

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Paul Craig
Jeff Krickhahn, Ald.
Phil Schuman, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Steve Headley, Ald.
Brian Faracy, Ald.
Matt Carlson, Administrator
Marilyn Czubkowski, Clerk

Absent

Ron Miskelley, Ald.

SPECIAL ORDER OF BUSINESS: PRESENTATION BY DANIEL P. VRAKAS, COUNTY EXECUTIVE, WAUKESHA COUNTY, TO THE CITY OF DELAFIELD – REGARDING THE TRANSFER OF GENESEE STREET

County Executive, Daniel Vrakas was present at the meeting. He congratulated the City on the completion of the road project and delivered Waukesha County's portion in the form of a check. He thanked Mayor Craig for his years of service and stated that all of the alderperson's were also to be thanked for their service to the City. Mayor Craig congratulated him on his new position. The County Executive stated that he will be attending a meeting regarding the joint fire services on February 15th. The Waukesha County Cooperation Council will discuss the joint fire and other issues. He has directed his cabinet to search out ways that Waukesha County can be helpful in deferring costs.

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 3, 2006 COMMON COUNCIL MEETING

E. SADOWSKI MOTIONED TO APPROVE THE MINUTES OF THE JANUARY 3, 2006 MEETING. P. SCHUMAN SECONDED THE MOTION. J. KRICKHAHN ASKED ABOUT THE DISCUSSION ON BLUE SPRUCE, ITEM 4B2, PAGE 4 OF 7 "P. SCHUMAN AND M. CARLSON DISCUSSED THE CONNECTOR ROAD... EXTENSIVE DISCUSSION TOOK PLACE." HE STATED THAT THE MINUTES DID NOT SHOW THE SPIRIT OF THE

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DISCUSSION AS IN IF THIS WAS SUPPOSED TO BE DESIGNED FOR FUTURE COMMON COUNCIL MEMBERS TO MAKE A DECISION OF WHAT THEIR CONCERNS WERE AND WHY IT WAS VOTED "NO". HE WOULD LIKE THE TAPES TO BE REVIEWED SO THAT MORE DOCUMENTATION COULD BE MADE. E. SADOWSKI WITHDREW HIS MOTION. P. SCHUMAN AGREED WITH THE WITHDRAWAL.

This will be included on the next Common Council agenda.

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

Bill Restock, 4527 Vettleson Road – A copy of what he was going to read was distributed to the commissioners. He discussed Agenda Items 7A, B, and C regarding the water system on the Village Square Property. He was concerned that if a vote approved Items 7A, B, and C before hearing a public referendum, the law would have broken and should be held accountable as such. He discussed the Direct Legislation Referendum and how this affected these items. He felt that these three items were connected and when added together would require an expenditure of \$1,262,573 – over the \$1,000,000 limit which requires the referendum. He wanted the City to be aware of the possible consequences if Items 7A, B, and C passed without the consent of the electorate via a referendum. If the City proceeded without the referendum, the City would be exposed to a legal action that would be difficult for the City to win; it would delay the project indefinitely, and could cost the taxpayers a lot of money. He thought that a referendum should be added to the April election; it would be cheaper than defending the matter in court. He asked that the vote for approving the contracts be held off and that a referendum for the April election be scheduled. Mayor Craig stated that three attorneys reviewed the project and all three have concluded that it is outside of the Direct Legislation. B. Restock stated that the binding point is that the wording says "construction", not budgeting. B. Restock asked if anyone would be surprised if he said he has had conversations with lawyer(s) who have said the exact opposite. He asked the Clerk if he was correct that if a referendum was added to the April election if the cost would be little to nothing but if this goes to court and a judge decides that a referendum must take place, it would cost \$3,500-\$5,000. He felt that this should be discussed and to consider a referendum that would "put this thing to bed once and for all." If the contracts are allowed to go through tonight, some people will interpret this as the first time the law has been broken. No legal action has had to take place yet because in some people's eyes no laws have been broken until possibly tonight. If the contracts are accepted legal action could start. If it goes to court, the City could lose and if the contracts are already put out, everyone loses. He suggested that this issue be thoroughly discussed tonight.

