

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.
Phil Schuman, Ald.
Erv Sadowski, Ald.
Michele DeYoe, Ald.
Steve Headley, Ald.
Brian Faracy, Ald.
Ron Miskelley, Ald.
Matt Carlson, Administrator
Marilyn Czubkowski, Clerk

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.

Without objection, Item 7b was moved to the front of the agenda.

1. APPROVE MINUTES OF MARCH 6, 2006 COMMON COUNCIL MEETINGS.

E. SADOWSKI MOTIONED TO APPROVE. B. FARACY SECONDED THE MOTION. HE COMMENTED ON THE LETTER TO THE CONGRESSMAN. IT WAS CLARIFIED THAT ONLY ONE LETTER WOULD BE SENT. M. CARLSON STATED THAT THE LETTER WAS CHANGED TO REFLECT THAT THE CITY COUNCIL VOTED UNANIMOUSLY TO AUTHORIZE THE MAYOR TO SEND THE LETTER. ALL WERE IN FAVOR. MOTION CARRIED.

2. CITIZEN'S COMMENTS FOR ITEMS NOT ON THE AGENDA (LIMITED TO TWO MINUTES PER CITIZEN)

Steve Headley – reminded the citizens who live in aldermanic district #5 of a mini-town hall meeting on March 29 from 7-9 p.m. at the Fish Hatchery. He is interested in meeting with the people who live in the community. The meeting will be open forum. He also stated that he went to New York with the choral group from Kettle Moraine High School and met many kids who live in the City of Delafield. He thanked the instructors for the opportunity presented to the high schoolers for their experience in New York.

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Mayor Craig asked three times if there were any citizens who wished to comment. There were none.

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

3. CONSENT AGENDA

P. SCHUMAN MOTIONED TO APPROVE THE ITEMS. R. MISKELLEY SECONDED THE MOTION. R. MISKELLEY ASKED TO REMOVE ITEM A. ALL WERE IN FAVOR OF APPROVING ITEM B, ORDINANCE 555. MOTION CARRIED.

- a. STAFF RECOMMENDATION TO AWARD THE CONSTRUCTION CONTRACT OF WELL #2 TO SAM'S WELL DRILLING, INC. IN THE AMOUNT OF \$182,395.00.

R. Miskelley asked M. Carlson to review. M. Carlson stated that the City received three bids from reputable companies. The lowest bidder was Sam's Well Drilling in the amount of \$182,395.00. Because of the way the agendas are set up and materials were sent out, the staff memo in the report indicated that the apparent low bidder was Sam's Well Drilling. Normally the City waits for the engineering company to give their formal recommendation. There was no adequate time to prepare the formal recommendation for the council packets. The formal recommendation was received Monday, March 20, 2006 and is consistent with the staff recommendation. Due diligence has been done. E. Sadowski discussed specific items in the bid and asked why there was such a wide variance on some items. M. Carlson explained that there are different cost estimators for these jobs. The engineers' estimate for the work was \$195,000. M. Carlson will provide the schedule for work in time for the next meeting. It is unknown as to when final DNR approval will be received.

E. SADOWSKI MOTIONED TO APPROVE SAM'S WELL DRILLING OF RANDOLPH IN THE AMOUNT OF \$182,395.00. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. J. KRICKHAHN OPPOSED. MOTION CARRIED.

- b. ORDINANCE 555 – AN ORDINANCE CONCERNING DELAFIELD-HARTLAND WATER POLLUTION CONTROL COMMISSION CONSISTENCY WITH HARTLAND ORDINANCES.

Approved. See above.

