Waukesha; Sentry Foods
Michelle Stadler, Oconomowoc; Sentry Foods
Stephanie Lang, Oconomowoc, Sentry Foods
Patrice E. Wertschnig, Delafield; Sentry Foods
Janet Crowder, Brookfield; Sentry Foods
Colleen Rupp, Eagle; Sentry Foods
Sarah Walter, Pewaukee; Sentry Food
Elizabeth Pollnow, Dousman; Applebees

J. KRICKHAHN MOTIONED TO APPROVE THE ABOVE TWO YEAR BARTENDER LICENSES. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. PLAN COMMISSION

- 1. RECOMMENDATION TO APPROVE THE CONDITIONAL USE PERMIT FOR **AN AMERICAN CLASSIC, TAX KEY 787.008, 725 MILWAUKEE STREET, DELAFIELD.**

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

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2. RECOMMENDATION TO APPROVE THE SIGNAGE FOR **QUADEN DODGE, TAX KEY 742.014, W127 WISCONSIN AVE, OKAUCHEE**, AS A MINOR CHANGE TO THE CONDITIONAL USE

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

3. RECOMMENDATION TO APPROVE THE BANNERS AT THE **SHOPPES AT NAGAWAUKEE, TAX KEY 804.993.004, 804.990.004, 804.999.006, 804.999.008** AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT.

It was clarified that the Shoppes at Nagawaukee would be paying for the banners.

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

4. RECOMMENDATION TO APPROVE REZONING OF **BOSTROM PARK, TAX KEY 748.051 AND 789.991.001**, FROM RE-2 (CU-PD) TO C-1 AND APPROVAL OF SITE PLAN IMPROVEMENTS FOR PICNIC SHELTER, TENNIS COURT SCREENING – APPROVED RESTROOM ENCLOSURE, BUT NOT LOCATION.

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

5. RECOMMENDATION TO APPROVE THE CONDITIONAL USE AND MASTER PLAN FOR **KETTLE MORaine EVANGELICAL FREE CHURCH, TAX KEY 756.996.002**, NORTHWEST CORNER OF HWY 83 AND OAKWOOD ROAD, HARTLAND.

R. MISKELLEY MOTIONED TO APPROVE. M. GARDNER SECONDED THE MOTION. DISCUSSION TOOK PLACE REGARDING SEWER AND WATER. THE PLAN COMMISSION'S RECOMMENDATION WAS TO RECOMMEND APPROVAL TO THE CITY COUNCIL CONTINGENT UPON THE FOUR STANDARD DOCUMENTS THAT GO WITH EVERY CONDITIONAL USE PERMIT (THE CONDITIONAL USE PERMIT ITSELF, STORMWATER MAINTENANCE AGREEMENT, DEEDS COVENANTS AND RESTRICTIONS, AND THE DEVELOPMENT AGREEMENT). MEETINGS HAVE TAKEN PLACE TO WORK ON THE DEVELOPMENT AGREEMENT AND WORK IS STILL TAKING PLACE. BEFORE BUILDING PERMITS ARE ISSUED, AGREEMENT MUST TAKE PLACE ON THE FOUR STANDARD DOCUMENTS.

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THE DOCUMENTS WOULD COME BACK TO THE COUNCIL FOR FINAL APPROVAL. **ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.**

6. RECOMMENDATION TO APPROVE THE SITE PLAN FOR NEW COMMUNITY PARK (**GEASON PARK**), **TAX KEY 756.996.001, OAKWOOD ROAD**, HARTLAND. (CONTINUED TO 10/17/05)

M. Carlson stated that the consultant was not able to attend this meeting and they would like to discuss this at the next meeting on October 17, 2005. Without objection this was moved to the next meeting.

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

M. Gardner stated that in regard to the Geason property needing to have the cell tower changed she was opposed to the updating of the cell tower linked to a tie-in granting an easement. She did not think the two should be tied together. M. Carlson stated that this specific item would be listed for agenda consideration at the next Council meeting. R. Miskelley also did not think there should be a tie-in with the two items. Attorney Sewell will be issuing a brief memo on this.

8. RECOMMENDATION TO APPROVE THE CONDITIONAL USE - GENERAL DEVELOPMENT PLAN FOR THE SANCTUARY OF DELAFIELD, **TRILLIUM DEVELOPMENT, TAX KEY 797.979, DELAFIELD**

This item was not discussed due to lack of quorum.

c. LAKE WELFARE COMMITTEE

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

No report.

d. PARK AND RECREATION COMMISSION (DRAFT MINUTES FROM SEPTEMBER 26, 2005 MEETING INCLUDED)

1. REPORT ON PROPOSED RESTORATION PROJECT AT CUSHING PARK BY EAGLE SCOUT BRIAN JAMES FILLMORE.

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A presentation by Eagle Scout, Brian J. Fillmore took place at the Park & Rec meeting on a restoration project for Fort Cushing. They will perform repairs, clean in the park in addition to sealing the handrails.

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

They discussed the budget, new park development, and the Veterans Memorial Walkway. October 22 will be the last project clean-up day. They are looking for approval on the actual monument and walking surfaces which will complete the project in regards to the DNR grant. The bricks will go in. The path should be walkable by mid-November. People who wish to have bricks should place their order.

e. PUBLIC WORKS

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

The next meeting will be Wednesday, October 5, 2005.

f. DEL-HART COMMISSION

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

Discussion took place at the last meeting regarding odors coming from the next operation. They have hired an engineer to perform studies to determine the cause and recommend a solution. They are working with outside landscapers to have them take materials for storage outside of the city area. There are seven tests that need to be run on the sludge material and four have been passed through. If the material passes as a Class A, anyone could take the material for use on their lawn. They are working on getting rid of the odor. There is one more issue with the project to finish up - - The Sweep Arm will be tested and final approval and close-out from the DNR on the expansion project will be received. A copy of a pamphlet explaining the treatment process was available to the commissioners and is available at Del-Hart.

