

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.
Michele DeYoe, Ald.
Lynn Morrison, Ald. (entered 7:02 p.m.)
Ron Miskelley, Ald.
Matt Carlson, Administrator

Absent

Erv Sadowski, Ald.
Gerald MacDougall, Ald.

Also Present

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 MAY 21, 2007 COMMON COUNCIL MEETINGS.

R. MISKELLEY MOTIONED TO APPROVE THE MINUTES FROM THE MAY 21, 2007 MEETING. J. KRICKHAHN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

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

Hans Huber – Submitted a letter to the City on June 4, 2007 regarding the parking on First, Second and Third Streets. He asked when this would be addressed. M. Carlson stated that he has spoken with Mr. Huber. It has been confirmed that the fire department can provide emergency access to Mr. Huber's home. The complaint has been investigated. Mr. Huber stated that there was a big fight on First and Third Street recently and asked for a copy of the police report. M. Carlson stated that he can request a copy of the report from the police department. Mr. Huber stated that the parking in front of his house has been taken over by one business and he did not think this was right. He did not think that the legal questions have been addressed. It was confirmed that the police had been called on this incident. M. Carlson will review this issue with the police department and submit a report. R. Miskelley requested to review the lot used for parking by the employees in this area.

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Attorney Sewell stated that in regards to the parking, it is a zoning issue. Mr. Huber addressed the zoning of the lots. Mayor Schuman stated that this will be put on a future agenda. B. Leonard requested that a copy of the City Ordinance in reference to "blending" of zoning be provided at the next meeting.

No other citizens wished to speak.

CITIZEN'S COMMENTS FOR ITEMS ON THE AGENDA

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

L. MORRISON 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**

J. KRICKHAHN MOTIONED TO APPROVE THE CONSENT AGENDA. B. LEONARD SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. ORDINANCE 576 – AN ORDINANCE UPDATING THE CITY OF DELAFIELD MUNICIPAL CODE

Approved.

- b. ST. JOAN OF ARC FESTIVAL ON FRIDAY, JULY 20 FROM 3:30 – 11:00 P.M. AND SATURDAY, JULY 21, 2007 FROM 10:30 A.M. – 11:30 P.M. AND 2K RUN ON SATURDAY, JULY 21, 2007 STARTING AT 11:30 A.M.

Approved.

4. **COMMITTEE REPORTS**

- a. **LICENSES - APPROVAL OF THE FOLLOWING LICENSES**

Class A Beer Class A Liquor

Shamus LTD, Delafield Fine Wine & Spirits, 410 Genesee Street, Delafield; Craig Hanna, Agent

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

- b. **PLAN COMMISSION (MINUTES MAY 30, 2007)**

1. **RECOMMENDATION TO APPROVE THE FINAL PLAT FOR MISSION PRAIRIE SUBDIVISION, TAX KEY 746.999**

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All four documents have been submitted and approved. The Plan Commission recommended approval.

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

2. RECOMMENDATION TO APPROVE A PROPOSED SITE PLAN AMENDMENT FOR AN OUTDOOR DECK AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT FOR **JENDUSA ENGINEERING, TAX KEY 733.993.002**

J. KRICKHAHN MOTIONED TO APPROVE. B. LEONARD SECONDD THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. RECOMMENDATION TO CONSIDER THE NEW SIGNAGE FOR **KINDERCARE, TAX KEY 804.983** AS A MINOR CHANGE TO THE CONDITIONAL USE PERMIT.

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

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

None.

c. LAKE WELFARE COMMITTEE

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

The Lake Welfare Committee is getting ready for the Annual Lake Awareness meeting to be held on June 20, 2007 at 6:30 p.m. at the Delafield Hotel. Dredging and FEMA's proposed changes to the floodplain are two of the issues to be discussed.

An informational meeting will take place on Wednesday, June 13, 2007 at 7:30 p.m. at the Fish Hatchery to discuss FEMA's determinations with respect to the floodplain revisions and the appeal process.

