

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CALL MEETING TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Mayor Phil Schuman  
Jeff Krickhahn, Ald.  
Beth Leonard, Ald.  
Erv Sadowski, Ald.  
Michele DeYoe, Ald.  
Steve Headley, Ald.  
Lynn Morrison, Ald.  
Ron Miskelley, Ald.  
Matt Carlson, Administrator  
Marilyn Czubkowski, Clerk

Absent

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 JULY 3, 2006 COMMON COUNCIL MEETING.

**J. KRICKHAHN MOTIONED TO APPROVE THE MINUTES OF THE JULY 3, 2006 MEETING. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

2. CITIZEN'S COMMENTS FOR ITEMS BOTH ON AND NOT ON THE AGENDA

Marty Wiley, 493 Lillian Court – Stated that CARE (Conserving a Rural Environment for Lake Country) has been active in its opposition to the Lang/Lauth development and is loudly and clearly saying that this development should not be built here. CARE has been very visible and is now creating a door-to-door poll. The constituents do not want Bob Lang to develop the area in question beyond the present zoning. Less than ten percent the population that they have reached did not sign the petition. She discussed the small percentage of the population who are in favor of the development. The alderpersons were requested to survey the citizens in their area and those who elected them to find out their feelings on this development. The petition results will be presented in the future. She asked that Mr. Lang not control the City.

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Brad Hoffman, 498 Lillian Court – Expressed concern and objection to amending Chapter 17.42 of the Municipal Code of the City of Delafield. He commented on the steps in the flowchart that accompanied the agenda. He felt that the proposed amendment potentially invokes a longer six step process in the event that the Common Council rejects the Plan Commission's recommendation. No data has been provided that quantifies the anticipated impact on the number of cases that would be affected. This information would be useful to understand if the proposed amendment affects only a few isolated cases or if it would be beneficial across a broader spectrum. He addressed and asked several questions regarding the case involving the gas station change request for door to a window and how the proposed amendment would have affected it. He felt that it would seem prudent to maintain a process whereby plans should be carefully scrutinized and if changes are deemed necessary after being submitted, property owners will do the necessary cost/benefit analysis before requesting the change or changes. The most conservative approach would be to maintain the current five step process. The members of the Common Council were strongly encouraged to vote down Ordinance 560.

Jackie Chapman, 924 Nagawicka Street – Addressed the Amending Chapter 17.545 of the Municipal Code, City of Delafield. She encouraged the Council for the addition that has been made (the last portion) which concerns parking commercial vehicles in a residential district. She asked that the Council adopt this. Her lot is 50' wide and the house next to her is 50' wide and she has a big, ugly commercial vehicle that is parked next to her.

Lynda Holton, 485 Lillian Court – A summarization of her objection to Ordinance 560, Addition to the Zoning Code was provided and reviewed. She asked that answers be obtained, options be explored, and to give this decision the time it needs to be considered before a vote is taken. An additional attachment was a copy of an email. She felt that the text of the email appeared to be a personal conclusion rather than a legal analysis of the code's original intent. It also did not state that Ordinance 560 was suggested as a solution.

Steve Headley – Apologized to the City Administrator, the City Clerk, and Alderman Miskelley regarding Bostrom Park and his participation in the issue regarding the port-a-potty.

Mayor Schuman asked three times if there were any other citizens who wished to speak. There were none.

**E. SADOWSKI MOTIONED TO CLOSE CITIZENS' COMMENTS. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

3. CONSENT AGENDA

Mayor Schuman congratulated the City of Delafield Public Works Department for getting a perfect score on a compliance maintenance annual report.

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**E. SADOWSKI MOTIONED TO APPROVE ITEMS B & C ON THE CONSENT AGENDA. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. RECOMMENDATION TO APPROVE THE CONDITIONAL USE PERMIT FOR PARQUELYNN VILLAGE

It was noted that Parquelynn Village asked to remove this item from the agenda.

- b. RESOLUTION 2006-13 ACKNOWLEDGING THE COMMON COUNCIL'S REVIEW OF THE CITY OF DELAFIELD SANITARY SEWER UTILITY'S COMPLIANCE MAINTENANCE ANNUAL REPORT FOR CALENDAR YEAR 2005

Approved.

