

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.
Lynn Morrison, Ald.
Matt Carlson, Administrator

Absent

Gerald MacDougall, Ald.
Ron Miskelley, Ald.

Also Present

Attorney Mark Sewell

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 MARCH 5, 2007 COMMON COUNCIL MEETING

L. MORRISON MOTIONED TO APPROVE THE MINUTES FROM THE MARCH 5, 2007 MEETING. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. FOUR WERE IN FAVOR. E. SADOWSKI ABSTAINED. MOTION CARRIED.

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

Martin Rose, 2409 Hirschman Lane – Discussed Item 5a. He wanted to know who did not want a road between the park and church. He stated that you could not go on assumptions with this Common Council. He asked, “What about resolving the issues that homeowners on Nagawicka and Hirschman Lane have?” A lot of traffic will be added when the church opens. He questioned whether Hirschman Lane would be the best alternative to route traffic to Highway 83. He also wanted to know when the Plan Commission listened to developers who were not on the tax role instead of tax payers. There are several tax paying homeowners who never want Hirschman Lane connected. The only way to relieve the tax congestion is to have some kind of north-south road. He would like the Council to listen to the taxpayers. A copy of his remarks was submitted to the City Administrator.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

Scott Matton, 2800 Oakwood Road – He owns the horse farm. The last time he was involved in this issue was in 2005. He discussed Item 4b2 and stated that he has been experiencing flooding on his land.

Jane Lurvey, 921 Oak Street – Discussed the oak tree on Oak Street. She stated that she was acting as the spokesperson for the nine residents on Oak Street. A photo of the oak tree was distributed. She presented a petition to the City signed by 43 people who either live on the street or enjoy the beauty and charm of the street. The oak tree has been there for approximately 200 years and makes their street unique in the City. The oak tree is now dying. She reviewed the history that they have gone through, i.e. Park & Recreation Commission (Tree Board), Public Works Commission, and now the Common Council. They agree that the tree is now a hazard, but they do not believe that a carving is a practical idea. They would like to have the oak tree replaced with a new one that the neighbors would pay for. She has consulted with H. Rasmussen from Sandy Bottom Nature Center and he thought that a burr oak tree would do well in the present location. They would like the City to help and support them to keep everyone safe and still have an oak tree in the middle of Oak Street. If they absolutely can't plant a tree, they would like the area where the tree is to remain as green space, not asphalt. Copies of her comments were provided to the City Administrator.

Charlotte Hall, 1024 Nagawicka Street – Spoke regarding Item 5b. There is a group of people in the city who have formed a political action committee called "Friends of Delafield" to support the city referendum's complete build-out. They are excited about supporting the referendum. She thanked the Council for their vision.

P. Schuman asked three times if there were any further citizens who wished to comment. There were none.

E. SADOWSKI MOTIONED TO CLOSE CITIZEN'S COMMENTS. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA

None.

4. COMMITTEE REPORTS

a. LICENSES - APPROVAL OF THE FOLLOWING LICENSES

Two-Year Bartender

Adrienne Casey, Oconomowoc; Milwaukee Street Traders
Peggy Erickson, Oconomowoc; Milwaukee Street Traders
Brian Maher, Oconomowoc; Water Street Brewery

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Sara Priebe, Delafield; Daybreak

E. SADOWSKI MOTIONED TO APPROVE THE TWO-YEAR BARTENDER LICENSES. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

b. PLAN COMMISSION

1. RECOMMENDATION TO APPROVE THE FINAL PLAT OF VALLEY ROAD FARMS PHASE II, **TAX KEY 790.999.011.**

This is the second plat for Valley Road Farms. M. Carlson reviewed. He suggested approval subject to the execution of the developer's agreement and stormwater management agreement.