B. Faracy asked what the agenda was of the people who are going to bring the legislative action against the City. He also objected to the veiled threats that the City Administrator has somehow pulled off this water project. E. Sadowski commented that this was passed in November 2004; the legislation was in July of 2005.

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B. Restock stated that he was speaking for himself and that he did not feel that just because something was put in the budget that it had to happen.

Larry Schouten, 4518 Vettleson Road – He agreed with B. Restock’s comments. He commented on Items 7A, B, and C and asked how this could be considered when it is not know if there is a viable source for water at Vettleson Road. He felt that the cart was being put before the horse. No information is on the website as of 5:45 p.m. on January 16, 2006 regarding the viability of water at the Vettleson Road. He suggested waiting until the results from EarthTech are in and are available to the electorate. EarthTech indicated to him that there were many tests that needed to be conducted with the actual well where the water had to be pumped continuously at 500 gallons/minutes for 72 hours. The results are not available. Is the well capable of supplying the water? He asked how these contracts could be approved if the source is unknown at this time.

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

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

3. CONSENT AGENDA

- a. RESOLUTION 2006 - 02 - RESOLUTION CERTIFYING THAT THE CARRIAGE HILLS SUBDIVISION LIFT STATION HAS BEEN COMPLETED.

P. SCHUMAN MOTIONED TO APPROVE. B. FARACY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

4. COMMITTEE REPORTS

- a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two Year Bartender Licenses

Bonnie Jester, Waukesha; Delafield Brewhaus
Leslie Allyson Moats, Hartland; Donnybrook Wine & Cheese
Kassandra L. Klein, Waukesha; The Gathering
Lindsey Dillon, Pewaukee; Applebees

P. SCHUMAN MOTIONED TO APPROVE. B. FARACY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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JOHO, Inc., Delafield Daybreak, 622 Genesee Street, Delafield; Jamie Willert, Johnson Creek, Agent

M. Czubkowski stated that this was due to a change in ownership.

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

b. PLAN COMMISSION (NEXT MEETING JANUARY 25, 2006)

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

The next meeting will take place on January 25, 2006.

c. LAKE WELFARE COMMITTEE (MINUTES JANUARY 11, 2006) (NEXT MEETING FEBRUARY 8, 2006)

1. INFORMATION ON THE FEDERAL COURT DECISION ON THE LEGALITY OF THE MADISON AND DANE COUNTY PHOSPHORUS ORDINANCES.

P. Schuman reported that this was upheld in the courts in Madison and Dane County. M. Carlson was going to speak with the individuals representing the opposition. He did meet with B. Swingle, Executive Director of the Wisconsin Green Industry Federation, who indicated that they are a six state organization with about 650 member companies in Wisconsin. His discussion was summarized in a document provided to the commissioners. The concern regarding the ordinance was on page two of the memo. B. Swingle suggested that in addition to newly established lawns the City should also allow for an exemption for the phosphorous ordinance to include repaired land. There are processes that result in by-products that are generally perceived as good items (examples were given). He suggested that the ordinance exempt use of those materials when processed and pelletized – caution needs to be taken regarding the phosphorous levels in these other materials. These materials should not be broadcast spread on top of their property; they should be tilled in. Education of residents needs to take place so that leaves and grass are not blown into the lake or street because this material also contains heavy phosphorous loads. One of the main points dealt with education in applying Weed 'n Feed materials – perhaps the ordinance could be constructed in such a way to require people to remove Weed 'n Feed-type products/pesticides/fertilizers from any hard surface. This is where a lot of run-off comes from. When applied properly to grass it doesn't migrate. Comments

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were included on the shoreline restoration project, particularly Eurasian Milfoil. B. Swingle felt that the weed cutting operation accelerated the growth of Eurasian Milfoil and that specific chemical application in the colonies would be better (Sonar™). M. Carlson will provide these materials to the Lake Welfare Committee (LWC) and LWC will make a recommendation to the City Council for consideration. P. Schuman stated that the LWC will review these comments and proceed as appropriate.