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g. RECYCLING COMMITTEE

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

A meeting is scheduled for mid-October. Discussion and recommendations will take place regarding brush pick-up.

h. POLICE AND FIRE COMMISSION

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

A year-end meeting will be scheduled for November.

i. LIBRARY BOARD

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

The next meeting will take place on October 11, 2005. A total of eight applications for the Director's position have been received; it has been narrowed down to four. The interview process will start on Saturday and will complete on Tuesday before the Library Board meeting.

j. FINANCE ADVISORY BOARD

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

M. Carlson stated that the Finance Advisory Board (FAB) met on September 19, 2005. Discussion took place about the City's fund accounting. Alternative sources of revenue were reviewed. The Chairman of the FAB will be making some remarks at the Community Budget Show & Tell next Monday, October 10, 2005 at the Fish Hatchery. Specific discussion took place regarding a tool that some communities are using to help pay for infrastructure and transportation related expenses – transportation utilities. This would be similar to the stormwater utility that the City created. One of the directions from the FAB was to assign staff the responsibility to provide a feasibility report

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to the FAB and to the Council on this issue. This will be forthcoming. The next meeting as part of the budget process will be the Community Budget Show & Tell Meeting on October 10. A public hearing on the budget will be held November 7. The FAB will meet on November 14. The final Council adoption of the budget will occur on November 21. Extensive discussion took place at the FAB meeting regarding the levy cap. One of the things that will be noted in the budget because of this is that the City is returning to the practices and accounting methods that the City has used in the past out of necessity because there is not levy room to be able to do the things that the Council and the FAB have said are important.

Mayor Craig stated that the City would not make past practices that are illegal. M. Carlson said that a specific example was that the City Council and FAB asked to budget the street resurfacing program in the operating budget. Last year one-third was put in. This year two-thirds was supposed to be put in, and next year 100%. Because of the tax levy cap, there is not enough room in the cap to do this. Instead, financing for the street resurfacing program will be proposed.

5. OLD BUSINESS

None.

6. MAYOR'S REPORT

Activities:

- Talked with citizens
- Talked with M. Carlson & Council Members
- Attended Del-Hart meeting
- Attended several Plan Commission meetings

7. NEW BUSINESS

- a. AWARD OF CONTRACT TO STANO LANDSCAPE IN THE AMOUNT OF \$87,075 TO COMPLETE VETERAN'S MEMORIAL RIVERWALK HARDSCAPE WALKING AREAS.

K. Kemnitz, Professional Consultants, Project Manager for the Wisconsin Veteran's Memorial Riverwalk (WVMR) project was present at the meeting. He stated that it is his understanding that there is approximately \$82,000 left in the matching grant fund that goes through the City towards the WVMR project that will expire 6/2006. They would like to complete the hardscape (the parts you walk on). They recommended the bid of \$87,000 with the contractor in order to complete the project this fall and use the grant funds. Discussion took place

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regarding work coordination with the bathroom construction at Cushing Park. K. Kemnitz needs to stake the center of the monuments and asked if they could work with Yaggy Colby on this. Any charges incurred from Yaggy Colby would be paid for through the WVMR. It was the feeling of the commission that he could work with Yaggy Colby. M. Gardner introduced K. Rhode, Vice President of the WVMR. M. Gardner expressed her thanks to K. Kemnitz.

M. GARDNER MOTIONED TO APPROVE THE CONTRACT FOR \$87,075. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

8. ADMINISTRATOR'S REPORT

M. Carlson stated that he attended meetings with:

- Staff
- City attorney
- Developers
- International City Managers Association Meeting in Minneapolis
 - Seminar on Performance Management/Measurement – He stated that the City needs to continue performance measurement since it brings about an improvement in performance. It builds credibility and support within the organization.
 - Outcome Measure/Explanation in Municipal Budgeting – This year's budget transmittal letter will include a three year look at how the City's customers view the outcome of the services. A direct relationship will be shown between what the customers identify as the City's strengths/weaknesses and the resources that are spent on the budget.
 - Garrison Keyler and Robert Putnum were two one of the keynote speakers at the conference.

9. CLERK'S REPORT

- a. PUBLIC HEARING NOTICE ON OCTOBER 26, 2005 FOR ACUITY DEVELOPMENT

10. FINANCIAL REPORT

- a. APPROVE VOUCHER LIST

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

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11. CORRESPONDENCE

a. Letter dated September 19, 2005 from Charles Winter regarding Hartland Sportsman’s Club.

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 CONTRACT).

E. SADOWSKI 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 CONTRACT). J. KRICKHAHN SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN: J. KRICKHAHN, AYE; E. SADOWSKI, AYE; M. GARDNER; R. MISKELLEY, AYE; M. DE YOE, AYE. MOTION CARRIED. THE MEETING ADJOURNED INTO CLOSED SESSION AT 7:55 P.M.

13. RECONVENE INTO OPEN SESSION.

J. KRICKHAHN MOTIONED TO RECONVENE INTO OPEN SESSION. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING RECONVENED AT 8:14 P.M.

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION.

No action was taken.

15. ADJOURNMENT

M. DE YOE 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 8:15 P.M.

Respectfully submitted:

Minutes Prepared By:

Ellen O’Brien
Deputy Clerk

Accurate Business Communications LLC