E. SADOWSKI MOTIONED TO APPROVE CONTINGENT UPON THE EXECUTION OF THE DEVELOPER'S AGREEMENT AND STORMWATER MANAGEMENT AGREEMENT. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

2. ACTION ON THE RECOMMENDATION TO APPROVE THE CERTIFIED SURVEY MAP FOR OAKWOOD CHURCH, FORMERLY KETTLE MORAINÉ EVANGELICAL FREE CHURCH, **TAX KEY 756.996.002, HIGHWAY 83 AND OAKWOOD, HARTLAND**

It was stated that the Common Council needed to decide whether or not to accept the Park & Recreation and Plan Commissions' recommendation to eliminate the roadway connection that segregates the two parcels. If the Common Council doesn't want the road, the Council can adopt the CSM as recommended or delay action on the CSM and provide direction to staff as to what they would like to see happen to the road. Stormwater management is also an issue. The purpose is to handle stormwater management on a regional basis. The CSM provides the ability to preserve the property for those purposes. Attorney Sewell expanded the stormwater management issues. Attorney Richards, representing Oakwood Church, recently submitted documents that show that the actual placement of the road is on the park property, not church property. Since the official map doesn't locate the potential road on the church property, there is no requirement under city ordinance that it be reserved. In order to actually place a road on the property, the Common Council would have to amend the official map. M. Carlson explained that one option was to hold off and map the property. The road could be located on the park property. The issue the Council faced was whether they wanted a road to separate the church property and park parcel.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

The stormwater detention area is part of a regional plan for stormwater management for the area. In terms of benefit, Attorney Sewell likened it to that of a sidewalk. He suggested the following language: "Reserve for future dedication for the City of Delafield, for stormwater management facilities. The dedication shall, without additional consideration, become effective upon resolution by the City accepting such dedication. In the event the land is not required for stormwater management facilities, Grantor may petition the City to waive the reservation." This would reserve it for future stormwater management purposes. In order to turn the reservation into a dedication, the City would have to enact a Resolution to that effect. If it is never used, it could go away. L. Morrison stated that the road and the easement were both things that might never happen. Attorney Dean Richards was present representing the church. He stated that the location of the road was never an issue because the road was never an issue. He has determined that the road is on the park parcel, not on the church property. M. Carlson stated if the Common Council wants the roadway and wants it in the middle of the two parcels; the official map would need to be changed. B. Leonard discussed the fiscal impact of the possible road construction. Attorney Sewell was of the opinion that a special assessment on the owners on either side of the road could take place no matter where the road was placed. M. Carlson reviewed the procedure for changing the official map. Attorney Sewell stated that special assessment and special charges can be imposed on tax exempt properties. M. Carlson stated that the City could allow the church to occupy the premises on a temporary basis. The City Administrator can issue a temporary occupancy permit. B. Leonard did not want the street and land use planning rushed through. She would like time to review the Northeast Quadrant Analysis when it becomes available.

M. Carlson stated that he would issue the temporary occupancy permit to the church. If the Council wants the roadway, no action was needed as the road was depicted on the official map going on the park site or the official map could be modified to show the road splitting two parcels. This would only need to be done if the Council wanted the road to be connected. Mayor Schuman stated that this hinges on the Northeast Quadrant Study. He did not think any action needed to be taken. Discussion of the official map will be placed on a future agenda when the Northeast Quadrant Study is complete. Attorney Richards stated that the Church would agree to an extension of the CSM approval deadline equal to the duration of the temporary occupancy. Attorney Sewell stated that he thought that this would work, but he will research it. If there is a problem, he would notify the appropriate parties.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

L. MORRISON MOTIONED TO AGREE WITH THE PETITIONER'S REQUEST TO DELAY APPROVAL OF THE CSM FOR 90 DAYS. E. SADOWSKI SECONDED THE MOTION. L. MORRISON DID NOT WANT TO HAVE THE DRAINAGE EASEMENT ISSUE TO SLIDE ON BY. M. CARLSON STATED THAT ATTORNEY SEWELL HAD ALTERNATE LANGUAGE THAT WOULD NEED TO BE ADOPTED. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

B. Leonard asked that it be verified that the circular street straddles the line. She stated that the Plan Commission meeting went off the air one-half way through the meeting. M. Carlson stated that the meeting would be re-broadcast.