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

The dredging application was discussed at the LWC meeting – T. Hafner is working on this. An RFP will be sent out to a number of consultants.

L. Reas, Restoration Consultant, was present at the meeting and discussed sample sites along with cost estimates (\$1,300-\$4,500). More research will take place. The County will be contacted regarding Nagawaukee Park – M. Carlson has forwarded the description of the project to Jim Kavmeyer at Waukesha County. Seminars for landscaper training for shoreline restoration and riparian owners are being worked on.

The boathouse code is being worked on and was referred to the City Attorney Mark Sewell for review. After his comments, it will go to the Plan Commission for public hearings, etc.

Comments were made on the draft of the Aquatic Plant Management Report and given to T. Hafner. He incorporated the comments into his report and provided them to SEWRPC on January 13, 2006. A copy of the comments sent to Dr. Thornton at SEWRPC will be provided to P. Schuman.

The Spring Meeting will be held on May 10, 2006.

The next meeting will be held on February 8, 2006.

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

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

No report.

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e. PUBLIC WORKS (MINUTES JANUARY 4, 2006) (NEXT MEETING FEBRUARY 1, 2006)

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

The minutes were included in the commissioner's packets. The next meeting will take place February 1, 2006. No report was given.

f. DEL-HART COMMISSION (NEXT MEETING FEBRUARY 15, 2006)

1. ORDINANCE 552 - AN ORDINANCE IMPOSING A CONNECTION CHARGE

M. DeYoe reported that a meeting was held Tuesday, January 10, 2006. Copies of Ordinance 552 were included in the commissioner's packets. There is a proposed increase in the connection fee. A waiver for specific circumstances was discussed at the last meeting (included in the commissioner's packets). M. DeYoe stated that the fee has not been changed and the connection fee has not increased in a number of years. Based on a consultant's reported, it has been recommended that the fee be increased from \$1,700 per DUE to \$3,657 except under certain circumstances. These circumstances are: "1) *The property in question is located in a final plat or preliminary plat that has been approved by the municipality in question as of January 10, 2006.* 2) *There is an effect between the municipality in question and the developer of the plat, a Development Agreement providing for a sewer extension to serve that property, which agreement is in effect as of February 6, 2006.* 3) *The actual building sewer for the subject property shall be connected to the public sewers on or before December 31, 2006 except that this date shall be extended until June 30, 2007 where the municipality in question and not the developer is actually making the sewer extension in question to serve the development and the subject property.*" M. DeYoe stated that it just came to her attention that Jeffrey Flaws, the Village of Wales Village President, sent a letter asking for a postponement of this increase based on their interest in becoming a customer of Del-Hart. B. Faracy asked why the increase is now being considered and why it is so much. M. DeYoe stated that the increase in fees is for connections only, not user fees. The increase will fund the proposed needed expansion as new users are added in the future. Mayor Craig stated that as the area grows, the facility will need to be enlarged in the future. M. DeYoe clarified that the connection fees have not been raised in many years. It was determined that there are approximately 483 Domestic User Equivalents (DUE's) for the City of Delafield for