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d. PARK AND RECREATION COMMISSION

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

No report.

e. PUBLIC WORKS COMMITTEE

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

The Public Works Committee will meet Wednesday, June 6, 2007 at 6:30 p.m.

f. DEL-HART COMMISSION (MINUTES OF MAY 15, 2007)

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

There will be a special meeting on June 6, 2007 at 6 pm to interview firms for the rehabilitation of the sewer laterals.

h. 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

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

The next meeting of the Library Board will be held on June 12, 2007 at 7 p.m. in the Council Chambers.

i. FINANCE ADVISORY BOARD

1. RESOLUTION 2007-11 - RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PROMISSORY NOTES OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, IN

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AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,455,000, AND DIRECTING THE ADVERTISEMENT AND SALE OF SUCH GENERAL OBLIGATION PROMISSORY NOTES OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

Phil Cosson from Ehlers & Associates was present at the meeting and distributed and reviewed a document for the City of Delafield entitled "Proposed 2007 Capital Financing Plan & Restructuring of State Trust Fund Loans". The financing will take advantage of favorable rates now available and will structure the debt around existing debt. M. Carlson stated that during the Finance Advisory Board meeting there was general discussion about the timing of this project. Moody's rating is valuable.

R. MISKELLEY MOTIONED TO APPROVE RESOLUTION 2007-11 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PROMISSORY NOTES OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,455,000. B. LEONARD SECONDED THE MOTION. B. LEONARD DISCUSSED THE WATER REVENUE. P. COSSON STATED IN 2005 THERE WERE WATER PROJECTS THAT WERE PART OF THAT ISSUE - A PERCENTAGE OF THAT BOND ISSUE WAS TIED BACK TO THAT BOND ISSUE. IT RETIRES IN 10 YEARS AS THAT NOTE RETIRES IN 10 YEARS. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

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

None.

- j. BOARD OF ZONING (MINUTES OF MAY 24, 2007)

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

A proposal for a new home was approved.

- k. PROMOTIONAL AND TOURISM COMMITTEE

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

The next meeting will be held on June 5, 2007 at 7 a.m. Lisa Geason Bauer is the new Tourism Director.

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1. PLAN B SPACE STUDY COMMITTEE (MINUTES OF MAY 25, 2007)

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

The Plan B Committee met June 1 and discussed the progress on the work groups. Discussion took place regarding the library and usage of resident versus non-resident users. All work groups have moved forward. The next meeting will be held on June 15th at 11 a.m. Other communities and their facilities will be looked at.

5. OLD BUSINESS

a. **RECOMMENDATION TO APPROVE THE FINAL CSM FOR OAKWOOD CHURCH, TAX KEY 756.996.002,**

Attorney Sewell stated that there were two issues: Hirschman Lane and the stormwater detention basin retained as a future dedication to the City. A 90 day extension to act upon the CSM was previously granted in regards to the Hirschman Lane issue. It is now time to act on the CSM. The language for the future dedication to the City of Delafield was read. A letter was received today from Attorney Richards on behalf of the Oakwood Church in regards to this language stating that that when and if this occurred they considered it a "taking" unless compensated. Attorney Sewell stated that he felt that the language indicated that the church would dedicate the land in the future. He felt that in order to fully appraise the council as to how this may lead to potential litigation a closed session would be appropriate.

Attorney Richards, representing the church, was present at the meeting. R. Miskelley asked if this was a new position taken by the church or an old position not taken forward. Attorney Richards stated that this was not new and from the start they have made their feelings known on the no compensation part. He reviewed his recollections of past negotiations and the issue of compensation of the stormwater outlot. The church's position is that all of the stormwater on the church's property can be managed within the church's stormwater facilities and that what the City was essentially doing was taking 3.5 acres of the church's land to give benefit to the City and other land owners that would then not have to have ponds on their facilities. Taking the land from the church to give benefit to other land owners is proper and could be done in a condemnation setting, but it is one where the City should essentially buy the land from the church and then use it for the common good of everyone else. He stated that the City was unwavering in its position that they expected to be given the

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land without paying for it. The church was also unwavering in its position that they were not just going to give the City the land. At an earlier meeting he believed that the end of the negotiations were in agreement to disagreement. He referenced the full text of the development agreement and read it with the conditional use permit, he felt that the church never agreed to what the City wants. He stated that it is entirely possible that a pond will never be developed. He stated that in the development agreement there are numerous references to the church dedicating things to the City specifically without compensation. The road right of way was an example of this. The stormwater pond is not mentioned or present in the developer's agreement other than as an outlot in the CSM. All of the language concerning this is in the Conditional Use permit and the conditional use permit does not address the issue of compensation. The spirit of cooperation between the City and the Church was discussed. Attorney Richards stated that the transfer of burden from several property owners to one property was unfair.

M. Carlson stated that this issue would not be resolved tonight and recommended that this be discussed in closed session at the next council meeting.

Attorney Sewell felt that on all levels that if this is needed this needs to be dedicated and that the City has been unwavering in its position. There are things that need to be discussed in closed session. He suggested that a closed session be scheduled at the next Common Council meeting (June 18, 2007). After the closed session, the CSM could be acted on.

J. KRICKHAHN MOTIONED TO DISCUSS THIS ITEM IN CLOSED SESSION ON JUNE 18, 2007. L. MORRISON SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

6. MAYOR'S REPORT

a. APPOINTMENTS – SIGN REVIEW COMMITTEE

1. Chrys Mursky
2. Bonnie Dixon
3. Rick Lieblang
4. Tony McGuire

One additional person is being sought.

R. MISKELLEY MOTIONED TO APPROVE THE FOLLOWING APPOINTMENTS: CHRYS MURSKY, BONNNIE, DIXON, RICK LIEBLANG, AND TONY MC GUIRE. L. MORRISON SECONDED THE

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MOTION. THE INDIVIDUAL FROM A NEIGHBORHOOD GROUP HAD DECLINED AND ANOTHER IS BEING SOUGHT. THE PURPOSE OF THE GROUP WAS DISCUSSED. B. LEONARD REQUESTED THAT THE OTHER PERSON BE A RESIDENT/CITIZEN MEMBER. ALL WERE IN FAVOR. MOTION CARRIED.

b. OTHER

1. He participated in the Tri Chamber of Commerce Golf Outing
2. The 100th year anniversary of the Fish Hatchery building will take place on June 20 at 7:30 p.m.

7. NEW BUSINESS

None.

8. ADMINISTRATOR'S REPORT

- Name tags will be given to the alderpersons. The alderpersons were asked to fill out a sheet as to how they would like their name to appear.
- Staff and department heads met Mark King regarding vision and where they are headed as a team. Quarterly progress will be reported back to the Common Council.
- Met with the Finance Advisory Board
- Training took place on harassment for City of Delafield employees
- Met with Gene Park from DNR regarding conversion issues

9. CLERK'S REPORT

- a. NOTICE OF PUBLIC HEARING REGARDING AN ORDINANCE TO AMEND SECTIONS 17.22 AND 17.24 OF THE MUNICIPAL CODE OF THE CITY OF DELAFIELD RELATING TO BOATHOUSES.

This public hearing will be held at the June Plan Commission meeting. A copy of the draft ordinance was included in the Commissioner's packets.

10. FINANCIAL REPORT

- a. APPROVE VOUCHER LIST

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

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11. CORRESPONDENCE

- a. LETTER FROM DOROTHY PETERSON DATED MAY 21, 2007
REGARDING PROPERTY SOUTH OF CITY HALL.

R. Miskelley asked that this letter be brought up at the budget discussions in the fall.

12. ADJOURNMENT

R. MISKELLEY MOTIONED TO ADJOURN FROM THE MEETING. M. DE YOE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED. THE MEETING ADJOURNED AT 8:10 P.M.

Minutes Prepared By:

Accurate Business Communications, Inc.