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

The Northeast Quadrant will be discussed at the next meeting.

c. LAKE WELFARE COMMITTEE

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

A response on the dredge permit has been received from the DNR and the Lake Welfare Committee is preparing a response. The next meeting will be held on April 11, 2007. The Lake Awareness Meeting will be held on May 9th. A canoe trip down the Bark River from Nixon Park into Nagawicka Lake will take place on May 12th with further details to follow.

d. PARK AND RECREATION COMMISSION

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

The next meeting will be held May 26, 2007. E. Sadowski thanked the residents from Oak Street who have attended the meetings.

e. PUBLIC WORKS (MINUTES FROM MARCH 7, 2007)

1. RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO REMOVE THE CROWN OF THE OAK TREE ON OAK STREET LEAVING 10-12' OF THE STUMP (HIGHLIGHTED MINUTES FROM

CITY OF DELAFIELD COMMON COUNCIL MINUTES

PARK & RECREATION DATED 2/26/07 AND PUBLIC WORKS
DATED 4/7/07)

The oak tree was the major topic of discussion at the Public Works meeting. B. Leonard reviewed the options and the recommendation by Public Works Committee.

Bob Unger from Mukwonago discussed carving options for the oak tree. City Forester, Shantelle Schmidt, reviewed the history and various options, besides carving, for the tree. M. Carlson stated that the main issue was that there is a tree dying that needs to be taken down. What replaces the tree could be decided at a later date. Bob Unger distributed a rough concept of various possibilities for the tree and described other on-site work. The most he would charge for a job of this size would be approximately \$4,500. Attorney Sewell stated that the City has the duty to maintain the roads in a safe manner. M. Carlson thought that there are boulevards throughout the country that separate pavement lanes. He thought that if it could be done and that a boulevard atmosphere could be maintained.

E. Sadowski would like to bring this up as an action item at the next meeting so a vote on planting a burr oak tree could be taken. He would like to make this happen and suggested that H. Rasmussen be present at the next meeting. M. De Yoe reiterated that the residents of the area were willing to pay for the replacement tree. The residents' clear desire was to replace the tree with a tree.

S. Schmidt stressed that a tree could be planted, but there are other issues to be discussed. A burr oak is difficult to transplant. An estimate of costs will be made available. L. Morrison suggested that, for safety issues, the top of the tree be taken off now and to deal with the remaining issues later. S. Schmidt stated that it is a time sensitive issue and a stump of 15' should be left until a decision is made.

M. DE YOE MOTIONED TO REMOVE THE CROWN OF THE OAK TREE LEAVING 15' OF THE STUMP. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Issues discussed at the Public Works Committee meeting included Highway 83 construction, water main extensions, the site plan for outdoor dining at Lumber Inn, the draft sewer use ordinance, the

CITY OF DELAFIELD COMMON COUNCIL MINUTES

Fish Hatchery Dam intake pipe, a presentation about the City's space needs, an update on construction of well house #2, and FEMA flood plain mapping.

Mayor Schuman explained that the next Plan Commission members would be from the Public Works Committee.

f. DEL-HART COMMISSION

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

The next meeting will be held on Tuesday, March 20, 2007.

g. POLICE AND FIRE COMMISSION

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

No report.

h. LIBRARY BOARD (MINUTES FROM MARCH 13, 2007)

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

A meeting took place on March 13, 2007 and minutes were available.

i. FINANCE ADVISORY BOARD

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

No report.

j. BOARD OF ZONING

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

The next meeting will be held March 22, 2007 at 7:30 p.m.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

k. PROMOTIONAL AND TOURISM COMMITTEE

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

The RFP is being worked on. The next meeting will be held on April 3, 2007.