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future use. Hartland has approximately 60. It is not known at this time whether the Town of Summit, Nashotah, and Town of Delafield have any projects. Mayor Craig discussed treating all entities the same and being able to pay for the expansion in the future. S. Headley asked if there was some way for developed parts of the City to get the same exception or be considered for that same exception because they have been a part of the City for many, many years. Mayor Craig stated that this had been addressed at the Del-Hart meeting. Since all entities must be treated the same, if all unserved properties were considered, the new plant could not be built with the intent of the increase. The ordinance addresses if you chose to connect, you would pay the increased amount unless you have a plan that is in the process already. The policy and philosophy of the Common Council in the past has been a voluntary hook-up for existing residences, however there are provisions that trigger a hook-up. It was clarified that the issue under discussion is the amount of money payable to Del-Hart to connect to the system. This is trying to pay for the paid-up plant and to be sympathetic to plans that already in the works. S. Headley stated that existing residents would take a "hit" directly out of their own pocket if they chose to hook-up. M. Carlson stated that unless you have a certain number of people that agree to hook-up to the system, it will not be cost effective to run the sewer lines. S. Headley asked if in terms of assessing costs to build the facility and the number needed to go forward with the project, if some type of calculation has been put in place for considering existing homes. Mayor Craig stated that it was not in terms of developer versus existing homes, it was the DUEs that drove it. J. Krickhahn discussed Village Square – he asked if this was a grey area for those people who wanted to hook up afterwards – what is the time line to hook-up at the old rate versus the new rate? It was clarified that this was in the Connection Fee Waiver Policy. Mayor Craig stated that both communities must approve this in order for it to go in effect. B. Faracy discussed the letter from the Village of Wales expressing interest to connect to Del-Hart. Mayor Craig stated that this was not a formal request, but inquisitive and would be outside of the waiver because it was not within projects that have been approved. M. DeYoe stated that as of 4 p.m. this afternoon (January 16, 2006) Del-Hart had not had any formal communication from the Village of Wales. She discussed "if a community decided suddenly that they wanted to connect to Del-Hart, what process and what time frame?" She gave the history of the Town of Summit as an example. There is not any firm information, just an inquiry. E. Sadowski asked what the Village of Hartland's stance on this was. Mayor Craig stated that their procedure calls for the reading of the Ordinance twice before they can act on it. The first reading of the Ordinance has taken place (without the waiver). They have the right at the next meeting to adopt it or not. M. Carlson stated that a meeting

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was scheduled with the Village of Hartland, Wally Thiele, to go over the Waiver Policy. He wants to make sure that the three elements of the Waiver Policy are "either/or", that you are eligible for the Waiver if one of the three conditions is in place. M. DeYoe thought that the language needs to be clarified. The copy in front of the Commissioners tonight was a preliminary take by the lawyer who was at the meeting. In addition, M. Carlson would like to pursue the question of clarifying whether it is a "plan" that must be approved by the community or the "plat"; who determines whether the exception applies or not; and whether or not additional time should be granted for the Village of Wales to make a solid commitment or not. He suggested putting a deadline in for the Village of Wales that is much shorter, perhaps a one year extension beyond the date included in bullet point number three for the Exception Policy. Mayor Craig recommended deferring this until the next meeting. No action took place. M. Czubkowski stated that other methods were discussed that the commissioners should be made aware of and the cost of plant method was a very acceptable method, but the cost escalates very high over a short period of time, there is also a cost of debt service method. She will provide copies of pertinent sections of the report for the commissioners to review. A complete analysis is given on page 50.

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

The expansion is almost complete with the exception of a few punch line items.

g. RECYCLING COMMITTEE

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

No meeting scheduled.

h. POLICE AND FIRE COMMISSION

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

No meeting scheduled.

i. LIBRARY BOARD (MINUTES JANUARY 10, 2006)

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

The minutes from the last meeting will be provided at the next meeting. They are moving forward with the committee to start organizing summer programs. Dates have been set for book sales with the first one being May 13, 2006. The next meeting will be held on Monday, February 13, 2006 in the Fire Department meeting room.

- j. FINANCE ADVISORY BOARD (NEXT MEETING TBA)

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

No meeting scheduled.

5. OLD BUSINESS

None.

6. MAYOR'S REPORT

He met with Del-Hart, M. Carlson, and citizens.

APPOINTMENTS:

- a. TOURISM COUNCIL - CATE RAHMLOW TO FILL POSITION VACATED BY THE RESIGNATION OF RICK LIEBLANG

Mayor Craig recommended Cate Rahmlow to be appointed to the Tourism Council.