- c. STAFF RECOMMENDATION TO TERMINATE THE STORMWATER MAINTENANCE AGREEMENT FOR THE SHOPPES AT NAGAWAUKEE

Approved.

4. COMMITTEE REPORTS

- a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

**Two-Year bartender licenses**

Mary C. Reuteman, Waukesha; Delafield Brewhaus

Paul L. Tessmann, Oconomowoc; Water Street Brewery

**J. KRICKHAHN MOTIONED TO APPROVE. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- b. PLAN COMMISSION (NEXT MEETING JULY 26, 2006)

1. RECOMMENDATION TO DENY CONDITIONAL USE PERMIT FOR LOT 3 & 4 , CUSHING PARK BUSINESS CENTER FOR A PROPOSED STORAGE FACILITY, **TAX KEY 794.015 AND 794.016.**

M. Carlson reviewed the process on a denial from the Plan Commission to the Council. There are three options that the Common Council can take: accept the Plan Commission's recommendation, reject the Plan Commission's recommendation, or refer the item back to the Plan Commission with direction.

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Robert Buchta from Oliver Construction Company was present at the meeting. A packet of information was distributed to the Council and reviewed. They would like a conditional use on lots 3 and 4 to allow storage on the premise. They would like to combine the lots to accommodate approximately 200-300 self storage units. Building materials, security, and traffic were addressed. E. Sadowski stated that from what he has seen at a storage facility in Nashotah, the traffic impact is minimal. M. DeYoe stated that she rarely sees vehicles coming in and out from the existing buildings. Many of her neighbors do not have an issue with this. This is an industrial park. She felt that this would be a good use of vacant land. This proposed facility has many more security features than the storage facility that she has her belongings stored in. E. Sadowski felt that this was a good use of land. M. DeYoe did not think this was a heavily used area and did not believe that this proposal would add to the traffic so significantly for it to become a problem on the road. It was clarified with R. Buchta that he was prepared to follow through with the requirement of no metal siding and that the building would be all masonry.

**E. SADOWSKI MOTIONED TO GRANT THE CONDITIONAL USE AS RECOMMENDED BY THE CITY PLANNER. M. DE YOE SECONDED THE MOTION. J. KRICKHAHN MADE A FRIENDLY AMENDMENT TO MAKE SURE THAT IT IS UNDERSTOOD THAT ALL BUILDINGS SHALL BE MASONRY. E. SADOWSKI AND M. DE YOE ACCEPTED THE FRIENDLY AMENDMENT. IT WAS ALSO SUGGESTED TO INCLUDE IN THE MOTION THAT THERE BE A CODED SECURITY GATE, SECURITY ARCHITECTURAL FENCING, AND SECURITY CAMERAS, THE PHOTO ID'S FOR LEASING, STAFFED ON-SITE MANAGEMENT, AND LIMITED HOURS OF OPERATION. E. SADOWSKI AND M. DE YOE ACCEPTED THESE INCLUSIONS. J. KRICKHAHN COMMENTED THAT HE IS NOT EASY OVERRULING SOMETHING THAT THE PLAN COMMISSION HAS DENIED. ALL WERE IN FAVOR. MOTION CARRIED.**

Jerry Lyons, Developer of the Park – He appreciated the consideration given and thought that the use would be great for Delafield.

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

M. Carlson stated that no information has been received from the Lang/Lauth Group, but part of the work that was required prior to scheduling a public hearing was the completion of a fiscal impact analysis; he did not believe that this fiscal impact analysis would

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be done before the 30 day requirement to schedule a public hearing. The public hearing date will need to be rescheduled based on when they submit the materials. Mayor Schuman stated that at this point there is no proposal from that group before the City, Plan Commission or Common Council. R. Miskelley asked for the citizens to understand that the Common Council does not have the right to make a public comment on something that has not been brought before the Council for a vote. E. Sadowski agreed and said that the nature of the Council is to react, not to initiate. There is nothing to react to.

The 11 p.m. curfew will be discussed at the next Plan Commission meeting. The Plan Commission members will discuss whether they would want to have an additional meeting each month (if necessary) or go beyond the 11 p.m. time.

c. LAKE WELFARE COMMITTEE (MINUTES OF JULY 12, 2006) (NEXT MEETING AUGUST 9, 2006)

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

S. Headley reported that K. Attwell and D. Tills will lead a subcommittee to come up with ideas for funding the lake restoration/dredging project. Individuals who have expressed interest will be contacted. A referendum may be needed after it is learned what the DNR will permit in a permanent application. The project is presently estimated to cost between \$3 million and \$3.7 million depending on the final outcome from the DNR.

d. PARK AND RECREATION COMMISSION (NEXT MEETING JULY 31, 2006)

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

The next meeting will be held July 31, 2006. S. Headley requested a sign for hours for Bostrom Park.

e. PUBLIC WORKS (MINUTES OF JULY 5, 2006) (NEXT MEETING AUGUST 2, 2006)

1. AWARD OF CONSTRUCTION CONTRACT FOR THE VILLAGE SQUARE SANITARY SEWER EXTENSION/DEKOVEN AVENUE STORM SEWER PROJECT TO GLOBE CONTRACTORS IN THE AMOUNT OF \$629,130.

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B. Leonard had requested as a Public Works Committee member that when there are bid tabulations that the estimates be shown in line with the tabulations and that more specifics are given. The Alderpersons were provided with spreadsheets. T. Hafner clarified that the amount of \$629,130 included both pieces of work.

**E. SADOWSKI MOTIONED TO APPROVE THE DEPARTMENT OF PUBLIC WORKS AWARD FOR THE CONSTRUCTION CONTRACT FOR VILLAGE SQUARE SANITARY SEWER EXTENSION/DEKOVEN IN THE AMOUNT OF \$629,130. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. SIX WERE IN FAVOR. B. LEONARD OPPOSED. MOTION CARRIED.**

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

Discussion took place on the downtown entrance sign on the north end of Genesee Street. The County will not permit that type of signage in the median. Consideration of a by-pass or left turn lane by Exeter Street took place and will be reflected in the 2007 budget. Since the sign could not be placed in the median, the feedback from staff was not to proceed if the sign was not in the median. M. Carlson stated that discussions have taken place with the County in regards to transferring jurisdiction from the County to the City of Delafield. They had jurisdiction from Main Street in downtown Delafield through the north of town. The deal made with them was that the City would accept jurisdiction from Main Street just to the south approach of the bridge. Discussions took place about taking over jurisdiction further up north and that the County was going to pave the street for the City, but these discussions did not go anywhere because the County's perspective was that if they were going to transfer jurisdiction of Genesee Street north of that approach, that the City of Delafield would need to take the bridge too. The City, at that time, felt that it was too expensive for the City to assume the liability of replacing the bridge long term.

The sanitary sewer connection ordinance was discussed at the Plan Commission. The City's requirements compared to the County's requirements in terms of septic system inspection were discussed. Staff will determine the County requirements and see how the City's ordinance compares. Other community's requirements will also be investigated. There was some confusion on the wording in regards to the ten year hook-up requirements;

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this will be researched by T. Hafner and he will report at the next meeting.

A review of the streetscape improvements for Milwaukee Street took place. The design would be an extension of the Genesee Street streetscaping.

Construction and stormwater management plans for the Mission Prairie Subdivision were reviewed. The road width will be 24'.

A review of the 2007-2011 capital improvements plan took place.

The request for removing a stop sign on Birch Road was withdrawn by the owner who initiated it.

- f. DEL-HART COMMISSION (NEXT MEETING AUGUST 15, 2006)
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

The next meeting will be held on July 18, 2006.

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

E. Sadowski stated that he would resign as a commissioner on the Police & Fire Commission effective immediately due to time restraints. Mayor Schuman will be contacting members of the Council to ascertain a replacement.

- h. LIBRARY BOARD (MINUTES OF JULY 11, 2006) (NEXT MEETING AUGUST 8, 2006)
  - 1. REPORT ON DISCUSSION AND ACTION TAKEN AT PREVIOUS MEETINGS, FUTURE AGENDA ITEMS AND UPCOMING SCHEDULED MEETINGS.

A security system will be purchased for the books. This will be a large undertaking. This system will be portable if the library relocates.

The library participated in Delafield Days. J. Krickhahn thanked the Mayor and Alderpersons who participated in the dunk tank.

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This is televised on Channel 25 at 4 and 7 p.m. and times will also be listed on the City's website.

The Friends of the Library were thanked. M. DeYoe additionally thanked Mayor Schuman, Alderman E. Sadowski, Alderman S. Headley, Former Mayor Craig, Alderman J. Krickhahn, Carol Krickhahn, M. Carlson and his family, members of the library, T. Hafner and Staff, Police Officer Katie, and Paramedics.

i. FINANCE ADVISORY BOARD (MINUTES OF JULY 11, 2006) (NEXT MEETING TBA)

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

L. Morrison reported that in addition to the closed session, they took a look at the mid-year budget review. As a result, they will be able to eliminate the Finance Advisory Board quarterly meeting that was scheduled for July 19, 2006.

j. BOARD OF ZONING

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

M. Czubkowski stated that there are no scheduled meetings.

k. PROMOTIONAL AND TOURISM COMMITTEE (MINUTES OF JUNE 6, 2006) (NEXT MEETING AUGUST 1, 2006)

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

S. Headley reported that a meeting will be held next Thursday night at Hawk's Inn to set a mission statement, goals, and prepare the proposed budget for the upcoming fiscal year. A rough draft of the Tourism brochure will be sent to M. Czubkowski in the next day or two for review. The goal is to get this brochure out by September.

5. OLD BUSINESS

a. ORDINANCE 560 – AMENDING CHAPTER 17.42 OF THE MUNICIPAL CODE RELATING TO CONDITIONAL USE REVIEW, DETERMINATION, APPROVAL, AND AMENDMENT.

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M. Carlson put together a flow chart outlining the processes. A Notification Requirement was included and requires that properties within 300' of the property requesting the conditional use amendment be notified. The amendment process does not cover original conditional uses. If it is a new conditional use, it goes through the process of Plan Staff meetings, a public hearing before the Plan Commission after preliminary consideration, Plan Commission recommendation, and then the City Council final approval. If a minor change is requested, this Ordinance would allow the Plan Commission to determine whether or not that change is minor and if it is minor, they can make that recommendation to the City Council. If the City Council agrees, then the issue is approved as a minor amendment. The Plan Commission would make the determination of major or minor on a case-by-case basis. L. Morrison stated that she is comfortable with this Ordinance now because there is the opportunity under Citizens' Comments for citizens to speak on whatever they want. In regards to the 300' notification, B. Leonard stated that the City will notify owners of 300' whenever a change revision or addition is proposed for a conditional use. M. Carlson stated that the major/minor determination process already exists for residential. This Ordinance would create the opportunity for commercial conditional uses. M. DeYoe thanked the City Staff for providing the additional information. She felt that there were a number of levels and layers that any type of change must go through. She was comfortable that the Common Council has a final say on this. She asked that those who are concerned about this to let their alderpersons know how they feel and to trust the alderpersons in their judgment.

**S. HEADLEY MOTIONED TO APPROVE ORDINANCE 560. L. MORRISON SECONDED THE MOTION. E. SADOWSKI STATED THAT HE WAS NOT PRESENT WHEN THIS WAS PROPOSED ON JULY 3 AND ASKED IF THE MAYOR WAS COMFORTABLE WITH THE MOTION. MAYOR SCHUMAN CLARIFIED THAT HE WAS. FIVE WERE IN FAVOR. B. LEONARD OPPOSED. E. SADOWSKI ABSTAINED. MOTION CARRIED.**

6. MAYOR'S REPORT

- a. PROCLAMATION RECOGNIZING NAGAWICKA LAKE YACHT CLUB AS HOST TO THE CENTENNIAL OF C-SCROW RACING, JULY 20 - 23, 2006.

Mayor Schuman read the proclamation.

- b. OTHER

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E. Marek sent Mayor Schuman an email submitting his resignation from the Public Works Committee. Any citizens interested in this position, should notify Mayor Schuman.

An editorial from the Journal-Sentinel regarding water issues in the area was included in the Commissioner's packets.

Met with the Town of Summit Chairperson, Len Susa.

7. NEW BUSINESS

- a. CONSTRUCTION SERVICES ENGINEERING CONTRACT FOR THE WELL HOUSE #2 AND RESERVOIR CONSTRUCTION TO YAGGY COLBY ASSOCIATES IN THE AMOUNT OF \$116,720.

It was recommended that the City Council award the contract to Yaggy Colby Associates in the amount not to exceed \$116,720.

Mayor Schuman stated that this was part of the multi-million project that was approved in two steps back in February to solve the radium issue. B. Leonard asked if this was something that Public Works had already reviewed this and also if this is considered to be under way. T. Hafner stated that this issue was not taken to Public Works and the project is well under way. The water main is completely installed and the well is in place. The construction services are more expanded with the reservoir and the increased equipment for booster pumping that the DNR required. M. Carlson stated that a contract is ready to construct the well house and reservoir and the construction firm must be on board before it can proceed. It is hoped to schedule a preconstruction meeting either later this week or early next week in order to meet the time commitments with the DNR. M. Carlson reviewed the history for construction services and referenced a proposal by Earthtech which he felt was over what the City believed to be a reasonable dollar amount for the services both in terms of their average hourly rate and the number of hours that they were dedicating to the work. Yaggy Colby was then requested to submit a proposal. That proposal came in about \$27,000 less than the Earthtech proposal to do the same work.

**R. MISKELLEY MOTIONED TO ACCEPT THE YAGGY COLBY BID IN THE AMOUNT OF \$116,720 FOR THE CONSTRUCTION OF WELL HOUSE #2 AND THE RESERVOIR CONSTRUCTION AS PART OF THIS BID PROCESS. E. SADOWSKI SECONDED THE MOTION. B. LEONARD STATED THAT THE NET DECREASE FROM EARTHTECH'S PROPOSAL WAS \$9,000 RATHER THAN \$27,000 AND ASKED WHY. M. CARLSON STATED THAT THEY HAVE DONE SOME ADDITIONAL WORK AND A FINAL NEGOTIATED SETTLEMENT WILL BE PROVIDED TO EARTHTECH. THE RESULT OF THAT WORK SHOULD REFLECT ABOUT A \$9,000 DECREASE IN THE CONTRACT THAT THE CITY HAS**

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EXISTING WITH EARTHTECH. WHEN PROPOSALS WERE REQUESTED FOR THE CONSTRUCTION SUPERVISION SERVICES, EARTHTECH'S PRICES CAME IN \$27,000 HIGHER THAN THE CONTRACT THAT IS BEING RECOMMENDED TONIGHT. IT WAS EXPLAINED THAT TIME IS OF THE ESSENCE AND NOT ALL CONSULTING CONTRACTS GO BEFORE THE PUBLIC WORKS COMMITTEE. THE PUBLIC WORKS COMMITTEE IS MORE RELIED UPON FOR TECHNICAL EXPERTISE. THE PUBLIC WORKS COMMITTEE APPROVED THE BIG PROJECT, BUT HAS NOT REVIEWED EACH INDIVIDUAL CONTRACT. E. SADOWSKI WAS VERY COMFORTABLE AWARDING THIS TO YAGGY COLBY. **FIVE WERE IN FAVOR. J. KRICKHAHN AND B. LEONARD OPPOSED. MOTION CARRIED.**

- b. AWARD OF DESIGN AND CONSTRUCTION SERVICES ENGINEERING CONTRACT FOR THE FISH HATCHERY DAM REHABILITATION AND ST. JOHN'S PARK BOAT DOCK/FISHING PIER TO GRAEF, ANHALT, SCHLOEMER & ASSOCIATES IN THE AMOUNT OF \$163,722.

RFP's were sent out for the design and construction services for the Fish Hatchery Dam Rehabilitation and the St. John's park boat dock. This was budgeted for in this year's budget. This proposal comes in under budget. One bid was received out of eight requests sent. The piece of work budgeted for in 2006 was about \$121,000 and the budget for that work with Graef, Anhalt, Schloemer & Associates was \$110,304. The remaining dollar amount is for construction supervision services that would occur in 2007. By awarding this contract you would be awarding a contract for design services in 2006 (budgeted for) and construction supervision services in 2007 which will need to be included as part of the project cost. R. Miskelley referenced page two of T. Hafner's email where he stated the City was not sure what was being designed nor what was approved. T. Hafner explained that back in 2002 the City first included the concept of "combination boat dock/fishing pier". There was a 1993 concept plan drawn up that showed a fairly large dock, gazebo, etc. Now there are contrasts as to what different committees are envisioning this facility to be. Some think it should be a boat dock, some a fishing pier. Almost all agree that one facility cannot serve both purposes. He stated that in 2002 \$120,000 was approved for a boat dock/fishing pier combination; more recently Park & Rec lowered that amount to \$12,000 and listed it as only a fishing pier. E. Sadowski stated that as a member of the Park & Rec Commission, a boat dock has been discussed and Park & Rec is okay with that. It was going to be a combination, but if the funding is going to come with a boat dock and there is land that you can fish from, he thought that when this would be proposed to Park & Rec that the boat dock with the funding would get very serious consideration. He did not feel that negatives would come out of Park & Rec. Mayor Schuman stated that the major thing was to repair the dam. T. Hafner stated that the Council's approved budget includes the fishing pier. B. Leonard reviewed how it became a \$12,000 fishing pier and stated that

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at the time, there was not Council support for anything more. She felt that even with a 50% grant, the amount of taxpayer money that would need to be spent for a boat dock was too great when a \$12,000 pier could be done. Mayor Schuman stated that Park & Rec, Lake Welfare, and Public Works should get together to work something out. M. Carlson stated that a definition of the pier was not being asked for tonight. The design engineering contract is for the repairs to the dam and for the design of whatever the City would like in terms of a boat dock and/or fishing pier. A process must take place to define what is wanted. He suggested separating the two so that the dam repairs are not delayed. This would result in a reduction of \$20,200.

**E. SADOWSKI MOTIONED TO SEPARATE THE DAM AND THE FISHING PIER/BOAT DOCK AND TO APPROVE THE FISH HATCHERY DAM REHABILITATION. R. MISKELLEY MADE A FRIENDLY AMENDMENT TO THE MOTION TO NOT ONLY SEPARATE IT, BUT TO TAKE THE IDEA OF BOAT DOCK/FISHING PIER BACK TO THE LAKE WELFARE COMMITTEE, PARK & REC COMMITTEE, AND PUBLIC WORKS FOR THEIR RECOMMENDATION. THERE WAS NO FURTHER DISCUSSION. FIVE WERE IN FAVOR. J. KRICKHAHN AND S. HEADLEY OPPOSED. MOTION CARRIED.**

8. ADMINISTRATOR'S REPORT

a. ORDINANCE CLARIFYING DEFINITION OF COMMERCIAL VEHICLES.

M. Carlson reviewed the history on this issue. A complaint was filed against a neighbor who parked a panel truck in their driveway. Police issued a citation. The City's municipal judge agreed with the citation. The person who received the citation appealed it and asked for a jury trial. The trial was held and the person who had received the ticket prevailed in that case. The jury said that the ordinance on the books in Delafield was too vague and did not do enough to define what a commercial vehicle was. A draft ordinance has been developed that defines commercial vehicles in the zoning code. This ordinance has not yet been reviewed by the City Attorney or City Prosecutor. The Police Chief was of the opinion that this was included in the zoning code and thought it should be taken out of the zoning code. In order to change the zoning code a public hearing would have to be held in front of the Plan Commission. This is the first step to determine whether the Common Council wants to entertain clarifying the ordinance in terms of defining what a commercial is. L. Morrison stated that there are many panel vans parked in her neighborhood during the evening that individuals drive versus a second car. She felt that this was "dangerous territory". J. Krickhahn agreed. People drive these vehicles home at night to go on calls and the benefit is to use the truck. M. DeYoe referenced the size of the lots where the complaint originated from. However, she also has someone in her neighborhood who drives a very large vehicle that is

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driven as his source of livelihood and she did not know where it would be placed if he couldn't park it on his property. She was concerned that if the ordinance was enacted that people would be prevented from pursuing their livelihood. L. Morrison felt that more information was needed.

**E. SADOWSKI MOTIONED TO TABLE THIS ITEM. M. DE YOE SECONDED THE MOTION. IT WAS EXPLAINED THAT BY TABLING THE ITEM, IT WOULD HAVE TO BE PUT TO VOTE TO COME BACK OFF. M. DE YOE WITHDREW HER SECOND. E. SADOWSKI WITHDREW HIS MOTION.**

M. Carlson stated that the present language said that you cannot park commercial/industrial equipment in a residential neighborhood. The proposed ordinance tried to define what commercial/industrial equipment is. The alderpersons felt that more information was needed. It was clarified that the complaint was generated from an area that was zoned R3 (a residentially zoned district).

**E. SADOWSKI MOTIONED TO REFER THIS TO STAFF FOR MORE INFORMATION TO BE BROUGHT BACK AT A LATER DATE. M. DE YOE SECONDED THE MOTION. R. MISKELLEY SUGGESTED REFERRING THIS TO A COMMITTEE TO HAVE A PUBLIC HEARING. THE OTHER COMMISSIONERS DID NOT FEEL THIS WAS NECESSARY AT THIS TIME. M. CARLSON STATED THAT THE LEGISLATIVE INTENT WAS NOT TO OVERRIDE THE DEEDS, COVENANTS, AND RESTRICTIONS. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

b. OTHER

- Met with Chenequa staff required fire and EMS services to be provided in the region.
- Met with the Oconomowoc Lake Village President, Village Administrator, and Village Attorney regarding the Binkowski MLG Development.
- Worked on Bostrom Park Port-a-Potty issue

9. CLERK'S REPORT

a. PUBLIC HEARING NOTICE – 3N1, LLC, 232 MAIN STREET

The above public hearing will be held on July 26, 2006.

10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

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

- b. TREASURER'S REPORT – JUNE 2006

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

11. CORRESPONDENCE

- a. Certificate of No Objection to the Preliminary Plat for Valley Road Farms Addition 2 from Waukesha County Department of Parks and Land Use  
b. Letter from the Town of Richfield dated July 7, 2006 regarding a notice of petition for incorporation and notice of hearing.

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 (VILLAGE OF CHENEQUA CONTRACT REGARDING FIRE DISCUSSIONS) AND (CITY HALL SPACE NEEDS FINANCIAL PROPOSALS)

**13. 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 (VILLAGE OF CHENEQUA CONTRACT REGARDING FIRE DISCUSSIONS) AND (CITY HALL SPACE NEEDS FINANCIAL PROPOSALS). R. MISKELLEY SECONDED THE MOTION. B. LEONARD QUESTIONED IF CLOSED SESSION COULD BE FOR ONE ITEM BUT NOT THE OTHER. A ROLL CALL VOTE WAS TAKEN: J. KRICKHAHN, AYE; BETH LEONARD, AYE ON VILLAGE CHENEQUA, NAY ON CITY HALL SPACE NEEDS FINANCIAL PROPOSALS; ERV SADOWSKI, AYE; MICHELE DEYOE, AYE; STEVE HEADLEY, AYE; LYNN MORRISON, AYE; RON MISKELLEY, AYE. MOTION CARRIED. THE MEETING ADJOURNED INTO CLOSED SESSION AT 9:09 P.M.**

13. RECONVENE INTO OPEN SESSION

**R. MISKELLEY MOTIONED TO RECONVENE INTO OPEN SESSION AT 10:50 P.M. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING RECONVENED INTO OPEN SESSION AT 10:50 P.M.**

14. ACTION OF ITEMS DISCUSSED IN CLOSED SESSION

**CITY OF DELAFIELD COMMON COUNCIL MINUTES**

Mayor Schuman stated that there was a lengthy discussion on the City Hall space needs financial proposals. Several proposals were reviewed. It was felt that the location for any municipal centers should be in the old downtown area, that the police and fire building should be relocated near the DPW building which would probably need remodeling to bring it up to standards, and that the library/administrative building will be explored separately either in the existing location or other locations in the downtown area. The concept of leasing was looked at and in the City's interest; it was decided not to lease but to purchase. It was noted that construction costs continue to increase with the passing of time and decisions should be made quickly. Once decisions are made this will go to referendum.

15. ADJOURNMENT

**E. SADOWSKI MOTIONED TO ADJOURN FROM THE MEETING. R. MISKELLEY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 10:53 P.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC