

**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

Absent

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

Items listed under the Consent Agenda are considered in one motion unless a Common Council Member requests that an item be removed from the Consent Agenda.

1. APPROVE MINUTES OF AUGUST 7, 2006 COMMON COUNCIL MEETING.

**R. MISKELLEY MOTIONED TO APPROVE THE MINUTES OF THE AUGUST 7, 2006 MEETING. E. SADOWSKI 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

Prior to Citizen's Comments, Mayor Schuman stated that Item 5a was not an action item because there presently is not a representative from the Fifth District. There are two more council meetings at which this can be addressed if the Council wishes. This would also give the new Fifth District Representative time to get up to speed.

Tim Turnock, 304 Fieldstone – Stated that he has known G. MacDougall for 23 years. He is an upstanding, forward thinking person and has the education, ability, talent, desire, and time to run for the office of Alderperson. T. Turnock recommended G. MacDougall for consideration.

Jerry Holton, 485 Lillian Court – Discussed citizen involvement. He was disturbed by a comment made by Attorney Erwin at the August 7, 2006 Common Council meeting regarding "the opportunity to look at the wording of the referendum". He asked who gave him this opportunity. M. Carlson stated that he provided it upon request. J. Holton stated that citizens felt that the

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playing field was not level, but was tilted in favor of the developer through the threat of a lawsuit. The citizens of the city must be assured of due process; one that would be through an advisory referendum. He has studied the protest petition method; J. Holton sees many flaws with this option. He felt that the advisory referendum was the fairest method to obtain a cross-section of the citizens of Delafield at large. Rosemary Schmidt, Laura Shultz, and Caroline Coon then presented signatures compiled on CARE's door-to-door petition pertaining to their concern as citizens regarding this development. A total of 2,193 signatures were presented, of which over one-half are city residents.

Lisa Pendarvis, 307 White Pine – They moved to Delafield three years because of the atmosphere it had. Now, they feel like moving away. She discussed the attributes of Delafield that made them move here. She felt that the Lang/Lauth development would make them want to move. This is not what they want. She asked that the younger generation be considered before moving forward.

Bob Coon, 498 South Lapham Peak Road – Discussed the neighborhood meeting that was conducted by Bob Lang. He felt that Mr. Lang was indirectly insulting the City and its committees.

Mari Wiley, 493 Lillian Court – Asked when the citizens would be granted an advisory referendum and when they would be represented by those they have elected. She thanked the Alderpersons for their hard work. The Lang/Lauth development threatens the concept of Delafield. The citizens feel that their voice needs to be heard. She felt that their rights must not be ignored. She stated that the citizens do not want this development unless it fits the zoning.

Nicholas Sera, 199 Bauer Lane – Thought that this was a unique situation and that a referendum would be beneficial. He discussed the threat of a lawsuit and did not want the threat of a lawsuit to unduly influence the City. He requested that the decision rest on the wills of the people.

Linda Holton, 485 Lillian Court – A review of the requests made since May by Jerry Holton and others for which there has been a lack of response by the City took place. Mayor Schuman and M. DeYoe responded.

Jenny Polk, 1236 Mill Road – She just moved to Delafield last week. This is a quality of life issue. They moved here for the natural beauty of the area and the small town feel. She agreed that this is a wonderful place to raise children and has a very high quality of life. She hoped that the City would help preserve the quality of life.

M. Czubkowski stated that citizens should try to keep their comments to two minutes.

Brad Hoffmann, 498 Lillian Court – Pointed out the efforts of R. Miskelley regarding the concerns of a citizen on Vettelson Road and thanked him. Reviewed why a referendum was needed, made a response to the developer's objection, and a response to the mayor's concern about potential litigation.

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Mayor Schuman stated that the 2 million foot project was reviewed at the Plan Commission at the end of June and said it was too large for the existing zoning, too large for any zoning. Basically, he said, the City rejected it. A list was given to the developer outlining the City's concerns.