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4. COMMITTEE REPORTS

a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-Year Bartender Licenses

Nancy Lough, Waukesha; Ruggeri's

Michael A. Peters, Waukesha; Applebee's

R. MISKELLEY MOTIONED TO APPROVE THE ABOVE LICENSES. B. FARACY SECONDED THE MOTION. M. CZUBKOWSKI STATED THAT SHE THOUGHT THAT THE RUGGERI LICENSE WAS FOR THE RUGGERI IN DELAFIELD. ALL WERE IN FAVOR. MOTION CARRIED.

b. PLAN COMMISSION (MINUTES FROM FEBRUARY 22, 2006) (NEXT MEETING MARCH 29, 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 March 29, 2006. Zoning and master plan review will be on the agenda.

c. LAKE WELFARE COMMITTEE (MINUTES FROM MARCH 8, 2006) (NEXT MEETING APRIL 12, 2006)

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

They discussed the fertilizer ordinance. P. Schuman had a meeting on March 15, 2006 with T. Hafner and Foth & Van Dyke, the new consultants, and representatives from the DNR regarding the lake restoration and dredging. The next meeting will be held on April 12, 2006.

S. Headley stated that one of the suggestions that the Lake Welfare Committee provided in regards to banners was to have a permanent community sign in front of City Hall. B. Faracy suggested having signage on the bridge rails.

d. PARK AND RECREATION COMMISSION (MINUTES FROM FEBRUARY 27, 2006) (NEXT MEETING MARCH 27, 2006)

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

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The next meeting will be held March 27, 2006.

- e. PUBLIC WORKS (MINUTES FROM MARCH 1, 2006) (NEXT MEETING APRIL 5, 2006)
 - 1. RECOMMENDATION FOR THE SANCTUARY PROJECT, TRILLIUM DEVELOPMENT, **TAX KEY 797.979** TO HAVE ONE COMMUNITY WELL TO ACCOMMODATE 20 RESIDENTS. (STAFF REQUEST TO POSTPONE PENDING MEETING WITH DEVELOPER'S ATTORNEY)

This item was removed from the agenda.

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

The next meeting will be held April 5, 2006.

- f. DEL-HART COMMISSION (NEXT MEETING MARCH 21, 2006)
 - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The next meeting will be held March 21, 2006.

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

The Hazardous Waste Material collection will be held on June 17 from 8 a.m. – noon. Paint thinners, batteries, computers, etc. will be collected. Other locations for collection throughout the summer are listed on the City's website.

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

A going away party was held for A. Swayze on March 10. The application process is still open for the Fire Chief position.

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i. LIBRARY BOARD (MINUTES FROM MARCH 14, 2006) (NEXT MEETING APRIL 11, 2006)

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

J. Krickhahn attended the Act 150 session on March 16 at 7 p.m. Regarding Section 12, he stated that this section means that if the City pursues a building (whether build or lease) and they decide that it is against the better judgment of that committee, they would not buy the books from the library. If things were kept as is, they would purchase the books if they chose not to use the Delafield Library when consolidating. This would be contingent upon approval by the County Board and cooperating trustees. Another meeting will be scheduled for March 30, 2006 at the Waukesha Public Library from 5-7 p.m. M. DeYoe recommended that as many alderpersons as possible attend that meeting. The time, place, and time will be confirmed. The make-up of the Act 150 board was discussed. The next City of Delafield Library Board meeting will be held April 11, 2006 at 7 p.m.

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 is scheduled. The meeting for people interested in getting more in-depth information on the RFPs on space needs will be held on March 29, 2006.

k. BOARD OF ZONING (MINUTES FROM FEBRUARY 23, 2006) (NEXT MEETING MARCH 23, 2006)

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

Two cases were heard on February 23, 2006, 3317 Lake Drive, Mark Nelson - a variance was granted pertaining to interior side yard setbacks for an addition to an existing house; 1552 Milwaukee Street, Dan Costigan - a variance was granted for an addition to a garage.

5. OLD BUSINESS

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- a. ORDINANCE 556 – AN ORDINANCE CREATING A NEW CHAPTER 11 SECTION 11.10 THE CITY OF DELAFIELD MUNICIPAL CODE “REGULATION OF THE APPLICATION AND USE OF FERTILIZERS”

The following citizens spoke:

Gary Oberfoell, N20W25080 Bluemound, Pewaukee – He gave a presentation regarding phosphorous. The soil types in different areas are different. In this area, there is a lot of phosphorous that is tightly bound to the clay particles and the phosphorous not available to the plant roots. The numbers depicted on fertilizer bags were explained. Healthy soil is important since it acts like a sponge to reduce erosion. He was strongly against this ordinance and did not think that it would give the lake the desired effect. P. Schuman stated that there were exceptions to the ordinance: newly seeded or newly sodded yards in the first growing season or a test performed by a lab of the soil within the past three years that shows a lack of phosphorous. S. Headley stated that tests have indicated that phosphorous is going into the lake. G. Oberfoell stated that lawns that are poorly maintained could have erosion with the clay particles going into the lake – thus the phosphorous attached to the clay would get into the lake.

Douglas Ketz, 3172N13090 Division Road, Germantown – He reviewed his qualifications. He requested that this be further investigated. Many studies have indicated that fertilizer is not the source phosphorous. The actual source needs to be considered. He addressed the soils. A small percentage of phosphorous is needed for plant health and growth. Impervious surfaces, goose droppings, etc. all contribute to the phosphorous problem. Identification of the source must be determined. Poor soil quality allows run-off. Consideration should be given to healthy lawns to reduce run-off. He stated that he is an environmentalist. He asked for a 3% allowable limit for phosphorous. Discussion took place on the exceptions in the proposed ordinance and the soil conditions present.

Ralph Gerber, 3707 Campbell Trace – Operates a wholesale perennial nursery and is a resident of the City of Delafield. He discussed his background and experience. He has no vested interest in his profession or business in regards to this ordinance. He expressed concern that it is not the answer to the problem, but merely “feels good” to enact the ordinance. The real problems and sources of phosphorous are organic leaching (fallen leaves, goose droppings). He did not feel that the banning of phosphorous fertilizers would not make an impact. It is an unnecessary ordinance. S. Headley stated that the City was trying to be proactive in the protection of the lake and to start a process, small steps are necessary.

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Brian Swingle, Executive Director of the Wisconsin Green Industry Federation, 12342 W. Layton Avenue, Greenfield – He reviewed his background. Hand-outs were distributed. He stated that no lawn fertilizer should be applied when the ground is frozen or when conditions exist that promote or create run-off. He questioned how to enforce “when conditions exist that promote run-off”. He discussed interpretations of ordinances. S. Headley stated that exceptions and options were presented and testing could take place. B. Swingle referenced two documents that were discussed dealing with soil testing. Soil tests are geared for crop yield, not grass quality – soil tests are not the answer. By using a 3% maintenance fertilizer you would be returning back to the plant what it can utilize. No matter what the phosphorous level is in the soil, plant availability is limited usually by 1/100 of 1% (the available phosphorous that can be taken up by the plant). By adding very small amounts with each application of additional phosphorous, you give that plant some additional phosphorous that is immediately available before it gets tied up by the soil particle. He discussed phosphorous in the lakes – there is extreme urban run-off from hard surfaces. Increased street sweeping would help this problem. Fertilizer run-off from lawns is not supported by data. Surfaces should be swept following an application. He stated that the ordinances were not based on fact or science and will not help improve the quality of the lake. They were concerned that they might see a diminished quality of the lakes because people may begin to think that fertilizing is bad. Turf should be fertilized to promote optimal health. The standards were discussed. S. Headley asked what better steps could be taken to protect the lake. He invited B. Swingle to the next LWC meeting on April 12, 2006 at 6 p.m. E. Sadowski asked if a change were made to the ordinance, what percentage would be recommended. B. Swingle stated that 3% is a percentage that they have recommended as an industry to a number of cities and municipalities because it is maintenance and it does help prevent over-application of products.

B. Faracy stated that although he appreciated the attempt to protect the lake, what was being considered is unenforceable, and everything he heard tonight says it won't make a difference. He questioned why something should be passed that won't make a difference. M. DeYoe supported his comments and stated that this ordinance should not be passed the way it is – more information is needed. She didn't believe that the watershed in her area contributes to the run-off in the lake. She would not support the ordinance as written. R. Miskelley agreed. This is unenforceable, there was no discernable benefit, it will not reduce the amount of phosphorous going into the lake, phosphorous is needed for good turf grow. He could not support the ordinance; it could be doing more damage than good. E. Sadowski agreed with the other alderpersons. P. Schuman asked that an analysis of the biosolids from Del-Hart be done. S. Headley thought that the four individuals made very good point, but he would vote for the ordinance – months have been

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spent by the LWC analyzing the situation, making recommendations to the Common Council. They are trying to take a small step to address an issue that is negatively affecting the lake. He asked how many times the issue needed to be debated until an action was taken. E. Sadowski stated that although it may be the right ordinance, he would like it to go back to the LWC to determine if it can be improved.

E. SADOWSKI MOTIONED TO SEND THIS BACK TO THE LWC FOR FURTHER STUDY AND DISCUSSION. R. MISKELLEY SECONDED THE MOTION. J. KRICKHAHN WAS CONCERNED ABOUT THE ORGANIC MATERIALS. PERHAPS THE USE OF ORGANIC MATERIALS SHOULD BE PROHIBITED AND PROMOTE THE USE OF MATERIALS WITH 3% OR LESS. E. SADOWSKI CALLED FOR THE VOTE. SIX WERE IN FAVOR. S. HEADLEY ABSTAINED. MOTION CARRIED.

M. Carlson suggested contacting the retailers who sell these materials to post an informational notice regarding sweeping after application, not to apply when the ground is frozen, etc. to give people direction on how to use the product properly. M. DeYoe also suggested posting the information on the website.

6. MAYOR'S REPORT**a. ARBOR DAY 2006 PROCLAMATION - APRIL 28, 2006**

Mayor Craig read the proclamation. This concept started in 1872. Delafield is a Tree City and has been recognized as such for nine years. Mayor Craig proclaimed April 28, 2006 as Arbor Day. He urged all citizens to support the efforts to take care of the trees, woodlands, and to support the City's community forestry program.

E. Sadowski has been working with Waukesha Conservancy and with M. Carlson. They are hoping to get an annual contribution from the Lions for trees in "Frog Hollow" (Ruff's Preserve). More information will be forthcoming.

7. NEW BUSINESS**a. BID PROPOSAL FOR NE QUADRANT TRAFFIC STUDY ANALYSIS**

M. Carlson stated that one of the topics that received a lot of discussion was the impact of traffic in the northeastern quadrant of Delafield. Additional analysis of the traffic patterns and levels of service at the proposed intersections for new roadways is needed to give the Plan Commission and City Council better information on where the roadway connections should be made. The City Engineer has been asked to provide a proposal to complete the traffic analysis, provide alternates,

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and view different traffic patterns in northeast Delafield. This is recommended for approval in the amount of \$6,300.

J. KRICKHAHN MOTIONED TO APPROVE. R. MISKELLEY SECONDED THE MOTION. IT WAS CLARIFIED THAT THIS WOULD COME OUT OF THE PLANNING BUDGET (A NORMAL LINE ITEM IN THE CITY'S PLANNING BUDGET). IT WAS THOUGHT THAT TWO MORE MEETINGS WOULD NEED TO TAKE PLACE WITH THE NORTHEAST PLANNING GROUP BEFORE IT WOULD COME BACK TO THE PLAN COMMISSION FOR FURTHER DISCUSSION. IT WILL TAKE 3-4 WEEKS TO PUT THE ANALYSIS AND REPORT TOGETHER. ALL WERE IN FAVOR. MOTION CARRIED.

- b. RENEWAL OF INTER-INSTITUTIONAL TRANSPORTATION AGREEMENT BETWEEN THE CITY OF DELAFIELD AND OCONOMOWOC MEMORIAL HOSPITAL

This item was moved to the beginning of the agenda without objection. Mr. Robertson, representing the Oconomowoc Memorial Hospital was present at the meeting. Mayor Craig presented Mr. Robertson with an award in commemoration of the inter-facility program.

M. Carlson stated that the City of Delafield and Oconomowoc Memorial Hospital (OMH) entered into an Agreement to provide transportation services from OMH hospital to other hospitals in the region. The agreement will expire the first week of April. There are three major differences between the old agreement and the new agreement. The new agreement calls for a 12% increase in the fixed fee for compensation, the agreement has an automatic rollover (an Evergreen provision) so that at the end of each year the Agreement automatically renews, and the termination period goes from 30 days to 180 days. The program is functioning very well.

E. SADOWSKI MOTIONED TO APPROVE THE RENEWAL OF THE INTER-INSTITUTIONAL TRANSPORTATION AGREEMENT. B. FARACY SECONDED THE MOTION. MR. ROBERTSON STATED THAT THE PROGRAM HAS WORKED VERY WELL FROM OMH'S SIDE. THEY WOULD LIKE A LONG LASTING RELATIONSHIP. IT WAS CLARIFIED THAT WHEN MULTIPLE CALLS TAKE PLACE, OMH WILL BE NOTIFIED, THE PATIENTS IN DELAFIELD COME FIRST AND THE HOSPITAL UNDERSTANDS AND RECOGNIZES THIS. ALL WERE IN FAVOR. MOTION CARRIED.

- 8. ADMINISTRATOR'S REPORT

- a. DELAFIELD BOARDS, COMMITTEES AND COMMISSIONS MEETING - SATURDAY, APRIL 29, 2006

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This meeting will cover the open meetings act, the open records act, and will provide orientation for all of the boards and commissions. Attorney Sewell will coordinate the majority of the presentation. The meeting would take place on Saturday, April 29, 2006 with refreshments at 8 a.m. and the program beginning at 8:30 a.m. The location will be announced at a later date.

b. MERTON-SUSSEX PARAMEDIC INTERCEPT UPDATE

The Village of Sussex agreed unanimously to start the program. As soon as Delafield hears from the State Licensing Bureau that Sussex has been added to Delafield's service territory, Delafield will begin servicing that area.

9. CLERK'S REPORT

a. PUBLIC HEARING NOTICE FOR MISSION PROPERTIES, LLC C/O SIEPMANN REALTY CORP.

This will be for rezoning and conditional use, planned unit development hearing for "Mission Prairies".

b. CONFIRMATION OF FUTURE MEETING DATES.

M. Czubkowski reviewed the meetings from April – May 24. Quorums are needed for these meetings. The information was provided in the Commissioner's packets.

c. ELECTION INFORMATION

The website and newsletter has information on the April 4, 2006 election. Polls are open from 7 a.m. – 8 p.m. and are handicapped accessible.

d. 2006 NEW MUNICIPAL OFFICIALS WORKSHOP INFORMATION AND REGIONAL DINNER MEETINGS.

M. Czubkowski strongly encouraged all new members that have not yet attended to plan on attending. This is also a good opportunity for review.

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10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

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

b. TREASURER'S REPORT – FEBRUARY 2006

J. KRICKHAHN MOTIONED TO APPROVE. P. SCHUMAN SECONDED THE MOTION. 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 DEPARTMENT OF PUBLIC WORKS 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. R. MISKELLEY 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; R. MISKELLEY, AYE. MOTION CARRIED. A FIVE MINUTE BREAK WAS TAKEN. CLOSED SESSION WAS ENTERED INTO AT 9:00 P.M.

13. RECONVENE INTO OPEN SESSION

E. SADOWSKI MOTIONED TO RECONVENE INTO OPEN SESSION AT 9:21 P.M. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. OPEN SESSION WAS RECONVENED AT 9:21 P.M.

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

No action took place.

15. ADJOURNMENT

March 20, 2006

7:00 PM

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E. SADOWSKI MOTIONED TO ADJOURN FROM THE MEETING. B. FARACY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 9:22 P.M.

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC
City Clerk/Treasurer

Accurate Business Communications LLC