5. OLD BUSINESS

- a. ORDINANCE REGARDING DE-MAPPING HIRSCHMAN LANE (CONTINUED TO APRIL 2, 2007 MEETING)

This will be continued 4/2/07. J. Krickhahn and B. Leonard suggested having another Northeast Quadrant meeting after April 2, 2007 with a possible location being the Lake Country School. B. Leonard stated that she would like adequate time to digest the findings of the Northeast Quadrant Study before taking any action.

- b. STATUS REPORT ON SPACE NEEDS REFERENDUM.

Many meetings have taken place along with a lot of discussion. Future meetings will be held on:

March 21, 2007	Lake Country School-Lower Gym	6:30 – 10:00
March 26, 2007	Cushing School Cafeteria	6:30 – 10:00
March 29, 2007	Chentis-Krueger Fish Hatchery	7:30 – 10:00

On March 31, 2007 tours will take place in the City Hall and DPW.

Mayor Schuman explained that once approval is received, a committee called the “Civic Center Design Committee” will be formed. Applications for appointment to this committee are available on the City’s website. The Common Council will need to provide direction on the structure of the committee and the selection of the architect. J. Krickhahn strongly encouraged citizens to come to the meetings.

6. MAYOR’S REPORT

- a. APPOINTMENTS

ROBERT DIXON – PROMOTIONAL & TOURISM COUNCIL – EXPIRES 2008

E. SADOWSKI MOTIONED TO APPROVE THE APPOINTMENT OF ROBERT DIXON TO THE PROMOTIONAL & TOURISM COUNCIL. L.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. RESIGNATION OF RICHARD KUCHLER FROM THE PLAN COMMISSION.

Mayor Schuman announced the resignation of Richard Kuchler from the Plan Commission. He will be entertaining applications. This appointment will take place April 3, 2007 at the organizational meeting.

- c. RESIGNATION OF BRUCE NEUMILLER FROM THE PUBLIC WORKS COMMITTEE.

Mayor Schuman announced the resignation of Bruce Neumiller from the Public Works Committee. He will be entertaining applications for this position.

- d. PROCLAMATION PROCLAIMING APRIL 27, 2007 AS ARBOR DAY.

Mayor Schuman read the proclamation proclaiming April 27, 2007 as Arbor Day.

7. NEW BUSINESS

- a. RESOLUTION 2007-06 – A RESOLUTION REGARDING USE OF CITY HALL SALE PROCEEDS TO OFFSET PUBLIC BUILDING EXPENSES.

J. Krickhahn stated that this was an outcome from the informational workshops discussing the City's Space Needs. One of the concerns that was expressed was that the proceeds from the sale of this city hall should be used to help pay off the debt. In order to clarify this, Resolution 2007-06 was prepared.

J. KRICKHAHN MOTIONED TO APPROVE RESOLUTION 2007-06. E. SADOWSKI SECONDED THE MOTION. THIS CAPTURES THE SPIRIT OF THE CITY COUNCIL AND MAKES SENSE TO APPLY THE ONE TIME PROCEEDS TO ONE TIME EXPENSES. L. MORRISON THOUGHT THIS SHOWED WHY IT IS IMPORTANT TO ATTEND THE LISTENING SESSIONS FOR THE SPACE NEEDS REFERENDUM. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

8. ADMINISTRATOR'S REPORT

Municipal court is held in the chamber room one time each month. The room is unmanageable due to the many people. He has asked Chief Taubel to identify the full universe of options for dealing with municipal court services in an efficient way.

CITY OF DELAFIELD COMMON COUNCIL MINUTES

9. CLERK'S REPORT

No report.

10. FINANCIAL REPORT

a. APPROVE VOUCHER LIST

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

b. TREASURER'S REPORT – FEBRUARY 2007

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

11. CORRESPONDENCE

- a. Letter dated March 1, 2007 from Montgomery and Patricia Matlock regarding support of the Delafield Library.

12. ADJOURNMENT

E. SADOWSKI MOTIONED TO ADJOURN FROM THE MEETING. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:38 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.