M. Carlson stated that the Petitioner was clearly told that their project and their proposal did not meet the zoning category for that property. They would either have to revise their development proposal to fit the current zoning, a new zoning category would have to be created, or they would need to seek a zoning change. At the time of the Plan Commission meeting, it was left in the hands of the development team to pick which path they wanted to go down. The City does not have an answer to these questions. Staff does not have the ability to provide a review of the development plan because these questions have not yet been answered.

Scott Esser, 1646 Brookside Court – The Lang/Lauth issue means a lot to them and a lot of people stand to lose a lot monetarily, aesthetically, and life style-wise. He asked for understanding and would like to see an assurance that their voices will be heard. He felt it was clear as to what public opinion is; opposed to this magnitude of development.

Ms. Dewey, S445 Indian Springs Drive – Hoped that the Mayor and Common Council understood the meaning of the signatures on the petition that was presented tonight. A lot of time and effort went into collecting the signatures. During this due process citizens of Delafield are committed to preserving scenic Highway C, Lapham Peak State Park, and the existing rural neighborhood. She did not recall anyone at the Plan Commission meeting stating that the plan was rejected. She did recall that the mayor stated that the existing zoning of the land and what was being proposed did not fit. She did not understand how a developer could come to the City and expect the City to make zoning changes and make up new zoning codes to fit their project. The message of the signatures is clear: Delafield is opposed to this development; this development does not fit the land use; does not fit the zoning code; does not fit the Master Plan; this development does not fit.

Rose Marie Schmidt, Lapham Peak Drive – Ninety to ninety-five percent of those at home signed the petition.

M. Carlson stated that the code specified that a variety of materials must be provided to the City by the developer so that the Plan Commission can review the site plan for any proposed development. There are probably 25-30 items required in that code. They have also requested that the Developer provide a fiscal impact analysis that measures the revenues and expenses for all jurisdictions that provide services to that development to measure the benefits and drawbacks from a financial perspective. A Traffic Impact Analysis has been requested for a wider range of area. The Developer has been asked to provide a study to delineate the wetlands on the property and to provide a report that assesses the ecological impact that the development will have on properties that surround it. M. Carlson stated that just because a developer asks for something does not mean that they get it.

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Jerry Holton – In regards to the petition, he asked that the City take note of the broad scope of this. The Lang/Lauth Development will impact the entire City. He asked that the cross section of this be noted. It was not a demand for a direct referendum. He found the Council's comments encouraging.

L. Morrison – She represents a “good amount” of citizens in the City of Delafield. Their ears are open and they are paying close attention to the constituents and the needs of the City of Delafield. The goal and purpose of the City Council is to rise above the fray, listen to the arguments of the constituents, study the situation and not form opinions until all sides are heard and until there is something to form an opinion on. Right now, there is nothing to form an opinion on; there is nothing on the table.

Mari Wiley, 493 Lillian Court – Stated that there are developments at Highway 67; Highway 16; Highway 83. She referred to the Pabst Farms Development. The land here (in Delafield) is not zoned, nor is it suited, for the kinds of development that is being proposed. She asked that the City keep this in mind. This is a very emotional issue. People are passionate about preserving the City.

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

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

3. CONSENT AGENDA

**E. SADOWSKI MOTIONED TO APPROVE. L. MORRISON REQUESTED TO REMOVE ITEM C. B. LEONARD ALSO REQUESTED THAT ITEMS A AND D BE REMOVED. E. SADOWSKI AMENDED HIS MOTION TO APPROVE ITEMS B AND D. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

- a. REQUEST FROM WISCONSIN VETERANS MEMORIAL RIVERWALK COMMITTEE TO HOLD THE DEDICATION CEREMONY AND PARADE ON SATURDAY, SEPTEMBER 23, 2006.

**J. KRICKHAHN MOTIONED TO APPROVE. R. MISKELLEY SECONDED THE MOTION. B. LEONARD REFERENCED A DOCUMENT ENTITLED “TRANSITION OF WISCONSIN VMR TO THE CITY OF DELAFIELD”. IT WAS CLARIFIED THAT IT WAS NOT THE DOCUMENT THAT WAS BEING APPROVED; IT WAS THE EVENT THAT WAS BEING APPROVED. M. CARLSON STATED THAT THE FIRST PAGE OF THE TRANSITION COULD BE DRAFTED INTO A RESOLUTION TO FORMALIZE IT. B. LEONARD SUGGESTED THAT ON THE MEMBERSHIP REPRESENTATIVE THEY HAVE AN ELECTED OFFICIAL (SOMEONE FROM THE COMMON COUNCIL). ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.**

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- b. ORDINANCE 2006-562 – REPEALING AND AMENDING SECTIONS OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO THE POSITION OF SUPERINTENDENT OF PUBLIC WORKS AND APPROVAL OF JOB DESCRIPTION OF THE SUPERINTENDENT OF PUBLIC WORKS.

Approved. See above.

- c. ORDINANCE 2006-563 - ORDINANCE TO AMEND THE BOUNDARIES OF R-3 SINGLE & TWO FAMILY RESIDENTIAL DISTRICT AS SHOWN ON THE DISTRICT MAP, CITY OF DELAFIELD, WISCONSIN, AND REZONE TO R-6 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

This is the Main Street project with the 12 condominiums. M. Carlson circulated a copy of a document from the County's website that identified where the parcel is located (Main Street west of Genesee Street). The current zoning code is R-3, surrounded by two parcels zoned R-6. The City's Master Plan for that section of property is high density residential greater than four dwelling units per acre. The zoning code is inconsistent with the Master Plan. This ordinance implements the zoning change on the project for Newman Construction. The purpose is to get the zoning to match that of the Master Plan.

**L. MORRISON MOTIONED TO ACCEPT. M. DE YOE SECONDED THE MOTION. R. MISKELLEY NOTED THAT THE DENSITY OF THE AREA IS NOT CONSISTENT WITH THE WAY IT IS ZONED. MAYOR SCHUMAN STATED THAT THERE ARE CONDOS TO THE WEST AND APARTMENT TO THE EAST. R. MISKELLEY STATED THAT THIS IS NOT INCREASING THE DENSITY. M. DE YOE COMMENTED THAT ALL OF THE CITIZENS THAT SHE HAS DISCUSSED THIS WITH FELT THAT IT IS IN KEEPING WITH THE CURRENT STRUCTURES THAT ARE THERE. THERE WERE NO OBJECTIONS WHEN SHE SPOKE WITH THE CITIZENS. MAYOR SCHUMAN STATED THAT THERE WAS A PUBLIC HEARING ON THIS. ALL WERE IN FAVOR. MOTION CARRIED.**

- d. REQUEST FOR INTERNAL TRANSFER OF LEASE OBLIGATIONS FROM VOICESTREAM PCS II CORPORATION TO T-MOBILE CENTRAL LLC.

Approved. See above.

- e. APPROVAL OF CONDITIONAL USE PERMIT FOR PARQUELYNN VILLAGE, LLC, PLAN COMMISSION RECOMMENDED APPROVAL TO COMMON COUNCIL ON 5/31/06 AND COMMON COUNCIL CONFIRMED ON 6/5/2006

This is back as a final document.

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**J. KRICKHAHN MOTIONED TO APPROVE. E. SADOWSKI SECONDED THE MOTION. M. CARLSON CLARIFIED THAT THE ZONING WAS NOT CHANGED ON THE PARCEL; THIS IS A CONDITIONAL USE PERMIT UNDER THAT EXISTING ZONING CATEGORY. IT IS A PERMITTED CONDITIONAL USE IN THAT DISTRICT. THE UNDERLYING ZONING DOES NOT CHANGE. B. LEONARD WOULD LIKE TO PUT THE STREET ADDRESS, WHEN POSSIBLE, ON THE AGENDA ITEM SO THAT THE LOCATION CAN BE EASILY DETERMINED. ALL WERE IN FAVOR. MOTION CARRIED.**

4. COMMITTEE REPORTS

a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

**Two-Year bartender licenses**

Patricia L. Brunner, Waukesha; Marty's Pizza

Kyle R. Luebke, Oconomowoc, Delafield Brewhaus

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

b. PLAN COMMISSION (NEXT MEETING AUGUST 30, 2006)

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

The next meeting will be August 30, 2006.

c. LAKE WELFARE COMMITTEE (MINUTES OF AUGUST 7, 2006) (NEXT MEETING SEPTEMBER 13, 2006)

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

Mayor Schuman reported that discussions took place on the lake restoration and dredging project. The DNR has asked for some additional sampling. A committee is looking at wording for a referendum and formulas. The next meeting will be held on September 13, 2006. B. Leonard discussed the water depths in the SEWRPC report in Zastrow's Bay. Mayor Schuman stated that these are being measured and there are ongoing negotiations taking place with the DNR.

d. PARK AND RECREATION COMMISSION (NEXT MEETING AUGUST 28, 2006)

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

The next meeting will be held on August 28, 2006.

e. PUBLIC WORKS (NEXT MEETING SEPTEMBER 6, 2006)

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

The next meeting is September 6, 2006.

f. DEL-HART COMMISSION (MINUTES OF AUGUST 15, 2006)

1. CITY OF DELAFIELD'S REQUEST TO USE A PORTION OF THE DEL-HART PARCEL FOR BRUSH DROP-OFF.

A discussion took place regarding a proposal presented by T. Hafner. The City of Delafield requested from the commissioners of Del-Hart that the undeveloped portion on the Del-Hart be used by the City of Delafield for brush drop-off and chipping and processing. It would be a one year lease for \$1. The site would be staff by City employees and volunteers. M. DeYoe will be volunteering and is looking for others to volunteer. The ingress/egress will be off of Cushing Park Road. M. Carlson stated that an article will be put into the newsletter explaining the change and time availability. M. DeYoe stated that it was suggested that when the brush is processed and chipped that it be trucked out and to make it more available to the citizens rather than just on Saturdays, possibly down by the DPW. B. Leonard volunteered to staff the site. She encouraged volunteers from the community. This volunteer opportunity will be posted on the website. This will be for a one-year trial period. J. Krickhahn thanked former Mayors Craig and McAleer and Alderpersons Leonard and DeYoe for their assistance.

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

The 2007 budget was approved. The sewer extension for the Kettle Moraine Evangelical Free Church was approved.

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.

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A meeting was held on August 17, 2006. Martin Morris was approved as a full-time fire fighter. The next meeting will take place sometime in September.

h. LIBRARY BOARD (NEXT MEETING SEPTEMBER 12, 2006)

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

No action was taken at the meeting. The next meeting will be held on September 12, 2006.

i. FINANCE ADVISORY BOARD (NEXT MEETING TBA)

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

Work is being done on setting up town hall meetings to discuss the space needs. October 9, 2006 is the next public budget and finance meeting where the first round of the budget will be presented; the meeting will be held in the City Council chambers. Staff meetings are presently being conducted and a lot of work is taking place on the budget behind the scenes.

j. BOARD OF ZONING (MINUTES OF AUGUST 10, 2006) (NEXT MEETING AUGUST 24, 2006)

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

This case was reviewed on August 10 and was for the raising of a garage roof and upgrade of structure at 2918 Nagawicka Avenue. No one spoke in opposition. The variance was granted. The next meeting is scheduled for August 24, 2006.

k. PROMOTIONAL AND TOURISM COMMITTEE (NEXT MEETING TBA)

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

The next meeting will be announced at a later date.

5. OLD BUSINESS

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- a. DISCUSSION REGARDING CITY MUNICIPAL CODE PROCESS FOR CHANGING ZONING RELATING TO LANG/LAUTH PROPOSAL AND ROLE OF CITIZENS IN THAT PROCESS.

Attorney Sewell addressed the question of what potentially could happen if the City were to add a step to the municipal code (advisory referendum). Concerns have been raised that if you add steps; if you do something different to the process other than is in the municipal code, if it would give someone an opportunity to litigate. He thought that there is always an opportunity to litigate. There are new causes of action that are constantly created. He stated that he could never say "if you do this, no one could possibly sue you." He thought that an advisory referendum is more similar to an extra public hearing. He did not think that the court would overturn the process or find that the City was biased because there was an advisory referendum. He could not find any kind of case law or statute that indicates that bias as a council or that somehow undoes the process regarding an advisory referendum. He thought it would be a "tough" cause of action to sustain if a lawsuit were made. R. Miskelley asked if there were any provisions that one could petition for direct legislation on a zoning issue that already has its own rules and measures on how it should be handled. Attorney Sewell stated that there was a Wisconsin State Court case that indicated that you could not have a direct legislation petition regarding zoning. B. Leonard asked if this implied that land use cannot be a topic of the referendum. Attorney Sewell stated that it would all depend on what you were talking about; there are many different processes involved. There are two different tools that a municipality uses: land division and zoning. M. Carlson distributed copies of the State Statute on direct legislation. A direct legislation petition cannot be advisory in nature, but must be binding. Attorney Sewell stated that he had a concern about the existing language being proposed for the referendum is that it talks about a 2 million square foot commercial/residential hotel. Putting together appropriate language is difficult. Mayor Schuman stated that the current code is a public hearing on what is specifically proposed and people can have an opportunity to speak about it. With a referendum, only the voters can participate. E. Sadowski commented that the most important thing with the CARE Group and the citizens is that they are making the City aware of how the voters and everyone feels. The alderpersons are listening. R. Miskelley addressed due process. The Lang Group has not really presented what they are trying to present. They have not asked for a zoning change. There is nothing at the Plan Commission level to vote on. There is nothing for the City Council to vote on. There is nothing for anyone to look at. He thought that due process needs to take its course; that the Lang/Lauth Group is allowed to bring their proposals forward; and to have an open and honest debate about the issues along with several public hearings. A vote can then be taken. The City Council cannot take a position on this at this time. E. Sadowski requested that the floor be opened to citizens for discussion on this item.

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A citizen stated that it was important for the council to hear that they were up late the previous evening and went forward and drafted a direct legislation that they felt extremely comfortable with legally. They were not comfortable with the fact that it would disrespect the Common Council and they did not want to do that. They are aware that the alderpersons cannot make comments at this time. They have withdrawn any action to go toward direct legislation. They would like an advisory referendum at the right time when Lang/Lauth has proposed something and if they ask for a zoning change. At that time, it is necessary that the people be heard.

Attorney Sewell stated that there is not case law regarding advisory opinions. He felt that any time variances take place from the path there is always the possibility that someone could raise that as an irregularity. However, because you are talking about an advisory referendum rather than a direct legislation-type of petition, the probability of someone winning on that kind of an argument is not great. Mayor Schuman stated that there would still be a great amount of legal expense.

E. Sadowski thanked the citizens of CARE for this pause. He felt that it was the proper action to take at this time. This will benefit the citizens of Delafield and all other concerned parties. As president of the City Council, he pledged to CARE and all of the citizens that as elected representatives the Council would listen and hear the concerns. The Council will work with the citizens of Delafield to keep them informed as the process moves along. The Council will communicate and listen to all. Together, they will keep Delafield strong. He thanked those for their faith in the Council.

B. Leonard asked what the developer needs to do in terms of further analysis, what are they basing it on if there is not a plan. Mayor Schuman stated that they will need to develop a plan and base the studies on that plan. M. Carlson stated that the Lang/Lauth Group was directed that before a public hearing took place on their proposal they needed to provide the materials. B. Leonard commented that all of the technical advice should be obtained by the City. M. Carlson stated that the feedback from the Plan Commission regarding the question was asked about creating a new zoning category, there was no interest on behalf of the Plan Commission to do that. B. Leonard thought that the City should be in advance of the developer in terms of what other zoning categories exist in other places to make sure that the City knows what it would not want to have. She did not want the developer to come before the City as more sophisticated than the City and she wanted to be prepared.

Julie Dewey, S445 Indian Springs Drive – She stated that on June 28<sup>th</sup> when Bob Lang and Lauth came forward and presented this proposal, the Plan Commission said no. Mayor Schuman clarified that this was for preliminary consideration where they ask what the Plan Commission's feeling is. The Plan Commission basically said that it was too big for any

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zoning. It was clarified that the developer needs to come up with a new plan.

Attorney Sewell stated that if there were some requests to create some kind of a new zoning category, he would, if directed by the City, look at other municipalities around the state, provide a number of different types of potential changes, and ask the municipalities how it has worked and what fits in that zoning. Mayor Schuman stated that since all of this costs money, the City would not do this unless someone requests it.

B. Leonard stated that the Town of Randall in Kenosha County is doing an advisory referendum on development rights.

In a discussion about new zoning categories, Attorney Sewell stated that in the past new types of designs for urban planning have come through and this is how the planned unit development concept came up. Over time most municipalities have some version of the planned unit development. As more life style-type of proposals come up, municipalities will respond with some type of a zoning code that under certain circumstances allows them, but delineates the kinds of densities, green space, etc. and restricts the way that they are set up. M. Carlson stated that the City of Delafield created two zoning categories, R5 & B6, when the 1993 Master Plan was updated. Communities do create new zoning categories.

E. Sadowski stated that the Common Council reacts, it is not proactive. B. Leonard stated that it is the Common Council's job to be proactive in planning for the City and its future. E. Sadowski stated that it has in terms of Master Plans and zoning.

A citizen stated that Bob Lang was not uninformed. Mayor Schuman stated that there was a process to change the zoning. Everyone who owns land has a right to ask for a zoning change. Mr. Lang has not asked for a change. The citizen stated that obviously he is going to ask for a change. The City should be aware and ready when it comes because it has to come. L. Morrison stated that when he says what he wants, the City will have the time to do the research. Until then, the City will not spend its money ahead of time. General discussion on past zoning changes took place.

Linda Holton, 485 Lillian Court – Asked if it would be possible for the Plan Commission to say “no” when they mean “no”. The word “no” was never used at the Plan Commission meeting. The concerns that they raised are now interpreted as a “no”. She would prefer that the word “no” be used. M. Czubkowski stated that the Plan Commission has a process for reviewing preliminaries. There is not vote on a preliminary but very strong feedback is given. Even if the Plan Commission said “no” the developer could come back the next day and present all of the documents required by the municipal code and the City would have to start the process. This is the due process of having a public hearing. J.

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Krickhahn stated that the Plan Commission deals with preliminaries in terms of what their thoughts are on the possibility of building something like this and what needs to be done. L. Holton continued and stated that CARE is against any zoning change. If there is a request for a zoning change, they will proceed.

Mayor Schuman and Attorney Sewell discussed public hearings for the city code on zoning changes and what would be required including public hearings that have taken place in the past.

A citizen asked if there was receptivity to an advisory referendum at some point down the road. E. Sadowski responded that in every referendum that he has been involved with has been something concrete. If something concrete comes in the future, the Council will listen, react, and try to do what is best for Delafield. Right now, there is nothing to speculate on. R. Miskelley stated that this has not been discussed amongst the Council and it would be premature to make an announcement that it has been talked about and are in agreement. Mayor Schuman stated that a referendum would be discussed at a more appropriate time.

A citizen referenced avoiding any chance of a lawsuit and the protection of taxpayer dollars. She thought that the greatest resource in Delafield was the taxpayers, but that the taxpayers were leery and did not feel protected. B. Leonard felt that the City needed to a better job getting community input on major issues such as this one.

6. MAYOR'S REPORT

- a. INTERVIEW AND APPOINT ALDERPERSON TO TAKE OFFICE AUGUST 21, 2006 FOR DISTRICT 5 TO FILL THE SEAT VACATED BY STEVE HEADLEY WHOSE TERM EXPIRES ON THE 3<sup>RD</sup> TUESDAY IN APRIL 2007.

Individual interviews took place with the non-interviewed person not being present while the other interviewed.

1. LETTER FROM AL WAGNER DATED AUGUST 10, 2006 REGARDING HIS INTEREST IN BEING INTERVIEWED FOR THE DISTRICT 5 ALDERMANIC SEAT.
2. LETTER FROM GERRY MACDOUGALL DATED AUGUST 14, 2006 REGARDING HIS INTEREST IN BEING INTERVIEWED FOR THE DISTRICT 5 ALDERMANIC SEAT.

After the interviews took place, a five minute break, the meeting then continued.

**J. KRICKHAHN MOTIONED TO APPOINT J. MAC DOUGALL FOR THE DISTRICT 5 VACANCY FOR ALDERPERSON. M. DE YOE SECONDED**

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**THE MOTION. R. MISKELLEY ASKED IF A MAJORITY VOTE WAS NOT OBTAINED IF A VOTE WOULD BE TAKEN IMMEDIATELY ON MR. WAGNER. MAYOR SCHUMAN STATED THAT IF THERE WAS A TIE HE WOULD BREAK IT. R. MISKELLEY ASKED IF G. MAC DOUGALL DID NOT HAVE THE MAJORITY, IF A VOTE ON MR. WAGNER WOULD AUTOMATICALLY HAVE TO BE TAKEN AT THAT POINT. HE SUGGESTED THAT THIS SHOULD BE THE WAY IT WAS HANDLED. THIS WAS ALSO THE CONSENSUS OF THE COUNCIL. IT WAS STATED THAT THE DISTRICT 5 RESIDENTS DESERVE A GOOD REPRESENTATIVE; ONE THAT HAS THE TIME AND KNOWLEDGE TO PUT IN. R. MISKELLEY THOUGHT THAT IT WAS OUTSTANDING THAT THERE WERE TWO HIGHLY DESIREABLE CANDIDATES. E. SADOWSKI FELT THAT BOTH CANDIDATES WOULD BE A GREAT ALDERPERSON. HE THANKED BOTH CANDIDATES. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR OF THE MOTION. TWO OPPOSED. MOTION CARRIED.**

M. Czubkowski administered the oath of office to G. MacDougall.

b. APPOINTMENTS

LIBRARY BOARD – CHARLOTTE HALL TO COMPLETE THE TERM VACATED BY JODY GOSWITZ - EXPIRES JULY 2007

**J. KRICKHAHN MOVED TO ACCEPT THE APPOINTMENT OF CHARLOTT HALL. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.**

c. OTHER

- Attended the Wisconsin League of Municipalities Chief Executive Officer's Convention

7. NEW BUSINESS

a. APPROVAL OF JURISDICTIONAL TRANSFER AGREEMENT WITH THE VILLAGE OF HARTLAND REGARDING CAMPBELL TRACE (CONTINUED PENDING RECEIPT OF PETITION FROM HARTLAND)

M. Carlson stated that this item was for informational purposes only. It is consideration of the jurisdictional transfer agreement with the Village of Hartland regarding Campbell Trace. Campbell Trace is halfway in the City limits and halfway in Hartland's limits. He explained the process. It will reappear on the agenda for the first meeting in September.

8. ADMINISTRATOR'S REPORT

No report.

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9. CLERK'S REPORT

- September 1 is the deadline for newsletter articles.
- Travel directions will be provided for board of review training. The information will also be provided to G. MacDougall.

10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

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

M. Carlson stated if anyone wanted to review the list of vouchers or the invoices that go with them ahead of time to let the City Hall know.

b. TREASURER'S REPORT – JULY 2006

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

11. CORRESPONDENCE

- a. Letter from Wisconsin Department of Administration dated August 10, 2006 regarding the preliminary estimate of the City of Delafield's population as of January 1, 2006 is 6,895.
- b. Letter from Time Warner Cable dated July 21, 2006 regarding additional cable channels.
- c. Letter from Time Warner Cable dated July 21, 2006 regarding receiving the J. D. Power and Associates 2006 award for customer satisfaction study.
- d. Letter from Time Warner Cable dated July 24, 2006 regarding the piloting of a new interactive program guide called "Navigator".

12. 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 9:50 P.M.**

Respectfully submitted:

Minutes Prepared By:

Marilyn Czubkowski, CMC  
City Clerk/Treasurer

Accurate Business Communications LLC