P. SCHUMAN MOTIONED TO APPROVE THE APPOINTMENT OF C. RAHMLOW. E. SADOWSKI SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

7. NEW BUSINESS

- a. RESOLUTION 2006 -03 - RESOLUTION AWARDED WATER TRANSMISSION MAIN VETTELSON ROAD-CAMPBELL TRACE, STH 83 SOUTH TO OAKWOOD ROAD CONSTRUCTION CONTRACT, TO UNDERGROUND PIPELINE, INC. IN THE AMOUNT OF \$668,318.00.

Mayor Craig reiterated that this has been thoroughly reviewed by two city attorneys and one independent body. M. Carlson stated that this

Deleted: d. Approve Developers Agreement for Delafield Square, Tax Key 793.014 and 793.016.001, 601-623 Genesee Street, Delafield

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Resolution and Resolution 2006-04 include language stating “contingent upon execution of all necessary contract documents and the securing of necessary permits from the Wisconsin Department of Natural Resources.” A permit is needed from the DNR to operate the well. If the permit is not obtained, the contract is null and void. T. Hafner discussed the preliminary results received from the 72 hour testing. The test well pumping was conducted December 27-29, 2005. The engineer has given verbal results (written report pending) stating that the site is an extremely viable and sustainable for a municipal well. Everything is looking good. The drawdown of local ground water was minimal. The pumping is being done from a depth of 200’. The drawdown in the aquifer at the well was about 6’ and the drawdown in the shallower aquifer where most of the residential wells are found was about three-tenths of one foot (at the wells closest to the well). Three test wells and two private wells were monitored. The final report is expected in a week or two. Mayor Craig stated that the report would be put on the website.

E. Sadowski commented that Village Square has been debated for 2-3 years. The water system on I94-83 is profitable. This proposed water system is going to be paid for by the users and the new customers – no tax payer dollars will be used. The City of Delafield must proceed with its own water due to flaws in the inter-border agreement between the Village of Hartland and the Town of Delafield; it is in the best interest of all of the City’s citizens to proceed with its own water. This was passed in December 2004 as a budget item and approved by the Council on a 6-1 vote. This will add to the City’s infrastructure and value by people who do bonding and give the City ratings. B. Faracy stated that there are no taxpayer dollars involved, the development in this area is going to happen, the water usage will be the same, and the system gives the City a chance to fix a flaw in its system. J. Krickhahn stated that there are over 1,000 signatures opposing this and wanting a referendum. He felt that these citizens were not being listened to. Mayor Craig stated that there was a hearing on this and the citizens were given a chance to talk (they did), and it was discussed. J. Krickhahn would like to see the well testing results in writing. Mayor Craig stated that the written report indicated it was not viable, the language covered the City.

E. SADOWSKI MOTIONED TO PASS RESOLUTION 2006-03 – RESOLUTION AWARDING WATER TRANSMISSION MAIN VETTELSON ROAD-CAMPBELL TRACE, STH 83 SOUTH TO OAKWOOD ROAD CONSTRUCTION CONTRACT, TO UNDERGROUND PIPELINE, INC. IN THE AMOUNT OF \$668,318.00. B. FARACY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. J. KRICKHAHN OPPOSED. MOTION CARRIED.

- b. RESOLUTION 2006-04 - RESOLUTION AWARDING WATER TRANSMISSION MAIN OAKWOOD ROAD STH 83 SOUTH TO WELL NO. 1 PUMP STATION AND RESERVOIR CONSTRUCTION CONTRACT, TO UNDERGROUND PIPELINE, INC. IN THE AMOUNT OF \$524,295.00.

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E. SADOWSKI MOTIONED TO PASS RESOLUTION 2006-04 - RESOLUTION AWARDED WATER TRANSMISSION MAIN OAKWOOD ROAD STH 83 SOUTH TO WELL NO. 1 PUMP STATION AND RESERVOIR CONSTRUCTION CONTRACT, TO UNDERGROUND PIPELINE, INC. IN THE AMOUNT OF \$524,295.00. B. FARACY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. J. KRICKHAHN OPPOSED. MOTION CARRIED.

- c. RECOMMENDATION TO AWARD HIGHWAY 83 WATER MAIN CONSTRUCTION MANAGEMENT SERVICES TO YAGGY COLBY IN THE AMOUNT OF \$69,960.00.

E. SADOWSKI MOTIONED TO MAKE A RECOMMENDATION TO AWARD HIGHWAY 83 WATER MAIN CONSTRUCTION MANAGEMENT SERVICES TO YAGGY COLBY IN THE AMOUNT OF \$69,960.00. B. FARACY SECONDED THE MOTION. S. HEADLEY ASKED IF THERE WAS A WAY TO TIE THIS PROJECT INTO THE LAKE STUDY THAT THE LAKE WELFARE COMMITTEE WILL BE DOING. M. CARLSON STATED THAT THE DOLLAR AMOUNT INCLUDED ON THE AGENDA IS FOR CONSTRUCTION MANAGEMENT SERVICES. A CHANGE ORDER COULD BE PROCESSED TO THIS CONTRACT THAT COULD COVER THE LAKE STUDY SCOPE OF SERVICES IF THIS WAS THE COUNCIL'S DESIRE. S. HEADLEY THOUGHT THAT THIS SHOULD BE CONSIDERED AT SOME POINT IN THE FUTURE. **THE ORIGINAL MOTION STOOD. FIVE WERE IN FAVOR. J. KRICKHAHN OPPOSED. MOTION CARRIED.**

- d. DISCUSSION REGARDING MUNICIPAL CODE SECTION 2.05, ORDER OF BUSINESS OF THE CITY COUNCIL.

S. Headley thanked all of the department heads and M. Czubkowski for meeting with him last week.

He referenced a letter sent to the Lake Country Reporter on December 29, 2005 by Jim Stewart. He read some passages from the letter. S. Headley is concerned that there are some factions in the community that feel they are not being heard or are not getting the information needed to get the best decisions when they voice an opinion. Although he did not agree with the two citizens who spoke this evening, he appreciated the fact that they came to the meeting, stated their opinion, and that they were interested enough and convicted enough to sit through the meeting to hear the resolution of their concern. S. Headley's goal in changing the format of Citizen Comments is to be able to have an open, frank, truthful, and fact-based discussion regarding city issues by everyone involved in the City of Delafield. He proposed the following regarding agenda items: 1) Have Citizen Comments before the specific agenda item; 2) Have a time limit of two minutes for the citizen making

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comments and a one minute time limit for the appropriate city official to respond, educate, inform or answer questions; 3) At the discretion of the Mayor, the discussion could be granted an additional one minute in conversation; 4) Time limits staying the same as in #2, also have a Citizen Comment section at the beginning of the meeting for things not on the agenda. S. Headley is trying to increase participation of the citizens of Delafield so that they feel they are not being constricted to come and talk about other issues. Mayor Craig stated that the open record and open meeting laws dictate a great deal of this in terms that discussion can't be held unless it has been noticed. J. Krickhahn stated that discussion would not be taking place during Citizen's Comments. Mayor Craig attended a session presented by an attorney who strongly recommended not doing this because if it did happen, it would be illegal. B. Faracy liked the idea of having citizens come up during the discussion of the actual agenda item. P. Schuman liked the idea of having a developer or someone else explain the situation or proposal before the citizen's comment on it. S. Headley suggested having the city attorney give his specific opinion on this. He felt it was important to give citizens the opportunity to come and state their opinion, ask a question, etc. Mayor Craig would also like Mr. Bucher to review this. General discussion took place on agenda formats in other communities. B. Faracy felt that it would be a more immediate experience if the citizen engaged in the dialog. M. DeYoe felt it would be advantageous to directly question some of the citizens for her own clarification. E. Sadowski agreed with S. Headley's comments. He reviewed past history and felt that this should be reviewed by the city attorney and Mr. Bucher. He would like to see more interaction. S. Headley stated that prior to E. McAleer's administration time limits were imposed. Citizens who are concerned should come prepared and be specific with their comments/questions. This will be further discussed at a future Common Council meeting.

8. ADMINISTRATOR'S REPORT

a. HARTLAND SPORTSMAN'S CLUB REQUEST TO EXTEND COMPLIANCE DEADLINE.

A certified letter was sent to the Hartland Sportman's Club in November 2005 stating that they had 60 days to gain compliance with the noise abatement shelter that was required in a conditional use permit. The Club started work immediately, but unfortunately did not complete the work. There is a small amount of fencing, restoration, and roofing to complete. M. Carlson recommended extending the deadline for the completion of the building (the noise abatement structure itself) for 30 days and until June 1, 2006 for all the landscaping and site restoration that needs to be completed.

E. SADOWSKI MOTIONED TO EXTEND THE DEADLINE FOR THE COMPLETION OF THE BUILDING (THE NOISE ABATEMENT

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STRUCTURE ITSELF) FOR 30 DAYS AND UNTIL JUNE 1, 2006 FOR ALL THE LANDSCAPING AND SITE RESTORATION THAT NEEDS TO BE COMPLETED. P. SCHUMAN SECONDED THE MOTION. IT WAS CLARIFIED THAT THE 30 DAY PERIOD WAS MUTUALLY DISCUSSED BETWEEN THE PARTIES AS AN ACHIEVABLE DATE. PHOTOS OF THE STRUCTURE WERE DISTRIBUTED TO THE COMMISSIONERS. THE STRUCTURE AND PHOTOS WERE EXPLAINED. A REPRESENTATIVE FROM THE HARTLAND SPORTSMAN'S CLUB STATED THAT THE BUILDING SHOULD BE DONE IN 30 DAYS AND IT SHOULD NOT BE A PROBLEM TO COMPLETE IN THIS TIME PERIOD. HE THANKED THE CITY FOR ITS PROFESSIONALISM. HE STATED THAT HE WAS IMPRESSED AND LOOKED FORWARD TO WORKING WITH THE CITY BECAUSE OF THE LEVEL IN WHICH IT WORKED. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

9. CLERK'S REPORT

a. ELECTION RESULTS

Turnout was at 12.2%, one of the higher turnouts in the County.

b. OTHER

- M. Czubkowski introduced Lyn Morrison who is running for the 6th Aldermanic District.
- Wednesday, January 18, 2006 – M. Czubkowski will attend a meeting of the State of Wisconsin Election Board in Brookfield
- There will not be a February primary.

10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

E. SADOWSKI MOTIONED TO APPROVE THE VOUCHER LIST. B. FARACY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. TREASURER'S REPORT - DECEMBER 2005

E. SADOWSKI MOTIONED TO APPROVE THE TREASURER'S REPORT - DECEMBER 2005. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

11. CORRESPONDENCE

None.

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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 UNION CONTRACTS).

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 AND PUBLIC WORKS UNION CONTRACTS). J. KRICKHAHN SECONDED THE MOTION. A ROLL CALL VOTE WAS TAKEN: J. KRICKHAHN, AYE; P. SCHUMAN, AYE; E. SADOWSKI, AYE; M. DE YOE, AYE; S. HEADLEY, AYE; B. FARACY, AYE. ALL WERE IN FAVOR. A FIVE MINUTE BREAK WAS TAKEN. THE MEETING ADJOURNED INTO CLOSED SESSION AT 8:50 P.M.

13. RECONVENE INTO OPEN SESSION

J. KRICKHAHN MOTIONED TO RECONVENE INTO OPEN SESSION. P. SCHUMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING RECONVENED INTO OPEN SESSION AT 9:22 P.M.

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

No action was taken.

15. ADJOURNMENT

E. SADOWSKI MOTIONED TO ADJOURN FROM THE MEETING. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTIION CARRIED. THE MEETING ADJOURNED AT 9:24 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC